

COUNTY NOTICES PURSUANT TO A.R.S. § 49-112

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NOTICE OF PROPOSED RULEMAKING

MARICOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT

MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

REGULATION III

RULE 310 – FUGITIVE DUST SOURCES

APPENDIX C

APPENDIX F – SOIL DESIGNATIONS

PREAMBLE

1. Sections affected

Rule 310, all sections

Appendix C, section 3

Appendix F, all sections

Rulemaking Action

Amend

Amend

New

2. Statutory Authority for the rulemaking:

Authorizing statutes: A.R.S. Title 49, Chapter 3, Article 3, Sections 479 and 480 (A.R.S. §§ 49-479 and 49-480)

Implementing statute: A.R.S. Title 49, Chapter 1, Article 1, Section 112 (A.R.S. § 49-112)

3. List of all previous notices appearing in the register addressing the proposed rule:

a. Notice of Rulemaking Docket Opening: Rule 310, Volume 9 A.A.R. 1473, May 16, 2003

b. Notice of Rulemaking Docket Opening: Appendix C, 9 A.A.R. 4136, September 26, 2003

c. Notice of Rulemaking Docket Opening: Appendix F, 9 A.A.R. 4569, October 24, 2003

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

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

Rule 310, originally adopted in July 1988, is Maricopa County's rule for controlling fugitive dust emissions. Because Maricopa County is a serious non-attainment area for PM₁₀, the Maricopa County Environmental Services Department (MCESD) helped develop a PM₁₀ serious area non-attainment plan for the Arizona State Implementation Plan. The Environmental Protection Agency (EPA) approved the plan in April of 2002, contingent on the completion of three commitments by Maricopa County (See 65 Fed. Reg. 19964 (2000) and 67 Fed. Reg. 48717 (2002)). These proposed revisions to Rule 310, Appendix C and new Appendix F address the commitments.

Commitment #1: Maricopa County's first commitment was to "research and develop a standard(s) and test method(s) for earthmoving sources, considering our field research, that are enforceable and meet BACM requirements on stringency and source coverage." (65 Fed. Reg. 19964, 19980) The EPA requested this commitment to address its concern that the existing opacity standard and test method in Appendix C for earthmoving operations is not always sufficient to control construction site dust to BACM levels. Although the opacity test method was revised in the year 2000, the EPA believes that additional revisions are necessary to fully assure that fugitive dust is effectively controlled.

To meet this commitment, Maricopa County is proposing to amend Appendix C of the Maricopa County Air Pollution Control Regulations, which outlines test methods used for fugitive dust observations. After much field research with the co-operation of the EPA and Clark County, Nevada, the county is proposing to revise Section 3 of Appendix C by establishing test methods for non-continuous and continuous plumes from dust generating operations.

Commitment #2: Maricopa County's second commitment is to "research, develop and incorporate additional requirements for dust suppression practices/equipment for construction activities into dust control plans and/or Rule 310." (65 Fed. Reg. 19964, 19980) The second commitment addresses the EPA's concerns that dust control plans lack source-specific criteria for varying dust control measures. A specific example the EPA gives is that of a source engaged in grading or cut-and-fill earthmoving operations for a multi-acre project that chooses to comply with Rule 310 by applying water. Neither the rule nor the source's dust control plan establishes minimum criteria for the number and size of water trucks/water applications systems for any given size construction site or a ratio of earthmoving equipment to water trucks. (65 Fed. Reg. 19964, 19980)

Maricopa County is proposing to meet this commitment by adding new provisions to Rule 310, itself, and by revising dust control plan forms and permit application forms to incorporate the proposed rule revisions and clarify the instructions and layout. In Rule 310, new requirements include: dust control on *all* paved areas accessible to the public, the presence of water sources on-site at projects one-half acre or larger, trackout control devices at sites one acre or larger, more detailed recordkeeping, and soil type and shrink/swell potential statements for construction projects one acre or larger. New Appendix F is being proposed to address the soil statements required to meet this commitment. The appendix contains soil type descriptions and two maps – one of soil textures throughout the county and one of shrink/swell potentials throughout the county. Regulated sources should provide soil test results but in the event soil test results are not available, the soil type maps may be used as a default information on permit applications. Maricopa County is currently developing a guidance document outlining what types of control measures should be used for various soil characteristics.

Secondly, to meet this commitment, the county has revised dust control permit applications to more clearly request the information that is required in order to evaluate chosen control measures. With this information provided up front, the county expects to be able to approve or disapprove dust control plans based on whether specified control measures will be effective at each unique site. A dust generating operation will not be able to obtain an earthmoving permit until a satisfactory dust control plan is submitted and approved by the Environmental Services Department.

Commitment #3: The county's third commitment is to "revise the sample daily recordkeeping logs for new and renewed Rule 310 permits to be consistent with rule revisions and to provide sufficient detail documenting the implementation of dust control measures required by Rule 310 and the dust control plan. Distribute sample log sheets with issued permits and conduct outreach to sources." (65 Fed. Reg. 19964, 19980) This commitment addresses the EPA's concern that while Rule 310 currently contains acceptable recordkeeping requirements, a more specific recordkeeping requirement would help improve compliance.

To address this commitment, the county has already revised sample recordkeeping logs and made them widely available to regulated sources and the public. Additionally the county proposes to clarify the recordkeeping requirements listed in Section 500 of Rule 310 to reflect the changes to the sample forms. Changes to this section include providing examples of dust suppression activities for which recordkeeping is required.

Other revisions to this rule and appendices are proposed in order to improve clarity and fix typographical and formatting errors, so as to increase rule enforceability.

6. Demonstration of compliance with A.R.S. § 49-112:

Under A.R.S. § 49-479(C), a county may not adopt a rule that is more stringent than the rules adopted by the director of the Arizona Department of Environmental Quality (ADEQ) for similar sources unless it demonstrates compliance with the requirements of A.R.S. § 49-112. Under that statute:

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

1. The rule, ordinance or other regulation is necessary to address a peculiar local condition;
2. There is credible evidence that the rule, ordinance or other regulation is either:
 - (a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible
 - (b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or other regulation is equivalent to federal statutes or regulations.

A.R.S. § 49-112(A).

MCESD is proposing to revise Rule 310, Appendix C and Appendix F in order to address a peculiar local condition: the designation of Maricopa County as a serious non-attainment area for PM₁₀. Maricopa County is the only PM₁₀ serious nonattainment area in Arizona, consequently stronger regulations must be adopted in this area to address a serious health threat. Because of this, the revision complies with A.R.S. § 49-112(A)(1). Additionally because Rule 310 is part of the Arizona State Implementation plan for the control of PM₁₀, the regulation is federally enforceable

and changes are required under 40 CFR 51.120(c)(102) to effect enforceable commitments made by the county. Therefore the rule revisions are also made pursuant to A.R.S. § 49-112(2).

7. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

- a. Maricopa County Particulate Control Measure Feasibility Study, January 24, 1997
Prepared by: Sierra Research, Inc., Sacramento, CA
- b. San Joaquin Valley Particulate Control Final BACM Technological and Economic Feasibility Analysis, March 21, 2003
Prepared by: Sierra Research, Inc., Sacramento, CA
- c. Air Quality Regulations and Construction Activities Dust Control Handbook, Clark County Nevada Department of Air Quality Management

These publications are available at the Maricopa County Environmental Services Department building, see item #4 above.

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

Not applicable

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

Economic Impacts on Regulated Sources:

Rule 310, Section 201, the definition of "Area Accessible to the Public" is now proposed in order to replace the definition of "Public Roadway." The new term will cover areas previously not included, such as paved parking lots accessible to the public. Because of the expansion of the "public access" theory, dust generating operations may have increased areas in which they have to use certain dust control measures. Maricopa County predicts that the number of projects that will be newly affected by this change in terminology will be small. Additionally because of existing dust management requirements, it is expected that sources affected by this change have the necessary equipment to easily implement the new standard. Therefore only a slight economic impact is anticipated from this provision.

Rule 310, Section 304.6 proposes an additional requirement for construction projects one acre or larger to disclose, in their dust control plans, what types of soil are present at the project site and their shrink/swell potential. Many projects of this nature must test soil characteristics anyway in order to ensure the structural integrity of project designs and materials, and those that do not test soils may refer to the soil maps in Appendix F as default information. Because of the availability of soil information from test results and the Appendix F maps, the county feels that this requirement will pose no additional economic burden on the operations it applies to.

Rule 310, Section 308.3 proposes to modify the requirement for trackout control devices from disturbed work areas that are five acres or larger, to disturbed work areas that are one acre or larger. While this revision will increase the number of work sites that must now install a trackout control device, Maricopa County anticipates that this requirement will be wholly or partially offset by reductions in other dust control costs. For example, a trackout control device can obviate or reduce the need for both manual and mechanical street sweeping and any other methods of keeping roadways clean. Therefore this provision will only have a minimal, if any, net cost to regulated sources.

Rule 310, Section 308.7 proposes to change the requirement for water sources to be kept on-site at sites that are one-half acre or larger from the previous requirement of one acre or larger unless a visible crust is maintained or the soil is sufficiently damp. The existing section currently requires an overriding compliance with the 20% opacity standard, as does the proposed revision. In both cases, if a source has the soil in a moist enough state to prevent dust from becoming dislodged, no changes would have to be made to its water source placement. Therefore no significant economic impact is anticipated from this proposed change.

Rule 310, Sections 502.1 and 502.2 propose to clarify recordkeeping requirement by adding more detail about what types of records must be kept. Regulated sources are already required to document all control measures implemented; the proposed additional language does not add any new requirements, but rather simply clarifies the existing standard by giving examples. Therefore regulated sources will have no increased costs as a result of these proposed revisions.

Economic Impacts on County Resources:

The Air Quality division of the Maricopa County Environmental Services has extensive compliance and enforcement programs to handle fugitive dust emissions. Because these programs are well established and well staffed, there will be only slight incremental costs to Maricopa County due to the projected costs that accrue for training, implementation, and enforcement of the new standards in Rule 310 and Appendix C and Appendix F.

Health Costs:

Because Maricopa County is a serious non-attainment area for PM₁₀, which these proposed revisions address, it is imperative to consider the medical and social costs of failing to take steps toward the improvement of the air quality. Adverse health effects from air pollution result in a number of economic and social consequences, including:

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

Rule impact reduction on small businesses:

A.R.S. § 41-1055 requires Maricopa County to reduce the impact on small businesses by using certain methods when they are legal and feasible in meeting the statutory objectives of the rulemaking. A small business is defined in A.R.S. § 41-1001 as a “concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than four million dollars in its last fiscal year. For purposes of a specific rule, an agency may define small business to include more persons if it finds that such a definition is necessary to adapt the rule to the needs and problems of small businesses and organizations.” Because of the nature of the proposed revisions to Rule 310, Appendix C and Appendix F, small businesses will be affected only minimally.

Conclusion:

Because the proposed changes to Rule 310, Appendix C and Appendix F will essentially clarify requirements that already exist, there is only a minimal economic impact on regulated entities, county resources, small business and the public at large. Where new requirements are proposed, it is anticipated that these costs may be offset by reduced costs in other areas or that the new requirements simply incorporate practices that are already put in place. It is also important to note that regulated sources may be encouraged by these revisions to use dust suppressants other than water in order to assure compliance with rule standards, and by doing so may save money in the long run.

10. Name and address of department personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Brennan Curry Townsend or Jo Crumbaker
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Fax: (602) 506-6179
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11. The time, place and nature of the proceedings for the amendment of the rule:

Written comments will be accepted if received between the date of this publication and Friday, December 5, 2003, 5:00 p.m. Written comments may be mailed or hand delivered to the Maricopa County Environmental Services Department (see item #4 above). Written comments received during the comment period will be considered formal comments to the proposed rules and will be responded to in the Notice of Final Rulemaking.

An oral proceeding will be held Thursday December 4, 2003 at 9:00 am at the Maricopa County Environmental Services Department, Suite 560 (see item #4 above). All comments made at this oral proceeding will be considered formal comments and will be recorded and transcribed. All formal comments will be addressed in the Notice of Final Rulemaking.

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

None

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

None

14. The full text of the rule follows:

REGULATION III - CONTROL OF AIR CONTAMINANTS

RULE 310

FUGITIVE DUST SOURCES

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Revised 06/16/99

Revised 02/16/00

MARICOPA COUNTY

AIR POLLUTION CONTROL REGULATIONS

REGULATION III - CONTROL OF AIR CONTAMINANTS

RULE 310

FUGITIVE DUST SOURCES

SECTION 100 - GENERAL

101 **PURPOSE:** No change

102 **APPLICABILITY:** The provisions of this rule shall apply to all dust generating operations except for those dust generating operations listed in Section 103. ~~normal farm cultural practices under Arizona Revised Statutes (A.R.S.) § 49-457 and A.R.S. § 49-504.4 and open areas, vacant lots, unpaved parking lots, and unpaved roadways which are not located at sources that require any permit under these rules.~~

103 **EXEMPTIONS:** The following are exempt from the requirements of this rule: normal farm cultural practices under Arizona Revised Statutes (A.R.S.) § 49-457 and § 49-504.4, and open areas, vacant lots, unpaved parking lots, and unpaved roadways that are not located at sources that require any permit under these rules.

SECTION 200 - DEFINITIONS: For the purpose of this rule, the following definitions shall apply. See Rule 100 (General Provisions And Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule.

201 **AREA ACCESSIBLE TO THE PUBLIC** – any area, whether publicly or privately owned, that the public may legally enter, or does commonly enter, including, but not limited to, roads, parking lots, access roads, driveways, alleys and easements.

204.2 **BULK MATERIAL** - Any material, including, but not limited to, earth, rock, silt, sediment, sand, gravel, soil, fill, aggregate less than 2 inches in length or diameter (i.e., aggregate base course (ABC)), earth, soil, dirt, mud, demolition debris, cotton, trash, cinders, pumice, rock, saw dust, feeds, grains, fertilizers, fluff (from shredders), and dry concrete, which that are capable of producing fugitive dust ~~at an industrial, institutional, commercial, governmental, construction, and/or demolition site.~~

202.3 **BULK MATERIAL HANDLING, STORAGE, AND/OR TRANSPORTING OPERATION** - The use of equipment, haul trucks, and/or motor vehicles, such as including, but not limited to, the loading, unloading, conveying, transporting, piling, stacking, screening, grading, or moving of bulk materials, ~~which that~~ are capable of producing fugitive dust ~~at an industrial, institutional, commercial, governmental, construction, and/or demolition site.~~

204 **CARRYOUT/TRACKOUT** — ~~Any and all bulk materials that adhere to and agglomerate on the exterior surfaces of motor vehicles, haul trucks, and/or equipment (including tires) and that have fallen onto a paved public roadway.~~

204 **CONTROL MEASURE** - A technique, practice, or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust. Control measures include, but are not limited to:

204.1 Curbing-;

204.2 Paving-;

204.3 Pre-wetting-;

204.4 Applying dust suppressants-;

204.5 Physically stabilizing with vegetation, gravel, recrushed/recycled asphalt or other forms of physical stabilization-;

204.6 Limiting, restricting, phasing and/or rerouting motor vehicle access-;

204.7 Reducing vehicle speeds and/or number of vehicle trips-;

204.8 Limiting use of off-road vehicles on open areas and vacant lots-;

204.9 Utilizing work practices and/or structural provisions to prevent wind and water erosion onto paved ~~public roadways~~ areas accessible to the public;

204.10 Appropriately using dust control implements-;

204.11 Installing one or more grizzlies, gravel pads, and/or wash down pads adjacent to the entrance of a paved ~~public roadways.~~ area accessible to the public to control carry-out and trackout-;

204.12 Keeping open-bodied haul trucks in good repair, so that spillage may not occur from beds, sidewalls, and tailgates-;

204.13 Covering the cargo beds of haul trucks to minimize wind-blown dust emissions and spillage.

- 205 **DISTURBED SURFACE AREA** – No change
- 206 **DUST CONTROL IMPLEMENT** – No change
- 207 **DUST CONTROL PLAN** - A written plan describing all fugitive dust control measures.
- 208 **DUST GENERATING OPERATION** - Any activity capable of generating fugitive dust, including but not limited to, land clearing, earthmoving, weed abatement by discing or blading, excavating, construction, demolition, bulk material handling, storage and/or transporting operations, vehicle use and movement, the operation of any outdoor equipment, or unpaved parking lots. For the purpose of this rule, landscape maintenance and/or playing on or maintaining a ballfield field used for non-motorized sports shall not be considered a dust generating operation. However, landscape maintenance shall not include grading, trenching, nor any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.
- 209 **DUST SUPPRESSANT** – No change
- 210 **EARTHMOVING OPERATION** – No change
- 211 **FREEBOARD** – No change
- 212 **FUGITIVE DUST** - The particulate matter, ~~which is~~ not collected by a capture system, ~~which that~~ is entrained in the ambient air, and ~~which~~ is caused from human and/or natural activities, such as, but not limited to, movement of soil, vehicles, equipment, blasting, and wind. For the purpose of this rule, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from piledrivers, and does not include emissions from process and combustion sources that are subject to other rules in Regulation III (Control Of Air Contaminants) of these rules.
- 213 **GRAVEL PAD** – A layer of washed gravel, rock, or crushed rock ~~which that~~ is at least one inch or larger in diameter, that is maintained at the point of intersection of a paved public roadway area accessible to the public and a work site entrance to dislodge mud, dirt, and/or debris from the tires of motor vehicles and/or haul trucks, prior to leaving the work site.
- 214 **GRIZZLY** – No change
- 215 **HAUL TRUCK** - Any fully or partially open-bodied self-propelled vehicle including any non-motorized attachments, such as, but not limited to, trailers or other conveyances ~~which that~~ are connected to or propelled by the actual motorized portion of the vehicle used for transporting bulk materials.
- ~~216 **INTERMITTENT SOURCE** – A fugitive dust generating operation and/or activity that lasts for a duration of less than six consecutive minutes.~~
- ~~217~~ **MOTOR VEHICLE** – No change
- ~~218~~ **NORMAL FARM CULTURAL PRACTICE** – No change
- ~~219~~ **OFF-ROAD VEHICLE** – No change
- ~~220~~ **OPEN AREAS AND VACANT LOTS** - Any of the following described in ~~sub~~Section 220.1 through ~~sub~~Section 220.4 of this rule. For the purpose of this rule, vacant portions of residential or commercial lots that are immediately adjacent and owned and/or operated by the same individual or entity are considered one ~~vacant~~ open area or vacant lot.
- ~~220~~**1.1** An unsubdivided or undeveloped tract of land adjoining a developed or a partially developed residential, industrial, institutional, governmental, or commercial area.
- ~~220~~**1.2** A subdivided residential, industrial, institutional, governmental, or commercial lot, ~~which that~~ contains no approved or permitted buildings or structures of a temporary or permanent nature.
- ~~220~~**1.3** A partially developed residential, industrial, institutional, governmental, or commercial lot.
- ~~220~~**1.4** A tract of land, in the nonattainment area, adjoining agricultural property.
- ~~221~~ **OWNER AND/OR OPERATOR** – The person responsible for obtaining an earthmoving permit under Rule 200, Section 305, or any person who owns, leases, operates, controls, or supervises a dust generating operation subject to the requirements of this rule.
- ~~222~~ **PAVE** – No change
- ~~223~~ **PUBLIC ROADWAYS** – No change
- ~~224~~ **ROUTINE** – No change
- ~~225~~ **SILT**– No change
- ~~226~~ **TRACKOUT/CARRYOUT** – Any and all bulk materials that adhere to and agglomerate on the surfaces of motor vehicles, haul trucks, and/or equipment (including tires) and that have fallen or been deposited onto a paved area accessible to the public.
- 226 **TRACKOUT CONTROL DEVICE** - A gravel pad, grizzly, wheel wash system, or a paved area, located at the point of intersection of an unpaved area and a paved roadway area accessible to the public, that controls or prevents vehicular trackout.
- 227 **UNPAVED HAUL/ACCESS ROAD** – No change
- 228 **UNPAVED PARKING LOT** – No change

- 229 UNPAVED ROAD – No change
- 230 URBAN OR SUBURBAN OPEN AREA – No change
- 231 VACANT LOT – No change
- 232 VACANT PARCEL – No change
- 233 WIND-BLOWN DUST – Visible emissions from any disturbed surface area, which that are generated by wind action alone.
- 234 WIND EVENT – No change
- 235 WORK SITE – No change

SECTION 300 - STANDARDS

301 OPACITY LIMITATION FOR FUGITIVE DUST SOURCES DUST GENERATING OPERATIONS:

The owner and/or operator of a ~~source engaging in dust generating operations~~ dust generating operation shall not allow visible fugitive dust emissions to exceed 20% opacity as tested by methods described in Appendix C of these rules, or 50% opacity at any given time as observed in a single opacity reading.

301.1 Wind Event: Exceedances of the opacity limit that occur due to a wind event shall constitute a violation of the opacity limit. However, it shall be an affirmative defense in an enforcement action if the owner and/or operator demonstrates all of the following conditions:

- a. All control measures required were followed and 1 or more of the control measures in ~~Table 2~~ Tables 20 & 21 was applied and maintained;
- b. The 20% opacity exceedance could not have been prevented by better application, implementation, operation, or maintenance of control measures;
- c. The owner and/or operator compiled and retained records, in accordance with Section 502 (Recordkeeping) of this rule; and
- d. The occurrence of a wind event on the day(s) in question is documented by records. The occurrence of a wind event must be determined by the nearest Maricopa County Environmental Services Department Air Quality Division monitoring station, from any other certified meteorological station, or by a wind instrument that is calibrated according to manufacturer’s standards and that is located at the site being checked.

301.2 No change

301.3 No change

302 STABILIZATION REQUIREMENTS FOR FUGITIVE DUST SOURCES:

302.1 Unpaved Parking Lot: The owner and/or operator of any unpaved parking lot shall ~~not allow~~ ensure visible fugitive dust emissions ~~to do not~~ do not exceed 20% opacity, and ~~either shall ensure either one of the following:~~

- a. ~~Shall not allow silt loading equal to or greater is less than 0.33 oz/ft² ½~~ or
- b. ~~Shall not allow the silt content to does not~~ does not exceed 8%.

302.2 Unpaved Haul/Access Road:

a. The owner and/or operator of any unpaved haul/access road (whether including at a work site that is under construction or at a work site that is temporarily or permanently inactive) shall not allow ensure visible fugitive dust emissions to do not exceed 20% opacity, and either shall ensure either one of the following:

- 1. ~~Shall not allow silt loading equal to or greater than is less than 0.33 oz/ft² ½~~ , or
- 2. ~~Shall not allow the silt content to does not~~ does not exceed 6%.

b. The owner and/or operator of any unpaved haul/access road (including at a work site that is under construction or a work site that is temporarily or permanently inactive) shall, as an alternative to meeting the stabilization requirements for an unpaved haul/access road, limit vehicle trips to no more than 20 per day per road and limit vehicle speeds to no more than 15 miles per hour. If complying with this subsection 302.2(b) of this rule, the owner and/or operator must include, in a Dust Control Plan, the number of vehicles traveled travelling on the unpaved haul/access roads each day (i.e., number of employee vehicles, earthmoving equipment, haul trucks, and water trucks).

302.3 Open Area ~~And Vacant Lot Or~~ Disturbed Surface Area: The owner and/or operator of an open area and/or vacant lot or any disturbed surface area on which no activity is occurring (~~whether including~~ whether including at a work site that is under construction, ~~at or~~ at a work site that is temporarily or permanently inactive) shall meet at least 1 of the standards described in ~~subSections 302.3(a) through subsection 302.3(g)~~ subsection 302.3(a) through subsection 302.3(g) below, as applicable. The owner and/or operator of such inactive disturbed surface area shall be considered in violation of this rule if ~~such inactive disturbed surface~~ the area is not maintained in a manner that meets at least 1 of the standards listed ~~described in subsection 302.3(a) through subsection 302.3(g)~~ below, as applicable.

- a. Maintain a visible crust; ~~or~~
- b. Maintain a threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements of 100 cm/second or higher; ~~or~~
- c. Maintain a flat vegetative cover (i.e., attached (rooted) vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind) that is equal to at least 50%; ~~or~~

- d. Maintain a standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 30%; ~~or~~
- e. Maintain a standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 10% and where the threshold friction velocity is equal to or greater than 43 cm/second when corrected for non-erodible elements; ~~or~~
- f. Maintain a percent cover that is equal to or greater than 10% for non-erodible elements; or
- g. Comply with a standard of an alternative test method, upon obtaining the written approval from the Control Officer and the Administrator of the Environmental Protection Agency (EPA).

302.4 No change

303 DUST CONTROL PLAN REQUIRED

303.1 The owner and/or operator of a dust generating operation shall submit to the Control Officer a Dust Control Plan with any permit applications that involve earthmoving operations with a disturbed surface area that equals or exceeds 0.10 acre, including both of the following situations:

- a. When submitting an application for an earthmoving permit involving earthmoving operations that would equal or exceed 0.10 acre, and
- b. Before commencing any routine dust generating operation at a site that has obtained or must obtain a Title V, Non-Title V, or general permit under Regulation II (permits and fees) of these rules.

Compliance with this section does not affect an owner and/or operator's responsibility to comply with the other standards of this rule. The Dust Control Plan shall describe all control measures to be implemented before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays.

~~303.12~~ A Dust Control Plan shall, at a minimum, contain all the information described in Section 304 of this rule. The Control Officer shall approve, disapprove, or conditionally approve the Dust Control Plan, in accordance with the criteria used to approve, disapprove or conditionally approve a permit. Failure to comply with the provisions of an approved Dust Control Plan is deemed to be a violation of this rule. Regardless of whether an approved Dust Control Plan is in place or not, the owner and/or operator of a ~~source~~ dust generating operation is still subject to all requirements of this rule at all times. In addition, the owner and/or operator of a source with an approved Dust Control Plan is still subject to all of the requirements of this rule, even if such owner and/or operator is complying with the approved Dust Control Plan.

~~303.23~~ At least one primary control measure and one contingency control measure must be identified in the Dust Control Plan for all fugitive dust sources. Should any primary control measure(s) prove ineffective, the owner and/or operator shall immediately implement the contingency control measure(s); If the identified contingency control measure is effective to comply with all of the requirements of this rule, the owner and/or operator need not revise the Dust Control Plan under Section 305 of this rule which may obviate the requirement of submitting a revised Dust Control Plan.

~~303.34~~ The following subsections, subsection 303.3(a) and subsection 303.3(b) of this rule, describe the permit applications with which a Dust Control Plan must be submitted.

- ~~a. If a person is required to obtain an Earthmoving Permit under Regulation II (Permits And Fees) of these rules, then such person must first submit a Dust Control Plan and obtain the Control Officer's approval of the Dust Control Plan before commencing any dust generating operation.~~
- ~~b. If a person is required to obtain or has obtained a Title V Permit, a Non-Title V, or a General Permit under Regulation II (Permits And Fees) of these rules, then such person must first submit a Dust Control Plan and obtain the Control Officer's approval of the Dust Control Plan before commencing any routine dust generating operation.~~

~~303.45~~ A Dust Control Plan shall not be required for any of the following activities:

- a. To play on or maintain a ~~ballfield~~ field used for non-motorized sports;
- b. For landscape maintenance, which, for the purpose of this rule, does not include grading, trenching, nor any other mechanized surface disturbing activities;
- c. To establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas, including national parks, national monuments, national forests, state parks, city parks, and county regional parks, ~~ballfields, camp sites, and playgrounds at camp sites;~~ hiking paths, horse trails, and bicycle paths, ~~ballfields, playgrounds at camp sites, and camp sites, which are used exclusively for purposes other than travel by motor vehicles;~~ that are used exclusively for purposes other than travel by motor vehicles; ~~F~~(for the purpose of this rule, establishing initial landscapes or redesigning existing landscapes does not include grading, trenching, nor any other mechanized surface disturbing activities).

304 ELEMENTS OF A DUST CONTROL PLAN: A Dust Control Plan shall contain, at a minimum, all of the following information:

304.1 Name(s), address(es), and phone numbers of person(s) responsible for the submittal and implementation of the Dust Control Plan and responsible for the dust generating operation.

- 304.2** A drawing, on ~~at least~~ 8 1/2" x 11" paper, ~~which that~~ shows:
 - a. Entire project site/facility boundaries; ~~;~~
 - b. Acres to be disturbed with linear dimensions; ~~;~~
 - c. Nearest public roads; ~~;~~
 - d. North arrow; ~~;~~ and
 - e. Planned exit locations onto paved ~~public roadways~~ areas accessible to the public.
- 304.3** Control measures, ~~or a combination thereof,~~ to be applied to all actual and potential ~~fugitive dust sources~~ dust generating operations, before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays.
 - a. ~~At least one primary~~ All required control measures from Tables 1-21 and at least one contingency control measure must be identified, ~~from Table 1 of this rule,~~ for all ~~fugitive dust sources~~ dust generating operations. Should any primary control measure(s) prove ineffective, the owner and/or operator shall immediately implement the contingency control measure(s); ~~If the identified contingency control measure(s) is effective to comply with all of the requirements of this rule, the owner and/or operator need not revise the Dust Control Plan under Section 305 of this rule which may obviate the requirement of submitting a revised Dust Control Plan.~~
 - b. Alternatively, a control measure(s) that is not listed in ~~Table 1~~ Tables 1-21 of this rule may be chosen, provided that such control measure(s) is implemented to comply with the standard(s) described in Section 301 and Section 302 of this rule, as determined by the corresponding test method(s), as applicable, and ~~must~~ meets other applicable standard(s) set forth in this rule.
 - c. If complying with ~~sub~~Section 302.2(b) (Stabilization Requirements For Fugitive Dust Sources-Unpaved Haul/Access Roads) of this rule, the Dust Control Plan must include the number of vehicles traveled on the unpaved haul/access roads (~~i.e.,~~ including number of employee vehicles, earthmoving equipment, haul trucks, and water trucks).
- 304.4** Dust suppressants to be applied, including all of the following product specifications or label instructions for approved usage:
 - a. Method, frequency, and intensity of application; ~~;~~
 - b. Type, number, and capacity of application equipment; ~~;~~ and
 - c. Information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.
- 304.5** Specific surface treatment(s) and/or control measures utilized to control material trackout and sedimentation where unpaved and/or access points join paved ~~public roadways~~ areas accessible to the public.
- 304.6** For construction projects one acre or larger, except for routine maintenance and repair done under a block permit, a statement disclosing which of the four designated texture(s) of soil and their shrink/swell potential described in Appendix F of these rules is naturally present at or will be imported to the dust generating operation. The measured soil content at a particular site shall take precedence over any mapped soil types, and whenever soils have been tested at a particular site, the test results should be relied on rather than the map in Appendix F.

305 DUST CONTROL PLAN REVISIONS

- 305.1** If the Control Officer determines that an approved Dust Control Plan has been followed, yet fugitive dust emissions from any ~~given fugitive dust source~~ dust generating operation still exceed standards in Section 301 and Section 302 of this rule, then the Control Officer shall issue a written notice to the owner and/or operator of ~~such source~~ the dust generating operation explaining such determination.
- 305.2** The owner and/or operator of ~~such source~~ a dust generating operation shall make written revisions to the Dust Control Plan and shall submit such revised Dust Control Plan to the Control Officer within three working days of receipt of the Control Officer's written notice, unless such time period is extended by the Control Officer, upon request, for good cause. During the time that such owner and/or operator is preparing revisions to the approved Dust Control Plan, such owner and/or operator must still comply with all requirements of this rule.

306 CONTROL MEASURES

- 306.1** The owner and/or operator of a ~~source~~ dust generating operation shall implement control measures before, after, and while conducting ~~any dust generating~~ operations, including during weekends, after work hours, and on holidays; ~~See in accordance with sub~~Section 304.3, ~~Table 1, and Table 2~~ and Tables 1-21 of this rule.
- 306.2** For the purpose of this rule, any control measure that is implemented must ~~meet~~ achieve the applicable standard(s) described in Sections 301 and ~~in Section~~ 302 of this rule, as determined by the corresponding test method(s), as applicable, and must ~~meet~~ achieve other applicable standard(s) set forth in this rule.
- 306.3** Failure to comply with the provisions of Section 308 (Work Practices) of this rule, as applicable, and/or of an approved Dust Control Plan, is deemed a violation of this rule.
- 306.4** Regardless of whether a dust generating operation is in compliance with an approved Dust Control Plan, ~~is in place or not, or there is no approved dust control plan,~~ the owner and/or operator of a dust generating operation is still subject to all requirements of this rule at all times. ~~In addition, the owner and/or operator of a dust gener-~~

ating operation with an approved Dust Control Plan is still subject to all of the requirements of this rule, even if such owner and/or operator of a dust generating operation is complying with the approved Dust Control Plan.

307 PROJECT INFORMATION SIGN: For all sites with an earthmoving permit that are five acres or larger, the owner and/or operator of a source shall erect and maintain a project information sign at the main entrance, that is visible to readable by the public, of all sites with an Earthmoving Permit that are five acres or larger. Such sign shall be a minimum of four feet long by four feet wide, have a white background, have black block lettering which that is at least four inches high, and shall contain at least all of the following information:

307.1 Project name and permit holder name; and,

307.2 Earthmoving Permit number;

307.23 Name and phone number of person(s) responsible for conducting the project; and

307.34 Text stating: "Dust Complaints? Call Maricopa County Environmental Services Department (insert the current/accurate phone number for the complaint phone line)."

308 WORK PRACTICES: When engaged in the following specific activities, the owner and/or operator of a source dust generating operation shall comply with the following work practices in addition to implementing, as applicable, the control measures described in Table 1 Tables 1-21 of this rule. Such work practices shall be implemented to meet the standards described in Section 301 and Section 302 of this rule.

308.1 Bulk Material Hauling Off-Site Onto Paved Public Roadways Areas Accessible to the Public: Notwithstanding other sections of this rule, the owner and/or operator of a dust generating operation and the owner and/or operator of a haul truck shall do all of the following:

- a. Load all haul trucks such that the freeboard is not less than three inches; and
- b. Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and
- c. Cover all haul trucks with a tarp or other suitable closure; and
- d. Before the empty haul truck leaves the site, clean the interior of the cargo compartment or cover the cargo compartment.

308.2 Bulk Material Hauling On-Site Within the Boundaries of the Work Site: When crossing a public roadway paved area accessible to the public upon which the public is allowed to travel while construction is underway, the owner and/or operator of a dust generating operation shall do all of the following:

- a. Load all haul trucks such that the freeboard is not less than three inches; and
- b. Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and
- c. Install a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse such work site. Examples of trackout control devices are described in Table 1 (Trackout 1J, 2J, 3J) Table 17 of this rule.

308.3 Spillage, Trackout, Carry-Out, Spillage, and/or Erosion, And/Or Trackout: The owner and/or operator of a dust generating operation shall do all of the following:

- a. Install, maintain and use a suitable trackout control device (Examples of trackout control devices are described in Table 1 (Trackout 1J, 2J, 3J) Table 17 – Trackout Control of this rule) that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse such work site operation at all exits onto a paved public roadway areas accessible to the public from both of the following:
 - (1) From all work sites with a disturbed surface area of five one acres or larger; and
 - (2) From all work sites where 100 cubic yards of bulk materials are hauled on-site and/or off-site per day.
- b. Clean up spillage, trackout, carry-out, spillage, and/or erosion, and/or trackout on the following time-schedule:
 - (1) Immediately, or within 30 minutes of when spillage, trackout, carry-out, and/or trackout or spillage extends a cumulative distance of 50 linear feet or more; or and
 - (2) At the end of the workday, when for all other spillage, trackout, carry-out, spillage, and/or erosion and/or trackout, are other than the spillage, carry-out, erosion, and/or trackout described above, in subsection 308.3(b)(1) of this rule.

