

Board of Supervisors Formal Meeting to Set the
Public Hearing

November 6, 2019

Board of Supervisors Public Hearing

December 11, 2019

4. Explanation of the rule, including the control officer's reasons for initiating the rulemaking:

NSR is a long-standing Clean Air Act permitting program that requires businesses to get an air pollution control permit before they start construction or make major modifications to their business. NSR must ensure that air quality is not significantly degraded from the addition of new or modified businesses, while also providing flexibility to businesses to improve or modernize their operations. Air quality permits must include an air quality analysis to demonstrate that new emissions emitted from the business will not cause or contribute to a violation of a National Ambient Air Quality Standard (NAAQS).

The Clean Air Act, Section 110(a)(2)(C) requires State Implementation Plans (SIPs) to “include a program to provide for the...regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that NAAQS are achieved, including a permit program as required by Part C (New Source Review (NSR) for major sources in attainment areas) and by Part D (NSR for major sources in nonattainment areas)...and including a permit program that applies to non-major sources and to minor modifications to major sources (also called Minor NSR).”

On August 10, 1988, the U.S. Environmental Protection Agency (EPA) approved Maricopa County’s NSR Program into the Arizona SIP. On February 3, 2016, the Maricopa County Board of Supervisors approved revisions to the MCAQD’s NSR rules consistent with revisions the Arizona Department of Environmental Quality (ADEQ) and the EPA made to the NSR Program required by the federal Clean Air Act. On May 19, 2016, the MCAQD’s NSR rules were submitted to the EPA for approval and inclusion in the Arizona SIP. On December 20, 2017, the EPA completed a review of the MCAQD’s NSR rules and provided the MCAQD with a list of deficiencies.

On April 5, 2019, the EPA published in the Federal Register (84 FR 13543) a final rule finalizing full approval of the following MCAQD’s NSR rules: Rule 210 (Title V Permit Provisions), Rule 220 (Non-Title V Permit Provisions), Rule 240 (Federal Major New Source Review (NSR)), and Rule 241 (Minor New Source Review (NSR)) and conditional approval of the following MCAQD’s NSR rules: Rule 100 (General Provisions and Definitions) and Rule 200 (Permit Requirements). The EPA’s final rule was effective May 6, 2019. The MCAQD must adopt and submit revisions to the MCAQD’s NSR rules and submit such revisions to ADEQ for submittal to the EPA not later than one year from the effective date of the EPA’s final rule - not later than May 6, 2020. If the MCAQD submits the MCAQD’s NSR rule revisions by the deadline and the EPA approves the submission, then the identified deficiencies will be cured and the EPA should be able to remove from the SIP the previously approved MCAQD’s NSR rules and replace them with the MCAQD’s current NSR rules.

The MCAQD revised the New Source Review (NSR) rules to remedy deficiencies identified by the EPA. The following rules are included in this rulemaking: Rule 100 (General Provisions and Definitions), Rule 200 (Permit Requirements), Rule 210 (Title V Permit Provisions), Rule 220 (Non-Title V Permit Provisions), Rule 230 (General Permits), Rule 240

(Federal Major New Source Review (NSR)) and Rule 241 (Minor New Source Review (NSR)).

The EPA identified the following eight deficiencies in the MCAQD's NSR rules: (1) Rule 100, Definitions of "PM_{2.5}" and "PM₁₀"; (2) Rule 200, Good engineering practice (GEP) stack height provisions; (3) Rule 200, Agricultural equipment exemption demonstration; (4) Rule 220, Sections 404.3(e) and (f) (Procedures for Certain Changes that do not Require a Non-Title V Permit); (5) Rule 200, Section 403.2 (Permit Renewal and Expiration); (6) Rules 100 and 200 Appendix G references; (7) Rules 100 and 200 Arizona Testing Manual references and (8) Justification for the removal of certain definitions from the SIP.

In addition to remedying the EPA identified deficiencies, the MCAQD revisions address Stakeholder and Staff comments and EPA's recommended clarifications. Per the EPA's Technical Support Document (TSD) dated May 17, 2018 for the MCAQD's NSR SIP submittal: "The following items do not affect the EPA's current action but are recommended clarifications or revisions for consideration the next time the MCAQD undertakes updates to the submitted rules...As [the EPA] reviewed the NSR SIP submittal, [the EPA] noted various minor typographical and editorial errors within the rule text. Because none of these small errors create a deficiency within Maricopa's NSR program, [the EPA is] not discussing them in this TSD. Under separate cover [the EPA has] provided the MCAQD with a copy of our list of these typographical errors."

Although the revisions to address the EPA's recommended clarifications are not described in detail in this notice, they can be readily discerned in the "strikeout and underline" version of the rules attached to this notice and described in all Stakeholder Workshop notices and workshop slides/presentations that are posted on the EROP website.

Details about the EPA's identified deficiencies and the MCAQD's remedies are described below.

Deficiency 1:

The EPA proposed conditional approval of the definitions of "PM_{2.5}" and "PM₁₀" in Rule 100 (General Provisions And Definitions), because the definitions do not include gaseous emissions, which form particulates. However, in the EPA's final conditional approval, the EPA determined that their initial analysis was incorrect and are no longer finding the definitions of "PM_{2.5}" and "PM₁₀" deficient.

Remedy 1:

Gaseous emissions do not have to be included in the definitions of "PM_{2.5}" and "PM₁₀", because the definition of "Regulated NSR Pollutant" includes the statement: "PM_{2.5} emissions and PM₁₀ emissions include gaseous emissions". Although the EPA does not find the definitions of "PM_{2.5}" and "PM₁₀" deficient, the EPA recommends that the MCAQD consider revising the definitions of "PM_{2.5}" and "PM₁₀" to provide clarity to the regulated community. The MCAQD did not revise the definitions of "PM_{2.5}" and "PM₁₀" in Rule 100, because during the first Stakeholder Workshop conducted on March 29, 2018, Stakeholders commented that the definitions are clear as written and should not be revised.

Deficiency 2:

Rule 200, Sections 201 and 315 (Good Engineering Practice (GEP) Stack Height Provisions) are inconsistent with 40 CFR 51.100(ii) because they do not provide a numerical value or

formulas for calculating a numerical value relevant to stack height and they do not include procedures for determining if the degree of emissions limitation is or is not affected by stack height that exceeds GEP.

Remedy 2:

The MCAQD deleted the definition of “GEP Stack Height” in Rule 200, revised Rule 200, Section 314 (Stack Height Provisions) and deleted stack height procedures from Rule 240, Section 302.5 (Application Completeness) and Section 306 (Stack Height and Dispersion Techniques).

Deficiency 3:

The MCAQD must provide a basis under 40 CFR 51.160(e) to demonstrate that regulation of agricultural equipment used in normal farm operations exempted in Rule 200 (Permit Requirements), Section 305.1(c) is not needed for the MCAQD’s program to meet federal NSR requirements for attainment and maintenance of the NAAQS or review for compliance with the control strategy.

Remedy 3:

MCAQD’s Demonstration: 40 CFR 51.160(e) states each state implementation plan (SIP) must “identify types and sizes of facilities, buildings, structures or installations which will be subject to review under this section. The plan must discuss the basis for determining which facilities will be subject to review.”

Maricopa County Air Pollution Control Regulations Rule 200 (Permit Requirements) provides criteria for determining which facilities will be subject to review. Rule 200 provides that emissions of regulated air pollutants from stationary sources used in normal farm operations are subject to review; however, Rule 200 exempts agricultural equipment used in normal farm operations from review and the basis for this is found in the Arizona Revised Statutes.

Rule 200 (Permit Requirements), Section 305.1(c) exempts agricultural equipment used in normal farm operations from requiring a permit and this reflects what is in Arizona Revised Statutes: “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...Agricultural equipment used in normal farm operations. Agricultural equipment used in normal farm operations, for the purposes of this rule, does not include equipment that would otherwise require a permit under Title V of the Act or is subject to a standard under 40 CFR parts 60, 61 or 63.” Likewise, the Arizona Administrative Code R18-2-302(C) (Applicability; Registration; Classes of Permits) has the same exemption and is worded similarly. R18-2-302(C) has been approved by the EPA and is in the Arizona SIP.

The MCAQD has authority to issue permits to stationary sources but not to motor vehicles, agricultural vehicles or agricultural equipment used in normal farm operations or fuel burning equipment rated at less than one million British thermal units per hour if not located at a one or two family residence. This authority is granted in Arizona Revised Statutes (A.R.S.) § 49-480(A) (Permits; fees) and A.R.S. § 49-426(B) (Permits; duties of director; exceptions; applications; objections; fees):

A.R.S. § 49-480(A): The board of supervisors [Maricopa County] may adopt a program for the review, issuance, revision, administration and enforcement of permits and for public

review of proposed permits for sources that are subject to section 49-426, subsection A, that are not under the jurisdiction of the state pursuant to section 49-402 and that are not otherwise exempt pursuant to section 49-426, subsection B and subsection K of this section.

A.R.S. § 49-426(B): The provisions of this section shall not apply to motor vehicles, to agricultural vehicles or agricultural equipment used in normal farm operations, or to fuel burning equipment which, at a location or property other than a one or two family residence, is rated at less than one million British thermal units per hour.

A.R.S. does not provide a definition for “normal farm operations” but does identify “regulated agricultural activities” in A.R.S. § 49-457(P)(5) (Agricultural best management practices committee; members; powers; permits; enforcement; preemption; definitions): “For the purposes of this section, unless the context otherwise requires...Regulated agricultural activities means (a) Commercial farming practices that may produce PM₁₀ particulate emissions within the regulated area, including activities of a dairy, a beef cattle feed lot, a poultry facility and a swine facility; (b) Only in those regulated areas that are established after June 1, 2009, as prescribed in paragraph 6, subdivision (c) of this subsection, activities on an irrigation district that is governed by title 48, chapter 19.”

Fugitive dust (PM₁₀) emissions from regulated agricultural activities are regulated by A.R.S. § 49-457 (Agricultural Best Management Practices), which is in the Arizona SIP and which is codified in Arizona Administrative Code R18-2-609 (Agricultural Practices) through 613.01; R18-2-610 (Definitions) through 612.01 (Agricultural PM General Permit for Crop Operations; Moderate PM Nonattainment Areas, Designated After June 1, 2009) are in the Arizona SIP.

According to the 2017 U.S. Department of Agriculture census, Maricopa County has 1,874 farms. Approximately 1,144 farms (60%) are less than 10 acres in size and are not considered farms; therefore, such farms are not regulated under A.R.S. § 49-457(P)(5) (Agricultural Best Management Practices). Regulation of emissions from farms less than 10 acres in size is not needed to attain or maintain any NAAQS in Maricopa County and it is not necessary to subject such farms to review for compliance with the control strategy.

Approximately 430 farms (40%) in Maricopa County are regulated by A.R.S. § 49-457(P)(5) (Agricultural Best Management Practices) and Arizona Administrative Code R18-2-609 through 613.01 but are not subject to New Source Review (NSR). The Arizona Governor’s Agricultural Best Management Practices Committee evaluated potential measures to further reduce PM₁₀ emissions from agriculture for consideration for the MAG 2007 Five Percent Plan For PM₁₀ For The Maricopa County Nonattainment Area. This Committee was established by law in 1998 (A.R.S. § 49-457) to develop an agricultural PM₁₀ general permit that would address the need for controls on agricultural operations.

The Arizona Department of Environmental Quality (ADEQ) enforces R18-2-609 through 613.01, which are general rules that require all agricultural operations across the state to take reasonable precautions to minimize dust emissions. In addition to these rules, operations in PM₁₀ nonattainment areas are required to abide by more specific requirements, including maintaining an Agricultural Best Management Practices Permit Record for an agricultural operation or concentrated animal feeding operation (CAFO) if it is greater than 10 adjoining acres in size and/or meets animal number thresholds. An Agricultural Best Management Practices Permit Record must be kept up-to-date and made available within two business days of notice to the operator.

The permit exemption in Rule 200 (Permit Requirements), Section 305.1(c) states agricultural equipment used in normal farm operations does not require a permit, unless the equipment would otherwise require a permit under Title V of the Act or unless the equipment is subject to a standard under 40 CFR parts 60, 61 or 63. As written, the permit exemption appears to apply to all emissions from agricultural equipment used in normal farm operations. ADEQ regulates Agricultural Best Management Practices which regulate the emissions of fugitive dust. The MCAQD regulates emissions of all other regulated air pollutants, i.e., PM_{2.5}, carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO_x), ozone and sulfur dioxide (SO₂), in amounts greater than the permitting thresholds from stationary sources in normal farm operations.

The MCAQD deleted the permit exemption in Section 305.1(c) and replaced it with a revised exemption in new Section 305.2(i). The revised exemption limits fugitive emissions from agricultural equipment used in normal farm operations.

Because the MCAQD regulates emissions of regulated air pollutants from stationary sources used in normal farm operations, because the agriculture equipment exemption only applies to fugitive emissions from agriculture equipment used in normal farm operations, and because ADEQ regulates fugitive dust (PM₁₀) emissions from agriculture equipment used in normal farm operations, the MCAQD believes its permitting program meets federal NSR requirements for attainment and maintenance of the NAAQS.

Deficiency 4:

The EPA proposed conditional approval of Rule 220, Sections 404.3(e) and (f) (Procedures for Certain Changes that do not Require a Non-Title V Permit Revision), because these provisions allow changes with potentially significant emission increases and should be listed as changes that can be made after providing a notification to the MCAQD. In the EPA's final rule, the EPA determined that their initial analysis in their conditional approval was incorrect and the EPA is no longer finding Rule 220, Sections 404.3(e) and (f) deficient. The provisions in Rule 220, Section 404 are stopped or prohibited by requirements of Section 403, which stipulate that any change that would also result in a minor NSR modification will always require a permit revision. The exemptions allowed under Section 404.3 are limited to changes resulting in emission increases lower than the minor NSR modification thresholds.

Remedy 4:

Although the EPA has determined that Rule 220, Sections 404.3(e) and (f) are not deficient, the MCAQD clarified the text in these sections as follows: (1) Added text stating that changes may be made if they do not require a permit revision pursuant to Section 403.2; (2) Added text stating that changes may be made in advance of the changes but after the written notice is received by the MCAQD; (3) Changed "increases actual emissions more than 10% of the major source threshold" to "increases actual emissions less than 10% of the major source threshold" because the change would not qualify for advance written notice; (4) Deleted the section regarding making a change that amounts to reconstruction of the source, because the change would not qualify for advance written notice; and (5) Changed "making a change that will result in emissions of a new regulated air pollutant above an applicable regulatory threshold" to "making a change that will result in emissions of a new regulated air pollutant at a rate that is less than 10% of the applicable major source threshold for that pollutant", because the change would not qualify for advance written notice.

Deficiency 5:

Rule 200, Section 403.2 (Permit Renewal And Expiration) does not ensure the continuity of the NSR terms and conditions when a Title V or Non-Title V permit expires. The MCAQD may remedy this deficiency by adding a provision similar to paragraph B of ADEQ's R18-2-303.

Remedy 5:

The MCAQD added new Section 403.2(c) in Rule 200 that ensures continuity of NSR terms and conditions when a Title V or Non-Title V permit expires. The new text reads: "The terms and conditions of installation permits issued before September 1, 1993, or in permits or permit revisions issued under Rule 210 or Rule 220 of these rules and authorizing the construction or modification of a stationary source, remain federal applicable requirements unless modified or revoked by the Control Officer." The text matches ADEQ R18-2-303(B).

Deficiency 6:

References to Appendix G (Incorporated Materials) in certain provisions in Rules 100 and 200 are deficient because Appendix G is neither included in the existing SIP nor has it been included in the MCAQD's NSR submittal.

Remedy 6:

The MCAQD removed references to Appendix G and, where appropriate, cited the appropriate Code of Federal Regulations (CFR) in Rule 100, Definition of "AP-42", Definition of "Non-Precursor Organic Compound", Definition of "Reference Material" and Section 503 (Emission Statements Required As Stated In The Act) and in Rule 200, Section 314 (Stack Height Provisions).

Deficiency 7:

References to the Arizona Testing Manual in Rules 100 and 200 are deficient because they rely on provisions that are not SIP approved and the Arizona Testing Manual is significantly out of date and not appropriate to be relied upon as the sole basis for testing procedures.

Remedy 7:

The MCAQD removed references to the Arizona Testing Manual in Rule 100, Definition of "Reference Method" and in Rule 200, Section 408 (Testing Procedures). The MCAQD retained the definition of "Arizona Testing Manual" in Rule 100; this definition matches ADEQ R18-2-101(17).

Deficiency 8:

Certain definitions that the MCAQD proposed be removed from the SIP are used in other SIP rules and cannot be removed from the SIP without further justification.

Remedy 8:

MCAQD's Justification: The MCAQD is requesting that the EPA remove 22 definitions from the SIP by the following and as described in the table below. The 22 definitions are currently in Rule 2 and Rule 21, which are in the MCAQD portion of the applicable SIP for the State of Arizona.

- (1) Remove the following definitions from the SIP, because they have been added as new definitions in Rule 100, effective December 11, 2019, and add Rule 100, effective December 11, 2019, to the SIP:
 - Dust
 - Emission
 - Fuel
 - Fume
 - Motor Vehicle
 - Organic Solvent
 - Plume
 - Process
 - Smoke
 - Soot
 - Vapor
 - Visible Emission
- (2) Remove the definition of “Alteration or Modification” from the SIP, because the definition of “Modification” has been revised in Rule 100, effective December 11, 2019, as follows and add Rule 100, effective December 11, 2019, to the SIP:
 - Deleted the phrase “any relevant de minimis amount” from the definition of “Modification” in Rule 100, because Rules 210, 240 and 241, which the MCAQD is requesting that the EPA add to the SIP, already explain the permitting and compliance implications of modifications, i.e., what modifications trigger permit revision, logging, notification, BACT and RACT
- (3) Remove the following definitions from the SIP and do not add the definitions to the SIP for the following reasons:
 - Existing Source Performance Standards: The phrase “existing source performance standards” has been deleted from the following rules because there are no references to the phrase in the rules: Rule 100, Definition of “Reasonably Available Control Technology (RACT)”, Rule 240, Section 302.2 (Application Completeness) and Rule 241, Section 307.1 (RACT Determination)
 - Odors: Dictionary definition is sufficient
 - Non-Point Source: Definition does not support any SIP rules
 - Photochemically Reactive Solvent: Definition does not support any SIP rules
 - Supplementary Control System (SCS): Definition does not support any SIP rules
 - Vapor Pressure: Definition does not support any SIP rules
- (4) Retain the following definitions in the SIP, until an MCAQD rule that contains the definition is approved into the SIP:
 - Fly Ash and Process Source: Rule 316 was submitted to the EPA on November 19, 2018 for addition to the SIP and contains both definitions
 - Fuel Burning Equipment: Rules 322 and 323 will be submitted to the EPA for addition to the SIP; Rules 322 and 323 will apply to specific types of equipment, which will be defined in both rules

	Definition	SIP Usage		Justification
		Citation In The SIP Rule*	Listed In 40 CFR 52.120	
1.	Dust	<p>Rule 2, No. 27, effective June 23, 1980</p> <p>Rule 21 (AZ R9-3-101, Paragraph 43 “Dust”)</p>	<p>Rule 2, No. 27 “Dust”, effective June 23, 1980</p> <p>Rule 21, Section D.1 (AZ R9-3-101, Paragraph 52 “Dust”), effective October 25, 1982</p>	<ul style="list-style-type: none"> • Remove definition of “Dust” from the SIP • Add Rule 100, effective December 11, 2019, to the SIP • Rule 100, effective December 11, 2019, contains the definition of “Dust”, which is identical to the definition of “Dust” in Rule 21 • The definition of “Dust” in Rule 100, effective December 11, 2019, strengthens the SIP because the definition of “Dust”: • Does not include “fuel burning” and “combustion”; fuel burning and combustion generate particulate matter not dust • Does not include the examples of what causes dust; the examples are more accurately included in the definitions of “Dust-Generating Operation” in Rules 310, 310.01 and 316
2.	Emission	<p>Rule 2, No. 29 “Emission”, effective June 23, 1980</p> <p>Rule 21 (AZ R9-3-101, Paragraph 46 “Emission”), effective 1973</p>	<p>Rule 2, No. 29 “Emission”, effective June 23, 1980</p> <p>Rule 21, Section D.1 (AZ R9-3-101, Paragraph 56 “Emission”), effective October 25, 1982</p>	<ul style="list-style-type: none"> • Remove definition of “Emission” from the SIP • Add Rule 100, effective December 11, 2019, to the SIP • Rule 100, effective December 11, 2019, contains the definition of

	Definition	SIP Usage		Justification
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				“Emission”, which is identical to the definition in Rule 2
3.	Existing Source Performance Standards	<p>Rule 2, No. 34 “Existing Source Performance Standards”, effective June 23, 1980</p> <p>Rule 21 (AZ R9-3-101, Paragraph 52 Renumber as 51 “Existing Source Performance Standards”), effective 1973</p>	<p>Rule 2, No. 34 “Existing Source Performance Standards”, effective June 23, 1980</p> <p>Rule 21, Section D.1 (AZ R9-3-101, Paragraph 63 “Existing Source Performance Standards”)</p>	<ul style="list-style-type: none"> • Remove definition of “Existing Source Performance Standards” from the SIP • Do not add definition of “Existing Source Performance Standards” to the SIP, because there are no references to the term in the rules • Add Rules 100, 240 and 241, all effective December 11, 2019, to the SIP, because the phrase “Existing Source Performance Standards” has been deleted because there are no references to the phrase in the rules: • Rule 100, effective December 11, 2019, definition of “Reasonably Available Control Technology (RACT)” • Rule 240, Section 302.2 (Application Completeness) • Rule 241, Section 307.1 (RACT Determinations)
4.	Fly Ash	Rule 2, No. 37 “Fly Ash”, effective June 23, 1980	Rule 2, No. 37 “Fly Ash”, effective June 23, 1980	<ul style="list-style-type: none"> • Remove definition of “Fly Ash” from the SIP • Add Rule 316, as submitted to the EPA on November 19, 2018, which

	Definition	SIP Usage		Justification
		Citation In The SIP Rule*	Listed In 40 CFR 52.120	
				contains the definition of “Fly Ash”, to the SIP
5.	Fuel	Rule 2, No. 39 “Fuel”, effective June 23, 1980 Rule 21 (AZ R9-3-101, Paragraph 55 “Fuel”)	Rule 2, No. 39 “Fuel”, effective June 23, 1980 Rule 21, Section D.1 (AZ R9-3-101, Paragraph 70 “Fuel”), effective October 25, 1982	<ul style="list-style-type: none"> • Remove definition of “Fuel” from the SIP • Add Rule 100, effective December 11, 2019, to the SIP • Rule 100, effective December 11, 2019, contains the definition of “Fuel”, which is identical to the definition in Rule 2 and Rule 21
6.	Fuel Burning Equipment	Rule 21 (AZ R9-3-101, Paragraph 55 “Fuel Burning Equipment”), effective 1980	Rule 21, Section D.1 (AZ R9-3-101, Paragraph 71 “Fuel Burning Equipment”), effective October 25, 1982	<ul style="list-style-type: none"> • Remove definition of “Fuel Burning Equipment” from the SIP • Add Rules 322 and 323 when submitted to the EPA to the SIP; Rules 322 and 323 apply to specific types of equipment, which are defined in Rules 322 and 323
7.	Fume	Rule 2, No. 42 “Fume”, effective June 23, 1980 Rule 21 (AZ R9-3-101, Paragraph 58 “Fume”)	Rule 2, No. 42 “Fume”, effective June 23, 1980 Rule 21, Section D.1 (AZ R9-3-101, Paragraph 74 “Fume”)	<ul style="list-style-type: none"> • Remove definition of “Fume” from the SIP • Add Rule 100, effective December 11, 2019, to the SIP • Rule 100, effective December 11, 2019, contains the definition of “Fume”, which is identical to the definition in Rule 2 and Rule 21
8.	Modification	Rule 2, No. 11 “Alteration or Modification”, effective June 23, 1980	Rule 2, No. 11 “Alteration or Modification”,	<ul style="list-style-type: none"> • Remove definition of “Alteration or Modification” from the SIP

	Definition	SIP Usage		Justification
		Citation In The SIP Rule*	Listed In 40 CFR 52.120	
			effective June 23, 1980	<ul style="list-style-type: none"> • Add Rule 100, effective December 11, 2019, to the SIP • Rule 100, effective December 11, 2019, contains the definition of “Modification”, which was revised by deleting the phrase “any relevant de minimis amount”; Rules 210, 240 and 241, effective December 11, 2019, which the MCAQD is requesting that the EPA add to the SIP, already explain the permitting and compliance implications of modifications, i.e., what modifications trigger permit revision, logging, notification, BACT and RACT
9.	Motor Vehicle	<p>Rule 2, No. 55 “Motor Vehicle”, effective June 23, 1980</p> <p>Rule 21 (AZ R9-3-101, Paragraph 80 “Motor Vehicle”)</p>	<p>Rule 2, No. 55 “Motor Vehicle”, effective June 23, 1980</p> <p>Rule 21, Section D.1 (AZ R9-3-101, Paragraph 103 “Motor Vehicle”), effective October 25, 1982</p>	<ul style="list-style-type: none"> • Remove definition of “Motor Vehicle” from the SIP • Add Rule 100, effective December 11, 2019, to the SIP • Rule 100, effective December 11, 2019, contains the definition of “Motor Vehicle”, which is identical to the definition in Rule 2 and Rule 21
10.	Non-Point Source	<p>Rule 2, No. 59 “Non-Point Source”, effective June 23, 1980</p> <p>Rule 21 (AZ R9-3-101, Paragraph 89 “Non-Point Source”)</p>	<p>Rule 2, No. 59 “Non-Point Source”, effective June 23, 1980</p> <p>Rule 21, Section D.1 (AZ R9-3-101,</p>	<ul style="list-style-type: none"> • Remove definition of “Non-Point Source” from the SIP • Do not add definition of “Non-Point Source” to the

	Definition	SIP Usage		Justification
		Citation In The SIP Rule*	Listed In 40 CFR 52.120	
			Paragraph 114 “Non-Point Source”), effective October 25, 1982	SIP; definition does not support any SIP rules
11.	Odors	Rule 2, No. 60 “Odors”, effective June 23, 1980	Rule 2, No. 60 “Odors”, effective June 23, 1980	<ul style="list-style-type: none"> • Remove definition of “Odors” from the SIP • Do not add definition of “Odors” to the SIP; dictionary definition is sufficient
12.	Organic Solvent	Rule 2, No. 64 “Organic Solvent”, effective June 23, 1980	Rule 2, No. 64 “Organic Solvent”, effective June 23, 1980	<ul style="list-style-type: none"> • Remove definition of “Organic Solvent” from the SIP • Add Rule 100, effective December 11, 2019, to the SIP • Rule 100, effective December 11, 2019, contains the definition of “Organic Solvent”, which is identical to the definition in Rule 2
13.	Photochemically Reactive Solvent	Rule 21 (AZ R9-3-101, Paragraph 97 Renumber as 94 “Photochemically Reactive Solvent”)	Rule 21, Section D.1 (AZ R9-3-101, Paragraph 122 “Photochemically Reactive Solvent”), effective October 25, 1982	<ul style="list-style-type: none"> • Remove definition of “Photochemically Reactive Solvent” from the SIP • Do not add definition of “Photochemically Reactive Solvent” to the SIP; definition does not support any SIP rules
14.	Plume	Rule 2, No. 70 “Plume”, effective June 23, 1980 Rule 21 (AZ R9-3-101, Paragraph 98 “Plume”)	Rule 2, No. 70 “Plume”, effective June 23, 1980 Rule 21, Section D.1 (AZ R9-3-101, Paragraph 123 “Plume”), effective October 25, 1982	<ul style="list-style-type: none"> • Remove definition of “Plume” from the SIP • Add Rule 100, effective December 11, 2019, to the SIP • Rule 100, effective December 11, 2019, contains the definition of

	Definition	SIP Usage		Justification
		Citation In The SIP Rule*	Listed In 40 CFR 52.120	
				“Plume”, which is identical to the definition in Rule 2 and Rule 21
15.	Process	Rule 21 (AZ R9-3-101, Paragraph 100 “Process”)	Rule 21, Section D.1 (AZ R9-3-101, Paragraph 128 “Process”), effective October 25, 1982	<ul style="list-style-type: none"> • Remove definition of “Process” from the SIP • Add Rule 100, effective December 11, 2019, to the SIP • Rule 100, effective December 11, 2019, contains the definition of “Process”, which is identical to the definition in Rule 21
16.	Process Source	Rule 21 (AZ R9-3-101, Paragraph 101 “Process Source”)	Rule 21, Section D.1 (AZ R9-3-101, Paragraph 129 “Process Source”), effective October 25, 1982	<ul style="list-style-type: none"> • Remove definition of “Process Source” from the SIP • Add Rule 316, as submitted to the EPA on November 19, 2018, which contains the definition of “Process Source”, to the SIP
17.	Smoke	Rule 2, No. 80 “Smoke”, effective June 23, 1980 Rule 21 (AZ R9-3-101, Paragraph 114 “Smoke”)	Rule 2, No. 80 “Smoke”, effective June 23, 1980 Rule 21, Section D.1 (AZ R9-3-101, Paragraph 150 “Smoke”), effective October 25, 1982	<ul style="list-style-type: none"> • Remove definition of “Smoke” from the SIP • Add Rule 100, effective December 11, 2019, to the SIP • Rule 100, effective December 11, 2019, contains the definition of “Smoke”, which is identical to the definition in Rule 2 and Rule 21
18.	Soot	Rule 21 (AZ R9-3-101, Paragraph 115 “Soot”)	Rule 21, Section D.1 (AZ R9-3-101, Paragraph 152)	<ul style="list-style-type: none"> • Remove definition of “Soot” from the SIP

	Definition	SIP Usage		Justification
		Citation In The SIP Rule*	Listed In 40 CFR 52.120	
			“Soot”), effective October 25, 1982	<ul style="list-style-type: none"> • Add Rule 100, effective December 11, 2019, to the SIP • Rule 100, effective December 11, 2019, contains the definition of “Soot”, which is identical to the definition in Rule 21
19.	Supplementary Control System (SCS)	Rule 21 (AZ R9-3-101, Paragraph 123 “Supplementary Control System (SCS)”)	Rule 21, Section D.1 (AZ R9-3-101, Paragraph 160 “Supplementary Control System (SCS)”), effective October 25, 1982	<ul style="list-style-type: none"> • Remove definition of “Supplementary Control System (SCS)” from the SIP • Do not add definition of “Supplementary Control System (SCS)” to the SIP; definition does not support any SIP rules
20.	Vapor	Rule 2, No. 91 “Vapor”, effective June 23, 1980 Rule 21 (AZ R9-3-101, Paragraph 127 “Vapor”)	Rule 2, No. 91 “Vapor”, effective June 23, 1980 Rule 21, Section D.1 (AZ R9-3-101, Paragraph 166 “Vapor”), effective October 25, 1982	<ul style="list-style-type: none"> • Remove definition of “Vapor” from the SIP • Add Rule 100, effective December 11, 2019, to the SIP • Rule 100, effective December 11, 2019, contains the definition of “Vapor”, which is identical to the definition in Rule 2 and Rule 21
21.	Vapor Pressure	Rule 21 (AZ R9-3-101, Paragraph 128 “Vapor Pressure”)	Rule 21, Section D.1 (AZ R9-3-101, Paragraph 167 “Vapor Pressure”), effective October 25, 1982	<ul style="list-style-type: none"> • Remove definition of “Vapor Pressure” from the SIP • Do not add definition of “Vapor Pressure” to the SIP; definition does not support any SIP rules
22.	Visible Emissions	Rule 21 (AZ R9-3-101, Paragraph 129 “Visible Emissions”)	Rule 21, Section D.1 (AZ R9-3-101, Paragraph 168	<ul style="list-style-type: none"> • Remove definition of “Visible Emissions” from the SIP

Definition	SIP Usage		Justification
	Citation In The SIP Rule*	Listed In 40 CFR 52.120	
		“Visible Emissions”), effective October 25, 1982	<ul style="list-style-type: none"> • Add Rule 100, effective December 11, 2019, to the SIP • Rule 100, effective December 11, 2019, contains the definition of “Visible Emissions”, which is identical to the definition in Rule 21

* EPA website: www.epa.gov/sites/production/files/2019-04/documents/maricopa_county_compilation_april_2019.pdf

EPA Approved Regulations for Maricopa County: Includes document tables that contain EPA Approved Regulations for Maricopa County and are part of the Arizona State Implementation Plan (SIP). EPA’s Pacific Southwest Office maintains these tables and will update them to reflect any changes in the official tables codified in the Code of Federal Regulations.

