

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

Because each county writes rules and regulations in its own unique style, County Notices published in the *Register* do not conform to the standards of the *Arizona Rulemaking Manual*. With the exception of minor formatting changes, the rules (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

### NOTICE OF SUBSTANTIVE POLICY STATEMENT

#### PIMA COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY

[M07-112]

**1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referred:**

EQ-300: Acceptance of Permit Applications, Plan Submittals and Other Documents by PDEQ

**2. Date of the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**

Effective Date: January 29, 2007

Issue Date: February 6, 2007

**3. Summary of the contents of the substantive policy statement:**

This policy statement specifically defines and ensures a process for the acceptance of documents submitted to PDEQ.

**4. A statement as to whether the substantive policy statement is a new statement or a revision:**

New policy statement

**5. The name, address, and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:**

Name: Richard Grimaldi  
Deputy Director

Address: Pima County Department of Environmental Quality  
150 W. Congress, Rm. 109  
Tucson, AZ85701

Telephone: (520) 740-3340

Fax: (520) 882-7709

E-mail: richard.grimaldi@deq.pima.gov

**6. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**

Name: Vicki Bennie

Address: Pima County Department of Environmental Quality  
150 W. Congress, Rm. 109  
Tucson, AZ 85701

Telephone: (520) 740-3330

E-mail: vicki.bennie@deq.pima.gov

Fax: (520) 882-7709

The policies are available on our web site at [www.deq.pima.gov](http://www.deq.pima.gov) or copies will be provided for 20 cents per page.

**NOTICE OF EXPEDITED RULEMAKING**

**PIMA COUNTY CODE**

**TITLE 17 – AIR QUALITY CONTROL**

**CHAPTER 4 GENERAL PROVISIONS**

**CHAPTER 12 PERMIT AND PERMIT REVISIONS**

**CHAPTER 16 EMISSION LIMITING STANDARDS**

[R07-113]

**PREAMBLE**

**1. Sections Affected**

PCC 17.04.340  
PCC 17.12.140  
PCC 17.12.160  
PCC 17.12.165  
PCC 17.12.190  
PCC 17.12.230  
PCC 17.12.235  
PCC 17.12.340  
PCC 17.12.350  
PCC 17.16.590  
PCC 17.16.645  
PCC 17.16.650  
PCC 17.16.655  
PCC 17.16.660  
PCC 17.16.665  
PCC 17.16.670  
PCC 17.16.670  
PCC 17.16.675  
PCC 17.16.680  
PCC 17.16.680  
PCC 17.16.685  
PCC 17.16.690  
PCC 17.16.690  
PCC 17.16.700

**Rulemaking Action**

Amend  
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Repeal  
New Section  
Repealed

**2. Statutory authority for the rulemaking:**

**Authorizing Statute:** Arizona Revised Statute (A.R.S.) §§ 49-402, 49-479, and 11-251.08

**Implementing Statute:** A.R.S. §§ 49-480.04, 49-112, and 11-251.08

**3. List of all previous notices appearing in the register addressing the proposed rule or ordinance and a concise explanatory statement:**

None

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

Name: Vicki Bennie  
Address: Pima County DEQ  
150 W. Congress  
Tucson, AZ 85701  
Telephone: (520) 740-3340  
Fax: (520) 882-7709  
E-mail: vicki.bennie@deq.pima.gov

**5. An explanation of the rule, including the Control Officer's reasons for initiating the rule:**

**Summary**

This rulemaking contains amendments to Pima County Code Title 17 that conform to directly reflect the state rule for hazardous air pollutants.

Authority

Pursuant to A.R.S. § 49-480.04, the Board of Supervisors shall establish by rule a county hazardous air pollutants program within six months of a program adopted by the Arizona Department of Environmental adopted pursuant to A.R.S. § 49-426.06.

Background

On June 9, 2006, the Arizona Department of Environmental Quality (ADEQ) published a Notice of Final Rulemaking for a state program that controls Hazardous Air Pollutants (HAPs). The effective date of the state HAPs program is January 1, 2007. Pursuant to A.R.S. § 49-480.04, Pima County has until June 1, 2007 to adopt a county program that is no less stringent than the state program for HAPs. Pima County is proposing to adopt a program that is substantially identical to the HAPs program adopted by ADEQ.

<u>Section</u>	<u>Action</u>	<u>Section by Section Analysis</u>
PCC 17.04.340	Amend	Conform to A.A.C. § R18-2-101, Definitions
PCC 17.12.140	Amend	Conform to A.A.C. § R18-2-302, Applicability; Classes of Permits
PCC 17.12.160	Amend	Conform to A.A.C. § R18-2-304, Permit Application Processing Procedures
PCC 17.12.165	Amend	Conform to A.A.C. § R18-2-304, Permit Application Processing Procedures
PCC 17.12.190	Amend	Conform to A.A.C. § R18-2-306, Permits Containing Voluntarily Accepted Emission Limitations and Standards
PCC 17.12.230	Amend	Conform to A.A.C. § R18-2-317, Facility Changes Allowed Without Permit Revisions – Class I
PCC 17.12.235	Amend	Conform to A.A.C. § R18-2-317, Facility Changes Allowed Without Permit Revisions – Class I
PCC 17.12.340	Amend	Conform to A.A.C. § R18-2-330, Public Participation
PCC 17.12.350	Amend	Conform to A.A.C. § R18-2-331, Material Permit Conditions
PCC 17.16.590	Amend	Conform to A.A.C. § R18-2-406, Permit Requirements for Sources Located in Attainment and Unclassifiable Areas
PCC 17.16.645	Repeal	Repealed Provision relating to effective date for emissions of hazardous air pollutants
PCC 17.16.650	Amend	Conform to A.A.C. § R18-2-1701, Definitions
PCC 17.16.655	Added	Conform to A.A.C. § R18-2-1702, Applicability
PCC 17.16.660	Amend	Conform to A.A.C. § R18-2-1703, State List of Hazardous Air Pollutants
PCC 17.16.665	Added	Conform to A.A.C. § R18-2-1704, Notice of Types and Amounts of HAPs
PCC 17.16.670	Amend	Conform to A.A.C. § R18-2-1705, Modifications; Permits; Permit Revisions
PCC 17.16.675	Added	Conform to A.A.C. § R18-2-1706, Case-by-case HAPRACT Determination
PCC 17.16.680	Amend	Conform to A.A.C. § R18-2-1707, Case-by-case AZMACT Determination
PCC 17.16.685	Added	Conform to A.A.C. § R18-2-1708, Risk Management Analyses
PCC 17.16.690	Amend	Conform to A.A.C. § R18-2-1709, Periodic Review
PCC 17.16.700	Repeal	Repealed Provision relating to alternative emission limitations

**6. Demonstration of compliance with A.R.S. § 49-471.08:**

A county may declare an expedited rulemaking if the rule is adopted pursuant to A.R.S. § 49-112(B) and the rule incorporates a conforming change to directly reflect federal or state rule or law. On June 9, 2006, the Arizona Department of Environmental Quality (ADEQ) published a Notice of Final Rulemaking for a state program that controls Hazardous Air Pollutants (HAPs). The effective date of the state HAPs program is January 1, 2007. Pursuant to A.R.S. § 49-480.04, Pima County has until June 1, 2007 to adopt a county program that is no less stringent than the state program for HAPs. Pima County is proposing to adopt a program that is substantially identical to the HAPs program adopted by ADEQ.

**7. Reference to any study relevant to the rule that the Control Officer reviewed and either relied or did or did not rely on in its evaluation of or justification for the rule, where the public may review each study, all data underlying each study, and any analysis of each study and other supporting material:**

No studies were reviewed in reference to this rulemaking action.

**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:**

Pima County is updating rules to conform to the Arizona Administrative Code resulted from recent rule amendments finalized by the Arizona Department of Environmental Quality. These revisions should have no economic impact on Pima County businesses beyond that already incurred by reason of State law.

**10. 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: Vicki Bennie  
Address: 150 W. Congress St.  
Tucson, AZ 85701-1317  
Telephone: (520) 740-3340  
Fax: (520) 882-7709  
E-mail: vicki.bennie@deq.pima.gov

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

Written comments will be accepted if received between the date of this publication and **April 16, 2007 by 5:00 p.m.** Written comments may be mailed or hand delivered to the Pima County Department of Environmental Quality (see #9 above). Written comments received during the comment period will be considered formal comments to the proposed rule or ordinance, and will be responded to 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:**

New incorporations by reference (subparts or larger):

<u>Incorporations by Reference updated to July 1, 2007</u>	<u>Location</u>
40 CFR 51, Appendix W, July 1, 2004	17.16.590(A)(6)(a)
40 CFR 63.2, July 1, 2004	17.16.650(3)
A.A.C., Title 18, Chapter 2, Appendix 1	17.16.670(F)
A.A.C., Title 18, Chapter 2, Appendix 12	17.16.685(C)(2) and (3)

**14. Were these rules previously made as emergency rules?**

No

**15. The full text of the rule follows:**

**TITLE 17 OF THE PIMA COUNTY CODE  
AIR QUALITY CONTROL**

**CHAPTER 17.04 GENERAL PROVISIONS**

**Article IX. Definitions and Meanings**

**17.04.340 Words, phrases, and terms.**

**CHAPTER 17.12 PERMITS AND PERMIT REVISIONS**

**Article II. Individual Source Permits.**

**17.12.140 Applicability; classes of permits.**

**17.12.160 Permit application processing procedures for Class I permits.**

**17.12.165 Permit application processing procedures for Class II and Class III permits.**

**17.12.190 Permits containing ~~voluntarily accepted~~ synthetic emission limitations and standards.**

- 17.12.230 Facility changes allowed without permit revisions – Class I.
- 17.12.235 Facility changes allowed without permit revisions – Class II.
- 17.12.340 Public participation.
- 17.12.350 Material permit condition.

**CHAPTER 17.16 EMISSION LIMITING STANDARDS**

**Article VIII. New Major Sources and Major Modifications to Existing Major Sources**

- 17.16.590 Permit requirements for sources located in attainment and unclassifiable areas.

**Article IX. Emissions of Hazardous Air Pollutants (HAPS).**

- 17.16.645 Repealed.
- 17.16.650 Definitions.
- 17.16.655 Applicability.
- 17.16.660 ~~Federal State~~ list of hazardous air pollutants.
- 17.16.665 Notice of Types of Amounts of HAPs.
- 17.16.670 ~~Standards of performance for hazardous air pollutants.~~ Modifications; Permits; Permit Revisions
- 17.16.675 Case-by-case HAPRACT Determination.
- 17.16.680 ~~Control of federal hazardous air pollutants.~~ Case-by-case AZMACT Determination.
- 17.16.685 Risk Management Analyses.
- 17.16.690 ~~Case-by-case MACT determinations.~~ Periodic Review.
- 17.16.700 Repealed.