308.4 Unpaved Haul/Access Roads: The owner and/or operator of a dust generating operation shall implement one or more control measure(s) described in Table 1 (Unpaved Haul/Access Roads 1C through 5C) Table 3 – Unpaved Haul/Access Roads of this rule, before engaging in the use of using or in the maintenance of maintaining unpaved haul/access roads.

308.5 Easements, Rights-Of-Way, and Access Roads for Utilities (Electricity, Natural Gas, Oil, Water, and Gas Transmission) Associated with Sources that have a Non-Title V Permit, a Title V Permit, and/or a General Permit under These Rules – the owner and/or operator of a dust generating operation shall do at least one of the following:

- a. Inside the PM₁₀ nonattainment area, restrict vehicular speeds to 15 miles per hour and vehicular trips to no more than 20 per day ~~per road~~; ~~or~~
- b. Outside the PM₁₀ nonattainment area, restrict vehicular trips to no more than 20 per day ~~per road~~; or
- c. Implement control measures, as described in ~~Table 1 (Unpaved Haul/Access Roads 1C through 5C) Table 3 – Unpaved Haul/Access Roads~~ of this rule.

308.6 Open Storage Piles: For the purpose of this rule, an open storage pile is any accumulation of bulk material with a 5% or greater silt content which in any one point attains a height of three feet and covers a total surface area of 150 square feet or more. Silt content shall be assumed to be 5% or greater unless a person can show, by testing in accordance with ASTM Method C136-96A or other equivalent method approved in writing by the Control Officer and the Administrator of EPA, that the silt content is less than 5%. The owner and/or operator of such dust generating operation shall comply with all of the following:

- a. During stacking, loading, and unloading operations, apply water, as necessary, to maintain compliance with Section 301 of this rule; ~~and~~
- b. During stacking, loading, and unloading operations, empty loader bucket slowly and keep loader bucket close to the truck to minimize the drop height while dumping; and
- ~~b.c.~~ When not conducting stacking, loading, and unloading operations, comply with one of the following work practices:
 - (1) Cover open storage piles with tarps, plastic, or other material to prevent wind from removing the coverings; ~~or~~
 - (2) Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98, or other equivalent methods as approved by the Control Officer and the Administrator of EPA. For areas ~~which~~ that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent methods approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content; ~~or~~
 - (3) Meet one of the stabilization requirements described in ~~sub~~Section 302.3 of this rule; or
 - (4) Construct and maintain wind barriers, storage silos, or a three-sided enclosure with walls, whose length is no less than equal to the length of the pile, whose distance from the pile is no more than twice the height of the pile, whose height is equal to the pile height, and whose porosity is no more than 50%. If implementing this subsection, ~~subsection 308.6(b)(4), the owner/operator~~ the owner/operator must also implement either ~~sub~~Section 308.6(b)(c)(2) or ~~sub~~Section 308.6(b)(c)(3) above.

308.7 Soil Moisture On Disturbed Surface Areas 1 Acre Or Larger: If water is the chosen control measure in an approved Dust Control Plan, the owner and/or operator of a dust generating operation shall operate a water application system on-site (e.g., water truck, water hose) while conducting any earthmoving operations on disturbed surface areas ~~1 acre one-half acre~~ or larger, unless a visible crust is maintained or the soil is sufficiently damp to prevent loose grains of soil from becoming dislodged.

308.8 Weed Abatement ~~By Discing Or Blading:~~ The owner and/or operator of a dust generating operation shall comply with all of the following during weed abatement procedures by discing or blading:

- a. Apply water before weed abatement by discing or blading occurs; and
- b. Apply water while weed abatement by discing or blading is occurring; and
- c. Either
 - (1) Pave, apply gravel, apply water, or apply a suitable dust suppressant, in compliance with subSection 302.3 of this rule, after weed abatement by discing or blading occurs; or
 - (2) Establish vegetative ground cover in sufficient quantity, in compliance with subSection 302.3 of this rule, after weed abatement by discing or blading occurs.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 DUST CONTROL PLAN POSTING: The owner and/or operator of ~~a source~~ an earthmoving operation shall post a copy of the approved Dust Control Plan in a conspicuous location at the work site, within on-site equipment, or in an on-site vehicle, or shall otherwise keep a copy of the approved Dust Control Plan available on-site at all times. The owner and/or operator of a ~~source~~ dust generating operation that has been issued a Block Permit shall not be required to keep a copy of the 8 1/2" by 11" site drawing according to section 304.2 of this rule ~~plot plan, an element of a Dust Control Plan, on-site.~~

402 No change

SECTION 500 - MONITORING AND RECORDS

501 COMPLIANCE DETERMINATION: To determine compliance with this rule, the following test methods shall be ~~conducted~~ followed:

501.1 Opacity Observations:

- a. **Dust Generating Operations:** Opacity observations of a source engaging in dust generating operations shall be conducted in accordance with Appendix C, Section 3 (Time Averaged Methods of Visual Opacity Determination of Emissions from Dust Generating Operations) (~~Visual Determination Of Opacity Of Emissions From Sources For Time Averaged Regulations~~) of these rules, except opacity observations for intermittent sources shall require 12 rather than 24 consecutive readings at 15 second intervals for the averaging time.
- b. **Unpaved Parking Lot:** Opacity observations of any unpaved parking lot shall be conducted in accordance with Appendix C, Section 2.1 (Test Methods For Stabilization For Unpaved Roads And Unpaved Parking Lots) of these rules.
- c. **Unpaved Haul/Access Road:** Opacity observations of any unpaved haul/access road (whether at a work site that is under construction or at a work site that is temporarily or permanently inactive) shall be conducted in accordance with Appendix C, Section 2.1 (Test Methods For Stabilization For Unpaved Roads And Unpaved Parking Lots) of these rules.

501.2 No change

502 RECORDKEEPING:

502.1 Any person who conducts dust generating operations that require a Dust Control Plan shall keep a daily written log recording the actual application or implementation of the control measures delineated in the approved Dust Control Plan (including records on any street sweeping, water applications, and maintenance of trackout control devices, gravel pads, fences, wind barriers, and tarps).

502.2 Any person who conducts dust generating operations ~~which~~ that do not require a Dust Control Plan shall compile and retain records (including records on any street sweeping, water applications, and maintenance of trackout control devices, gravel pads, fences, wind barriers, and tarps) that provide evidence of control measure application, by indicating the type of treatment or control measure, extent of coverage, and date applied.

502.3 Upon verbal or written request by the Control Officer, the log or the records and supporting documentation shall be provided within 48 hours, excluding weekends. If the Control Officer is at the site where requested records are kept, records shall be provided without delay.

503 RECORDS RETENTION: No change

504 TEST METHODS ADOPTED BY REFERENCE: No change

TABLE 1

SOURCE TYPE AND CONTROL MEASURES
<p>Vehicle Use In Open Areas And Vacant Lots:</p> <p>1A Restrict trespass by installing signs.</p> <p>2A Install physical barriers such as curbs, fences, gates, posts, signs, shrubs, and/or trees to prevent access to the area.</p>
<p>Unpaved Parking Lots:</p> <p>1B Pave.</p> <p>2B Apply and maintain gravel, recycled asphalt, or other suitable material, in compliance with subsection 302.1 of this rule.</p> <p>3B Apply a suitable dust suppressant, in compliance with subsection 302.1 of this rule.</p>
<p>Unpaved Haul/Access Roads: (The control measures listed below (1C-5C) are required work practices, per subsection 308.4 of this rule.)</p> <p>1C Limit vehicle speed to 15 miles per hour or less and limit vehicular trips to no more than 20 per day.</p> <p>2C Apply water, so that the surface is visibly moist and subsection 302.2 of this rule is met.</p> <p>3C Pave.</p> <p>4C Apply and maintain gravel, recycled asphalt, or other suitable material, in compliance with subsection 302.2 of this rule.</p> <p>5C Apply a suitable dust suppressant, in compliance with subsection 302.2 of this rule.</p>
<p>Disturbed Surface Areas:</p> <p>Pre-Activity:</p> <p>1D Pre-water site to the depth of cuts.</p> <p>2D Phase work to reduce the amount of disturbed surface areas at any one time.</p>
<p>During Dust Generating Operations:</p> <p>3D Apply water or other suitable dust suppressant, in compliance with Section 301 of this rule.</p> <p>4D Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent as approved by the Control Officer and the Administrator of EPA. For areas which have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91(1998) or other equivalent approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content.</p> <p>5D Construct fences or 3 foot – 5 foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas that reduce the amount of wind blown material leaving a site. If constructing fences or wind barriers, must also implement 3D or 4D above.</p>
<p>Temporary Stabilization During Weekends, After Work Hours, And On Holidays:</p> <p>6D Apply a suitable dust suppressant, in compliance with subsection 302.3 of this rule.</p> <p>7D Establish vegetative ground cover in sufficient quantity, in compliance with subsection 302.3 of this rule.</p> <p>8D Restrict vehicular access to the area, in addition to either of the control measures described in 6D and 7D above.</p> <p>Permanent Stabilization (Required Within 8 Months Of Ceasing Dust Generating Operations):</p> <p>9D Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions, in compliance with subsection 302.3 of this rule.</p> <p>10D Pave, apply gravel, or apply a suitable dust suppressant, in compliance with subsection 302.3 of this rule.</p> <p>11D Establish vegetative ground cover in sufficient quantity, in compliance with subsection 302.3 of this rule.</p>
<p>Open Areas And Vacant Lots:</p> <p>1E Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.</p> <p>2E Pave, apply gravel, or apply a suitable dust suppressant, in compliance with subsection 302.3 of this rule.</p> <p>3E Establish vegetative ground cover in sufficient quantity, in compliance with subsection 302.3 of this rule.</p>

~~Control measures 1F—1M below are required work practices and/or methods designed to meet the work practices, per Section 308 (Work Practices) of this rule.~~

Bulk Material Handling Operations And Open Storage Piles-

During Stacking, Loading, And Unloading Operations:

1F Apply water as necessary, to maintain compliance with Section 301 of this rule; and

When Not Conducting Stacking, Loading, And Unloading Operations:

2F Cover open storage piles with tarps, plastic, or other material to prevent wind from removing the coverings; or

3F Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98, or other equivalent as approved by the Control Officer and the Administrator of EPA. For areas which have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91(1998) or other equivalent approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content; or

4F Meet the stabilization requirements described in subsection 302.3 of this rule; or

5F Construct and maintain wind barriers, storage silos, or a three-sided enclosure with walls, whose length is no less than equal to the length of the pile, whose distance from the pile is no more than twice the height of the pile, whose height is equal to the pile height, and whose porosity is no more than 50%. If implementing 5F, must also implement 3F or 4F above.

Bulk Material Hauling/Transporting:

When On Site Hauling/Transporting Within The Boundaries Of The Work Site When Crossing A Public Roadway Upon Which The Public Is Allowed To Travel While Construction Is Underway:

1G Load all haul trucks such that the freeboard is not less than 3 inches when crossing a public roadway upon which the public is allowed to travel while construction is underway; and

2G Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and

3G Install a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse such work site. Examples of trackout control devices are described in Table 1 (Trackout 1J, 2J, 3J) of this rule; and

When On Site Hauling/Transporting Within The Boundaries Of The Work Site But Not Crossing A Public Roadway Upon Which The Public Is Allowed To Travel While Construction Is Underway:

4G Limit vehicular speeds to 15 miles per hour or less while traveling on the work site; or

5G Apply water to the top of the load such that the 20% opacity standard, as described in Section 301 of this rule, is not exceeded, or cover haul trucks with a tarp or other suitable closure.

Off Site Hauling/Transporting Onto Paved Public Roadways:

6G Cover haul trucks with a tarp or other suitable closure; and

7G Load all haul trucks such that the freeboard is not less than 3 inches; and

8G Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and

9G Before the empty haul truck leaves the site, clean the interior of the cargo compartment or cover the cargo compartment.

Cleanup Of Spillage, Carry Out, Erosion, And/Or Trackout:

1H Operate a street sweeper or wet broom with sufficient water, if applicable, at the speed recommended by the manufacturer and at the frequency(ies) described in subsection 308.3 of this rule; or

2H Manually sweep up deposits.

Trackout:

1J Install a grizzly or wheel wash system at all access points.

2J At all access points, install a gravel pad at least 30 feet wide, 50 feet long, and 6 inches deep.

3J Pave starting from the point of intersection with a paved area accessible to the public roadway and extending for a centerline distance of at least 100 feet and a width of at least 20 feet.

<p>Weed Abatement By Discing Or Blading: 1K Pre-water site and implement 3K or 4K below. 2K Apply water while weed abatement by discing or blading is occurring and implement 3K or 4K below. 3K Pave, apply gravel, apply water, or apply a suitable dust suppressant, in compliance with subsection 302.3 of this rule, after weed abatement by discing or blading occurs; or 4K Establish vegetative ground cover in sufficient quantity, in compliance with subsection 302.3 of this rule, after weed abatement by discing or blading occurs.</p>
<p>Easements, Rights-Of-Way, And Access Roads For Utilities (Electricity, Natural Gas, Oil, Water, And Gas Transmission) Associated With Sources That Have A Non-Title V Permit, A Title V Permit, And/Or A General Permit Under These Rules: 1L Inside the PM₁₀ nonattainment area, restrict vehicular speeds to 15 miles per hour and vehicular trips to no more than 20 per day; or 2L Outside the PM₁₀ nonattainment area, restrict vehicular trips to no more than 20 per day; or 3L Implement control measures, as described in Table 1 (Unpaved Haul/Access Roads 1C through 5C) of this rule.</p>
<p>Earthmoving Operations On Disturbed Surface Areas 1 Acre Or Larger: 1M If water is the chosen control measure, operate water application system (e.g., water truck), while conducting earthmoving operations on disturbed surface areas 1 acre or larger.</p>

TABLE 2

Note: Control measures in [brackets] are to be applied only to sources outside the nonattainment area.

SOURCE TYPE AND WIND EVENT CONTROL MEASURES
<p>Dust Generating Operations: 1A Cease dust generating operations for the duration of the condition/situation/event when the 60-minute average wind speed is greater than 25 miles per hour. If dust generating operations are ceased for the remainder of the work day, stabilization measures must be implemented; or 2A Apply water or other suitable dust suppressant twice [once] per hour, in compliance with Section 301 of this rule; or 3A Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent as approved by the Control Officer and the Administrator of EPA. For areas which have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91(1998) or other equivalent approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content; or 4A Construct fences or 3 foot – 5 foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas that reduce the amount of wind-blown material leaving a site. If implementing 4A, must also implement 2A or 3A above.</p>
<p>Temporary Disturbed Surface Areas (After Work Hours, Weekends, Holidays): 1B Uniformly apply and maintain surface gravel or dust suppressants, in compliance with subsection 302.3 of this rule; or 2B Apply water to all disturbed surface areas three times per day. If there is any evidence of wind-blown dust, increase watering frequency to a minimum of four times per day; or 3B Apply water on open storage piles twice [once] per hour, in compliance with subsection 302.3 of this rule; or 4B Cover open storage piles with tarps, plastic, or other material to prevent wind from removing the coverings; or 5B Utilize any combination of the control measures described in 1B, 2B, 3B, and 4B above, such that, in total, these control measures apply to all disturbed surface areas.</p>

Table 1
Vehicle Use in Open Areas and Vacant Lots

a. An owner and/or operator must implement one of the following control measures:

1. Restrict trespass by installing signs; or
2. Install physical barriers such as curbs, fences, gates, posts, signs, shrubs, and/or trees to prevent access to the area.

Table 2
Unpaved Parking Lots

a. An owner and/or operator must implement one of the following control measures:

1. Pave;
2. Apply and maintain gravel, recycled asphalt, or other suitable material, in compliance with section 302.1 of this rule; or
3. Apply a suitable dust suppressant in compliance with Section 302.1 of this rule.

b. Suggested additional control measure for contingency plans:

1. Limit vehicle speeds to 15 m.p.h. on the site.

Table 3
Unpaved Haul/Access Roads

a. An Owner and/or operator must implement one of the following control measures:

1. Limit vehicle speed to 15 miles per hour or less and limit vehicular trips to no more than 20 per day;
2. Apply water, so that the surface is visibly moist in compliance with Section 302.2 of this rule;
3. Pave;
4. Apply and maintain gravel, recycled asphalt, or other suitable material, in compliance with section 302.2 of this rule; or
5. Apply a suitable dust suppressant, in compliance with Section 302.2 of this rule.

Table 4
Open Areas and Vacant Lots

a. An owner and/or operator must implement one of the following control measures to comply with section 302.3 of this rule:

1. Pave, apply gravel, or apply a suitable dust suppressant;
2. Establish vegetative ground cover in sufficient quantity; or
3. Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.

Table 5
Disturbed Surface Areas – Pre-Activity Work Practices

a. Before activity begins, an owner and/or operator must implement one of the following control measures:

1. Pre-water site to depth of cuts, allowing time for penetration; or
2. Phase work to reduce the amount of disturbed surface areas at any one time.

Table 6

Disturbed Surface Areas – Work Practices During Operations

a. During operations, an owner and/or operator must implement one of the following control measures:

1. Apply water or other suitable dust suppressant, in compliance with Section 301 of this rule;
2. Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent method as approved by the Control Officer and the Administrator of EPA. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91(1998) or other equivalent method approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content; or
3. Implement (a)(1) or (a)(2) above and construct fences or three-foot to five-foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas to reduce the amount of wind-blown material leaving a site.

b. Suggested additional control measure for contingency plans:

1. Limit vehicle speeds to 15 m.p.h. on the work site.

Table 7

**Disturbed Surface Areas – Temporary Stabilization (up to Eight Months)
During Weekends, After Work Hours, and on Holidays**

a. An owner and/or operator must implement one of the following control measures to comply with section 302.3 of this rule:

1. Pave, apply gravel, or apply a suitable dust suppressant;
2. Establish vegetative ground cover in sufficient quantity; or
3. Implement (a)(1) or (a)(2), above, and restrict vehicular access to the area.

Table 8

**Disturbed Surface Areas – Permanent Stabilization (Required within
Eight Months of Ceasing Dust Generating Operations)**

a. An owner and/or operator must implement one of the following control measures to comply with Section 302.3 of this rule:

1. Pave, apply gravel, or apply a suitable dust suppressant;
2. Establish vegetative ground cover in sufficient quantity; or
3. Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.

Table 9

Blasting Operations

a. An owner and/or operator must implement all of the following control measures:

1. If wind gusts above 25 mph, discontinue blasting; and
2. Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.

Table 10

Demolition Activities

a. An owner and/or operator must implement all of the following control measures:

1. Stabilize demolition debris. Apply water to debris immediately following demolition activity; and
2. Stabilize surrounding area immediately following demolition activity. Water all disturbed soil surfaces to establish crust and prevent wind erosion of soil.

b. Suggested additional control measure for contingency plans:

1. Thoroughly clean blast debris from paved and other surfaces following demolition activity.

Table 11

**Bulk Material Handling Operations – Work Practices During Stacking,
Loading and Unloading Operations**

a. An owner and/or operator must implement all of the following control measures:

1. Empty loader bucket slowly and keep loader bucket close to the truck to minimize the drop height while dumping;
2. Implement either one of the following control measures:
 - a. Spray material with water prior to stacking, loading and unloading, and while stacking, loading, and unloading, or
 - b. Spray material with a dust suppressant other than water prior to stacking, loading and unloading, and while stacking, loading, and unloading.

Table 12
Open Storage Piles

a. An owner and/or operator must implement one of the following control measures:

1. Cover open storage piles with tarps, plastic, or other material such that the coverings will not be dislodged by wind;
2. Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98, or other equivalent method as approved by the Control Officer and the Administrator of the EPA; or for areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91(1998) or other equivalent method approved by the Control Officer and the Administrator of the EPA, maintain at least 70% of the soil moisture content;
3. Meet the stabilization requirements described in Section 302.3 of this rule; or
4. Implement (a)(2) or (a)(3), above, and construct and maintain wind barriers, storage silos, or a three-sided enclosure with walls, whose length is no less than equal to the length of the pile, whose distance from the pile is no more than twice the height of the pile, whose height is equal to the pile height, and whose porosity is no more than 50%.

a. Suggested additional control measures for contingency plans:

1. Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.
2. Remove material from the downwind side of the storage pile when safe to do so.

Table 13
Bulk Material Hauling/Transporting –
Within the Boundaries of the Work Site when Crossing a Paved Area
Accessible to the Public While Construction is Underway

a. An owner and/or operator must implement all of the following control measures:

1. Load all haul trucks such that the freeboard is not less than 3 inches when crossing a paved area accessible to the public while construction is underway;
2. Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s);
3. Install a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse such work site;
4. Spray material with water prior to loading and spray material with water while loading.

b. Suggested additional control measure for contingency plans:

1. Limit vehicle speeds to 15 m.p.h. on the work site.

Table 14
Bulk Material Hauling/Transporting –
When On-Site Hauling/Transporting Within the Boundaries of the Worksite but Not Crossing a
Paved Area Accessible to the Public

a. An owner and/or operator must implement one of the following control measures:

1. Limit vehicular speeds to 15 miles per hour or less while traveling on the work site;
2. Apply water to the top of the load in compliance with Section 301 of this rule; or
3. Cover haul trucks with a tarp or other suitable closure.

Table 15
Bulk Material Hauling/Transporting –
Off-Site Hauling/Transporting onto Paved Areas Accessible to the Public

a. An owner and/or operator must implement all of the following control measures:

1. Cover haul trucks with a tarp or other suitable closure;
2. Load all haul trucks such that the freeboard is not less than 3 inches;
3. Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and
4. Before the empty haul truck leaves the site, clean the interior of the cargo compartment or cover the cargo compartment.

Table 16
Clean Up of Trackout, Carry Out, Spillage and Erosion

a. An owner and/or operator must implement one of the following control measures:

1. Operate a street sweeper or wet broom with sufficient water, at the speed recommended by the manufacturer and at the frequency(ies) described in Section 308.4 of this rule; or
2. Manually sweep up deposits in compliance with Section 308.4 of this rule.

Table 17
Trackout Control

a. An owner and/or operator must implement all of the following control measures:

1. Immediately, or within 30 minutes, clean up trackout that exceeds 50 feet, all other trackout must be cleaned up at the end of the workday; and
2. In accordance with Section 308.4(a), prevent trackout by implementing one of the following control measures:
 - i. At all access points, install a grizzly or wheel wash system
 - ii. At all access points, install a gravel pad at least 30 feet wide, 50 feet long, and 6 inches deep, in compliance with Section 213 of this rule
 - iii. Pave starting from the point of intersection with a paved area accessible to the public and extending for a centerline distance of at least 100 feet and a width of at least 20 feet

b. Suggested additional control measures for contingency plans:

1. Clearly establish and enforce traffic patterns to route traffic over selected trackout control devices;
2. Limit site accessibility to routes with trackout control devices in place by installing effective barriers on unprotected routes; and
3. Pave construction activity roadways as soon as possible.

Table 18
Weed Abatement by Discing or Blading

a. An owner and/or operator must implement all of the following control measures:

1. Pre-water site;
2. Apply water while weed abatement by discing or blading is occurring; and
3. Stabilize area by implementing either one of the following
 - i. Pave, apply gravel, apply water, or apply a suitable dust suppressant, in compliance with Section 302.3 of this rule, after weed abatement by discing or blading occurs; or
 - ii. Establish vegetative ground cover in sufficient quantity, in compliance with Section 302.3 of this rule, after weed abatement by discing or blading occurs.

b. Suggested additional control measures for contingency plans:

1. Limit vehicle speeds to 15 m.p.h. during discing and blading operations.

Table 19
Easements, Rights-Of-Way, and Access Roads for Utilities (Electricity, Natural Gas, Oil, Water, and Gas Transmission) Associated with Sources that have a Non-Title V Permit, a Title V Permit, and/or a General Permit Under These Rules

a. An owner and/or operator must implement one of the following control measures:

1. Inside the PM₁₀ nonattainment area, restrict vehicular speeds to 15 miles per hour and vehicular trips to no more than 20 per day per road;
2. Outside the PM₁₀ nonattainment area, restrict vehicular trips to no more than 20 per day per road;
or
3. Implement control measures, as described in Table 3 (Unpaved Haul/Access Roads) of this rule.

Note: For Tables 20 & 21, control measures in [brackets] are to be applied only to dust generating operations outside the nonattainment area.

Table 20
Wind Event Control Measures –
Dust Generating Operations

a. An owner and/or operator must implement one of the following control measures:

1. Cease dust generating operations for the duration of the condition/situation/event when the 60-minute average wind speed is greater than 25 miles per hour, and if dust generating operations are ceased for the remainder of the workday, stabilize the area;
2. Apply water or other suitable dust suppressant at least twice [once] per hour, in compliance with Section 301 of this rule;
3. Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent method as approved by the Control Officer and the Administrator of EPA. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91(1998) or other equivalent method approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content; or
4. Implement (a)(2) or (a)(3), above, and construct fences or three-foot to five-foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas to reduce the amount of wind-blown material leaving a site.

Table 21
Wind Event Control Measures –
Temporary Disturbed Surface Areas (After Work Hours, Weekends, Holidays)

a. An owner and/or operator must implement one of the following control measures:

1. Uniformly apply and maintain surface gravel or dust suppressants, in compliance with Section 302.3 of this rule;
2. Apply water to all disturbed surface areas three times per day. If there is any evidence of wind-blown dust, increase watering frequency to a minimum of four times per day;
3. Apply water on open storage piles at least twice [once] per hour, in compliance with section 302.3 of this rule; or
4. Cover open storage piles with tarps, plastic, or other material such that wind will not remove the coverings.

b. Suggested additional control measures for contingency plans:

1. Implement a combination of the control measures listed a(1) through a(4), above.

APPENDIX C

Adopted 06/16/99

Revised 02/16/00

APPENDIX C

FUGITIVE DUST TEST METHODS

INDEX

SECTION 1 - RESERVED

SECTION 2 - TEST METHODS FOR STABILIZATION

SECTION 3 - TIME AVERAGED METHODS OF VISUAL OPACITY DETERMINATION OF OPACITY OF EMISSIONS FROM SOURCES FOR TIME AVERAGED REGULATIONS DUST GENERATING OPERATIONS

MARICOPA COUNTY

AIR POLLUTION CONTROL REGULATIONS

APPENDIX C

FUGITIVE DUST TEST METHODS

1. No change
2. No change
3. TIME AVERAGED METHODS OF VISUAL OPACITY DETERMINATION OF OPACITY OF EMISSIONS FROM SOURCES FOR TIME AVERAGED REGULATIONS DUST GENERATING OPERATIONS
 - 3.1 **Applicability** – This method is applicable for the determination of opacity ~~determination of the opacity of emissions of fugitive dust plumes from sources of visible emissions for time averaged regulations dust generating operations.~~ A time-averaged regulation is any regulation that requires averaging visible emission data to determine the opacity of visible emissions over a specific time period.
 - 3.2 No change

3.3 No change

3.3.1 No change

3.3.2 ~~Procedures For Fugitive Dust Emissions. These procedures are applicable for the determination of the opacity of fugitive dust emissions by a qualified observer. The qualified observer should do the following:~~

- ~~a. Position. Stand at a position at least 5 meters from the fugitive dust source in order to provide a clear view of the emissions with the sun oriented in the 140° sector to the back. Consistent as much as possible with maintaining the above requirements, make opacity observations from a position such that the line of sight is approximately perpendicular to the plume and wind direction. The observer may follow the fugitive dust plume generated by mobile earthmoving equipment, as long as the sun remains oriented in the 140° sector to the back. As much as possible, if multiple plumes are involved, do not include more than one plume in the line of sight at one time.~~
- ~~b. Field Records. Record the name of the site, fugitive dust source type (i.e., pile, material handling (i.e., transfer, loading, sorting)), method of control used, if any, observer's name, certification data and affiliation, and a sketch of the observer's position relative to the fugitive dust source. Also, record the time, estimated distance to the fugitive dust source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), observer's position relative to the fugitive dust source, and color of the plume and type of background on the visible emission observation from when opacity readings are initiated and completed.~~
- ~~c. Observations. Make opacity observations, to the extent possible, using a contrasting background that is perpendicular to the line of sight. For storage piles, make opacity observations approximately 1 meter above the surface from which the plume is generated. The initial observation should begin immediately after a plume has been created above the surface involved. Do not look continuously at the plume, but instead observe the plume momentarily at 15-second intervals. For fugitive dust from earthmoving equipment, make opacity observations approximately 1 meter above the mechanical equipment generating the plume.~~
- ~~d. Recording Observations. Record the opacity observations to the nearest 5% every 15 seconds on an observational record sheet. Each momentary observation recorded represents the average opacity of emissions for a 15-second period. If a multiple plume exists at the time of an observation, do not record an opacity reading. Mark an "x" for that reading. If the equipment generating the plume travels outside of the field of observation, resulting in the inability to maintain the orientation of the sun within the 140° sector or if the equipment ceases operating, mark an "x" for the 15-second interval reading. Readings identified as "x" shall be considered interrupted readings.~~
- ~~e. Data Reduction For Time Averaged Regulations. For each set of 12 or 24 consecutive readings, calculate the appropriate average opacity. Sets must consist of consecutive observations, however, readings immediately preceding and following interrupted readings shall be deemed consecutive and in no case shall two sets overlap, resulting in multiple violations.~~

3.3.2 To determine the opacity of non-continuous dust plumes caused by activities including, but not limited to, bulk material loading/unloading, non-conveyorized screening, or trenching with backhoes:

- a. Position: Stand at least 25 feet from the dust generating operation in order to provide a clear view of the emissions with the sun oriented in the 140° sector to the back. Choose a discrete portion of the operation for observation, such as the unloading point, not the whole operation. Following the above requirements, make opacity observations so that the line of vision is approximately perpendicular to the dust plume and wind direction. If multiple plumes are involved, do not include more than one plume in the line of sight at one time.
- b. Initial Fallout zone: The initial fallout zone within the plume must be identified. Record the distance from the equipment or path that is your identified initial fallout zone. The initial fallout zone is that area where the heaviest particles drop out of the entrained fugitive dust plume. Opacity readings should be taken at the maximum point of the entrained fugitive dust plume that is located outside the initial fallout zone.
- c. Field Records: Note the following on an observational record sheet:
 1. Location of dust generating operation, type of operation, type of equipment in use and activity, and method of control used, if any;
 2. Observer's name, certification data and affiliation, a sketch of the observer's position relative to the dust generating operation, and observer's estimated distance and direction to the location of the dust generating operation;
 3. Time that readings begin, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds); and
 4. Color of the plume and type of background.

- d. Observations: Make opacity observations, to the extent possible, using a contrasting background that is perpendicular to the line of vision. Make two observations per activity, beginning with the first reading at zero seconds and the second reading at five seconds. The zero-second observation should begin immediately after a plume has been created above the surface involved. Do not look continuously at the plume but, instead, observe the plume briefly at zero seconds and then again at five seconds.
- e. Recording Observations: Record the opacity observations to the nearest 5% on an observational record sheet. Each momentary observation recorded represents the average opacity of emissions for a 5-second period. Repeat observations until you have recorded at least a total of 12 consecutive opacity readings. The 12 consecutive readings must be taken within the same period of observation but must not exceed one hour. Observations immediately preceding and following interrupted observations can be considered consecutive.
- f. Data Reduction: Average 12 consecutive opacity readings together. If the average opacity reading equals 20% or lower, the dust generating operation is in compliance with the opacity standard described in Rule 310 of these rules, unless any one reading is greater than 50% opacity.

3.3.3 To determine the opacity of continuous dust plumes caused by equipment and activities including but not limited to graders, trenchers, paddlewheels, blades, clearing, leveling, and raking

- a. Position: Stand at least 25 feet from the dust generating operation to provide a clear view of the emissions with the sun oriented in the 140° sector to your back. Following the above requirements, make opacity observations so that the line of vision is approximately perpendicular to the dust plume and wind direction.
- b. Dust Plume: Evaluate the dust plume generation and determine if the observations will be made from a single plume or from multiple related plumes.
 - 1. If a single piece of equipment is observed working, then all measurements should be taken off the resultant plume as long as the equipment remains within the 140° sector to the back.
 - 2. If there are multiple related sources, or multiple related points of emissions of dust from a particular activity, or multiple pieces of equipment operating in a confined area, opacity readings should be taken at the densest point within the discrete length of equipment travel path within the 140° sector to the back.
- c. Initial Fallout Zone: The initial fallout zone within the plume must be identified. Record the distance from the equipment or path that is your identified initial fallout zone. The initial fallout zone is that area where the heaviest particles drop out of the entrained fugitive dust plume. Opacity readings should be taken at the maximum point of the entrained fugitive dust plume that is located outside the initial fallout zone.
- d. Field Records: Note the following on an observational record sheet:
 - 1. Location of the dust generating operation, type of operation, type of equipment in use and activity, and method of control used, if any;
 - 2. Observer's name, certification data and affiliation, a sketch of the observer's position relative to the dust generating operation, and observer's estimated distance and direction to the location of the dust generating operation; and
 - 3. Time that readings begin, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds).
- e. Observations: Make opacity observations, to the extent possible, using a contrasting background that is perpendicular to the line of vision. Make opacity observations at a point beyond the fallout zone. The observations should be made at the densest point. Observations will be made every 10 seconds until at least 12 readings have been recorded. Do not look continuously at the plume, but observe the plume momentarily at 10-second intervals. If the equipment generating the plume travels outside the field of observation or if the equipment ceases to operate, mark an "x" for the 10-second reading interval. Mark an "x" when plumes are stacked or doubled, either behind or in front, or become parallel to line of sight. Opacity readings identified as "x" shall be considered interrupted readings.
- f. Recording Observations: Record the opacity observations to the nearest 5% on an observational record sheet. Each momentary observation recorded represents the average opacity of emissions for a 10-second period.
- g. Data Reduction: Average 12 consecutive opacity readings together. If the average opacity reading equals 20% or lower, the dust generating operation is in compliance with the opacity standard described in Rule 310 of these rules, unless any one reading is greater than 50% opacity.