5. Studies relied on in the control officer's evaluation of or justification for the rule and where the public may obtain or review the studies, all data underlying the studies, any analysis of the studies and other supporting material.

Not applicable.

6. An economic, small business and consumer impact statement:

The following discussion addresses each of the elements required for an economic, small business and consumer impact statement, as prescribed by A.R.S. §§ 41-1055, subsections A, B and C, and 41-1035:

An identification of the rulemaking, including all of the following:

This rulemaking revised the MCAQD’s NSR rules - Rules 100 (General Provisions and Definitions), 200 (Permit Requirements), 210 (Title V Permit Provisions), 220 (Non-Title V Permit Provisions), 230 (General Permits), 240 (Federal Major New Source Review (NSR)) and 241 (Minor New Source Review (NSR)).

(a) The conduct and its frequency of occurrence that the rule is designed to change.

The MCAQD revised the MCAQD’s NSR rules to remedy deficiencies identified by the EPA. This rulemaking is required to secure approval of the MCAQD’s NSR rules into the State Implementation Plan (SIP). The revisions are explained in more detail in Item 4 of this notice.

(b) The harm resulting from the conduct the rule is designed to change and the likelihood it will continue to occur if the rule is not changed.

The MCAQD revised the MCAQD’s NSR rules to remedy deficiencies identified by the EPA. This rulemaking is required to secure approval of the MCAQD’s NSR rules into

the State Implementation Plan (SIP) and avoid sanctions and imposition of a Federal Implementation Plan (FIP) under the Clean Air Act.

(c) The estimated change in frequency of the targeted conduct expected from the rule change.

The MCAQD revised the MCAQD's NSR rules to remedy deficiencies identified by the EPA. This rulemaking is required to secure approval of the MCAQD's NSR rules into the State Implementation Plan (SIP). As with other rules, the MCAQD will use education, outreach, and other compliance assurance tools to increase the number of people in compliance with the revised rules. The MCAQD strives to achieve the highest possible compliance rates.

A brief summary of the information included in the economic, small business and consumer impact statement.

The economic, small business and consumer impact statement addresses each of the elements required for an economic, small business and consumer impact statement, as prescribed by A.R.S. §§ 41-1055, subsections A, B and C, and 41-1035.

Name and address of agency employees who may be contacted to submit or request additional data on the information included in the economic, small business and consumer impact statement.

Name: Johanna M. Kuspert or Kimberly Butler
Maricopa County Air Quality Department
Planning and Analysis Division

Address: 3800 N Central Avenue, Suite 1400
Phoenix, AZ 85012

Telephone: 602-506-6010
Fax: 602-506-6179

Submit Comments At: <http://maricopa.gov/FormCenter/Regulatory-Outreach-17/Citizen-Comments-94>

An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the rulemaking.

Any business that engages in pollutant emitting activities is potentially subject to NSR. Businesses that will be directly affected by this rulemaking will be businesses that construct or modify stationary sources.

The types of businesses subject to NSR include, but are not limited to, natural gas-fueled power plants, petroleum products terminals, landfills, metal processing, and manufacturers of reinforced plastics, expandable foam, wood furniture, steel products, and aircraft engine and parts. Smaller businesses subject to NSR include, but are not limited to, rock quarrying and crushing operations, concrete batch plants, asphalt plants, semiconductor manufacturers, chemical manufacturers, crematories, dry cleaners, landfills, wood product manufacturers, commercial printers and publicly owned waste water treatment facilities.

A cost benefit analysis of the following:

(a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the rulemaking.

This rulemaking should not impose any new costs on the MCAQD or on any other agencies affected by the rulemaking.

(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the rulemaking.

This rulemaking should not impose any new costs on political subdivisions of this state affected by the rulemaking.

(c) The probable costs and benefits to businesses directly affected by the rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the rulemaking.

The MCAQD revised the MCAQD's NSR rules to remedy deficiencies identified by the EPA. This rulemaking is required to secure approval of the MCAQD's NSR rules into the State Implementation Plan (SIP) and avoid sanctions and imposition of a Federal Implementation Plan (FIP) under the Clean Air Act.

Some businesses may need a permit or may need to revise their permit as a result of the revisions to the definition of "Insignificant Activity" and to Rule 200 (Permit Requirements), Section 305 (Exemptions). If a business needs a permit, the business will incur a permit application and processing fee. If a business needs to revise their permit, the business will not incur a fee, because the MCAQD will re-open their permit for cause.

Businesses should not be affected by the revisions to the definitions of "begin actual construction" and "modification"; the permitting procedures are not changing. Rules 210, 240 and 241 explain the permitting and compliance implications of modifications, i.e., what modifications trigger permit revision, logging, notification, BACT and RACT. See Item 8 of this notice for more details.

This rulemaking should not have any effect on revenues or payroll expenditures for businesses.

A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the rulemaking.

This rulemaking should have no impact on private or public employment in businesses, agencies, and political subdivisions of this state.

A statement of the probable impact of the rulemaking on small businesses. The statement shall include:

(a) An identification of the small businesses subject to the rulemaking.

Any business that engages in pollutant emitting activities is potentially subject to NSR. Businesses that will be directly affected by this rulemaking will be businesses that construct or modify stationary sources. The types of businesses subject to NSR include, but are not limited to, natural gas-fueled power plants, petroleum products terminals, landfills, metal processing, and manufacturers of reinforced plastics, expandable foam, wood furniture, steel products, and aircraft engine and parts. Smaller businesses subject

to NSR include, but are not limited to, rock quarrying and crushing operations, concrete batch plants, asphalt plants, semiconductor manufacturers, chemical manufacturers, crematories, dry cleaners, landfills, wood product manufacturers, commercial printers and publicly owned waste water treatment facilities.

(b) The administrative and other costs required for compliance with the rulemaking.

Some businesses may need a permit or may need to revise their permit as a result of the revisions to the definition of “Insignificant Activity” and to Rule 200 (Permit Requirements), Section 305 (Exemptions). If a business needs a permit, the business will incur a permit application and processing fee. If a business needs to revise their permit, the business will not incur a fee, because the MCAQD will re-open their permit for cause.

(c) A description of the methods that the agency may use to reduce the impact on small businesses.

i. Establish less stringent compliance or reporting requirements in the rule for small businesses.

This rulemaking does not impose any significant, new compliance requirements on small businesses and does not establish any new reporting requirements for small businesses.

ii. Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses.

This rulemaking does not impose any significant, new compliance requirements on small businesses and does not establish any new reporting requirements for small businesses.

iii. Consolidate or simplify the rule's compliance or reporting requirements for small businesses.

This rulemaking does not impose any significant, new compliance requirements on small businesses and does not establish any new reporting requirements for small businesses.

iv. Establish performance standards for small businesses to replace design or operational standards in the rule.

This rulemaking does not impose any design requirements on small businesses. The operational requirements imposed on small businesses are minimal. Some businesses may need a permit or may need to revise their permit as a result of the revisions to the definition of “Insignificant Activity” and to Rule 200 (Permit Requirements), Section 305 (Exemptions). If a business needs a permit, the business will incur a permit application and processing fee. If a business needs to revise their permit, the business will not incur a fee, because the MCAQD will re-open their permit for cause.

v. Exempt small businesses from any or all requirements of the rule.

This rulemaking does not impose any significant, new requirements on small businesses.

(d) The probable cost and benefit to private persons and consumers who are directly affected by the rulemaking.

This rulemaking should not result in any significant costs for private persons and consumers.

A statement of the probable effect on state revenues.

This rulemaking will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated. Without costs to pass through to customers, there is no projected change in consumer purchase patterns and, thus, no impact on state revenues from sales taxes.

A description of any less intrusive or less costly alternative methods of achieving the purpose of the rulemaking, including the monetizing of the costs and benefits for each option and providing the rationale for not using nonselected alternatives.

The purpose of this rulemaking is to remedy deficiencies identified by the EPA in the MCAQD's NSR rules. This rulemaking is required to secure approval of the MCAQD's NSR rules into the State Implementation Plan (SIP) and avoid sanctions and imposition of a Federal Implementation Plan (FIP) under the Clean Air Act.

A description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data.

Not applicable.

7. The effective date of the rule:

The effective date of this rulemaking is December 11, 2019.

8. Such other matters as are prescribed by statute and that are applicable to the county or to any specific rule or class of rules:

The MCAQD's NSR rules are subject to a number of legal requirements.

First, under A.R.S. § 49-479(A), all county regulations must be "at least equal to or more restrictive than those adopted by" ADEQ.

Second, under A.R.S. § 49-479(C), a county may adopt or amend a rule, emission standard or standard of performance that is as stringent or more stringent than a rule, emission standard or standard of performance for similar sources adopted by ADEQ only if the county complies with the applicable provisions of A.R.S. § 49-112.

Third, under A.R.S. § 49-480(B), county "procedures for the review, issuance, revision and administration of permits" must meet two statutory standards. Procedures for sources subject to Title V of the Clean Air Act must be "substantially identical" to ADEQ's procedures. Procedures for sources that are not subject to Title V must "impose no greater procedural burden on the permit applicant than" ADEQ's permit rules.

Finally, MCAQD's NSR rules are part of the SIP and must be approved by the EPA. In order to secure the EPA's approval, the MCAQD must demonstrate to the EPA that the amendments would not "interfere with any applicable requirement concerning attainment of the NAAQS and reasonable further progress toward attainment of the NAAQS or any other applicable requirement" of the Clean Air Act.

The MCAQD's NSR rules are "at least equal to or more restrictive than those adopted by" ADEQ.

The MCAQD's NSR rules are as stringent or more stringent than a rule, emission standard or standard of performance for similar sources adopted by ADEQ and the MCAQD's NSR rules are in compliance with A.R.S. §§ 49-112(A) and (B).

In regards to A.R.S. § 49-112(A), the MCAQD's NSR rules meet the following requirements: (1) Are necessary to address a peculiar local condition, (2) Are either necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and are technically and economically feasible or are required under a federal statute or regulation or are authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or regulation is equivalent to federal statutes or regulation and (3) Any fee or tax adopted under the rules do not exceed the reasonable costs of the county to issue and administer the permit or plan approval program.

In regards to A.R.S. § 49-112(B), the MCAQD's NSR rules are not being adopted in lieu of a state program and the cost of obtaining permits or other approvals from the MCAQD will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under A.R.S. Title 49 or any rule adopted pursuant to A.R.S. Title 49.

Maricopa County contains a maintenance area for the 1971 NAAQS for carbon monoxide and nonattainment areas for the following NAAQS:

- 1987 NAAQS for PM₁₀;
- 2008 NAAQS for ozone; and
- 2015 NAAQS for ozone.

The MCAQD's NSR rules and procedures contain requirements specific to nonattainment area status and impacts on nearby nonattainment areas. These requirements result in permit conditions that address the source's proximity to the PM₁₀ and ozone nonattainment areas and specific atmospheric, geographical conditions found at the source's location. Specifically, various SIPs for Maricopa County have required the adoption of reasonably available control technology (RACT), best available control technology (BACT) and most stringent measures (MSM) as required by the Clean Air Act §§ 172, 182, 188, and 189.

The MCAQD's "procedures for the review, issuance, revision and administration of permits" meet the two statutory standards: (1) Procedures for sources subject to Title V of the Clean Air Act are "substantially identical" to ADEQ's procedures and (2) Procedures for sources that are not subject to Title V "impose no greater procedural burden on the permit applicant than" ADEQ's permit rules.

The MCAQD's NSR rules are part of the SIP. The EPA identified eight deficiencies in the MCAQD's NSR rules. The MCAQD revised the MCAQD's NSR rules to remedy the deficiencies and to secure the EPA's approval of the MCAQD's NSR rules into the SIP. In order to remedy some of the deficiencies, the MCAQD's NSR rules must match the federal NSR rules. For example, the MCAQD revised the definition of "begin actual construction" to match the federal definition in 40 CFR 51.166 (Prevention of Significant Deterioration of Air Quality). Without this revision, the EPA stated that the EPA cannot approve the definition, because the EPA would be approving into the SIP a provision allowing certain types of construction to begin without first obtaining the necessary NSR permits. The text

in the definition of “begin actual construction” that the EPA cannot approve is text that is in A.R.S. § 49-401.01(7). Although the MCAQD’s definition of “begin actual construction” does not match A.R.S. § 49-401.01(7), the definition will be approvable into the SIP.

Also, the MCAQD revised the definition of “modification” to remove the phrase “any relevant de minimis amount”. Without this revision, the EPA stated that the EPA cannot approve this definition, because the EPA would be approving into the SIP a provision allowing inappropriate Director’s discretion and allowing major source determinations to be made on a potential to emit to potential to emit basis. The text that the EPA cannot approve (the phrase “any relevant de minimis amount”) is text that is in A.R.S. § 49-401.01(24). Although the MCAQD’s definition of “modification” does not match A.R.S. § 49-401.01(24), the definition will be approvable into the SIP.

9. List of all previous notices posted to the Maricopa County EROP website addressing the proposed rule and a concise explanatory statement, as prescribed by A.R.S. § 49-471.07, subsection B:

(a) List of all previous notices posted to the Maricopa County EROP website addressing the proposed rule:

Briefing Notification to County Manager	January 26, 2018
Notice of Stakeholder Workshop	March 14, 2018 May 23, 2018 November 21, 2018 May 3, 2019
Notice of Board of Health Meeting	July 6, 2018 February 8, 2019 October 14, 2019
Notice of Proposed Rulemaking	July 3, 2019
Notice of Public Hearing	November 6, 2019

(b) The following discussion addresses each of the elements required for a concise explanatory statement, as prescribed by A.R.S. § 49-471.07, subsection B:

i. A description of any change between the proposed rule or ordinance, the final rule or ordinance or notice of final supplemental rule or ordinance.

The following changes were made after the Notice of Proposed Rulemaking was published on July 3, 2019:

1. Added “as of July 1, 2019 (and no future amendments or additions)” to “40 CFR 51, Appendix W” to the definition of “Screening Model” in Rule 100 (General Provisions and Definitions) to match the Arizona Department of Environmental Quality’s (ADEQ’s) proposed amendments in R18-2-301 and R18-2-406, which are proposed in response to the EPA’s comment that the incorporations by reference are out-of-date
2. Added “municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)” and the emissions rate “40 tons per year” to the definition of “Significant”, Section 200.119(a)(2) in Rule 100 (General Provisions and Definitions) to match 40 CFR 52.21

3. Revised Rule 100 (General Provisions and Definitions), Section 503 (Emission Statements Required as Stated in the Act) to reflect the requirements in the Clean Air Act, Section 182(a)(3)(B), per comments made by the EPA in regards to the EPA's preliminary review of the "Maricopa Association of Government's (MAG) 2020 Eight-Hour Ozone Plan-Submittal of Marginal Area Requirements for the Maricopa Nonattainment Area" for the 2015 ozone national ambient air quality standards (NAAQS). The revisions reflect current MCAQD practices and are similar in subject matter and effect to the revisions made in the Notice of Proposed Rulemaking published on July 3, 2019:
 - (a) Deleted the phrase "Upon request of the Control Officer and as directed by the Control Officer" from the beginning of the first sentence
 - (b) Added "annually" to the first sentence, which now reads: "The owner or operator of any source which emits or may emit oxides of nitrogen (NO_x) or volatile organic compounds (VOC) shall provide the Control Officer with an emission statement annually, in such form as the Control Officer prescribes, showing measured actual emissions or estimated actual emissions of NO_x and VOC from that source."
 - (c) Deleted the sentence "The statement shall contain emissions for the time period specified by the Control Officer."
4. Added "or equal to" and "stationary source" in the first sentence in Rule 200 (Permit Requirements), Section 301 (Permits Required) to jive with text in Rule 200, Section 303.1 (Non-Title V Permit); sentence reads in part: "...shall not begin actual construction of, operate, or make a modification to any stationary source that emits or has the potential to emit any regulated air pollutant greater than or equal to the stationary source permitting thresholds..."
5. Changed "a regulated air pollutant" to "any regulated air pollutant" in Rule 200 (Permit Requirements), Section 303.1 (Non-Title V Permit) to jive with text in Rule 200, Section 301 (Permits Required)
6. Deleted "PM₁₀" from Rule 200 (Permit Requirements), Section 305.2(i) (Exemptions) to clarify that it is fugitive emissions from agricultural equipment used in normal farm operations that are exempt from a permit not only fugitive PM₁₀ emissions from agricultural equipment used in normal farm operations that are exempt from a permit
7. Added "as of July 1, 2019 (and no future amendments or additions)" to "40 CFR 51, Appendix W (Guideline on Air Quality Models)" in Rule 240 (Federal Major New Source Review (NSR)), Section 304.16 (Permit Requirements for New Major Sources or Major Modifications Located in Nonattainment Areas) to match ADEQ's proposed amendments in R18-2-301 and R18-2-406, which are proposed in response to the EPA's comment that the incorporations by reference are out-of-date
8. Added "as of July 1, 2019 (and no future amendments or additions)" to "40 CFR 51, Appendix W" in Rule 241 (Minor New Source Review (NSR)), Section 312 (Modeling Required) to match ADEQ's proposed amendments in R18-2-301 and

R18-2-406, which are proposed in response to the EPA's comment that the incorporations by reference are out-of-date

ii. A summary of the comments and arguments for and against the notice and the county's response to the comments and arguments.

The following discussion evaluates the arguments for and against the rules and includes responses to comments received on the MCAQD's NSR rules or the preamble in the Notice of Proposed Rulemaking. The MCAQD received written feedback from eight stakeholders. Six stakeholders expressed support and two stakeholders expressed "other" to the changes. Of the eight stakeholders who provided feedback, five also provided written comments. The MCAQD evaluated the comments and drafted responses.

Comment 1: The Hickman's family farm operation is directly affecting our air quality. I want to see all confined animal feed operations regulated for air quality.

Response 1: The purpose of this rulemaking is to remedy deficiencies identified by the EPA in the MCAQD's NSR rules. NSR is a long-standing Clean Air Act permitting program that requires businesses to get an air pollution control permit before they start construction or make major modifications to their business; NSR does not address concentrated animal feeding operations (CAFOs). However, the Arizona Department of Environmental Quality (ADEQ) enforces R18-2-609 through 613.01, which are general rules that require all agricultural operations across the state to take reasonable precautions to minimize dust emissions – to implement agricultural best management practices (Ag BMPs).

Comment 2: I'm in favor of the proposed changes and for recognizing ammonia as a pollutant.

Response 2: The MCAQD appreciates your support of the changes.

Comment 3: I'm in support of adding ammonia as a precursor and keeping odors in the definitions.

Response 3: The MCAQD appreciates your support of the changes.

Comment 4: My comment is regarding the change in the definitions of "PM_{2.5}" and "PM₁₀" to include "gaseous" emissions. Gaseous emissions include condensables that are not included in many historic particulate matter (PM) emission factors that have been used to permit PM emissions in the past and currently. Many of the PM emission factors that are currently employed only include the "filterable" portion of PM, so when the PM definition is expanded to include the condensables that are part of the gaseous emissions, if the source is tested, it may no longer be able to comply since additional condensable PM was added to the definition while they were not part of the obtained permit limit. For landfills, the PM emission factor for combustion of landfill gas is from AP-42, Section 2.4., in which, this emission factor is only based on "filterable" emissions. If additional

PM is added to the definition that was never considered or understood at the time of permitting, and then if the site is required to test for all PM under the new definition, it then has a chance to fail the test, even though the source continues to operate in compliance based on the understanding of PM emissions at the time of permitting. Furthermore, the EPA has not updated any PM emission factors to include the condensables for flares and still relies on the emission factor for only the filterable portion. This scenario came to light at a facility in NY that was required to test for all PM even though it was only permitted for the filterable portion of the PM. The site was below its PM limit if just filterable emissions were considered, however, since the site had to also test for the condensable portion of PM, it tested above its permitted limit (that never included condensables in the first place). Therefore, the concern is that if the definitions of “PM_{2.5}” and “PM₁₀” are expanded to include "gaseous" emissions, many of the previous permits may be based on only filterable PM emissions, and sites should not be penalized for not changing any emissions when a definition is expanded to beyond its original scope when permitted.

Response 4: The EPA proposed conditional approval of the definitions of “PM_{2.5}” and “PM₁₀” in Rule 100 (General Provisions And Definitions), because the definitions do not include gaseous emissions, which form particulates. However, in the EPA’s final conditional approval, the EPA determined that their initial analysis was incorrect and are no longer finding the definitions of “PM_{2.5}” and “PM₁₀” deficient. Gaseous emissions do not have to be included in the definitions of “PM_{2.5}” and “PM₁₀”, because the definition of “Regulated NSR Pollutant” includes the statement: “PM_{2.5} emissions and PM₁₀ emissions include gaseous emissions”. Although the EPA does not find the definitions of “PM_{2.5}” and “PM₁₀” deficient, the EPA recommends that the MCAQD consider revising the definitions of “PM_{2.5}” and “PM₁₀” to provide clarity to the regulated community. The MCAQD did not revise the definitions of “PM_{2.5}” and “PM₁₀” in Rule 100, because during the first Stakeholder Workshop conducted on March 29, 2018, Stakeholders commented that the definitions are clear as written and should not be revised.

Comment 5: Rule 100 (General Provisions And Definitions), Definition Of “Insignificant Activity-Internal Combustion (IC) Equipment”: Delete the text “annual emissions do not exceed 4,000 pounds of NO_x or CO”. The introductory paragraph to the definition of “Insignificant Activity” provides thresholds that apply to all insignificant activities. There is no need to repeat the language in this paragraph. The operating hour threshold should apply to each unit. This change should also be included in Rule 200 (Permit Requirements), Section 305.7 (Exemptions).

Response 5: The MCAQD deleted the text “annual emissions do not exceed 4,000 pounds of NO_x or CO” from the definition of “Insignificant Activity-Internal Combustion (IC) Equipment” and revised the introductory paragraph to the definition of “Insignificant Activity” to provide thresholds that apply to all insignificant activities.

Comment 6: Rule 100 (General Provisions And Definitions), Definition Of “Minor NSR Modification”: The purpose of Rule 241 is to provide a procedure for the review of minor new sources and minor modifications for the protection of the National Ambient Air Quality Standards (NAAQS). Allowing consideration of proposed emission decreases at the source does not affect attainment or maintenance of NAAQS and encourages replacement of out-dated equipment. For example, if an applicant proposes to install a new gas-fired turbine and dismantle an old gas-fired boiler, the emissions decrease associated with the old boiler should be considered in the ambient air quality impact of the overall project. Therefore, the following sentence should be added to the definition of “Minor NSR Modification”: “However, if an ambient air quality impact assessment under Rule 241, Section 308 is required for the change, the assessment shall consider any proposed decreases in the potential to emit of other emission units at the same stationary source, if the applicant requests such consideration.”

Response 6: The MCAQD did not revise the definition of “Minor NSR Modification”, because Rule 241 (Minor New Source Review (NSR)), Section 308.3 states: “The ambient air quality impact assessment required by this rule shall take into account any limitations, controls, or emissions decreases that are or will be enforceable in the permit or permit revision for the source.”

Comment 7: Rule 100 (General Provisions And Definitions), Definition Of “Minor NSR Modification”: There are a number of sources in Maricopa County that accepted permit limits to avoid classification as a major source during a time that the major source threshold was below the current values. The proposed change would allow those sources to increase their operating rates and emission limits without being subject to BACT or an ambient air quality assessment as long as the increase could have been accommodated prior to the adoption of the thresholds in Rule 241. Therefore, the following sentence should be added to the definition of “Minor NSR Modification”: “An increase in hours of operation, fuel use, production rate or an emission limit that was accepted prior to February 3, 2016, to avoid classification as a major source is not a physical change or a change in the method of operation.”

Response 7: In Rule 100, Definition of “Minor NSR Modification”, the MCAQD deleted the text “unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Rules 210, 220, 240, or 241 of

these rules” and added the text “is not considered an operational change unless such increase is prohibited under any permit condition that is legally and practically enforceable by the MCAQD”. There was a discrepancy between the definitions of “Modification” and “Minor NSR Modification”. This text only allows those sources lacking an enforceable limit to increase hours of operation or production rates without the change being considered a “Modification”.