**CHAPTER 17.04 GENERAL PROVISIONS**

**Article IX. Definitions and Meanings**

- 17.04.340 **Words, phrases, and terms.**

Words, phrases, and terms used in this Title shall have the following meanings except where any narrative portion specifically indicates otherwise:

- A. Definitions.
  - 1. No change
  - 2. No change
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**County Notices Pursuant to A.R.S. § 49-112**

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

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- 193. “Regulated air pollutant” means any of the following:
  - a. Any conventional air pollutant as defined in A.R.S. § 49-401.01.
  - b. Nitrogen oxides and volatile organic compounds.
  - c. Any air contaminant that is subject to a standard contained in Chapter 17.16, Article VI.
  - d. Any hazardous air pollutant as defined in ~~A.R.S. § 49-401.01~~ Chapter 17.16, Article IX
  - e. Any class I or II substance listed in section 602 of the Act (Listing of Class I and Class II Substances).
- 194. No change
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- 211. “Significant” means:
  - a. In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

<b>Pollutant</b>	<b>Emissions Rate (tons per year)</b>
Carbon monoxide	100 tpy
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy

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

Particulate matter	25 tpy
PM <sub>10</sub>	15 tpy
VOC	40 tpy
Lead	0.6 tpy
Fluorides	3 tpy
Sulfuric acid mist	7 tpy
Hydrogen sulfide (H <sub>2</sub> S)	10 tpy
Total reduced sulfur (including H <sub>2</sub> S)	10 tpy
Reduced sulfur compounds (including H <sub>2</sub> S)	10 tpy
Municipal waste combustor organics (measured as total tetra through octa chlorinateddibenzo p dioxins and dibenzofurans)	3.5x10 <sup>-6</sup> tpy
Municipal waste combustor metals (measured as particulate matter)	15 tpy
Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40 tpy
Municipal solid waste landfill emissions (Measured as nonmethane organic compounds):	50 tpy

- b. In ozone nonattainment areas classified as serious or severe, significant emissions of VOC shall be determined under section 17.16.580.
- c. In reference to a regulated air pollutant that is not listed in subparagraph (a), is not a Class I or II substance listed in Section 602 of the Act and is not a hazardous air pollutant according to ~~A.R.S. § 49-401.01(11)~~ Chapter 17.16, Article IX, any emission rate.
- d. Notwithstanding the emission amount listed in paragraph (a), any emissions rate or any net emissions increase associated with a major source or major modification, which would be constructed within 10 kilometers of a Class I area and have an impact on the ambient air quality of such area equal to or greater than 1 µg/m<sup>3</sup> (24 hour average).

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(Ord. 2005-43 § 1 (part), 2005; Ord. 2001-121 § 1, 2001; Ord. 1998-27 § 2, 1998; Ord. 1997-79 § 2, 1997; Ord. 1996-50 § 1, 1996; Ord. 1995-87 § 3, 1995; Ord. 1994-83 § 2, 1994; Ord. 1993-128 § 1 (part), 1993)

**CHAPTER 17.12 PERMITS AND PERMIT REVISIONS**

**Article II. Individual Source Permits.**

**17.12.140 Applicability; classes of permits.**

- A. Except as otherwise provided in this article, no person shall commence construction of, operate, or make a modification to any source subject to regulation under this Article, without first obtaining a permit or permit revision from the control officer. Permits issued pursuant to this Section shall be issued for a period of five years.
- B. There shall be three classes of permits as follows:
  - 1. A Class I permit shall be required for a person to commence construction of or operate any of the following:
    - a. Any major source.
    - b. Solid waste incineration units required to obtain a permit pursuant to section 129 (e) of the Act (Solid Waste Combustion).
    - c. An affected source.
    - d. Any source in a source category designated by the Administrator pursuant to 40 CFR 70.3 and adopted by the control officer by rule.
  - 2. A Class II permit shall be required for a person to commence construction of or modify the following:
    - a. Any source, including an area source, subject to a standard, limitation, or other requirement under section 111 of the Act (Standards of Performance for New Stationary Sources).
    - b. Any source, including an area source, subject to a standard or other requirement under section 112 of the Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112I of the Act.
  - 3. A Class III permit shall be required for a person to commence construction of or modify the following:
    - a. Any source that emits, or has the potential to emit, without controls, significant quantities of regulated air pollutants.
    - b. Stationary rotating machinery of greater than 325 brake horsepower.

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

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- c. Fuel-burning equipment which, at a location or property other than a one or two family residence, are fired at a sustained rate of more than one million BTU per hour for more than an eight hour period.
  - d. A person to begin actual construction of a source subject to Article IX of this Chapter.
  - e. A person to make a modification subject to Article IX of this Chapter to a source for which a permit has not been issued under this Article.
- C. Notwithstanding subsections A and B of this Section, the following sources shall not require a permit unless the source is a major source, or unless operation without a permit would result in a violation of the Act:
- 1. Sources subject to 40 CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters.
  - 2. Sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR 61.145.
  - 3. 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 Act (Permits), 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 emission limitation (MACT) for new sources under section 112 of the Act will be met. If 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 17.16.530.B. For purposes of this subsection, construction and reconstructing a major source shall have the meanings described in 40 CFR 63.41. (Ord. 2006- § 1, 2006; Ord. 2004-97 § 3; Ord. 1998-27 § 3, 1998; Ord. 1995-87 § 11, 1995; Ord. 1994-83 § 11, 1994; Ord. 1993-128 § 3 (part), 1993)

**17.12.160 Permit application processing procedures for Class I permits.**

- A. Unless otherwise noted, this Section applies to each source requiring a Class I permit or permit revision.
- B. Standard Application Form and Required Information. To apply for any permit in this Section, applicants shall complete the "Standard Permit Application Form" and supply all information required by the "Filing Instructions" as shown in Title 18, Chapter 2, Appendix 1 of the A.A.C.
- C. A proposed emission limitation, control or other requirement that meets the requirements of section 17.12.190
- D. Unless otherwise required by 17.12.150, 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.~~
  - 2-1. For purposes of 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.
  - 3-2. For initial phase II acid rain permits under Title IV of the Act and regulations incorporated pursuant to section 17.12.365, one that is submitted to the Control Officer by January 1, 1996, for sulfur dioxide, and by January 1, 1998, for nitrogen oxides.
  - 4-3. Any existing source which becomes subject to a standard promulgated by the Administrator pursuant to section 112(d) of the Act (Hazardous Air Pollutants) 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.
- E. 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.
- F. A complete application is one that satisfies all of the following:
  - 1. To be complete, an application shall provide all information required pursuant to subsection B. of this Section (standard application form section), except that applications for permit revision need supply such information only if it is related to the proposed change. A responsible official shall certify the submitted information consistent with subsection H. of this section (section on certification of truth, accuracy, and completeness).

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

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2. An application for a new permit or permit revision shall contain an assessment of the applicability of the requirements of Chapter 17.16, Article VIII. If the applicant determines that the proposed new source is a major source as defined in section 17.04.340, or the proposed permit revision constitutes a major modification as defined in section 17.04.340, then the application shall comply with all applicable requirements of Chapter 17.16, Article VIII.
  3. An application for a new permit or a permit revision shall contain an assessment of the applicability of the requirements established pursuant to ~~A.R.S. §§ 49-426.03 and 426.06~~ under Chapter 17.16 Article IX. If the applicant determines that the proposed new source permit or permit revision is subject to the requirements of ~~A.R.S. §§ 49-426.03 or 49-426.06~~ Chapter 17.16 Article IX, the application shall comply with all applicable requirements ~~promulgated under those sections of that Article.~~
  4. Except for proposed new major sources or major modifications subject to the requirements of Chapter 17.16, Article VIII, an application for a new permit, a permit revision, or a permit renewal shall be deemed to be complete unless within 60 days of receipt of the application, the Control Officer notifies the applicant by certified mail that the application is not complete.
  5. If a source wishes to voluntarily enter into an emissions limitation, control or other requirement pursuant to section 17.12.190, the source shall describe that emissions limitation, control or other requirement in its application, along with proposed associated monitoring, recordkeeping and reporting requirements necessary to demonstrate that the emissions limitation, control or other requirement is permanent, quantifiable, and otherwise enforceable as a practical matter.
  6. 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 § 17.12.255, a source's ability to operate without a permit, as set forth in this Article, 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 the application is not complete under subdivision 4 of this subsection, 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. After a rejection under this subdivision, the Control Officer may deny or revoke an existing permit, as applicable.
  7. The completeness determination shall not apply to revisions processed through the minor permit revision process.
  8. Activities which are insignificant shall be listed in the application. The application need not provide emissions data regarding insignificant activities. If the Control Officer determines that an activity listed as insignificant is not insignificant, the Control Officer shall notify the applicant in writing and specify additional information required.
  9. 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.
  10. The Control Officer is not in disagreement with a notice of confidentiality submitted with the application pursuant to A.R.S. § 49-487.
- G. A source applying for a Class I permit that has submitted information with an application under a claim of confidentiality pursuant to A.R.S. §§ 49-432 and 17.12.170 shall submit a copy of such information directly to the Administrator.
- H. Duty to Supplement or Correct Application. 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

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

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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.

- I. Certification of Truth, Accuracy, and Completeness. Any application form, report, or compliance certification submitted pursuant to this Title shall contain certification by a responsible official of truth accuracy, and completeness. This certification and any other certification required under this title shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- J. Action on Application.
1. The Control Officer shall issue or deny each permit according to the provisions of A.R.S. § 49-481. 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 subsection F of this Section.
    - b. Except for revisions qualifying as administrative or minor under §§17.12.245 and 17.12.255, all of the requirements for public notice and participation under §17.12.340 shall have been met.
    - c. The Control Officer shall have complied with the requirements of §17.12.200 for notifying and responding to affected States, and if applicable, other notification requirements of §§17.16.550.D.2. and 17.16.630.C.2.
    - d. 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 §17.12.200.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 PDEQ, 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), the Administrator's objection has been resolved.
    - g. For a permit that contains voluntary emission limitations, controls, or other requirements established pursuant to section 17.12.190, the Control Officer shall have complied with the requirement of subsection C of section 17.12.190 to provide the Administrator with a copy of the proposed permit.
  3. The control officer may issue a notice of termination of a permit issued pursuant to this Chapter if:
    - a. The control officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.
    - b. The person applying for the permit failed to disclose a material fact required by the permit application form or the regulation applicable to the permit, of which the applicant had or should have had knowledge at the time the application was submitted.
    - c. The terms and conditions of the permit have been or are being violated.
  4. If the control officer issues a notice of denial or termination of a permit under this Section, the notice shall be served on the applicant or permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the denial or revocation and a statement that the permit applicant or permittee is entitled to a hearing.
  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. The control officer shall send this statement to any person who requests it, and for Class I permits, to the Administrator.
  6. Except as provided in 40 CFR 70.4(b)(11), 17.12.150 and 17.16.550, regulations promulgated under Title IV or V of the Act (Acid Deposition Control or Permits), or the permitting of affected sources under the acid rain program pursuant to section 17.12.365, 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.

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

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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 Act (Prevention of Significant Deterioration and Nonattainment Areas).
  8. A proposed permit decision shall be published within 9 months of receipt of a complete application and any additional information requested pursuant to subdivision (E)(6) of this Section to process the application. The control officer shall provide notice of the decision as provided in 17.12.340 and any public hearing shall be scheduled as expeditiously as possible.
- K. Requirement for a Permit. Except as noted under the provisions in 17.12.230 and 17.12.255, 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 an existing 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 Article 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. (Ord. 2005- § 1, 2005; Ord. 2004-97 § 3; Ord. 1998-27 § 4, 1998; Ord. 1997-79 § 4, 1997; Ord. 1995-87 § 12, 1995; Ord. 1994-83 § 13, 1994; Ord. 1993-128 § 3 (part), 1993)

**17.12.165 Permit application processing procedures for Class II and Class III permits.**

- A. This section applies to each source requiring a Class II or Class III permit or permit revision.
- B. Standard Application Form and Required Information. To apply for any permit in this Section, applicants shall complete the "Standard Permit Application Form" and supply all information required by the "Filing Instructions" developed by the Control Officer. At a minimum an application must include the following:
  1. The applicable requirements to which the source may be subject.
  2. A statement or evidence that the source is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting, or without causing to be emitted, air contaminants in violation of the provisions of A.R.S. Title 49, Chapter 3, Article 3, and this Title.
  3. The fees to which the source may be subject.
  4. A proposed emission limitation, control or other requirement that meets the requirements of section 17.12.190.
- C. Unless otherwise required by §17.12.150, a timely application is:
  1. For a source applying for a permit for the first time, one that is submitted within 12 months after the source become subject to the permit program.
  2. For purposes of permit renewal, one that is submitted at least 6 months, but not greater than 18 months prior to the date of permit expiration.
  3. Any existing source which becomes subject to a standard promulgated by the Administrator pursuant to section 112(d) of the Act (Hazardous Air Pollutants) 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 new 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. A complete application is one that satisfies all of the following:
  1. To be complete, an application shall provide all information required pursuant to subsection B, of this Section (standard application form section), except that applications for a permit revision need supply such information only if it is related to the proposed change. A responsible official shall certify the submitted information consistent with subsection H of this section (section on certification of truth, accuracy, and completeness).
  2. An application for a new permit, a permit revision, or a permit renewal shall be deemed to be complete unless within 60 days of receipt of the application, the Control Officer notifies the applicant by certified mail that the application is not complete.