3.4 No Change

APPENDIX F – SOIL DESIGNATIONS

APPENDIX F

SOIL DESIGNATIONS

INDEX

SECTION 1 – SOIL DESCRIPTIONS

SECTION 2 – SOIL MAPS

MARICOPA COUNTY

AIR POLLUTION CONTROL REGULATIONS

APPENDIX F

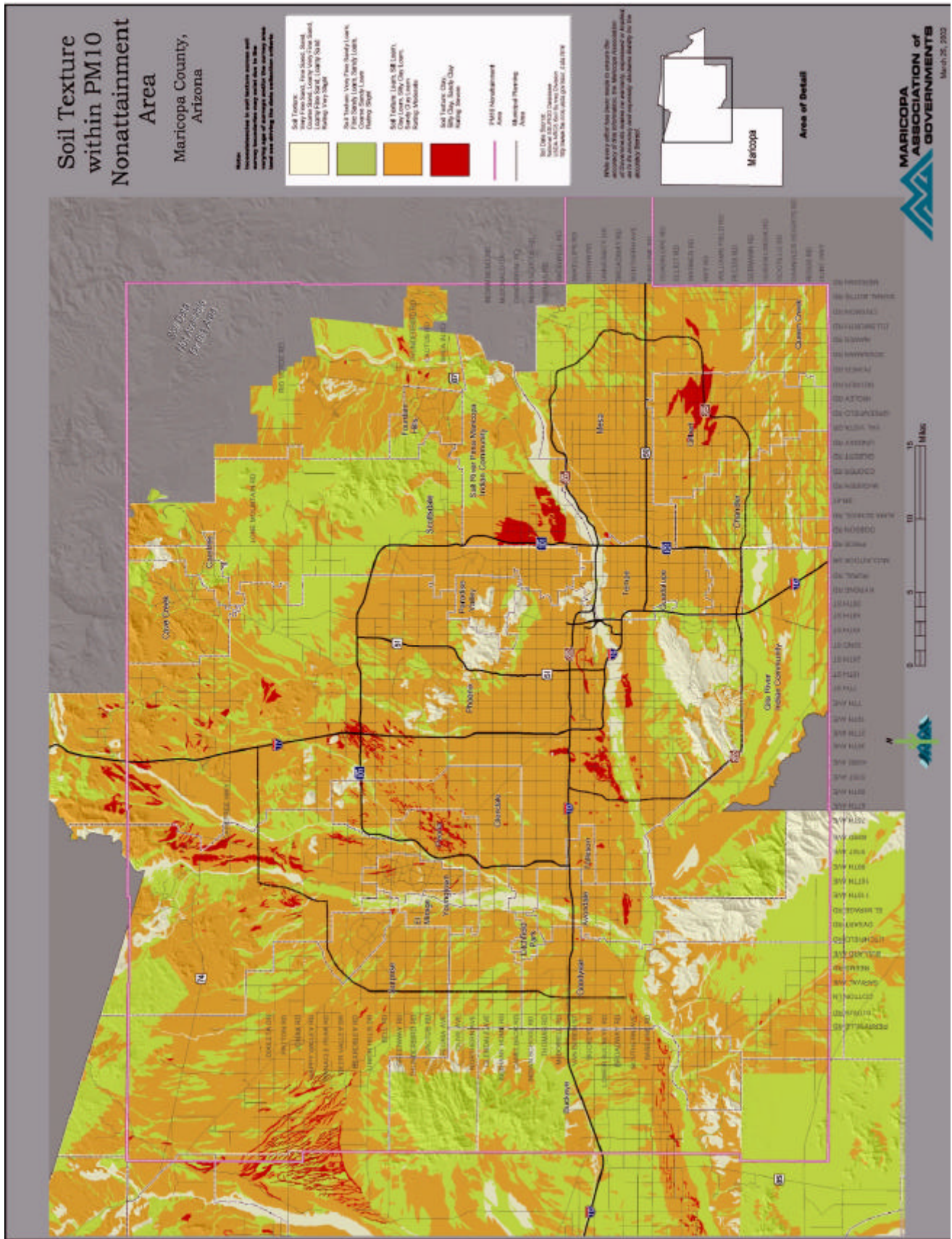
SOIL DESIGNATIONS

1. SOIL DESCRIPTIONS

- a.** VERY SLIGHT SOIL TEXTURE – includes very fine sand, fine sand, sand, coarse sand, loamy very fine sand, loamy fine sand, loamy sand.
- b.** SLIGHT SOIL TEXTURE – includes very fine sandy loam, fine sandy loam, sandy loam, course sandy loam.
- c.** MODERATE SOIL TEXTURE – includes loam, silt loam, clay loam, silty clay loam, sandy clay loam.
- d.** SEVERE SOIL TEXTURE – includes clay, silty clay, sandy clay.

2. SOIL MAPS

a. Soil Texture within PM₁₀ Nonattainment Area.



Editor's note: The following Notice of Final Rulemaking was incorrectly labeled as a Notice of Proposed Rulemaking at 9 A.A.R. 4203, October 3, 2003. The notice is reprinted here with the correct heading.

NOTICE OF FINAL RULEMAKING

PINAL COUNTY AIR QUALITY CONTROL DISTRICT CODE OF REGULATIONS

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

CHAPTER 3. PERMITS AND PERMIT REVISIONS

PREAMBLE

1. Sections Affected

§1-1-107
§3-3-220
§3-3-230

Rulemaking Action

Amend
Amend
Amend

2. The specific authority for the rulemaking, including both the authorizing statute (general) and statutes the rules are implementing (specific):

Authorizing and implementing statutes: Arizona Revised Statutes (A.R.S.) §§ 49-112, 49-480, and 49-479

A.R.S. § 49-479 allows a Board of Supervisors to adopt rules to regulate air quality, which must be least as stringent as the rules adopted by the Arizona Department of Environmental Quality (ADEQ).

A.R.S. § 49-480 allows the Board to adopt rules establishing a permit program for stationary sources.

A.R.S. § 49-112 requires a specific justification for adoption of rules that are "more stringent" or "in addition to" rules adopted by ADEQ.

3. The effective date of the rules:

August 13, 2003 - date of approval by the Board.

4. A list of previous notices appearing in the Register addressing the proposed rules:

Nonattainment New Source Review ("NSR") Revisions - Notice of Rulemaking Docket Opening: 8 A.A.R. 2068, May 3, 2002; 9 A.A.R. June 13, 2003

Notice of Proposed Rulemaking: 9 A.A.R. 2003, June 20, 2003

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

Name: Jean Parkinson, Air Quality Planning Manager

Address: Pinal County Air Quality Control District (PCAQCD)
P.O. Box 987
Florence, AZ 85232

Telephone: (520) 866-6929

Fax: (520) 866-6967

E-mail: jean.parkinson@co.pinal.az.us

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

A. Summary: This rule revision proposal involves:

Pinal County will propose to amend the above sections to address concerns from the Environmental Protection Agency ("EPA") regarding the Pinal County Air Quality Control District's ("PCAQCD") New Source Review ("NSR") State Implementation Plan ("SIP") submittal. The changes include revising certain rules defining the requirements for permits and permit revisions for major emitting sources undergoing nonattainment new source review, to address approvability issues raised by the EPA; and revising the rule-definition of the "Title V Program List," designating which rules should be submitted for approval as elements of the EPA-approved Title V operating permit program in Pinal County.

B. Detailed Discussion: Nonattainment NSR Related Rule Revisions for EPA Approvability:

Code §§3-3-220 to 3-3-230 were revised at the request of the EPA, which had noted changes required to comply with New Source Review requirements, as set forth in the CAA §111 and 40 CFR Part §51.165.

Specifically, existing Code §§3-1-220.G and 3-3-220.H, both established exemptions to the emission offset requirements established under CAA §173(a), and CAA §173(c), and 40 CFR Part §51.165. The EPA has indicated that those additional exemptions would preclude approving the existing Pinal County rules as elements of the Arizona SIP. There are no parallel exemptions in ADEQ's rules, meaning that Pinal County must eliminate the exemptions in order to comply with the "at least as stringent as" requirement under A.R.S. § 49-479. Since the change merely conforms to ADEQ's rules, no additional showing is required under A.R.S. § 49-112.

Additionally, existing Code §3-3-230 F. includes a definition of "baseline" that follows the definition in 40 CFR Part §51.165(a)(3)(i), generally defining the "baseline" as allowable emissions. That "baseline" definition establishes the starting point for major NSR emission "offsets."

However, both the Pinal County definition and 40 CFR Part §51.165 (a)(3)(i) fail to reflect the unequivocal requirement of CAA §173 (c)(1) that emission offsets must involve reductions relative to actual emission rates, which are generally lower than allowable emission rates.

Pinal County's 1993-vintage rules defining "baseline" were based on ADEQ's parallel rule R18-2-404. However, ADEQ's rule R18-2-404(G)(1) has apparently since been amended to define baseline as "the total actual emissions at the time the application is filed," without regard to "allowable" permit or regulatory limitations.

Since Pinal County is obligated to conform to ADEQ's substantive major-source permitting rules, the change proposed here revises Code §3-3-230.F. to mirror the ADEQ rule R18-2-404(G). Since the change merely conforms to ADEQ's rules, no additional showing is required under A.R.S. § 49-112.

The revisions proposed here include a revision to §3-3-230.G3., and a new subsection §3-3-230.L, reflecting the requirements for offset-related requirements arising under CAA §173 (c). Those changes reaffirm that offset reductions must involve changes in actual emissions. While this change is "in addition to" the parallel ADEQ rule R18-2-404, the situation satisfies both of the conditions imposed under A.R.S. § 49-112(A) for the Board to adopt "additional or more stringent" rules. Specifically, Pinal County stands in a peculiar situation, because it currently lacks a SIP-approved nonattainment new source review program; and the EPA has indicated that the change is required under CAA §173 (c), and further constitutes a requirement for that agency to consider SIP-approval of the Pinal County nonattainment new source review program.

Existing Code §3-3-230.K provides that an emission reduction may be used as an offset if the reduction is "legally enforceable." ADEQ's parallel rule, R18-2-404(L), additionally provides that the reductions must be federally enforceable. Again, the EPA has cited this as an approvability issue. For purposes of conforming to ADEQ's rule R18-2-404(L)(2), §3-3-230.K.2 is amended to nominally allow emission reductions to qualify as "legally enforceable," if they are required by rules of another governmental entity, or are contractually enforceable. However, PCAQCD believes that that allowance is effectively superseded by the newly added requirement that emission reductions also be federally enforceable, as defined in Code §1-3-140.59. The proposed revisions address the matter by conforming Pinal's rule to the ADEQ rule. Since the change merely conforms to ADEQ's rule, no additional showing is required under A.R.S. § 49-112.

7. A reference to any study that the agency proposed to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, and analysis of the study and other supporting material:

None, other than the cited statutes and rules.

8. 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

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

A. This rulemaking involves certain changes to the County's nonattainment new source review rules, which changes respond to SIP - approvability issues raised by the EPA.

To the extent the changes will actually enable the long-awaited EPA approval of Pinal County's NSR program, this action will provide a benefit to the affected segment of the regulated community. That benefit will arise from having a legal mechanism to actually comply with the nonattainment NSR requirements under the CAA and implementing federal regulations.

B. Economic, Small Business, and Consumer Impact Statement:

1. This rulemaking involves certain changes to the County's nonattainment new source review rules, which changes respond to SIP- approvability issues raised by the EPA.
2. The changes in the nonattainment NSR rules will potentially benefit sources affected by nonattainment NSR permitting requirements.

County Notices Pursuant to A.R.S. § 49-112

3. For the nonattainment NSR revisions, the changes will hopefully benefit the county by finally establishing a program fully authorized to exercise permitting authority under the CAA, again supporting the Board of Supervisors in their election to exercise air quality regulatory authority under A.R.S. Title 49. Similarly, affected regulated entities within Pinal County will gain the benefit of a complete local regulatory program.
4. PCAQCD has no basis to believe that the changes in the nonattainment new source review rules will have a discernible impact on any type of employment in Pinal County.
5. With respect to the nonattainment NSR changes, PCAQCD has no basis to believe that any small businesses would be affected. However, even if they were affected, the changes would do no more than provide a local mechanism for obtaining the permit review and approval required under the CAA and implementing federal regulations.
6. The changes will not affect state revenues.
7. With respect to the nonattainment NSR revisions, the changes will merely meet the requirements under the CAA and implementing federal regulations, and PCAQCD sees no alternatives.

To submit comments or request additional information regarding the economic, small business and consumer impact statement, interested parties may contact Jean Parkinson, Planning Manager, (520) 866-6929, PCAQCD, P.O. Box 987, Florence, Arizona, 85232.

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

Not applicable

11. The full text of the final rules follows:

1-1-107. Title V Program Content

Those provisions approved by the EPA are shown in regular type; those provisions or amendments still awaiting EPA approval are shown in italicized bold.

1-2-110.	Adopted document(s)	<i>Adopted June 29, 1993. Amended May 14, 1997. Amended May 27, 1998. Amended July 12, 2000.</i>
1-3-130.	Adopted document(s)	Adopted June 29, 1993. Amended November 3, 1993. <i>Amended October 12, 1995. Amended May 14, 1997.</i>
1-3-140.	Definitions	Adopted June 29, 1993. Amended November 3, 1993. Amended February 22, 1995. <i>Amended October 12, 1995. Amended May 14, 1997. Amended May 27, 1998.</i>
2-1-010. to 3-3-210.	NO CHANGE	
3-3-220.	Permit and permit revision requirements for sources located in nonattainment areas	Adopted June 29, 1993 Amended/renumbered November 3, 1993. <i>Amended August 13, 2003.</i>
3-3-230.	Offset and net air quality benefit standards	Adopted June 29, 1993 Amended/renumbered November 3, 1993. Amended February 22, 1995 <i>Amended August 13, 2003.</i>

3-3-240. to 9-1-080, and	NO CHANGE	
Appendix A		

[Adopted June 25, 1997. Amended May 27, 1998 and ratified July 29, 1998. Amended July 29, 1998 and July 12, 2000. Amended December 13, 2000. Amended August 13, 2003.]

CHAPTER 3. PERMITS AND PERMIT REVISIONS

ARTICLE 3. PERMIT REQUIREMENTS FOR NEW MAJOR SOURCES AND MAJOR MODIFICATIONS TO EXISTING MAJOR SOURCES

3-3-200. Purpose – NO CHANGE

3-3-203. Definitions – NO CHANGE

3-3-205. Application requirements – NO CHANGE

3-3-210. Application review process – NO CHANGE

3-3-220. Permit and permit revision requirements for sources located in nonattainment areas

- A. Except as provided in Subsections C. through I. below, no permit or permit revision under this article shall be issued to a person proposing to construct a new major source or make a major modification to a source located in any nonattainment area for the pollutant(s) for which the source is classified as a major source or the modification is classified as a major modification unless:
 - 1. The person demonstrates that the new major source or the major modification will meet an emission limitation, which is the lowest achievable emission rate (LAER) for that source for that specific pollutant(s). In determining lowest achievable emission rate for a reconstructed stationary source, the provisions of 40 C.F.R. §60.15(f)(4) (1992) shall be taken into account in assessing whether a new source performance standard is applicable to such stationary source.
 - 2. The person certifies that all existing major sources owned or operated by that person (or any entity controlling, controlled by, or under common control with that person) in Pinal County, are in compliance with, or on a schedule of compliance for, all conditions contained in permits of each of the sources and all other applicable emission limitations and standards under the Clean Air Act (1990) and this Code.
 - 3. The person demonstrates that emission reductions for the specific pollutant(s) from source(s) in existence in the allowable offset area of the new major source or major modification (whether or not under the same ownership) meet the offset and net air quality benefit requirements of §3-3-230.
- B. No permit or permit revision under this article shall be issued to a person proposing to construct a new major source or make a major modification to a major source located in a nonattainment area unless:
 - 1. The person performs an analysis of alternative sites, sizes, production processes and environmental control techniques for such new major source or major modification; and
 - 2. The Control Officer determines that the analysis demonstrates that the benefits of the new major source or major modification outweigh the environmental and social costs imposed as a result of its location, construction or modification.
- C. At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as restriction on hours of operation, then the requirements of this section shall apply to the source or modification as though construction had not yet commenced on the source or modification.
- D. Secondary emissions shall not be considered in determining the potential to emit of a new source or modification and therefore whether the new source or modification is major. However, if a new source or modification is subject to this section on the basis of its direct emissions, permit or permit revision under this article to construct the new source or modification shall be denied unless the conditions specified in Subdivisions 1. and 2. of Subsection A. of this section are met for reasonably quantifiable secondary emissions caused by the new source or modification.
- E. A permit to construct a new source or modification shall be denied unless the conditions specified in Subdivisions 1., 2., and 3. of Subsection A. of this section are met for fugitive emissions caused by the new source or modification. However, these conditions shall not apply to a new major source or major modification that would be a major source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the source or modification, and the source is not either among the categorical sources listed in §1-3-140.25. or belongs to the category of sources for which new source performance standards under 40 C.F.R. Part 60 (1992) or national emission

standards for hazardous air pollutants which were adopted prior to August 7, 1980 under 40 C.F.R. Part 61 (1992) promulgated by the Administrator prior to August 7, 1980.

- F. The requirements of A.3. of this section shall not apply to temporary emission sources, such as pilot plants and portable sources, which are only temporarily located in the nonattainment area, are otherwise regulated by a permit, and are in compliance with the conditions of that permit.
- G. ~~The requirements of A.3. of this section shall not apply to emissions of a pollutant from a new major source or major modification to be located in a nonattainment area for that pollutant, if the person applying for a permit or permit revision subject to this article under this section can demonstrate that emissions of that pollutant from the new major source or major modification will not exceed the allowance plan adopted pursuant to the Clean Air Act §§172 and 173 (1990).~~
- H. ~~The requirements of A.3. of this section shall not apply to new resource recovery projects burning municipal solid waste and sources which must switch fuels due to lack of adequate fuel supplies or where a source is required to be modified as a result of EPA regulations, if the owner or operator of the source or modification can demonstrate that:~~
 - 1. ~~Best efforts were made to meet the requirements of A.3. of this section and such efforts were unsuccessful;~~
 - 2. ~~All available emission offsets have been or will be secured; and~~
 - 3. ~~Offsets will continue to be sought and applied when they become available.~~
- I.G. A decrease in actual emissions shall be considered in determining the potential of a new source or modification to emit only to the extent that the Control Officer has not relied on it in issuing any permit or permit revision subject to this article under this section or the District has not relied on it in demonstrating attainment or reasonable further progress.

[Adopted effective June 29, 1993. Former Section 3-2-220 renumbered as Section 3-3-220 and amended effective November 3, 1993. Amended August 13, 2003.]

3-3-230. Offset and net air quality benefit standards

- A. Increased emissions by a major source or major modification subject to this article must be offset by reductions in the emissions of each pollutant for which the area has been designated as nonattainment and for which the source or modification is classified as major. Such offset may be obtained by reductions in emissions from the source or modification, or from any other source in existence or projected within the allowable offset area, on the startup date of the new major source or major modification. Credit for an emissions offset can be used only if it has not been relied upon in demonstrating attainment or reasonable further progress, and if it has not been relied upon previously in issuing a permit or permit revision under this article pursuant to §§ 3-3-205, 3-3-210 and 3-3-220 or not otherwise required under this Code or under any provision of the SIP.
- B. An offset shall not be sufficient unless total emissions for the particular pollutant for which the offset is required will be:
 - 1. Obtained from sources within the allowable offset area;
 - 2. Contemporary with the operation of the new major source or major modification;
 - 3. Less than the baseline of the total emissions for that pollutant, except in ozone nonattainment areas classified as moderate, serious or severe; and
 - 4. Such reductions are sufficient to satisfy the Control Officer that emissions from the new major source or major modification, together with the offset, will result in reasonable further progress for that pollutant.
- C. In ozone nonattainment areas classified as marginal, total emissions of VOC and oxides of nitrogen from other sources shall offset those from the proposed or permitted major source or major modification by a ratio of at least 1.10 to 1.00. In ozone nonattainment areas classified as moderate, total emissions of volatile organic compounds and oxides of nitrogen from other sources shall offset those from the proposed or permitted major source or major modification by a ratio of at least 1.15 to 1.00. New major sources and major modifications in serious and severe ozone nonattainment areas shall conform to the requirements of this section and § 3-3-240.
- D. Only intrapollutant emission offsets shall be allowed. Intrapollutant emission offsets for precursors of ozone or nitrogen dioxide shall include offset reductions in emissions of volatile organic compounds and oxides of nitrogen, respectively.
- E. For purposes of this section, “reasonable further progress” means compliance with the schedule of annual incremental reductions in emissions of the applicable air pollutant prescribed by the Control Officer based on air quality modeling under §3-3-275 to provide for attainment of the applicable air quality standards by the deadlines set under Title I, Part D of the Clean Air Act (1990), or in a SIP revision approved by the Administrator. Reasonable further progress shall be deemed to occur if the offset reductions are sufficient to satisfy the Control Officer that the construction of the new major source or major modification together with the offset will result in a net air quality benefit.
 - 1. For purposes of this section, “net air quality benefit” shall mean that during similar time periods either a. or b. below, is applicable:
 - a. A reduction in the number of violations of the applicable Arizona ambient air quality standard within the allowable offset area has occurred and the following mathematical expression is satisfied:

$$\sum_{i=1}^N \frac{x_i - C}{N} \leq \sum_{j=1}^K \frac{x_j - C}{K}$$

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C = The applicable Arizona ambient air quality standard.

X_i = The concentration level of the violation at the i^{th} receptor for such pollutant after offsets.

N = The number of violations for such pollutant after offsets. ($N \leq K$)

X_j = The concentration level of the violation at the j^{th} receptor from such pollutant before offsets.

K = The number of violations for such pollutant before offsets.

- b. The average of the ambient concentrations within the allowable offset area following the implementation of the contemplated offsets will be less than the average of the ambient concentrations within the allowable offset area without the offsets.

F. Baseline further defined:

1. For the purpose of this section, the baseline of total emissions for a particular pollutant from any source in existence or sources which have obtained a permit or permit revision under this article (regardless of whether or not such sources are in actual operation at the time of filing of the permit or permit revision application ~~under this article for any particular pollutant~~) shall be the total actual emissions ~~for such pollutant allowed by the regulatory emission limitations in effect~~ at the time the application is filed. In addition, the baseline of total emissions for such pollutant shall consist of all emission limitations included as conditions on federally enforceable permits except that the offset baseline shall be the actual emissions of the source from which offset credit is obtained where:
- a. No emission limitations are applicable to a source from which offsets are being sought; or
- b. The demonstration of reasonable further progress and attainment of ambient air quality standards is based upon the actual emissions of sources located within a designated nonattainment area.
2. Where the emission limitations for a particular pollutant allow greater emissions than the potential emission rate of the source for that pollutant, the baseline shall be the potential emission rate at the time the permit application for the permit or permit revision under this Article is filed and emissions offset credit shall be allowed only for control below the potential emission rate.

G. For an existing fuel combustion source, offset credit shall be based on the allowable emissions under the regulations or permit conditions applicable to the source for the type of fuel being burned at the time the permit or permit revision application subject to this article is filed. If an existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the allowable (or actual) emissions for the fuels involved shall not be acceptable unless:

1. The source's permit or permit revision subject to this article specifically requires the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date; and,
2. The source demonstrates to the satisfaction of the Control Officer that it has secured an adequate long-term supply of the cleaner fuel.
3. Emission reductions shall be creditable, if such emission reductions meet the requirements of §3-3-230.L., which requires offsets be based on reductions in actual emissions.

H. Offsets shall be made on either a pounds-per-hour, pounds-per-day, or tons-per-year basis, whichever is applicable, when all facilities involved in the emission offset calculations are operating at their maximum expected or allowed production rate and, except as otherwise provided in Subsection E. of this section, utilizing the type of fuel burned at the time the permit or permit revision application subject to this article is filed. A tons-per-year basis shall not be used if the new or modified source or the source offsets are not expected to operate throughout the entire year. No emissions credit may be allowed for replacing one VOC with another VOC of lesser reactivity.

I. Emissions reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels may be credited, provided that the work force to be affected has been notified of the proposed shutdown or curtailment. Source shutdowns and curtailments in production or operating hours occurring prior to the date the new major source or major modification application is filed generally may not be used for emissions offset credit. However, where an applicant can establish that it shut down or curtailed production after August 7, 1977, or less than one year prior to the date of permit or permit revision application under this article, whichever is earlier, and the proposed new major source or major modification is a replacement for the shutdown or curtailment, credit for such shutdown or curtailment may be applied to offset emissions from the new source or modification.

J. The allowable offset area shall refer to the geographical area in which are located the sources whose emissions are being sought for purposes of offsetting emissions from a new major source or major modification. For the pollutants sulfur dioxide, PM_{10} and carbon monoxide, the allowable offset area shall be determined by atmospheric dispersion modeling. If the emission offsets are obtained from a source on the same premises or in the immediate vicinity of the new major source or major modification, and the pollutants disperse from substantially the same effective stack height, atmospheric dispersion modeling shall not be required. The allowable offset area for all other pollutants shall be the nonattainment areas for those pollutants within which the new major source or major modification is to be located.

K. An emission reduction may only be used to offset emissions if the reduced level of emissions will continue for the life of the new source or modification and if the reduced level of emissions is federally and legally enforceable at the time of the permit issuance. It shall be considered legally enforceable if the following conditions are met by the time such source or modification commences operation:

1. The emission reduction is included as a condition in the permit of the source relied upon to offset the emissions from the new major source or major modification, or in the case of reductions from sources controlled by the applicant, is included as a condition of the permit or permit revision under this article for the new major source or major modification, or is adopted as a part of this Code, or comparable rules and regulations of any other governmental entity or is contractually enforceable by the District.
2. ~~The permit conditions or regulations containing the emission reduction have been submitted to the Administrator for inclusion in the SIP adopted pursuant to the Clean Air Act §110 (1990).~~ The emission reduction is adopted as a part of this Article or comparable rules of any other governmental entity or is contractually enforceable by the District and is in effect at the time the permit is issued.

L. Offsets:

1. Notwithstanding any other provision of this rule pertaining to offsets, the owner or operator of a new or modified major stationary source may comply with any offset requirement in effect under this Article 3, dealing with permit requirements for new major emitting sources and major modifications to such sources, for increased emissions of any air pollutant only by obtaining emissions reductions of such air pollutant from the same source or other sources in the same nonattainment area, except that the Control Officer may allow the owner or operator to obtain such emission reductions in another nonattainment area if:
 - a. The other area has an equal or higher nonattainment classification than the area in which the source is located and
 - b. Emissions from such other area contribute to a violation of the National Ambient Air Quality Standard in the nonattainment area in which the source is located.

Wherever obtained, such emission reductions shall be, by the time a new or modified source commences operation, in effect and federally enforceable and shall assure that the total tonnage of increased emission of the air pollutant from the new or modified source shall be offset by an equal or greater reduction, as applicable, in the actual emissions of such air pollutant from the same or other sources in the area.

2. Emission reductions otherwise required by this Code shall not be creditable as emission reductions for purposes of any such offset requirement. Incidental emission reductions which are not otherwise required by this Code shall be creditable as emission reductions for such purposes if such emission reductions meet the requirements of paragraph (L).

[Adopted effective June 29, 1993. Former Section 3-2-230 renumbered as Section 3-3-230, amended effective November 3, 1993, amended February 22, 1995, and amended August 13, 2003.]

3-3-240. Special rule for ozone nonattainment areas classified as serious and severe – NO CHANGE

3-3-250. Permit and permit revision requirements for sources located in attainment and unclassifiable areas - NO CHANGE

3-3-260. Air quality impact analysis and monitoring requirements – NO CHANGE

3-3-270. Innovative control technology – NO CHANGE

3-3-275. Air quality models – NO CHANGE

3-3-280. Visibility protection – NO CHANGE

3-3-285. Special rule for non-operating sources of sulfur dioxide in sulfur dioxide nonattainment areas – NO CHANGE

Editor's note: The following Notice of Final Rulemaking was incorrectly labeled as a Notice of Proposed Rulemaking at 9 A.A.R. 4210, October 3, 2003. The notice is reprinted here with the correct heading.

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

P. O. BOX 987

FLORENCE, ARIZONA 85232

(520) 866-6929 FAX: (520) 866-6967

NOTICE OF FINAL RULEMAKING

PINAL COUNTY AIR QUALITY CONTROL DISTRICT CODE OF REGULATIONS

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

CHAPTER 3. PERMITS AND PERMIT REVISIONS

PREAMBLE

1. Sections Affected

Rulemaking Action

§1-1-107	Amend
§3-1-030	Amend
§3-1-040	Amend
§3-1-045	Amend
§3-1-050	Amend
§3-1-055	Amend
§3-1-060	Amend
§3-1-065	Amend
§3-1-081	Amend
§3-1-083	Amend
§3-2-180	Amend
§3-2-185	Amend
§3-2-190	Amend
§3-2-195	Amend
§3-4-420	Amend
§3-7-578	New
§3-7-580	Amend
§3-7-590	Amend
§3-7-591	Amend
§3-7-595	Amend
§3-7-600	Amend
§3-7-602	New
§3-7-610	Amend
§3-7-612	Repeal
§3-7-620	Amend
§3-7-625	Amend
§3-7-630	Amend
§3-7-650	Amend
Appendix A	Amend
Appendix B	Amend

2. The specific authority for the rulemaking, including both the authorizing statute (general) and statutes the rules are implementing (specific):

Authorizing and implementing statutes: Arizona Revised Statutes (A.R.S.) §§ 11-251.08, 49-112, 49-479, and 49-480.

A.R.S. § 11-251.08 authorizes the Board of Supervisors to adopt fee schedules for any specific products or services the county provides to the public.

A.R.S. § 49-479 allows a Board of Supervisors to adopt rules to regulate air quality, which must be least as stringent as the rules adopted by the Arizona Department of Environmental Quality (ADEQ).

A.R.S. § 49-480 allows the board to establish a permit program, and impose permit fees. A.R.S. § 49-112 effectively limits county-imposed permit fees to an amount "approximately equal or less than" the fees imposed by ADEQ.

A.R.S. § 49-101 defines "approximately equal" as "not greater than ten percent more than the fees or costs charged by the state for similar state permits or approvals." A.R.S. § 49-112 also requires a specific justification for adoption of rules that are "more stringent" or "in addition to" rules adopted by ADEQ.

3. The effective date of the rules:

January 1, 2004

4. A list of previous notices appearing in the Register addressing the proposed rules:

Permit Fee Changes - Notice of Rulemaking Docket Opening: 8 A.A.R. 2068, May 3, 2002; 8 A.A.R. 2855, July 5, 2002; and 9 A.A.R. 1484, May 16, 2003.

Notice of Proposed Rulemaking: 9 A.A.R. 2011, June 20, 2003

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

Name: Jean Parkinson, Air Quality Planning Manager

Address: Pinal County Air Quality Control District (PCAQCD)
P.O. Box 987
Florence, AZ 85232

Telephone: (520) 866-6929

Fax: (520) 866-6967

E-mail: jean.parkinson@co.pinal.az.us

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

A. Summary. This rule revision proposal involves:

1. Changing the county's permit fees to generally conform to ADEQ's fees;
2. Adding definitions to support the fee rule;
3. Establishing a phase-in schedule for the fee increases;
4. Changing the permit classification designations from Class A and B to Class I and II; adding a Class III permit classification for minor screening sources.
5. Revising the rule-definition of §1-1-107, "Title V Program List," designating which rules should be submitted for approval as elements of the EPA-approved Title V operating permit program in Pinal County.

B. Detailed Discussion:

Chapter 3 – Permit and Permit Revisions, Article 7. Permit Fees: §§3-1-040 to 3-7-650.

This proposal revises the air quality permit fees for every stationary source category. Appendix B outlines the fees and the source categories.

The increase in fees responds to three converging forces that have adversely affected the balance of the PCAQCD operating budget.

First, pursuant to A.R.S. § 49-112 limitations, the existing Pinal County air quality permit fee rules provide that for sources that would be regulated by ADEQ, such sources pay the lesser of the fees as calculated under local rules or ADEQ's rules. Thus, when ADEQ effectively lowered fees for large Class I sources, that action mechanically reduced permit revenues from the largest sources regulated by Pinal County.

Second, the county continues to reduce general fund support for the air quality program.

Third, growth throughout the county and continuing regulatory changes at the state and federal level have required additional program expense.

In sum, permit and general fund revenues have fallen, as expenses have increased. Budgetary projections show a current deficit, and growing future deficits.

Maintaining solvency will require either additional revenues, or fundamental changes in or even elimination of the air quality program in the county. Given the Board of Supervisor's prior action in establishing and maintaining an air quality program, PCAQCD is proposing that the Board increase fees in a manner that will keep the program solvent and functioning.

In brief, the proposal asks the Board to match ADEQ's fee structure, at least for sources that would fall subject to an ADEQ permit requirement. Since those sources would pay ADEQ fees if the county terminated the program and ADEQ assumed regulatory jurisdiction, those sources will be no worse off paying the same fees to the county. In a continuation of long-standing permitting practice, the county also regulates a number of sources that fall below ADEQ's permitting thresholds. For such "minor screening sources," fees under the proposal are capped at \$250.00 per year.

In the context of these revisions, and specifically for fee purposes, the designation as a "Title V" source invokes the definition set forth in the Clean Air Act (CAA) §502(a), which makes all major sources, and all sources regulated under emission standards adopted under CAA §§111 or 112, subject to a federal "Title V" operating permit requirement. However, the EPA Administrator has authority to defer or event exempt specific source

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categories from the requirement to actually obtain a "Title V" Permit. Nonetheless, ADEQ's fee rule designates all such sources as "Title V" sources, even if they have been deferred or exempted from the actual Title V permit requirements.

All other sources qualify as "non-title V" sources.

The fee changes are defined in Rules §§3-7-590, 3-7-600, 3-7-610, and 3-7-612, all of which incorporate the fee schedules defined in revised Appendix B.

For new permits and substantive revisions to existing permits, Appendix B, Section B generally follows ADEQ's fee rule in defining the relevant fees. Section B also includes a new-permit fee cap for Class II "qualifying general sources." Eligible sources include only those that could qualify for an ADEQ-issued general permit, and the fee cap corresponds to the flat fee, which would apply if a source opted for a general permit.

"Title V" sources that are actually required to obtain a Title V permit will pay fees as defined in Appendix B, Section C. Sources will be billed an annual fee consisting of a flat "administrative fee," and an additional fee based on actual emissions, as reported for the preceding emission inventory cycle. The emissions will be billed at \$11.75 per ton to a cap of 4,000 tons per pollutant. Both the administrative and the emission-based fees will be revised annually starting in 2004, based on changes in the Consumer Price Index (CPI).

"Title V" sources that are not actually required to obtain a Title V permit will pay fees as defined in Appendix B, Section D. Sources will be billed an annual fee consisting of a flat "administrative fee." Section D follows ADEQ's fee rule in defining a special fee category for "small sources," which effectively includes perchloroethylene dry cleaners. Section D also includes a specific fee for "qualifying general sources." Eligible sources include only those that could qualify for an ADEQ-issued general permit. The individual fee for those sources corresponds to the fee that would apply if the sources did opt for a general permit. The administrative fee will be revised annually starting in 2004, based on changes in the CPI.

Non-Title V Class II sources will pay fees as defined in Appendix B, Section E. Section E follows ADEQ's fee rule in defining special fee categories for "gasoline service stations" and "crematories." Section D also includes a specific fee for small cotton gins, reflecting the historical significance of Pinal County's agricultural economy. Section D also includes a specific fee for "qualifying general sources." Again, eligible sources include only those that could qualify for an ADEQ-issued general permit, and the fee corresponds to that which would apply if the sources did opt for a general permit. The administrative fee will be revised annually starting in 2004, based on changes in the CPI.

As an exception to the basic rates either under Appendix B, Section C or D, "synthetic minor" sources will pay the administrative fees as defined in Appendix B, Section C, but will not pay emission-based fees. For fee purposes "synthetic minor" sources means those sources with permit limitations configured to avoid triggering additional requirements, and having at least one permit-defined emission cap that allows emissions exceeding 50% of a major source threshold. The administrative fee will be revised annually starting in 2004, based on changes in the CPI.

Non-Title V Class III or "minor screening" sources will pay fees as defined in Appendix B, Section F. For fee purposes "minor screening" sources means those sources that require a permit but have a maximum uncontrolled potential to emit (PTE) below the significance levels defined in §1-3-140.121. The administrative fee will be revised annually starting in 2004, based on changes in the CPI.

General permit sources will pay the annual administrative fees as defined in Appendix B, Section G. Sources will pay an initial application fee and be billed an annual fee consisting of a flat "administrative fee." In accord with ADEQ's fee rules, the administrative fee related to general permits will not be adjusted annually by the changes in the CPI.

The rules include a phase-in provision for existing sources, which will adjust individual permit fees from current levels to the new rates in three (3) equal annual steps. The first of those steps will apply to fees due on or after January 1, 2004. Fees will continue to fall due on the anniversary date of permit issuance, meaning sources will not see the last "step" increase any sooner than January 1, 2006, and possibly as late as December 31, 2006. The phase-in provision will not apply to new sources or sources requesting revisions.

To support the fee rule changes described above, the permit-related definitions in Code §3-1-030 are also expanded to provide corresponding definitions. The changes add the terms "billable permit action, and "permit processing time." The terms to define specific source categories are added as "small source," "synthetic minor," "class III source or minor screening source," "gasoline dispensing operation," and "qualifying general source." The "North American Industry Classification System-United States (NAICS)," is added to classify business establishments and supplements the Standard Industrial Classification Code (SIC). This rule does not stipulate any NAICS code since it is not possible to provide a code for every source.

Appendix A, the permit application form, is revised to accommodate the other changes to the permit-related rules. Appendix B, the fee schedule, is revised as indicated above.