Comment 8: Insignificant and trivial activities are associated with very low emission rates. The best available control technology (BACT) and dispersion modeling requirements of Rule 241 are overly burdensome for activities with low emission rates. Therefore, the following sentence should be added to Rule 241, Section 103 (Exemption): “The provisions of this rule shall not apply to equipment and operations considered insignificant or trivial under Rule 100, Definition of “Insignificant Activity”, even if the group of equipment and operations is greater than applicable thresholds. For example, each piece of natural gas-fired equipment rated at less than 300,000 Btu per hour is exempt from the provisions of this rule even if the combined rated capacity of natural-gas fired equipment is over 2,000,000 Btu per hour.”

Response 8: The MCAQD did not revise the text in Rule 241 (Minor New Source Review (NSR)), Section 103 (Exemptions). Any natural gas and/or liquefied petroleum gas-fired emission unit rated less than 300,000 Btu per hour is exempt from a permit (Rule 200 (Permit Requirements), Section 305.2(e) and insignificant activities are exempt from a permit (Rule 200, Section 305.2(b)); however, the sum of emissions from multiple activities, processes or emissions units in any one of the activities, processes or emissions units identified in Rule 100, Definition of “Insignificant Activity” that exceeds a permitting threshold shall not be considered an insignificant activity.

Comment 9: It is assumed that the Control Officer would not request dispersion modeling if the overall source emissions will not increase. The following proposed language for Rule 241, Section 303 (Ambient Air Quality Impact Assessment Requirements) would provide clarification: “The Control Officer shall not require an ambient air quality impact assessment if the post-change site-wide potential to emit for the source will decrease or remain unchanged.”

Response 9: The MCAQD did not add the proposed language to Rule 241, Section 303. Per Rule 241 (Minor New Source Review (NSR)), Section 303 (Ambient Air Quality Impact Assessment Requirements), the Control Officer would request dispersion modeling, if there is reason to believe a new source or minor NSR modification could interfere with attainment or maintenance of a national ambient air quality standard (NAAQS). When determining whether a new source or minor NSR modification could interfere with a NAAQS, the

Control Officer must take into consideration the source's emission rates, whether increasing, decreasing or remaining unchanged.

Comment 10: Natural gas combustion is associated with very low particulate matter emissions and should be exempt from the ambient air quality impact assessment as emissions are unlikely to interfere with attainment or maintenance of a national ambient air quality standard. Similarly, emissions from insignificant and trivial activities are unlikely to interfere with attainment or maintenance of the NAAQS. Therefore, the following sentence should be added to Rule 241, Section 308.3 (Ambient Air Quality Impact Assessments): “The assessment shall not take into account particulate matter emissions from natural-gas fired equipment or emissions from equipment or operations considered insignificant or trivial under Rule 100, Definition of “Insignificant Activity”, even if the group of equipment and operations is greater than the applicable thresholds of Rule 100, Definition of “Insignificant Activity”.”

Response 10: The MCAQD did not revise the text in Rule 241 (Minor New Source Review (NSR)), Section 308.3 (Ambient Air Quality Impact Assessments) to exempt natural gas combustion from the ambient air quality impact assessment. Natural gas combustion is an insignificant activity (Rule 100, Definition of “Insignificant Activity”) and insignificant activities are exempt from a permit (Rule 200, Section 305.2(b)); therefore, natural gas combustion would not be included in an ambient air quality impact assessment.

EXACT WORDING OF THE RULES

MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS REGULATION I – GENERAL PROVISIONS

RULE 100 GENERAL PROVISIONS AND DEFINITIONS

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**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION I – GENERAL PROVISIONS**

**RULE 100
GENERAL PROVISIONS AND DEFINITIONS**

SECTION 100 – GENERAL

- 101 DECLARATION OF INTENT:** The Maricopa County Air Pollution Control Regulations prevent, reduce, control, correct, or remove regulated air pollutants originating within the territorial limits of Maricopa County and carry out the mandates of Arizona Revised Statutes (ARS), Title 49-The Environment.
- 102 LEGAL AUTHORITY:** These rules are adopted under the authority granted by ARS §49-479.
- 103 VALIDITY:** If any section, subsection, clause, phrase, or provision of these rules is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion.
- 104 CIRCUMVENTION:** A person shall not build, erect, install, or use any article, machine, equipment, condition, or any contrivance, the use of which, without resulting in a reduction in the total release of regulated air pollutants to the atmosphere, conceals or dilutes an emission which would otherwise constitute a violation of these rules. No person shall circumvent these rules to dilute regulated air pollutants by using more emission openings than is considered normal practice by the industry or activity in question.
- 105 RIGHT OF INSPECTION OF PREMISES:** The Control Officer, during reasonable hours, for the purpose of enforcing and administering these rules or any provision of ARS relating to the emission or control prescribed pursuant thereto, may enter every building, premises, or other place, except the interior of structures used as private residences. In the event that consent to enter for inspection purposes has been refused or circumstances justify the failure to seek such consent, special inspection warrants may be issued by a magistrate. Every person is guilty of a petty offense under ARS §49-488 who in any way denies, obstructs, or hampers such entrance or inspection that is lawfully authorized by warrant.
- 106 RIGHT OF INSPECTION OF RECORDS:** ~~When the Control Officer has reasonable cause to believe that any person has violated or is in violation of any provision of this rule, any rule adopted under this rule, or any requirement of a permit issued under this rule, the Control Officer may request, in writing, that such person produce all existing books, records, and other documents evidencing tests, inspections, or studies which may reasonably relate to compliance or non-compliance with rules adopted under this rule. The Control Officer may request, in writing, that a person furnish information to determine compliance with the Maricopa County~~

Air Pollution Control Regulations or issued permits. No person shall fail nor refuse to produce all ~~existing documents~~ information required in such written request by the Control Officer.

- 107 ADVISORY COUNCIL:** An Advisory Council appointed by the Board of Supervisors may advise and consult with the Board of Supervisors, the ~~Maricopa County Air Quality Department~~ MCAQD, and the Control Officer in effecting the mandates of ARS Title 49.
- 108 HEARING BOARD:** The Board of Supervisors shall appoint a 5-member hearing board knowledgeable in the field of air pollution. At least three members shall not have a substantial interest, as defined in ARS §38-502(11), in any person required to obtain an air pollution permit or subject to enforcement orders issued under these rules. Each member shall serve a term of three years.
- 109 ANTI-DEGRADATION:** The standards in these rules shall not be construed as permitting the preventable degradation of air quality in any area of Maricopa County.
- 110 AVAILABILITY OF POLLUTION INFORMATION:** The public shall be informed on a daily basis of average daily concentration of three pollutants: particulates, carbon monoxide, and ozone. This information shall be disseminated through the use of electronic media, newspapers, radio, and television. The levels of each pollutant shall be expressed through the use of the Air Quality Index (AQI) and a written copy of such information shall be made available at the office of the Maricopa County Air Quality Department.
- 111 ANNUAL REASONABLE FURTHER PROGRESS (RFP) REPORT:** Each year, the ~~department~~ MCAQD shall prepare or assist in the preparation of a report on the progress in implementation of nonattainment area plans. The primary function of the report is to review the implementation schedules for control measures and emission reduction forecasts in the nonattainment area plans.
- 112 AVAILABILITY OF INFORMATION:** Copies of 40 CFR 51, Subpart A, Appendix A, Table 2A currently enforced by the ~~department~~ MCAQD are available electronically at: www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR; at the Maricopa Air Quality Department.

SECTION 200 – DEFINITIONS: To aid in the understanding of these rules, the following general definitions are provided. Additional definitions, as necessary, can be found in each rule of the Maricopa County Air Pollution Control Regulations. In the event of any inconsistency between any of the Maricopa County Air Pollution Control Regulations, the definition in the specific rule takes precedence.

- 200.1 A.A.C.:** Arizona Administrative Code.
- 200.2 ACT:** The Clean Air Act of 1963 (P.L. 88-206; 42 United States Code sections 7401 through 7671q), as amended through December 31, 2014 (and no future editions).
- 200.3 ACTUAL EMISSIONS:** The actual rate of emissions of a regulated pollutant from an emissions unit, as determined in Section 200.3(a) through Section 200.3(e) of this rule:
- a. In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month period that precedes the particular date and that is representative of normal source

operation. The Control Officer may allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

- b. The Control Officer may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.
- c. For any emissions unit at a Title V source that has not begun normal operations on the particular date, actual emissions shall equal the unit's potential to emit on that date.
- d. For any emissions unit at a Non-Title V source that has not begun normal operations on the particular date, actual emissions shall be based on applicable control equipment requirements and projected conditions of operation.
- e. This definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL. Instead, the definitions of projected actual emissions and baseline actual emissions in Rule 240 of these rules shall apply for those purposes.

- 200.4 ADMINISTRATOR:** The Administrator of the United States Environmental Protection Agency.
- 200.5 ADVISORY COUNCIL:** The Maricopa County Air Pollution Control Advisory Council appointed by the Maricopa County Board of Supervisors.
- 200.6 AFFECTED FACILITY:** With reference to a stationary source, any apparatus to which a standard is applicable.
- 200.7 AFFECTED SOURCE:** A source that includes one or more emissions units which are subject to emission reduction requirements or limitations under Title IV-Acid Deposition Control of the Act.
- 200.8 AFFECTED STATE:** Any State whose air quality may be affected and that is contiguous to Arizona or that is within 50 miles of the permitted source.
- 200.9 AIR CONTAMINANT:** Includes smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, noxious chemicals, or any other material in the outdoor atmosphere.
- 200.10 AIR POLLUTION:** The presence in the outdoor atmosphere of one or more air contaminants, or combinations thereof, in sufficient quantities, which either alone or in connection with other substances, by reason of their concentration and duration, are or tend to be injurious to human, plant, or animal life, or causes damage to property, or unreasonably interferes with the comfortable enjoyment of life or property of a substantial part of a community, or obscures visibility, or which in any way degrades the quality of the ambient air below the standards established by the Board of Supervisors.
- 200.11 AIR POLLUTION CONTROL EQUIPMENT:** Equipment used to eliminate, reduce, or control the emission of air pollutants into the ambient air.
- 200.12 ALLOWABLE EMISSIONS:** The emission rate of a stationary source calculated using both the maximum rated capacity of the source (unless the source is subject to federally

enforceable limits which restrict the operating rate or hours of operation) and the most stringent of the following:

- a. The applicable standards as set forth in 40 CFR 60, 61 ~~and or~~ 63;
- b. The applicable emissions limitations approved into the state implementation plan, including those with a future compliance date; or
- c. The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

- 200.13 AMBIENT AIR:** That portion of the atmosphere, external to buildings, to which the general public has access.
- 200.14 AP-42:** The EPA document "Compilation of Air Pollutant Emission Factors;" as incorporated by reference in ~~Appendix G of these rules.~~
- 200.15 APPLICABLE IMPLEMENTATION PLAN:** Those provisions of the State Implementation Plan (SIP) approved by the Administrator or a Federal Implementation Plan (FIP) promulgated for Arizona or any portion of Arizona ~~in accordance with Title I Air Pollution Prevention And Control of the Act by the Administrator.~~
- 200.16 APPLICABLE REQUIREMENT:** Applicable requirement means any of the following:
- a. Any federal applicable requirement as defined in Section ~~200.49~~ 200.50 of this rule.
 - b. Any other requirement established under the Maricopa County Air Pollution Control Regulations or ARS Title 49, Chapter 3, Articles 1, 3, 7, and 8.
- 200.17 ARIZONA TESTING MANUAL:** Sections 1 and 7 of the Arizona Testing Manual for Air Pollutant Emissions amended as of March 1992 (and no future editions).
- 200.18 APPROVED:** Approved in writing by the Maricopa County Air Pollution Control Officer.
- 200.19 AREA SOURCE:** ~~Any stationary source that is not a major source. For purposes of these rules, the term "area source" shall not include motor vehicles or nonroad vehicles subject to regulation under Title II Emission Standards for Moving Sources of the Act.~~
- a. Any stationary source that is not a major source. For purposes of these rules, the term "area source" shall not include motor vehicles or nonroad vehicles subject to the regulation under Title II-Emission Standards for Moving Sources of the Act.
 - b. An area source of hazardous air pollutants (HAPs) is a source of HAP that is not a major source of HAP and is not part of a major source of HAP emissions. A major source of HAP emissions is defined in the definition of "Major Source" of this rule.
- 200.20 A.R.S.:** The Arizona Revised Statutes. The titles of the most frequently used ARS references in these rules are listed below:
- | | |
|----------------------------|---|
| A.R.S. § 38-502(11) | Public Officers and Employees, Conduct of Office, Conflict of Interest of Officers and Employees, Definitions, Substantial Interest |
| A.R.S. Title 49 | The Environment |
| A.R.S. Title 49, Chapter 3 | The Environment, Air Quality |
| A.R.S. Title 49, Chapter 4 | The Environment, Solid Waste Management |

A.R.S. § 49-109	The Environment, General Provisions, Department of Environmental Quality, Certificate of Disclosure of Violations; Definition; Remedies
A.R.S. § 49-401	The Environment, Air Quality, General Provisions, Declaration of Policy
A.R.S. § 49-426	The Environment, Air Quality, State Air Pollution Control, Permits; Duties of Director; Exceptions; Applications; Objections; Fees
A.R.S. § 49-426.04	The Environment, Air Quality, State Air Pollution Control, State List of Hazardous Air Pollutants
A.R.S. § 49-426.05	The Environment, Air Quality, State Air Pollution Control, Designation of Sources of Hazardous Air Pollutants
A.R.S. § 49-429	The Environment, Air Quality, State Air Pollution Control, Permit Transfers; Notice; Appeal
A.R.S. § 49-464	The Environment, Air Quality, State Air Pollution Control, Violation; Classification; Penalties; Definition
A.R.S. § 49-473	The Environment, Air Quality, County Air Pollution Control, Board of Supervisors
ARS § 49-476.01	The Environment, Air Quality, County Air Pollution Control, Monitoring
A.R.S. § 49-478	The Environment, Air Quality, County Air Pollution Control, Hearing Board
A.R.S. § 49-480	The Environment, Air Quality, County Air Pollution Control, Permits; Fees
A.R.S. § 49-480.03	The Environment, Air Quality, County Air Pollution Control, Federal Hazardous Air Pollutant Program; Date Specified By Administrator; Prohibition
A.R.S. § 49-480.04	The Environment, Air Quality, County Air Pollution Control, County Program for Control of Hazardous Air Pollutants
A.R.S. § 49-482	The Environment, Air Quality, County Air Pollution Control, Appeals to Hearing Board
A.R.S. § 49-483	The Environment, Air Quality, County Air Pollution Control, Permit Transfers; Notice; Appeal
A.R.S. § 49-487	The Environment, Air Quality, County Air Pollution Control, Classification and Reporting; Confidentiality of Records
A.R.S. § 49-488	The Environment, Air Quality, County Air Pollution Control, Special Inspection Warrant

A.R.S. § 49-490	The Environment, Air Quality, County Air Pollution Control, Hearings on Orders of Abatement
A.R.S. § 49-498	The Environment, Air Quality, County Air Pollution Control, Notice of Hearing; Publication; Service
A.R.S. § 49-501	The Environment, Air Quality, County Air Pollution Control, Unlawful Open Burning; Definition; Exceptions; Fine
A.R.S. § 49-511	The Environment, Air Quality, County Air Pollution Control, Violations, Order of Abatement
A.R.S. § 49-514	The Environment, Air Quality, County Air Pollution Control, Violation; Classification; Definition

200.21 ASME: The American Society of Mechanical Engineers.

200.22 ASTM: The American Society for Testing and Materials.

200.23 ATTAINMENT AREA: Any area in the state that has been identified in regulations promulgated by the Administrator as being in compliance with national ambient air quality standards.

200.24 BEGIN ACTUAL CONSTRUCTION: Initiation of physical on-site construction activities on an emissions unit, which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation, “begin actual construction” refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.

~~a. For purposes of title I, parts C and D and section 112 of the Act, and for purposes of applicants that require permits containing limits designed to avoid the application of title I, parts C and D and section 112 of the Act, these activities include installation of building supports and foundations, laying of underground pipe work, and construction of permanent storage structures but do not include any of the following, subject to Section 200.24(c) of this rule:~~

- ~~(1) Clearing and grading, including demolition and removal of existing structures and equipment, stripping and stockpiling of topsoil.~~
- ~~(2) Installation of access roads, driveways and parking lots.~~
- ~~(3) Installation of ancillary structures, including fences, office buildings and temporary storage structures that are not a necessary component of an emissions unit or associated air pollution control equipment for which the permit is required.~~
- ~~(4) Ordering and on-site storage of materials and equipment.~~

~~b. For purposes other than those identified in Section 200.24(a) of this rule, these activities do not include any of the following, subject to Section 200.24(c) of this rule:~~

- ~~(1) Clearing and grading, including demolition and removal of existing structures and equipment, stripping and stockpiling of topsoil and earthwork cut and fill for foundations.~~

- ~~(2) Installation of access roads, parking lots, driveways and storage areas.~~
 - ~~(3) Installation of ancillary structures, including fences, warehouses, storerooms and office buildings, provided none of these structures impacts the design of any emissions unit or associated air pollution control equipment.~~
 - ~~(4) Ordering and on-site storage of materials and equipment.~~
 - ~~(5) Installation of underground pipework, including water, sewer, electric and telecommunications utilities.~~
 - ~~(6) Installation of building and equipment supports, including concrete forms, footers, pilings, foundations, pads and platforms, provided none of these supports impacts the design of any emissions unit or associated air pollution control equipment.~~
- e. ~~An applicant's performance of any activities that are excluded from the definition of "begin actual construction" under Sections 200.24(a) or (b) of this rule shall be at the applicant's risk and shall not reduce the applicant's obligations under these rules. The Control Officer shall evaluate an application for a permit or permit revision and make a decision on the same basis as if the activities allowed under Sections 200.24(a) or (b) of this rule had not occurred.~~

200.25 BEST AVAILABLE CONTROL TECHNOLOGY (BACT): An emissions limitation, based on the maximum degree of reduction for each pollutant, subject to regulation under the Act, which would be emitted from any proposed stationary source or modification, which the Control Officer, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant. Under no circumstances shall BACT be determined to be less stringent than the emission control required by an applicable provision of these rules or of any State or Federal laws ("Federal laws" include the EPA approved State Implementation Plan (SIP)). 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.

200.26 BRITISH THERMAL UNIT (BTU): The quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit (°F) at 39.1°F.

200.27 BUILDING, STRUCTURE, FACILITY, OR INSTALLATION: All the pollutant-emitting equipment and activities that belong to the same industrial grouping, that are located on one or more contiguous or adjacent properties, and that are under the control of the same person or persons under common control, except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" as described in the "Standard Industrial Classification Manual, 1987".

200.28 CATEGORICAL SOURCES: The following classes of sources:

- a. Coal cleaning plants with thermal dryers;
- b. Kraft pulp mills;
- c. Portland cement plants;
- d. Primary zinc smelters;
- e. Iron and steel mills;
- f. Primary aluminum ore reduction plants (with thermal dryers);
- g. Primary copper smelters;
- h. Municipal incinerators capable of charging more than ~~50~~ 250 tons of refuse per day;
- i. Hydrofluoric, sulfuric, or nitric acid plants;
- j. Petroleum refineries;
- k. Lime plants;
- l. Phosphate rock processing plants;
- m. Coke oven batteries;
- n. Sulfur recovery plants;
- o. Carbon black plants using the furnace process;
- p. Primary lead smelters;
- q. Fuel conversion plants;
- r. Sintering plants;
- s. Secondary metal production plants;
- t. Chemical process plants, which shall not include ethanol production facilities that produce ethanol by natural fermentation included in North American Industry Classification System codes 325193 or 312140;
- u. Fossil-fuel boilers, or combinations thereof, totaling more than 250 million British thermal units (Btu) per hour heat input;
- v. Petroleum storage and transfer units with a total storage capacity more than 300,000 barrels;
- w. Taconite ore processing plants;
- x. Glass fiber processing plants;
- y. Charcoal production plants;
- z. Fossil fuel-fired steam electric plants and combined cycle gas turbines of more than 250 million Btu per hour rated heat input;
- aa. Any other stationary source category which, as of August 7, 1980, is being regulated under Section 111-Standards of Performance for New Stationary Sources of the Act or under Section 112-National Emission Standards for Hazardous Air Pollutants of the Act.

- 200.29 CFR:** The United States Code of Federal Regulations with standard references in these rules by Title and Part, so that “40 CFR 51” means “Title 40 of the Code of Federal Regulations, Part 51.”
- 200.30 CIRCUMSTANCES OUTSIDE THE CONTROL OF THE SOURCE:** Shall include, but not be limited to, circumstances where a violation resulted from a sudden and unavoidable breakdown of the process or the control equipment, resulted from unavoidable conditions during a startup or shutdown, or resulted from upset of operations.
- ~~200.31 CLEAN COAL TECHNOLOGY:~~ Any technology, including technologies applied at the ~~pre-combustion, combustion, or post-combustion stage, at a new or existing facility that will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity or process steam that was not in widespread use as of November 15, 1990.~~
- ~~200.32 CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT:~~ A project using funds appropriated under the heading “Department Of Energy Clean Coal Technology”, up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology or similar projects, funded through appropriations for the Environmental Protection Agency. The Federal contribution for a qualifying project shall be at least 20% of the total cost of the demonstration project.
- 200.33 COMMENCE:** As applied to construction of a major source or a major modification, that the owner or operator has all necessary preconstruction approvals or permits and has either:
- a. Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
 - b. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.
- ~~200.34~~ **200.31 COMPLETE:** In reference to an application for a permit or permit revision, “complete” means that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit or permit revision, processing does not preclude the Control Officer from requesting nor from accepting any additional information.
- ~~200.35~~ **200.32 CONSTRUCTION:** Any physical change or change in the method of operation, including fabrication, erection, or installation, demolition, or modification of an emissions unit, which would result in a change in actual emissions.
- ~~200.36 CONVENTIONAL AIR POLLUTANT:~~ Any pollutant for which the Administrator has promulgated a primary or secondary national ambient air quality standard.
- ~~200.37~~ **200.33 CONTROL OFFICER:** The executive head of the department authorized or designated to enforce air pollution regulations, the executive head of an air pollution control district established under A.R.S. § 49-473, ~~or the designated agent.~~
- 200.34 CONVENTIONAL AIR POLLUTANT:** Any pollutant for which the Administrator has promulgated a primary or secondary national ambient air quality standard, including precursors to such pollutants.
- ~~200.38~~ **200.35 DEPARTMENT:** The Maricopa County Air Quality Department (MCAQD).

~~200.39~~ 200.36 **DIRECTOR:** The director of the Arizona Department of Environmental Quality (ADEQ).

~~200.40~~ 200.37 **DISCHARGE:** The release or escape of ~~an effluent~~ any air contaminant into the atmosphere from a source.

~~200.41~~ 200.38 **DIVISION:** The Division no longer exists; consequently, all references in these rules to Division refer to ~~Department~~ the MCAQD.

200.39 **DUST:** Finely divided solid particulate matter occurring naturally or created by mechanical processing, handling or storage of materials in the solid state.

~~200.42~~ 200.40 **DUST GENERATING OPERATION:** Any activity capable of generating fugitive dust, including but not limited to, land clearing, maintenance, and land clean-up using mechanized equipment, earthmoving, weed abatement by discing or blading, excavating, construction, demolition, bulk material handling (e.g., bulk material hauling and/or transporting, bulk material stacking, loading, and unloading operations), storage and/or transporting operations (e.g., open storage piles), the operation of any outdoor equipment, the operation of motorized machinery, establishing and/or using staging areas, parking areas, material storage areas, or access routes to and from a site, establishing and/or using unpaved haul/access roads to, from, and within a site, disturbed surface areas associated with a site, and installing initial landscapes using mechanized equipment. For the purpose of this definition, landscape maintenance and playing on or maintaining a field used for non-motorized sports shall not be considered a dust generating operation. However, landscape maintenance shall not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.

~~200.43~~ 200.41 **EFFLUENT:** Any air contaminant which is emitted and subsequently escapes into the atmosphere.

~~200.44~~ **ELECTRIC UTILITY STEAM GENERATING UNIT:** ~~Any steam electric generating unit that is constructed for the purpose of supplying more than 1/3 of its potential electric output capacity and more than 25 MW electric output to any utility power distribution system for sale. Any steam supplied to a steam distribution system, for the purpose of providing steam to a steam electric generator that would produce electrical energy for sale, is also considered in determining the electrical energy output capacity of the affected facility.~~

200.42 **EMISSION:** An air contaminant, gas stream or the act of discharging an air contaminant or a gas stream, visible or invisible.

~~200.45~~ 200.43 **EMISSION STANDARD:** The definition of emission standard, as summarized from A.R.S. § 49-514(T) and A.R.S. § 49-464(V), is: A numeric limitation on the volume or concentration of air pollutants in emissions from a source or a specific design, equipment, or work practice standard, the purpose of which is to eliminate or reduce the volume or concentration of pollutants emitted by a source. The term emission standard does not include opacity standards. Violations of emission standards shall be determined in the manner prescribed by the applicable regulations issued by the Administrator or the Director or the Control Officer.

~~200.46~~ 200.44 **EMISSIONS UNIT:** Any part of a stationary source which emits or would have the potential to emit any regulated air pollutant ~~and includes an electric steam generating unit.~~

~~200.47~~ 200.45 **EPA:** The United States Environmental Protection Agency.

~~200.48~~ 200.46 **EQUIVALENT METHOD:** Any method of sampling and analyzing for an air pollutant, which has been demonstrated to the Administrator's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

~~200.49~~ 200.47 **EXCESS EMISSIONS:** Emissions of an air pollutant in excess of an emission standard, as measured by the compliance test method applicable to such emission standard.

~~200.50~~ 200.48 **EXISTING SOURCE:** Any source that is not a new source.

~~200.51~~ 200.49 **FACILITY:** The definition of facility is included in the definition of “~~affected facility~~” and “building, structure, facility or installation” of this rule.

~~200.52~~ 200.50 **FEDERAL APPLICABLE REQUIREMENT:** Any of the following (including requirements that have been promulgated or approved by the EPA through rulemaking at the time of issuance but have future effective compliance dates):

- a. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the EPA through rulemaking under Title I-Air Pollution Prevention and Control of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR 52.
- b. Any term or condition of any unitary permits issued under regulations approved or promulgated through rulemaking under Title I-Air Pollution Prevention and Control, including Parts C or D, of the Act.
- c. Any standard or other requirement under Section 111-Standards of Performance for New Stationary Sources of the Act, ~~includes~~ including Section 111(d).
- d. Any standard or other requirement under Section 112-National Emission Standards for Hazardous Air Pollutants of the Act, including any requirement concerning accident prevention under Section 112(r)(7) of the Act.
- e. Any standard or other requirement of the acid rain program under Title IV-Acid Deposition Control of the Act or the regulations promulgated thereunder and incorporated under Rule 371-Acid Rain of these rules.
- f. Any requirements established under Section 504(b)-Permit Requirements and Conditions or Section 114(a)(3)-Inspections, Monitoring, and Entry of the Act.
- g. Any standard or other requirement governing solid waste incineration under Section 129-Solid Waste Combustion of the Act.
- h. Any standard or other requirement for consumer and commercial products pursuant to Section 183(e)-Federal Ozone Measures of the Act.
- i. Any standard or other requirement for tank vessels pursuant to Section 183(f)-Federal Ozone Measures of the Act.
- j. Any standard or other requirement of the program to control air pollution from outer continental shelf sources under Section 328-Air Pollution from Outer Continental Shelf Activities of the Act.
- k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI-Stratospheric Ozone Protection of the Act, unless the Administrator has determined that such requirements need not be contained in a Title V permit; and

1. Any national ambient air quality standard or increment or visibility requirement under Part C-Prevention of Significant Deterioration of Air Quality of Title I-Air Pollution Prevention and Control of the Act, but only as it would apply to temporary sources permitted under Section 504(e)-Permit Requirements and Conditions of the Act.