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

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3. An application for a new permit or a permit revision shall contain an assessment of the applicability of the requirements established under Chapter 17.16 Article IX. If the applicant determines that the proposed new source permit or permit revision is subject to the requirements of Chapter 17.16 Article IX, the application shall comply with all applicable requirements of that Article
- ~~3-4.~~ If a source wishes to voluntarily enter into an emission limitation, control or other requirement pursuant to section 17.12.190, the source shall describe that emissions limitation, control or other requirement in its application, along with the proposed associated monitoring, recordkeeping, and reporting requirements necessary to demonstrate that the emission limitation, control, or other requirement is permanent, quantifiable, and otherwise enforceable as a practical matter.
- ~~4-5.~~ 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 mail and set a reasonable deadline for a response. Except for minor permit revisions as set forth in ~~§17.12.250~~ 17.12.255, a source's ability to operate without a permit, as set forth in this Article, 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 the application is not complete under subdivision 4 of this subsection, 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/on 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. After a rejection under this subdivision, the Control Officer may deny or revoke an existing permit, as applicable.
- ~~5-6.~~ The completeness determination shall not apply to revisions processed through the minor permit revision process.
- ~~6-7.~~ If a permit applicant request 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.
- ~~7-8.~~ The Control Officer is not in disagreement with a notice of confidentiality submitted with the application pursuant to A.R.S. § 49-487.
- F. The Control Officer, either upon the Control Officer's own initiative or the request of a permit applicant, may waive a requirement that specific information or data be submitted in the application for a particular source if the Control Officer determines that the information or data would be unnecessary to determine the sources potential emissions, applicable requirements, or air pollution control equipment effectiveness.
- G. Duty to Supplement or Correct Application. 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 fact 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 files a complete application, but prior to release of a proposed permit.
- H. Certification of Truth, Accuracy, and Completeness. Any application form or report submitted pursuant to this Title shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this Title shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- I. Action on Application.

  1. The Control Officer shall issue or deny each permit according to the provisions of A.R.S. § 49-481. 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:



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

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- a. The application received by the control Officer for a permit, permit revision, or permit renewal shall be complete according to subsection E of this Section.
  - b. Except for revision qualifying as administrative or minor under §§17.12.245 and 17.12.255, all of the requirements for public notice shall require compliance with all applicable requirements.
  - c. The conditions of the permit shall require compliance with all applicable requirements.
  - d. For Class II or Class III permits that contain voluntary emission limitations, controls, or other requirements established pursuant to section 17.12.190, the Control Officer shall have complied with the requirement of subsection C of section 17.12.190 to provide the Administrator with a copy of the proposed permit.
3. The Control Officer may issue a notice of termination of a permit issued pursuant to this Section if:
- a. The Control Officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.
  - b. The person applying for the permit failed to disclose a material fact required by the permit application form or the regulation applicable to the permit, of which the applicant had or should have had knowledge at the time the application was submitted.
  - c. The terms and conditions of the permit have been or are being violated.
4. If the Control Officer issues a notice of denial or termination of a permit under this Section, the notice shall be served on the applicant or permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the denial or revocation and a statement that the permit applicant or permittee is entitled to a hearing.
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.
6. The Control Officer shall take final action on each permit application (and request for revision or renewal) within eighteen months after receiving a complete application.
7. A proposed permit decision shall be published within nine months of receipt of a complete application and any additional information requested pursuant to subdivision (E)(6) of this Section to process the application. The Control Officer shall provide notice of the decision as provided in §17.12.340 and any public hearing shall be scheduled as expeditiously as possible.
- J. Requirement for a Permit. Except as noted under the provision in §§17.12.240 and 17.12.255, no source may operate after the time that is required to submit a timely and complete application, except in compliance with a properly issued permit. However, if an existing 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 Article 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. (Ord. 2006-9 § 1 (part), 2006)

**17.12.190 Permits containing ~~voluntarily accepted~~ synthetic emission limitations and standards.**

- A. A source may voluntarily propose in its application, and accept in its Class I permit, emission limitations, controls or other requirements that are permanent, quantifiable and otherwise enforceable as a practical matter that incorporate pollution prevention programs that provide source operational flexibility and achieve regulatory compliance.
1. A new source requesting a permit with conditions for operation flexibility under this subsection shall be subject to all fees pursuant to 17.12.510.G.
  2. An existing source requesting a permit with conditions for operation flexibility under this subsection shall pay to the control officer a fee billed by the control officer that represents the total actual cost of reviewing and acting upon the application. The minimum fee chargeable to this subsection shall be \$2,500 and the maximum fee shall be \$30,000.
- B. A source may voluntarily propose in its application, and accept in its permit, emissions limitations, controls or other requirements that are permanent, quantifiable, and otherwise enforceable as a practical matter in order to avoid classification as a source that requires a Class I permit or to avoid one or more other ~~federal~~ applicable requirements. For the purposes of this section, "enforceable as a practical matter" means that specific means to assess compliance

with a limit or trade provision are provided for in the permit in a manner that allows compliance with the limit or trade provision to be readily determined by an inspection of records and reports.

- C. In order for a source to obtain a permit containing voluntarily accepted emissions limitations, controls or other requirements, the source shall demonstrate all of the following in its permit application:
1. The emissions limitations, controls or other requirements to be imposed for the purpose of avoiding an applicable requirement are at least as stringent as the emissions limitations, controls or other requirements that would otherwise be applicable to that source, including those that originate in an applicable implementation plan; and the permit does not waive, or make less stringent, any limitations or requirements contained in or issued pursuant to an applicable implementation plan, or that are otherwise federally enforceable.
  2. All voluntarily accepted emissions limitations, controls or other requirements will be permanent, quantifiable and otherwise enforceable as a practical matter.
- D. At the same time as notice of proposed issuance is first published pursuant to Section 17.12.340, the control officer shall send a copy of any Class II permit proposed to be issued pursuant to this section to the administrator for review during the comment period described in the notice pursuant to Section 17.12.340D.
- E. The control officer shall send a copy of each final permit issued pursuant to this section to the administrator. (Ord. 2005-43 § 2 (part), 2005; Ord 1997-95 § 1, 1997; Ord. 1995-87 § 15, 1995)

**17.12.230 Facility changes allowed without permit revisions – Class I.**

- A. A facility with a Class I 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 Act (Air Pollution Prevention and Control) or under A.R.S. ~~49-401.01(17)~~ 49-401.01(24);
  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 satisfy all requirements for a minor permit revision under Section 17.12.255; and
  5. The changes do not contravene federally enforceable permit terms and conditions that are monitoring (including test methods), record keeping, 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 the substitution meets all of the requirements of subsections (A), (D) and (E).
- 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 under Section 17.12.180(A)(12), if an applicable implementation plan provides for the emissions trades without applying for a permit revision and based on the seven working days' notice prescribed in subsection (D) of this section. This provision is available if the permit does not provide for the emissions trading as a minor permit revision.
- D. For each change under subsections (A) through (C), a written notice, by certified mail or hand delivery, shall be received by the control officer and the Administrator a minimum of seven (7) working days in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided less than seven (7) working days in advance of the change but must be provided as far in advance of the change, or if advance notification is not practicable, as soon after the change as possible.
- E. Each notification shall include:
1. When the proposed change will occur;
  2. A description of the 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; and

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

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7. Any permit term or condition that is no longer applicable as a result of the change.
- F. The permit shield described in Section 17.12.310 shall not apply to any change made under subsections (A) through (C). 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 Section 17.12.180(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. (Ord. 2005-43 § 2 (part), 2005; Ord. 1998-27 § 8, 1998; Ord. 1997-79 § 5, 1997; Ord. 1995-87 § 16, 1995; Ord. 1994-83 § 19, 1994; Ord. 1993-128 § 3 (part), 1993)

**17.12.235 Facility changes allowed without permit revisions – Class II.**

- A. The following changes at a source with a Class II or Class III permit shall require a permit revision:
  1. A change that triggers a new applicable requirement, ~~or~~ violates an existing applicable requirement, or is a modification under A.R.S § 49-401.01(24).
  2. Establishment of, or change in, an emissions cap;
  3. A change that will require 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. A change that results in emissions that are subject to monitoring, recordkeeping or reporting under 17.12.180 (A)(3), (4), or (5) if the emissions cannot be measured or otherwise adequately quantified by monitoring, recordkeeping, or reporting requirements already in the permit;
  5. A change that will authorize the burning of used oil, used oil fuel, hazardous waste, or hazardous waste fuel, or any other fuel not currently authorized by the permit;
  6. A change that requires the source to obtain a Class I permit;
  7. Replacement of an item of air pollution control equipment listed in the permit with one that does not have the same or better pollutant removal efficiency;
  8. Establishment or revision of a limit under 17.12.190;
  9. Increasing operating hours or rates of production above the permitted level; and
  10. A change that relaxes monitoring, recordkeeping, or reporting requirements, except when the change results:
    - a. From removing equipment that results in a permanent decrease in actual emissions, if the source keeps on-site records of the change in a log that satisfies 17.12.240.I.1 and I.2 and if the requirements that are relaxed are present in the permit solely for the equipment that was removed; or
    - b. From a change in an applicable requirement.
- B. A source with a Class II or Class III permit may make any physical change or change in the method of operation without revising the source's permit unless the change is specifically prohibited in the source's permit or is a change described in subsection (A). A change that does not require a permit revision may still be subject to requirements in 17.12.245. (Ord. 2006-9 § 1 (part), 2006; Ord. 2005-43 § 2 (part), 2005)

**17.12.340 Public participation.**

- A. The Control Officer shall provide public notice, an opportunity for public comment, and an opportunity for a hearing before taking the following actions:
  1. A permit issuance or renewal of a permit.
  2. A significant permit revision.
  3. Revocation and reissuance or reopening of a permit.
  4. Any conditional orders pursuant to Section 17.28.100.
  5. Granting a variance from a general permit under Chapter 17.16 Article IX.
- B. The Control Officer shall provide public notice of receipt of complete applications for permits to construct or make a major modification to major sources by publishing a notice in a newspaper of general circulation in the county where the source will be located.