7. A reference to any study that the agency proposed to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, and analysis of the study and other supporting material:

- A. "Draft Arizona's Workload and Resource Needs Analysis for Assessing Permitting Fees," January 26, 2000. This document is available at ADEQ Library, Air Quality Planning, 3033 N. Central Avenue, Suite 100, Phoenix, Arizona, 85012, (602) 207-4335.
- B. Pinal County Budget for Fiscal Year (FY) 2002-2003, and internal budgetary projections for FY 2003-2004, and FY 2004-2005, which show a current deficit and increasing future deficits. These documents are available from PCAQCD, P.O. Box 987, Florence, Arizona, 85232, (520) 866-6929.

8. 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

9. Summary of the economic, small business, and consumer impact:

These fees are based on ADEQ's air permit fees structure effective January 1, 2002. For additional information on economic impact, please see 7 A.A.R. 2114, May 25, 2001, and 7 A.A.R. 5670, December 21, 2001.

- A. Summary: This rulemaking involves a reconfiguration of Pinal County's air quality permit fee structure.

The economic, small business and consumer impact statement for the fee rule changes concludes that for sources that would require an air quality permit from ADEQ, conforming to ADEQ's fee structure will result in higher fees. However, in the long term, the change will impose no additional burden on regulated sources, because without adequate funding for a local program, regulatory jurisdiction would ultimately default to ADEQ, which would result in the imposition of ADEQ's fee structure anyway. In the short-term, such sources will actually benefit by virtue of the deferral from the phase-in of the fee increases. For sources that would not require an ADEQ permit, fees will be capped at \$250.00 per year, which represents a fee increase for some sources of up to \$150.00, and lesser amounts or even no change for other sources.

- B. Economic, Small Business, and Consumer Impact Statement:

1. This rulemaking involves a reconfiguration of Pinal County's air quality permit fee structure.
2. The fee rule revision will affect all permitted sources in the county, with the exception of large power plants and mining operations, which already have their fees effectively capped at the levels established by ADEQ's air quality permit fee rules.
3. For the permit fee revisions, the increases will benefit the county by maintaining program solvency, and allowing the Board of Supervisors to continue to exercise air quality regulatory authority under A.R.S. Title 49. Similarly, regulated entities within Pinal County will retain the benefit of continued local regulation and outreach.

Subject to the exceptions discussed above, the permit fee revisions will, in almost all cases, impose additional costs on those same regulated entities. However, PCAQCD has no basis to believe that the fee increases will affect either gross business revenues or payroll expenditures of employers who are subject to the proposed changes. Increased fees will have an adverse impact on net revenues. However, PCAQCD believes those impacts will be incremental in nature, and will not have a material adverse impact on affected businesses. Further, for sources that would require an ADEQ permit, the changes should have no net long term impact, because lack of adequate funding for a local air quality program would logically result in ADEQ taking over permitting in Pinal County, at which point those sources would pay ADEQ's fees anyway.

4. PCAQCD has no basis to believe that the proposed air quality permit fee increases will have a discernible impact on private or public employment outside Pinal County government. Coupled with continuing growth in the county, the permit fee increases may enable PCAQCD to increase staffing levels to respond to the air quality issues associated with that continuing growth.
5. With respect to the impact of the fee rule changes on small businesses generally, affected entities will include all who require an air quality permit in Pinal County. The costs for compliance will effectively consist of paying the requisite fees. Given that the objective is to raise revenues to meet expenditures, reductions for small businesses would directly conflict with the stated objective. Affected small businesses will see increased fee costs, but will continue to benefit from local regulation.
6. The changes will not affect state revenues.
7. With respect to the fee increases, PCAQCD sees no way to make the proposal less intrusive and still accomplish the objective of increasing revenues.

To submit comments or request additional information regarding the economic, small business and consumer impact statement, interested parties may contact Jean Parkinson, Planning Manager, (520) 866-6929, PCAQCD, P.O. Box 987, Florence, Arizona, 85232.

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

A. The following nonsubstantial typographical errors and corrections were made after the publication in the Arizona Administrative Register on June 20, 2003:

1. §3-1-040. Applicability and classes of permits.
 - 3.a. Changed “rated” to rates.
 16. Changed “Class A” to Class I.
2. §3-7-578. Fee Increases; Effective Date: Phase-In
 - A. Changed “each due an payable” to “each due and payable”
3. Changed approval date by Board from July 30, 2003, to August 13, 2003, in all amended sections.

B. The following nonsubstantial changes were made pursuant to comments received during the public participation period from June 20, 2003, to July 23, 2003. These changes are not considered substantial, since they allow for a reduction in fees relative to the initial proposal.

1. Two new “Class II Non-Title V” Fee classifications have been added to Appendix B:

<u>Class II Non-Title V Source Category</u>	<u>Administrative Fee</u>
<u>Spray Operations (Medium)</u>	<u>\$1600.00</u>
<u>Spray Operations (Small)</u>	<u>\$400.00</u>
2. Two new supporting definitions have been added to §3-1-030:
 - 20a. SPRAY OPERATIONS (MEDIUM) - A facility that has a potential to emit above any relevant major source threshold as a result of the use of spray equipment, but which has accepted a permit limitation capping allowable emissions from those operations below 25% of all relevant major source thresholds.
 - 20b. SPRAY OPERATIONS (SMALL) - A facility that has a potential to emit above any relevant major source threshold as a result of the use of spray equipment, but which has accepted a permit limitation capping allowable emissions from those operations below 3% of all relevant major source thresholds.

11. The full text of the rules follows:

1-1-107. Title V Program Content

Those provisions approved by the EPA are shown in regular type; those provisions or amendments still awaiting EPA approval are shown in italicized bold.

1-2-110.	Adopted document(s)	<i>Adopted June 29, 1993. Amended May 14, 1997. Amended May 27, 1998. Amended July 12, 2000.</i>
1-3-130.	Adopted document(s)	Adopted June 29, 1993. Amended November 3, 1993. <i>Amended October 12, 1995. Amended May 14, 1997.</i>
1-3-140.	Definitions	Adopted June 29, 1993. Amended November 3, 1993. Amended February 22, 1995. <i>Amended October 12, 1995. Amended May 14, 1997. Amended May 27, 1998.</i>
2-1-010. to 3-1-020	NO CHANGE	

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3-1-030.	Definitions	Adopted June 29, 1993 Amended November 3, 1993 <i>Amended August 13, 2003</i>
3-1-040.	Applicability and classes of permits	Adopted November 3, 1993 Amended February 22, 1995 <i>Amended October 12, 1995</i> <i>Amended May 14, 1997</i> <i>Amended May 27, 1998</i> Amended July 12, 2000 <i>Amended August 13, 2003</i>
3-1-042.	Operating authority and obligations for a source subject to permit reopening	Adopted February 22, 1995
3-1-045.	Transition from installation and operating permit program	Adopted November 3, 1993 Amended February 22, 1995 <i>Amended August 13, 2003</i>
3-1-050.	Permit application requirements	Adopted November 3, 1993 Amended February 22, 1995 <i>Amended October 12, 1995</i> <i>Amended August 13, 2003</i>
3-1-055.	Completeness determination	Adopted November 3, 1993 <i>Amended May 27, 1998</i> <i>Amended August 13, 2003</i>
3-1-060.	Permit application review process	Adopted November 3, 1993 Amended February 22, 1995 Amended December 13, 2000 <i>Amended August 13, 2003</i>
3-1-065.	Permit review by the EPA and affected states	Adopted November 3, 1993 <i>Amended August 13, 2003</i>
3-1-070.	Permit application grant or denial	Adopted June 29, 1993 Amended November 3, 1993
3-1-080.	Appeals to the Hearing Board	Adopted June 29, 1993 Amended November 3, 1993 Amended February 22, 1995
3-1-081.	Permit conditions	Adopted November 3, 1993 Amended August 11, 1994 Amended February 22, 1995 <i>Amended May 27, 1998</i> <i>Amended August 13, 2003</i>

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3-1-082.	Emission standards and limitations	Adopted November 3, 1993
3-1-083.	Compliance provisions	Adopted November 3, 1993 Amended February 22, 1995 <i>Amended August 13, 2003</i>
3-1-084. to 3-2-177	NO CHANGE	
3-2-180.	Facility changes allowed without permit revisions	Adopted November 3, 1993 <i>Amended August 13, 2003</i>
3-2-185.	Administrative permit amendments	Adopted November 3, 1993 <i>Amended August 13, 2003</i>
3-2-190.	Minor permit revisions	Adopted November 3, 1993 <i>Amended August 13, 2003</i>
3-2-195.	Significant permit revisions	Adopted November 3, 1993 <i>Amended May 27, 1998</i> <i>Amended July 29, 1998</i> <i>Amended August 13, 2003</i>
3-3-200. to 3-3-285	NO CHANGE	
3-4-420.	Standards of Conditional Orders	Adopted June 29, 1993 Amended November 3, 1993 <i>Amended May 27, 1998</i> <i>Amended August 13, 2003</i>
3-4-430. to 3-7-577	NO CHANGE	
<u>3-7-578</u>	<u>Fee Increases: Effective Date: Phase-In</u>	<i><u>Adopted August 13, 2003</u></i>
3-7-580.	Application filing deposit fee for new sources	Adopted November 3, 1993 <i>Amended August 13, 2003</i>
3-7-585.	Annual fee adjustment	Adopted November 3, 1993
3-7-590.	Class A I permit fees	Adopted November 3, 1993 Amended February 22, 1995 <i>Amended June 20, 1996</i> <i>Amended May 14, 1997</i> <i>Amended August 13, 2003</i>

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3-7-591.	<i>Fees for sources operating under a unitary permit on June 20, 1996, which sources are subject to or deemed subject to a permit</i>	<i>Adopted June 20, 1996 Amended August 13, 2003</i>
3-7-595.	Annual reporting of Class A I permit fees and costs	Adopted November 3, 1993 <i>Amended August 13, 2003</i>
3-7-600.	Class B II permit and inspection fees	Adopted November 3, 1993 Amended February 22, 1995 <i>Amended October 12, 1995 Amended June 20, 1996 Amended August 13, 2003</i>
3-7-610.	General permit fees - Class I sources	Adopted November 3, 1993 Amended February 22, 1995 <i>Amended October 12, 1995 Amended June 20, 1996 Amended May 14, 1997 Amended August 13, 2003</i>
3-7-612.	General permit fees - Class II sources	Adopted February 22, 1995 <i>Amended October 12, 1995 Amended June 20, 1996 Repealed August 13, 2003</i>
3-7-620.	Annual permit fee payment	Adopted November 3, 1993 Amended February 22, 1995 <i>Amended October 12, 1995 Amended June 20, 1996 Amended August 13, 2003</i>
3-7-625.	Permit fee accounts	Adopted November 3, 1993 <i>Amended August 13, 2003</i>
3-7-630.	Accelerated application processing fee	Adopted November 3, 1993 <i>Amended August 13, 2003</i>
3-7-640.	Review of final bill	Adopted November 3, 1993 <i>Amended July 12, 2000</i>
3-7-650.	Hourly rate and late fee charge	Adopted November 3, 1993 Amended February 22, 1995 <i>Amended August 13, 2003</i>
3-7-660. to 9-1-080.	NO CHANGE	

Appendix A	Permit Application Form and Filing Instructions	Adopted November 3, 1993 <i>Amended May 14, 1997</i> <i>Amended July 12, 2000</i> <i>Amended August 13, 2003</i>
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[Adopted June 25, 1997. Amended May 27, 1998 and ratified July 29, 1998. Amended July 29, 1998 and July 12, 2000. Amended December 13, 2000. Amended August 13, 2003.]

CHAPTER 3. PERMITS AND PERMIT REVISIONS

ARTICLE 1. GENERAL PROVISIONS RELATING TO PERMITS AND PERMIT REVISIONS

3-1-010. Purpose – NO CHANGE

3-1-020. Adopted documents – NO CHANGE

3-1-030. Definitions

For the purpose of this chapter, the following definitions shall apply:

1. **AFFECTED SOURCE** - A source that includes one or more units which are subject to emission reduction requirements or limitations under Title IV of the Clean Air Act (1990).
2. **AFFECTED STATE** - Any state whose air quality may be affected and that is contiguous to Arizona; or that is within 50 miles of the permitted source.
3. **ALTERNATIVE METHOD** - Any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to produce results adequate for the Control Officer's determination of compliance in accordance with §3-1-160.D.
- 3a. **BILLABLE PERMIT ACTION** - the issuance or denial of a new permit, significant permit revision, or minor permit revision, or the renewal of an existing permit.
4. **COMPLETE** - In reference to an application for a permit or permit revision, complete shall mean that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the Control Officer from requesting or accepting any additional information.
5. **DISPERSION TECHNIQUE** - Any technique which attempts to affect the concentration of a pollutant in the ambient air by:
 - a. Using that portion of a stack, which exceeds good engineering practice stack height.
 - b. Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant.
 - c. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, combining exhaust gases from several existing stacks into one stack, or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. The preceding sentence does not include:
 - i. The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream.
 - ii. The merging of exhaust gas streams where:
 - (1) The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams.
 - (2) After July 8, 1983, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of dispersion techniques shall apply only to the emission limitation for the pollutant affected by such change in operation; or
 - (3) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the reviewing agency shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the reviewing agency shall deny credit for the effects of such merging in calculating the allowable emissions for the source.

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- iii. Smoke management in agricultural or silvicultural prescribed burning programs.
 - iv. Episodic restrictions on residential woodburning and open burning.
 - v. Techniques under paragraph (c) above which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.
- 5a. EMISSIONS ALLOWABLE UNDER THE PERMIT - An enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or an enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.
6. EQUIPMENT USED IN NORMAL FARM OPERATIONS - Equipment used directly on farm property for tilling, disking, fertilizing, harvesting, feeding, weed and pest controlling, crop or animal handling, milking, sheep shearing, irrigating, or other direct farm operation for over 50% of its use. Fuel storage vessels are considered farm equipment if they meet all of the following conditions:
- a. Contain diesel, unleaded or leaded gasoline, propane or butane.
 - b. Are located on farm property, which is zoned for agricultural use and assessed for property tax purposes as being used for agricultural uses.
 - c. Have total capacities not more than 12,000 gallons for diesel, 8,000 gallons for gasoline, 2,000 gallons for propane or butane.
 - d. Are used to fuel equipment used on the same farm property on which they are located. Equipment used on a farm for a purpose, which is normally done off farm property by a farm support company is not considered farm equipment for normal farm operations. Examples include but are not limited to long term grain storage, cotton ginning, repair services, and irrigation wells and equipment not located on the farm which they irrigate.
7. EXISTING STACK - The owner or operator had:
- a. Begun, or caused to begin, a continuous program of physical on-site construction of the stack; or
 - b. Entered into binding agreements or contractual obligations, which could not be canceled 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.
8. FINAL PERMIT - The version of a permit issued by the District after completion of all review required by this Code.
- 8a. GASOLINE DISPENSING OPERATION - All gasoline dispensing tanks and associated equipment located on one or more contiguous or adjacent properties under the control of the same person (or persons under common control). These sources shall be permitted as a Title V, General, and Non-Title V source, according to the number of nozzles, the gasoline throughput, and vapor recovery systems.
9. GOOD ENGINEERING PRACTICE (GEP) STACK HEIGHT - A stack height meeting the requirements described in §3-1-177.
10. HIGH TERRAIN - Any area having an elevation of 900 feet or more above the base of the stack of a source.
11. INNOVATIVE CONTROL TECHNOLOGY - Any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice, and of achieving at least comparable reductions at lower cost in terms of energy, economics, or nonair quality environmental impacts.
12. LOW TERRAIN - Any area other than high terrain.
13. LOWEST ACHIEVABLE EMISSION RATE (LAER) - For any source, the more stringent rate of emissions based on the following:
- a. The most stringent emissions limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or
 - b. The most stringent emissions limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within a stationary source. In no event shall the application of the term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance or national emission standard for a hazardous air pollutant.
- 13a. MINOR SCREENING SOURCE – A source that requires a permit under Code §3-1-040, but which does not have an uncontrolled potential to emit that exceeds the significant emission rates defined in Code §1-3-140.121.
- 13b. NAICS – the 5 or 6-digit North American Industry Classification System- United States, 1997, number for industries used by the U.S. Department of Commerce.
- 13c. PERMIT PROCESSING TIME – all time spent by the air quality staff on tasks specifically related to the processing of an application for the issuance, or renewal of a particular permit or permit revision, including time spent processing an application that is denied.
14. PORTABLE SOURCE - Any building, structure, facility or installation subject to regulation pursuant to A.R.S. § 49-480 (1992) which emits or may emit any air pollutant and is capable of being operated at more than one location.

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15. PROPOSED PERMIT - The version of a permit for which the Control Officer offers public participation under §3-1-107 or affected state review pursuant to §3-1-065.E.
16. PROPOSED FINAL PERMIT - The version of a Class A permit that the District proposes to issue and forwards to the Administrator for review in compliance with §3-1-065.A.
- 16a. QUALIFYING GENERAL SOURCE – A source that meets the applicability requirements for an ADEQ general permit issued under A.A.C. R18-2-501 through R18-2-511.
17. REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) - For sources subject to Chapter 5. of this Code, the emissions limitation of the source performance standard. For sources not subject to Chapter 5. of this Code, the lowest emission limitation that a particular source is capable of achieving by the application of control technology that is reasonably available considering technological and economic feasibility. Such technology may previously have been applied to a similar, but not necessarily identical, source category. RACT for a particular source is determined on a case-by-case basis, considering the technological feasibility and cost-effectiveness of the application of the control technology to the source category.
18. RESPONSIBLE OFFICIAL - One of the following:
- a. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - i. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - ii. The delegation of authority to such representatives is approved in advance by the Control Officer;
 - b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
 - c. For a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this Code, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency; or
 - d. For affected sources:
 - i. The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Clean Air Act (1990) or the regulations promulgated thereunder are concerned; and
 - ii. The designated representative for any other purposes under 40 C.F.R. Part 70 (1992).
19. SIGNIFICANCE LEVELS - The following ambient concentrations for the enumerated pollutants:

Pollutant	Averaging Time				
	Annual	24-hour	8-hour	3-hour	1-hour
SO ₂	1 µg/m ³	5 µg/m ³		25 µg/m ³	
NO ₂	1 µg/m ³				
CO			0.5 mg/m ³		2 mg/m ³
PM ₁₀	1 µg/m ³	5 µg/m ³			

Except for the annual pollutant concentrations, exceedance of significance levels shall occur when the ambient concentrations of the above pollutants will be exceeded more than once per year at any one location. Significance levels shall be deemed not to have been exceeded for any of the above-enumerated pollutants if such concentrations occur at a specific location and at a time when Arizona ambient air quality standards for such pollutant would not be violated.

20. SMALL SOURCE - a source with a potential to emit, without controls, less than the rate defined as significant in §1-3-140 (#121), but required to obtain a permit solely because it is subject to a standard under 40 CFR 63.
- 20a. SPRAY OPERATIONS (MEDIUM) - A facility that has a potential to emit above any relevant major source threshold as a result of the use of spray equipment, but which has accepted a permit limitation capping allowable emissions from those operations below 25% of all relevant major source thresholds.

20b. SPRAY OPERATIONS (SMALL) - A facility that has a potential to emit above any relevant major source threshold as a result of the use of spray equipment, but which has accepted a permit limitation capping allowable emissions from those operations below 3% of all relevant major source thresholds.

21. SYNTHETIC MINOR SOURCES – those sources with voluntary permit limitations adopted pursuant to Code §3-1-084. For fee purposes, “synthetic minor sources” means those sources with permit limitations configured to avoid triggering additional applicable requirements, and having at least one permit-defined cap that allows emissions exceeding 50% of a major source threshold.

[Adopted effective June 29, 1993. Amended effective November 3, 1993. Amended August 13, 2003.]

3-1-040. Applicability and classes of permits

A. Except as otherwise provided in this chapter, no person shall commence construction of, operate, or make a modification to any source subject to regulation under this chapter, without first obtaining a permit or permit revision from the Control Officer.

B. There shall be ~~two~~ three classes of permits as follows:

1. Class ~~A I~~ permits shall be required for persons proposing to commence construction of or operate any of the following sources:

- a. Any major source.
- b. Any source, including an area source, subject to a standard, limitation, or other requirement under §111 of the Clean Air Act (1990) that has been adopted as an element of this Code, provided that the obligation under this subparagraph does not extend to any source which has been exempted by the Administrator from a Title V permit requirement or for which the Administrator has allowed a deferral of a Title V permit requirement, but then only for the duration of the allowable deferral period.
- c. Any source, including an area source, subject to a standard or other requirement under §112 of the Clean Air Act (1990) that has been adopted as an element of this Code, provided that the obligation under this subparagraph does not extend to any source which has been exempted by the Administrator from a Title V permit requirement or for which the Administrator has allowed a deferral of a Title V permit requirement, but then only for the duration of the allowable deferral period, and further provided that a source is not required to obtain a permit solely because it is subject to regulations or requirements under §112(r) of the Clean Air Act (1990).
- d. An affected source.
- e. Solid waste incineration units required to obtain a permit pursuant to §129(e) of the Clean Air Act (1990).
- f. Any source in a source category designated by the Administrator and adopted by the Control Officer by rule.

2. Unless a Class ~~A I~~ permit is required, Class ~~B II~~ permits shall be required for:

- a. A person to commence construction of or operate any of the following:
 - i. Any source that has the potential to emit greater than *de minimis* amounts of regulated air pollutants.
 - ii. Any source, including an area source, subject to a standard, limitation, or other requirement under §111 of the Clean Air Act (1990).
 - iii. Any source, including an area source, subject to a standard or other requirement under §112 of the Clean Air Act (1990), further provided that a source is not required to obtain a permit solely because it is subject to regulations or requirements under §112(r) of the Clean Air Act (1990).
 - iv. Any source subject to a standard of performance under Chapter 5 of this Code.
 - v. Any source burning used oil, used oil fuel, hazardous waste or hazardous waste fuel.
 - vi. Incinerators.
 - vii. Fuel burning equipment, other than incinerators, fired with a fuel other than commercial natural gas or propane, and rated at more than 500,000 Btu per hour.
 - viii. Fuel burning equipment fired with commercial natural gas or propane, and rated at more than 2,500,000 BTU per hour.
- b. A person to make a modification to a source which would cause it to emit, or have the potential to emit, quantities of regulated air pollutants greater than those specified in Paragraph a.i. of this subdivision, unless such modification is authorized by other provisions of this Code.

3. A Class III or “minor screening” permit shall be required for:

- a. Facilities or sources that require a permit under Code §3-1-040, but which do not have an uncontrolled potential to emit that exceeds the significant emissions rates defined §1-3-140.121.
- b. Facilities or sources that have an uncontrolled potential to emit in excess of the “de minimis” amount of emissions as defined in §1-3-140 (37) but do not qualify for the requirements of a Class I or II permits as defined in §3-1-040 B. (1) & (2).

C. Exemptions.

1. Unless the source is a major source, or unless operation without a permit would result in a violation of the Clean Air Act (1990), the provisions of this chapter shall not apply to the following sources:

- a. Sources subject to 40 CFR Part 60, Subpart AAA, “Standards of Performance for New Residential Wood Heaters.”

- b. Sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR §61.145.
 - c. Agricultural equipment used in normal farm operations. "Agricultural equipment used in normal farm operations" does not include equipment that would be classified as a source that would require a permit under Title V of the Clean Air Act (1990), or would be subject to a standard under 40 CFR Parts 60 or 61.
- D. No person may construct or reconstruct any major source of hazardous air pollutants, unless the Control Officer determines that maximum achievable control technology limitation (MACT) for new sources under section 112 of the Act will be met. Where MACT has not been established by the Administrator, such determination shall be made on a case-by-case basis pursuant to 40 CFR §§63.40 through 63.44, as incorporated by reference in Code §7-1-030.B. For purposes of this subsection, constructing and reconstructing a major source shall have the meanings prescribed in 40 CFR §63.41.
- [Adopted effective November 3, 1993. Amended February 22, 1995. Amended October 12, 1995. Tentatively revised as indicated on 5/14/97; revisions remain contingent upon corresponding EPA-approval of a revision to the SIP as EPA-approved at 61 FR 15717 (4/9/96). Revised May 27, 1998 and ratified July 29, 1998; Revised on July 12, 2000, revisions remain contingent upon corresponding EPA-approval of a revision to the SIP as EPA-approved at 61 FR 15717 (4/9/96) and the District's Title V program as approved at 61 Fed. Reg. 55910 (10/30/96). Amended August 13, 2003.]

3-1-042. Operating authority and obligations for a source subject to permit reopening – NO CHANGE

3-1-045. Transition from installation and operating permit program

- A. In accordance with the provisions of Arizona Session Laws 1992, Chapter 299, Section 65, a valid Installation Permit or Permit to Operate issued by the Control Officer before November 3, 1993 and the authority to operate continues in effect until either of the following occurs:
- 1. The Installation Permit or Permit to Operate is terminated.
 - 2. The Control Officer issues or denies a Class **A I** or Class **B II** permit to the source.
- B. Any Installation Permit or Permit to Operate issued after September 1, 1993 shall be effective for such term as is specified in the permit.
- C. Unless otherwise required by §3-1-050.C.3., all sources requiring Class **A I** permits, which sources hold valid Installation Permits or Permits to Operate issued by the Control Officer before November 3, 1993, shall submit permit applications within 180 days of receipt of written notice from the Control Officer that an application is required, but in no case may the application be submitted any later than 12 months after the date the Administrator approves this Code as an operating permit program under Title V of the Clean Air Act (1990).
- D. All sources that are in existence on November 3, 1993 holding valid Installation Permits or Permits to Operate issued by the Control Officer and requiring Class **B II** permits, shall submit permit applications to the Control Officer within 90 days of receipt of written notice from the Control Officer that an application is required.
- E. Unless otherwise provided, §§3-1-087 through 3-1-090 and §§3-2-180 through 3-2-195 shall apply to sources with Installation Permits and Permits to Operate.
- F. Sources in existence on November 3, 1993 not holding valid Permits to Operate or Installation Permits, and which have not applied for a Class **A I** or Class **B II** permit pursuant to this Code shall submit applications for the applicable Class **A I** or **B II** permit to the Control Officer within the following time frames:
- 1. For sources requiring Class **A I** permits, within 180 days of receipt of written notice from the Control Officer that an application is required.
 - 2. For sources requiring Class **B II** permits, within 90 days of receipt of written notice from the Control Officer that an application is required.
 - 3. For purposes of this section, written notice shall include, but not be limited to, a written warning, notice of violation, or order issued by the Control Officer for constructing or operating an emission source without a permit. Such a source shall be considered to be in violation of this Code on each day of operation or each day during which construction continues, until a permit is granted.
- G. Any application for a Permit to Operate or an Installation Permit that is determined to be complete prior to November 3, 1993 but for which no permit has been issued shall be considered complete for the purposes of this section. In issuing a permit pursuant to such an application, the Control Officer shall include in the permit all elements addressed in the application and a schedule of compliance for submitting an application for a permit revision to address the elements required to be in the permit that were not included in the Permit to Operate or Installation Permit application. No later than 6 months after November 3, 1993, the Control Officer shall take final action on a Permit to Operate application or an Installation Permit application determined to be complete prior to November 3, 1993.

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended August 13, 2003.]

3-1-050. Permit application requirements

- A. Unless otherwise noted, this section applies to each source requiring a Class **A I** or **B II** permit or permit revision.
- B. To apply for a Class **A I** permit, applicants shall complete the "Permit Application Form" and supply all information required by the "Filing Instructions" as shown in Appendix A.

- C. Unless otherwise required by §3-1-045, a timely application is:
1. For a source, other than a major source, applying for a permit for the first time, one that is submitted within 12 months after the source becomes subject to the permit program.
 2. For purposes of a Class **A I** permit renewal, a timely application is one that is submitted at least 6 months, but not greater than 18 months prior to the date of permit expiration.
 3. For purposes of a Class **B II** permit renewal, a timely application is one that is submitted at least 3 months, but not greater than 12 months prior to the date of permit expiration.
 4. For initial Phase II acid rain permits required pursuant to §3-6-565, one that is submitted to the Control Officer by January 1, 1996 for sulfur dioxide, and by January 1, 1998 for nitrogen oxides.
 5. Any existing source which becomes subject to a standard promulgated by the Administrator pursuant to §112(d) of the Clean Air Act (1990) shall, within twelve months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard.
- D. If an applicable implementation plan allows the determination of an alternate emission limit, a source may, in its application, propose an emission limit that is equivalent to the emission limit otherwise applicable to the source under the applicable implementation plan. The source shall also demonstrate that the equivalent limit is quantifiable, accountable, enforceable and subject to replicable compliance determination procedures.
- E. Permit applications need not provide emissions data regarding insignificant activities. Activities which are insignificant pursuant to §1-3-140 need only be listed in Class **A I** permit applications.
- F. If a permit applicant requests terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements, the permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable.
- G. A source that has submitted information with a Class **A I** permit application under a claim of confidentiality pursuant to A.R.S. § 49-487 (1992) and §3-1-120 of this Code shall submit a copy of such claim and such information directly to the Administrator.
- H. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a proposed permit.
- [Adopted effective November 3, 1993. Amended February 22, 1995. Amended October 12, 1995. Amended August 13, 2003.]

3-1-055. Completeness determination

- A. Unless otherwise noted, this section applies to each source requiring a Class **A I** or **B II** permit or permit revision.
- B. A complete application is one that satisfies all of the following:
1. To be complete, an application shall provide all information required pursuant to §3-1-050.B. Applications for permit revisions need supply such information only if it is related to the proposed change, unless the source's proposed permit revision will revise its permit from a Class **B II** permit to a Class **A I** permit. A responsible official shall certify the submitted information consistent with §3-1-175.
 2. An application for a new permit or permit revision shall contain an applicability assessment of the requirements of Article 3 of this chapter. If the applicant determines that the proposed new source is a major source as defined in §3-3-203, or the proposed permit revision constitutes a major modification as defined in §1-3-140.78, then the application shall comply with all applicable requirements of Article 3.
 3. An application for a new permit or a permit revision shall contain an applicability assessment of the requirements of Chapter 7 of this Code. If the applicant determines that the proposed new source permit or permit revision is subject to the requirements of Chapter 7 of this Code, the application shall comply with all applicable requirements of Chapter 7.
 4. Except for proposed new major sources or major modifications subject to the requirements of Article 3 of this chapter, an application for a new permit, a permit revision, or a permit renewal shall be deemed to be complete unless the Control Officer notifies the applicant by certified mail that the application is not complete within 60 days of receipt of the application. For purposes of sources subject to the requirements of Article 3 of this chapter, the Class **A I** permit application will be deemed to be submitted on the date that the completeness determination is made pursuant to Article 3 of this chapter.
 5. If, while processing an application that has been determined or deemed to be complete, the Control Officer determines that additional information is necessary to evaluate or take final action on that application, the Control Officer may request such information in writing, delivered by certified mail and set a reasonable deadline for a response. Except for minor permit revisions as set forth in §3-2-190, a source's ability to operate without a permit, as set forth in this chapter, shall be in effect from the date the application is determined to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the Control Officer. If the Control Officer notifies an applicant that its application is not complete under Subdivision 3.

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above, the application may not be deemed automatically complete until an additional 60 days after the next submittal by the applicant. The Control Officer may, after one submittal by the applicant pursuant to this subdivision, reject an application that is determined to be still incomplete and shall notify the applicant of the decision by certified mail.

6. The completeness determination shall not apply to revisions processed through the minor permit revision process.

[Adopted effective November 3, 1993. Revised May 27, 1998 and ratified July 29, 1998; revisions remain contingent upon corresponding EPA-approval of a revision to the SIP as EPA-approved at 61 FR 15717 (4/9/96) and the District's Title V program as approved at 61 Fed. Reg. 55910 (10/30/96). Amended August 13, 2003.]

3-1-060. Permit application review process

- A. Unless otherwise noted, this section applies to each source requiring a Class **A I** or **B II** permit or permit revision.

B. Action on application.

1. The Control Officer shall issue or deny each permit according to the provisions of §3-1-070. The Control Officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.
 2. In addition, a permit may be issued, revised, or renewed only if all of the following conditions have been met:
 - a. The application received by the Control Officer for a permit, permit revision, or permit renewal shall be complete according to §3-1-055.
 - b. Except for revisions qualifying as administrative or minor under §§3-2-185 and 3-2-190, all of the requirements for public notice and participation under §3-1-107 shall have been met.
 - c. For Class **A I** permits, the Control Officer shall have complied with the requirements of §3-1-065 for notifying and responding to affected States, and if applicable, other notification requirements of §§3-3-210.2.e. and 3-3-280.C.2.
 - d. For Class **A I** and **B II** permits, the conditions of the permit shall require compliance with all applicable requirements.
 - e. For permits for which an application is required to be submitted to the Administrator under §3-1-065.A., and to which the Administrator has properly objected to its issuance in writing within 45 days of receipt of the proposed final permit and all necessary supporting information from the Department, the Control Officer has revised and submitted a proposed final permit in response to the objection and EPA has not objected to this proposed final permit.
 - f. For permits to which the Administrator has objected to issuance pursuant to a petition filed under 40 CFR §70.8(d) (1992), the Administrator's objection has been resolved.
 3. Omitted from original.
 4. Omitted from original.
 5. The Control Officer shall provide a statement that sets forth the legal and factual basis for the proposed permit conditions including references to the applicable statutory or regulatory provisions. For Class **A I** permits, the Control Officer shall send this statement to the Administrator and for both Class **A I** and **B II** permits, to any other person who requests it.
 6. Except as provided in 40 CFR §70.4(b)(11) (1992), §§3-1-045 and 3-3-210, regulations promulgated under Title IV or V of the Clean Air Act (1990), or the permitting of affected sources under the acid rain program, the Control Officer shall take final action on each permit application (and request for revision or renewal) within 18 months after receiving a complete application.
 7. Priority shall be given by the Control Officer to taking action on applications for construction or modification submitted pursuant to Title I, Parts C and D of the Clean Air Act (1990).
 8. A proposed permit decision shall be published within 9 months of receipt of a complete application and any additional information requested pursuant to §3-1-055.B.5. to process the application. The Control Officer shall provide notice of the decision as provided in §3-1-107 and any public hearing shall be scheduled as expeditiously as possible.
- C. Except as noted under the provisions in §§3-2-180, 3-2-185 and 3-2-190, no source may operate after the time that it is required to submit a timely and complete application, except in compliance with a properly issued permit. However, if a source submits a timely and complete application for permit issuance, revision or renewal, the source's failure to have a permit is not a violation of this Code until the Control Officer takes final action on the application. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the Control Officer, any additional information identified as being needed to process the application.

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended August 13, 2003.]

3-1-065. Permit review by the EPA and affected states

- A. Except as provided in §3-1-050.G. and as waived by the Administrator, for each Class **A I** permit, a copy of each of the following shall be provided to the Administrator as follows:

1. The applicant shall provide a complete copy of the application including any attachments, compliance plans and other information required by §3-1-055 at the time of submittal of the application to the Control Officer.
2. The Control Officer shall provide the proposed final permit after public and affected state review.
3. The Control Officer shall provide the final permit at the time of issuance.
- B. The Control Officer may require the application information to be submitted in a computer-readable format compatible with the Administrator's national database management system.
- C. The Control Officer shall keep all records associated with all permits for a minimum of five years from issuance.
- D. No permit for which an application is required to be submitted to the Administrator under Subsection A. of this section shall be issued if the Administrator properly objects to its issuance in writing within 45 days of receipt of the proposed permit from the District and all necessary supporting information.
- E. Review by Affected States.
 1. For each Class A I permit, the Control Officer shall provide notice of each proposed permit to any affected state on or before the time that the Control Officer provides this notice to the public as required under §3-1-107 except to the extent §3-2-190 requires the timing of the notice to be different.
 2. If the Control Officer refuses to accept a recommendation of any affected state submitted during the public or affected state review period, the Control Officer shall notify the Administrator and the affected state in writing. The notification shall include the Control Officer's reasons for not accepting any such recommendation, and shall be provided to the Administrator as part of the submittal of the proposed final permit. The Control Officer shall not be required to accept recommendations that are not based on federal applicable requirements or requirements of State law.
- F. Any person who petitions the Administrator pursuant to 40 CFR §70.8(d) (1992) shall notify the District by certified mail of such petition as soon as possible, but in no case more than 10 days following such petition. Such notice shall include the grounds for objection and whether such objections were raised during the public comment period. A petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day administrative review period and prior to the Administrator's objection.
- G. If the Control Officer has issued a permit prior to receipt of the Administrator's objection under this section, and the Administrator indicates that it should be revised, terminated, or revoked and reissued, the Control Officer shall respond consistent with §3-1-087 and may thereafter issue only a revised permit that satisfies the Administrator's objection. In any case, the source shall not be in violation of the requirement to have submitted a timely and complete application.
- H. Prohibition on Default Issuance.
 1. No Class A I permit, including a permit renewal or revision, shall be issued until affected states and the Administrator have had an opportunity to review the proposed permit.
 2. No permit or renewal shall be issued unless the Control Officer has acted on the application.