~~200.53 FEDERAL LAND MANAGER: With respect to any lands in the United States, the Secretary of the Department with authority over such lands.~~

~~200.54~~ **200.51** **FEDERALLY ENFORCEABLE:** All limitations and conditions which are enforceable by the Administrator under the Act, including all of the following:

- a. All terms and conditions contained in a Title V permit, except those terms and conditions which have been specifically designated as not federally enforceable;
- b. The requirements of operating permit programs and permits issued under such permit programs which have been approved by the Administrator, including the requirements of State and County operating permit programs approved under Title V ~~Permits~~ of the Act or under any new source review permit program;
- c. All limitations and conditions which are enforceable by the Administrator, including the requirements of the New Source Performance Standards (NSPS) and the National Emissions Standards for Hazardous Air Pollutants (NESHAPs);
- d. The requirements of such other State or County rules or regulations approved by the Administrator ~~for inclusion~~ in the State Implementation Plan (SIP);
- e. The requirements of any federal regulation promulgated by the Administrator as part of the State Implementation Plan (SIP); and
- f. The requirements of State and County operating permit programs, other than Title V programs, which have been approved by the Administrator and incorporated into the applicable State Implementation Plan (SIP) under the criteria for federally enforceable State Operating Permit Programs set forth in 54, Federal Register 27274, dated June 28, 1989. Such requirements include permit terms and conditions which have been entered into voluntarily by a source under ~~this rule and/or under Rule 220-Non-Title V Permit Provisions~~ of these rules.
- g. Emissions limitations, controls, and other requirements, and any associated monitoring, recordkeeping, and reporting requirements that are included in a permit pursuant to Rule 201-Emissions Caps of these rules or Rule 220, Section 304-Permits Containing Voluntarily Accepted Emissions Limitations, Controls, Or Other Requirements (Synthetic Minor) of these rules.

~~200.55~~ **200.52** **FEDERALLY LISTED HAZARDOUS AIR POLLUTANT:** ~~A~~ Any air pollutant listed pursuant to Rule 372, Section 309 of these rules Section 112(b) of the Act.

~~200.56~~ **200.53** **FINAL PERMIT:** The version of a permit issued by the Control Officer after completion of all review required by Maricopa County Air Pollution Control Regulations.

200.54 **FUEL:** Any material which is burned for the purpose of producing energy.

~~200.57~~ **200.55** **FUEL OIL:** Number 2 through Number 6 fuel oils as specified in ASTM D396-90a-Specification for Fuel Oils, gas turbine fuel oils Numbers 2-GT through 4-GT as specified in ASTM D2880-90a-Specification for Gas Turbine Fuel Oils, or diesel fuel oils Numbers 2-D and 4-D as specified in ASTM D975-90a-Specification for Diesel Fuel Oils. For the purpose

of this definition, on-specification used oil, also referred to as “on-specification burner fuel”, “used fuel oil”, or “waste oil”, is not “fuel oil”.

~~200.58~~ **200.56** **FUGITIVE EMISSION:** Any emission which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

200.57 **FUME:** Solid particulate matter resulting from the condensation and subsequent solidification of vapors of melted solid materials.

200.58 **GASOLINE:** Any petroleum distillate, petroleum distillate/alcohol blend, petroleum distillate/organic compound blend, or alcohol that meets both of the following conditions:

a. Has a Reid vapor pressure between 4.0 and 14.7 psi (200-760 mm Hg) as determined by ASTM D323-06.

b. Is used as a fuel for internal combustion engines.

200.59 **GREENHOUSE GASES (GHGs):** The air pollutant defined in 40 CFR 86.1818-12(a) as the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

~~200.59~~ **200.60** **HAZARDOUS AIR POLLUTANT (HAP):** Any federally listed hazardous air pollutant.

~~200.60~~ **HAZARDOUS AIR POLLUTANT REASONABLY AVAILABLE CONTROL TECHNOLOGY (HAPRACT):** An emissions standard for hazardous air pollutants which the Control Officer, acting pursuant to §49-480.04(C), determines is reasonably available for a source. In making the foregoing determination, the Control Officer shall take into consideration the estimated actual air quality impact of the standard, the cost of complying with the standard, the demonstrated reliability and widespread use of the technology required to meet the standard, and any non-air quality health and environmental impacts and energy requirements. For purposes of this definition, an emissions standard may be expressed as a numeric emissions limitation or as a design, equipment, work practice, or operational standard.

~~200.61~~ **INDIAN GOVERNING BODY:** The governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

~~200.62~~ **INDIAN RESERVATION:** Any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

~~200.63~~ **200.61** **INSIGNIFICANT ACTIVITY:** For the purpose of this rule, an insignificant activity shall be any activity, process, or emissions unit that is not subject to a source-specific applicable requirement, that emits no more than 0.5 ton per year of hazardous air pollutants (HAPs) and no more than two tons per year of a regulated air pollutant, and that is listed below or is approved as an insignificant activity under Rule 200 (Permit Requirements) of these rules. Source-specific applicable requirements include requirements for which emissions unit-specific information is needed to determine applicability. For the purpose of this definition, an insignificant activity shall be any specific activity, process or emissions unit which meets the following criteria: (1) Emits less than the permitting thresholds as defined in this rule and is listed in this definition or (2) Is not subject to permit requirements pursuant to Rule 200-Permit Requirements, Sections 303.2(a) or (b) of these rules. The sum of emissions from multiple activities, processes or emissions units

of any one of the activities, processes or emissions units identified in (a) – (y) below that exceeds a permitting threshold shall not be considered an insignificant activity.

a. Food Processing Equipment:

- (+) **a.** Any confection cooker and associated venting or control equipment cooking edible products intended for human consumption.
- (-) **b.** Any oven in a food processing operation where less than 1,000 pounds of product are produced per day of operation.

b. General Combustion Activities:

- (+) **c.** ~~All~~ Any natural gas and/or liquefied petroleum gas-fired pieces of equipment ~~over rated~~ equal to or greater than 300,000 Btu per hour, only if:
 - (1) The combined input capacities ~~added together~~ from all such equipment are less than 2,000,000 Btu per hour, and
 - (2) The emissions come from fuel burning, and
 - (3) The equipment is used solely for heating buildings for personal comfort or for producing hot water for personal use.

- (-) **d.** Any ~~oil-fueled heating piece of equipment (except off-spec. oil)~~ piece of heating equipment burning fuel oil with a maximum rate input capacity or an aggregate input capacity of less than:

- (a) (1) 500,000 Btu per hour if the only emissions ~~came~~ are from fuel burning, or
- (b) (2) 1,000,000 Btu per hour if the only emissions ~~came~~ are from fuel burning and the equipment is used solely for heating buildings for personal comfort or for producing hot water for personal use.

- e. **e.** ~~Surface Coating and Printing Equipment:~~ Any equipment or activity at a stationary source using no more than 300 gallons per year of surface coating material or any combination of surface coating material and solvent, which contains either VOC or hazardous air pollutants (HAPs) or both.

- d. **f.** ~~Solvent Cleaning Equipment:~~ Any non-vapor cleaning machine (degreaser) or dip-tank:
 - (1) Having a liquid surface area of 1 square foot (0.09 square meters) or less, or
 - (2) Having a maximum capacity of 1 gallon (3.79 liters) or less.

e. Internal Combustion (IC) Equipment:

- (1) ~~IC engine driven compressors, IC engine driven electrical generator sets, and IC engine driven water pumps used only for emergency replacement or standby service (including testing of same), not to exceed 4,000 pounds of NOx or CO at 500 hours of operation per year.~~
- (2) ~~Any piston-type IC engine with a manufacturer's maximum continuous rating of 50 brake horsepower (bhp).~~

- g.** Any internal combustion (IC) engine with a manufacturer's maximum continuous rating of 50 brake horsepower (bhp) or less.

- (7) **q.** Any equipment used exclusively for the storage of fresh, commercial, or purer grade of:
- (1) Sulfuric or phosphoric acid with acid content of no more than 99% by weight; or
 - (2) Nitric acid with acid content of no more than 70% by weight.
- ~~h. Miscellaneous Activities:~~
- (4) **r.** ~~Any blast cleaning equipment using a suspension of abrasive material in water and the control equipment venting such blast cleaning equipment. Wet abrasive blasting.~~
- (2) **s.** ~~Cooling towers: Any water cooling tower which: (1) has a circulation rate of less than 10,000 gallons per minute; and (2) is not used to cool process water, water from barometric jets, or water from barometric condensers. Any water cooling tower which has a circulation rate of less than 3,000 gallons per minute.~~
- t.** Any water cooling towers which:
- (1) Have a combined circulation rate of less than 10,000 gallons per minute; and
 - (2) Are not used to cool process water, water from barometric jets, or water from barometric condensers.
- (3) **u.** Batch mixers with rated capacity of 5 cubic feet or less.
- (4) **v.** Wet sand and gravel production facilities that obtain material from subterranean and subaqueous beds, whose production rate is 200 tons per hour or less, and whose permanent in-plant roads are paved and cleaned to control dust. This does not include activities in emissions units, which are used to crush or grind any nonmetallic minerals.
- (5) **w.** Any brazing, soldering, welding, or cutting torch equipment used in manufacturing and construction activities and with the potential to emit hazardous air pollutant (HAP) metals, provided the total emissions of HAPs do not exceed 0.5 ton per year.
- (6) **x.** Hand-held or manually operated equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning of ceramic art work, precision parts, leather, metals, plastics, fiberboard, masonry, carbon, glass, or wood.
- (7) **y.** Any aerosol can puncturing or crushing operation that ~~processes less than 500 cans per day provided such operation uses a closed loop recovery system. uses:~~
- (1) A closed loop recovery system that emits no regulated air pollutants, or
 - (2) A recovery system that vents all emissions through a properly operated and maintained carbon canister, provided not more than 500 cans are processed through the equipment per day.
- (8) ~~Any laboratory fume hood or vent provided such equipment is used exclusively for the purpose of teaching, research, or quality control.~~

200.64 200.62

MAJOR MODIFICATION: The following definition of “Major Modification” applies to all rules in the Maricopa County Air Pollution Control Regulations except for Rule 240-Federal Major New Source Review (NSR). Rule 240 of these rules has a definition of “Major Modification” and that definition is specific to stationary sources subject to Rule 240.

- a. Any physical change in or change in the method of operation of a major source that would result in both a significant emissions increase of any regulated NSR pollutant and a significant net emissions increase of that pollutant from the stationary source.
- b. Any emissions increase or net emissions increase that is significant for nitrogen oxides or volatile organic compounds is significant for ozone.
- c. For the purpose of this definition, none of the following is a physical change or a change in the method of operation:
 - (1) Routine maintenance, repair, and replacement;
 - (2) 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;
 - (3) Use of an alternative fuel by reason of an order or rule under Section 125-Measures to Prevent Economic Disruption or Unemployment of the Act;
 - (4) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
 - (5) For the purpose of determining the applicability of Rule 240-Federal Major New Source Review (NSR), Section 304 (Permit Requirements for New Major Sources Or Major Modifications Located In Nonattainment Areas) of these rules, any of the following:
 - (a) Use of an alternative fuel or raw material by a stationary source that the source was capable of accommodating before December 12, 1976, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Federal Major New Source Review (NSR), Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules; or
 - (b) Use of an alternative fuel or raw material by a stationary source that the source is approved to use under any permit issued under 40 CFR 52.21, or under Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Federal Major New Source Review (NSR), Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules; or
 - (c) An increase in the hours of operation or in the production rate, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Federal Major New Source Review (NSR), Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules.
 - (6) For the purpose of determining applicability of Rule 240-Federal Major New Source Review (NSR), Section 305 (Permit Requirements for New Major Sources Or Major Modifications Located In Attainment Or Unclassifiable Areas) of these rules, any of the following:

- (a) Use of an alternative fuel or raw material by a stationary source that the source was capable of accommodating before January 6, 1975, unless the change would be prohibited under any federally enforceable permit condition established after January 6, 1975, under 40 CFR 52.21, or under Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Federal Major New Source Review (NSR), Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules; or
 - (b) Use of an alternative fuel or raw material by a stationary source that the source is approved to use under any permit issued under 40 CFR 52.21, or under Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Federal Major New Source Review (NSR), Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules; or
 - (c) An increase in the hours of operation or in the production rate, unless the change would be prohibited under any federally enforceable permit condition established after January 6, 1975, under 40 CFR 52.21, or under Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Federal Major New Source Review (NSR), Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules.
- (7) Any change in ownership at a stationary source;
 - (8) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, if the project complies with:
 - (a) The State Implementation Plan (SIP); and
 - (b) Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated;
 - (9) For electric utility steam generating units located in attainment and unclassified areas only, the installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, if the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis; and
 - (10) For electric utility steam generating units located in attainment and unclassified areas only, the reactivation of a very clean coal-fired electric utility steam generating unit.
- d. This definition shall not apply with respect to a particular regulated NSR pollutant when the major source is complying with the requirements of Plantwide Applicability Limitations (PALs) as described in Rule 240 of these rules. Instead, the definition of “PAL” major modification in Rule 240 of these rules shall apply.

~~200.65~~ **200.63 MAJOR SOURCE:** A source that meets any of the following criteria:

- a. A major source as defined in Rule 240-Federal Major New Source Review (NSR) of these rules.
- b. A major source under Section 112 (National Emission Standards for Hazardous Air Pollutants) of the Act:
 - (1) For pollutants other than radionuclides, any stationary source that emits or has the potential to emit, in the aggregate, including fugitive emissions, 10 tons per year (tpy)

or more of any hazardous air pollutant which has been listed under Section 112(b) of the Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as described in Title 18 (Environmental Quality), Chapter 2 (Department of Environmental Quality Air Pollution Control), Article 11 (Federal Hazardous Air Pollutants) of the Arizona Administrative Code. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major source; or

(2) For radionuclides, major source shall have the meaning specified by the Administrator by rule.

e. ~~A major stationary source, as defined in Section 302 of the Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant including any major source of fugitive emissions of any such pollutant. The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purpose of Section 302(j) of the Act, unless the source belongs to a section 302(j) category of the Act.~~

~~200.66~~ 200.64 **MAJOR SOURCE THRESHOLD:** The lowest applicable emissions rate for a pollutant that would cause the source to be a major source, at the particular time and location, under the definition of “major source” of this rule.

~~200.67~~ 200.65 **MALFUNCTION:** Any sudden and unavoidable failure of air pollution control equipment, process, or process equipment to operate in a normal and usual manner. Failures that are caused by poor maintenance, careless operation, or any other upset condition or equipment breakdown which could have been prevented by the exercise of reasonable care shall not be considered ~~malfunctions~~ a malfunction.

~~200.68~~ 200.66 **MATERIAL PERMIT CONDITION:**

- a. For the purpose of A.R.S. § 49-464(G) and A.R.S. § 49-514(G), a material permit condition shall mean a condition which satisfies all of the following:
- (1) The condition is in a permit or permit revision issued by the Control Officer or by the Director after the effective date of this rule.
 - (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 for the installation or certification of a monitoring device.
 - (c) A requirement for the installation of air pollution control equipment.
 - (d) A requirement for the operation of air pollution control equipment.

(e) An opacity standard required by Section 111 (Standards of Performance for New Stationary Sources) of the Act or Title I (Air Pollution Prevention and Control), Part C or D, of the Act.

(4) **b.** Violation of the condition is not covered by Subsections (A) through (F) or (H) through (J) of A.R.S. § 49-464 or Subsections (A) through (F) or (H) through (J) of A.R.S. § 49-514.

b. **c.** For the purpose of Section ~~200.72~~ 200.66(a)(3)(c), (d), and (e) of this rule, a permit condition shall not be material where the failure to comply resulted from circumstances which were outside the control of the source.

~~200.69~~ **200.67** **MAXIMUM CAPACITY TO EMIT:** The maximum amount a source is capable of emitting under its physical and operational design without taking any limitations on operations or air pollution controls into account.

~~200.70~~ **200.68** **METHOD OF OPERATION:** The definition of “method of operation” is ~~included in~~ defined the same as the definition of “operation” ~~of in~~ in this rule.

~~200.74~~ **200.69** **MINOR NSR MODIFICATION:** Any of the following changes, ~~that do if the change~~ does not qualify as meet the definition of a “Major Source” or “Major Modification”:

- a.** Any physical change in or change in the method of operation of an emission unit or a stationary source that either:
 - (1) Increases the potential to emit of a regulated minor NSR pollutant by an amount greater than or equal to the minor NSR modification threshold, or
 - (2) Results in the potential to emit of a regulated minor NSR pollutant not previously emitted by such emission unit or stationary source in an amount greater than or equal to the minor NSR modification threshold for that pollutant.
- b.** Construction of one or more new emissions units that have the potential to emit regulated minor NSR pollutants at an amount greater than or equal to the minor NSR modification threshold.
- c.** A change covered by Sections ~~200.74~~ 200.69(a) or (b) of this rule constitutes a minor NSR modification regardless of whether there will be a net decrease in total source emissions or a net increase in total source emissions that is less than the minor NSR modification threshold as a result of decreases in the potential to emit of other emission units at the same stationary source.
- d.** For the purpose of this definition, the following do not constitute a physical change or change in the method of operation:
 - (1) A change consisting solely of the construction of, or changes to, a combination of emissions units qualifying as an insignificant activity.
 - (2) For a stationary source that is required to obtain a Non-Title V permit under Rule 200 of these rules and that is subject to source-wide emissions caps under Rule 201 of these rules, a change that will not result in the violation of the existing emissions cap for that regulated minor NSR pollutant.
 - (3) Replacement of an existing emission unit by a an emission unit with a potential to emit regulated minor NSR pollutants that is less than or equal to the potential to

emit of the existing emission unit, provided the replacement does not cause an increase in emissions at other emission units at the stationary source or emit any new pollutant above the permitting thresholds. ~~A~~ An emission unit installed under this provision is subject to any limits applicable to the emission unit it replaced.

- (4) Routine maintenance, repair, and replacement.
- (5) 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 to 825r.
- (6) Use of an alternative fuel by reason of an order or rule under Section 125 of the Act.
- (7) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.
- (8) Use of an alternative fuel or raw material by a stationary source that either:
 - (a) The source was capable of accommodating before December 12, 1976, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Rules 210, 220, 240, or 241 of these rules; or
 - (b) The source is approved to use under any permit issued under 40 CFR 52.21, or under Rules 210, 220, or 240 these rules.
- (9) An increase in the hours of operation or in the production rate, ~~unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Rules 210, 220, 240, or 241 of these rules~~ is not considered an operational change unless such increase is prohibited under any permit condition that is legally and practically enforceable by the MCAQD.
- (10) Any change in ownership at a stationary source.

e. For purposes of this definition:

- (1) “Potential to emit” means the lower of a stationary source’s or emission unit’s potential to emit or its allowable emissions.
- (2) In determining potential to emit, the fugitive emissions of a stationary source shall not be considered unless the source belongs to a section 302(j) category.
- (3) All of the roadways located at a stationary source constitute a single emissions unit.

f. ~~Minor NSR Modification Threshold: For the purpose of this definition, “minor NSR modification threshold” is defined as: For a regulated minor NSR pollutant, the following applies:~~

Pollutant	Maximum Capacity To Emit Emission Rate In Tons Per Year (TPY)
PM _{2.5}	7.5 (primary emissions only; levels for precursors are set below)

PM ₁₀	7.5
SO ₂	20
NO _x	20
VOC	20
CO	50
Pb	0.3

200.70 MINOR NSR MODIFICATION THRESHOLD: For each regulated minor NSR pollutant, the following emission thresholds apply for the proposed change:

Pollutant	Potential To Emit In Tons Per Year (TPY)
PM _{2.5}	5.0 (primary emissions only; levels for precursors are set below)
PM ₁₀	7.5
SO ₂	20
NO _x	20
VOC	20
CO	50
Pb	0.3

~~200.72~~ **200.71 MOBILE SOURCE:** Any combustion engine, device, machine or equipment that operates during transport and that emits or generates air contaminants whether in motion or at rest. This definition does not include auxiliary engines that are not used to propel the device, machine or equipment.

~~200.73~~ **200.72 MODIFICATION:** A physical change in or a change in the method of operation of a source which increases the actual emissions of any regulated air pollutant emitted by such source ~~by more than any relevant de minimis amount,~~ or which results in the emission of any regulated air pollutant not previously emitted, ~~by more than such de minimis amount.~~ An increase in emissions at a minor source shall be determined by comparing the source's potential to emit before and after the modification. The following exemptions apply:

- a. A physical or operational change does not include routine maintenance, repair or replacement.
- b. An increase in the hours of operation or if the production rate is not considered an operational change unless such increase is prohibited under any permit condition that is legally and practically enforceable by the ~~department~~ MCAQD.
- c. A change in ownership at a source is not considered a modification.

200.73 MOTOR VEHICLE: Any self-propelled vehicle designed for transporting persons or property on public highways.

~~200.74~~ **200.74 NATIONAL AMBIENT AIR QUALITY STANDARD (NAAQS):** The ambient air pollutant concentration limits established by the administrator pursuant to Section 109 of the Clean Air Act.

~~200.75~~ **200.75** **NET EMISSIONS INCREASE:** For the purpose of Rule 240, Sections 305 and 306 of these rules, a net emissions increase shall be defined by the federal regulations incorporated by reference. For the purpose of Rule 220 of these rules, a net emissions increase shall be an emissions increase for a particular modification plus any other increases and decreases in actual emissions at the facility that are creditable and contemporaneous with the particular modification where:

- a. A creditable increase or decrease in actual emissions is contemporaneous with a particular modification if it occurs between the date five (5) years before a complete application for a permit or permit revision authorizing the particular change is submitted or actual construction of the particular change begins, whichever occurs earlier, and the date that the increase from the particular change occurs.” Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.
- b. A decrease in actual emissions is creditable only if it satisfies the requirements for emission reduction credits in Rule 204 of these rules and has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular modification, and is federally enforceable at and after the time that construction of the modification commences.

~~200.76~~ **200.76** **NEW SOURCE:** A source for which construction has not commenced before the effective date of an applicable rule or standard to which a source is subject.

~~200.77~~ **200.77** **NEW SOURCE PERFORMANCE STANDARDS (NSPS):** Standards adopted by the Administrator under Section 111(b) of the Act.

~~200.78~~ **200.78** **NITROGEN OXIDES (NO_x):** All oxides of nitrogen except nitrous oxide, as measured by test methods set forth in the Appendices to 40 CFR Part 60.

~~200.79~~ **200.79** **NONATTAINMENT AREA:** An area so designated by the Administrator, acting under Section 107 (Air Quality Control Regions) of the Act, as exceeding national primary or secondary ambient air standards for a particular pollutant or pollutants.

~~200.80~~ **200.80** **NON-PRECURSOR ORGANIC COMPOUND:** Any of the organic compounds that have been designated by the EPA as having negligible photochemical reactivity ~~as listed in Appendix G of these rules~~ as listed in 40 CFR 51.100(s).

200.81 **NONROAD INTERNAL COMBUSTION (IC) ENGINE:**

- a. Equipment that meets the following requirements are nonroad IC engines:
 - (1) An internal combustion engine that is (or will be) used in or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes, and bulldozers); or
 - (2) An internal combustion engine that is (or will be) used in or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or
 - (3) An internal combustion engine that by itself or in or on a piece of equipment is portable or transportable, meaning designed to be and capable of being carried or

moved from one location to another. Indicia of transportability include but are not limited to, wheels, skids, carrying handles, dollies, trailers, or platforms.

b. The following are not nonroad IC engines:

- (1) An engine used to propel a motor vehicle, an aircraft, or equipment used solely for competition; or
- (2) An engine regulated by a federal New Source Performance Standard promulgated under Section 111 of the Act; or
- (3) An engine otherwise included in Section 200.81(a)(3) of this rule that remains or will remain at a location for more than 12 consecutive months. Any engine (or engines) that replace(s) an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. This paragraph does not apply to an engine after the engine is removed from the location.
- (4) An engine otherwise included in Section 200.81(a)(3) of this rule that remains or will remain at a seasonal source during the full annual operating period of the seasonal source. Any engine (or engines) that replace(s) an engine at a seasonal source and is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. This paragraph does not apply to an engine after the engine is removed from the location.

200.82 OFF-SPECIFICATION USED OIL: Used oil which exceeds any of the allowable levels in 40 CFR 279.11.

200.83 ON-SPECIFICATION USED OIL: Used oil that is not off-specification used oil.

~~200.81~~ **200.84 OPEN OUTDOOR FIRE:** Any combustion of material of any type of material outdoors, where the products of combustion are not directed through a flue.

~~200.82~~ **200.85 OPERATION:** Any physical action resulting in a change in the location, form, or physical properties of a material, or any chemical action resulting in a change in the chemical composition or properties of a material.

~~200.83~~ **200.86 ORGANIC COMPOUND:** Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

~~200.84~~ **200.87 ORGANIC LIQUID:** Any organic compound which exists as a liquid under any actual conditions of use, transport, or storage. For the purposes of these rules, gasoline is not considered an organic liquid.

200.88 ORGANIC SOLVENT: Any liquid composed wholly or in part of a carbon compound which is capable of dissolving another substance or carrying it in suspension.

~~200.85~~ **200.89 OWNER OR OPERATOR:** Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source.

~~200.86~~ **200.90 PARTICULATE MATTER:** Any material, except condensed water containing no more than analytical trace amounts of other chemical elements or compounds, which has a nominal aerodynamic diameter smaller than 100 microns (micrometers) and which exists in a finely divided form as a liquid or solid at actual conditions.

~~200.87~~ **200.91 PERMITTING AUTHORITY:** The department MCAQD or a County department, agency, or air pollution control district that is charged with enforcing a permit program adopted under A.R.S. § 49-480, Subsection A.

~~200.88~~ **200.92 PERMITTING THRESHOLD:** The stationary source emission rate at which a permit or permit revision is required. For a each regulated air pollutant, the following applies emission thresholds apply:

Pollutant	Maximum Capacity Potential to Emit Emission Rate in Tons Per Year (TPY)
PM _{2.5}	0.5 (primary emissions only; levels for precursors are set below)
PM ₁₀	0.5
SO ₂	1.0
NO _x	1.0
VOC	0.5
CO	1.0
Pb	0.3
Single HAP (other than Pb)	0.5
Total HAPs	1.0
Any other regulated air pollutant	1.0

~~200.89~~ **200.93 PERSON:** Any individual, public or private corporation, company, partnership, firm, association or society of persons, the Federal Government and any of its departments or agencies, or the State and any of its agencies, departments or political subdivisions, as well as a natural person.

~~200.90~~ **200.94 PLANNING AGENCY:** An organization designated by the governor pursuant to 42 U.S.C. 7504.

200.95 PLUME: Visible effluent.

~~200.91~~ **200.96 PM_{2.5}:** Particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 microns (micrometers), as measured by the applicable State and Federal Reference Test Methods.

~~200.92~~ **200.97 PM₁₀:** Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 microns (micrometers), as measured by the applicable State and Federal Reference Test Methods.

~~200.93~~ **200.98 POLLUTANT:** An air contaminant the emissions or ambient concentration of which is regulated under these rules.

~~200.94~~ **200.99 PORTABLE SOURCE:** Any stationary source that is capable of being transported and operated in more than one county of this state.

~~200.95~~ **200.100 POTENTIAL TO EMIT (PTE):** The maximum capacity of a stationary source to emit pollutants, excluding secondary emissions, under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design, if the limitation or the effect it would have on emissions is legally and practically enforceable by any rule, ordinance, order or permit adopted or issued under A.R.S. Title 49, Chapter 3 or the state implementation plan.

200.101 PROCESS: One or more operations, including equipment and technology, used in the production of good or services or the control of by-product or waste.

~~200.96~~ **200.102 PROPOSED PERMIT:** The version of a permit for which the Control Officer offers public participation under Rule 210-Title V Permit Provisions or Rule 220-Non-Title V Permit Provisions of these rules or offers affected State review under Rule 210-Title V Permit Provisions of these rules.

~~200.97~~ **200.103 PROPOSED FINAL PERMIT / PROPOSED FINAL PERMIT REVISION:** The version of a Non-Title V permit or permit revision that the Control Officer proposes to issue in compliance with Rule 220-Non-Title V Permit Provisions of these rules or a Title V permit or permit revision that the Control Officer proposes to issue and forwards to the Administrator for review, in compliance with Rule 210-Title V Permit Provisions of these rules. A proposed final permit/proposed final permit revision constitutes a final and enforceable authorization to begin actual construction of, but not to operate, a new Title V source or a modification to a Title V source.

~~200.98~~ **200.104 PUBLIC NOTICE THRESHOLD:** For a each regulated air pollutant, the following ~~applies~~ emission thresholds apply:

Pollutant	Public Notice Threshold TPY (New or Permit Renewals PTE)	Public Notice Threshold TPY (PTE to PTE Emission Increase)
VOC	25	25
NO _x	25	25
SO ₂	25	25
PM ₁₀	7.5	7.5
PM _{2.5}	5.0 (primary emissions only; levels for precursors are set above)	5.0
CO	50	50
Pb	0.3	0.3
Any Single HAP	5.0	5.0
Total HAPs	12.5	12.5

~~200.99~~ **200.105 QUANTIFIABLE:** With respect to emissions, including the emissions involved in equivalent emission limits and emission trades, capable of being measured or otherwise determined in terms of quantity and assessed in terms of character. Quantification may be based on emission factors, stack tests, monitored values, operating rates and averaging times,

materials used in a process or production, modeling, or other reasonable measurement practices.