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

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- C. The Control Officer shall provide notice required pursuant to subsection A of this section, or any other section of this title, as follows:
1. The Control Officer shall publish the notice once each week for two consecutive weeks for any Class I or Class II permit in two newspapers of general circulation in the county where the source is or will be located.
  2. The Control Officer shall mail a copy of the notice to persons on a mailing list developed by the control officer consisting of those persons who have requested in writing to be placed on such a mailing list.
- D. The notice required by subsection C shall include the following:
1. Identification of the affected facility;
  2. Name and address of the permittee or applicant;
  3. Name and address of the permitting authority processing the permit action;
  4. The activity or activities involved in the permit action;
  5. The emissions change involved in any permit revisions;
  6. The air contaminants to be emitted;
  7. If applicable, that a notice of confidentiality has been filed under Section 17.12.170;
  8. If applicable, that the source has submitted a risk management analysis pursuant to ~~A.R.S. 49-426.06~~ Section 17.16.685;
  9. A statement that any person may submit written comments, or a written request for a public hearing, or both, on the proposed permit action, along with the deadline for such requests or comments;
  10. The name, address, and telephone number of a person from PDEQ from whom additional information may be obtained;
  11. Locations where copies of the permit or permit revision application, the proposed permit, and all other materials available to the control officer that are relevant to the permit decision may be reviewed, including the PDEQ office, and the times at which they shall be available for public inspection.
- E. The control officer shall hold a public hearing to receive comments on petitions for conditional orders which would vary from requirements of the applicable implementation plan. For all other actions involving a proposed permit, the control officer shall hold a public hearing only upon written request pursuant to the provisions of A.R.S. 49-426. If a public hearing is requested, the control officer shall schedule the hearing and publish notice as described in A.R.S. 49-444 and subsection D of this section. The control officer shall give notice of any public hearing at least 30 days in advance of the hearing.
- F. At the time the control officer publishes the first notice according to subdivision I(1) of this section, the applicant shall post a notice containing the information required in subsection D of this section at the site where the source is or may be located. Consistent with federal, state, and local law, the posting shall be prominently placed at a location under the applicant's legal control, adjacent to the nearest public roadway, and visible to the public using the public roadway. If a public hearing is to be held, the applicant shall place an additional posting providing notice of the hearing. Any posting shall be maintained until the public comment period is closed.
- G. The Control Officer shall provide at least thirty days from the date of its first notice for an opportunity for public comment for every Class I and Class II permit. For a source required to obtain a permit pursuant to §17.12.140.B.3.a., the Control Officer shall provide at least 30 days from the date of its first notice for an opportunity for public comment. For sources required to obtain a permit pursuant to § 17.12.140.B.3.b or 17.12.140.B.3.c., the Control Officer shall provide at least 5 days from the date of its first notice for an opportunity for public comment. The Control Officer shall keep a record of the commenters and of the issues raised during the public participation process and shall prepare written responses to all comments received. At the time a final decision is made, the record and copies of the Control Officer's responses shall be made available to the applicant and all commenters. (Ord. 2006-9 § 1 (part), 2006; Ord. 1994-83 § 28, 1994; Ord. 1993-128 § 3 (part), 1993)

**17.12.350 Material permit condition.**

- A. For the purposes of A.R.S. 49-464(G) and 49-514(G), a "material permit condition" shall mean a condition that satisfies all of the following:
1. The condition is in a permit or permit revision issued by the director or the control officer after the effective date of this section;
  2. The condition is identified within the permit as a material permit condition;

3. The condition is one of the following:
    - a. An enforceable emission standard imposed to avoid classification as a major modification or major source or to avoid triggering any other applicable requirement,
    - b. A requirement to install, operate or maintain a maximum achievable control technology or hazardous air pollutant reasonably available control technology ~~required pursuant to the requirements of A.R.S. 49-426.06~~ under Chapter 17.16 Article IX,
    - c. A requirement for the installation or certification of a monitoring device,
    - d. A requirement for the installation of air pollution control equipment,
    - e. A requirement for the operation of air pollution control equipment,
    - f. An opacity standard required by Section 111 (Standards of Performance for New Stationary Sources) or Title I, part C or D (Air Pollution Prevention and Control) of the Act.
  4. Violation of the condition is not covered by A.R.S. § 49-464 (A) through (F), or (H) through (J) or A.R.S. §49-514 (A) through (F), or (H) through (J).
- B. For the purposes of paragraphs (A)(3)(c), (d) and (e) of this section, a permit condition shall not be material where the failure to comply resulted from circumstances that were outside the control of the source. As used in this section, “circumstances outside the control of the source” shall mean circumstances where the violation resulted from a sudden and unavoidable breakdown of the process or the control equipment, resulted from unavoidable conditions during a start up or shut down or resulted from upset of operations.
- C. For purposes of this section, the term “emission standard” shall have the meaning specified in A.R.S. §§ 49-514 (T) and 49-464 (U). (Ord. 2005-43 § 2 (part), 2005; Ord. 1998-27 § 14, 1998; Ord. 1994-83 § 29, 1994; Ord. 1993-128 § 3 (part), 1993)

#### **CHAPTER 17.16 EMISSION LIMITING STANDARDS**

##### **Article VIII. New Major Sources and Major Modifications to Existing Major Sources.**

##### **17.16.590**

##### **Permit requirements for sources located in attainment and unclassifiable areas.**

- A. Except as provided in subsections B through G of this section and Section 17.16.610, Innovative control technology, 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 that would be constructed in an area designated as attainment or unclassifiable for any pollutant unless the source or modification meets the following conditions:
1. A new major source shall apply best available control technology (BACT) for each pollutant listed in Section 17.04.340(221)(a) for which the potential to emit is significant.
  2. A major modification shall apply BACT for each pollutant listed in Section 17.04.340(221)(a) for which the modification would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.
  3. For phased construction projects, the determination of BACT shall be reviewed and modified as appropriate at the latest reasonable time which occurs no later than eighteen months prior to commencement of construction of each independent phase of the project. At such time the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of BACT for the source.
  4. BACT shall be determined on a case-by-case basis and may constitute application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques, for control of such pollutant. In no event shall such application of BACT result in emissions of any pollutant, which would exceed the emissions allowed by any applicable new source performance standard or national emission standard for hazardous air pollutants under Articles VI and IX of this chapter. If the control officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

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

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5. The person applying for the permit or permit revision under this article performs an air impact analysis and monitoring as specified in Section 17.16.600 and such analysis demonstrates that allowable emission increases from the proposed new major source or major modification, in conjunction with all other applicable emission increases or reductions, including secondary emissions, for all pollutants listed in Table 17.08.150, and minor and mobile sources for oxides of nitrogen:
  - a. Would not cause or contribute to an increase in concentrations of any pollutant by an amount in excess of any applicable baseline concentration in Table 17.08.150 for any attainment or unclassified area; or
  - b. Would not contribute to an increase in ambient concentrations for a pollutant by an amount in excess of the significance level for such pollutant in any area in which Arizona primary or secondary ambient air quality standards for that pollutant are being violated. A new major source of volatile organic compounds or oxides of nitrogen, or a major modification to a major source of volatile organic compounds or oxides of nitrogen shall be presumed to contribute to violations of the Arizona ambient air quality standards for ozone if it will be located within fifty kilometers of a nonattainment area for ozone. The presumption may be rebutted for a new major source or major modification if it can be satisfactorily demonstrated to the control officer that emissions of volatile organic compounds or oxides of nitrogen from the new major source or major modification will not contribute to violations of the Arizona ambient air quality standards for ozone in adjacent nonattainment areas for ozone. Such a demonstration shall include a showing that topographical, meteorological or other physical factors in the vicinity of the new major source or major modification are such that transport of volatile organic compounds emitted from the source are not expected to contribute to violations of the ozone standards in the adjacent nonattainment areas.
6. Air Quality Models.
  - a. All estimates of ambient concentrations required under this section shall be based on the applicable air quality models, data basis, and other requirements specified in the ~~“Guideline on Air Quality Models (Revised)” (EPA-450/2-78-027R, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, July 1986), and “Supplement B to the Guideline on Air Quality Models” (U.S. Environmental Protection Agency, September 1990). Both documents~~ 40 CFR 51, Appendix W, “Guideline On Air Quality Models,” as of July 1, 2004 (and no future amendments or editions), which shall be referred to hereinafter as “Guideline”, and ~~are~~ is adopted by reference and is on file with the Secretary of State and with the Department.
  - b. Where an air quality impact model specified in the “Guideline” is inappropriate, the model may be modified or another model substituted. Such a change shall be subject to notice and opportunity for public comment. Written approval of the EPA administrator shall be obtained for any modification or substitution.
- B. The requirements of this section shall not apply to a new major source or major modification to a source with respect to a particular pollutant if the person applying for the permit or permit revision under this article demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment for the pollutant.
- C. The requirements of this section shall not apply to a new major source or major modification of a source if such source or modification 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 Chapter 17.04, Article IX or belongs to the category of sources for which New Source Performance Standards under 40 CFR Part 60 or National Emission Standards for Hazardous Air Pollutants under 40 CFR Part 61 promulgated by the administrator prior to August 7, 1980.
- D. The requirements of this section shall not apply to a new major source or major modification to a source when the owner of such source is a nonprofit health or educational institution.
- E. The requirements of this section shall not apply to a portable source which would otherwise be a new major source or major modification to an existing source if such portable source is temporary, is under a permit or permit revision under this article, is in compliance with the conditions of that permit or permit revision under this article, the

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

emissions from the source will not impact a Class I area nor an area where an applicable increment is known to be violated, and reasonable notice is given to the control officer prior to the relocation identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the control officer not less than ten calendar days in advance of the proposed relocation unless a different time duration is previously approved by the control officer.

**F. Special Rules Applicable to Federal Land Managers.**

1. Notwithstanding any other provision of this section, a federal land manager may present to the control officer a demonstration that the emissions attributed to such new major source or major modification to a source will have significant adverse impact on visibility or other specifically defined air quality related values of any federal mandatory area designated in Section 17.08.100(B) regardless of the fact that the change in air quality resulting from emissions attributable to such new major source or major modification to a source in existence will not cause or contribute to concentrations which exceed the maximum allowable increases for a Class I area specified in Table 17.08.150. If the control officer concurs with such demonstrations, the permit or permit revision under this article shall be denied.
2. If the owner or operator of a proposed new major source or a source for which major modification is proposed demonstrates to the federal land manager that the emissions attributable to such major source or major modification will have no significant adverse impact on the visibility or other specifically defined air quality related values of such areas and the federal land manager so certifies to the control officer, the control officer may issue a permit or permit revision under this article notwithstanding the fact that the change in air quality resulting from emissions attributable to such new major source or major modification will cause or contribute to concentrations which exceed the maximum allowable increases for a Class I area. Such a permit or permit revision under this article shall require that such new major source or major modification comply with such emission limitations as may be necessary to assure that emissions will not cause increases in ambient concentrations greater than the following maximum allowable increases over baseline concentrations for such pollutants:

Maximum Allowable Increase (Micrograms per cubic meter)	
Sulfur Oxide Period of exposure	
Low terrain areas:	
24-hour maximum	36
3-hour maximum	130
High terrain areas:	
24-hour maximum	62
4-hour maximum	221

- G. The issuance of a permit or permit revision under this article in accordance with this section shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.
- H. At such time that a particular source or modification becomes a major 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 a 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. (Ord. 1994-83 § 65, 1994: Ord. 1993-128 § 4 (part), 1993)

**Article IX. Emissions of Hazardous Air Pollutants (HAPS).**

**17.16.645 Repealed.**

**17.16.650 Definitions.**

~~For purposes of this article, the~~ The following definitions and the definitions contained in 17.04.340 and A.R.S. § 49-401.01 shall apply to this Article unless the context otherwise applies.