[Adopted effective November 3, 1993. Amended August 13, 2003.]

3-1-070. Permit application grant or denial – NO CHANGE

3-1-080. Appeals to the Hearing Board – NO CHANGE

3-1-081. Permit conditions

- A. Each permit issued shall include the following elements:
 1. The date of issuance and the permit term.
 2. Enforceable emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of issuance.
 - a. The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.
 - b. The permit shall state that, where an applicable requirement of the Clean Air Act (1990) is more stringent than an applicable requirement of regulations promulgated under Title IV of the Clean Air Act (1990), both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.
 - c. Any permit containing an equivalency demonstration for an alternative emission limit submitted pursuant to §3-1-050.D. shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.
 - d. The permit shall specify applicable requirements for fugitive emission limitations, regardless of whether the source category in question is included in the list of sources contained in the definition of major source in §1-3-140.
 - e. Emission limitations for batch processors shall be based on worst-case operational scenarios as adequately demonstrated by the permit applicant.
 3. Each permit shall contain the following requirements with respect to monitoring:
 - a. All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to §§114(a)(3) or 504(b) of the Clean Air Act (1990);
 - b. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitor-

- ing (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit as reported pursuant to Subdivision A.4. of this section. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph; and
- c. As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.
4. With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements and require, where applicable, the following:
 - a. Records of required monitoring information that include the following:
 - i. The date, place as defined in the permit, and time of sampling or measurements;
 - ii. The date(s) analyses were performed;
 - iii. The company or entity that performed the analyses;
 - iv. The analytical techniques or methods used;
 - v. The results of such analyses; and
 - vi. The operating conditions as existing at the time of sampling or measurement;
 - b. Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
 5. With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:
 - a. Submittal of reports of any required monitoring at least every 6 months. All instances of deviations from permit requirements shall be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with §§3-1-175 and 3-1-083.A.5.
 - b. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Within a permit the Control Officer shall define "prompt" in relation to the degree and type of deviation likely to occur and the applicable requirements, provided that no report under this subparagraph shall be due sooner than two days after the upset event, nor later than ten days after the upset event.
 6. A permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Clean Air Act (1990) or the regulations promulgated thereunder and incorporated pursuant to §3-6-565.
 - a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement.
 - b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to non-compliance with any other applicable requirement.
 - c. Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Clean Air Act (1990).
 - d. Any permit issued pursuant to the requirements of this chapter and Title V of the Clean Air Act (1990) to a unit subject to the provisions of Title IV of the Clean Air Act (1990) shall include conditions prohibiting all of the following:
 - i. Annual emissions of sulfur dioxide in excess of the number of allowances to emit sulfur dioxide held by the owners or operators of the unit or the designated representative of the owners or operators.
 - ii. Exceedances of applicable emission rates.
 - iii. The use of any allowance prior to the year for which it was allocated.
 - iv. Contravention of any other provision of the permit.
 7. A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portion of the permit.
 8. Provisions stating the following:
 - a. The permittee shall comply with all conditions of the permit. The permit shall contain all applicable requirements of Arizona air quality statutes and the air quality rules. Any permit noncompliance constitutes a violation of the Clean Air Act (1990) and is grounds for enforcement action; for a permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.
 - b. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

- c. The permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
 - d. The permit does not convey any property rights of any sort, or any exclusive privilege.
 - e. The permittee shall furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Control Officer copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee shall furnish such records directly to the Administrator along with a claim of confidentiality.
9. A provision to ensure that the source pays fees to the Control Officer pursuant to Article 7 of this chapter.
 10. A provision stating that no permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit.
 11. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Control Officer. Such terms and conditions:
 - a. Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;
 - b. Shall extend the permit shield described in §3-1-102 to all terms and conditions under each such operating scenario; and
 - c. Shall ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of this chapter.
 12. Terms and conditions, if the permit applicant requests them, as approved by the Control Officer, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:
 - a. Shall include all terms required under Subsections A. and C. of this section to determine compliance;
 - b. May extend the permit shield described in Subsection D. of this section to all terms and conditions that allow such increases and decreases in emissions; and
 - c. Shall meet all applicable requirements and requirements of this chapter.
 13. Terms and conditions, if the permit applicant requests them and they are approved by the Control Officer, setting forth intermittent operating scenarios including potential periods of downtime. If such terms and conditions are included, the county's emissions inventory shall not reflect the zero emissions associated with the periods of downtime.
 14. If a permit applicant requests it, the Control Officer shall issue permits that contain terms and conditions allowing for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The Control Officer shall not be required to include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements. Changes made under this subparagraph shall not include modifications under any provision of Title I of the Act and may not exceed emissions allowable under the permit.
- B. Federally-enforceable requirements.
1. All terms and conditions in a Class A I permit, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator and citizens under the Clean Air Act (1990).
 2. Notwithstanding Subdivision B.1. of this section, the Control Officer shall specifically designate as not being federally enforceable under the Clean Air Act (1990) any terms and conditions included in the permit that are not required under the Clean Air Act (1990) or under any of its applicable requirements, provided that no such designation shall extend to any provision electively designated as federally enforceable pursuant to §3-1-084.
- C. All permits shall contain a compliance plan that meets the requirements of §3-1-083.
- D. Each permit shall include the applicable permit shield provisions set forth in §3-1-102.
- E. Emergency provision
1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
 2. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Subdivision 3. of this subsection are met.
 3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating

logs, or other relevant evidence that:

- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. The permittee submitted notice of the emergency to the Control Officer by certified mail or hand delivery within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of Paragraph A.5.b. of this section. The notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective action taken.
4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.
- F. A Class ~~A I~~ permit issued to a major source shall require that revisions be made pursuant to §3-1-087 to incorporate additional applicable requirements adopted by the Administrator pursuant to the Clean Air Act (1990) that become applicable to a source with a permit with a remaining permit term of three or more years. No revision shall be required if the effective date of the applicable requirement is after the expiration of the permit. The revisions shall be made as expeditiously as practicable, but not later than eighteen months after the promulgation of such standards and regulations. Any permit revision required pursuant to this section shall comply with provisions in §3-1-089 for permit renewal and shall reset the permit term.
- G. Any permit issued by the Control Officer to any person burning used oil, used oil fuel, hazardous waste, or hazardous waste fuel under this subsection shall contain, at a minimum, conditions governing:
1. Limitations on the types, amounts and feed rates of used oil, used oil fuel, hazardous waste or hazardous waste fuel which may be burned.
 2. The frequency and type of fuel testing to be conducted by the person.
 3. The frequency and type of emissions testing or monitoring to be conducted by the person.
 4. Requirements for record keeping and reporting.
 5. Numeric emission limitations expressed in pounds per hour and tons per year for air contaminants to be emitted from the facility burning used oil, used oil fuel, hazardous waste or hazardous waste fuel.
- H. The Control Officer may waive specific requirements of this section for Class ~~B II~~ permits if the Control Officer determines that the conditions would be unnecessary or unreasonable for a particular source or category of sources.

[Adopted effective November 3, 1993, Amended August 11, 1994. Amended February 22, 1995. Revised May 27, 1998 and ratified July 29, 1998; revisions remain contingent upon corresponding EPA-approval of a revision to the SIP as EPA-approved at 61 FR 15717 (4/9/96) and the District's Title V program as approved at 61 Fed. Reg. 55910 (10/30/96). Amended August 13, 2003.]

3-1-082. Emission standards and limitations – NO CHANGE

3-1-083. Compliance provisions

- A. Subject only to the limitation of subsection C. of this section, all permits shall contain the following elements with respect to compliance:
1. The following monitoring requirements sufficient to assure compliance with the terms and conditions of the permit:
 - a. All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to §§114(a)(3) or 504(b) of the Clean Air Act (1990);
 - b. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to Subdivision 3. of this subsection. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement; and
 - c. As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.
 2. All applicable recordkeeping requirements and require, where applicable, the following:
 - a. Records of required monitoring information that include the following:
 - i. The date, place as defined in the permit, and time of sampling or measurements;
 - ii. The date(s) analyses were performed;
 - iii. The company or entity that performed the analyses;
 - iv. The analytical techniques or methods used;
 - v. The results of such analyses; and

- vi. The operating conditions as existing at the time of sampling or measurement;
- b. Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings or physical records for continuous monitoring instrumentation, and copies of all reports required by the permit.
- 3. With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:
 - a. Submittal of reports of any required monitoring at least every 6 months. All instances of deviations from permit requirements shall be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with Subdivision 5. of this subsection.
 - b. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Within the permit, the Control Officer shall define “prompt” in relation to the degree and type of deviation likely to occur and the applicable requirements.
- 4. Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:
 - a. The frequency for submissions of compliance certifications, which shall not be less than annually;
 - b. The means to monitor the compliance of the source with its emissions limitations, standards, and work practices;
 - c. A requirement that the compliance certification include the following:
 - i. The identification of each term or condition of the permit that is the basis of the certification;
 - ii. The compliance status;
 - iii. Whether compliance was continuous or intermittent;
 - iv. The method(s) used for determining the compliance status of the source, currently and over the reporting period; and
 - v. Other facts as the Control Officer may require to determine the compliance status of the source.
 - d. A requirement that all compliance certifications be submitted to the Control Officer, and for Class A I permits, to the Administrator as well.
 - e. Such additional requirements as may be specified pursuant to §§114(a)(3) and 504(b) of the Clean Air Act (1990).
- 5. Any document required to be submitted by a permit, including reports, shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this chapter shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- 6. Inspection and entry provisions which require that upon presentation of proper credentials, the permittee shall allow the Control Officer to:
 - a. Enter upon the permittee’s premises where a source is located or emissions-related activity is conducted, or where records are required to be kept under the conditions of the permit;
 - b. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;
 - c. Inspect, during normal business hours or while the source is in operation, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
 - d. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements; and
 - e. To record any inspection by use of written, electronic, magnetic and photographic media.
- 7. A compliance plan that contains all the following:
 - a. A description of the compliance status of the source with respect to all applicable requirements.
 - b. A description as follows:
 - i. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
 - ii. For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.
 - iii. For requirements for which the source is not in compliance at the time or permit issuance, a narrative description of how the source will achieve compliance with such requirements.
 - c. A compliance schedule as follows:
 - i. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
 - ii. For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.

- iii. A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirement for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction non-compliance with, the applicable requirements on which it is based.
 - d. A schedule for submission of certified progress reports no less frequently than every 6 months for sources required to have a schedule of compliance to remedy a violation. Such schedule shall contain:
 - i. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
 - ii. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
 - e. The compliance plan content requirements specified in this subdivision shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Clean Air Act (1990) and incorporated pursuant to §3-6-565 with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.
8. If there is a Federal Implementation Plan (FIP) applicable to the source, a provision that compliance with the FIP is required.
- B. The Control Officer may develop special guidance documents and forms to assist certain sources applying for Class **B II** permits in completing the compliance plan.
- C. For a Class **B II** source with an uncontrolled potential to emit that does not exceed fifty percent (50%) of any relevant major source threshold, the Control Officer may allow reporting of required monitoring on an annual basis.
- [Adopted effective November 3, 1993. Amended February 22, 1995. Amended August 13, 2003.]

3-1-084. Voluntarily Accepted Federally Enforceable Emissions Limitations; Applicability; Reopening; Effective Date. – NO CHANGE

3-1-085. Notice by building permit agencies – NO CHANGE

3-1-087. Permit reopenings, reissuance and termination – NO CHANGE

3-1-103. Annual emissions inventory questionnaire – NO CHANGE

3-1-105. Permits containing the terms and conditions of federal delayed compliance orders (DCO) or consent decrees – NO CHANGE

3-1-107. Public notice and participation – NO CHANGE

3-1-109. Material permit condition – NO CHANGE

3-1-110. Investigative authority – NO CHANGE

3-1-120. Confidentiality of records – NO CHANGE

3-1-132. Permit imposed right of entry – NO CHANGE

3-1-140. Permit revocation – NO CHANGE

3-1-150. Monitoring - NO CHANGE

3-1-160. Test methods and procedures – NO CHANGE

3-1-170. Performance tests – NO CHANGE

3-1-173. Quality assurance – NO CHANGE

3-1-175. Certification of truth, accuracy and completeness – NO CHANGE

3-1-177. Stack height limitation - NO CHANGE

ARTICLE 2. PERMIT AMENDMENTS AND REVISIONS

3-2-180. Facility changes allowed without permit revisions

- A. A facility with a permit may make changes without a permit revision if all of the following apply:
- 1. The changes are not modifications under any provision of Title I of the Clean Air Act (1990) or §1-3-140.78.
 - 2. The changes do not exceed the emissions allowable under the permit whether expressed therein as a rate of emissions

- or in terms of total emissions.
3. The changes do not violate any applicable requirements or trigger any additional applicable requirements.
 4. The changes meet all requirements for processing as a minor permit revision under §3-2-190.
 5. The changes do not contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
- B. The substitution of an item of process or pollution control equipment for an identical or substantially similar item of process or pollution control equipment shall qualify as a change that does not require a permit revision, if it meets all of the requirements of Subsections A., D. and E. of this section.
- C. Except for sources with authority to operate under general permits, permitted sources may trade increases and decreases in emissions within the permitted facility, as established in the permit pursuant to §3-1-081.A.12., where an applicable implementation plan provides for such emissions trades, without applying for a permit revision and based on the 7 working days notice prescribed in Subsection D. of this section. This provision is available in those cases where the permit does not already provide for such emissions trading, and shall not include any emission units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades.
- D. For each such change under Subsections A. through C. of this section, a written notice by certified mail shall be received by the Control Officer and, for sources requiring Class ~~A~~ I permits, the Administrator a minimum of 7 working days in advance of the change. Notification of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided less than 7 working days in advance of the change but must be provided as far in advance of the change as possible, or if advance notification is not practicable, within 3 working days of the change.
- E. Each notification shall include:
1. When the proposed change will occur.
 2. A description of each such change.
 3. Any change in emissions of regulated air pollutants.
 4. The pollutants emitted subject to the emissions trade, if any.
 5. The provisions in the implementation plan that provide for the emissions trade with which the source will comply and any other information as may be required by the provisions in the implementation plan authorizing the trade.
 6. If the emissions trading provisions of the implementation plan are invoked, then the permit requirements with which the source will comply.
 7. Any permit term or condition that is no longer applicable as a result of the change.
- F. The permit shield described in §3-1-102 shall not apply to any change made pursuant to Subsections A. through C of this section. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the implementation plan authorizing the emissions trade.
- G. Except as otherwise provided for in the permit, making a change from one alternative operating scenario to another as provided under §3-1-081.A.11. shall not require any prior notice under this section.
- H. Notwithstanding any other part of this section, the Control Officer may require a permit to be revised for any change that when considered together with any other changes submitted by the same source under this section over the term of the permit, do not satisfy Subsection A.
- I. The Control Officer shall make available to the public monthly summaries of all notices received under this section.
- [Adopted effective November 3, 1993. Amended August 13, 2003.]

3-2-185. Administrative permit amendments

- A. Except for provisions pursuant to Title IV of the Clean Air Act (1990), an administrative permit amendment is a permit revision that does any of the following:
1. Corrects typographical errors;
 2. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
 3. Requires more frequent monitoring or reporting by the permittee;
 4. Allows for a change in ownership or operational control of a source as approved under §3-1-090 where the Control Officer determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the Control Officer;
- B. Administrative permit amendments to Title IV provisions of the permit shall be governed by regulations promulgated by the Administrator under Title IV of the Clean Air Act (1990).
- C. The Control Officer shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request, and may incorporate such changes without providing notice to the public or affected states provided that it designates any such permit revisions as having been made pursuant to this section.
- D. The Control Officer shall submit a copy of Class ~~A~~ I permits revised under this section to the Administrator.
- E. Except for administrative permit amendments involving a transfer under §3-1-090, the source may implement the changes

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addressed in the request for an administrative amendment immediately upon submittal of the request.
[Adopted effective November 3, 1993. Amended August 13, 2003.]

3-2-190. Minor permit revisions

- A. Minor permit revision procedures may be used only for those changes at a source that satisfy all of the following:
1. Do not violate any applicable requirement;
 2. Do not involve substantive changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
 3. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source specific determination of ambient impacts, or a visibility or increment analysis;
 4. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed in order to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
 - a. A federally enforceable emissions cap, which the source would assume to avoid classification as a modification under any provision of Title I of the Clean Air Act (1990);
 - b. An alternative emissions limit approved pursuant to regulations promulgated under §112(i)(5) of the Clean Air Act (1990);
 5. Are not modifications under any provision of Title I of the Clean Air Act (1990) that would result in a significant net emissions increase of any pollutant subject to regulation under this Code;
 6. Are not modifications under Chapter 7., Article 2. of this Code;
 7. Are not changes in fuels not represented in the permit application or provided for in the permit;
 8. The increase in the source's potential to emit for any regulated pollutant is not significant as defined in §1-3-140.
 9. Are not required to be processed as a significant revision under §3-2-195.
- B. As approved by the Control Officer, minor permit revision procedures may be used for permit revisions involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit revision procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by the Administrator.
- C. An application for minor permit revisions shall be on the standard application form contained in Appendix A. and include the following:
1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
 2. For Class **A I** sources, the source's suggested draft permit;
 3. Certification by a responsible official, consistent with standard permit application requirements, that the proposed revision meets the criteria for use of minor permit revision procedures and a request that such procedures be used.
- D. For Class **A I** permits, within 5 working days of receipt of an application for a minor permit revision, the Control Officer shall notify the Administrator and affected states of the requested permit revision in accordance with §3-1-065.
- E. The Control Officer shall follow the following timetable for action on an application for a minor permit revision:
1. For Class **A I** permits, the Control Officer shall not issue a final permit revision until after the Administrator's 45-day review period or until the Administrator has notified the Control Officer that the Administrator will not object to issuance of the permit revision, whichever is first, although the Control Officer may approve the permit revision prior to that time. Within 90 days of the Control Officer's receipt of an application under minor permit revision procedures, or 15 days after the end of the Administrator's 45-day review period, whichever is later, the Control Officer shall do one or more of the following:
 - a. Issue the permit revision as proposed.
 - b. Deny the permit revision application.
 - c. Determine that the proposed permit revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures.
 - d. Revise the proposed permit revision and transmit to the Administrator the new proposed permit revision as required in §3-1-065.
 2. Within 90 days of the Control Officer's receipt of an application for a revision of a Class **B II** permit under this section, the Control Officer shall do one or more of the following:
 - a. Issue the permit revision as proposed.
 - b. Deny the permit revision application.
 - c. Determine that the permit revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures.
 - d. Revise and issue the proposed permit revision.
- F. The source may make the change proposed in its minor permit revision application immediately after it files the application. After the source makes the change allowed by the preceding sentence, and until the Control Officer takes any of the actions specified in Subsection E. of this section, the source shall comply with both the applicable requirements governing the change and the proposed revised permit terms and conditions. During this time period, the source need not comply

with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to revise may be enforced against it.

- G. The permit shield under §3-1-102 shall not extend to minor permit revisions.
 - H. Notwithstanding any other part of this section, the Control Officer may require a permit to be revised under §3-2-195 for any change that, when considered together with any other changes submitted by the same source under this section or §3-2-180 over the life of the permit, do not satisfy Subsection A.
 - I. The Control Officer shall make available to the public monthly summaries of all applications for minor permit revisions.
- [Adopted effective November 3, 1993. Amended August 13, 2003.]

3-2-195. Significant permit revisions

- A. Significant revision procedures shall be used for applications requesting permit revisions that do not qualify as minor revisions or as administrative amendments. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions shall follow significant revision procedures.
- B. All major modifications to major sources of conventional air pollutants, and any reconstruction of a source, or a process or production unit, under section 112(g) of the Act and regulations promulgated hereunder, shall follow significant revision procedures and shall meet the appropriate requirements of Chapter 3., Article 3. of this Code.
- C. All modifications to major sources of federally listed hazardous air pollutants shall follow significant revision procedures and shall meet the appropriate requirements of Chapter 7, Article 1. A physical change to a source or change in the method of operation of a source that complies with §112(g)(1) of the Clean Air Act (1990) shall be a modification required to be processed under this section but not for the purposes of requiring maximum achievable control technology.
- D. All modifications to sources subject to Chapter 7, Article 2 shall follow significant revision procedures.
- E. Significant permit revisions shall meet all requirements of this article for applications, public participation, review by affected States and review by the Administrator as they apply to permit issuance and renewal.
- F. When an existing source applies for a significant permit revision to revise its permit from a Class ~~B~~ I permit to a Class ~~A~~ I permit, it shall submit a Class ~~A~~ I permit application in accordance with the provisions of this Code. The Control Officer shall issue the entire permit, and not just the portion being revised, in accordance with Class ~~A~~ I permit-content and permit-issuance requirements, including requirements for public, affected state, and EPA review, as set forth in this Code.
- G. The Control Officer shall process the majority of significant permit revision applications within 9 months of receipt of a complete permit application but in no case longer than 18 months.

[Adopted effective November 3, 1993. Revised May 27, 1998 and ratified July 29, 1998; Revised July 29, 1998; revisions remain contingent upon corresponding EPA-approval of a revision to the SIP as EPA-approved at 61 FR 15717 (4/9/96) and the District's Title V program as approved at 61 Fed. Reg. 55910 (10/30/96). Amended August 13, 2003.]

ARTICLE 3. PERMIT REQUIREMENTS FOR NEW MAJOR SOURCES AND MAJOR MODIFICATIONS TO EXISTING MAJOR SOURCES

3-3-200. Purpose – NO CHANGE

3-3-203. Definitions – NO CHANGE

3-3-205. Application requirements – NO CHANGE

3-3-210. Application review process – NO CHANGE

3-3-220. Permit and permit revision requirements for sources in nonattainment areas - changed under separate notice of proposed rulemaking published on 06/20/03.

3-3-230. Offset and net air quality benefit standards - changed under separate notice of proposed rulemaking published on 06/20/03.

3-3-240. Special rule for ozone nonattainment areas classified as serious and severe – NO CHANGE

3-3-250. Permit and permit revision requirements for sources located in attainment and unclassifiable areas - NO CHANGE

3-3-260. Air quality impact analysis and monitoring requirements – NO CHANGE

3-3-270. Innovative control technology – NO CHANGE

3-3-275. Air quality models – NO CHANGE

3-3-280. Visibility protection – NO CHANGE

3-3-285. Special rule for non-operating sources of sulfur dioxide in sulfur dioxide nonattainment areas – NO CHANGE

ARTICLE 4. CONDITIONAL ORDERS

3-4-420. Standards of Conditional Orders

- A. Notwithstanding any other provision in this article, no person holding a Class ~~A~~ I permit shall be eligible for a Conditional Order under this article. Further notwithstanding any other provision of this article, no conditional order may shield or excuse any person holding a Class ~~B~~ II permit from an obligation to apply for and obtain a Class ~~A~~ I permit when such a requirement would otherwise arise under the provisions of this Code.
- B. The Control Officer may grant to any person holding a Class ~~B~~ II permit a Conditional Order for each air pollution source which allows such person to vary from any provision of A.R.S. Title 49, Chapter 3, Article 3 (1992), any provision of this Code, or any nonfederally enforceable requirement of a Class ~~B~~ II permit issued pursuant to this Code if the Control Officer makes each of the following findings:
1. Issuance of the Conditional Order will not endanger public health or the environment, impede attainment of the national ambient air quality standards or constitute a violation of the Clean Air Act (1990).
 2. Either of the following is true:
 - a. There has been a breakdown of equipment or upset of operations beyond the control of the petitioner which causes the source to be out of compliance with the requirements of this Code, the source was in compliance with the requirements of this Code before the breakdown or upset, and the breakdown or upset may be corrected within a reasonable time.
 - b. There is no reasonable relationship between the economic and social cost of, and benefits to be obtained from, achieving compliance.

[Adopted June 29, 1993 and effective September 1, 1993. Amended effective November 3, 1993. Revised May 27 1998 and ratified July 29, 1998, conditioned upon EPA approval of a revision to the District's Title V program as approved at 61 Fed. Reg. 55910 (10/30/96). Amended August 13, 2003.]

3-4-430. Petition, publication and public hearing – NO CHANGE

3-4-440. Decisions, terms and conditions – NO CHANGE

3-4-450. Term of Conditional Order – NO CHANGE

3-4-460. Suspension and revocation of Conditional Order – NO CHANGE

ARTICLE 5. GENERAL PERMITS

3-5-470. Applicability – NO CHANGE

3-5-480. General permit administration – NO CHANGE

3-5-490. Application for coverage under general permit – NO CHANGE

3-5-500. Public notice – NO CHANGE

3-5-510. Term of authorization to operate under a general permit – NO CHANGE

3-5-520. Relationship to individual permits – NO CHANGE

3-5-530. General permit variances – NO CHANGE

3-5-540. General permit shield under an authorization to operate – NO CHANGE

3-5-550. Revocations of authority to operate under a general permit - NO CHANGE

ARTICLE 6. FEDERAL ACID RAIN PROGRAM

3-6-565. Adoption of 40 C.F.R. Part 72 by reference – NO CHANGE

ARTICLE 7. PERMIT FEES

3-7-570. Purpose – NO CHANGE

3-7-575. Fees for sources relying upon §3-1-045 for authority to operate - Transition provision – NO CHANGE

3-7-576. Fees for sources subject to permit reopening - Transition provision – NO CHANGE

3-7-577. Fees for sources subject to, or deemed subject to, a permit requirement under Title V - Transition provision – NO CHANGE

3-7-578. Fee Increases; Effective Date; Phase-In

- A. For an individual source holding an issued permit on December 31, 2003, the fee increases scheduled to take effect beginning on January 1, 2004, shall be implemented in three (3) equal annual increments, with the annually increasing fees each due and payable on the succeeding permit-issuance anniversary dates following January 1, 2004.
- B. On and after January 1, 2004, for new sources, or for revisions involving modifications to existing sources causing the source to change classifications as defined in Appendix B, the source shall pay the full fee defined in Appendix B. Those fees shall be payable on the succeeding permit-issuance anniversary date following January 1, 2004.

[Adopted August 13, 2003]

3-7-580. Application filing deposit fee for new sources

A deposit fee for processing a Class **A I** or Class **B II** permit application shall be assessed upon receipt of the application. The fee shall be not less than \$500.00 and shall not exceed \$4000.00 for new sources required to obtain a Class **A I** permit pursuant to §3-1-040.B.1. For new sources required to obtain a Class **B II** permit pursuant to §3-1-040.B.2., the fee shall be not less than \$100.00 and shall not exceed \$500.00. The application filing deposit fee shall be based on the estimated time to process the application of a Class **A I** or Class **B II** permit and shall be credited to the amount due for the total actual time spent on processing the application. All application filing deposit fees required by this section shall be nonrefundable.

[Adopted effective November 3, 1993. Amended August 13, 2003.]

3-7-585. Annual fee adjustment – NO CHANGE

3-7-590. Class A I permit fees

- A. For a billable permit action, Class I sources shall pay a permit processing fee as defined in Appendix B, Section B. For a significant permit revision, the maximum permit processing fee shall be \$25,000. For a minor permit revision, the maximum permit processing fee shall be \$10,000.
- B. Beginning on the anniversary date of the initial permit issuance, Class I sources shall annually pay an administrative fee and an emission-based fee as defined in Appendix B, Section C. For fee purposes, actual emissions shall be quantified on the basis of subsection C of this rule.
- A. The fees in this section related to permits are based on estimated costs for the Pinal County Air Quality Control District air pollution permitting program under this chapter.
- B. For the purposes of this section, the following sources shall be deemed to be required to obtain a permit pursuant to Title V of the Clean Air Act (1990), and shall thereupon be subject to the fees defined in either this section or §3-7-610:
 - 1. Any source required to have a Class A permit pursuant to §3-1-040.B.1.
 - 2. Any source that qualifies for a Class B permit pursuant to being listed in §3-1-040.B.2. but that elects to apply for a Class A permit.
 - 3. Any source subject to a standard, limitation or other requirement under section 111 of the Act, whether or not such source requires a Class A permit.
 - 4. Any source subject to a standard, limitation or other requirement under section 112 of the Act, whether or not such source requires a Class A permit, provided that the deemed inclusion under this subdivision shall not extend to a source required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of the Act.
 - 5. Any source allowed to operate under a Class I general permit issued by ADEQ.
- C. The owner or operator of each source required to obtain a permit pursuant to Title V or the Clean Air Act (1990) shall pay an annual permit fee equal to \$26.00 per year per ton of actual emissions of regulated pollutants plus base fee of \$6574.00 per year. Owners or operators of sources required to obtain a permit pursuant to Title V of the Clean Air Act (1990) and that emit less than 20 tons per year of any hazardous air pollutant or 125 tons per year of any criteria air pollutant shall pay a reduced base fee of \$2500.00 per year.
 - 1. For purposes of this subsection rule, actual emissions means the actual quantity of regulated pollutants emitted, including fugitive emissions, over the calendar year ending immediately prior to the date on which the annual fee is calculated, or any other period determined by the Control Officer to be representative of normal source operations, determined as follows:
 - i. Emissions quantities reported pursuant to §3-1-103, or pursuant to an emissions inventory required prior to the effective date of §3-1-103, shall be used for purposes of calculating the permit fee to the extent they are calculated in a manner consistent with this paragraph. Acceptable methods for calculating actual emissions pursuant to §3-1-103 include the following:
 - i.a. Emissions estimates calculated from continuous emissions monitors certified pursuant to 40 C.F.R. Part 75, Subpart C and referenced appendices, as published in the Federal Register on January 11, 1993, which is incorporated herein by reference, and is on file with the District, or data quality assured pursuant to Appendix F of 40 C.F.R. Part 60.
 - ii.b. Emissions estimates calculated from source performance test data.

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- ~~iii.c.~~ Emissions estimates calculated from material balance using engineering knowledge of process.
- ~~iv.d.~~ Emissions estimates calculated using AP-42 emissions factors.
- ~~v.e.~~ Emissions estimates calculated by equivalent methods approved by the Control Officer. The Control Officer shall only approve methods that are demonstrated as accurate and reliable as the applicable method in Subparagraphs ~~i. a.~~ through ~~iv. d.~~ of this paragraph.
- ~~b.2.~~ Actual emissions shall be determined for each source on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored, or combusted.
- ~~e.3.~~ The first annual permit fee for new Class ~~A I~~ sources that have not been required to report emission quantities pursuant to §3-1-103 shall be based on the emissions estimate listed in the permit application.
- ~~2.b.~~ For purposes of this section, regulated pollutants consist of the following:
 - ~~a.1.~~ Nitrogen oxides or any volatile organic compounds.
 - ~~b.2.~~ Conventional air pollutants, except carbon monoxide.
 - ~~e.3.~~ Any pollutant that is subject to any standard promulgated under §111 of the Clean Air Act (1990), including fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur and reduced sulfur compounds.
 - ~~d.4.~~ Any federally listed hazardous air pollutant that is subject to a standard promulgated by the Administrator under §112 of the Clean Air Act (1990) or other requirement established under §112 of the Clean Air Act (1990), including §§112(g) and (j) of the Clean Air Act (1990). Federally listed hazardous air pollutants subject to requirements established under §112 of the Clean Air Act (1990) include the following:
 - ~~i.a.~~ Any pollutant subject to requirements under §112(j) of the Clean Air Act (1990). If the Administrator fails to promulgate a standard by the date established pursuant to §112(e) of the Clean Air Act (1990), any pollutant for which a source would be considered major under §112(a)(1) of the Clean Air Act (1990) shall be considered to be regulated on the date eighteen months after the applicable date established pursuant to §112(e) of the Clean Air Act (1990).
 - ~~ii.b.~~ Any pollutant for which the requirements of §112(g)(2) of the Clean Air Act (1990) have been met, but only with respect to the individual source subject to §112(g)(2) requirements.
- ~~3.c.~~ The following emissions of regulated pollutants shall be excluded from a source's actual emissions for purposes of setting fees:
 - ~~a.1.~~ Emissions of a regulated pollutant from the source in excess of 4,000 tons per year.
 - ~~b.2.~~ Emissions of any regulated pollutants that are already included in the fee calculation for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM₁₀.
 - ~~e.3.~~ Emissions from insignificant activities excluded from the permit for the source pursuant to §3-1-050.E.
- ~~D.~~ Before the issuance of a permit to construct and operate a source that is required to obtain a permit pursuant to Title V of the Clean Air Act (1990), the applicant for the permit shall pay to the District a new source review fee in addition to the annual fee billed by the Control Officer representing the total actual cost of reviewing acting upon the application minus any application filing deposit fee remitted.
- ~~E.D.~~ Each Class I source required to obtain a permit pursuant to Title V of the Clean Air Act (1990), applying for a permit revision pursuant to §§3-2-190 or 3-2-195, or the transfer of a permit pursuant to §3-1-090 shall remit to the District at the time the request or application is submitted, a fee deposit as follows:
 - 1. \$10,000.00 for a significant permit revision that is a result of a major modification.
 - 2. \$1000.00 for any other significant permit revision not covered in Subsection 1 above.
 - 3. \$500.00 for a minor permit revision.
 - 4. \$424.00 for a permit transfer, which shall be the transfer fee.
- ~~F.~~ Before the issuance of a permit revision pursuant to §§3-2-190 or 3-2-195 for a source required to obtain a permit pursuant to Title V of the Clean Air Act (1990), the applicant for the permit revision shall pay to the District a fee billed by the Control Officer, representing the total actual cost of reviewing and acting upon the application or notice, minus any fee remitted pursuant to Subsection E. of this section, provided that the maximum fee chargeable pursuant to this subsection shall be \$25,000 for any significant permit revision and \$10,000 for any minor permit revision.
- ~~G.~~ The owner or operator of source required to obtain a permit pursuant to Title V of the Clean Air Act (1990) shall pay to the District an annual inspection fee for the total actual cost of conducting and reviewing inspections of the source.
- ~~H.~~ The total actual cost of any activity related to permits includes the cost for the actual time spent and direct costs such as but not limited to mileage and supplies. Indirect costs such as overhead for offices shall be included in the hourly rate used to determine the cost for the time spent.
- ~~I.~~ Notwithstanding any other provision of this section, either a facility required to obtain a Class A permit solely due to a requirement pursuant to §112 of the Clean Air Act (1990) and that would not constitute a major source as defined in §1-3-140 even in the absence of controls or permit imposed operating limitations, or any source required to obtain a Class B permit solely as a result of falling subject to an emission standard or other requirement promulgated under §112 of the Act, and which source has uncontrolled emissions that are less than significant, shall pay an annual emissions fee of \$260.00 and an annual inspection fee based on the costs of performing the inspection, not to exceed an amount of \$390.00, and such source is otherwise exempt from any fees set forth in this section.