~~200.100~~ **REACTIVATION OF A VERY CLEAN COAL-FIRED ELECTRIC UTILITY STEAM GENERATING UNIT:** Any physical change or change in the method of operation, associated with commencing commercial operations by a coal-fired utility unit after a period of discontinued operation, if the unit:

- ~~a.~~ Has not been in operation for the 2-year period before enactment of the Clean Air Act Amendments of 1990 and the emissions from the unit continue to be carried in the Maricopa County emissions inventory at the time of enactment;
- ~~b.~~ Was equipped before shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85% and a removal efficiency for particulates of no less than 98%;
- ~~c.~~ Is equipped with low nitrogen oxides (NO_x) burners before commencement of operations following reactivation; and
- ~~d.~~ Is otherwise in compliance with the Act.

~~200.101~~ **200.106 REASONABLE FURTHER PROGRESS:** The schedule of emission reductions defined within a nonattainment area plan as being necessary to come into compliance with a national ambient air quality standard by the primary standard attainment date.

~~200.102~~ **200.107 REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT):** For facilities subject to Regulation III-Control Of Air Contaminants of these rules, the emissions limitation of the existing source performance standard. For facilities not subject to Regulation III-Control Of Air Contaminants of these rules, the lowest emission limitation that a particular source is capable of achieving by the application of control technology that is reasonably available considering technological and economic feasibility. Such technology may previously have been applied to a similar, but not necessarily identical, source category. RACT for a particular facility, other than a facility subject to Regulation III-Control Of Air Contaminants of these rules, is determined on a case-by-case basis, considering the technological feasibility and cost-effectiveness of the application of the control technology to the source category.

- ~~a.~~ For facilities subject to Regulation III (Control of Air Contaminants) of these rules, the emissions limitations that are applicable to an emission unit at the time the permit is issued.
- ~~b.~~ For facilities not subject to Regulation III (Control of Air Contaminants) of these rules, the lowest emission limitation that a particular source is capable of achieving by the application of control technology that is reasonably available considering technological and economic feasibility. Such technology may previously have been applied to a similar, but not necessarily identical, source category.
- ~~c.~~ RACT for a particular facility, other than a facility subject to Regulation III (Control of Air Contaminants) of these rules, is determined on a case-by-case basis, considering the technological feasibility and cost-effectiveness of the application of the control technology to the source category.

~~200.103~~ **200.108 REFERENCE METHOD:** Any of the methods of sampling and analyzing for an air pollutant as described in the Arizona Testing Manual for Air Pollutant Emissions; 40 CFR

50, Appendices A through ~~E~~ K; 40 CFR 51, Appendix M; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C, ~~as incorporated by reference in Appendix G of these rules.~~

~~200.104~~ **200.109 REGULATED AIR POLLUTANT:** Any of the following:

- a. Any conventional air pollutant.
- ~~b. Nitrogen oxides (NO_x) and volatile organic compounds (VOCs).~~
- e. **b.** Any air contaminant that is subject to a standard promulgated under Section 111 (Standards of Performance for New Stationary Sources) of the Act or under Section 112 (National Emission Standards for Hazardous Air Pollutants) of the Act.
- ~~c.~~ **c.** Any Class I or II substance listed in Section 602 (Stratospheric Ozone Protection; Listing of Class I and Class II Substances) of the Act.
- d.** For the purpose of this definition, greenhouse gases shall not be considered a regulated air pollutant.

~~200.105~~ **200.110 REGULATED MINOR NSR POLLUTANT:** Any pollutant for which a national ambient air quality standard has been promulgated and the following precursors for such pollutants:

- a. VOC and nitrogen oxides as precursors to ozone.
- b. Nitrogen oxides and sulfur dioxide as precursors to PM_{2.5}. If a PM_{2.5} nonattainment area is designated in Maricopa County, then VOC and ammonia are also PM_{2.5} precursors in that nonattainment area.

~~200.106~~ **200.111 REGULATED NSR POLLUTANT:** A pollutant as defined in Rule 240-Federal Major New Source Review (NSR) of these rules.

~~200.107~~ **200.112 REGULATORY REQUIREMENTS:** All applicable requirements, ~~department~~ MCAQD rules, and all State requirements pertaining to the regulation of air contaminants.

~~200.108~~ **200.113 REPLICABLE:** With respect to methods or procedures sufficiently unambiguous such that the same or equivalent results would be obtained by the application of the method or procedure by different users.

~~200.109~~ **REPOWERING:** ~~The Control Officer shall give expedited consideration to permit applications for any source that satisfies the following criteria and that is granted an extension under Section 409-Repowered Sources of the Act:~~

- a. ~~Repowering means replacing an existing coal-fired boiler with one of the following clean coal technologies:~~
 - ~~(1) Atmospheric or pressurized fluidized bed combustion;~~
 - ~~(2) Integrated gasification combined cycle;~~
 - ~~(3) Magnetohydrodynamics;~~
 - ~~(4) Direct and indirect coal-fired turbines;~~
 - ~~(5) Integrated gasification fuel cells; or~~
 - ~~(6) As determined by the Administrator, in consultation with the United States Secretary of Energy, a derivative of one or more of the above listed technologies; and~~

~~(7) Any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.~~

~~b. Repowering also includes any oil, gas, or oil and gas-fired units which have been awarded clean coal technology demonstration funding as of January 1, 1991 by the United States Department of Energy.~~

~~200.110~~ **200.114 RESPONSIBLE OFFICIAL:** One of the following:

a. For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either;

(1) The sources employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

(2) The delegation of authority to such representatives is approved in advance by the permitting authority;

b. For a partnership or sole proprietorship: A general partner or the proprietor, respectively;

c. For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purpose of this rule, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator); or

d. For affected sources:

(1) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV-Acid Deposition Control of the Act or the regulations promulgated thereunder are concerned; and

(2) The designated representative for any other purposes under 40 CFR Part 70.

~~200.111~~ **200.115 SCHEDULED MAINTENANCE:** Preventive maintenance undertaken in order to avoid a potential breakdown or upset of air pollution control equipment.

~~200.112~~ **200.116 SCREENING MODEL:** Air dispersion modeling performed with screening techniques in accordance with 40 CFR 51, Appendix W as of July 1, 2019 (and no future amendments or additions).

200.117 SEASONAL SOURCE: A stationary source that remains in a single location on a permanent basis, i.e., at least two years, and that operates at that single location approximately three months (or more) each year.

~~200.113~~ **200.118 SECTION 302(J) CATEGORY:**

a. Any of the classes of sources listed in the definition of “categorical sources” of this rule; or

- b. Any category of affected facility which, as of August 7, 1980, is being regulated under Sections 111 or 112 of the Act.

~~200.114~~ **200.119 SIGNIFICANT:**

- a. In reference to a significant emissions increase, a significant net emissions increase, or a stationary source's potential to emit:

- (1) A rate of emissions of conventional pollutants that would equal or exceed any of the following:

Pollutant	Emissions Rate (TPY)
Carbon Monoxide	100
Nitrogen Oxides	40
Sulfur Dioxide	40
PM ₁₀	15
PM _{2.5}	10 tpy of direct primary PM _{2.5} emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide emissions.
Ozone	40 tpy of VOC or nitrogen oxides
Lead	0.6

- (2) For purposes of determining the applicability of Rule 220 ~~or Rule 240, Section 305~~ of these rules, a rate of emissions of non-conventional pollutants that would equal or exceed any of the following:

Pollutant	Emissions Rate (TPY)
Particulate Matter	25
Fluorides	3
Sulfuric Acid Mist	7
Hydrogen Sulfide (H ₂ S)	10
Total Reduced Sulfur (including hydrogen sulfide)	10
Reduced Sulfur Compounds (including hydrogen sulfide)	10
Municipal waste combustor organics (measured as total tetra-through-octa-chlorinated: dibenzo-p-dioxins and dibenzofurans)	3.5 x 10 ⁻⁶
Municipal waste combustor metals (measured as particulate matter)	15
<u>Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)</u>	<u>40</u>
Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50
Any pollutant subject to regulation not specifically listed in this section of this definition or in Section 200.114 200.119 (a)(1) of this rule	Any emission rate

- b. In ozone nonattainment areas classified as serious or severe, the emission rate for nitrogen oxides or VOC determined under Rule 240-Federal Major New Source Review (NSR) of these rules.
- c. In a carbon monoxide nonattainment area classified as serious, a rate of emissions that would equal or exceed 50 tons per year, if the Administrator has determined that stationary sources contribute significantly to carbon monoxide levels in that area.
- d. In PM_{2.5} nonattainment areas, an emission rate that would equal or exceed 40 tons per year of VOC or ammonia as precursor or precursors of PM_{2.5}.
- e. Notwithstanding the emission rates listed in Section ~~200.114~~ 200.119(a)(1) or (2) of this rule, for purposes of determining the applicability of Rule 240, Section 305 of this rule, any emissions rate or any net emissions increase associated with a major source or major modification, which would be constructed within 10 kilometers (6.2 miles) of a Class I area and have an impact on the ambient air quality of such area equal to or greater than 1 microgram/cubic meter (µg/m³) (24-hour average).

200.120 SMOKE: Particulate matter resulting from incomplete combustion.

~~200.115~~ **200.121 SOLVENT-BORNE COATING MATERIAL:** Any liquid coating-material in which the solvent is primarily or solely a VOC. For the purpose of this definition, “primarily” means that of the total solvent mass that evaporates from the coating, the VOC portion weighs more than the non-VOC portion.

200.122 SOOT: The carbonaceous particulate product of incomplete combustion which may be a component of smoke.

~~200.116~~ **200.123 SOURCE OR STATIONARY SOURCE:** Any building, structure, facility, or installation, that emits or may emit any regulated air pollutant, that may cause or contribute to air pollution or the use of which may eliminate, reduce or control the emission of air pollution.

~~200.117~~ **200.124 SPECIAL INSPECTION WARRANT:** An order, in writing, issued in the name of the State of Arizona, signed by a magistrate, directed to the Control Officer or his deputies authorizing him to enter into or upon public or private property for the purpose of making an inspection authorized by law.

~~200.118~~ **200.125 STANDARD CONDITIONS:** A temperature of 293K (68 degrees Fahrenheit or 20 degrees Celsius) and a pressure of 101.3 kilopascals (29.92 in. Hg or 1013.25 mb). When applicable, all analyses and tests shall be calculated and reported at standard gas temperatures and pressure values.

~~200.119~~ **200.126 STATE IMPLEMENTATION PLAN (SIP):** The accumulated record of enforceable air pollution control measures, programs and plans adopted by the Director and submitted to and approved by the Administrator pursuant to 42 U.S.C. 7410.

~~200.120~~ **STATIONARY SOURCE:** ~~Any building, structure, facility or installation which emits or may emit any regulated pollutant. “Building,” “structure,” “facility,” or “installation” means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control. Pollutant emitting activities shall be considered as part of the same industrial grouping if they belong to the same “Major Group” as described in the “Standard Industrial Classification Manual”, 1987.~~

~~200.121~~ **200.127 SUBCONTRACTOR:** Any person, firm, partnership, corporation, association, or other organization that conducts work at a site under contract with or under the control or supervision of the owner and/or operator or another subcontractor.

~~200.122~~ **200.128 SYNTHETIC MINOR:** Any source whose maximum capacity to emit a pollutant under its physical and operational design would exceed the major source threshold levels but is restricted by an enforceable emissions limitation that prevents such source from exceeding major source threshold levels.

~~200.123~~ **TEMPORARY CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT:** A clean coal technology demonstration project operated for five years or less and that complies with the applicable implementation plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated.

~~200.124~~ **200.129 TITLE V:** Title V of the Federal Clean Air Act as amended in 1990 and the 40 CFR Part 70 EPA regulations adopted to implement the Act.

~~200.125~~ **200.130 TOTAL REDUCED SULFUR (TRS):** The sum of the sulfur compounds, primarily hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, that are released during kraft pulping and other operations and measured by Method 16 in 40 CFR 60, Appendix A.

~~200.126~~ **200.131 TRADE SECRETS:** Information to which all of the following apply:

- a. A person has taken reasonable measures to protect from disclosure and the person intends to continue to take such measures.
- b. The information is not, and has not been, reasonably obtainable without the person's consent by other persons, other than governmental bodies, by use of legitimate means, other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding.
- c. No statute, including A.R.S. § 49-487, specifically requires disclosure of the information to the public.
- d. The person has satisfactorily shown that disclosure of the information is likely to cause substantial harm to the business's competitive position.

~~200.127~~ **200.132 TRIVIAL ACTIVITY:** For the purpose of this ~~rule definition~~, a trivial activity shall be any activity, process, or emissions unit that, ~~in addition to meeting the criteria for insignificant activity~~, has extremely low emissions. No activity, process, or emissions unit that is conducted as part of a manufacturing process or is related to the source's primary business activity shall be considered trivial. Trivial activities are listed below, ~~and may be omitted from Title V permit applications and from Non-Title V permit applications.~~

- a. ~~General~~ **Mobile Source Combustion Activities:** Combustion emissions from propulsion of mobile sources, except for vessel emissions from outer continental shelf sources.
- b. **Surface Coating and Printing Equipment:** Equipment used for surface coating, painting, dipping or spraying operations, except those that will emit volatile organic compounds (VOC) or hazardous air pollutants (HAPs).
- c. **Cleaning Equipment:** Laundry activities, except for dry-cleaning and steam boilers.

d. Internal Combustion Equipment:

- (1) Internal combustion (IC) engines used for landscaping purposes.
- (2) Emergency (backup) electrical generators at residential locations.

e. Testing and Monitoring Equipment:

- (1) Routine calibration and maintenance of laboratory equipment or other analytical instruments.
- (2) Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.
- (3) Hydraulic and hydrostatic testing equipment.
- (4) Environmental chambers not using HAP gases.
- (5) Shock chambers.
- (6) Humidity chambers.
- (7) Solar simulators.
- (8) Vents from continuous emissions monitors and other analyzers.

f. Office Equipment:

- (1) Air-conditioning units used for human comfort that do not have applicable requirements under Title VI of the Act.
- (2) Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process.
- (3) Consumer use of office equipment and products, not including printers or businesses primarily involved in photographic reproduction.
- (4) Bathroom/toilet vent emissions.
- (5) Tobacco smoking rooms and areas.
- (6) Consumer use of paper trimmers/binders.

g. Repair and Maintenance:

- (1) Janitorial services and consumer use of janitorial products.
- (2) Plant maintenance and upkeep activities (e.g., groundskeeping, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, installing insulation, and paving parking lots), provided these activities are not conducted as part of a manufacturing process, are not related to the source's primary business activity, and not otherwise triggering a permit modification. Cleaning and painting activities that are part of plant maintenance qualify only if they are not subject to VOC or HAP control requirements. Asphalt batch plant owners or operators must still get a permit, if otherwise required.
- (3) Repair or maintenance shop activities not related to the source's primary business activity (excluding emissions from surface coating or degreasing (solvent metal cleaning) activities) and not otherwise triggering a permit modification.

h. Storage and Distribution:

- (1) Storage tanks, vessels, containers holding or storing liquid substances that will not emit any VOC or HAPs. ~~Exemptions for storage tanks containing petroleum liquids or other VOCs should be based on size limits and vapor pressure of liquids stored and are not appropriate for this list.~~
- (2) Demineralized water tanks and demineralizer vents.
- (3) Boiler water treatment operations, not including cooling towers.

i. Hand Operated Equipment:

- (1) Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic.
- (2) Hand-held applicator equipment for hot melt adhesives with no VOC in the adhesive formulation.
- (3) Portable electrical generators that can be moved by hand from one location to another. "Moved by hand" means that it can be moved without the assistance of any motorized or non-motorized vehicle, conveyance, or device.
- (4) Air compressors and pneumatically operated equipment, including hand tools.

j. Food Equipment: Non-commercial food preparation.

k. Water and Waste Water Treatment:

- (1) Process water filtration systems and demineralizers.
- (2) Oxygen scavenging (de-aeration) of water.

l. Emergency Equipment:

- (1) Fire suppression systems.
- (2) Emergency road flares.

~~200.129~~ **200.133 UNCLASSIFIED AREA:** An area which the Administrator, because of lack of adequate data, is unable to classify as an attainment or nonattainment area for a specific pollutant. For purposes of these rules, unclassified areas are to be treated as attainment areas.

200.134 USED OIL: Includes oil that has been contaminated as a result of handling, transportation or storage.

200.135 VAPOR: The gaseous form of a substance normally occurring in a liquid or solid state.

200.136 VISIBLE EMISSIONS: Any emissions which are visually detectable without the aid of instruments and which contain particulate matter.

~~200.129~~ **200.137 VOLATILE ORGANIC COMPOUND (VOC):** Any organic compound which participates in atmospheric photochemical reactions, except ~~the~~ non-precursor organic compounds.

200.138 YEAR: For the purpose of determining emissions of a regulated air pollutant, a year shall be defined as any 12-consecutive month period.

SECTION 300 – STANDARDS

- 301 AIR POLLUTION PROHIBITED:** No person shall discharge from any source whatever into the atmosphere regulated air pollutants which exceed in quantity or concentration that specified and allowed in these rules, the A.A.C. or A.R.S., or which cause damage to property, or unreasonably interfere with the comfortable enjoyment of life or property of a substantial part of a community, or obscure visibility, or which in any way degrade the quality of the ambient air below the standards established by the Board of Supervisors or the Director.
- 302 APPLICABILITY OF MULTIPLE RULES:** Whenever more than one standard in this rule applies to any source or whenever a standard in this rule and a standard in the Maricopa County Air Pollution Control Regulations Regulation III (Control of Air Contaminants) applies to any source, the rule or combination of rules resulting in the lowest rate or lowest concentration of regulated air pollutants released to the atmosphere shall apply, unless otherwise specifically exempted or designated.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

- 401 CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS:** Any application form or report submitted under these rules shall contain certification by a responsible official of truth, accuracy, and completeness of the application form or report as of the time of submittal. This certification and any other certification required under these rules shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- 402 CONFIDENTIALITY OF INFORMATION:**
- 402.1** The Control Officer shall make all permits, including all elements required to be in the permit under Rule 210-Title V Permit Provisions of these rules and Rule 220-Non-Title V Permit Provisions of these rules, available to the public.
- 402.2** Any records, reports, or information obtained from any person under these rules shall be available to the public, unless the Control Officer has notified the person in writing as specified in Section 402.3 of this rule and unless a person:
- a.** Precisely identifies the information in the permit(s), records, or reports, which is considered confidential.
 - b.** Provides sufficient supporting information to allow the Control Officer to evaluate whether such information satisfies the requirements related to trade secrets as defined in ~~Section 200.110~~ of this rule.
- 402.3** Within 30 days of receipt of a notice of confidentiality that complies with Section 402.2 of this rule, the Control Officer shall make a determination as to whether the information satisfies the requirements for trade secrets as ~~described in Section 200.110~~ of defined in this rule and so notify the applicant in writing. If the Control Officer agrees with the applicant that the information covered by the notice of confidentiality satisfies the statutory requirements, the Control Officer shall include a notice in the administrative record of the permit application that certain information has been considered confidential.
- 402.4** A claim of confidentiality shall not excuse a person from providing any and all information required or requested by the Control Officer.

402.5 A claim of confidentiality shall not be a defense for failure to provide such information.

403 **COMPLIANCE SCHEDULE FOR NEWLY AMENDED RULE PROVISIONS:** Unless otherwise specified, the newly amended provisions of a rule shall become effective upon the adoption date of the rule. An owner, operator, or person subject to the newly amended rule shall submit a permit application and associated plans as necessary or a permit revision application and associated plans as necessary within 90 days of the adoption date of the newly amended rule.

SECTION 500 – MONITORING AND RECORDS

501 **REPORTING REQUIREMENTS:** The owner or operator of any air pollution source shall maintain records of all emissions testing and monitoring, records detailing all malfunctions which may cause any applicable emission limitation to be exceeded, records detailing the implementation of approved control plans and compliance schedules, records required as a condition of any permit, records of materials used or produced, and any other records relating to the emission of air contaminants which may be requested by the Control Officer.

502 **DATA REPORTING:** When requested by the Control Officer, a person shall furnish to the ~~Department~~ MCAQD information to locate and classify air contaminant sources according to type, level, duration, frequency, and other characteristics of emissions and such other information as may be necessary. This information shall be sufficient to evaluate the effect on air quality and compliance with these rules. The owner or operator of a source requested to submit information under Section 501 of this rule may subsequently be required to submit annually, or at such intervals specified by the Control Officer, reports detailing any changes in the nature of the source since the previous report and the total annual quantities of materials used or air contaminants emitted.

503 **EMISSION STATEMENTS REQUIRED AS STATED IN THE ACT:** ~~Upon request of the Control Officer and as directed by the Control Officer, the~~ The owner or operator of any source which emits or may emit oxides of nitrogen (NO_x) or volatile organic compounds (VOC) shall provide the Control Officer with an emission statement annually, in such form as the Control Officer prescribes, showing measured actual emissions or estimated actual emissions of NO_x and VOC from that source. At a minimum, the emission statement shall contain all information required by the Air Emissions Reporting Requirements in 40 CFR 51, Subpart A, Appendix A, Table 2A, ~~which is incorporated by reference in Appendix G of these rules. The statement shall contain emissions for the time period specified by the Control Officer.~~ The statement shall also contain a certification by a responsible official of the company that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. Statements shall be submitted annually to the ~~Department~~ MCAQD. The Control Officer may waive this requirement for the owner or operator of any source which emits less than 25 tons per year of oxides of nitrogen or volatile organic compounds with an approved emission inventory for sources based on AP-42 or other methodologies approved by the Administrator.

504 **RETENTION OF RECORDS:** Information and records required by applicable requirements and copies of summarizing reports recorded by the owner or operator and submitted to the

Control Officer shall be retained by the owner or operator for five years after the date on which the information is recorded or the report is submitted. Non-Title V sources may retain such information, records, and reports for less than five years, if otherwise allowed by these rules.

505 ANNUAL EMISSIONS INVENTORY REPORT:

- 505.1** Upon request of the Control Officer and as directed by the Control Officer, the owner or operator of a ~~business~~ stationary source shall complete and shall submit to the Control Officer an annual emissions inventory report. The report is due by April 30, or 90 days after the Control Officer makes the inventory form(s) available, whichever occurs later. These requirements apply whether or not a permit has been issued and whether or not a permit application has been filed.
- 505.2** The annual emissions inventory report shall be in the format provided by the Control Officer.
- 505.3** The Control Officer may require submittal of supplemental emissions inventory information forms for air contaminants under A.R.S. § 49-476.01 and A.R.S. § 49-480.03.

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II – PERMITS AND FEES**

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PERMIT REQUIREMENTS**

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Revised 07/13/1988; Repealed and Adopted 11/15/1993; Revised 02/15/1995; Revised 06/19/1996; Revised 05/20/1998; Revised 08/22/2001; Revised 06/06/2007; Revised 03/26/2008; Revised 02/03/2016; **Revised 12/11/2019**

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II – PERMITS AND FEES**

**RULE 200
PERMIT REQUIREMENTS**

SECTION 100 – GENERAL

101 PURPOSE: To provide an orderly procedure for the review of ~~new sources of air pollution and for the modification and operation of existing sources~~ new or modified sources through the issuance of permits.

102 APPLICABILITY: ~~Unless otherwise noted~~ Except as provided in Section 305 of this rule, this rule applies to each source requiring a permit or permit revision, as provided in Section 301 of this rule.

SECTION 200 – DEFINITIONS: ~~For the purpose of this rule, the following definition shall apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definition in this rule takes precedence. See Rule 100-General Provisions and Definitions of these rules for definitions of terms that are used but not specifically defined in this rule.~~

201 GOOD ENGINEERING PRACTICE (GEP) STACK HEIGHT: ~~A stack height meeting the requirements described in Rule 240 (Federal Major New Source Review (NSR)) of these rules.~~

SECTION 300 – STANDARDS

301 PERMITS REQUIRED: Except as otherwise provided in these rules, an owner or operator shall not begin actual construction of, operate, or make a modification to any stationary source ~~subject to regulation under these rules~~ that emits or has the potential to emit any regulated air pollutant greater than or equal to the stationary source permitting thresholds defined in Rule 100 of these rules, without first obtaining a permit or permit revision from the Control Officer. The Maricopa County Air Quality Department issues the following ~~types of~~ permits: Title V permits, Non-Title V permits, General permits, Dust Control permits, and Permits to Burn. The standards and/or requirements for these permits are described in Sections 302, ~~through 305~~ 303, 304, 306, and 308 of this rule. Additional standards, administrative requirements, and monitoring and records requirements for some of these permits are described in individual rules ~~of these rules,~~ as specified in Sections 302, ~~through 305~~ 303, 304, 306, and 308 of this rule.

302 TITLE V PERMIT:

- 302.1** A Title V final permit or, in the case of an existing permitted source, a Title V final permit revision shall be required for an owner or operator to begin actual construction of, to ~~operate~~ modify, or to ~~modify~~ operate any of the following:
- Any major source as defined in Rule 100-General Provisions and Definitions of these rules.
 - Any solid waste incineration unit required to obtain a permit pursuant to Section 129(e) of the Act.
 - Any affected source as defined in Rule 100 of these rules.
 - Any stationary source in a source category designated by the Administrator pursuant to 40 CFR 70.3 and adopted by the Board of Supervisors by rule.

302.2 Notwithstanding the requirements of Sections 301 and 302 of this rule, an owner or operator may begin actual construction, but not operation, of a source requiring a Title V final permit or Title V final permit revision upon the Control Officer's issuance of the proposed final permit or proposed final permit revision.

303 NON-TITLE V PERMIT: Unless a Title V final permit or Title V final permit revision is required, a Non-Title V final permit or, in the case of an existing permitted source, a Non-Title V final permit revision shall be required for:

303.1 An owner or operator to begin actual construction of, modify, or operate any stationary source that emits, or has the ~~maximum capacity potential~~ to emit, ~~or cause the source to emit regulated air pollutants~~ any regulated air pollutant in an amount greater than or equal to the following stationary source permitting thresholds:

Pollutant	Maximum Capacity Potential to Emit Emission Rate in Tons Per Year (TPY)
PM _{2.5} (primary emissions only; levels for precursors are set below)	0.5
PM ₁₀	0.5
SO ₂	1.0
NO _x	1.0
VOC	0.5
CO	1.0
Pb	0.3
Single HAP (other than Pb)	0.5
Total HAPs	1.0
Any other regulated air pollutant	1.0

- 303.2** An owner or operator to begin actual construction of, ~~operate~~ modify, or ~~modify~~ operate any of the following:
- ~~Any source other than a major source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the Act.~~

~~However, a source is not required to obtain a permit solely because it is subject to one of the standards under Section 111 of the Act listed in Sections 303.2(a)(1) and (2) of this rule and meets the criteria under Section 305.7 of this rule. Any stationary source that is subject to a standard, limitation or other requirement under Section 111 of the Act. However, a source that is subject to the standards in Sections 303.2(a)(1) or (2) of this rule and has a potential to emit less than the permitting thresholds in Section 303.1 of this rule is not required to obtain a Non-Title V permit.~~

- ~~(1) 40 CFR 60, Subpart IIII (Stationary Compression Ignition Internal Combustion Engines).~~
- ~~(2) 40 CFR 60, Subpart JJJJ (Stationary Spark Ignition Internal Combustion Engines).~~

- ~~b. Any source other than a major source, including an area source, subject to a standard or other requirement pursuant to Section 112 of the Act. However, a source is not required to obtain a permit solely because it is subject to Section 112(r) of the Act or as specified below: Any stationary source, including an area source, that is subject to a standard, limitation or other requirement under Section 112 of the Act. However, a source that is subject to the standards under Section 112(r) of the Act or a source that is subject to the standards in Sections 303.2(b)(1) through (5) of this rule and has a potential to emit less than the permitting thresholds in Section 303.1 of this rule is not required to obtain a Non-Title V permit.~~

~~(1) If a source is subject to one of the standards under Section 112 of the Act listed in Sections 303.2(b)(1)(a) through (d) of this rule and has a maximum capacity to emit less than the permitting thresholds in Section 303.1 of this rule:~~

~~(a) 40 CFR 61.145.~~

- ~~(b) (1) 40 CFR 63, Subpart WWWW (Ethylene Oxide Sterilizers).~~
- ~~(c) (2) 40 CFR 63, Subpart HHHHHH (Paint Stripping and Miscellaneous Surface Coating Operations).~~

~~(d) A regulation or requirement under Section 112(r) of the Act.~~

~~(2) If a source is subject to one of the standards under Section 112 of the Act listed in Sections 303.2(b)(2)(a) through (c) of this rule and meets the criteria under Sections 305.4, 305.7, or 305.9 of this rule as applicable:~~

- ~~(a) (3) 40 CFR 63, Subpart ZZZZ (Reciprocating Internal Combustion Engines).~~
- ~~(b) (4) 40 CFR 63, Subpart CCCCCC (Gasoline Distribution).~~
- ~~(c) (5) 40 CFR 63, Subpart JJJJJJ (Industrial, Commercial, and Institutional Boilers Area Sources), published at 76 FR 15554 (March 21, 2011).~~

304 GENERAL PERMIT: An owner or operator of a source, which is a member of a facility class regulated by a General permit developed and issued pursuant to Rule 230-General

Permits of these rules, may apply for an authority to operate under the General permit in lieu of applying for an individual source permit.