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

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1. "Area source" means 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 Title II of the Act (National Emission Standards Act); "Acute adverse effects to human health" means those effects described in A.R.S. § 49-401.01 (2) that are of short duration or rapid onset.
2. "Existing source" means any stationary source other than a new source. "Acute Ambient Air Concentration (AAAC)" means that concentration of a hazardous air pollutant, in the ambient air, above which the general population, including susceptible populations, could experience acute adverse effects to human health.
3. "Major source" means a stationary source, or a group of stationary sources that is located within a contiguous area that is under common control, and that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any federal hazardous air pollutant or 25 tons per year or more of any combination of federal hazardous air pollutants. A lesser quantity, or in the case of radionuclides different criteria, may be established by the Administrator pursuant to Section 112 of the Act (Hazardous Air Pollutants) and adopted by the Director by rule. Notwithstanding the definition at 17.04.340(12), "Affected source," in this Article, has the meaning of "affected source" contained in 40 CFR 63.2, as of July 1, 2004 (and no future amendments or editions), which is incorporated herein by reference, and is on file with the Department.
4. "Maximum achievable control technology" (MACT) means an emission standard that requires the maximum degree of reduction in emissions of federal hazardous air pollutants, including a prohibition on such emissions where achievable, that the control officer, taking into consideration the cost of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements, determines is achievable by a source to which such standard applies, through application of measures, processes, methods, systems or techniques, including measures which do one or more of the following:
  - a. Reduce the volume of, or eliminate emissions of, such pollutants through process changes, substitution of materials or other modifications.
  - b. Enclose systems or processes to eliminate emissions.
  - c. Collect, capture or treat such pollutants when released from a process, stack, storage or fugitive emissions point.
  - d. Are design, equipment, work practice, or operational standards, including requirements for operator training or certification.
  - e. Are a combination of the above."Ambient air concentration (AAC)" means that concentration of a hazardous air pollutant in the ambient air, listed in 17.16.685(C)(1) or determined according to 17.16.685(C)(2) or (C)(3), above which the general population, including susceptible populations, could experience adverse effects to human health.
5. "Modification" or "modify" means a physical change in or change in the method of operation of a major source which increases the actual emissions of any federally listed air pollutant emitted by such source by more than a de minimis amount, or which results in the emission of any federally listed air pollutant not previously emitted by more than a de minimis amount. "Arizona maximum achievable control technology" or "AZMACT" means an emission standard that requires the maximum degree of reduction in emissions of the hazardous air pollutants subject to this Chapter, including a prohibition on the emissions where achievable and that the Director, according to 17.16.680 has determined to be an affected source to which the standard applies, through application of measures, processes, methods, systems or techniques including measures that:
  - a. Reduce the volume of, or eliminate emissions of, the pollutants through process changes, substitution of materials, or other modifications
  - b. Enclose systems or processes to eliminate emissions;
  - c. Collect, capture or treat the pollutants when released from a process, stack, storage or fugitive emissions point;
  - d. Are design, equipment, work practice, or operational standards, including requirements of operator training or certification; or
  - e. Are a combination of the above.



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

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6. "New source" means a stationary source, the construction or reconstruction of which commences after the Administrator first proposes regulations under Section 112 of the Act (Hazardous Air Pollutants) establishing an emission standard applicable to such source. "Chemical Abstract Service (CAS) Number" means a unique, identifying number assigned by the Chemical Abstract Service to each distinct chemical substance.
7. "Chronic adverse effects to human health" means those effects described in A.R.S. § 49-401.01(2) that are of a persistent, recurring, or long-term nature or that are delayed in onset.
8. "Chronic Ambient Air Concentration (CAAC)" means that concentration of a hazardous air pollutant, in the ambient air, above which the general population, including susceptible populations, could experience chronic adverse effects to human health.
9. "Federally listed hazardous air pollutants" means any air pollutant adopted under 17.16.660.
10. "Hazardous air pollutant" means any federally listed hazardous air pollutant.
11. "Major source of state hazardous air pollutants (HAPS) means:
  - a. A stationary source that emits or has the potential to emit in the aggregate, including fugitive emissions, ten tons per year or more of any state hazardous air pollutant or twenty-five tons per year or more of any combination of state hazardous air pollutants.
  - b. Any change to a minor source of hazardous air pollutants that would increase its emissions to the qualifying levels in subsection (a).
12. "Minor source of state hazardous air pollutants (HAPs) means a stationary source that emits or has the potential to emit, including fugitive emissions, one ton or more but less than 10 tons per year of any hazardous air pollutant or two and one-half tons or more but less than 25 tons per year of any combination of hazardous air pollutants.
13. "Modification" or "modify" means a physical change in, or change in the method of operation of a source that increases the actual emissions of any state hazardous air pollutant (HAP) emitted by the source by more than any de minimis amount listed in Table 1, or which results in the emission of any HAP not previously emitted by source by more than any de minimis amount listed in Table 1, including a change that increases a source's actual emissions of any state HAP that results in total source emissions that exceed 1 tpy of any individual HAP or 2.5 tpy of any combination of HAPs. A physical change in, or change in the method of operation of, a source is not a modification under this definition if:
  - a. The change, together with any other changes implemented or planned by the source, qualifies for an alternative emission limitation under § 112(i)(5) of the Clean Air Act;
  - b. The Clean Air Act § 112(d) or (f) imposes a standard requiring the change that is implemented after the Administrator promulgates the standard;
  - c. The change is routine maintenance, repair, replacement;
  - d. The change is the use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. 792, or by reason of a natural gas curtailment plan under the Federal Power Act, 16 U.S.C 792 – 825r;
  - e. The change is the use of an alternative fuel by reason of an order or rule under Section 125 of the Act;
  - f. The change is the use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
  - g. The change is an increase in the hours of operation or in the production rate, unless the change would be prohibited under an enforceable permit condition; or
  - h. The change is any change in ownership at a stationary source.
14. "Potential to emit" or "potential emission rate" means the maximum capacity of a stationary source to emit a pollutant, excluding secondary emissions, taking into account controls that are enforceable under any federal, state, or local law, rule or regulation, or that are inherent in the design of the source.
15. "SIC Code" means the standard industrial classification code number for a source category derived from 1987 Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987).
16. "State hazardous air pollutant" (HAP) means any federally listed hazardous air pollutant.

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

17. “Technology transfer” means the process by which existing control technologies that have been successfully applied in one or more source categories that have similar processes or emissions units are reviewed for potential use in a different source category.

**Table 1. State HAPs De Minimis Levels**

<b>Chemical</b>	<b>De Minimis (lb/hr)</b>	<b>De Minimis (lb/yr)</b>
<u>1,1,1 – Trichloroethane (Methyl Chloroform)</u>	<u>117</u>	<u>14,247</u>
<u>1,1,2,2 – Tetrachloroethane</u>	<u>N/A</u>	<u>0.20</u>
<u>1,3 – Butadiene</u>	<u>N/A</u>	<u>0.39</u>
<u>1,4 – Dichlorobenzene</u>	<u>N/A</u>	<u>1.9</u>
<u>2,2,4 – Trimethylpentane</u>	<u>51</u>	<u>N/A</u>
<u>2,4 – Dinitrotoluene</u>	<u>N/A</u>	<u>0.13</u>
<u>2 – Chloroacetophenone</u>	<u>N/A</u>	<u>0.19</u>
<u>Acetaldehyde</u>	<u>N/A</u>	<u>5.3</u>
<u>Acetophenone</u>	<u>1.4</u>	<u>2,261</u>
<u>Acrolein</u>	<u>0.013</u>	<u>0.129</u>
<u>Acrylonitrile</u>	<u>N/A</u>	<u>0.17</u>
<u>Antimony Compounds (Selected compound: Antimony)</u>	<u>0.71</u>	<u>9.0</u>
<u>Arsenic Compounds (Selected compound: Arsenic)</u>	<u>N/A</u>	<u>0.0027</u>
<u>Benzene</u>	<u>N/A</u>	<u>1.5</u>
<u>Benzyl Chloride</u>	<u>N/A</u>	<u>0.25</u>
<u>Beryllium Compounds (Selected compound: Beryllium)</u>	<u>0.000707</u>	<u>0.0049</u>
<u>Biphenyl</u>	<u>2.1</u>	<u>1,130</u>
<u>bis(2-Ethylhexyl) Phthalate</u>	<u>0.71</u>	<u>3.0</u>
<u>Bromoform</u>	<u>0.42</u>	<u>11</u>
<u>Cadmium Compounds (Selected compound: Cadmium)</u>	<u>N/A</u>	<u>0.0065</u>
<u>Carbon Disulfide</u>	<u>18</u>	<u>4,522</u>
<u>Carbon Tetrachloride</u>	<u>N/A</u>	<u>0.78</u>
<u>Carbonyl Sulfide</u>	<u>1.7</u>	<u>N/A</u>
<u>Chlorobenzene</u>	<u>57</u>	<u>6,442</u>
<u>Chloroform</u>	<u>N/A</u>	<u>2.2</u>
<u>Chromium Compounds (Selected compound: Hexavalent Chromium)</u>	<u>N/A</u>	<u>0.0010</u>
<u>Cobalt Compounds (Selected compound: Cobalt)</u>	<u>N/A</u>	<u>0.0042</u>
<u>Cumene</u>	<u>53</u>	<u>2,583</u>
<u>Cyanide Compounds (Selected compound: Hydrogen Cyanide)</u>	<u>0.22</u>	<u>19</u>
<u>Dibenzofurans</u>	<u>1.4</u>	<u>45</u>
<u>Dichloromethane (Methylene Chloride)</u>	<u>20</u>	<u>25</u>
<u>Dimethyl formamide</u>	<u>9.3</u>	<u>194</u>
<u>Dimethyl Sulfate</u>	<u>0.018</u>	<u>N/A</u>
<u>Ethyl Benzene</u>	<u>14</u>	<u>6,442</u>
<u>Ethyl Chloride (Chloroethane)</u>	<u>71</u>	<u>64,420</u>
<u>Ethylene Dibromide (Dibromoethane)</u>	<u>N/A</u>	<u>0.020</u>
<u>Ethylene glycol</u>	<u>2.8</u>	<u>2,583</u>
<u>Ethylidene Dichloride (1,1 – Dichloroethane)</u>	<u>354</u>	<u>3,230</u>
<u>Formaldehyde</u>	<u>N/A</u>	<u>0.90</u>

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

<u>Glycol Ethers (Selected compound: Diethylene glycol, monoethyl ether)</u>	<u>14</u>	<u>19</u>
<u>Hexachlorobenzene</u>	<u>N/A</u>	<u>0.026</u>
<u>Hexane</u>	<u>659</u>	<u>13,689</u>
<u>Hydrochloric Acid</u>	<u>0.93</u>	<u>129</u>
<u>Hydrogen Fluoride (Hydrofluoric Acid)</u>	<u>0.56</u>	<u>90</u>
<u>Isophorone</u>	<u>0.71</u>	<u>12,946</u>
<u>Manganese Compounds (Selected compound: Manganese)</u>	<u>0.14</u>	<u>0.32</u>
<u>Mercury Compounds (Selected compound: Elemental Mercury)</u>	<u>0.058</u>	<u>1.9</u>
<u>Methanol</u>	<u>53</u>	<u>25,830</u>
<u>Methyl Bromide</u>	<u>15</u>	<u>32</u>
<u>Methyl Chloride</u>	<u>67</u>	<u>582</u>
<u>Methyl Hydrazine</u>	<u>N/A</u>	<u>0.0024</u>
<u>Methyl Isobutyl Ketone (Hexone)</u>	<u>28</u>	<u>19,388</u>
<u>Methyl Methacrylate</u>	<u>18</u>	<u>4,522</u>
<u>Methyl Tert-Butyl Ether</u>	<u>N/A</u>	<u>46</u>
<u>N,N-Dimethylaniline</u>	<u>1.4</u>	<u>45</u>
<u>Naphthalene</u>	<u>N/A</u>	<u>0.35</u>
<u>Nickel Compounds (Selected compound: Nickel Refinery Dust)</u>	<u>N/A</u>	<u>0.049</u>
<u>Phenol</u>	<u>3.3</u>	<u>1,295</u>
<u>Polychlorinated Biphenyls (Selected Compound: Aroclor 1254)</u>	<u>N/A</u>	<u>0.12</u>
<u>Polycyclic Organic Matter (Selected compound: Benzo(a)pyrene)</u>	<u>N/A</u>	<u>0.013</u>
<u>Propionaldehyde</u>	<u>N/A</u>	<u>5.3</u>
<u>Propylene Dichloride</u>	<u>14</u>	<u>26</u>
<u>Selenium Compounds (Selected compound: Selenium)</u>	<u>0.028</u>	<u>113</u>
<u>Styrene</u>	<u>31</u>	<u>6,442</u>
<u>Tetrachloroethylene (Perchloroethylene)</u>	<u>N/A</u>	<u>2.0</u>
<u>Toluene</u>	<u>109</u>	<u>146,766</u>
<u>Trichloroethylene</u>	<u>N/A</u>	<u>0.10</u>
<u>Vinyl Acetate</u>	<u>22</u>	<u>1,295</u>
<u>Vinyl Chloride</u>	<u>N/A</u>	<u>1.3</u>
<u>Vinylidene Chloride (1,2-Dichloroethylene)</u>	<u>2.1</u>	<u>1,295</u>
<u>Xylene (Mixed Isomers)</u>	<u>98</u>	<u>644</u>

**17.16.655**      **Applicability**

- A.**      The provisions of this Article apply to:
1.      Minor sources of state hazardous air pollutants that are in one of the source categories listed in Table 2; and
  2.      Major sources of state hazardous air pollutants.
- B.**      The provisions of this Article shall not apply to:
1.      Affected sources for which a standard under 40 CFR 61 or 40 CFR 63 imposes an emissions limitation.
  2.      Affected sources at a minor source of state HAPs if the minor source:
    - i.      Is in a source category for which a standard under 40 CFR 63 has been adopted; and
    - ii.     Agrees to comply with the emissions limitation under Section 17.12.190.
- C.**      If the Clean Air Act has established provisions including specific schedules for the regulation of source categories under Section 112(e)(5) and 112(n), those provisions and schedules shall apply to the regulation of those source categories.