~~J.E.~~ Notwithstanding any other provision of this section, the combination of fees payable annually to the District by a Class A I source, ~~or a source deemed subject to the fees for a Class A source,~~ shall not exceed 100% of the ~~combination of annual fees, including new source review fees~~ administrative fees, annual emissions fees, annual inspection fees, or annual test fees, for which the source would be liable if subject to regulation by ADEQ.

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended June 20, 1996. Revised May 14, 1997. Amended August 13, 2003.]

3-7-591. Fees for sources operating under a unitary permit on June 20, 1996, which sources are subject to, or deemed subject to, a permit requirement under Title V - Initial fee payment schedule

- A. Sources subject to this section shall pay a permit fee at a rate calculated in the same manner, as would be a permit fee calculated under §3-7-590. The revised current-year permit fee imposed by this section shall apply to the following sources:
1. Any source currently operating under a unitary permit, whose emission inventory for the preceding calendar year shows that the source is in fact a "major source," as defined in this Code; and
 2. Any source currently operating under a unitary permit, which source is deemed subject to a requirement to obtain a permit under Title V of the Act, as that phrase is defined in §3-7-590.B.
- B. The initial-year permit fee rate established under this paragraph shall become effective on 12:00:01 a.m. on June 1, 1996, provided that for any source affected by this section that has already paid a annual permit fee for the current term, then such source operator shall initially be subject to only a fee prorated to cover that part of the annual period between the effective date specified in this subparagraph, and the succeeding anniversary date of the issuance of that permit. Further, any permittee subject to such a prorated fee shall also be entitled to an equitable offset against the revised permit fee that takes effect on June 1, 1996, which offset shall reflect fees already paid for that same term.
- C. For initial fees additionally due from sources subject to the revised fee rate effective on June 1, 1996, 50% of the additional fee under this section shall be due on August 1, 1996, and the balance shall be due by the earlier of the next regular mid-term payment date as allowed under §3-7-620, or the expiration date of the permit.
- D. Subsequent permit fees from sources affected by this section shall be due in accord with §3-7-620.

[Adopted June 20, 1996.]

3-7-595. Annual reporting of Class A I permit fees and costs

The District shall conduct an annual cost accounting to identify revenues derived and costs incurred with respect to Class A I permits. Data needed shall be collected over each twelve-month period beginning November 15, 1994.

[Adopted effective November 3, 1993. Amended August 13, 2003.]

3-7-600. Class B II permit ~~and inspection~~ fees

- A. For a billable permit action, Class II sources shall pay a permit processing fee as defined in Appendix B, Section B. The maximum permit processing fee shall not exceed \$25,000, and for a minor permit revision, the maximum permit processing fee shall not exceed \$10,000.
- B. Beginning on the anniversary date of initial permit issuance, and annually thereafter, Class II sources shall pay an administrative fee as defined in Appendix B, Section C, D, and E.
1. Class II Title V sources shall pay an administrative fee as defined in Appendix B, Section C. Class II Title V sources shall include those sources that do require a permit but do not require a Class I permit, and are actually regulated under a standard promulgated under §§111 or 112 of the CAA.
 2. Other Class II sources, also known as Class II Non-Title V sources, shall pay an administrative fee as defined in Appendix B, Section D.
 3. As provided in Appendix B, Section C and D, Class II "synthetic minor sources" shall pay an administrative fee as defined in Appendix B, Section B. For purposes of this fee rule requirement, "synthetic minor sources" shall include only those sources that have accepted voluntary permit limitations under §2-1-084, and have permit-allowable emissions that exceed 50% of the major source threshold for at least one regulated pollutant.
- C. Notwithstanding any other provision of this Section, the total annual administrative fee for a Class II Source shall not exceed 100% of the fees that would apply if the source was subject to regulation by ADEQ.
- ~~A. Notwithstanding any other provision of this section, a source deemed subject to a requirement to obtain a permit pursuant to Title V of the Act, as that phrase is defined in §3-7-590, shall be required to pay the Class A permit fees defined in §§3-7-590 and 3-7-591.~~
- ~~B. The owner or operator of each existing source that is required to obtain a permit pursuant to §3-1-040.B.2., and is not required to obtain one pursuant to Title V of the Clean Air Act (1990), shall be liable for the reasonable cost of providing the services required to process the permit application, which shall be the annual permit fee. Fee schedules, which the Board of Supervisors hereby finds as adequate to cover the reasonable costs of reviewing, acting upon, implementing and enforcing the terms and conditions of any such permit (not including any court costs or other enforcement action costs),~~

are provided in Appendix B. These fees, minus any application filing deposit fee remitted, are due at the times listed in §3-7-620.

- C. The owner or operator of a source required to obtain a permit pursuant to §3-1-040.B.2., applying for the transfer of a permit pursuant to §3-1-090, shall remit to the District at the time of the request, a transfer fee of \$250.00 or 50 percent of the latest annual permit fee, whichever is less.
- D. Before the issuance of a permit revision pursuant to §§3-2-190 or 3-2-195 for a source that is required to obtain a permit pursuant to §3-1-040.B.2., the applicant for the permit revision shall pay to the District a fee billed by the Control Officer, as follows:
 - 1. 50 percent of the Standard Fee listed in Appendix B, Subsection A, for any significant permit revision.
 - 2. 25 percent of the Standard Fee listed in Appendix B, Subsection A, for any minor permit revision.
 - 3. A fee as determined by Appendix B, Subsection B, for any source not listed in Appendix B, Subsection A.
- E. A new source required to obtain a permit pursuant to §3-1-040.B.2. shall be required to pay a review fee as determined by Appendix B, Subsection B, of this Code.
- F. Any source subject to a calculated fee under Appendix B, Subsection B, which source requires a performance test, shall also pay in the year the test is performed a test fee based on the costs of observing and documenting the test, not to exceed an amount of \$488 for non-complex sources or \$635 for complex sources.
- G. Any source subject to a permit fee under this section shall also pay an annual inspection fee. The inspection fee shall be based on a reasonable estimate of direct and indirect costs of performing an inspection, but shall not be less than \$50 and shall not exceed \$390, which range of costs the Board finds to reflect practical limits on the average total cost of performing such an inspection. The fee assessed for any permit issued prior to October 12, 1995 shall be deemed, for the duration of that permit, to already include the cost of an inspection required under this subsection.
- H. Notwithstanding any other provision of this Section, the total annual combination of permit, test and inspection fees for a source requiring a Class B permit shall not exceed any applicable combination of the following limits:
 - 1. The total fee for any source shall not exceed \$25,000;
 - 2. The total fee shall not exceed 100% of the combination of annual permit, inspection and test fees to which a non-complex source would be subject under ADEQ regulation.

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended October 12, 1995. Amended June 20, 1996. Amended August 13, 2003.]

3-7-602. Class III permit fees

Upon issuance of a new or renewal permit, and annually thereafter, Class III sources shall pay an administrative fee as defined in Appendix B, Section F.

[Adopted effective August 13, 2003.]

3-7-610. General permit fees – Class I and Class II sources

- A. Permit Processing fee. The owner or operator of a source that falls subject to a county jurisdiction and applies for authority to operate under a general permit shall pay to the District \$500 with the submittal of the application. This fee applies to the owner or operator of any source who intends to continue operating under the authority of a general permit that has been proposed for renewal.
- B. Administrative Fee. The owner or operator of a source subject to county jurisdiction and having authority to operate under a general permit shall pay, of each calendar year, the applicable administrative fee from the table below, by March 31, or 60 days after the Control Officer mails the invoice, whichever is later.

<u>General Permit Source Category</u>	<u>Administrative Fee</u>
1. <u>Class I Title V General Permits</u>	<u>Administrative Fee from Appendix B, Section C</u>
2. <u>Class II Title V Small Source</u>	<u>\$500.00</u>
3. <u>Other Class II Title V General Permits</u>	<u>Administrative fee of \$3,000.00</u>
4. <u>Class II Non-Title V Gasoline Service Station</u>	<u>\$500.00</u>
5. <u>Class II Non-Title V Crematories</u>	<u>\$1,000.00</u>
6. <u>Other Class II Non-Title V General Permits</u>	<u>\$2,000.00</u>

- A. ~~An applicant seeking an initial grant of authority to operate any Class A source under a general permit, or a renewal of authority to operate a Class A source under a general permit proposed for renewal, shall pay an application processing fee of \$540.00, payable at the time of filing the application.~~
- B. For each year during which a source required to obtain a permit pursuant to Title V of the Clean Air Act (1990) is covered by an authorization to operate under a general permit, the source shall pay the greater of the applicable annual emissions fees calculated as follows:
 - 1. ~~As a minimum, a source that has uncontrolled emissions that are less than significant and that is subject to a permit requirement solely because it is subject to a standard under section 112 of the Act, shall pay an annual emissions fee~~

of \$260.00;

2. As a minimum, all other sources covered by an authorization to operate under a general permit shall pay an annual emissions fee of \$1500.00;
 3. Unless the specified minimum applicable fee is higher, all such sources shall be subject to a fee equal to the product of:
 - a. The prevailing per-ton rate, which shall be equal to \$28.15 per year, adjusted initially on January 1, 1994, and readjusted on each January 1 thereafter, to reflect the increase, if any, by which the Consumer Price Index for the most recent year exceeds the Consumer Price Index for the year 1989. The Consumer Price Index for any year is the average of the Consumer Price Index for all urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year, multiplied by;
 - b. The number of tons of actual emissions, rounded to the nearest integer, of all regulated pollutants.
- C. For purposes of calculating fees under this section, all of the following apply:
1. "Actual emissions" means the actual quantity of all regulated pollutants emitted, including fugitive emissions, during the most recent calendar year ending at least twelve months before the date the fee is due, unless some other period is specified by rule, determined, in order of preference priority, pursuant to:
 - a. An emissions inventory conducted in accord with §3-1-103 or A.A.C. R18-2-327;
 - b. An emissions inventory required by other provision of law prior to the effective date of § 3-1-103; or
 - c. The provisions of §3-7-590.C.1.
 2. "Regulated pollutants" consist of the following:
 - a. Nitrogen oxides or any volatile organic compounds.
 - b. Conventional air pollutants, except carbon monoxide.
 - c. Any pollutant that is subject to any standard promulgated under section 111 of the Act, including fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur and reduced sulfur compounds.
 - d. Any federally listed hazardous air pollutant that is subject to a standard promulgated by the Administrator under section 112 of the Act or other requirements established under that section, including section 112(g) and (j) of the Act. Federally listed hazardous air pollutants subject to requirements established under section 112 of the Act include the following:
 - i. Any pollutant subject to requirements under section 112(j) of the Act. If the Administrator fails to promulgate a standard by the date established pursuant to section 112(e) of the Act, any pollutant for which a subject source would be considered major under section 112(a)(1) of the Act shall be considered to be regulated on the date eighteen months after the applicable date published pursuant to section 112(e) of the Act.
 - ii. Any pollutant for which the requirements of section 112(g)(2) of the Act have been met, but only with respect to the individual source subject to section 112(g)(2) requirements.
 3. The following emissions of regulated pollutants shall be excluded from a source's actual emissions for purposes of this subsection:
 - a. Emissions of a regulated pollutant in excess of 4,000 tons per year.
 - b. Emissions of any regulated pollutant that are already included in the fee calculation for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM₁₀.
 - c. Emissions from insignificant activities excluded from the permit for the source in accord with the provisions of the general permit and A.A.C. R18-2-101 (54), provided that if the Control Officer determines that an activity listed as insignificant does not meet the requirements of A.A.C. R18-2-101 (54), the Control Officer shall notify the applicant in writing and specify additional information required.
- D. When a source is granted authority to operate under a general permit, the initial annual emissions fee for the source shall be due 60 days after the authority is granted and shall be based on emissions for the most recent calendar year ending at least 12 months previous to the date the fee is due, or, for sources granted authority to operate in calendar year 1994, for 1990. The source may deduct from the initial payment such portion of an already paid rate-based emission fee, paid pursuant to an individual permit, to the extent that a double payment would otherwise result. Subsequent payments shall be due on January 1 and July 1 of each year.
- E. For the purposes of this section, "required to obtain a permit pursuant to title V of the Act" shall include sources deemed subject to such a requirement under §3-7-590.B.

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended October 12, 1995. Amended June 20, 1996. Revised 5/14/97. Amended August 13, 2003.]

3-7-612. General permit fees – Class II sources

- A. Notwithstanding any other provision of this section, a source deemed subject to a requirement to obtain a permit pursuant to Title V of the Act, as that phrase is defined in §3-7-590, shall be required to pay the general permit fees defined in §3-7-610.
- B. An applicant seeking an initial grant of authority to operate a source not subject to §3-7-610 under a general permit, or a renewal of authority to operate a source not subject to §3-7-610 under a general permit proposed for renewal, shall pay an

application processing fee of \$540.00, payable at the time of filing the application.

- C. For purposes of this section, the following sources shall be considered complex sources:
1. Agricultural chemical manufacturers and processors.
 2. Commercial ethylene oxide sterilizers.
 3. Foundries.
 4. Glass bead manufacturers.
 5. Lumber mills.
 6. Mining and mineral processing facilities, except facilities engaged solely in the extraction and beneficiation of ores and minerals. For the purposes of this paragraph, "beneficiation" is limited to the activities specified in 40 CFR § 261.4(b)(7) (7/1/93), as incorporated herein by this reference.
 7. Paper mills.
 8. Refineries.
 9. Plastics extrusion facilities.
 10. Printers with actual emissions of VOC in excess of 25 tons per year.
 11. Textile manufacturers.
 12. Manufacturers of tires and related products.
- D. For each calendar year during which a source not subject to §3-7-610 is covered by a general permit, the source shall pay an annual inspection fee as follows:
1. Complex sources shall pay a fee of \$1,560.
 2. Sources not deemed "complex" shall pay a fee of \$390.
 3. The inspection fee shall be payable in two equal parts; the initial first half is due 60 days after a source is granted an authority to operate by the Control Officer; the initial second half shall be due on January 1 or July 1, whichever follows next. Subsequent semi-annual payments shall thereafter be due on each January 1 or July 1.
- E. For each calendar year during which a source not subject to §3-7-610 is covered by a general permit, and the source is subject to a performance test requirement, the source shall pay a performance test fee, as follows:
1. Complex sources shall pay a performance test fee of \$635.
 2. Sources not deemed "complex" shall pay a performance test fee of \$488.
 3. The performance test fee shall be payable when the test protocol is submitted.

[Adopted February 22, 1995. Amended October 12, 1995. Amended June 20, 1996. Repealed August 13, 2003.]

3-7-620. Annual permit fee payment

Unless a specific Code section provides otherwise, as in §3-7-578, the following payment conditions apply to sources required to pay permit-related, ~~test or inspection~~ administrative fees under this Code:

1. Before the issuance of an individual permit, the applicant shall pay to the District an initial ~~annual permit processing fee, any applicable first year inspection fee or performance test, and any review revision~~ permit processing fee, ~~any applicable first year inspection fee or performance test, and any review revision~~ fees associated with the ~~initial issuance or subsequent revision of such permit.~~
2. For subsequent years, the annual ~~permit administrative~~ permit administrative fee, along with any other applicable fees, ~~including any inspection fee or performance test fee,~~ shall be due:
 - a. For total fees that do not exceed \$5,000, on the anniversary date of permit issuance;
 - b. For total fees that equal or exceed \$5,000, in equal parts, with 50% due on the anniversary date of permit issuance, and 50% due 180 days thereafter.

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended October 12, 1995. Amended June 20, 1996. Amended August 13, 2003.]

3-7-625. Permit fee accounts

Permit fees received pursuant to §3-7-620 shall be deposited in separate revenue code accounts for Class A I and B II permits, respectively.

[Adopted effective November 3, 1993. Amended August 13, 2003.]

3-7-630. Accelerated application processing fee

An applicant for a Class A I or Class B II permit or any revisions to such permits may request that the Control Officer provide accelerated processing of the application by providing the Control Officer written notice 60 days in advance of filing the application. Any such request shall be accompanied by the standard application fees as described in this article plus an additional 50% surcharge, which shall be nonrefundable if the Control Officer undertakes to provide the accelerated processing as described below:

1. When an applicant has requested accelerated permit processing, the Control Officer may request an additional surcharge fee based on the estimated cost of accelerating the processing of the application, or, to the extent practicable, may seek to process the permit or permit revision in accordance with the following schedule:

County Notices Pursuant to A.R.S. § 49-112

- a. For applications for initial Class ~~A I~~ and ~~B II~~ permits governed by §3-1-040 or significant permit revisions governed by §3-2-195, final action on the permit or permit revision shall be taken within 120 days after receiving notice that the application is complete.
 - b. For minor permit revisions governed by §3-2-190, final action on the permit shall be taken within 60 days after receiving an application.
 2. Before granting an application for a permit or permit revision pursuant to this section, the applicant shall pay to the District all permit processing and other fees due, and in addition, the difference between the actual cost of accelerating the permit application and the 50% surcharge submitted. Nothing in this section shall affect the public participation requirements of §3-1-107.
 3. None of the surcharges for accelerated permit processing shall be applied toward the applicable maximum permit fee.
- [Adopted effective November 3, 1993. Amended August 13, 2003.]

3-7-640. Review of final bill – NO CHANGE

3-7-650. ~~Hourly rate and late~~ Late fee charge

- A. ~~For the purposes of calculating costs and assessing fees under this Code, the hourly rate applied by the Control Officer for all direct hours spent on activity subject to billing under this Code shall be \$46.00 66.00 per hour for engineers and managers, \$29.00 for environmental program specialists and \$17.00 for clerical support personnel.~~
- B. Owners or operators of permitted sources shall owe a late charge of 1.5% per month for any fees which remain unpaid 30 days after they are due.

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended August 13, 2003.]

3-7-660. Hearing Board appeal fee – NO CHANGE

Arizona Administrative Register / Secretary of State

County Notices Pursuant to A.R.S. § 49-112

PERMIT APPLICATION (Appendix A)

(As required by A.R.S. §49-480, and Chapter 3, Article 1, Pinal County Air Quality Control District Rules)

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

P. O. BOX 987 FLORENCE, AZ 85232 PHONE: (520) 8686-6929

1. Permit to be issued to: (Name and legal status (e.g. corporation or proprietorship) of organization that is to receive permit):

2. Mailing Address: _____

City: _____ State: _____ Zip: _____

Billing Address (if different from above): _____

City: _____ State: _____ Zip: _____

3. Plant Name (if different from #1 above): _____

4. Name(s) of Owner or Operator: _____ Phone: _____

5. Name of Owners' Agent/Responsible Official: _____

6. Plant/Site Manager or Contact Person: _____

Phone: _____ Fax: _____

7. Equipment/Plant Location or Proposed Location Address: _____

City: _____ Zip: _____

Section/Township/Range, Latitude/Longitude, Elevation: _____

Assessor's Parcel Number: _____

8. General Nature of Business: _____

Standard Industrial Classification Code: _____

9. Type of Organization:

Corporation State of incorporation: _____

Individual Owner Partnership Arizona Limited Liability Company

Government Entity (Government Facility Code: _____)

Other

10. Permit Application Basis: (Check all that apply.)

New Source Revision Renewal of Existing Permit

Portable Source General Permit Permit Transfer

For renewal or modification, include existing permit number: _____

Date of Commencement of Construction or Modification: _____

Is any of the equipment to be leased to another individual or entity? Yes No

11. If necessary to preserve this source's status as a less-than-major source, the undersigned agrees that the permit or this source SHOULD SHOULD NOT include Federally Enforceable Provisions in accord with Code §3-1-084.

12. The undersigned states and certifies that, based on information and belief formed after reasonable inquiry, the statements and information in this document and supporting materials are true, accurate and complete. To the extent that this application pertains to an assignment of an existing permit, the undersigned further agrees to comply with and accept each and every obligation associated with that existing permit. **Knowingly presenting a false certification constitutes a criminal offense under A.R.S. §13-2704.**

13. The undersigned applicant states that he/she currently has, or at the time construction and/or operation begins will have, legal authority to enter upon and use the premises upon which this source will be operated.

Signature of Responsible Official of Organization: _____

Typed or Printed Name of Signer: _____

Official Title of Signer: _____

Date: _____

[Adopted effective November 3, 1993. Amended August 13, 2003.]

APPENDIX B. CLASS B PERMIT FEE SCHEDULES FEES RELATED TO INDIVIDUAL PERMITS

A. Standardized Permit Fee Schedule Source Categories. The owner or operator of a source required to have an air quality permit from the Director shall pay the fees described in this appendix.

1. The Standardized Permit Fee Schedule is used to assess an annual permit fee for sources that meet all of the following requirements:
 - a. The source is required to obtain a permit pursuant to §3-1-040.B.2.
 - b. There are many similar types of sources in the County.
 - c. The time spent on preparing the conditions for the permit is less than or equal to:
 - i. 4 hours for one type of equipment at one source.
 - ii. 4 hours plus 2 hours for each additional type of equipment at one source.
2. The annual permit fee shall be assessed by using equipment schedules found in Subdivisions A.4. through A.15. of this subsection. For each additional type of equipment at one source, \$50.00 will be subtracted from each equipment fee.
3. This fee schedule is used to simplify and standardize the fee setting procedure. Fees for sources that do not meet the requirements of Paragraphs A.1.a. through A.1.e. of this subsection must be set using the Calculated Permit Fee Schedule found in Subsection B. of this appendix.
4. Fuel Burning Equipment: This schedule includes any residential and small commercial equipment used for the purpose of heating or heat exchange. This schedule does not include incinerators or equipment specifically exempted by A.R.S. §49-480 (1992).

BTU per hour	Fee
500,000 to 1,500,000	\$100.00
1,500,001 to 2,500,000	\$125.00
2,500,001 to 5,000,000	\$150.00
5,000,001 or greater	Use Calculated Permit Fee Schedule

This fuel burning schedule is based on design fuel consumption using gross input heating values per emissions unit. Equipment items that are rated at less than 500,000 Btu/hr shall be assessed a fee in aggregate with other such equipment of the applicant at the same location or property, other than a one- or two-family residence.

5. Stationary Storage Containers: This schedule includes any tank, reservoir, or other container with the capacity of 500 gallons or more used for the storage of organic liquids except those products with a vapor pressure below 1.5 psia. Fees for stationary storage containers are based on capacities in gallons per equipment.

Gasoline Stations	
Gallons	Fee
25,000 or less	\$100.00
25,001 to 35,000	\$125.00
35,001 to 50,000	\$150.00
50,001 or greater	Use Calculated Permit Fee Schedule
Other	
Gallons	Fee
1000 or less	\$100.00
1,001 to 3,000	\$150.00
3,001 to 10,000	\$200.00
10,001 to 20,000	\$250.00
20,001 or greater	Use Calculated Permit Fee Schedule

6. Electrical Energy Equipment (Except Electric Motors): Fees for electrical energy equipment will be based on total kilovolt ampere (KVA) ratings per equipment.

Emergency and Nonemergency	
Kilovolt Amperes (KVA)	Fee
100 or less	\$100.00
101 to 500	\$150.00
501 or greater	Use Calculated Permit Fee Schedule

7. Asphalt Plants

Capacity (tons/year)	Fee
20,000 or less	\$500.00
20,001 or greater	Use Calculated Permit Fee Schedule

8. Cotton Gins

Capacity (bales/yr)	Fee
10,000 or less	\$400.00
10,001 to 20,000	\$500.00
20,001 to 30,000	\$600.00

30,001 to 40,000	\$700.00
40,001 to 50,000	\$800.00
50,001 to 60,000	\$900.00
60,001 or greater	Use Calculated Permit Fee Schedule

9. Concrete Batch Plants

Production (tons/year)	Fee
50,000 or less	\$500.00
50,001 or greater	Use Calculated Permit Fee Schedule

10. Crushing Plants

Production (tons/year)	Fee
100,000 or less	\$500.00
100,001 or greater	Use Calculated Permit Fee Schedule

11. Paint Booths

VOC Emissions (tons/year)	Fee
2.00 or less	\$100.00
2.01 to 3.00	\$125.00
3.01 to 4.00	\$150.00
4.01 to 5.50	\$175.00
5.51 to 7.00	\$200.00
7.01 or greater	Use Calculated Permit Fee Schedule

12. Laundromats

- a. For laundromats in which dry cleaning machines are not in use, the fees assessed shall be those used for fuel burning equipment in Subdivision 4. of this subsection.
- b. For laundromats in which dry cleaning machines are in use, fees shall be assessed using Subsection A., Subdivisions 2., 4. and 13. of this appendix.

13. Dry Cleaners

- a. For dry cleaners in which the solvent process is used and machines have capacities of 50 lbs/load or less, a fee of \$105.00 shall be assessed.
- b. For dry cleaners in which the perchloroethylene process is used and machines have capacities of 50 lbs/load or less, a fee of \$105.00 shall be assessed.
- c. For any dry cleaner in which machines have capacities of over 50 lbs/load, the Calculated Permit Fee Schedule found in Subsection B. of this appendix shall be used to assess fees.

14. Incinerators: Fees for incinerators are based on the maximum horizontal inside cross-sectional area of the primary combustion chamber (in square feet):

Area (ft ²)	Fee
5.0 or less	\$125.00
5.1 to 10.0	\$150.00
10.1 to 25.0	\$275.00
25.1 or greater	Use Calculated Permit Fee Schedule

15. Miscellaneous Equipment: A fee of \$100.00 shall be assessed for any equipment, process or activity not included in the Standardized Permit Fee Schedule and for which the source meets the requirements of Paragraphs a. through c. in Subsection A., Subdivision 1. of this appendix.

B. Calculated Permit Fee Schedule

- 1. Class B permit applications which are new sources or do not meet the requirements of Subsection A. of this appendix (Standardized Permit Fee Schedule) shall be charged an annual fee based on the actual time and expenses, including direct and indirect costs, spent on preparing the permit as calculated pursuant to Subdivision 2. of this subsection.
- 2. The Permit Checklist and Fee Itemization form as shown at the end of this appendix shall be used to calculate the fees assessed pursuant to Paragraphs a. and b. of this subsection.
 - a. The actual time spent preparing the permit, inspecting the source, investigating complaints, submitting public notices, attending public hearings and other time directly related to the source shall be assessed to the annual permit fee by multiplying the time spent by the hourly rate as defined in §3-7-650.A.
 - b. All actual expenses such as but not limited to mileage, postage, copying, long distance phone calls, public hearings and preparation of public notices directly related to the source shall be included in the annual permit fee.

B. Fees for Permit Actions. The owner or operator of a Class I Title V Source, Class II Title V Source, or Class II Non-Title V source shall pay to the Control Officer \$66 per hour, adjusted annually under §3-7-585, for all permit processing time required for a billable permit action (does not include permit transfers). Upon completion of permit processing activities but before the issuance or denial of the permit or permit revision, the Control Officer shall send notice of the decision to the applicant along with a final bill. The maximum fee for a billable permit action for a qualifying general source seeking a Class II permit shall be \$500.00. The maximum fee for any other billable permit action for a non-title V source is

\$25,000. Except as provided in §3-1-080, the Control Officer shall not issue a permit or permit revision until the final bill is paid.

C. Class I Title V Fees. The owner or operator of a Class I Title V Source that has undergone initial startup by January 1, shall annually pay to the Control Officer an administrative fee plus an emissions-based fee as follows:

1. The applicable administrative fee from the table below, as adjusted annually under §3-7-585. The fee is due in accordance with §3-7-620.

<u>Class I Title V Source Category</u>	<u>Administrative Fee</u>
<u>Aerospace</u>	<u>\$12,900</u>
<u>Cement Plants</u>	<u>\$39,500</u>
<u>Combustion/Boilers</u>	<u>\$9,600</u>
<u>Compressor Stations</u>	<u>\$7,900</u>
<u>Electronics</u>	<u>\$12,700</u>
<u>Expandable Foam</u>	<u>\$9,100</u>
<u>Foundries</u>	<u>\$12,100</u>
<u>Landfills</u>	<u>\$9,900</u>
<u>Lime Plants</u>	<u>\$37,000</u>
<u>Copper & Nickel Mines</u>	<u>\$9,300</u>
<u>Gold Mines</u>	<u>\$9,300</u>
<u>Mobile Home Manufacturing</u>	<u>\$9,200</u>
<u>Paper Mills</u>	<u>\$12,700</u>
<u>Paper Coaters</u>	<u>\$9,600</u>
<u>Petroleum Products Terminal Facilities</u>	<u>\$14,100</u>
<u>Polymeric Fabric Coaters</u>	<u>\$12,700</u>
<u>Reinforced Plastics</u>	<u>\$9,600</u>
<u>Semiconductor Fabrication</u>	<u>\$16,700</u>
<u>Copper Smelters</u>	<u>\$39,500</u>
<u>Utilities – Natural Gas</u>	<u>\$10,200</u>
<u>Utilities – Fossil Fuel Except Natural Gas</u>	<u>\$20,200</u>
<u>Vitamin/Pharmaceutical Manufacturing</u>	<u>\$9,800</u>
<u>Wood Furniture</u>	<u>\$9,600</u>
<u>Others</u>	<u>\$9,900</u>
<u>Others with Continuous Emissions Monitoring</u>	<u>\$12,700</u>

2. An emissions-based fee of \$11.75 per ton of actual emissions of all regulated pollutants emitted during the previous calendar year ending 12 months earlier. The fee is adjusted annually under §3-7-585, and due in accordance with §3-7-620.

Arizona Administrative Register / Secretary of State
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- a. For purposes of this section, “actual emissions” means the quantity of all regulated pollutants emitted during the calendar year, as determined by the annual emissions inventory under §3-1-103.
 - b. For purposes of this section, “regulated pollutants” consist of the following:
 - i. Nitrogen oxides and any volatile organic compounds;
 - ii. Conventional air pollutants, except carbon monoxide and ozone;
 - iii. Any pollutant that is subject to any standard promulgated under Section 111 of the Act, including fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, and reduced sulfur compounds; and
 - iv. Any federally listed hazardous air pollutant.
 - c. For purposes of this Section, the following emissions of regulated pollutants are excluded from a source’s actual emissions:
 - i. Emissions of any regulated pollutant from the source in excess 4,000 tons per year;
 - ii. Emissions of any regulated pollutant already included in the actual emissions for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM10;
 - iii. Emissions from insignificant activities listed in the permit application for the source under §3-1-050.
 - iv. Fugitive emissions of PM10 from activities other than crushing, belt transfers, screening, or stacking; and
 - v. Fugitive emissions of VOC from solution-extraction units.
- D. Class II Title V Fees. The owner or operator of a Class II Title V Source that has undergone initial startup by January 1, shall pay the applicable administrative fee from the table below, adjusted under §3-7-585 and §3-7-578, and due in accordance with §3-7-620.

<u>Class II Title V Source Category</u>	<u>Administrative Fee</u>
<u>Synthetic Minor Sources (except Portable Sources) at greater than 50% of Threshold Permit Allowable Emissions</u>	<u>Administrative Fee from Class I Title V Table for category – C (1)</u>
<u>Stationary Sources not otherwise classified</u>	<u>\$5,000</u>
<u>Qualifying General Source as defined in §3 -1- 030 (16a).</u>	<u>\$3,000</u>
<u>Small Source as defined in §3 -1- 030 (20) (For example, perchloroethylene dry cleaners)</u>	<u>\$500</u>

- E. Class II Non-Title V Fees. The owner or operator of a Class II Non-Title V Source or authority to operate under a general permit that has undergone initial startup by January 1, shall pay the applicable administrative fee from the table below, adjusted under §3-7-585 and §3-7-578, and due in accordance with §3-7-620.

<u>Class II Non-Title V Source Category</u>	<u>Administrative Fee</u>
<u>Stationary Sources not otherwise classified</u>	<u>\$3,250</u>
<u>Cotton Gins with a permitted capacity of less than 20,000 bales per year</u>	<u>\$1,625</u>
<u>Portables Sources</u>	<u>\$3,250</u>
<u>Qualifying General Source as defined in §3 -1- 030 (16a).</u>	<u>\$2,000</u>
<u>Crematories that qualify for an ADEQ General Permit</u>	<u>\$1,000</u>
<u>Gasoline Dispensing Operations that qualify for a ADEQ General Permit as defined in A.A.C. R18-2-501 through 511 (with at least 18 nozzles).</u>	<u>\$500</u>
<u>Spray Operations (Medium)</u>	<u>\$1600.00</u>
<u>Spray Operations (Small)</u>	<u>\$400.00</u>

F. Class II Non-Title V Fees or Minor Screening Sources. The owner or operator of a “Minor Screening Source” shall pay the applicable administrative fee from the table below:

<u>Class III Non-Title V or Minor Screening Source Category</u>	<u>Administrative Fee</u>
<u>Minor Screening Source (PTE below significance levels such as auto body shops, solvent dry cleaners, and other gasoline dispensing operations with less than 18 nozzles)</u>	<u>\$250</u>

G. Fees Related to General Permits. The owner or operator of a source that applies for authority to operate under a general permit per A.A.C. R18-2-501 through 511, shall pay to the Control Officer \$500 with the submittal of the application. This fee also applies to the owner or operator of any source who intends to continue operating under the authority of a general permit that has been proposed for renewal.

[Adopted effective November 3, 1993. Amended August 13, 2003.]

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

P.O. BOX 987

FLORENCE, ARIZONA 85232

(520) 866-6929 FAX: (520) 866-6967

NOTICE OF PROPOSED RULEMAKING

PINAL COUNTY AIR QUALITY CONTROL DISTRICT CODE OF REGULATIONS

PREAMBLE

1. Sections Affected

	<u>Rulemaking Action</u>
§3-6-565	Amend
§4-3-080	Amend
§6-1-030	Amend
§7-1-020	Amend
§7-1-030	Amend
Title Page - Code of Regulations (Preface)	Amend

2. The specific authority for the rulemaking, including both the authorizing statute (general) and statutes the rules are implementing (specific):

Authorizing statutes: Arizona Revised Statutes (A.R.S.) §§ 49-412, 49-479 and 49-501

A.R.S. § 49-479 allows the Board of Supervisors to adopt rules to regulate air quality, which must be at least as stringent as the rules adopted by the Arizona Department of Environmental Quality (ADEQ). A.R.S. § 49-112 requires a specific justification for adoption of rules that are "more stringent" or "in addition to" rules adopted by ADEQ.

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

Notice of Rulemaking Docket Opening: 9 A.A.R. 3894-97, September 5, 2003

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

Name: Jean Parkinson
Address: Pinal County Air Quality Control District (PCAQCD)
P.O. Box 987
Florence, AZ 85232
Telephone: (520) 866-6929
Fax: (520) 866-6967
E-mail: jean.parkinson@co.pinal.az.us

5. An explanation of the rule, including the District's reasons for initiating the rule:

- A. Summary: This rule revision would update the incorporations by reference of the following federal regulations: New Source Performance Standards (NSPS), National Emissions Standards for Hazardous Air Pollutants (NESHAP), and Acid Rain. In addition, amendments were made to the Title Page (Preface) and §4-3-080 to update a recent change in the contact telephone number for the Pinal County Air Quality Control District (PCAQCD). The PCAQCD will be requesting delegation of authority for enforcement of the revisions in the proposed changes to the NSPS and NESHAP.
- B. Structure of Authority: A.R.S. § 49-479 provides the Board of Supervisors with general air quality rule authority. PCAQCD is in compliance with A.R.S. § 49-112(A) since the District is proposing to adopt revisions to the rules that are not more stringent than nor in addition to a provision of A.R.S. Title 49 or rules adopted by the Director of the Arizona Department of Environmental Quality (ADEQ) or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49.
- C. § 49-112(B) does not apply because these particular rules are in that portion of Pinal County's Air Quality Program that is administered under direct authority. Therefore, these rules are not being adopted/revised in lieu of a state program.
- D. At both the county and state levels, these rules implement federal requirements according to each federal program identified or applicable source type. These rules do not alter the meaning or effect of the state rules and federal regulations from which they derived, as the rule revisions implement federal requirements.