304.1 ~~An owner or operator of a source may apply for a General permit to commence construction of, to operate, or to modify a source that is a member of a facility class for which a General permit has been developed pursuant to Rule 230 of these rules. The provisions of Rule 230 of these rules shall apply to General permits, except as otherwise provided in Rule 230 of these rules.~~

304.2 ~~An owner or operator of a source, which is a member of the class of facilities covered by a General permit, may apply for an authority to operate under the General permit in lieu of applying for a Non-Title V permit or a Title V permit.~~

305 EXEMPTIONS: ~~The activities listed in Sections 305.1 through 305.10 of this rule shall be exempt from obtaining a permit. However, any single or combination of the following activities, except those activities listed in Sections 305.1 and 305.2 of this rule, that emit more than 0.5 ton per year of hazardous air pollutants (HAPs) or more than two tons per year of a regulated air pollutant shall require a permit. Any activity that is exempt from obtaining a permit according to this rule shall still comply with all other applicable requirements of these rules.~~

305.1 ~~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:~~

- ~~a. Sources subject to 40 CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters.~~
- ~~b. Sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR 61.145 or 40 CFR 61.150.~~
- ~~e. Agricultural equipment used in normal farm operations. Agricultural equipment used in normal farm operations, for the purposes of this rule, does not include equipment that would be classified as a source that would require a permit under Title V of the Act, or would be subject to a standard under 40 CFR parts 60, or 61.~~

305.2 The following activities or equipment shall not require a permit. Any activity that is exempt from obtaining a permit shall still comply with all other applicable requirements. As applicable, sufficient records based on throughput or hours of operation shall be maintained to substantiate the applicability of any exemption.

- a. Trivial activities, as defined in Rule 100-General Provisions and Definitions of these rules
- b. Insignificant activities, as defined in Rule 100-General Provisions and Definitions of these rules
- c. Application equipment and processes used exclusively to apply coatings to stationary structures and/or their appurtenances at the site of installation, to portable buildings including mobile homes at the site of installation, to pavement or to curbs, excluding asphalt kettles.
- d. Flame cultivation in agricultural activities, provided all of the following provisions are met:

- (1) A flame is used to expose weeds to 2000°F for approximately 0.1 second to vaporize the water in the plant cells destroying the photosynthesis process; the process is not intended to burn the plant material.
- (2) The equipment has an aggregated input capacity of less than 2,000,000 Btu per hour.
- (3) The fuel used is liquefied propane.
- (4) The resulting flame desiccates and does not combust the plant material without continued application of the flame.
- e. Any natural gas and/or liquefied petroleum gas-fired emission unit rated less than 300,000 Btu per hour.
- f. Any internal combustion (IC) engine operated as a nonroad IC engine.
- g. Hydroblasting/pressure washing.
- h. Any laboratory fume hood or vent provided such equipment is used exclusively for the purpose of teaching, research or quality control.
- i. Fugitive emissions from agricultural equipment used in normal farm operations. For the purposes of this exemption, agricultural equipment used in normal farm operations shall not include:
 - (1) Equipment that would otherwise require a permit under Title V of the Act;
or
 - (2) Equipment that is subject to a standard under 40 CFR parts 60, 61 or 63.

305.2 Trivial activities

305.3 Food Processing Equipment:

- ~~a. Any confection cooker and associated venting or control equipment cooking edible products intended for human consumption.~~
- ~~b. Any oven in a food processing operation where less than 1,000 pounds of product are produced per day of operation.~~

305.4 General Combustion Activities:

- ~~a. All natural gas and/or liquefied petroleum gas-fired pieces of equipment over 300,000 BTU per hour, only if the input capacities added together are less than 2,000,000 BTU per hour, the emissions come from fuel burning, and the equipment is used solely for heating buildings for personal comfort or for producing hot water for personal use.~~
- ~~b. Any oil fueled heating piece of equipment (except off spec. oil) with a maximum rate input capacity or an aggregate input capacity of less than:

 - ~~(1) 500,000 BTU/hour if only emissions came from fuel burning, or~~
 - ~~(2) 1,000,000 BTU/hour if only emissions came from fuel burning and the equipment is used solely for heating buildings for personal comfort or for producing hot water for personal use.~~~~

- 305.5 ~~Surface Coating and Printing Equipment: Any equipment or activity using no more than 300 gallons per year of surface coating or any combination of surface coating and solvent, which contains either VOC or hazardous air pollutants (HAPs) or both.~~
- 305.6 ~~Solvent Cleaning Equipment: Any non-vapor cleaning machine (degreaser) or dip-tank having a liquid surface area of 1 square foot (0.09 square meters) or less, or having a maximum capacity of 1 gallon (3.79 liters) or less.~~
- 305.7 ~~Internal Combustion (IC) Equipment:~~
- a. ~~IC engine-driven compressors, IC engine-driven electrical generator sets, and IC engine-driven water pumps used only for emergency replacement or standby service (including testing of same), not exceed 4,000 pounds of NO_x or CO at 500 hours of operation per year.~~
 - b. ~~Any piston-type IC engine with a manufacturer's maximum continuous rating of no more than 50 brake horsepower (bhp).~~
- 305.8 ~~Laboratories and Pilot Plants: Lab equipment used exclusively for chemical and physical analyses.~~
- 305.9 ~~Storage and Distribution:~~
- a. ~~Chemical or petroleum storage tanks or containers that hold 250 gallons or less and would have emissions of a regulated air pollutant.~~
 - b. ~~Any emissions unit, operation, or activity that handles or stores no more than 12,000 gallons of a liquid with a vapor pressure less than 1.5 psia.~~
 - c. ~~Any equipment used exclusively for the storage of unheated organic material with: (1) an initial boiling point of 150° Centigrade (C) (302° Fahrenheit (F)) or greater, as determined by ASTM D1078-11; or (2) a vapor pressure of no more than 5 millimeters mercury (mmHg) (0.1 pound per square inch (psi) absolute), as determined by ASTM D2879-11.~~
 - d. ~~Any equipment with a capacity of no more than 4,200 gallons (100 barrels) used exclusively to store oil with specific gravity 0.8762 or higher (30° API or lower), as measured by API test method 2547 or ASTM D1298-12b.~~
 - e. ~~Any equipment used exclusively for the storage of liquefied gases in unvented pressure vessels, except for emergency pressure-relief valves.~~
 - f. ~~Any equipment used exclusively to compress or hold dry natural gas. Any ICE or other equipment associated with the dry natural gas should not be considered an insignificant activity, unless such ICE or other equipment independently qualifies as an insignificant activity.~~
 - g. ~~Any equipment used exclusively for the storage of fresh, commercial, or purer grade of: (1) sulfuric or phosphoric acid with acid content of no more than 99% by weight; or (2) nitric acid with acid content of no more than 70% by weight.~~
- 305.10 ~~Miscellaneous Activities:~~
- a. ~~Any blast cleaning equipment using a suspension of abrasive material in water and the control equipment venting such blast cleaning equipment.~~

- b. ~~Cooling towers: Any water cooling tower which: (1) has a circulation rate of less than 10,000 gallons per minute; and (2) is not used to cool process water, water from barometric jets, or water from barometric condensers.~~
- e. ~~Batch mixers with rated capacity of 5 cubic feet or less.~~
- d. ~~Wet sand and gravel production facilities that obtain material from subterranean and subaqueous beds, whose production rate is 200 tons per hour or less, and whose permanent in-plant roads are paved and cleaned to control dust. This does not include activities in emissions units, which are used to crush or grind any non-metallic minerals.~~
- e. ~~Any brazing, soldering, welding, or cutting torch equipment used in manufacturing and construction activities and with the potential to emit hazardous air pollutant (HAP) metals, provided the total emissions of HAPs do not exceed 0.5 ton per year.~~
- f. ~~Hand-held or manually operated equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning of ceramic art work, precision parts, leather, metals, plastics, fiberboard, masonry, carbon, glass, or wood.~~
- g. ~~Any aerosol can puncturing or crushing operation that processes less than 500 cans per day provided such operation uses a closed loop recovery system.~~
- h. ~~Any laboratory fume hood or vent provided such equipment is used exclusively for the purpose of teaching, research, or quality control.~~

306 DUST CONTROL PERMIT: A Dust Control permit shall be required before a person, including but not limited to, the property owner, lessee, developer, responsible official, Dust Control permit applicant (who may also be the responsible party contracting to do the work), general contractor, prime contractor, supervisor, management company, or any person who owns, leases, operates, controls, or supervises a dust-generating operation subject to the requirements of Rule 310 of these rules, causes, commences, suffers, allows, or engages in any dust-generating operation that disturbs a total surface area of 0.10 acre (4,356 square feet) or more. The provisions of Rule 310 of these rules shall apply to Dust Control permits, ~~except as otherwise provided in Rule 310 of these rules.~~

307 SUBCONTRACTOR REGISTRATION:

- 307.1** A subcontractor who is engaged in dust-generating operations at a site that is subject to a Dust Control permit issued by ~~a~~ the Control Officer and that requires control of PM₁₀ emissions from dust-generating operations shall register with the Control Officer by submitting information in the manner prescribed by the Control Officer. The Control Officer shall issue a registration number after payment of the fee. The Control Officer may establish and assess a fee for the registration based on the total cost of processing the registration and issuance of a registration number.
- 307.2** The subcontractor shall have its registration number readily accessible on-site while conducting any dust-generating operations. The subcontractor's registration number must be visible and readable by the public without having to be asked by the public (e.g., included/posted in a sign that is visible on the subcontractor's vehicle or

equipment, included/posted on a sign that is visible in the window of the subcontractor's vehicle or equipment, or included/posted on a sign where the subcontractor is working on the site).

308 PERMIT TO BURN: A permit is required for any open outdoor fire authorized under the exceptions in A.R.S. § 49-501 or Rule 314 of these rules.

309 STANDARDS FOR APPLICATIONS: All permit applications shall be filed in the manner and form prescribed by the Control Officer. The application shall contain all the information necessary to enable the Control Officer to make the determination to grant or to deny a permit or permit revision, ~~which shall contain such terms and conditions as the Control Officer deems necessary to assure a source's compliance with the requirements of these rules. The issuance of any permit or permit revision shall not relieve the owner or operator from compliance with any federal laws, Arizona laws, or these rules, nor does any other law, regulation or permit relieve the owner or operator from obtaining a permit or permit revision required under these rules.~~

309.1 Insignificant Activities: Insignificant activities shall be addressed as follows in an application:

~~a. An insignificant activity shall be any activity, process, or emissions unit that meets all of the following:~~

~~(1) Is not subject to a source-specific applicable requirement. Source-specific applicable requirements include requirements for which emissions unit-specific information is needed to determine applicability.~~

~~(2) Is either included in the definition of "insignificant activity" in Rule 100 of these rules or is approved by the Control Officer and the Administrator of the Environmental Protection Agency (EPA) as an insignificant activity under this rule.~~

~~b. a. For Title V Permit Applications:~~

~~(1) An owner or operator of a Title V source ~~may shall~~, in its permit application, list and generally group insignificant activities as defined in Rule 100-General Provisions and Definitions of these rules. The permit application need not provide emissions data regarding insignificant activities, except as necessary to ~~complete the assessment required by Rule 210, Section 301.4 of these rules.~~ comply with Section 309.1(a)(3) of this rule.~~

~~(2) An owner or operator of a Title V source may request approval for the classification of an activity as insignificant by including such request in its permit application, ~~along with justification that such activity meets the definition of insignificant activity in Rule 100 of these rules.~~~~

~~(3) An owner or operator of a Title V source shall include information in its permit application regarding insignificant activities, if such information is needed to determine: (1) the applicability of or to impose any applicable requirement; (2) whether the source is in compliance with applicable requirements; or (3) the fee amount required under these rules. In such cases,~~

emissions calculations or other necessary information regarding the insignificant activities shall be included in the application.

e. **b. For Non-Title V Permit Applications:**

- (1) An owner or operator of a Non-Title V source ~~is not required to list or describe, in its permit application, insignificant activities, which are defined in Rule 100 of these rules, except as necessary to complete the assessment required by Rule 210, Sections 301.4 of these rules.~~ shall list in its permit application insignificant activities as defined in Rule 100-General Provisions and Definitions of these rules. The permit application need not provide emissions data, except as necessary to comply with Sections 309.1(b)(2) and (3) of this rule.
- (2) If a Non-Title V source's potential emissions are approaching an applicable requirement threshold, including but not limited to, best available control technology (BACT) requirements or major source status, then the owner or operator of such Non-Title V source may be required to include, in its permit application, a description of its insignificant activities and emissions ~~calculations~~ data for such insignificant activities.
- (3) An owner or operator of a Non-Title V source shall include information in its permit application regarding insignificant activities, if such information is needed to determine: (1) the applicability of or to impose any applicable requirement; (2) whether the source is in compliance with applicable requirements; or (3) the fee amount required under these rules. In such cases, emissions calculations or other necessary information regarding the insignificant activities shall be included in the application.

309.2 Trivial Activities: Trivial activities as defined in Rule 100-General Provisions and Definitions of these rules may be omitted from Title V permit applications and from Non-Title V permit applications.

- a. ~~A trivial activity shall be any activity, process, or emissions unit that, in addition to meeting the criteria for insignificant activity, has extremely low emissions.~~
- b. ~~No activity, process, or emissions unit that is conducted as part of a manufacturing process or is related to the source's primary business activity shall be considered trivial.~~
- e. ~~Trivial activities as defined in Rule 100 of these rules may be omitted from Title V permit applications and from Non-Title V permit applications.~~

310 PERMIT CONDITIONS: The Control Officer may impose any permit conditions that are necessary to ensure compliance with federal laws, Arizona laws, or these rules.

310.1 The Control Officer may require, as specified in Section 310.2 ~~and or~~ Section 310.5 of this rule, any source of regulated air pollutants to monitor, sample, or perform other studies to quantify emissions of regulated air pollutants or levels of air pollution that may reasonably be attributable to that source, if the Control Officer:

- a. Determines that monitoring, sampling, or other studies are necessary to determine the effects of the source on levels of air pollution; or

- b. Has reasonable cause to believe a violation of ~~this rule, rules adopted pursuant to this rule,~~ these rules or a permit issued pursuant to this rule has been committed; or
- c. Determines that ~~those~~ studies or data are necessary to accomplish the purposes of this rule and that ~~the~~ monitoring, sampling, or other studies by the source are necessary in order to assess the impact of the source on the emission of regulated air ~~contaminants~~ pollutants.

310.2 The Control Officer may require a source of air contaminants, by permit or order, to perform monitoring, sampling, or other quantification of its emissions or air pollution that may reasonably be attributed to such a source. Before requiring such monitoring, sampling, or other quantification by permit or order, the Control Officer shall consider the relative cost and accuracy of any alternatives which may be reasonable under the circumstances such as emission factors, modeling, mass balance analyses, or emissions projections. The Control Officer may require such monitoring, sampling, or other quantification by permit or order if the Control Officer determines in writing that all of the following conditions are met:

- a. The actual or potential emissions of air pollution may adversely affect public health or the environment.
- b. An adequate scientific basis for the monitoring, sampling, or quantification method exists.
- c. The monitoring, sampling, or quantification method is technically feasible for the subject contaminant and the source.
- d. The monitoring, sampling, or quantification method is reasonably accurate.
- e. The cost of the method is reasonable in light of the use to be made of the data.

310.3 The issuance of a permit or permit revision under this rule shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan (SIP) and any other requirements under local, State, or Federal law.

310.4 The permittee shall comply with all conditions of the permit, including all applicable requirements of Arizona air quality statutes and the air quality rules. Compliance with permit terms and conditions does not relieve, modify, or otherwise affect the permittee's duty to comply with all applicable requirements of Arizona air quality statutes and the Maricopa County Air Pollution Control Regulations. Any permit non-compliance is grounds for enforcement action; for a permit termination, revocation, and reissuance or revision; or for permit denial. Non-compliance with any federally enforceable requirement in a permit constitutes a violation of the Act.

310.5 Orders issued or permit conditions imposed pursuant to this rule shall be appealable to the hearing board in the same manner as that prescribed for orders of abatement in A.R.S. § 49-489 and A.R.S. § 49-490 and for permit conditions in A.R.S. § 49-482.

311 PROHIBITION – PERMIT MODIFICATION: A person shall not willfully deface, alter, forge, counterfeit, or falsify any permit issued under the provisions of these rules.

312 PERMIT POSTING REQUIRED: Any person who has been granted a permit shall keep a complete permit clearly visible and accessible on the site where the equipment is installed. All equipment covered by the permit shall be listed in the permit by a serial number or other equipment identification symbol and shall be identified on a plant diagram.

~~313 MINOR NSR TRANSITION: Existing sources are not subject to the minor NSR provisions of Rule 241 of these rules, unless the source undertakes a minor NSR modification.~~

314 313 ACCELERATED PERMITTING:

~~314.1~~ **313.1** Notwithstanding any other provisions of these rules, the following qualify a source ~~for a request submittal to submit a request~~ for accelerated permit processing: (1) an application for a Title V permit or for a Non-Title V permit; (2) any permit revision; and (3) any ~~coverage authority to operate~~ under a ~~general~~ **General** permit. Such a request-submittal shall be submitted in writing to the Control Officer at least 30 days in advance of filing the application and shall be accompanied by fees as described in Rule 280 of these rules.

~~314.2~~ **313.2** When an applicant has requested accelerated permit processing, the Control Officer ~~may shall~~, to the extent practicable, undertake to process the permit or permit revision in accordance with the following schedule:

- a. For applications for initial Title V and Non-Title V permits under Rules 210 and 220 of these rules, for significant permit revisions under Rule 210 of these rules, or for non-minor permit revisions under Rule 220 of these rules, final action on the permit or on the permit revision; ~~shall be taken within~~ **Within** 90 days ~~or~~ after the Control Officer determines that the application is complete for a Non-Title V source and within 120 days after the Control Officer determines that the application is complete for a Title V source. Except for a new major source or a major modification subject to the requirements of Rule 240 of these rules, an application for a new permit, a significant permit revision, or a permit renewal shall be deemed to be complete unless the Control Officer notifies the applicant by certified mail within 30 days of receipt of the application that the application is not complete.
- b. For applications for ~~coverage authority to operate~~ under a ~~general~~ **General** permit under Rule 230 of these rules, final action; ~~shall be taken within~~ **Within** 30 days after receipt of the application.
- c. For minor permit revisions governed by Rule 210 ~~of these rules~~ and Rule 220 of these rules, ~~the permit revision shall be issued within~~ final action: **Within** 60 days after receipt of the application.

~~314.3~~ **313.3** Before issuing a permit or permit revision pursuant to this section, the applicant shall pay to the Control Officer all fees due as described in Rule 280 of these rules. Nothing in this section shall affect the public participation requirements of Rules 210 or 220 of these rules, or EPA and affected state review as required under Rule 210 of these rules.

STACK HEIGHT PROVISIONS: The degree of emission limitation required of any source of any pollutant shall not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, ~~except as determined by the procedures of provided in 40 CFR 51.118(b) and the EPA regulations cross-referenced therein as incorporated by reference in Appendix G of these rules.~~ For the purposes of Section 314 of this rule, the definition in 40 CFR 51.100 shall apply.

314.1 Before the Control Officer issues a permit or permit revision under this rule to a source with a stack height which exceeds good engineering practice (GEP) stack height, the Control Officer shall notify the public of the availability of the demonstration study and provide opportunity for a public hearing.

314.2 Any field study or fluid model used to demonstrate GEP stack height and any determination of excessive concentration must be approved by the EPA and the Control Officer prior to any emission limit being established.

314.3 The provisions of Section 314 of this rule do not restrict, in any manner, the actual stack height of any stationary source or facility.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

401 APPROVAL OR DENIAL OF PERMIT OR PERMIT REVISION:

401.1 The Control Officer shall deny a permit or revision if the applicant does not demonstrate that every such source for which a permit or permit revision is sought is so designed, controlled, or equipped with such air pollution control equipment that the source may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of these rules or applicable State Implementation Plan (SIP) plan requirements.

401.2 Prior to acting on an application for a permit, the Control Officer may require the applicant to provide and to maintain such devices and procedures as are necessary for sampling and for testing purposes in order to secure information that will disclose the nature, extent, quantity, or degree of air contaminants discharged into the atmosphere from the source described in the application. In the event of such a requirement, the Control Officer shall notify the applicant in writing of the type and characteristics of such devices and procedures.

401.3 In acting upon an application for a permit renewal, if the Control Officer finds that such source has not been constructed in accordance with any prior permit or permit revision issued pursuant to A.R.S. § 49-480.01, the Control Officer shall require the permittee to obtain a permit revision or shall deny the permit renewal. The Control Officer shall not accept any further application for a permit for such source so constructed until the Control Officer finds that such source has been reconstructed in accordance with a prior permit or ~~a~~ permit revision, or until a revision to the permit has been obtained. The Control Officer may issue a permit with a compliance schedule for ~~a~~ an existing source that is not in compliance with all applicable requirements at the time of permit issuance.

401.4 After a decision on a permit or on a permit revision, the Control Officer shall notify the applicant and any person who filed a comment on the permit pursuant to A.R.S. § 49-480 or on the permit revision pursuant to A.R.S. § 49-480.01 in writing of the

decision, and if the permit is denied, the reasons for such denial. Service of this notification may be made in person or by first class mail. The Control Officer shall not accept a further application unless the applicant has corrected the circumstances giving rise to the objections as specified by the Control Officer as reasons for such denial.

**402 PERMIT REOPENINGS; REVOCATION AND REISSUANCE;
TERMINATION:**

402.1 Reopening for Cause:

- a. Each issued permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances:
 - (1) Additional applicable requirements under the Act become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to Section 403.2 of this rule. Any permit revision required pursuant to this rule shall comply with Section 403 of this rule for a permit renewal and shall reset the five year permit term.
 - (2) Additional requirements, including excess emissions requirements, become applicable to an affected source under the Acid Rain Program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the Title V permit.
 - (3) The Control Officer or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 - (4) The Control Officer or the Administrator determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- b. Proceedings to reopen and issue a permit, including appeal of any final action relating to a permit reopening, shall follow the same procedures as apply to initial permit issuance and shall, except for reopenings under Section 402.1(a)(1) of this rule, affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as is practicable.
- c. Action to reopen a permit under this section shall not be initiated before a notice of such intent is provided to the source by the Control Officer at least 30 days in advance of the date that the permit is to be reopened, except that the Control Officer may provide a shorter time period in the case of an emergency.
- d. When a permit is reopened and revised pursuant to this rule, the Control Officer may make appropriate revisions to the permit shield established pursuant to Rule 210 of these rules.

402.2 Reopening for Cause by the Administrator:

- a. If the Administrator finds that cause exists to terminate, modify, or revoke and reissue a permit pursuant to Section 402.1 of this rule, the Administrator may notify the Control Officer and the permittee of such finding in writing. Within ten days of receipt of notice from the Administrator that cause exists to reopen a Title V permit, the Control Officer shall notify the source.
- b. Within 90 days of receipt of notice from the Administrator that cause exists to reopen a permit, the Control Officer shall forward to the Administrator a proposed determination of termination, modification, or revocation and reissuance of the permit. The Control Officer may request a 90-day extension of this limit if it is necessary to request a new or revised permit application or additional information from the applicant for, or holder of, a Title V permit.
- c. The Control Officer shall have 90 days from receipt of an objection by the Administrator to attempt to resolve the objection.

402.3 The Control Officer may issue a notice of termination of a permit issued under these rules 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 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.

402.4 If the Control Officer issues a notice of termination under this rule, the notice shall be served on the permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the revocation and a statement that the permittee is entitled to a hearing.

403 PERMIT RENEWAL AND EXPIRATION:

403.1 Prior to renewing a permit issued under these rules, the Control Officer shall provide notice in the same manner and form as provided in Rule 210 of these rules.

403.2 The Control Officer shall not renew a permit issued under these rules unless the permittee applies for a permit renewal prior to the expiration of a permit in the manner required by Rule 210 of these rules. ~~If a timely and complete application for a permit renewal is submitted, but the Control Officer has failed to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the renewal permit has been issued or denied. Any testing that is required for a renewal shall be completed before the proposed permit renewal is issued by the Control Officer.~~

- a. If a timely and complete application for a permit renewal is submitted, but the Control Officer has failed to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the renewal permit has been issued or denied.

- b. Any testing that is required for a renewal shall be completed within six months before the permit expiration date.
- c. The terms and conditions of installation permits issued before September 1, 1993, or in permits or permit revisions issued under Rule 210 or Rule 220 of these rules and authorizing the construction or modification of a stationary source, remain federal applicable requirements unless modified or revoked by the Control Officer.

403.3 The Control Officer shall publish notice of a permit renewal decision in the same manner as that provided in Rule 210 of these rules for a Title V permit and as that provided in Rule 220 of these rules for a Non-Title V permit.

404 PERMIT TRANSFERS:

404.1 Except as provided in A.R.S. § 49-429 and Section 404.2 of this rule, a Title V permit, a Non-Title V permit, or a General permit may be transferred to another person. Before the proposed transfer, the person who holds a valid Non-Title V permit or a valid General permit shall comply with the administrative permit revision procedures pursuant to Rule 220, Section 405.1 of these rules. At least 30 days before the proposed transfer, the person who holds a valid Title V permit shall give notice to the Control Officer in writing and shall comply with the administrative permit amendment procedures pursuant to Rule 210, Section 404 of these rules. Permit transfer notice shall contain the following:

- a. The permit number and expiration date.
- b. The name, address and telephone number of the current permit holder.
- c. The name, address and telephone number of the person to receive the permit.
- d. The name and title of the individual within the organization who is accepting responsibility for the permit along with a signed statement by that person indicating such acceptance.
- e. A description of the equipment to be transferred.
- f. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee.
- g. Provisions for the payment of any fees pursuant to Rule 280 of these rules that will be due and payable before the effective date of transfer.
- h. Sufficient information about the source's technical and financial capabilities of operating the source to allow the Control Officer to make the decision in Section 404.2 of this rule including:
 - (1) The qualifications of each person principally responsible for the operation of the source.
 - (2) A statement by ~~the chief financial officer~~ of the new permittee that it is financially capable of operating the source in compliance with the law; and the information that provides the basis for that statement.

(3) A brief description of any action for the enforcement of any federal or state law, rule or regulation, or any county, city or local government ordinance relating to the protection of the environment, instituted against any person employed by the new permittee and principally responsible for operating the source during the five years preceding the date of application. In lieu of this description, the new permittee may submit a copy of the certificate of disclosure or 10-K form required under A.R.S. § 49-109, or a statement that this information has been filed in compliance with A.R.S. § 49-109.

404.2 The Control Officer shall deny the transfer if the Control Officer determines that the organization receiving the permit is not capable of operating the source in compliance with Article 3, Chapter 3, Title 49, Arizona Revised Statutes, the provisions of these rules, or the provisions of the permit. Notice of the denial stating the reason for the denial shall be sent to the original permit holder by certified mail stating the reason for the denial within ten working days of the Control Officer's receipt of the notice. If the transfer is not denied within ten working days after receipt of the notice, the Control Officer shall approve such permit transfer.

404.3 To appeal the transfer denial:

- a. Both the transferor and transferee shall petition the hearing board in writing for a public hearing; and
- b. The appeal process for a permit shall be followed.

405 **PERMITS CONTAINING THE TERMS AND CONDITIONS OF FEDERAL DELAYED COMPLIANCE ORDERS (DCO) OR CONSENT DECREES:**

405.1 The terms and conditions of either a DCO or consent decree shall be incorporated into a permit through a permit revision. In the event the permit expires prior to the expiration of the DCO or consent decree, the DCO or consent decree shall be incorporated into any permit renewal.