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

- D. For any category or subcategory of facilities licensed by the Nuclear Regulatory Commission, the Director shall not adopt or enforce any standard or limitation respecting emissions of radionuclides which is more stringent than the standard or limitation adopted by the Administrator under Section 112 of the Act.
- E. The provisions of this Article shall not apply to sources for which the Administrator has made one of the following findings under Section 112(n) of the Clean Air Act, 42 U.S.C. 7412(n):
1. A finding that regulation is not appropriate or necessary, or
  2. A finding that the source should apply alternative control strategies.
- G. The provisions of the Article shall be effective July 1, 2007, and shall not apply to permits or significant permit revisions for which the Department receives the first application component before the effective date of this Article.

**Table 2. State HAPs Minor Source Categories**

<u>Primary SIC Code</u>	<u>Source Category</u>
<u>2434</u>	<u>Wood Kitchen Cabinets</u>
<u>2451</u>	<u>Mobile Homes</u>
<u>2621</u>	<u>Paper Mills</u>
<u>2679</u>	<u>Converted Paper Products, n.e.c.<sup>1</sup></u>
<u>2851</u>	<u>Paints and Allied Products</u>
<u>2911</u>	<u>Petroleum Refining</u>
<u>3086</u>	<u>Plastics Foam Products</u>
<u>3088</u>	<u>Plastics Plumbing Fixtures</u>
<u>3089</u>	<u>Plastics Products, n.e.c.<sup>1</sup></u>
<u>3241</u>	<u>Cement, Hydraulic</u>
<u>3281</u>	<u>Cut Stone and Stone Products</u>
<u>3296</u>	<u>Mineral Wool</u>
<u>3312</u>	<u>Blast Furnaces and Steel mills</u>
<u>3331</u>	<u>Primary Copper</u>
<u>3411</u>	<u>Metal Cans</u>
<u>3444</u>	<u>Sheet Metal Work</u>
<u>3451</u>	<u>Screw Machine Products</u>
<u>3479</u>	<u>Metal Coating and Allied Services</u>
<u>3585</u>	<u>Refrigeration and Heating Equipment</u>
<u>3672</u>	<u>Printed Circuit Boards</u>
<u>3999</u>	<u>Mfg. Industries, n.e.c.<sup>1</sup></u>
<u>4922</u>	<u>Natural Gas Transmission</u>
<u>5169</u>	<u>Chemicals and Allied Products, n.e.c.<sup>1</sup></u>
<u>5171</u>	<u>Petroleum Bulk Stations and Terminals</u>

<sup>1</sup>Not Elsewhere Classified

**17.16.660 Federal State list of hazardous air pollutants.**

- A. All of the following are on the federal list of hazardous air pollutants. The following federally listed hazardous air pollutants listed in § 112(b)(1) of the Clean Air Act, 42 U.S.C § 7412(b)(1) are hazardous air pollutants under this Article:

<u>CAS No.</u>	<u>Chemical Name</u>
75070	Acetaldehyde
60355	Acetamide

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

75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
<del>105602</del>	<del>Caprolactam</del>
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform

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

107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (isomers and mixture)
95487	o-Cresol
108394	m-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)
91941	3,3-Dichlorobenzidene
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethylaniline (N,N-Dimethylaniline)
64675	Diethyl sulfate
119904	3,3-Dimethoxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol, and salts
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate

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

100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl chloride (Chloroethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
275218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopenta-diene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diiso-cyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
78933	<del>Methyl ethyl ketone (2-Butanone)</del>
60344	Methyl hydrazine
74884	Methyl iodide (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate

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

1634044	Methyl tert butyl ether
101144	4,4-Methylene bis(2-chloroaniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diisocyanate (MDI)
101779	4,4-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl aziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodi-benzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)



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

7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	o-Xylenes
108383	m-Xylenes
106423	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds [1]
0	Glycol Ethers [2]
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine Mineral Fibers [3]
0	Nickel Compounds
0	Polycyclic Organic Matter [4]

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

0	Radionuclides (including radon) [5]
0	Selenium Compounds

- [1] X'CN where X = H' or any other group where a formal dissociation may occur [e.g. KCN or Ca(CN)<sub>2</sub>].
- [2] Includes mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol R(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OR' where:
- i. n = 1, 2, or 3;
  - ii. R = alkyl C7 or less ~~or aryl groups~~;
  - iii. R = phenyl or alkyl substituted phenyl;
  - iv. R' = H or alkyl C7 or less; ~~or R, H, or groups which, when removed, yield glycol ethers with the structure: R(OCH<sub>2</sub>CH)<sub>n</sub>-OH. Polymers are excluded from the glycol category.~~
  - v. OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate Glycol ethers does not include ethylene glycol monobutyl ether.
- [3] Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.
- [4] Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.
- [5] A type of atom which spontaneously undergoes radioactive decay.
- B. For all listings above which contain the word "compounds" and for glycol ethers, unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure. (Ord. 1994-83 § 70, 1994: Ord. 1993-128 § 4 (part), 1993)

**17.16.665 Notice of types and amounts of HAPS.**

An owner or operator of a source subject to this Article shall provide the Director with notice, in a permit application, of the types and amounts of HAPs emitted by the source. The notice shall include readily available data regarding emissions from the source. The Director shall not require the owner or operator to conduct performance tests, sampling, or monitoring to fulfill the requirements of this Section.

**17.16.670 Standards of performance for hazardous air pollutants. Modifications; Permits; Permit Revisions.**

~~The federal standards of performance for hazardous air pollutants, National Emission Standards for Hazardous Air Pollutants (NESHAP), are listed in section 17.16.530.~~

- A. Any person who constructs or modifies a source that is subject to 17.16.655 must first obtain a permit or significant permit revision that complies with Article II, of Chapter 17.12, and subsection (B) or (C).
- B. A permit or significant permit revision that the Department issues to a new or modified source that is subject to this program under 17.16.655(A)(1) shall impose HAPRACT under 17.16.675, unless the applicant demonstrates, with a Risk Management Analysis under 17.16.685, that the imposition of HAPRACT is not necessary to avoid adverse effects to human health or adverse environmental effects.
- C. A permit or significant permit revision that the Department issues to a new or modified source that is subject to this program under 17.16.655(A)(2) shall impose AZMACT under 17.16.680, unless the applicant demonstrates, with a Risk Management Analysis under 17.16.685, that the imposition of AZMACT is not necessary to avoid adverse effects to human health or adverse environmental effects.
- D. If the Director establishes a general permit establishing HAPRACT according to the Arizona Administrative Code Title 18, Article 5 of Chapter 2, the following apply:
- 1. The owner or operator of a source covered by that general permit may obtain a variance from HAPRACT by complying with 17.16.685 when the source applies for the general permit;
  - 2. If the owner or operator makes applicable demonstration required by 17.16.685 and otherwise qualifies for the general permit, the Director shall approve the application according to A.R.S § 49-426 and issue an authorization-to-operate granting a variance from the specific provisions of the general permit relating to HAPRACT; and
  - 3. Except as modified by a variance, the general permit governs the source.

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

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- E. When determining whether HAP emissions from a new source or modification exceed the thresholds prescribed by 17.16.650(11) or (12), or a de minimis amount described in 17.16.650 Table 1, the Director shall exclude particulate matter emissions that consist of natural crustal material and that are produced either by natural forces, such as wind or erosion, or by anthropogenic activities, such as agricultural operations, excavation, blasting, drilling, handling, storage, earth moving, crushing, grinding or traffic over unpaved roads, or other similar activities.
- F. In addition to the requirements of Title 18, Chapter 2, Appendix 1 of the Arizona Administrative Code “Standard Permit Application Form and Filing Instructions,” an application for a permit or permit revision required under this Section shall include one of the following:
1. The applicant’s proposal and documentation for HAPRACT under 17.16.675;
  2. The applicant’s proposal and documentation for AZMACT under 17.16.680; or
  3. A risk management analysis submitted under 17.16.685.
- G. Any applicant for a permit or permit revision under this Article may request accelerated permit processing under 17.12.510(N). (Ord. 1993-128 § 4 (part), 1993)

**17.16.675 Case-by-case HAPRACT determinations.**

- A. The applicant shall include in the application sufficient documentation to show that the proposed control technology or methodology meets the requirements of A.R.S. § 49-426.06 and this Section.
- B. An applicant subject to 17.16.670(B) shall propose HAPRACT for the new source or modification, to be included in the applicant’s permit or significant permit revision. The applicant shall document each of the following steps:
1. The applicant shall identify the range of applicable control technologies, including:
    - a. A survey of similar emission sources to determine the emission limitations currently achieved in practice in the United States;
    - b. Controls applied to similar source categories, emissions units, or gas streams through technology transfer; and
    - c. Innovative technologies that are demonstrated to be reliable, that reduce emissions for the HAP under review at least to the extent achieved by the control technology that would otherwise have been proposed and that meets all the requirements of A.R.S. § 49-426.06 and the Section.
  2. The applicant shall propose as HAPRACT one of the control technologies identified under subsection (B)(1), and shall provide:
    - a. The rationale for selecting the specific control technologies from the range identified in subsection (B)(1);
    - b. Estimated control efficiency, described as percent HAP removed;
    - c. Expected emission rate in tons per year and pounds per hour;
    - d. Expected emission reduction in tons per year and pounds per hour;
    - e. Economic impacts and cost effectiveness of implementing the proposed control technology;
    - f. Other environmental impacts of the proposed control technology; and
    - g. Energy impacts of the proposed technology.
  3. The applicant shall identify rejected control technologies identified in subsection (B)(1), and shall provide for each rejected control technology:
    - a. The rationale for rejecting the specific control technologies identified in subsection (B)(1);
    - b. Estimated control efficiency, described as percent HAP removed;
    - c. Expected emission rates in tons per year and pounds per hour;
    - d. Expected emission reduction in tons per year and pounds per hour;
    - e. Economic impacts and cost effectiveness of implementing the rejected control technologies;
    - f. Other environmental impacts of the rejected control technology; and
    - g. Energy impacts of the rejected control technologies.
- C. The Director shall determine whether the applicant’s HAPRACT selection complies with A.R.S. § 49-426.06 and this Section, based on the documentation provided in subsection (B).
1. If the Director finds that the applicant’s proposal complies with A.R.S. § 49-426.06 and this Section, the Director shall include the applicant’s proposed HAPRACT selection in the permit or permit revision.