Arizona Administrative Register / Secretary of State
County Notices Pursuant to A.R.S. § 49-112

E. Section by Section Explanation of significant proposed changes:

§3-6-565. Adoption of 40 Code of Federal Regulations (C.F.R.) by reference:
Incorporated by Reference with new date of July 1, 2002.

§4-3-080. Emissions from Existing and New Non-Point Sources: Construction Sites
- Fugitive Dust:
Revised telephone contact number.

§6-1-030. Performance Standards:

1. Added the appropriate Sections of 40 CFR 60 after each subpart for easier reference.
2. Added text that was missing, "or for which modification or reconstruction is commenced after June 19, 1996" for Subpart Eb.
3. Deleted text, "or for which modification commenced after March 16, 1998" for Subpart Ec.
4. Incorporated by Reference with new date of July 1, 2002, the following 40 C.F.R. 60 Subparts:

Subpart AAAA - Standards of Performance for Small Municipal Waste Combustion Units for which construction is commenced after August 30, 1999, or for which modification or reconstruction is commenced after June 6, 2001 [Added at 65 Federal Register (FR) 76355, 12/06/00]

Subpart BBBB - Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units [Added at 65 FR 76384, 12/06/00]

Subpart CCCC - Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for which construction is commenced after November 30, 1999, or for which modification or reconstruction is commenced on or after June 1, 2001 [Added at 65 FR 75350, 12/01/00]

Subpart DDDD - Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that commenced Construction on or before November 30, 1999 [Added at 65 FR 76362, 12/01/01]

§7-1-030. Performance Standards for Federally Listed Hazardous Air Pollutants:

1. Added the appropriate Sections of 40 CFR 63 after each subpart for easier reference.
2. Added "Reserved" for Subparts not published or adopted and renumbered listing numbers.
3. Incorporated by Reference with new date of July 18, 2003, the following 40 C.F.R. 63 Subparts:

Subpart MM - NESHAP for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-alone Semicheical Pulp Mills [Added at 66 FR 3193, 01/12/01]

Subpart OOO - NESHAP from the Manufacture of Amino/Phenolic Resins [Added at 66 FR 3290, 01/20/00]

Subpart PPP - NESHAP for Polyether Polyols Production [Added at 64 FR 29439, 06/01/99]

Subpart QQQ - NESHAP for Primary Copper Smelters [Added at 67 FR 40491, 06/12/02]

Subpart RRR - NESHAP for Secondary Aluminum Production [Added at 65 FR 15710, 03/23/00]

Subpart UUU - NESHAP for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units [Added at 67 FR 17773, 04/11/02]

Subpart VVV - NESHAP for Publicly Owned Treatment Works [Added at 67 FR 64745, 10/21/02]

Subpart AAAA - NESHAP for Municipal Solid Waste Landfills [Added at 68 FR 2238, 01/16/03]

Subpart CCCC - NESHAP for Manufacture of Nutritional Yeast [Added at 66 FR 27884, 05/21/01]

Subpart GGGG - NESHAP for Solvent Extraction for Vegetable Oil Production [Added at 66 FR 19011, 04/12/01]

Subpart HHHH - NESHAP for Wet-Formed Fiberglass Mat Production [Added at 67 FR 17835, 04/11/02]

Subpart SSSS - NESHAP for Surface Coating of Metal Coil [Added at 67 FR 39812, 06/10/02]

Subpart TTTT - NESHAP for Leather Finishing Operations [Added at 67 FR 9162, 02/27/02]

Subpart UUUU - NESHAP for Cellulose Products Manufacturing [Added at 67 FR 40055, 06/11/02]

6. A reference to any study that the agency proposed to rely on in its evaluation of or justification for the proposed rules and where the public may obtain or review the study, all data underlying each study, and analysis of the study and other supporting material:

None, other than the cited statutes and rules.

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 the State:

Not applicable

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

PCAQCD is proposing to update its incorporations by reference of the following federal regulations: New Source Performance Standards (NSPS); National Emission Standards for Hazardous Air Pollutants (NESHAP); and Acid Rain. These revisions should not have any economic impact on businesses in Pinal County and should not impose additional costs on the regulated community, small businesses, political subdivisions, and members of the public. These updates do not establish fees, any costs associated with these rule revisions will come from permit application fees for sources obtaining a permit revision to reflect new emission limits, due to applicability of a new standard. Therefore, fees associated with these rules will be exactly the same as fees associated with similar permits.

The proposed changes will not affect state revenues.

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: Jean Parkinson
Address: Pinal County Air Quality Control District (PCAQCD)
P.O. Box 987
Florence, AZ 85232
Telephone: (520) 866-6929
Fax: (520) 866-6967
E-mail: jean.parkinson@co.pinal.az.us

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

Stakeholder's Meeting: Wednesday, November 12, 2003

Time: 1:30 p.m.
Location: Pinal County Complex, Emergency Operations Center (EOC), Building F
31 North Pinal Street
Florence, Arizona 85232
Nature: The Control Officer will meet informally with any interested party for the purpose of discussing the proposed rules.

Public Hearing (Oral Proceeding): Wednesday, November 26, 2003

Time: 1:30 p.m.
Location: Pinal County Complex, Emergency Operations Center (EOC), Building F
31 North Pinal Street
Florence, Arizona 85232
Nature: Public Hearing with the opportunity for formal comments on the record regarding the proposed rules.

Public Hearing (Supervisors): Wednesday, December 3, 2003

Time: 09:30 a.m.
Location: Pinal County Complex, Board of Supervisors Hearing Room, Building A
31 North Pinal Street
Florence, Arizona 85232
Nature: Public Hearing with the opportunity for formal comments on the record regarding the proposed rules.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rules or class of rules:

Not applicable

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

None

13. The full text of the rules follows:

CODE OF REGULATIONS

AS AMENDED ~~DECEMBER 13, 2000~~ DECEMBER 3, 2003

PREPARED BY

AIR QUALITY CONTROL DISTRICT STAFF

PREFACE

CODIFICATION NOTES

- This document constitutes a courtesy-codification by District staff of the combination of rules and amendments as approved by the Pinal County Board of Supervisors by:
 1. Resolution No. 62993-A, adopted on June 29, 1993;
 2. Resolution No. 113993-PI. and Resolution No. 11393-PIA, adopted November 3, 1993;
 3. Resolution No. 81194-SM, adopted August 11, 1994;
 4. Resolution No. 82994-SIP, adopted August 29, 1994;
 5. Resolution No. 22295-REV, adopted February 22, 1995;
 6. Resolution No. 101295-AQ., adopted October 12, 1995;
 7. Resolution Nos. 62096-AQ. and 62096-AQ., adopted on June 20, 1996
 8. Resolution No. 51497-A.C., adopted May 14, 1997
 9. Resolution No. 62597-A.C., adopted June 25, 1997.
 10. Resolution No. 52798-A.C., adopted May 27, 1998.
 11. Resolution No. 72998-AQ., adopted July 29, 1998.
 12. Resolution No. 062800-A.C., adopted July 12, 2000.
 13. Resolution No. 121300-AQ4, adopted December 13, 2000.
 14. Resolution No. 0530001A.C., adopted on May 30, 2001.
 15. Resolution No. 090501-AQ3, adopted on September 5, 2001.
 16. Resolution No. 121901-AQ1, adopted on December 19, 2001.
 17. Resolution No. 120402-AQ1, adopted on December 4, 2002.
 18. Resolution No. 120402-AQ3, adopted on December 4, 2002.
 19. Resolution No. 081303-AQ1, adopted on August 13, 2003.
 20. Resolution No. 120303-AQ1, adopted on December 3, 2003.
 21. Resolution No. 120303-AQ2, adopted on December 3, 2003.

- In addition, certain elements of other rule-sets adopted prior to above-enumerated actions by the Board retain continued vitality. All constitute Administrator-approved elements of the Arizona State Implementation Plan. As elements of the foregoing resolutions, the Board of Supervisors proposed a conditional repeal of all of those provisions, which repeal remains contingent upon the Administrator's approval of their deletion from the SIP, which approval would in most but not all cases be coupled with SIP-approval of a successor provision within the current provisions of this Code. Relevant predecessor provisions include:
 1. Appendix H; Pinal-Gila Counties Air Quality Control District Rules, as adopted by the Pinal County Board of Supervisors on March 31, 1975, and approved by the Administrator as elements of the Arizona State Implementation Plan at 43 F.R. 50531 (11/15/78), **including certain deletions approved at 62 F.R. 34641 (6/27/97).**
 2. Appendix I; Pinal-Gila Counties Air Quality Control District Rules, as adopted by the Pinal County Board of Supervisors on March 31, 1975, and approved by the Administrator as elements of the Arizona State Implementation Plan at 44 F.R. 73033 (12/17/79).
 3. Appendix J; Pinal-Gila Counties Air Quality Control District Rules, as adopted by the Pinal County Board of Supervisors on June 16, 1980, and approved by the Administrator as elements of the Arizona State Implementation Plan at 47 F.R. 15579 (4/12/82).

- In 1996, the EPA approved elements of the District's pending SIP submittal. See 61 F.R. 15717 (4/9/96). The approved elements generally pertained to the District's attainment-area minor- and major-NGR programs. Although the newly approved elements necessarily logically supersede certain portions of the earlier SIP-approved rules, the April 1996 action did not expressly rescind the SIP-approval of those earlier rules. To provide a ready reference-definition of those portions of the Code, or earlier rules, that have been EPA-approved as elements of the Arizona SIP, Appendix K now includes a copy of the most recent EPA-promulgated "Pinal County Applicable State Implementation Plan Log."

FORMAT

This Code is organized in outline format with divisions, subdivisions, numbering and lettering schemes having the meanings indicated below:

- Chapter: Arabic numerals, e.g., Chapter 1
- Article: Arabic numerals subdividing the chapter, e.g., Article 1
- Section: Three-part Arabic numerals further subdividing the article, with the first and second parts identical to the corresponding chapter and article number, respectively, e.g., 1-3-010 is Section 010 of Chapter 1, Article 3.
- Subsection: Single uppercase letter in alphabetical order, e.g., A.
- Subdivision: Single-digit Arabic numeral, in numerical order, e.g., 1.
- Paragraph: Single lowercase letter, in alphabetical order, e.g., a.
- Subparagraph: Lower case Roman numeral, in numerical order, e.g., I.
- Item: Arabic numeral, in numerical order, in parentheses, e.g., (1).

REGULATORY REFORM

The Pinal County Air Quality Control District has an on-going program of regulatory review to evaluate the Code for need, effectiveness, enforceability, clarity, simplicity and consistency with other statutory provisions. Please direct comments or suggestions to:

Pinal County Air Quality Control District
Post Office Box 987
Florence, Arizona 85232
(520) ~~868-6929~~ 866-6929

ARTICLE 6. FEDERAL ACID RAIN PROGRAM

3-6-565. Adoption of 40 C.F.R. Part 72 by reference

- A. The following subparts of 40 CFR Part 72, Permits Regulation, and all accompanying appendices adopted as of ~~December 31, 1997~~ July 1, 2002 (and no future amendments) are incorporated by reference. These standards are on file with the District and shall be applied by the District.
 - 1. Subpart A - Acid Rain Program General Provisions.
 - 2. Subpart B - Designated Representative.
 - 3. Subpart C - Acid Rain Applications.
 - 4. Subpart D - Acid Rain Compliance Plan and Compliance Options.
 - 5. Subpart E - Acid Rain Permit Contents.
 - 6. Subpart F - Federal Acid Rain Permit Issuance Procedures.
 - 7. Subpart G - Acid Rain Phase II Implementation.
 - 8. Subpart H - Permit Revisions.
 - 9. Subpart I - Compliance Certification.
- B. 40 CFR Parts 74, 75 and 76 and all accompanying appendices, adopted as of December 31, 1997 (and no future amendments) are incorporated by reference. These standards are on file with the District and shall be applied by the District.
- C. When used in 40 CFR Parts 72, 74, 75 or 76, "Permitting Authority" means the Pinal County Air Quality Control District and "Administrator" means the Administrator of the United States Environmental Protection Agency.
- D. If the provisions or requirements of the regulations incorporated in this section conflict with any of the other provisions of this Code, then the regulations incorporated in this section shall apply and take precedence.

[Adopted effective November 3, 1993. Amended February 22, 1995. Revised May 27, 1998 and ratified July 29, 1998; revised July 29, 1998, and amended December 3, 2003, with succeeding changes conditioned upon EPA approval of a revision to the District's Title V program as approved at 61 Fed. Reg. 55910 (10/30/96).]

4-3-080. Registration Requirements

Prior to engaging in affected activities on a job site, at least one affected party shall file a registration form with the Control Officer, pay the appropriate fee, and receive a registration notice from the Control Officer.

- 1. Registration Form:
 - a. The applicant shall present a registration on a form approved by the Control Officer, and shall include all essential identification information as specified on that form.
 - b. Each registration shall also include a plot plan with linear dimensions in feet. The plot plan must be on 8 ½ by 11 inch paper, and may be on one or more sheets. The plan should identify the parcel, the street address, the direction north, the total area to be disturbed and indicates sources of fugitive dust emission on the plot plan (delivery, transport, and storage areas).

- c. Using the options on the registration form or in the applicant's own words, each registration application shall contain an explanation of the control measures and work practices to be utilized on the project.
 - d. Using the options on the registration form or in the applicant's own words, each registration application shall contain an explanation of how the applicant will demonstrate compliance with this rule, by demonstrating after-the-fact that the control measures and work practices proposed in the registration were in fact utilized on the project. A demonstration of compliance would typically include a daily written log at the work site, or the maintenance of invoices and/or payments reflecting the cost of the control measures.
2. Registration acknowledgment:
- a. The registration acknowledgment from the control officer will contain the universal performance standard and conditions regarding the necessary control measures and work practices specific to the applicable project as proposed by the registrant.
 - b. The registration acknowledgment shall contain a provision that all registrants keep records documenting the actual application or implementation of the control measures delineated in the registration application for at least 30 days following the termination of the registration acknowledgment.
 - c. The registration acknowledgment shall be valid for a period of not more than one year from the date of issue, and may be renewed by providing the Control Officer a new registration application and payment of the appropriate fee.
 - d. Registrants shall notify the Control Officer within five working days of the start and completion of the project.
 - e. At all sites that are five acres or larger, registrants shall erect a project information sign at the main entrance that is visible to the public or at each end of the road construction project site. The sign shall be a minimum of 24 inches tall by 30 inches wide, have a white background, have the words "DUST CONTROL" shown in black block lettering which is at least four inches high, and shall contain the following information in a legible fashion:
 - i. Project Name
 - ii. Name and phone number of person(s) responsible for conducting project
 - iii. Text stating: "Dust Complaints? Call Pinal County Air Quality Control District at (520) ~~868-6929~~866-6929."

CHAPTER 6. NEW SOURCE PERFORMANCE STANDARDS

ARTICLE 1. ADOPTED DOCUMENTS

6-1-010. General

- A. The purpose of this article is to establish acceptable design and performance criteria for specified sources subject to the standards enumerated in this Article, which standards generally apply to new or modified emission sources.
 - B. The provisions of this article apply to the owner or operator of any stationary source which contains an affected facility on which the construction, reconstruction, or a modification is commenced after the date of publication of any standard applicable to such facility in 40 C.F.R. Part 60, or otherwise fall within the applicability provisions of any specific standard. Any such stationary source must also comply with other regulations of the Pinal County Air Quality Control District.
 - C. Pinal County shall enforce the new source performance standards listed in §6-1-030. To the extent that the Administrator of the United States Environmental Protection Agency may delegate to the District administrative or enforcement authority with respect to any specific standard, the District shall effect such administration or enforcement to the extent and in the manner allowed by law. Incorporation by reference does not include nondelegable functions of the EPA Administrator, including but not limited to approval of alternative or equivalent test methods. As used in 40 C.F.R. 60: "Administrator" means the Control Officer of the Pinal County Air Quality Control District, except that the Control Officer shall not be authorized to approve alternate or equivalent test methods, alternative standards or work practices, equivalency determinations or innovative technology waivers as covered in Section 111(h) "Design, equipment, work practice, or operational standard; alternative emission limitation," and Section 111 (k) "Innovative technological systems of continuous emission reduction" of the FCAA.
 - D. Reserved.
 - E. All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this code shall be submitted to the Pinal County Air Quality Control District, 31 Pinal Street, (Building F), P.O. Box 987, Florence, Arizona 85232.
 - F. To the extent that the Administrator has delegated to the District administrative authority with respect to any particular subpart of the C.F.R. incorporated under this Article, the filing with the District required under this subsection will supplant the need to make additional filings with the Regional Administrator. The District will maintain a publicly available list of those Subparts for which such administrative authority has been delegated to the District.
 - G. The District shall maintain a publicly accessible copy of each Subpart of the C.F.R. incorporated under this Article.
- [Adopted effective November 3, 1993. Amended February 22, 1995. Amended June 20, 1996. and revised on July 12, 2000 with revision contingent upon corresponding revision in the EPA-approved SIP (Id)]

6-1-020. Definitions

For the purpose of this article, the following definitions shall apply:

1. AFFECTED FACILITY - With reference to a stationary source, any apparatus to which a standard is applicable.
2. COMMENCED - With respect to the definition of "new source" in the Clean Air Act §111(a)(2) (1990), that an owner or operator has undertaken a continuous program of construction, reconstruction, or modification or that an owner or operator has entered into a contracted obligation to undertake and complete, within a reasonable time, a continuous program of construction, reconstruction, or modification.
3. CONSTRUCTION - The fabrication, erection, or installation of an affected facility.
4. EXISTING SOURCE - Any stationary source of air pollution which is not subject to a new source performance standard under this Article.
5. MODIFICATION - Any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air contaminant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air contaminant (to which a standard applies) into the atmosphere not previously emitted.
6. NEW SOURCE - Any stationary source of air pollution which is subject to an applicable new source performance standard under this Article.
7. OWNER or OPERATOR - Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.
8. STANDARD - A standard of performance promulgated or adopted under this chapter.
9. STATIONARY SOURCE - Any building, structure, facility, or installation which, at a fixed location, emits or may emit any air pollutant.

[Adopted effective November 3, 1993. Amended February 22, 1995.]

6-1-030. Performance standards

The standards of performance established in those subparts of 40 C.F.R. Part 60, adopted or revised as of July 1, ~~1997~~ 2002, or such other adoption date as specified below, and listed below, including all accompanying appendices, are adopted by reference with the listed exceptions:

1. SUBPART A - General Provisions (§§60.1-60.19)
2. SUBPART D - Fossil Fuel-Fired Steam Generators for which construction is commenced after August 17, 1971 (§§60.40-60.46)
3. SUBPART Da - Electric Utility Steam Generating Units for which construction is commenced after September 18, 1978 (§§60.40a-60.49a)
4. SUBPART Db - Utility Industrial, Commercial, Institutional Steam Generating Units (§§60.40b-60.49b)
5. SUBPART Dc - Small Industrial, Commercial, Institutional Steam Generating Units (§§60.40c-60.48c)
6. SUBPART E - Incinerators (§§60.50-60.54)
7. SUBPART Ea - Municipal Waste Combustors for which Construction is Commenced after December 20 1989, and on or before September 20, 1994 (§§60.50a-60.59a)
8. Subpart Eb - Municipal Waste Combustors for which Construction is Commenced after September 20, 1994 or for which modification or reconstruction is commenced after June 19, 1996. (§§60.50b-60.59b)
9. SUBPART Ec - Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for which construction commenced after June 20, 1996 ~~or for which modifications commenced after March 16, 1998.~~ (§§60.50c-60.58c)
10. SUBPART F - Portland Cement Plants (§§60.60-60.66)
11. SUBPART G - Nitric Acid Plants (§§60.70-60.74)
12. SUBPART H - Sulfuric Acid Plants (§§60.80-60.86)
13. SUBPART I - Asphaltic Concrete Plants (§§60.90-60.93)
14. SUBPART J - Petroleum Refineries (§§60.100-60.109)
15. SUBPART K - Storage Vessels of Petroleum Liquids for which construction, reconstruction or modification commenced after June 11, 1973 and prior to May 19, 1978. (§§60.110-60.113)
16. SUBPART Ka - Volatile Organic Liquid Storage Vessels for which construction, reconstruction or modification commenced after May 18, 1978 and prior to July 23, 1984. (§§60.110-60.115a)
17. SUBPART Kb - Volatile Organic Liquid Storage Vessels for which construction, reconstruction or modification commenced after July 23, 1984 (including petroleum liquid storage vessels) (§§60.110b-60.117b)
18. SUBPART L - Secondary Lead Smelters (§§60.120-60.123)
19. SUBPART M - Secondary Brass and Bronze Production Plants (§§60.130-60.133)
20. SUBPART N - Iron and Steel Plants from Basic Oxygen Process Furnaces (§§60.140-60.144)
21. SUBPART Na - Iron and Steel Plants - Secondary Emissions from Basic Oxygen Process Furnaces for which construction commenced after January 20, 1983 (§§60.140a-60.145a)
22. SUBPART O - Sewage Treatment Plants (§§60.150-60.156)
23. SUBPART P - Primary Copper Smelters (§§60.160-60.166)

24. SUBPART Q - Primary Zinc Smelters (§§60.170-60.176)
25. SUBPART R - Primary Lead Smelters (§§60.180-60.186)
26. SUBPART S - Primary Aluminum Reduction Plants (§§60.190-60.195)
27. SUBPART T - Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants (§§60.200-60.204)
28. SUBPART U - Phosphate Fertilizer Industry: Superphosphoric Acid Plants (§§60.210-60.214)
29. SUBPART V - Phosphate Fertilizer Industry: Diammonium Phosphate Plants (§§60.220-60.224)
30. SUBPART W - Phosphate Fertilizer Industry: Triple Superphosphate Plants (§§60.230-60.234)
31. SUBPART X - Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities (§§60.240-60.244)
32. SUBPART Y - Coal Preparation Plants (§§60.250-60.254)
33. SUBPART Z - Ferro-Alloy Production Facilities (§§60.260-60.266)
34. SUBPART AA - Steel Plants: Electric Arc Furnaces constructed after October 21, 1974 and on or before August 17, 1983 (§§60.270-60.276)
35. SUBPART AAa - Steel Plants: Electric Arc Furnaces and Argon Oxygen Decarburization Vessels constructed after August 17, 1983 (§§60.270a-60.276a)
36. SUBPART BB - Kraft Pulp Mills (§§60.280-60.285)
37. SUBPART CC - Glass Manufacturing Plants (§§60.290-60.296)
38. SUBPART DD - Grain Elevators (§§60.300-60.304)
39. SUBPART EE - Surface Coating of Metal Furniture (§§60.310-60.316)
40. SUBPART GG - Stationary Gas Turbines (§§60.330-60.335)
41. SUBPART HH - Lime Manufacturing Plants (§§60.340-60.344)
42. SUBPART KK - Lead-Acid Battery Manufacturing Plants (§§60.370-60.374)
43. SUBPART LL - Metallic Mineral Processing Plants (§§60.380-60.386)
44. SUBPART MM - Automobile and Light Duty Truck Surface Coating Operations (§§60.390-60.398)
45. SUBPART NN - Phosphate Rock Plants (§§60.400-60.404)
46. SUBPART PP - Ammonium Sulfate Manufacture (§§60.420-60.424)
47. SUBPART QQ - Graphic Arts Industry: Publication Rotogravure Printing (§§60.430-60.435)
48. SUBPART RR - Pressure Sensitive Tape and Label Surface Coating Operations (§§60.440-60.447)
49. SUBPART SS - Industrial Surface Coating: Large Appliances (§§60.450-60.456)
50. SUBPART TT - Metal Coil Surface Coating (§§60.460-60.466)
51. SUBPART UU - Asphalt Processing and Asphalt Roofing Manufacture (§§60.470-60.474)
52. SUBPART VV - Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry (§§60.480-60.489)
53. SUBPART WW - Beverage Can Surface Coating Industry (§§60.490-60.496)
54. SUBPART XX - Bulk Gasoline Terminals (§§60.500-60.506)
55. SUBPART AAA - New Residential Wood Heaters (§§60.530-60.539b)
56. SUBPART BBB - Rubber Tire Manufacturing Plants (§§60.540-60.548)
57. SUBPART DDD - Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry (§§60.560-60.566)
58. SUBPART FFF - Flexible Vinyl and Urethane Coating and Printing (§§60.580-60.585)
59. SUBPART GGG - Equipment Leaks of VOC in Petroleum Refineries (§§60.590-60.593)
60. SUBPART HHH - Synthetic Fiber Production Facilities (§§60.600-60.604)
61. SUBPART III - Volatile Organic Compound Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes (§§60.610-60.618)
62. SUBPART JJJ - Petroleum Dry Cleaners (§§60.620-60.636)
63. SUBPART KKK - Equipment Leaks of VOC from Onshore Natural Gas Processing Plants (§§60.630-60.636)
64. SUBPART LLL - Onshore Natural Gas Processing: SO₂ Emissions (§§60.640-60.648)
65. SUBPART NNN - Volatile Organic Compound Emissions from the Synthetic Organic Chemical Manufacturing Industry Distillation Operations (§§60.660-60.668)
66. SUBPART OOO - Non-Metallic Mineral Processing Plants (§§60.670-60.676)
67. SUBPART PPP - Wool Fiberglass Insulation Manufacturing Plants (§§60.680-60.685)
68. SUBPART QQQ - Petroleum Refinery Wastewater Systems (§§60.690-60.699)
69. Subpart RRR - Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes (58 FR 45962, August 31, 1993.) (§§60.700-60.708)
70. SUBPART SSS - Magnetic Tape Coating Facilities (§§60.710-60.718)
71. SUBPART TTT - Industrial Surface Coating: Plastic Parts for Business Machines (§§60.720-60.726)
72. Subpart UUU - Calciners and Dryers in Mineral Industries (§§60.730-60.737).
73. Subpart VVV - Polymeric Coating of Supporting Substrates Facilities (§§60.740-60.748).
74. Subpart WWW - Municipal Solid Waste Landfills (§§60.750-60.759).
75. Reserved.

- 76. Reserved.
- 77. Reserved.
- 78. Subpart AAAA - Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001 (§§60.1000-60.1465).
- 79. Subpart BBBB - Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999 (§§60.1500-60.1940).
- 80. Subpart CCCC - Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction is Commenced After November 30, 1999 for Which Modification or Reconstruction is Commenced on or After June 1, 2001 (§§60.2000-60.2265).
- 81. Subpart DDDD - Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999 (§§60.2500-60.2875).

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended June 20, 1996. Revised May 14, 1997. Revised May 27, 1998 and ratified July 29, 1998. Revised on July 12, 2000. Amended December 3, 2003.]

CHAPTER 7. HAZARDOUS AIR POLLUTANT STANDARDS

ARTICLE 1. FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

7-1-010. General

- A. The purpose of this article is to establish emission standards for hazardous air pollutants.
- B. The provisions of this article apply to the owner or operator of any stationary source for which a standard is prescribed under this article. Any such stationary source must also comply with other regulations of the Pinal County Air Quality Control District.
- C. Pinal County shall enforce the emission standards for hazardous air pollutants listed in §7-1-030. To the extent that the Administrator of the United States Environmental Protection Agency may delegate to the District administrative or enforcement authority with respect to any specific standard, the District shall effect such administration or enforcement to the extent and in the manner allowed by law. Incorporation by reference does not include nondelegable functions of the EPA Administrator, including but not limited to approval of alternative or equivalent test methods. As used in 40 C.F.R. 61 and 63: "Administrator" means the Control Officer of the Pinal County Air Quality Control District, except that the Control Officer shall not be authorized to approve alternate or equivalent test methods, alternative standards or work practices, equivalency determinations or innovative technology waivers as covered in Section 112(e) "Schedule for Standards and Review" and Section 112(h) "Work practice standards and other requirements" of the FCAA.
- D. Reserved.
- E. When any provision of the C.F.R. incorporated under this Article requires a request, report, application, submittal or other written communication, a copy of each such document shall be filed with the Pinal County Air Quality Control District, P.O. Box 987, Florence, Arizona 85232. To the extent that the Administrator has delegated to the District administrative authority with respect to any particular Subpart of the C.F.R. incorporated under this Article, the filing with the District required under this subsection will supplant the need to make additional filings with the Regional Administrator. The District will maintain a publicly available list of those Subparts for which such administrative authority has been delegated to the District.
- F. The District shall maintain a publicly accessible copy of each Subpart the C.F.R. incorporated under this Article.

[Adopted effective November 3, 1993. Amended February 22, 1995. Revised on July 12, 2000, with revision contingent upon corresponding revision in the EPA-approved SIP (Id)]

7-1-020. Definitions

For the purpose of this article, the following definitions shall apply:

- 1. ACCIDENTAL RELEASE - An unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationery source.
- 2. ADMINISTRATOR - As used in any Subpart of the C.F.R. incorporated under this Article shall mean the Control Officer, subject to the limitations established in this Article.
- 3. AREA SOURCE - Any stationary source of federally listed hazardous air pollutants that is not a major source, but not including motor vehicles or non-road vehicles subject to regulation under Subchapter II of the Clean Air Act (1990).
- 4. EXISTING SOURCE - Any stationary source other than a new source.
- 5. MAJOR SOURCE - Any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, ten (10) tons per year or more of any federally listed hazardous air pollutant or twenty-five (25) tons per year or more of any combination of federally listed hazardous air pollutants. A lesser quantity, or in the case of radionuclides, different criteria, may be established by the Administrator pursuant to §112 of the Clean Air Act (1990) and adopted by the Control Officer by rule.

6. MODIFICATION - Any physical change in, or change in the method of operation of, a major source which increases the actual emissions of any federally listed hazardous air pollutant emitted by such source by more than an amount numerically equal to a corresponding *de minimis* amount or which results in the emission of any federally listed hazardous air pollutant not previously emitted by more than a relevant *de minimis* amount. A physical change to a source, or change in the method of operation of a source, is not a modification if the change complies with the offset requirements of §112(g)(1) of the Clean Air Act (1990), which is hereby incorporated by reference.
7. NEW SOURCE - A stationary source, the construction or reconstruction of which is commenced after the Administrator first proposes regulations under §112 of the Clean Air Act (1990) establishing an emission standard applicable to such source.
8. REGULATED SUBSTANCE - Any substance listed under §112(r)(3) of the Clean Air Act (1990) or 40 C.F.R. §68.130 (~~1992~~ 65 FR 13250, March 13, 2000).
9. THRESHOLD QUANTITY - The quantity specified for regulated substances under §112(r)(5) of the Clean Air Act (1990) or listed in 40 C.F.R. §68.130 (~~1992~~ 65 FR 13250, March 13, 2000) and determined to be present at a stationary source as specified in 40 C.F.R. §68.53 (~~1992~~ 65 FR 13250, March 13, 2000).

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended December 3, 2003.]