405.2 The owner or operator of a source subject to a DCO or consent decree shall submit to the Control Officer a quarterly report of the status of the source and construction progress and copies of any reports to the Administrator required under the order or decree. The Control Officer may require additional reporting requirements and conditions in permits issued under this rule.

405.3 For the purpose of this rule, sources subject to a consent decree issued by a federal court shall meet the same requirements as those subject to a DCO.

406 **APPEAL:** ~~Denial~~ The denial or revocation of a permit shall be ~~stayed by the permittee's~~ considered a final agency action unless the permittee files a written petition for a hearing, ~~filed~~ in accordance with Rule 400 of these rules.

407 **AIR QUALITY IMPACT MODELS:**

407.1 Where the Control Officer requires a person to perform air quality impact modeling, the modeling shall be performed in a manner consistent with the ~~Guideline~~ Guidelines specified in Rule 240, Section 304 (Permit Requirements for New Major Sources or Major Modifications Located in Nonattainment Areas) or Section 305

(Permit Requirements for New Major Sources or Major Modifications Located in Attainment or ~~Unclassifiable~~ Unclassifiable Areas) of these rules.

407.2 Model Substitution: Where the person can demonstrate that an air quality impact model specified in the ~~Guideline~~ Guidelines is inappropriate, on a case-by-case basis, the model may be modified or another model substituted. However, before such modification or substitution can occur, the Control Officer must make a written finding that:

- a. No model in the ~~Guideline~~ Guidelines is appropriate; or
- b. The data base required for the appropriate model in the ~~Guideline~~ Guidelines is not available; and
- c. A model proposed as a substitute or modification is likely to produce results equal or superior to those obtained by models in the ~~Guideline~~ Guidelines.

407.3 Model Substitution EPA Approval: Written approval from the Administrator must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to notice and opportunity for public comment.

408 TESTING PROCEDURES: Except as otherwise specified, the applicable testing procedures contained in ~~the Arizona Testing Manual for Air Pollutant Emissions~~ 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C shall be used to determine compliance with standards or permit conditions established pursuant to these rules. Alternative test methods as approved by the Administrator or other EPA-approved test methods may be used upon prior written approval from the Control Officer.

409 PERMIT FEES: A fee shall be charged for each ~~facility~~ permit. No permit is valid until the applicable permit fee has been received and until the permit is issued by the Control Officer.

410 PORTABLE SOURCES:

410.1 An owner or operator of a portable source which will operate for the duration of its permit solely in Maricopa County shall obtain a permit from the Control Officer for Maricopa County and is subject to Sections 410.2; ~~and 410.3; and 410.4~~ of this rule. A portable source with a current State of Arizona permit need not obtain a Maricopa County permit but is subject to Sections 410.3; ~~and 410.4; and 410.5~~ of this rule. Any permit for a portable source shall contain conditions that will assure compliance with all applicable requirements at all authorized locations. A portable source that has permit issued by the Director and obtains a permit from the Control Officer for Maricopa County shall request that the permit issued by the Director terminate the permit be terminated. Upon issuance of the permit from the Control Officer for Maricopa County, the permit issued by the Director is no longer valid.

410.2 An owner or operator of a portable source which has a Maricopa County permit but proposes to operate outside of Maricopa County, shall obtain a permit from the Director. A portable source that has a permit issued from the Control Officer for Maricopa County and obtains a permit issued by the Director shall request that the Control Officer terminate the permit issued by the Control Officer for Maricopa County. Upon issuance of a permit by the Director, the permit issued by the Control

Officer for Maricopa County is no longer valid. If the owner or operator relocates the portable source in Maricopa County, the owner or operator shall notify the Control Officer as required by Section ~~410.4~~ 410.3 of this rule of the relocation of the portable source. Whenever the owner or operator of a portable source operates a portable source in Maricopa County, such owner or operator shall comply with all regulatory requirements in these rules.

~~410.3~~ An owner of a portable source which requires a permit under this rule, shall obtain the permit prior to renting or leasing said portable source. This permit shall be provided by the owner to the renter or lessee, and the renter or lessee shall be bound by the permit provisions. In the event a copy of the permit is not provided to the renter or lessee, both the owner and the renter or lessee shall be responsible for the operation of the portable source in compliance with the permit conditions and any violations thereof.

~~410.4~~ 410.3 A portable source may be transported from one location to another within or across Maricopa County boundaries provided the owner or operator of such portable source notifies the Director and any Control Officer who has jurisdiction over the geographic area that includes the new location of the portable source ~~by certified mail at least ten working days~~ before the portable source is transported to the new location. The notification required under this rule shall include:

- a. A description of the portable source to be transported including the Maricopa County permit number or the State of Arizona permit number for such portable source;
- b. A description of the present location;
- c. A description of the location to which the portable source is to be transported; ~~including the availability of all utilities, such as water and electricity, necessary for the proper operation of all control equipment;~~
- d. The date on which the portable source is to be moved;
- e. The date on which operation of the portable source will begin at the new location; and
- f. The duration of operation at the new location.

~~410.5~~ 410.4 An owner or operator of a portable source with a current State of Arizona permit that moves such portable source into Maricopa County shall notify the Control Officer that such portable source is being transported to a new location and shall include in such notification a copy of the State of Arizona permit and a copy of any conditions imposed by the State of Arizona permit. The source shall be subject to all regulatory requirements of these rules.

411 PUBLIC RECORDS; CONFIDENTIALITY:

411.1 The Control Officer shall make all permits, including all elements required to be in the permit pursuant to Rule 210 of these rules and Rule 220 of these rules available to the public.

411.2 A notice of confidentiality pursuant to A.R.S. § 49-487(C) shall:

- a. Precisely identify the information in the application documents, which is considered confidential.
 - b. Contain sufficient supporting information to allow the Control Officer to evaluate whether such information satisfies the requirements related to trade secrets or, if applicable, how the information, if disclosed, could cause substantial harm to the person's competitive position.
- 411.3** Within 30 days of receipt of a notice of confidentiality that complies with Section 411.2 of this rule, the Control Officer shall make a determination as to whether the information satisfies the requirements for trade secret or competitive position pursuant to A.R.S. § 49-487(C)(1) and so notify the applicant in writing. If the Control Officer agrees with the applicant that the information covered by the notice of confidentiality satisfies the statutory requirements, the Control Officer shall include a notice in the administrative record of the permit application that certain information has been considered confidential.

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II – PERMITS AND FEES**

**RULE 210
TITLE V PERMIT PROVISIONS**

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SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

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**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II – PERMITS AND FEES**

**RULE 210
TITLE V PERMIT PROVISIONS**

SECTION 100 – GENERAL

- 101 PURPOSE:** To provide an orderly procedure for the review of new Title V sources of air pollution and of the modification and operation of existing Title V sources through the issuance of Title V permits.
- 102 APPLICABILITY:** ~~Unless otherwise noted, this~~ This rule applies to each source requiring a Title V permit or permit revision.

SECTION 200 – DEFINITIONS: For the purpose of this rule, the following definition shall apply, in addition to those definitions found in Rule 100-General Provisions and Definitions of these rules. In the event of any inconsistency between any of the Maricopa County Air Pollution Control ~~rules~~ Regulations, the definition in this rule takes precedence.

- 201 EMISSIONS ALLOWABLE UNDER THE PERMIT:** ~~An~~ A legally and practically enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or ~~an a~~ a legally and practically enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

SECTION 300 – STANDARDS

301 PERMIT APPLICATION PROCESSING PROCEDURES:

- 301.1 Standard Application Form and Required Information:** To apply for ~~any a~~ a permit or permit revision under this rule, applicants shall complete the "Standard Permit Application Form" and shall supply all information required by the "Filing Instructions" as shown in Appendix B of these rules.
- 301.2** A timely application is:
- a.** For a source that becomes subject to the permit program as a result of a change in a regulation and not as a result of construction or a physical or operational change, one that is submitted within 12 months after the source becomes subject to the permit program.
 - b.** For purposes of permit renewal, a timely application is one that is submitted at least six months, but not more than 18 months, prior to the date of permit expiration.

- c. Any existing source which becomes subject to a standard promulgated by the Administrator under Section 112(d) of the Act shall, within 12 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.

301.3 If, at the time an application for a permit required by these rules is submitted, 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.

301.4 A complete application is one that satisfies all of the following:

- a. ~~To be complete, an~~ An application shall provide all information required by Section 301.1-~~Standard Application Form And Required Information~~ of this rule. An application for permit revision only need supply information related to the proposed change, unless the source's proposed permit revision will change the permit from a Non-Title V Permit to a Title V Permit. A responsible official shall certify the submitted information ~~consistent with~~ as required by Section 301.7-~~Certification Of Truth, Accuracy, And Completeness~~ of this rule.
- b. An application for a new permit or permit revision shall contain an assessment of the applicability of ~~the requirements of~~ Rule 240- Federal Major New Source Review (NSR) of these rules. If the proposed new source is a major source, as defined in Rule 240 of these rules, or the proposed permit revision constitutes a major modification, as defined in Rule 240 of these rules, then the application shall ~~comply~~ also demonstrate compliance with all applicable requirements of Rule 240 of these rules.
- c. An application for a new permit or permit revision shall contain an assessment of the applicability of the requirements of Rule 241-Minor New Source Review (NSR) of these rules. If the applicant determines that the proposed new source is subject to Rule 241 of these rules, or the proposed permit revision constitutes a minor NSR modification, as defined in Rule 100-General Provisions and Definitions of these rules, then the application shall also comply with all the applicable requirements of Rule 241 of these rules.
- d. An application to construct or reconstruct any major source of hazardous air pollutants shall contain a determination that maximum achievable control technology (MACT) for new sources under Section 112 of the Act will be met. Where MACT has not been established by the Administrator, such determination shall be made on a case-by-case basis under 40 CFR 63.40 through 63.44. For purposes of this section of this rule, constructing or reconstructing a major source shall have the meaning prescribed in 40 CFR 63.41.
- e. An application for a new permit, a permit revision, or a permit renewal shall be deemed ~~to be~~ complete, unless the Control Officer notifies the applicant by certified mail within 60 days of receipt of the application that the application is not complete. For a proposed new major source or a major modification subject

to the requirements of Rule 240-Federal Major New Source Review (NSR) of these rules, the permit application shall be deemed to be submitted on the date that the completeness determination is made under Rule 240 of these rules.

- f. 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 to take final action on that application, the Control Officer may request such information in writing and may set a reasonable deadline for a response. Except for applications using the minor permit revisions as set forth in Section 405 of this rule, a source's ability to continue operating the existing source without a permit, as set forth in ~~this rule~~ Section 301.8 (Action on Application) of this rule, shall be in effect from the date the application is determined or deemed 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. The Control Officer may, after ~~one~~ one ~~submittal by the applicant of one application~~ under this rule, reject an application that is still determined to be incomplete and shall notify the applicant of the decision by certified mail.
- g. The completeness determination shall not apply to revisions processed through the minor permit revision ~~process~~ procedures as set forth in Section 405 of this rule.
- h. To be complete, an application for a new permit or an application for a permit revision shall list and generally group insignificant activities, if applicable, which are insignificant as defined in Rule 100-General Provisions and Definitions of these rules. Except as necessary to complete ~~the~~ an assessment required by Section 301.4 of this rule, the application need not provide emissions data regarding insignificant activities. If the Control Officer determines that an activity listed as insignificant does not meet the ~~requirements of insignificant as defined~~ definition of "insignificant activity" in Rule 100-General Provisions And Definitions of these rules (i.e., if emissions estimates are needed for another purpose, such as determining the amount of permit fees) or that emissions data for the source or activity is required to complete the assessment required by Section 301.4 of this rule, then the Control Officer shall notify the applicant in writing and shall specify the additional information required.
- i. If a permit applicant requests terms and conditions allowing for the trading of emission increases and decreases ~~in~~ at the permitted source 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.
- j. The Control Officer agrees with a notice of confidentiality submitted under A.R.S. §49-487.

301.5 A source that has submitted information with an application under a claim of confidentiality under A.R.S. § 49-487 and Rule 200-Permit Requirements of these

rules shall submit a copy of ~~such~~ the confidential information directly to the Administrator.

301.6 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 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 final permit.

301.7 Certification of Truth, Accuracy, and Completeness: Any application form, report, or compliance certification submitted under these rules shall contain certification by a responsible official of the truth, accuracy, and completeness of the application as of the time of submittal. This certification and any other certification required under this rule shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

301.8 Action on Application:

- a. ~~The~~ Except as provided in Rule 240-Federal Major Source New Source Review (NSR) of these rules, 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.
- b. In addition, the Control Officer may issue, revise, or renew a permit only if all of the following conditions have been met:
 - (1) The permit application received by the Control Officer must be complete according to Section 301.4 of this rule.
 - (2) Except for administrative or minor permit revisions ~~qualifying as administrative or minor under defined in~~ Sections 404 ~~and or~~ 405 of this rule, all of the requirements for public notice and participation under Section 408 of this rule must have been met.
 - (3) The Control Officer shall have complied with the requirements of Section 303 of this rule for notifying and responding to affected states and the Administrator, if applicable, other notification requirements of Rule 240, Section 304.2-Action on Application and Notification Requirements of these rules.
 - (4) The conditions of the permit ~~shall~~ require compliance with all applicable requirements.
 - (5) For proposed final permits for which ~~an application is required to be submitted to the Administrator under Section 303.1 of this rule, and to which~~ the Administrator has properly objected to its issuance in writing within 45 days of receipt of the proposed final permit and all necessary supporting information from the Department, the Control Officer has revised and submitted a revised proposed final permit in response to the objection and

the Administrator has not objected to this revised proposed final permit within 45 days of receipt.

- (6) For permits to which the Administrator has objected to issuance under a petition filed under 40 CFR 70.8(d), the Administrator's objection has been resolved.
- c. The Control Officer may issue a notice of revocation of a permit issued under this rule if:
 - (1) The Control Officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.
 - (2) 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.
 - (3) The terms and conditions of the permit have been or are being violated and the violation has not been corrected within a reasonable period of time as specified by the Control Officer.
- d. If the Control Officer issues a notice of denial or revocation of a permit under this rule, 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 explaining that the permit applicant or permittee is entitled to a hearing under A.R.S. §49-482.
- e. 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 the Administrator and to any other person who requests it.
- f. Except as provided in 40 CFR 70.4(b)(11), Rule 200-Permit Requirements of these rules and Rule 240-~~Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources~~ Federal Major New Source Review (NSR), of these rules, regulations promulgated under Title IV or Title V of the Act, or the permitting of affected sources under the acid rain program, the Control Officer shall take final action on each permit application (and ~~request~~ application for revision or renewal) within 18 months after receiving a complete application.
- g. Priority shall be given by the Control Officer to taking action on applications for construction or modification submitted under Title I, Parts C-Prevention of Significant Deterioration and D-New Source Review of the Act.
- h. A proposed permit decision shall be published within nine months of receipt of a complete application and any additional information requested under Section 301.4(e) of this rule to process the application. The Control Officer shall provide notice of the decision as provided in Section 408 of this rule and any public hearing shall be scheduled as expeditiously as possible.

301.9 Requirement for a Permit: Except as ~~noted~~ allowed under the provisions in Sections 403 and 405 of this rule, no source may operate after the time that it is

required to submit a timely and complete application, except in compliance with a permit issued under this rule. However, if a source submits a timely and complete application for initial permit issuance, ~~revision~~, or renewal, the source's failure to have a permit is not a violation of these rules 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. If a source submits a timely and complete application for a permit renewal, but the Control Officer has failed to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the permit renewal has been issued or denied. This section of this rule does not affect a source's obligation to obtain a permit revision before making a modification to the source.

302 PERMIT CONTENTS:

302.1 Each permit issued under this rule shall include the following elements:

- a. The date of issuance, the permit term, and the deadline by which the permittee must renew the permit.
- b. Enforceable emission limitations and standards including those operational requirements and limitations that assures compliance with all applicable requirements at the time of issuance.
 - (1) The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.
 - (2) The permit shall state that, where an applicable requirement of the Act is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act and incorporated under Rule 371-Acid Rain of these rules, both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.
 - (3) Any permit containing an equivalency demonstration for an alternative emission limit submitted under Section 301.3 of this rule shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.
 - (4) The permit shall specify applicable requirements for fugitive emission limitations, regardless of whether the source category in question is included in the list of sources contained in the definition of major source in Rule 100-General Provisions and Definitions of these rules.
- c. As necessary, the following requirements with respect to monitoring:
 - (1) Requirements, including stipulated requirements, concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods;

- (2) Where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit as reported under Section 302.1(d) of this rule. Such monitoring requirements shall ensure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this rule; and
 - (3) Any emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated under Sections 114(a)(3) or 504(b) of the Act.
- d. With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements and require, where applicable, the following:
 - (1) Records of required monitoring information that include the following:
 - (a) The date, place as defined in the permit, and time of sampling or measurements;
 - (b) The date(s) analyses were performed;
 - (c) The name of the company or entity that performed the analysis;
 - (d) The analytical techniques or methods used;
 - (e) The results of such analysis; and
 - (f) The operating conditions as existing at the time of sampling or measurement.
 - (2) Retention of records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
- e. With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:
 - (1) Submittal of reports of any required monitoring at least every six months. All instances of deviations from permit requirements shall be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with Section 301.7 and Section 305.1(e) of this rule.
 - (2) Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The Control Officer shall define "prompt" in relation to the degree and type of deviation likely to occur and the applicable requirements.

- f. A permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Act or the regulations promulgated thereunder and incorporated under Rule 371-Acid Rain of these rules.
 - (1) No permit revision shall be required for increases in emissions that are authorized by allowances acquired under the acid rain program and incorporated under Rule 371-Acid Rain of these rules, provided that such increases do not require a permit revision under any other applicable requirement.
 - (2) No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to non-compliance with any other applicable requirement.
 - (3) Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Act.
 - (4) Any permit issued under the requirements of this rule and Title V of the Act to a unit subject to the provisions of Title IV of the Act and incorporated under Rule 371-Acid Rain of these rules shall include conditions prohibiting all of the following:
 - (a) Annual emissions of sulfur dioxide in excess of the number of allowances to emit sulfur dioxide held by the owners or operators of the unit or the designated representative of the owners or operators.
 - (b) Exceedances of applicable emission rates.
 - (c) The use of any allowance prior to the year for which it was allocated.
 - (d) Violation of any other provision of the permit.
- g. A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.
- h. Provisions stating the following:
 - (1) That the permittee shall comply with all conditions of the permit including all applicable requirements of Arizona air quality statutes and the air quality rules. Compliance with permit terms and conditions does not relieve, modify, or otherwise affect the permittee's duty to comply with all applicable requirements of Arizona air quality statutes and the Maricopa County Air Pollution Control Regulations. Any permit non-compliance is grounds for enforcement action; for a permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application. Non-compliance with any federally enforceable requirement in a permit constitutes a violation of the Act.
 - (2) That the permittee shall halt or reduce the permitted activity in order to maintain compliance with applicable requirements of Federal laws, Arizona laws, these rules, or other conditions of the permit.
 - (3) That the permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by a permittee for a permit revision, revocation and reissuance, or termination, or of a notification of

planned changes or anticipated noncompliance does not stay any permit condition.

- (4) That the permit does not convey any property rights nor exclusive privilege, of any sort.
 - (5) That the permittee shall furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for revising, revoking and reissuing the permit, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Control Officer copies of records required to be kept by the permit. For information claimed to be confidential, the permittee shall furnish a copy of such records directly to the Administrator along with a claim of confidentiality.
 - (6) For any major source operating in a nonattainment area for any pollutant(s) for which the source is classified as a major source, the source shall comply with reasonably available control technology (RACT) as defined in Rule 100-General Provisions and Definitions of these rules.
 - (7) For any major source operating in a nonattainment area designated as serious for PM₁₀, for which the source is classified as a major source for PM₁₀, the source shall comply with the best available control technology (BACT), as defined in Rule 100-General Provisions and Definitions of these rules, for PM₁₀.
- i. A provision to ensure that a source pays fees to the Control Officer under A.R.S. §49-480(D) and Rule 280-Fees of these rules.
 - j. A provision stating that no permit revision shall be required under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit.
 - k. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Control Officer. Such terms and conditions:
 - (1) Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted source a record of the scenario under which it is operating;
 - (2) Shall extend the permit shield described in Section 407 of this rule to all terms and conditions under each such operating scenario; and
 - (3) Must ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of this rule.
 - l. Terms and conditions, if the permit applicant requests them, as approved by the Control Officer, for the trading of emissions increases and decreases in the permitted source, to the extent that the applicable requirements provide for trading increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:

- (1) Shall include all terms required under Section 302.1 and Section 302.3 of this rule to determine compliance;
- (2) May extend the permit shield described in Section 302.4 of this rule to all terms and conditions that allow such increases and decreases in emissions; and
- (3) Shall meet all applicable requirements and requirements of this rule.

- m. Terms and conditions, if the permit applicant requests them and they are approved by the Control Officer, setting forth intermittent operating scenarios including potential periods of downtime. If such terms and conditions are included, the county's emissions inventory shall not reflect the zero emissions associated with the downtime.
- n. If a permit applicant requests it, the Control Officer shall issue permits that contain terms and conditions allowing for the trading of emission increases and decreases in the permitted source solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The Control Officer shall not be required to include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements. Changes made under this section of this rule shall not include modifications under any provision of Title I of the Act and may not exceed emissions allowable under the permit. The terms and conditions shall include notice that (1) conforms to Section 403.4 and Section 403.5 of this rule and (2) describes how the increases or decreases in emissions will comply with the terms and conditions of the permit.
- o. Such terms and conditions as are consistent with the requirements of this rule, of Rule 100-General Provisions and Definitions of these rules and of the Clean Air Act, and are found by the Control Officer to be necessary.

- 302.2** Federally Enforceable Requirements: All terms and conditions in a Title V Permit shall be enforceable by the Administrator and citizens under the Act, including any provisions designed to limit a source's potential to emit. However, the Control Officer shall specifically designate as not being federally enforceable under the Act any terms and conditions included in the Title V Permit that are not required under the Act or under any of its applicable requirements.
- 302.3** All applications for a permit required by this rule shall include a compliance plan meeting the requirements of Section 503 of the Act.
- 302.4** Each permit shall include the applicable permit shield provisions set forth in Section 407 of this rule.
- 302.5** A Title V permit issued to a major source shall require that revisions be made under Rule 200-Permit Requirements of these rules to incorporate additional applicable requirements adopted by the Administrator under the Act that become applicable to a source with a permit with a remaining permit term of three or more years. No

revision shall be required if the effective date of the applicable requirements is after the expiration of the permit. The revisions shall be made as expeditiously as practicable, but not later than 18 months after the promulgation of such standards and regulations. Any permit revision required under this section of this rule shall comply with provisions in Rule 200-Permit Requirements of these rules for permit renewal and shall reset the five year permit term.

303 PERMIT REVIEW BY THE EPA AND AFFECTED STATES:

- 303.1** Except as provided in Section 301.5 of this rule and as waived by the Administrator, for each Title V permit, a copy of each of the following shall be provided to the Administrator as follows:
- a.** The applicant shall provide a complete copy of the application, including any attachments, compliance plans, and other information required by Section 301.4 of this rule at the time of submittal of the application to the Control Officer.
 - b.** The Control Officer shall provide the proposed final permit after public and affected State review.
 - c.** The Control Officer shall provide the final permit at the time of issuance.
- 303.2** The Control Officer may require the application information to be submitted in a computer-readable format compatible with the Administrator's national database management system.
- 303.3** The Control Officer shall keep all records associated with all permits including those records containing the calculations and rationale supporting the Control Officer's decision to issue a permit for a minimum of five years from permit issuance.
- 303.4** No permit for which an application is required to be submitted to the Administrator under Section 303.1 of this rule shall be issued if the Administrator properly objects to its issuance in writing within 45 days of receipt of the proposed final permit from the Control Officer and all necessary supporting information.
- 303.5 Review by Affected States:**
- a.** For each Title V permit, the Control Officer shall provide notice of each proposed permit to any affected State on or before the time that the Control Officer provides this notice to the public as required under Section 408 of this rule except to the extent Section 405 of this rule requires the timing of the notice to be different.
 - b.** If the Control Officer refuses to accept a recommendation of any affected State submitted during the public or affected State review period, the Control Officer shall notify the Administrator and the affected State in writing. The notification shall include the Control Officer's reasons for not accepting any such recommendation and shall be provided to the Administrator as part of the submittal of the proposed final permit. The Control Officer shall not be required to accept recommendations that are not based on federal applicable requirements or requirements of state law.
- 303.6** Any person who petitions the Administrator under 40 CFR 70.8(d) shall notify the Control Officer by certified mail of such petition as soon as possible, but in no case

more than 10 days following such petition. Such notice shall include the grounds for objection and whether such objections were raised during the public comment period. A petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day administrative review period and prior to the Administrator's objection.

303.7 If the Control Officer has issued a permit prior to receipt of the Administrator's objection under this rule, and the Administrator indicates that a permit should be revised or revoked and reissued, the Control Officer shall respond consistent with Rule 200-Permit Requirements of these rules and may thereafter issue only a revised permit that satisfies the Administrator's objection. In any case, the source shall not be in violation of the requirement to have submitted a timely and complete application.

303.8 Prohibition on Default Issuance:

- a. No Title V permit including a permit renewal or revision shall be issued until affected States and the Administrator have had an opportunity to review the proposed final permit.
- b. No permit or renewal shall be issued unless the Control Officer has acted on the application.

304 EMISSION STANDARDS AND LIMITATIONS: Wherever applicable requirements apply different standards or limitations to a source for the same item, all applicable requirements shall be included in the permit.

305 COMPLIANCE PLAN; CERTIFICATION:

305.1 All permits shall contain the following elements with respect to compliance:

- a. The following monitoring requirements sufficient to assure compliance with the terms and conditions of the permit:
 - (1) Any emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated under Section 114(a)(3) or 504(b) of the Act;
 - (2) Where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported under Section 305.1(c) of this rule. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirements; and
 - (3) Requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.
- b. All applicable recordkeeping requirements, as described in Section 302.1(d) of this rule.
- c. All applicable reporting requirements including the following:

- (1) Submittal of reports of any required monitoring at least every six months. All instances of deviations from permit requirements shall be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with Section 305.1(e) of this rule.
 - (2) Reporting within two working days from knowledge of deviations from permit requirements, including those attributable to upset conditions as defined in the permit and the probable cause of such deviations. Reporting within a reasonable time of any long-term corrective actions or preventative measures taken.
- d. Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:
- (1) The frequency for submissions of compliance certifications, which shall not be less than annually;
 - (2) The means to monitor the compliance of the source with its emissions limitations, standards, and work practices;
 - (3) A requirement that the compliance certification include the following:
 - (a) The identification of each term or condition of the permit that is the basis of the certification;
 - (b) The compliance status;
 - (c) Whether compliance was continuous or intermittent;
 - (d) The method(s) used for determining the compliance status of the source, currently and over the reporting period; and
 - (e) Other facts the Control Officer may require to determine the compliance status of the source.
 - (4) A requirement that all compliance certifications be submitted to the Control Officer and to the Administrator;
 - (5) Additional requirements specified in Sections 114(a)(3) and 504(b) of the Act or under Rule 220-Non-Title V Permit Provisions, Section 304-Permits Containing Voluntarily Accepted Emissions Limitations, Controls, or Other Requirements (Synthetic Minor) of these rules.
- e. A requirement for any document required to be submitted by a permit, including reports, to contain a certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this rule shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- f. Inspection and entry provisions which require the permittee to allow the Control Officer, upon presentation of proper credentials, to:

- (1) Enter upon the permittee's premises where a source is located or emissions-related activity is conducted, or where records are required to be kept under the conditions of the permit;
 - (2) Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;
 - (3) Inspect, at reasonable times, any sources, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
 - (4) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements; and
 - (5) To record any inspection by use of written, electronic, magnetic, and photographic media.
- g.** A compliance plan that contains all of the following:
- (1) A description of the compliance status of the source with respect to all applicable requirements.
 - (2) A description as follows:
 - (a) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
 - (b) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.
 - (c) For requirements with which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.
 - (3) A compliance schedule as follows:
 - (a) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
 - (b) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this rule, unless a more detailed schedule is expressly required by the applicable requirement.
 - (c) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirement for which the source will be in noncompliance at

the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

- (4) A schedule for submission of certified progress reports no less frequently than every six months for sources required to have a schedule of compliance to remedy a violation. Such schedule shall contain:
 - (a) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
 - (b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
- (5) The compliance plan content requirements specified in Section 305.1(g) of this rule shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act and incorporated under Rule 371-Acid Rain of these rules with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.
 - h. If there is a Federal Implementation Plan (FIP) applicable to the source, a provision that compliance with the FIP is required.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

401 FEES REQUIRED: Persons subject to this rule shall pay the fees required, as set forth in Rule 280-Fees of these rules.