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

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2. If the Director finds that the applicant's proposal fails to comply with A.R.S. § 49-426.06 and this Section, the Director shall:
  - a. Notify the applicant that the proposal fails to meet requirements;
  - b. Specify the deficiencies in the proposal; and
3. If the applicant does not submit a new proposal, the Director shall deny the application for a permit or permit revision.
4. If the Director finds that the new proposal fails to comply with A.R.S. § 49-426.06 and this Section, the Director shall deny the application for a permit or permit revision.

D. If the Director finds that a reliable method of measuring HAP emissions is not available, the Director shall require, in the permit, the applicant to comply with a design, equipment, work practice or operational standard, or combination of these, but shall not impose a numeric emissions limitation upon the applicant.

E. The Director shall not impose a control technology that would require the application of measures that are incompatible with measures required under Article VII or 40 CFR 63. An applicable control technology for a source or source category that is promulgated by the Administrator shall supersede control technology imposed by the Director for that source or source category.

**17.16.680 Control of federal hazardous air pollutants. Case-by-case AZMACT Determination.**

- A. ~~A person shall not obtain a permit or permit revision to modify an existing major source of federal hazardous air pollutants, or to construct a new major source of federal hazardous air pollutants, unless the control officer determines that the person will install the maximum achievable control technology (MACT) for the modification or new major source. 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 requirements of section 112 (g) (1) of the Act (Hazardous Air Pollutants), which is incorporated by reference. The applicant shall include in the application sufficient documentation to show that the proposed control technology meets the requirements of A.R.S. § 49-426.06 and this Section.~~
- B. ~~Until the Administrator promulgates, and the control officer adopts, emissions standards establishing MACT for a source category, or subcategory that includes a source subject to subsection A of this Section, the control officer shall determine MACT for the modification or new major source on a case-by-case basis. If the control officer determines that it is not feasible to prescribe or enforce a numerical emission limitation, a MACT standard imposed pursuant to this subsection may consist of a design, equipment, work practice or operational standard, or a combination of these. An applicant subject to 17.16.670(C) shall propose AZMACT for the new source or modification, to be included in the applicant's permit or permit revision. The applicant shall document each of the following steps:~~
  1. The applicant shall identify all available control options, taking into consideration the measures cited in 17.16.650(4). The analysis shall include a survey of emission sources to determine the most stringent emission limitation currently achieved in practice in the United States, and may include controls applied through technology transfer to similar source categories and gas streams.
  2. The applicant shall eliminate options that are technically infeasible because of source-specific factors. The applicant shall clearly document the demonstration of technical infeasibility, and shall base the demonstration upon physical, chemical and engineering barriers that would preclude the successful use of each control option that the applicant has eliminated.
  3. The applicant shall list the remaining control technologies in order of overall removal efficiency for the HAP under review, with the most effective at the top of the list. The list shall include the following information, for the control technology proposed and for any control technology that is ranked higher than the proposed technology:
    - a. Estimated control efficiency, described by percent of HAP removed;
    - b. Expected emission rate in tons per year and pounds per hour;
    - c. Expected emission reduction in tons per year and pounds per hour;
    - d. Economic impacts and cost effectiveness;
    - e. Other environmental impacts; and
    - f. Energy impacts.
  4. The applicant shall evaluate the most effective controls, listed according to subsection (B)(3), and document the results as follows:

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

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- a. For new major sources, the applicant shall consider the factors described in subsection (B)(3) to arrive at the final control technology proposed as AZMACT.
    - i. The applicant shall discuss the beneficial and adverse economic, environmental, and energy impacts and quantify them where possible, focusing on the direct impacts of each control technology.
    - ii. If the applicant proposes the top alternative in the list as AZMACT, the applicant shall consider whether other environmental impacts mandate the selection of an alternative control technology. If the applicant does not propose the top alternative as AZMACT, the applicant shall evaluate the next most stringent technology in the list. The applicant shall continue the evaluation process until the applicant arrives at a technology that the applicant does not eliminate because of source-specific, economic, environmental or energy impacts.
  - b. For a modification, the applicant shall evaluate the control technologies according to subsection (B)(4)(a). AZMACT for a modification may be less stringent than AZMACT for a new source in the same source category but shall not be less stringent than:
    - i. In cases where the applicant has identified 30 or more sources, the average emission limitation achieved by the best performing 12% of the existing similar sources, which the applicant shall include in the permit application; or
    - ii. In cases where the applicant has identified fewer than 30 similar sources, the average emission limitation achieved by the best performing five sources, which the applicant shall include in the permit application.
5. The applicant shall propose as AZMACT for the HAP under review:
- a. The most effective control technology or methodology not eliminated in the evaluation described in subsection (B)(4); or
  - b. An innovative technology that reduces emissions to the extent achieved by the control technology that the applicant otherwise would have proposed under subsection (5)(a), and that meets all the requirements of A.R.S. § 40-426.06 and this Section.
- C. If the Administrator fails to adopt a standard for a source category or subcategory within eighteen (18) months after the deadline established for that category or subcategory pursuant to Section 112(e)(1) and (3) of the Act (Hazardous Air Pollutants), the owner or operator of an existing major source in that category or subcategory shall be required to submit a permit application for such source, and the control officer shall be required to issue a permit or permit revision establishing MACT for the source on a case-by-case basis, or an alternative emission limitation pursuant to Section 17.16.700 or section 112 (h) (3) of the Act (Hazardous Air Pollutants). If the control officer determines that it is not feasible to prescribe or enforce a numerical emission limitation, a MACT standard imposed pursuant to this subsection may consist of a design, equipment, work practice or operational standard, or a combination of these. The Director shall not approve a control technology or methodology less stringent than any applicable federal New Source Performance Standard (NSPS) at 40 CFR 60 or National Emission Standard for Hazardous Air Pollutants (NESHAP) at 40 CFR 61.
- D. When the Administrator adopts and makes effective standards pursuant to Section 112(d) or 112(f) of the Act (Hazardous Air Pollutants), the control officer shall adopt those standards as prescribed by the Administrator. The Director shall determine whether the applicant's AZMACT proposal complies with A.R.S. § 49-426.06 and this Section.
- 1. If the Director determines that the applicant's proposal complies with A.R.S § 49-426.06 and this Section, the Director shall include the applicant's proposed AZMACT selection in the permit or permit revision
  - 2. If the Director determines that the applicant's proposal does not comply with A.R.S. § 49-426.06 and this Section, the Director shall:
    - a. Notify the applicant that the proposal does not meet the requirements;
    - b. Specify the deficiencies; and
  - 3. If the applicant does not submit a new proposal, the Director shall deny the application for a permit or permit revision.

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

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4. If the Director determines that the new proposal fails to comply with A.R.S. § 49-426.06 and this Section, the Director shall deny the application for a permit or permit revision.
- E. ~~Where the Act has established provisions, including specific schedules, for the regulation of source categories pursuant to Section 112(c)(5) and 112(n) of the Act (Hazardous Air Pollutants), those provisions and schedules shall be adopted by the control officer. If a reliable method of measuring HAP emissions is not available, the Director shall require the applicant to comply with a design, equipment, work practice or operational standard, or combination of these, to be included in the applicant's permit, but shall not impose a numeric emissions limitation.~~
- F. ~~For any category or subcategory of facilities licensed by the U. S. Nuclear Regulatory Commission, the control officer shall not adopt or enforce any standard or limitation respecting emissions of radionuclides which is more stringent than the standard or limitation adopted by the Administrator pursuant to Section 112 of the Act (Hazardous Air Pollutants). The Director shall not impose a control technology that would require the application of measures that are incompatible with measures required under Article VII or 40 CFR 63. An applicable control technology for a source or source category that is promulgated by the Administrator shall supersede control technology imposed by the Director for that source or source category.~~
- G. ~~When the Administrator makes one of the following findings pursuant to Section 112(n)(1)(a) of the Act (Hazardous Air Pollutants), the finding is effective for purposes of the State's administration and enforcement of the Federal hazardous air pollutant program in the same manner as prescribed by the Administrator, upon adoption by the Director of the following by rule:~~
1. ~~A finding that regulation is not appropriate or necessary.~~
  2. ~~A finding that alternative control strategies should be applied.~~

**17.16.685 Risk Management Analyses.**

- A. Applicability.
1. An applicant seeking to demonstrate that HAPRACT or AZMACT is not necessary to prevent adverse effects to human health or the environment by conducting an RMA shall first apply for a permit or significant permit revision that complies with Article II of Chapter 17.12.
  2. An applicant seeking to demonstrate that HAPRACT or AZMACT is not necessary to prevent adverse effects to human health or the environment shall conduct a risk management analysis (RMA) according to this Section.
  3. The RMA for a new source shall apply to:
    - i. The source's annual total potential to emit state HAPs for evaluation of chronic exposure; or
    - ii. The source's hourly total potential to emit state HAPs for evaluation of acute exposure.
  4. The RMA for modified source shall apply to:
    - i. The source's annual total potential to emit state HAPs, after the modification, for evaluation of chronic exposure; or
    - ii. The source's hourly total potential to emit state HAPs, after the modification, for evaluation of acute exposure.
  5. An applicant shall conduct an RMA for each state HAP emitted by the source in greater than de minimis amounts.
- B. The applicant may use any of the following methods for conducting an RMA:
1. Tier 1: Equation.
    - a. For emissions of a HAPs included in a listed group of hazardous compounds, other than those HAPs identified in Table 3 as selected compounds, the applicant shall determine a health-based ambient air concentration, under subsection (C)(3).
    - b. The applicant shall determine the potential maximum hourly exposure resulting from emissions of the HAP by applying the following equation:
      - i. MHE = maximum hourly exposure in milligrams per cubic meter, and
      - ii. PPH = hourly potential to emit the HAP in pounds per hour.
    - c. The applicant shall determine the potential maximum annual exposure resulting from emissions of the HAP by applying the following equation:  
MAE = PPY \* 1/MOH \* 1.41, where:



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

4. Tier 4: Modified SCREEN or refined air quality model. The applicant shall employ either the SCREEN or a refined air quality model, performed in a manner consistent with the Guideline specified in 17.16.590(A)(6)(a).
- a. For evaluation of acute exposure, the applicant shall assume exposure in the ambient air.
- b. For evaluation of chronic exposure:
- i. The applicant may use exposure assumptions consistent with institutional or engineering controls that are permanent and enforceable outside the permit.
- ii. The applicant shall notify the Director of these controls. If the Director does not approve of the proposed controls, or if the controls are not permanent and enforceable outside of the permit, the applicant shall assume chronic exposure in the ambient air.
- c. The applicant may include in the Tier 4 RMA documentation of the following factors:
- i. The estimated actual exposure to the HAP of persons living in the airshed of the source;
- ii. Available epidemiological or other health studies;
- iii. Risks presented by background concentrations of hazardous air pollutants;
- iv. Uncertainties in risk assessment methodology or other health assessment techniques;
- v. Health or environmental consequences from efforts to reduce the risk; or
- vi. The technological and commercial availability of control methods beyond those otherwise required for the source and the cost of such methods.
- d. The applicant shall submit a written protocol for conducting an RMA, consistent with the requirements of this Section, to the Director of the Director's approval. If the Director does not approve the written protocol, the applicant may:
- i. Submit a revised protocol to the Director;
- ii. Propose HAPRACT under 17.16.675, or AZMACT under 17.16.680; or
- iii. Refuse to submit a revised protocol, in which case the Director shall deny the application.
- e. If the predicted maximum concentration is less than the relevant ambient air concentration, or if warranted under the factors listed in subsection (B)(4)(c), the Director shall not require compliance with HAPRACT under 17.16.675, or AZMACT under 17.16.680.
- f. Except as provided in subsection (B)(4)(e), if the predicted maximum concentration is greater than or equal to the relevant ambient air concentration, the Director shall require compliance with HAPRACT under 17.16.675, or AZMACT under 17.16.680.