7-1-030. Performance standards for federally listed hazardous air pollutants

- A. Subject to the specified exceptions, the following Subparts of 40 CFR Part 61 and 63, NESHAPs, along with accompanying appendices, adopted by the Administrator as of July 18, ~~1998~~ 2003, and other than as expressly defined below, no future editions, are hereby adopted by reference:
1. SUBPART A - General Provisions (§§61.01-61.19)
 2. SUBPART C - Beryllium (§§61.30-61.34)
 3. SUBPART D - Beryllium Rocket Motor Firing (§§61.40-61.44)
 4. SUBPART E - Mercury (§§61.50-61.56)
 5. SUBPART F - Vinyl Chloride (§§61.60-61.71)
 6. Reserved - G
 7. Reserved - H
 8. Reserved - I
 - ~~6.9~~ SUBPART J - Benzene Fugitive Emissions Sources and Equipment Leaks (§§61.01-61.19)
 - ~~10.~~ Reserved - K
 - ~~7.11~~ SUBPART L - Benzene Emissions from Coke By-Product Recovery Plants (§§61.130-61.139)
 - ~~8.12~~ SUBPART M - Asbestos (§§61.140-61.157 and Appendix A)
 - ~~9.13~~ SUBPART N - Inorganic Arsenic Emissions from Glass Manufacturing Plants (§§61.160-61.165)
 - ~~10.14~~ SUBPART O - Inorganic Arsenic Emissions from Primary Copper Smelters (§§61.170-61.177)
 - ~~11.15~~ SUBPART P - Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities (§§61.180-61.186)
 - ~~16.~~ Reserved - Q
 - ~~17.~~ Reserved - R
 - ~~18.~~ Reserved - S
 - ~~19.~~ Reserved - T
 - ~~20.~~ Reserved - U
 - ~~12.21~~ SUBPART V - Volatile Hazardous Air Pollutants: Fugitive Emissions and Equipment Leaks (§§61.240-61.247)
 - ~~22.~~ Reserved - W
 - ~~23.~~ Reserved - X
 24. SUBPART Y - Benzene Storage Vessels (§§61.270-61.277)
 - ~~25.~~ Reserved - Z
 - ~~26.~~ Reserved - AA
 - ~~14.27~~ SUBPART BB - Benzene Transfer Operations (§§61.300-61.306)
 28. Reserved - CC
 29. Reserved - DD
 30. Reserved - EE
 - ~~15.31~~ SUBPART FF - Benzene Waste Operations (§§61.340-61.358)
- B. The following Subparts of 40 CFR Part 63, NESHAPs for Source Categories, along with accompanying appendices and amendments, finally adopted or revised by the Administrator as of July 18, ~~1998~~ 2003, and other than as expressly defined below, no future editions are adopted by reference:
1. Subpart A - General Provisions (§§63.1-63.15)
 2. Subpart B - Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112 (j) (§§63.40-63.56)
 3. Reserved - C

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4. Subpart D - Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants (§§63.70-63.81)
5. Reserved - E
6. Subpart F - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry (§§63.100-63.106 and Tables)
7. Subpart G - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (§§63.110-63.152 and Appendix)
8. Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks (§§63.160-63.182 and Tables)
9. Subpart I - National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks (§§63.160-63.182 and Tables)
10. Reserved - J
11. Reserved - K
12. Subpart L - National Emission Standards for Coke Oven Batteries (§§63.300-63.313)
13. Subpart M - National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities (§§63.320-63.325)
14. Subpart N - Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (§§63.340-63.347 and Table)
15. Subpart O - Ethylene Oxide Emissions for Sterilization Facilities (§§63.360-63.367)
16. Reserved - P
17. Subpart Q - Industrial Process Cooling Towers (§§63.400-63.406 and Table)
18. Subpart R - Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) (§§63.420-63.429 and Table)
19. Subpart S - Pulp and Paper Industry (§§63.440-63.459 and Table)
20. Subpart T - Halogenated Solvent Cleaning (§§63.460-63.469 and Appendix A & B)
21. Subpart U - Group I Polymers and Resins (§§63.480-63.506 and Tables)
22. Reserved - V
23. Subpart W - Epoxy Resins Production and Non-Nylon Polyamides Production (§§63.520-63.528 and Table)
24. Subpart X - Secondary Lead Smelting (§§63.541-63.550)
25. Reserved - Y
26. Reserved - Z
27. Subpart AA - NESHAP from Phosphoric Acid Manufacturing Plants (§§63.600-63.610 and Appendix)
28. Subpart BB - NESHAP from Phosphate Fertilizers Production Plants (§§63.620-63.631 and Appendix)
29. Subpart CC - Petroleum Refineries (§§63.640-63.654 and Appendix)
30. Subpart DD - Off-site waste and recovery operations (§§63.680-63.698 and Tables)
31. Subpart EE - Magnetic Tape Manufacturing Operations (§§63.701-63.708 and Table)
32. Reserved - FF
33. Subpart GG - Aerospace Manufacturing and Rework Facilities (§§63.741-63.753 and Table 1 and Appendix)
34. Subpart HH - NESHAP Oil and Natural Gas Production Facilities (§§63.760-63.777 and Appendix)
35. Reserved - II
36. Subpart JJ - Wood Furniture Manufacturing Operations (§§63.800-63.808 and Tables)
37. Subpart KK - Printing and Publishing Industry (§§63.820-63.831 and Table 1 and Appendix)
38. Subpart LL - Primary Aluminum Reduction Plants (§§63.840-63.853 and Tables 1-3 and Appendix)
39. ~~Reserved~~ Subpart MM - NESHAP for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-alone Semicemical Pulp Mills (§§63.864-63.865)
40. Reserved - NN
41. Subpart OO - National Emission Standards for Tanks - Level 1 (§§63.900-63.907)
42. Subpart PP - National Emission Standards for Containers (§§63.920-63.928)
43. Subpart QQ - National Emission Standards for Surface Impoundments (§§63.940-63.948)
44. Subpart RR - National Emission Standards for Individual Drain Systems (§§63.960-63.966)
45. Subpart SS - National Emission Standards for Closed Vent systems, Control Devices, Recovery Devices and Routing to a Fuel Gas system or a Process (§§63.980-63.999)
46. Subpart TT - National Emission Standards for Equipment Leaks - Control Level 1 (§§63.1000-63.1018)
47. Subpart UU - National Emission Standards for Equipment Leaks - Control Level 2 (§§63.1019-63.1039 and Table)
48. Subpart VV - National Emission Standards for Oil-water Separators and Organic-water separators (§§63.1040-63.1049)
49. Subpart WW - National Emission Standards for Storage Vessels (Tanks) - Control Level 2 (§§63.1060-63.1066)
50. Reserved - XX

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51. Subpart YY - NESHAP for Source Categories: Generic Maximum Achievable Control Technology Standards (§§63.1100-63.1113)
52. Reserved - ZZ
53. Reserved - AAA
54. Reserved - BBB
55. Subpart CCC - NESHAP for Steel Pickling - HCL Process facilities and Hydrochloric Acid Regeneration Plants (§§63.1155-63.1166 and Table)
56. Subpart DDD - NESHAP for Mineral Wool Production (§§63.1175-63.1196 and Table 1 and Appendix)
57. Subpart EEE - Hazardous Air Pollutants from Hazardous Waste Combustors (§§63.1200-63.1213 and Table 1 and Appendix)
58. Reserved - FFF
59. Subpart GGG - National Emission Standards for Pharmaceuticals Production (§§63.1250-63.1261 and Tables)
60. Subpart HHH - NESHAP from Natural Gas Transmission and Storage Facilities (§§63.1270-63.1287 and Appendix)
61. Subpart III - NESHAP for Flexible Polyurethane Foam Production (§§63.1290-63.1309 and Appendix)
62. Subpart JJJ - Group IV Polymers and Resins (§§63.1310-63.1335 and Tables)
63. Reserved - KKK
64. Subpart LLL - NESHAP from the Portland Cement Manufacturing Industry (§§63.1340-63.1358 and Table)
65. Subpart MMM - NESHAP for Pesticide Active Ingredient Production (§§63.1360-63.1369 and Tables)
66. Subpart NNN - NESHAP for Wool Fiberglass Manufacturing (§§63.1380-63.1387 and Tables)
67. ~~Reserved~~ Subpart OOO - NESHAP from the Manufacture of Amino/Phenolic Resins (§§63.1400-63.1419 and Tables)
68. ~~Reserved~~ Subpart PPP - NESHAP for Polyether Polyols Production (§§63.1420-63.1439 and Tables)
69. ~~Reserved~~ Subpart QQQ - NESHAP for Primary Copper Smelters (§§63.1440-63.1459 and Table and Figure 1)
70. ~~Reserved~~ Subpart RRR - NESHAP for Secondary Aluminum Production (§§63.1500-63.1519 and Tables)
71. Reserved - SSS
71. Subpart TTT - NESHAP for Primary Lead Smelters (§§63.1541-63.1550)
72. ~~Reserved~~ Subpart UUU - NESHAP for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (§§63.1560-63.1579 and Tables)
73. ~~Reserved~~ Subpart VVV - NESHAP for Publicly Owned Treatment Works (§§63.1580-63.1595 and Table)
74. Reserved - WWW
75. Subpart XXX - NESHAP for Ferroalloys Production: Ferromanganese and Silicomanganese (§§63.1650-63.1661 and Appendix A - D)
76. Reserved - ZZZ
77. Subpart AAAA - NESHAP for Municipal Solid Waste Landfills (§§63.1930-63.1990 and Table)
78. Reserved - BBBB
79. Subpart - CCCC - NESHAP for Manufacture of Nutritional Yeast (§§63.2130-63.2192 and Tables)
80. Reserved - DDDD
81. Reserved - EEEE
82. Reserved - FFFF
83. Subpart GGGG - NESHAP for Solvent Extraction for Vegetable Oil Production (§§63.2830-63.2872)
84. Subpart HHHH - NESHAP for Wet- Formed Fiberglass Mat Production (§§63.2980-63.3004 and Tables and Appendix A & B)
85. Reserved - IIII
86. Reserved - JJJJ
87. Reserved - KKKK
88. Reserved - LLLL
89. Reserved - MMMM
90. Reserved - NNNN
91. Reserved - OOOO
92. Reserved - PPPP
93. Reserved - QQQQ
94. Reserved - RRRR
95. Subpart SSSS - NESHAP for Surface Coating of Metal Coil (§§63.5080-63.5200 and Tables)
96. Subpart TTTT - NESHAP for Leather Finishing Operations (§§63.5280-63.5460 and Figure 1)
97. Subpart UUUU - NESHAP for Cellulose Products Manufacturing (§§63.5480-63.5610 and Tables)

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended October 12, 1995. Amended June 20, 1996. Revised May 14, 1997. Revised May 27, 1998 and ratified July 29, 1998, revised on July 12, 2000, revised on December 13, 2000, amended on December 3, 2003, conditioned upon corresponding EPA approval of a revision to the District's Title V program as approved at 61 Fed. Reg. 55910 (10/30/96).]

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

P.O. BOX 987

FLORENCE, ARIZONA 85232

(520) 866-6929 FAX: (520) 866-6967

NOTICE OF PROPOSED RULEMAKING

PINAL COUNTY AIR QUALITY CONTROL DISTRICT CODE OF REGULATIONS

PREAMBLE

1. Sections Affected

§3-8-700
§3-8-710
Appendix C

Rulemaking Action

Amend
Amend
Amend

2. The specific authority for the rulemaking, including both the authorizing statute (general) and statutes the rules are implementing (specific):

Authorizing statutes: Arizona Revised Statutes (A.R.S.) §§ 49-412, 49-479, and 49-501

A.R.S. § 49-479 allows the Board of Supervisors to adopt rules to regulate air quality, which must be at least as stringent as the rules adopted by the Arizona Department of Environmental Quality (ADEQ).

A.R.S. § 49-112 requires a specific justification for adoption of rules that are “more stringent” or “in addition to” rules adopted by ADEQ.

A.R.S. § 49-501 provides for the conditions regarding unlawful open burning, definition, exceptions, and fines.

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

Notice of Rulemaking Docket Opening: 9 A.A.R. 1484, May 16, 2003, (for amendments to Chapter 3, Appendix A, B, and C)

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

Name: Jean Parkinson
Address: Pinal County Air Quality Control District (PCAQCD)
P.O. Box 987
Florence, AZ 85232
Telephone: (520) 866-6929
Fax: (520) 866-6967
E-mail: jean.parkinson@co.pinal.az.us

5. An explanation of the rule, including the District’s reasons for initiating the rule:

- A. Summary: This rule revision would amend the existing open burning rules to make them conform to the Regional Haze State Implementation Plan requirements of ADEQ and the Environmental Protection Agency (EPA). In addition, these amendments include technical changes to improve the rules’ clarity, conciseness, enforceability, and understandability.
- B. Structure of Open Burning Authority: A.R.S. § 49-479 provides the Board of Supervisors with general air quality rule authority, including authority to promulgate rules for open burning permits. A.R.S. § 49-501 adds related authority by excepting from its provisions those open outdoor fires that are permitted by any rule issued pursuant to Chapter 3, Article 8 of the PCAQCD (§§ 3-8-700 and 3-8-710). This independent authority is derived in part from language in § 49-501 (C) (5) specifying that fires permitted pursuant to county rules are excepted from § 49-501.
- C. The proposed rules contains a number of additional definitions which include: agricultural burning, air curtain destructor, approved waste burner, Class I Area, dangerous material, delegated authority, de minimis amount, emission reduction techniques, household waste, prescribed burning, prohibited materials, and residential burning.
- D. The proposed rules also clarified the exemptions requirements of certain fires and a detailed list of information required to be in the open burning permit. The required information is for area source calculations of open burning emissions, and to comply with the Regional Haze Act.
- E. Appendix C - Controlled Open Burning and Earthmoving Fee Schedule was amended to reduce the residential and commercial permit time to a maximum period of one month for emission inventory and reporting requirements. An additional category of burning for training exercises was added to this Appendix. A late filing fee of \$25.00 was added to provide

more efficient permit administration. A typographical error was corrected in Appendix C - Earthmoving Fee Schedule by deleting the \$25.00 fee for aggregate trenching of less than 300 linear feet.

F. Section by Section Explanation of significant proposed changes:

1. §3-8-700. General Provisions:

- (A) This section was amended to require adequate fire-fighting materials be available for outdoor disposal or deposition of any non-agricultural materials of 100 cubic yards or greater, which is capable of igniting spontaneously.
- (B) The following definitions were added or amended: Agricultural Burning, Air Curtain Destructor, Approved Waste Burner, Class I Area, Control Officer, Dangerous Material, Delegated Authority, De Minimis Amount, Director, Emission Reduction Techniques, Household Waste, Open Outdoor Fire, Prescribed Burning, Prohibited Materials, and Residential Burning.
- (C) This section was amended to define a recreational purpose fire and requirements for an air curtain destructor.
- (E) This section was amended to limit the total material being burned and include the requirement of a site map.
 - 1b. This section was amended to require that all waste be generated from the private residence's property. Items i. and ii. were deleted.
 - 5. A definition for permitted building demolition fires was included.
 - 6. This section was amended to allow only the ADEQ Director to issue permits for the destruction of dangerous materials.
 - 7. Item #7 was added to clarify when an industrial permit will be required for open burning.
- (F) This section was amended to clarify when open burning shall be extinguished at the discretion of the Control Officer.
 - 1. The allowable burn times were changed.
 - 2. Wind speed conditions were specified for open burning.
 - 3. Open burning supervision requirements were added.
 - 4. Open burning extinguishment requirements were added.
 - 5. Open burning starting requirements were added.
 - 6. Open burning distance requirements were added.
 - 7. Open burning notification requirements were added.
 - 8. Open burning conditions were added.
 - 9. Open burning information requirements were added.
 - 10. Open burning permit notification requirements were added.

(G) No change - Renumbered

(H) Violations statutes were added.

2. §3-8-710. Permit Provisions and Administration:

- (A) Deleted last sentence.
- (C) Deleted last phrase in #1.
- (D) Deleted last phrase regarding destruction of hazardous materials in #3.
Added Item #5 - training exercise permit.
- (E) Added special permit requirements for pyrotechnics.

3. Appendix C. Controlled Open Burning and Earthmoving Fee Schedule

- a. The maximum time limits for residential and commercial burn permits is 1 month.
- b. "Training Exercise" Burn permit fee was added for non-governmental agencies.
- c. The "Destruction of Hazardous Material" category was deleted.
- d. Increase fees for building demolition by fire from \$50.00 to \$500.00.
- e. A late filing fee of \$25.00 was added for failure to file a burn permit prior to initiating burning at the site.
- f. Trenching - delete the "100 to less than 300 linear feet" category and add:
 - 1,001 linear feet to 2,640 linear feet (1/2 mile) \$150.00*
 - 2,641 linear feet to 5,280 linear feet (1 mile) \$300.00*
 - 5,281 linear feet to 10,560 linear feet (2 miles) \$600.00*
 - 10,561 linear feet to 21,120 linear feet (4 miles) \$1,200.00*
 - 21,121 + linear feet (greater than 4 miles) \$2,000.00*

G. These proposed rules are contingent on ADEQ's "Unlawful Open Burning" rule proposal which is undergoing public review until October 24, 2003. These rules are proposed for adoption to be in compliance with the proposed Regional Haze State Implementation Plan.

6. A reference to any study that the agency proposed to rely on in its evaluation of or justification for the proposed rules and where the public may obtain or review the study, all data underlying each study, and analysis of the study and other supporting material:

None, other than the cited statutes and rules.

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 the State:

Not applicable

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

Open Burning may be done by many entities for a variety of purposes, such as waste disposal, weed control, site preparation, disease and pest prevention, resource management, training and fire prevention. Unless specifically exempted by this rule, persons setting outdoor fires would have to obtain a permit from PCAQCD. Persons who might be subject to this proposed rule therefore include: individuals, businesses, farms, ranches, orchards, electric generating plants, construction sites, mines, federal sources, state agencies, and political subdivisions.

The PCAQCD issued 2,056 residential burn permits, 81 commercial burn permits, and 90 agricultural burn permits in 2002. This rulemaking process proposes necessary changes to be "at least as strict" as ADEQ rules that are being proposed to comply with the Regional Haze Act. The ADEQ rules were proposed on August 8, 2003 in the Arizona Administrative Register. The ADEQ rules incorporates the existing guidance "Arizona Guidelines for Open Burning" and adds additional permit and reporting requirements. PCAQCD expects the proposed rules to create minimal actual impact, such as the costs associated with recordkeeping, documentation, and reporting requirements. PCAQCD will have to maintain copies of effective permits, as well as prepare annual reports for submission to ADEQ. While some of the changes in the rules and Appendix C will generate minimal costs, PCAQCD expects that the overall benefits of an efficient permit administration program and accurate open burning emission inventory will exceed the costs.

This proposed rulemaking involves a reconfiguration of Pinal County's open burning permit fee structure. These permit fee structure changes will benefit the county by facilitating program administration, preventing unauthorized open burning, and documenting all permitted open burning emissions.

The open burning fee revisions will impose additional costs on the regulated entities. However, PCAQCD has no basis to believe that the fee increases will affect either gross business revenues or payroll expenditures of employers, who are subject to the proposed changes. The open burning fee increases do not impact agricultural entities, since the fee and time period has remained the same. The increased fees will have an adverse impact on net revenues of commercial and residential burn applicants, but if they concentrate their burning activities to the minimum amount of days, the impact will be negligible. The proposed late filing fee will allow adequate response to air quality issues and burn complaints by both the air quality staff and the sheriff's deputies, and provide additional revenue for the mandated recordkeeping and reporting requirements. In 2001, the sheriff's department responded to 202 open burning complaints, and the Air Quality staff responded to 69 burn complaints.

The proposed changes will not affect state revenues.

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: Jean Parkinson
Address: Pinal County Air Quality Control District (PCAQCD)
P.O. Box 987
Florence, AZ 85232
Telephone: (520) 866-6929
Fax: (520) 866-6967
E-mail: jean.parkinson@co.pinal.az.us

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

Stakeholder's Meeting: Wednesday, November 12, 2003

Time: 1:30 p.m.

Location: Pinal County Complex, Emergency Operations Center (EOC), Building F
31 North Pinal Street
Florence, Arizona 85232

Nature: The Control Officer will meet informally with any interested party for the purpose of discussing the proposed rules.

Public Hearing (Oral Proceeding): Wednesday, November 26, 2003

Time: 1:30 p.m.
Location: Pinal County Complex, Emergency Operations Center (EOC), Building F
31 North Pinal Street
Florence, Arizona 85232
Nature: Public Hearing with the opportunity for formal comments on the record regarding the proposed rules.

Public Hearing (Supervisors): Wednesday, December 3, 2003

Time: 09:30 a.m.
Location: Pinal County Complex, Board of Supervisors Hearing Room, Building A
31 North Pinal Street
Florence, Arizona 85232
Nature: Public Hearing with the opportunity for formal comments on the record regarding the proposed rules.

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

Notice of Proposed Rulemaking: 9 A.A.R. 4066, September 19, 2003 (Amend Rules 18-2-602. Unlawful Open Burning).

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

None

13. The full text of the rules follows:

ARTICLE 8. OPEN BURNING

3-8-700. General provisions

A. General Prohibition.

Notwithstanding the provisions of any other rule in this Chapter, and subject to the exemptions set forth in this section, it is unlawful for any person to ignite, cause to be ignited, permit to be ignited, or suffer, allow or maintain any open outdoor fire. Outdoor disposal or deposition of any non-agricultural materials (100 cubic yards or greater) capable of igniting spontaneously, with the exception of solid fossil fuels (coal), shall not be allowed, without providing adequate fire-fighting materials, such as sand, dirt, or water.

B. Definition.

“Agricultural Burning” means burning of vegetative materials related to the production and harvesting of crops and raising of animals for the purpose of marketing for profit, or providing a livelihood, but not including the burning of household waste or prohibited materials. Burning may be conducted 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.

“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.

“Approved Waste Burner” means an incinerator constructed of fire resistant material with a cover or screen, which is closed when in use having opening in the sides or top no greater than one inch in diameter.

“Class I Area” means any one of the Arizona mandatory Federal Class I Areas defined in A.R.S. §49-401.01.

“Control Officer” has the same meaning as in A.R.S. §49-471.

“Date of Issuance” the actual date that the open burning application is signed by the Control Officer or his/her representative.

“Dangerous material” is 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.

“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(E); 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).

“De Minimis amount” is the lesser of: the potential of a source to emit 1 ton per year of any air pollutant; or the potential of a source to emit 5.5 lbs/day of any air pollutant.

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“Director” means the Director of the Department of Environmental Quality, or his/her designee.

“Effective Date of Permit” is the actual date that open burning operations may commence, which will be no later than 3 days after the “Date of Issuance.”

“Emission reduction techniques” are techniques for controlling emissions from open outdoor fires to minimize the amount of emissions output per unit or area burned.

“Flue”, as used in this rule, means any duct or passage for air, gases or the like, such as a stack or chimney.

“Household waste” means any solid waste including garbage, rubbish and sanitary waste from septic tanks that is generated from households including single and multiple family residences, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreations areas, not including construction debris, landscaping rubble or demolition debris.

“Open outdoor fire”, as used in this rule, means any combustion of combustible material of any type outdoors, in the open where the products of combustion are not directed through a flue. Open outdoor fires can include agricultural, residential, commercial, and prescribed burning. Purposes for fires can include prevention of a fire hazard, instruction in the methods of fighting fires, watershed rehabilitation, disease, and pest prevention.

“Prescribed burning” means the burning of vegetative material in predominantly undeveloped land to improve forested, open range or watershed condition.

“Prohibited materials” means nonpaper garbage from the processing, storage, service, or consumption of food; chemically treated wood; tires; explosives or ammunition; oleanders; asphalt shingles; tar paper; plastic and rubber products, including bottles for household chemicals; plastic grocery and retail bags; 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, an 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.

“Residential burning” means open burning of vegetative materials that is generated only from that property and conducted by or for the occupants of residential dwellings, but does not include the burning of household waste or prohibited materials.

C. Exemptions.

The following fires are excepted from the provisions of this rule:

1. Fires used only for cooking of food or for providing warmth for human beings or for recreational purposes or the branding of animals or the use of orchard heaters for the purpose of frost protection in farming or nursery operations. A Recreational purpose fire is an outdoor fire, which burns materials other than household waste or prohibited materials. The fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 millimeters) or less in diameter and 2 feet (710 millimeters) or less in height for religious (sweat lodges), ceremonial (flag burning), cooking, or warmth. (1997 Uniform Fire Code).
2. Any fire set or permitted by any public officer in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, or instruction in the methods of fighting fires.
3. Fires set by or permitted by the state entomologist or county agricultural agents of the county for the purpose of disease and pest prevention.
4. Fires set by or permitted by the federal government or any of its departments, agencies or agents.
5. Fires set by or permitted by the state or any of its agencies, departments or political subdivisions, for the purpose of watershed rehabilitation or control through vegetative manipulation.
6. Fires that burn vegetative material only using an air curtain destructor, as defined in Section B above, operated pursuant to manufacturer specifications and meeting applicable opacity requirements. Air curtain destructors shall not be operated closer than 500 feet from the nearest dwelling. An industrial permit, as specified under §3-1-040.B. (2), may be required, if the air curtain destructor has the potential to emit greater than “de minimis amounts” of regulated air pollutants.

D. Required notifications.

Permission for the setting of any fire given by a public officer in the performance of official duty under paragraphs (2), (3), or (5) of subsection (C) shall be given in writing, and a copy of such written permission shall be transmitted immediately to the Director of the Department of Environmental Quality and to the Control Officer. The setting of any such fire shall be conducted in a manner and at such time as approved by the Control Officer, unless doing so would defeat the purpose of the exemption.

E. Permit-authorized fires.

Provided a permit is first obtained from the Control Officer, no prohibited materials are burned, the total material being burned does not exceed the de minimis amounts, and a site map of the burn site is provided, the following fires are allowed under this Section:

1. Permitted residential fires:

- a. Fires set for the disposal of leaves, lawn clippings, tree trimmings and other horticultural waste, provided that no materials that generate toxic fumes, such as oleander leaves or branches, may be burned.
- b. Fires set in an approved waste burner for the disposal of only those portions of domestic household refuse at a private residence, when the waste is only generated from that property, that do not violate the prohibitions set forth below. Such fires are only allowed in nonurban areas of less than 100 well-spread out-dwelling units per square mile where no refuse collection and disposal service is available, ~~and are all subject to the following limitations:~~
 - i. ~~An “approved waste burner” is an incinerator constructed of fire resistant material with a cover or screen, which is closed when in use having openings in the sides or top no greater than one inch in diameter.~~
 - ii. ~~Open burning of the following prohibited materials is forbidden: Garbage resulting from the processing, storage, service or consumption of food; asphalt shingles; tar paper; plastic and rubber products (such as waste crankcase oil, transmission oil and oil filters); transformer oils; and hazardous material containers including those that contained inorganic pesticides, lead, cadmium, mercury, or arsenic compounds.~~

2. **Permitted commercial fires:** Fires set for the disposal of leaves, lawn clippings, tree trimmings and other horticultural waste, provided that no materials that generate toxic fumes, such as oleander leaves or branches, may be burned.

3. **Permitted agricultural fires:** Fires set for weed control or abatement, clearing fields or ditches of vegetation, or the disposal of other naturally grown products of horticulture, provided that no materials that generate toxic fumes, such as oleander leaves or branches, may be burned.

4. **Permitted training exercise fires** (non-governmental agencies/companies): Fires set for the instruction of fire fighting methods.

5. **Permitted building demolition**, or building-material demolition fires; Fires set for the disposal of abandoned buildings or building materials, provided that no such permit shall be issued until after an on-site inspection by the District.

6. **Permitted fires for the destruction of dangerous materials;** Fires set for the destruction of dangerous or hazardous materials; are allowed when the materials are too dangerous to store and transport, as permitted in writing by the Director of the Arizona Department of Environmental Quality, provided that no such permit shall be issued until after an on-site inspection by the District Authority for issuance of permits to burn dangerous material shall be retained by the Director and not delegated. ~~Fires set for the destruction of dangerous materials shall only be allowed where there is no safe alternative method of disposal.~~

a. ~~“Dangerous material” is any substance or combination of substances, which is able or likely to inflict bodily harm, or property loss unless neutralized, consumed or otherwise disposed of in a controlled and safe manner.~~

b. ~~Fires set for the disposal of dangerous materials shall be permitted only when there is no safe alternative method of disposal, and when the burning of such materials does not result in the emission of hazardous or toxic substances either directly or as a product of combustion in amounts, which will endanger health or safety.~~

7. Any residential or commercial fires set for disposal of materials that emits or has the potential to emit greater than “de minimis amounts” of regulated air pollutants shall require an industrial permit as specified under §3-1-040.B. (2). These fires include but are not limited to fires set by public officials at transfer stations, large land clearing projects (greater than 1 acre), and open burning that may have a potential to cause a public nuisance due to excessive smoke from large and/or numerous piles (greater than 40 cubic yards), and the open burn’s proximity to sensitive receptors,

F. Permit conditions.

All permits shall contain conditions limiting the manner and the time of the setting of such fires as specified in the Arizona ~~Guidelines for Open Burning~~ Administrative Register Rule 18-2-602, “Unlawful Open Burning,” and shall contain a provision that all burning be extinguished at the discretion of the Control Officer or his authorized representative during periods of inadequate atmospheric smoke dispersion, when an air stagnation advisory is issued by the Director of ADEQ or the National Weather Service, when an air pollution emergency episode alert, warning, or emergency as required by §§2-7-230 to 2-7-270, during periods of excessive visibility impairment which could adversely affect public safety or impair visibility in Class I areas, during periods of extreme fire danger, or during periods when smoke is blown into populated areas so as to create a public nuisance

1. Allowable burn times are:

8:00 a.m. to 4:00 p.m. April 1 through September 30

9:00 a.m. to 4:30 p.m. October 1 through March 31.

2. Wind speed while burning shall not be less than 5 miles per hour (mph) or greater than 15 mph. If the wind increases during burning, all fires/smoke must be extinguished completely until the wind speed is once again in the range of 5 mph to 15 mph.

3. The fire must be constantly attended, with reasonable control tools (water or dirt) on hand at all times, and the person conducting the burn must have a copy of the burn permit on-site during open burning.

4. When the burn is completed, the fire must be completely extinguished. All burning must cease by the times noted above.

5. A requirement that each open burn be started using items that do not cause the production of black smoke.

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6. A requirement that the burning pit, burning pile, or approved waste burner be at least 50 feet from any structure.
 7. The person conducting the open burning must notify the local fire-fighting agency, fire district or municipal fire department, or if none in existence, the state forester, prior to commencement of open burning.
 8. Open burning shall be conducted only during atmospheric conditions which:
 - 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 and adverse impact to visibility in a Class I area; and
 - v. Do not cause uncontrollable spreading of the fire.
 9. The following information shall be provided to the Director for each date open burning occurred, on either a daily basis on the day of the fire, or in an annual report to the Director or delegated authority. The report shall be submitted in a format provided by the Director and include:
 - i. The date of the burn;
 - ii. The type and quantity of fuel burned for each date open burning occurred;
 - iii. The fire type, such as pile or windrow, for each date open burning occurred; and
 - iv. For each date open burning occurred, the legal location, to the nearest township, range and section; or latitude and longitude, to the nearest degree minute; street address; or parcel number.
 10. The permit shall include a copy of the activities prohibited and the criminal penalties for reckless burning included in A.R.S. §13-1706.
- G. Permissible delegation of authority
1. The Control Officer may delegate the authority for the issuance of allowable open burning permits to responsible local officers. Any local officer delegated the authority for issuance of open burning permits shall maintain a copy of all currently effective permits issued including a means of contacting the person authorized by the permit to set an open fire in the event that an order for extinguishing of open burning is issued. This includes a no burn restriction when monitoring or forecasting indicates the carbon monoxide standard is likely to be exceeded in Area A, as defined in Arizona Revised Statutes (A.R.S.) Section 49-541, and Chapter 4, Article 3, 4-3-060.C. of the Pinal County Air Quality Control District (PCAQCD) Code of Regulations.
 2. A “no burn” restriction shall be imposed with respect to open burning regulated by Pinal County under A.R.S. §49-501, whenever monitoring or forecasting indicates the carbon monoxide standard is likely to be exceeded. Such a “no burn” restriction applies to all burning regulated under A.R.S. §49-501, even including burning by persons who may hold an otherwise valid open burning permit issued by Pinal County.
 3. That “no burn” restriction shall arise by operation of law whenever the Maricopa County of Environmental Services Department declares such a “no burn” restriction in neighboring Maricopa County. No person affected by such a “no burn” restriction shall be entitled to a refund of any monies paid for an open burning permit that may be suspended by virtue of imposition of such a “no burn” restriction.
- H. Violations and Limited scope of rule.
1. Nothing in this rule shall authorize or permit any practice, which is a violation of any statute, ordinance, rule or regulation.
 2. Any landowner who violates any Pinal County Air Quality Control District rule may be subject to an order of abatement, a civil action for injunctive relief or civil penalties, or may be found guilty of a Class I Misdemeanor as per A.R.S. §49-502.
 3. In addition to civil action, criminal penalties are also provided for “reckless burning” under A.R.S. §13-1706.

[Adopted effective June 29, 1993. Former Section 3-6-560 renumbered without change as Section 3-8-720 effective November 3, 1993. Revised effective February 22, 1995. Amended December 13, 2000. Amended December 3, 2003.]

3-8-710. Permit provisions and administration

- A. A fee shall be charged for a Temporary Open Burning permit according to the fee schedules found in Appendix C. ~~Even though burning may be separately restricted by a fire department/district, all fees paid are nonrefundable.~~
- B. Every open burning permit shall be signed by the person obtaining the permit, and that signature shall constitute an acknowledgment that:
 1. The person obtaining the permit bears responsibility for any failure to properly and adequately control any fire set pursuant to the permit.
 2. The issuance by the Control Officer of a Temporary Open Burning Permit does not release the permittee from any of the requirements of a fire department/district having jurisdiction, and a permit so issued must be validated by said fire department/district to be effective. The permittee is solely responsible for complying with such fire department/district requirements or restrictions.
 3. Even though burning may be separately restricted by a fire department/district, all fees paid are non-refundable, and burn permits will not be extended due to an open burning restriction.

4. Open burning at a time or in a manner contrary to the terms of the permit or an order from the Control Officer shall constitute a ~~petty offense~~ violation pursuant to A.R.S. §49-501.G-f I. and A.R.S. §49-502.
- C. No Burn Restriction
1. The District shall maintain a copy of all currently effective Temporary Open Burning Permits issued including a means of contacting the person authorized in the permit to set an open fire in the event that an order of extinguishing of open burning is issued. This includes a no burn restriction when monitoring or forecasting indicates the carbon monoxide standard is likely to be exceeded in Area A, as defined in A.R.S. Section 49-541; ~~and Chapter 4, Article 3, 4-3-060.C. of the PCAQCD Code of Regulations.~~
 2. A “no burn” restriction shall be imposed with respect to open burning regulated by Pinal County under A.R.S. §49-501, whenever monitoring or forecasting indicates the carbon monoxide standard is likely to be exceeded. Such a “no burn” restriction applies to all burning regulated under A.R.S. §49-501, even including burning by persons who may hold an otherwise valid open burning permit issued by Pinal County.
 3. That “no burn” restriction shall arise by operation of law whenever the Maricopa County of Environmental Services declares such a “no burn” restriction in neighboring Maricopa County. No person affected by such a “no burn” restriction shall be entitled to a refund of any monies paid for an open burning permit that may be suspended by virtue of imposition of such a “no burn” restriction or an extension of the burn permit time period.
- D. The term of a temporary open burning permit shall:
1. For a residential or commercial permit, not exceed six months one month from the date of issuance.
 2. For an agricultural permit, not exceed one year from the date of issuance.
 3. For a demolition permit ~~or a fire hazard permit destruction of hazardous materials permit~~, not exceed sixty (60) days.
 4. Not, regardless of term, authorize any violation of any burning ban that a local fire department/district may impose for purposes of public safety or other purposes.
 5. For a training exercise permit, not exceed a permit specified 3-day period.
- E. For the purposes of this article, the following shall neither be regarded as nor deemed open burning:
1. The subterranean detonation of explosives.
 2. The display of fireworks for recreational purposes or pyrotechnics for musical or cinematic/theatrical functions, provided any person detonating such fireworks or pyrotechnics has a permit by the Pinal County Board of Supervisors.
- [Adopted effective June 29, 1993. Former Section 3-6-570 renumbered as Section 3-8-730 and amended effective November 3, 1993. Amended February 22, 1995. Amended December 3, 2003.]

APPENDIX C. CONTROLLED OPEN BURNING AND EARTHMOVING FEE SCHEDULE

I. OPEN BURNING:

Allowable burn times are: **8:00 a.m. to 4:00 p.m. April 1 through September 30.**
9:00 a.m. to 4:30 p.m. October 1 through March 31.

<u>Category</u>	<u>Fee</u>
<u>RESIDENTIAL</u>	
A. One time, 3 day permit	\$2.00
B. 31 month permit	\$5.00
C. 6 month permit	\$10.00

<u>COMMERCIAL</u>	
A. One time, 3 day permit	\$5.00
B. 31 month permit	\$20.00
C. 6 month permit	\$35.00

AGRICULTURAL - Annual Permit	
A. Farms less than 320 contiguous acres	\$50.00
B. Farms of 320 or more contiguous acres	\$100.00
C. Maximum annual single-permit fee for all acreage under control of one legal entity, regardless of contiguity or acreage	\$200.00

<u>TRAINING EXERCISE – NON-GOVERNMENTAL AGENCIES/COMPANIES</u>	
A. <u>One time, 3 day permit</u>	<u>\$100.00</u>

BUILDING DEMOLITION/BUILDING MATERIAL DEMOLITION BY FIRE	
A. Non-refundable pre-permit inspection fee	\$50.00 <u>500.00</u>
B. Additional permit-issue fee (if permit issuance is allowed)	\$50.00 <u>500.00</u>

DESTRUCTION OF HAZARDOUS MATERIAL	
A. Non-refundable pre-permit inspection fee	\$50.00
B. Additional permit issue fee (if permit issuance is allowed)	\$50.00

* Late filing fee: Failure to Obtain a Burn Permit prior to open burning activity at the site: \$25.00

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended December 3, 2003]

EARTHMOVING FEE SCHEDULE

II. EARTHMOVING:

<u>Category</u>	<u>Fee</u>
A. Land stripping and/or earthmoving (0.1 to less than five acres)	\$75.00*
Land stripping and/or earthmoving (five to less than 10 acres)	\$200.00*
Land stripping and/or earthmoving (10 acres to less than 20 acres)	\$400.00*
Land stripping and/or earthmoving (20 acres to less than 30 acres)	\$600.00*
Land stripping and/or earthmoving (30 acres to less than 40 acres)	\$800.00*
Land stripping and/or earthmoving (40 acres to less than 50 acres)	\$1000.00*
Land stripping and/or earthmoving (50 acres to less than 60 acres)	\$1200.00*
Land stripping and/or earthmoving (60 acres to less than 70 acres)	\$1400.00*
Land stripping and/or earthmoving (70 acres to less than 80 acres)	\$1600.00*
Land stripping and/or earthmoving (80 acres to less than 100 acres)	\$1800.00*
Land stripping and/or earthmoving (100+acres)	\$2000.00*

**If a registrant qualifies under the land stripping and/or earthmoving category, no other category applies to the activity.

B. Trenching for Landscaping and Septic systems <u>(if applicable):</u>	
100 to less than 300 linear feet of aggregate trenching	25.00*
301 linear feet to 500 linear feet of aggregate trenching	\$50.00*
501 linear feet to 1000 linear feet of aggregate trenching	\$100.00*
<u>1,001+ linear feet to 2,640 linear feet (0.5 mile)</u>	<u>150.00*</u>
<u>2,641 linear feet to 5,280 linear feet (1.0 mile)</u>	<u>\$500.00*</u>
<u>5,281 linear feet to 10,560 linear feet (2.0 miles)</u>	<u>\$1,000.00*</u>
<u>10,561 linear feet to 21,120 linear feet (4.0 miles)</u>	<u>\$1,500.00*</u>
<u>21,121+ linear feet (greater than 4 miles)</u>	<u>\$2,000.00*</u>
C. Stockpiling <u>(if applicable):</u>	
Greater than 10 cubic yards but less than 100 cubic yards	\$50.00*
101 cubic yards to 500 cubic yards	\$100.00*
501+ cubic yards	\$150.00*
D. Annual Block Registration (Utilities & Routine Operations)	\$2000.00*

*Late filing fee - Failure to ~~File~~ Obtain a Dust Registration Form prior to construction activity at the site:

- | | |
|-----------------------------------------------------------------------------------|----------|
| a. For projects less than 5 acres, an additional late filing fee of | \$25.00 |
| b. For projects of 5 acres or larger, an additional late filing fee of | \$100.00 |

[Adopted November 3, 1993. Amended December 4, 2002. Amended December 3, 2003.]