**C. Health-based Ambient Air Concentrations of State HAPs.**

1. For state HAPs for which the Director has already determined an AAC, the applicant shall use the acute and chronic values listed in Table 3.

**Table 3. Acute and Chronic Ambient Air Concentrations**

<b><u>Chemical</u></b>	<b><u>Acute AAC (mg/m<sup>3</sup>)</u></b>	<b><u>Chronic AAC (mg/m<sup>3</sup>)</u></b>
<u>1,1,1-Trichloroethane (Methyl Chloroform)</u>	<u>2.075</u>	<u>2.30E+00</u>
<u>1,1,2,2-Tetrachloroethane</u>	<u>18</u>	<u>3.27E-05</u>
<u>1,3-Butadiene</u>	<u>7.514</u>	<u>6.32E-05</u>
<u>1,4-Dichlorobenzene</u>	<u>300</u>	<u>3.06E-04</u>
<u>2,2,4-Trimethylpentane</u>	<u>900</u>	<u>NA</u>
<u>2,4-Dinitrotoluene</u>	<u>5.0</u>	<u>2.13E-05</u>
<u>2-Chloroacetophenone</u>	<u>NA</u>	<u>3.13E-05</u>
<u>Acetaldehyde</u>	<u>306</u>	<u>8.62E-04</u>
<u>Acetophenone</u>	<u>25</u>	<u>3.65E-01</u>
<u>Acrolein</u>	<u>0.23</u>	<u>2.09E-05</u>
<u>Acrylonitrile</u>	<u>38</u>	<u>2.79E-05</u>
<u>Antimony Compounds (Selected compound: Antimony)</u>	<u>13</u>	<u>1.46E-03</u>



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

<u>Arsenic Compounds (Selected compound: Arsenic)</u>	<u>2.5</u>	<u>4.41E-07</u>
<u>Benzene</u>	<u>1,276</u>	<u>2.43E-04</u>
<u>Benzyl Chloride</u>	<u>26</u>	<u>3.96E-05</u>
<u>Beryllium Compounds (Selected compound: Beryllium)</u>	<u>0.013</u>	<u>7.90E-07</u>
<u>Biphenyl</u>	<u>38</u>	<u>1.83E-01</u>
<u>Bis(2-Ethylhexyl) Phthalate</u>	<u>13</u>	<u>4.80E-04</u>
<u>Bromoform</u>	<u>7.5</u>	<u>1.72E-03</u>
<u>Cadmium Compounds (Selected compound: Cadmium)</u>	<u>0.25</u>	<u>1.05E-06</u>
<u>Carbon Disulfide</u>	<u>311</u>	<u>7.30E-01</u>
<u>Carbon Tetrachloride</u>	<u>201</u>	<u>1.26E-04</u>
<u>Carbonyl Sulfide</u>	<u>30</u>	<u>NA</u>
<u>Chlorobenzene</u>	<u>1,000</u>	<u>1.04E+00</u>
<u>Chloroform</u>	<u>195</u>	<u>3.58E-04</u>
<u>Chromium Compounds (Selected compound: Hexavalent Chromium)</u>	<u>0.10</u>	<u>1.58E-07</u>
<u>Cobalt Compounds (Selected compound: Cobalt)</u>	<u>10</u>	<u>6.86E-07</u>
<u>Cumene</u>	<u>935</u>	<u>4.17E-01</u>
<u>Cyanide Compounds (Selected compound: Hydrogen Cyanide)</u>	<u>3.9</u>	<u>3.13E-03</u>
<u>Dibenzofurans</u>	<u>25</u>	<u>7.30E-03</u>
<u>Dichloromethane (Methylene Chloride)</u>	<u>347</u>	<u>4.03E-03</u>
<u>Dimethyl formamide</u>	<u>164</u>	<u>3.13E-02</u>
<u>Dimethyl Sulfate</u>	<u>0.31</u>	<u>NA</u>
<u>Ethyl Benzene</u>	<u>250</u>	<u>1.04E+00</u>
<u>Ethyl Chloride (Chloroethane)</u>	<u>1,250</u>	<u>1.04E+01</u>
<u>Ethylene Dibromide (Dibromoethane)</u>	<u>100</u>	<u>3.16E-06</u>
<u>Ethylene Dichloride (1,2-Dichloroethane)</u>	<u>405</u>	<u>7.29E-05</u>
<u>Ethylene glycol</u>	<u>50</u>	<u>4.17E-01</u>
<u>Ethylidene Dichloride (1,1-Dichloroethane)</u>	<u>6,250</u>	<u>5.21E-01</u>
<u>Formaldehyde</u>	<u>17</u>	<u>1.46E-04</u>
<u>Glycol Ethers (Selected compound: Diethylene glycol, monoethyl ether)</u>	<u>250</u>	<u>3.14E-03</u>
<u>Hexachlorobenzene</u>	<u>0.50</u>	<u>4.12E-06</u>
<u>Hexane</u>	<u>11,649</u>	<u>2.21E+00</u>
<u>Hydrochloric Acid</u>	<u>16</u>	<u>2.09E-02</u>
<u>Hydrogen Fluoride (Hydrofluoric Acid)</u>	<u>9.8</u>	<u>1.46E-02</u>
<u>Isophorone</u>	<u>13</u>	<u>2.09E+00</u>
<u>Manganese Compounds (Selected compound: Manganese)</u>	<u>2.5</u>	<u>5.21E-05</u>
<u>Mercury Compounds (Selected compound: Elemental Mercury)</u>	<u>1.0</u>	<u>3.13E-04</u>
<u>Methanol</u>	<u>943</u>	<u>4.17E+00</u>
<u>Methyl Bromide</u>	<u>261</u>	<u>5.21E-03</u>
<u>Methyl Chloride</u>	<u>1,180</u>	<u>9.39E-02</u>

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

<u>Methyl Hydrazine</u>	<u>0.43</u>	<u>3.96E-07</u>
<u>Methyl Isobutyl Ketone (Hexone)</u>	<u>500</u>	<u>3.13E+00</u>
<u>Methyl Methacrylate</u>	<u>311</u>	<u>7.30E-01</u>
<u>Methyl Tert-Butyl Ether</u>	<u>1.444</u>	<u>7.40E-03</u>
<u>N,N-Dimethylaniline</u>	<u>25</u>	<u>7.30E-03</u>
<u>Naphthalene</u>	<u>75</u>	<u>5.58E-05</u>
<u>Nickel Compounds (Selected compound: Nickel Refinery Dust)</u>	<u>5.0</u>	<u>7.90E-06</u>
<u>Phenol</u>	<u>58</u>	<u>2.09E-01</u>
<u>Polychlorinated Biphenyls (Selected Compound: Aroclor 1254)</u>	<u>2.5</u>	<u>1.90E-05</u>
<u>Polycyclic Organic Matter (Selected compound: Benzo(a)pyrene)</u>	<u>5.0</u>	<u>2.02E-06</u>
<u>Propionaldehyde</u>	<u>403</u>	<u>8.62E-04</u>
<u>Propylene Dichloride</u>	<u>250</u>	<u>4.17E-03</u>
<u>Selenium Compounds (Selected compound: Selenium)</u>	<u>0.50</u>	<u>1.83E-02</u>
<u>Styrene</u>	<u>554</u>	<u>1.04E+00</u>
<u>Tetrachloroethylene (Perchloroethylene)</u>	<u>814</u>	<u>3.20E-04</u>
<u>Toluene</u>	<u>1.923</u>	<u>5.21E+00</u>
<u>Trichloroethylene</u>	<u>1.450</u>	<u>1.68E-05</u>
<u>Vinyl Acetate</u>	<u>387</u>	<u>2.09E-01</u>
<u>Vinyl Chloride</u>	<u>2,099</u>	<u>2.15E-04</u>
<u>Vinylidene Chloride (1,2-Dichloroethylene)</u>	<u>38</u>	<u>2.09E-01</u>
<u>Xylene (Mixed Isomers)</u>	<u>1.736</u>	<u>1.04E-01</u>

2. For state HAPs for which an AAC has not already been determined, the applicant shall determine the acute and chronic AACs according to the process in Appendix 12 of the Arizona Administrative Code Title 18, Chapter 2.
3. For specific compounds included in state HAPS listed as a group (e.g. arsenic compounds), the applicant may use an AAC developed according to the process in Appendix 12 of the Arizona Administrative Code Title 18, Chapter 2.

D. As part of the risk management analysis, an applicant may voluntarily propose emissions limitations under 17.12.190 in order to avoid being subject to HAPRACT under 17.16.675, or AZMACT under 17.16.680.

E. Documentation of Risk Management Analysis. The applicant shall document each RMA performed for each state HAP and shall include the following information:

1. The potential maximum public exposure of the state HAP;
2. The method used to determine the potential maximum public exposure:
  - a. For Tier 1, the calculation demonstrating that the emissions of the state HAP are less than the health-based ambient air concentration, determined under subsection (C)(3).
  - b. For Tier 2, the input files to, and the results of the SCREEN Modeling.
  - c. For Tier 3:
    - i. The input files to, and the results of the SCREEN Modeling; and
    - ii. The permanent and enforceable institutional or engineering controls approved by the Director under subsection (B)(3)(b).
  - d. For Tier 4:
    - i. The model the applicant used;
    - ii. The input files to, and the results of the modeling;
    - iii. The modeling protocol approved by the Director under subsection (B)(4)(b); and

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

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- iv. The permanent and enforceable institutional or engineering controls approved by the Director under subsection (B)(4)(d);
  - 3. The health-based ambient air concentrations determined under subsection (C); and
  - 4. Any voluntary emissions limitations that the applicant proposes under subsection (D) and 17.12.190.
- F. An applicant may conduct an RMA for any alternative operating scenario requested in the application consistent with the requirements of this Section. The alternative operating scenario may allow a range of operating conditions if the Director concludes that the RMA demonstrates no adverse effects to human health or adverse environmental effects from operations within that range. Modifications to a source consistent with the alternative operating scenario are not subject to this Article.

**17.16.690** ~~Case-by-case MACT determinations. Periodic Review.~~

- A. ~~The applicant shall, as part of any permit or permit revision application required by 17.16.680 B. or C., where MACT must be determined on a case-by-case basis, provide appropriate documentation to demonstrate that the new source or major modification will apply MACT. This demonstration shall include the following elements: Within one year after the Administrator adds or deletes a pollutant to the federal list of hazardous air pollutants, under Section 112(b)(2) or 112(b)(3) of the Clean Air Act, the Director shall adopt those revisions for the state list of HAPs in 17.16.660, unless the Director finds that there is no scientific evidence to support the revision.~~
- 1. ~~Survey of similar emission sources and the associated emission limitations currently achieved in practice in the United States.~~
  - 2. ~~A demonstration of the average emission limitation achieved by the best performing 12% of the existing sources in a category or subcategory with 30 or more sources; or the average emission limitation achieved by the best performing 5 sources in a category or subcategory with fewer than 30 sources.~~
- B. ~~In no case shall the selected control approach be less stringent than a corresponding Federal New Source Performance Standard (NSPS) or National Emission Standard for Hazardous Air Pollutants (NESHAP), if any has been promulgated. The Director shall review the state list of HAPs and AACs at least once every three years.~~
- C. Based upon the review under subsection (B), the Director may revise:
- 1. The state list of HAPs. The Director shall add any HAP to, or delete any HAP from the state list at 17.16.660 according to § 112(b)(1) of the Clean Air Act, 42 U.S.C. 7412(b)(1);
  - 2. The acute and chronic health-based ambient air concentrations for state HAPs;
  - 3. The acute and chronic de minimis levels for state HAPs; and
  - 4. The list of included minor source categories at 17.16.655.

**17.16.700** **Repealed**