402 PERMIT TERM: A Title V Permit shall remain in effect for no more than five years, except as provided in Section 301.9 of this rule.

403 SOURCE CHANGES ALLOWED WITHOUT PERMIT REVISIONS:

403.1 A source with a Title V permit may make changes that contravene an express permit term without a permit revision if all of the following apply:

- a. The changes are not modifications under any provision of Title I of the Act or under A.R.S. §49-401.01(24) ~~or as defined in Rule 100-General Provisions And Definitions of these rules;~~
- b. The changes do not result in emissions that exceed the emissions allowable under the permit whether expressed therein as a rate of emissions or in terms of total emissions;
- c. The changes do not violate any applicable requirements or trigger any additional applicable requirements;
- d. The changes meet all requirements for processing as a minor permit revision under Section 405 of this rule;

- e. The changes do not violate federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements; and
- f. The changes do not constitute a minor NSR modification, as defined in Rule 100-General Provisions and Definitions of these rules.

403.2 The substitution of an item of process or pollution control equipment for an identical or substantially similar item of process or pollution control equipment shall qualify as a change that does not require a permit revision, if it meets all of the requirements of Sections 403.1, 403.4, and 403.5 of this rule.

403.3 Except for sources with authority to operate under general permits, permitted sources may trade increases and decreases in emissions within the permitted source, as established in the permit under Section 302.1(l) of this rule, where an applicable implementation plan provides for such emissions trades, without applying for a permit revision and based on the seven working days notice prescribed in Section 403.4 of this rule. This provision is available in those cases where the permit does not already provide for such emissions trading, and shall not include any emissions units for which emissions are not quantifiable nor for which there are no replicable procedures to enforce the emissions trades.

403.4 For each ~~such~~ change listed under Sections 403.1, ~~403.2~~ and or 403.3 of this rule, a written notice shall be made either by email, certified mail or hand delivery and or by certified mail shall be received by the Control Officer and the Administrator, a minimum of seven 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 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.

403.5 ~~Each notification~~ The written notice shall include:

- a. When the proposed change will occur.
- b. A description of each such change.
- c. Any change in emissions of regulated air pollutants.
- d. The pollutants emitted subject to the emissions trade, if any.
- e. 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.
- f. If the emissions trading provisions of the implementation plan are invoked, then the permit requirements with which the source will comply.
- g. Any permit term or condition that is no longer applicable as a result of the change.

403.6 The permit shield described in Section 407 of this rule shall not apply to any change made under Section 403.1 through Section 403.3 of this rule. 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.

403.7 Except as otherwise provided for in the permit, making a change from one alternative operating scenario to another, as provided in Section 302.1(k) of this rule, shall not require any prior notice under this rule.

403.8 The Control Officer shall make available to the public monthly summaries of all notices received under this rule.

404 ADMINISTRATIVE PERMIT AMENDMENTS:

404.1 Except for provisions to Title IV of the Act, an administrative permit amendment is a permit revision that does any of the following:

- a. Corrects typographical errors;
- b. Identifies a change in the name, address, or phone number of any person identified in the permit or provides a similar minor administrative change at the source;
- c. Requires more frequent monitoring or reporting by the permittee; or
- d. Allows for a change in ownership or operational control of a source under Rule 200-Permit Provisions of these rules, where the Control Officer determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the Control Officer.

404.2 Administrative permit amendments to Title IV provisions of the permit shall be governed by regulations promulgated by the Administrator under Title IV of the Act or incorporated under Rule 371-Acid Rain of these rules.

404.3 The Control Officer shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request. Title V permits may incorporate such changes without providing notice to the public or affected States provided that such permits designate that such permit revisions have been made under this rule.

404.4 The Control Officer shall submit a copy of Title V permits revised under this rule to the Administrator.

404.5 Source's Ability to Make a Change: Except for permit transfers described in Rule 200-Permit Provisions of these rules, the source may implement the changes addressed in the request for an administrative permit amendment immediately upon submittal of the request.

405 MINOR PERMIT REVISIONS:

405.1 Minor permit revision procedures may be used only for those changes at a Title V source that satisfy all of the following:

- a. Do not violate any applicable requirement;

- b. Do not involve substantive changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
- c. Do not require or change:
 - (1) A case-by-case determination of an emission limitation or other standard,
 - (2) A source specific determination of ambient impacts, or
 - (3) A visibility or increment analysis.
- d. Do not seek to establish nor to change a Title V permit term or condition for which there is no corresponding underlying applicable requirement and that the Title V source has assumed in order to avoid an applicable requirement to which the Title V source would otherwise be subject. Such terms and conditions include:
 - (1) A federally enforceable emissions cap which the Title V source would assume to avoid classification as a modification under any provision of Title I of the Act; and
 - (2) An alternative emissions limit approved under regulations promulgated under the Section 112(i)(5) of the Act.
- e. Are not modifications under any provision of Title I of the Act.
- f. Are not changes in fuels not represented in the permit application or provided for in the Title V permit.
- g. Are not minor NSR modifications for which public participation is required under Rule 241-Minor New Source Review (NSR) of these rules; and
- h. Are not required to be processed as a significant permit revision under Section 406 of this rule.

405.2 As approved by the Control Officer, minor permit revision procedures may be used for Title V permit revisions involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit revision procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by the Administrator.

405.3 To request a minor permit revision, a source shall complete the “Standard Permit Application Form” and shall include the following information:

- a. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
- b. For any source that is making the change immediately after it files the application, the Title V source's suggested draft permit; and
- c. Certification by a responsible official that the proposed revision meets the criteria for use of minor permit revision procedures and a request that such procedures be used.

405.4 EPA and Affected State Notification: Within five working days of the Control Officer's receipt of an application for a minor permit revision, the Control Officer

shall notify the Administrator and affected States of the requested permit revision in accordance with Section 303 of this rule.

405.5 The Control Officer shall not issue a final permit revision until after the Administrator's 45-day review period or until the Administrator has notified the Control Officer that the Administrator will not object to issuance of the permit revision, whichever is first, although the Control Officer may approve the permit revision prior to that time. Within 90 days of the Control Officer's receipt of ~~an~~ a complete application under minor permit revision procedures, or 15 days after the end of the Administrator's 45-day review period, whichever is later, the Control Officer shall do one or more of the following:

- a. Issue the permit revision as proposed;
- b. Deny the permit revision application;
- c. Determine that the proposed permit revision does not meet the minor permit revision criteria and should be reviewed under the significant permit revision procedures; and/or
- d. Revise the proposed permit revision and transmit to the Administrator the new proposed final permit revision as required ~~in~~ by Section 303 of this rule.

405.6 Source's Ability to Make Change: The source may make the change proposed in its minor permit revision application immediately after it files the application, unless the revision triggers minor New Source Review (NSR) under Rule 241 of these rules. After a Title V source makes the change allowed by the preceding sentence, and until the Control Officer takes any of the actions specified in Section 405.5 of this rule, the source shall comply with both the applicable requirements governing the change and the proposed revised permit terms and conditions. During this time period, the Title V source need not comply with the existing permit terms and conditions it seeks to modify. However, if the Title V source fails to comply with its proposed permit terms and conditions during this time period, the Control Officer may enforce existing permit terms and conditions, which the Title V source seeks to revise.

405.7 Permit Shield: The permit shield under Section 407 of this rule shall not extend to minor permit revisions.

405.8 Notwithstanding any other part of this rule, the Control Officer may require a permit to be revised under Section 406 of this rule for any change that, when considered together with any other changes submitted by the same source under this rule or under Section 404 of this rule over the life of the permit, do not satisfy Section 405.1 of this rule.

405.9 The Control Officer shall make available to the public monthly summaries of all applications for minor permit revisions.

406 SIGNIFICANT PERMIT REVISIONS:

406.1 A significant permit revision shall be used for an application requesting a permit revision that does not qualify as a minor permit revision nor as an administrative permit amendment.

- 406.2** A significant permit revision that is only required because of a change described in Section 405.1(f) or Section 405.1(g) of this rule shall not be considered a significant permit revision under Part 70 for the purposes of 40 CFR 64.5(a)(2). Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions shall follow significant permit revision procedures.
- 406.3** Any modification to a major source of federally listed hazardous air pollutants, and any reconstruction of a source, or a process or production unit, under Section 112(g) of the Act and regulations promulgated thereunder, shall follow significant permit revision procedures.
- 406.4** Significant permit revisions shall meet all requirements of this rule for applications, public participation, review by affected States, and review by the Administrator, that apply to permit issuance and renewal.

407 PERMIT SHIELDS:

- 407.1** Each Title V permit issued under this rule shall specifically identify all federal, state, and local air pollution control requirements applicable to the Title V source at the time the Title V permit is issued. The Title V permit shall state that compliance with the conditions of the Title V permit shall be deemed compliance with any applicable requirement as of the date of Title V permit issuance, provided that such applicable requirements are included and expressly identified in the Title V permit. The Control Officer may include in a Title V permit determination that other requirements specifically identified are not applicable. Any Title V permit issued under this rule that does not expressly state that a permit shield exists shall not provide such a shield.
- 407.2** Nothing in this rule or in any permit shall alter or affect the following:
- a. The provisions of Section 303 of the Act-Emergency Orders, including the authority of the Administrator under that section.
 - b. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance.
 - c. The applicable requirements of the acid rain program, consistent with Section 408(a) of the Act.
 - d. The ability of the Administrator or of the Control Officer to obtain information from a source under Section 114 of the Act, or any provision of State law.
 - e. The authority of the Control Officer to require compliance with new applicable requirements adopted after the permit is issued.
- 407.3** In addition to the provisions of Rule 200-Permit Requirements of these rules, a permit shall be reopened by the Control Officer and the permit shield revised, when it is determined that standards or conditions in the permit are based on incorrect information provided by the applicant.

408 PUBLIC PARTICIPATION:

- 408.1** The Control Officer shall provide public notice, an opportunity for public comment, and an opportunity for a hearing before taking any of the following actions for a source required to obtain a permit under Title V of the Clean Air Act:
- a. Issuing, denying, or renewing a permit.
 - b. Issuing or denying a significant permit revision.
 - c. Revoking and reissuing or reopening a permit.
 - d. Issuing a conditional order under Rule 120-Conditional Orders of these rules.
 - e. Granting a variance from a general permit under Rule 230-General Permits of these rules.
- 408.2** The Control Officer shall provide public notice of receipt of complete applications for permits or permit revisions subject to Rule 240 of these rules by publishing a notice in a newspaper of general circulation in Maricopa County.
- 408.3** The Control Officer shall provide the notice required under Section 408.1 of this rule as follows:
- a. The Control Officer shall publish the notice once each week for two consecutive weeks in two newspapers of general circulation in the county where the source is or will be located.
 - b. 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.
 - c. The Control Officer shall give notice by other means if necessary to assure adequate notice to the affected public.
- 408.4** The notice required by Section 408.3 of this rule shall include the following:
- a. Identification of the affected facility;
 - b. Name and address of the permittee or applicant;
 - c. Name and address of the permitting authority processing the permit action;
 - d. The activity or activities involved in the permit action;
 - e. The emissions change involved in any permit revision;
 - f. The air contaminants to be emitted;
 - g. 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;
 - h. The name, address, and telephone number of a person from the Department from whom additional information may be obtained;
 - i. 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 closest Department office, and the times at which such materials shall be available for public inspection;

- j. A summary of any notice of confidentiality filed under Rule 100-General Provisions and Definitions of these rules;
 - k. A statement in the public record if the permit or permit revision would result in the generation of emission reduction credits under A.A.C. R18-2-1204-Title 18, Chapter 2, Article 12 or the utilization of emission reduction credits under A.A.C. R18-2-1206-Title 18, Chapter 2, Article 12; and
 - l. The Control Officer's preliminary determination whether the application for a permit or permit revision should be approved or disapproved.
- 408.5** 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. If a public hearing is requested, the Control Officer shall schedule the hearing and publish notice as described in A.R.S. §49-498 and in Section 408.4 of this rule. The Control Officer shall give notice of any public hearing at least 30 days in advance of the hearing.
- 408.6** At the time the Control Officer publishes the first notice under Section 408.3(a) of this rule, the applicant shall post a notice containing the information required in Section 408.4 of this rule 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.
- 408.7** The Control Officer shall provide at least 30 days from the date of the first notice for public comment to receive comments and requests for a hearing. 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~~ proposed final permit is submitted to the ~~EPA~~ Administrator, the record and copies of the Control Officer's responses shall be made available to the applicant, the Administrator and to all commenters.

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II – PERMITS AND FEES**

**RULE 220
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**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II – PERMITS AND FEES**

**RULE 220
NON-TITLE V PERMIT PROVISIONS**

SECTION 100 – GENERAL

- 101 PURPOSE:** To provide an orderly procedure for the review of Non-Title V sources of air pollution through the issuance of Non-Title V permits.
- 102 APPLICABILITY:** This rule applies to each source requiring a Non-Title V permit or permit revision and notifications of certain changes at Non-Title V permit sources.

SECTION 200 – DEFINITIONS: ~~(NOT APPLICABLE)~~ See Rule 100-General Provisions and Definitions of these rules for definitions of terms that are used but not specifically defined in this rule.

SECTION 300 – STANDARDS

301 PERMIT APPLICATION PROCESSING PROCEDURES:

- 301.1 Standard Application Form and Required Information:** To apply for a permit or permit revision under this rule, applicants shall complete a permit application filed in the manner and form prescribed by the Control Officer. The Control Officer, either upon the Control Officer's own initiative or upon the request of a permit applicant, may waive the requirement that specific information or data for a particular source or category of sources be submitted in the ~~Non-Title V~~ permit application. However, the Control Officer must determine that the information or data would be unnecessary to determine all of the following:
- a. The applicable requirements to which the source may be subject;
 - b. The design and control of the air pollution control equipment such that the source may be expected to operate without emitting or without causing to be emitted air contaminants in violation of these rules;
 - c. The fees to which the source may be subject under Rule 280-Fees of these rules; and
 - d. A proposed emission limitation, control, or other requirement that meets the requirements of Section 304 of this rule.
- 301.2 Permit Application and a Compliance Plan:**
- a. A permit application, ~~required by this rule,~~ shall include a compliance plan, if applicable, which meets the requirements of Section 303 of this rule when a

~~notice of violation has been issued~~ an enforcement action has been taken and not resolved at the time the permit application is filed.

- b. A permit application, ~~required by this rule, can~~ may include a compliance plan, if applicable, which meets the requirements of Section 303 of this rule ~~when the following circumstances occur:~~ under other circumstances determined by the Control Officer.
 - (1) ~~When a source is not in compliance with these rules but has not been issued a notice of violation;~~
 - (2) ~~Under other circumstances determined by the Control Officer.~~

301.3 A Timely Permit Application:

- a. For a source, that becomes subject to the permit program as a result of a change in a regulation and not as a result of construction or a physical or operational change, one that is submitted within 12 months after the source becomes subject to the permit program.
- b. For purposes of permit renewal, a timely application is one that is submitted at least six months, but not more than ~~18 months~~ 12 months, prior to the date of permit expiration.
- c. Unless otherwise required by Rule 200-Permit Requirements of these rules and for any existing source which becomes subject to a standard promulgated by the Administrator under Section 112(d) of the Act-~~Hazardous Air Pollutants Emission Standards~~, a timely application is a permit revision application that is submitted within 12 months of the date ~~on which~~ the standard is promulgated. If such standard requires the source to obtain a Title V permit, then the permit revision application shall be subject to the requirements of Rule 210-Title V Permit Provisions of these rules.

301.4 A complete application is one that satisfies all of the following:

- a. ~~To be complete, an~~ An application shall provide all information required under Section 301.1 of this rule, ~~except that notifications of~~ An application for permit revision need only supply such information ~~only~~ if it is related to the proposed change. A responsible official shall certify the submitted information, ~~consistent with~~ as required by Section 301.6 of this rule.
- b. ~~To be complete, an~~ An application for a new permit or ~~a notification of~~ a permit revision shall contain an assessment of the applicability of ~~the requirements of~~ Rule 241-Minor New Source Review (NSR) of these rules ~~and shall comply with all applicable requirements of Rule 241-Minor New Source Review (NSR) of these rules.~~ If the applicant determines that the proposed new source is subject ~~this to~~ to Rule 241 of these rules, or the proposed permit revision constitutes a minor NSR modification, then the ~~application~~ applicant shall ~~comply~~ demonstrate compliance with all applicable requirements of Rule 241 of these rules.
- c. An application for a new permit, ~~a notification of~~ a permit revision, or ~~a permit~~ renewal shall be deemed ~~to be~~ complete unless the Control Officer notifies the applicant by certified mail within 60 days of receipt of the application that the

application is not complete and specifies what additional information is necessary for the application to be deemed complete.

- d. 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 to take final action on that application, the Control Officer may request such information in writing and may set a reasonable deadline for a response. Except for applications using the minor permit revisions revision procedures as set forth in Section 406 of this rule, a source's ability to continue operating the existing source without a permit, as set forth in ~~this rule~~ Section 301.6 (Action on Application) of this rule, shall be in effect from the date the application is determined or deemed 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. The Control Officer may, after ~~one~~ one submittal ~~by the applicant~~ of one application under this rule, reject an application that is still determined to be incomplete and shall notify the applicant of the decision by certified mail.
- e. The completeness determination shall not apply to revisions processed through the minor permit revision ~~process~~ procedures as set forth in Section 406 of this rule.
- f. The Control Officer agrees with ~~the~~ any notice of confidentiality submitted under A.R.S. §49-487.
- g. Any emission source, ~~or~~ equipment item or activity listed in the definition of "insignificant activity" in Rule 100 of these rules shall be ~~included~~ listed in the application. The application need not provide emissions data regarding ~~the insignificant~~ activities listed in the definition of "insignificant activity" as defined in Rule 100 of these rules. If the Control Officer determines that a source or an activity listed on the application does not meet ~~the requirements~~ of the definition of "insignificant activity" in Rule 100 of these rules or that emissions data for the source or activity is required to complete the assessment required by Section 301.4 of this rule, the Control Officer shall notify the applicant in writing and specify the additional information required, which may include emissions data and supporting documents.
- h. If a source wishes to voluntarily enter into an emissions limitation, control, or other requirement pursuant to Section 304 of this rule, a source shall describe ~~that~~ the 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.

301.5 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 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.

301.6 Action on Application:

- a. ~~The~~ Except as provided in Rule 241-Minor New Source Review (NSR) of these rules, 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.
- b. For ~~Non-Title V~~ permits that contain voluntary emission limits, controls, or other requirements established under Section 304 of this rule, the Control Officer shall have complied with the requirement of Section 304.4 of this rule to provide the Administrator with a copy of ~~each such~~ the proposed permit. In addition, the Control Officer may issue, revise, or renew a permit only if all of the following conditions have been met:
 - (1) The permit application received by the Control Officer must be complete according to Section 301.4 of this rule.
 - (2) Except for administrative or minor permit revisions ~~qualifying as administrative or minor under defined in~~ Sections 405.1 and 405.2 of this rule, all of the requirements for public notice and participation under Section 407 of this rule must have been met.
 - (3) The conditions of the permit ~~shall~~ require compliance with all applicable requirements.
 - (4) For permits for which a proposed final permit is required to be submitted to the Administrator under Section 304 of this rule, and to which the Administrator has properly objected to its issuance in writing within ~~45~~ 30 days of receipt of the proposed final permit and all necessary supporting information from the Control Officer, the Control Officer has revised and submitted a proposed final permit in response to the objection and the Administrator has not objected to this proposed final permit within ~~45~~ 30 days of receipt.
- c. The Control Officer may issue a notice of revocation of a permit issued under this rule if:
 - (1) The Control Officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.
 - (2) 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.
 - (3) The terms and conditions of the permit have been or are being violated and the violation has not been corrected within a reasonable period of time as specified by the Control Officer.
- d. If the Control Officer issues a notice of denial or revocation of a permit under this rule, 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 explaining that the permit applicant or permittee is entitled to a hearing.

- e. Except as provided in Rule 200-Permit Requirements of these rules, the Control Officer shall take final action on each permit application (and ~~request application~~ application for revision or renewal) within 90 days of receipt of a complete application, unless a finding is made that more time is needed, but in no case longer than nine months after receiving a complete application.

301.7 Except as ~~noted~~ allowed under the provisions in Section 404 of this rule, no source may operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued under this rule. However, if a source submits a timely and complete application for initial permit issuance, ~~revision,~~ or renewal, the source's failure to have a permit is not a violation of these rules 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. If a source submits a timely and complete application for a permit renewal, but the Control Officer fails to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the permit renewal has been issued or denied. This section of this rule does not affect a source's obligation to obtain a permit revision before making a modification to the source.

302 PERMIT CONTENTS: Each permit issued under this rule shall include the following elements:

- 302.1** The date of issuance, ~~and the permit term,~~ and the deadline by which the permittee must renew the permit.
- 302.2** Enforceable emission limitations and standards, including those operational requirements and limitations that ensure compliance with all applicable requirements at the time of issuance, and operational requirements and limitations that have been voluntarily accepted under Section 304 of this rule, or that have been voluntarily accepted under Rule 201-Emissions Caps of these rules. Whenever more than one standard in this rule applies to any source, or whenever a standard in this rule and a standard in the Maricopa County Air Pollution Control Regulations Regulation III-Control of Air Contaminants applies to any source, the rule or combination of rules resulting in the lowest rate or lowest concentration of regulated air pollutants released to the atmosphere shall apply, unless otherwise specifically exempted or designated.
- 302.3** A compliance plan, if applicable, which meets the requirements of Section 303 of this rule.
- 302.4** As necessary, requirements concerning the use, maintenance, and if applicable, installation of monitoring equipment or methods.
- 302.5** Periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, if the applicable requirement does not require periodic testing or instrumental or non-instrumental

monitoring (which may consist of recordkeeping designed to serve as monitoring). The monitoring requirements shall ensure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement and as otherwise required under Section 304 of this rule. Recordkeeping provisions may be sufficient to meet the requirements of this rule.

- 302.6** All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated under Section 114(a)(3) of the Act and including any monitoring and analysis procedures or test methods required under Section 304 of this rule.
- 302.7** All recordkeeping requirements, including recordkeeping requirements established under Section 304 of this rule, if applicable, for the retention of records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
- 302.8** All applicable reporting requirements, including submittal of any required monitoring reports at least annually and prompt reporting of deviations from permit requirements, including those deviations attributable to upset conditions, as defined in the permit. Reports of deviations shall include the probable cause of the deviations and any corrective actions or preventative measures taken. For the purposes of this Section, reporting shall be considered prompt when such reporting is made in accordance with Rule 130-Emergency Provisions of these rules.
- 302.9** A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portion of the permit.
- 302.10** Provisions stating that it shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- 302.11** Provisions stating that the permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated non-compliance does not stay any permit condition.
- 302.12** Provisions stating that the permit does not convey any property rights nor does it convey exclusive privileges of any sort.
- 302.13** Provisions stating that the permittee shall furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for revising, revoking and reissuing the permit, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish, to the Control Officer copies of records required to be kept by the permit.
- 302.14** Provisions stating that any document required to be submitted by a permit, including reports, shall contain certification by a responsible official of truth, accuracy, and completeness under Rule 100-General Provisions and Definitions of these rules.

- 302.15** A provision to ensure that a source pays fees to the Control Officer under A.R.S. §49-480(D) and Rule 280-Fees of these rules.
- 302.16** Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Control Officer. Such terms and conditions shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted source a record of the scenario under which it is operating. The terms and conditions of each such alternative scenario must meet all applicable requirements and the requirements of this rule.
- 302.17** Inspection and entry provisions which require the permittee to allow the Control Officer, upon presentation of proper credentials, to enter upon the permittee's premises, where a source is located or where emission-related activity is conducted, or where records are required to be kept, under the conditions of the permit.
- 302.18** Inspection and entry provisions which require the permittee to allow the Control Officer, upon presentation of proper credentials, to have access to and to copy, at reasonable times, any records that are required to be kept under the conditions of the permit.
- 302.19** Inspection and entry provisions which require the permittee to allow the Control Officer, upon presentation of proper credentials, to inspect, at reasonable times, any source's equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
- 302.20** Inspection and entry provisions which require the permittee to allow the Control Officer, upon presentation of proper credentials, to sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements.
- 302.21** Inspection and entry provisions which require the permittee to allow the Control Officer, upon presentation of proper credentials, to record any inspection by use of written, electronic, magnetic, and photographic media.
- 302.22** Provisions specifying the conditions under which the permit will be reopened prior to the expiration date of the permit.
- 302.23** Federally Enforceable Requirements: Designated terms and conditions contained in Non-Title V permits issued under Rule 220-Non-Title V Permit Provisions of these rules will be considered federally enforceable, provided that the County's Permit Program is approved by the Administrator and incorporated into the applicable State Implementation Plan (SIP) under Section 110 of the Act, and the permit meets the requirements set forth in Section 304 of this rule:
- a.** Terms or conditions designated as federally enforceable in a Non-Title V permit, including but not limited to those that are entered into voluntarily under Section 304 of this rule and which have been submitted to the Administrator for review, include:
 - (1)** Emissions limitations, controls, or other requirements; and
 - (2)** Monitoring, recordkeeping, and reporting requirements associated with the emissions limitations, controls, or other requirements.

- b. The Control Officer shall specifically designate as not being federally enforceable under the Act any terms and conditions included in a Non-Title V permit that are not required under the Act, or under any such applicable requirements, or that are not entered into voluntarily under Section 304 of this rule.

302.24 Provisions stating that the permittee shall comply with all conditions of the permit including all applicable requirements of Arizona air quality statutes and the air quality rules. Compliance with permit terms and conditions does not relieve, modify, or otherwise affect the permittee's duty to comply with all applicable requirements of Arizona air quality statutes and the Maricopa County Air Pollution Control Regulations. Any permit non-compliance is grounds for enforcement action; for a permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application. Non-compliance with any federally enforceable requirement in a permit constitutes a violation of the Act.

303 COMPLIANCE PLANS: Each compliance plan shall contain the following elements:

303.1 A description of the compliance status of the source with respect to applicable requirements that will become effective during the permit term or for which the source is not in compliance at the time of permit issuance.

303.2 A description as follows:

- a. For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.
- b. For requirements with which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.
- c. For any additional requirements, as ~~may be~~ specified under Section 304 of this rule.

303.3 A compliance schedule as follows:

- a. For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this rule, unless a more detailed schedule is expressly required by the applicable requirement.
- b. A schedule of compliance for any existing sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirement for which the source will be in non-compliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction non-compliance with, the applicable requirements on which it is based.

- 303.4** A schedule for submission of certified progress reports no less frequently than every six months for sources required to have a schedule of compliance to remedy a violation. Such schedule shall contain:
- a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones, or compliance were achieved; and
 - b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
- 303.5** If there is a Federal Implementation Plan (FIP) applicable to the source, a provision that compliance with the FIP is required.
- 303.6** The Control Officer may develop special guidance documents and forms to assist certain sources in completing the compliance plan.

304 PERMITS CONTAINING VOLUNTARILY ACCEPTED EMISSIONS LIMITATIONS, CONTROLS, OR OTHER REQUIREMENTS (SYNTHETIC MINOR):

- 304.1** 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 Title V permit, or to avoid one or more other applicable requirements. For the purposes of this rule, "enforceable as a practical matter" means that specific means to assess compliance with an emissions limitation, control, or other requirement are provided for in the permit in a manner that allows compliance with the limit standard or trade provision to be readily determined by an inspection of the source records or reports. In addition, for the purposes of this rule, "enforceable as a practical matter" shall include the following criteria:
- a. The permit conditions are permanent and quantifiable;
 - b. The permit includes a legally enforceable obligation to comply;
 - c. The permit limits impose an objective and quantifiable operational or production limit, or require the use of in-place air pollution control equipment;
 - d. The permit limits have short-term averaging times consistent with the averaging times of the applicable requirement;
 - e. The permit conditions are enforceable and are independent of any other applicable limitations; and
 - f. The permit conditions for monitoring, recordkeeping, and reporting requirements are sufficient to comply with Rule 220-Non-Title V Permit Provisions, Sections 302.3, 302.4, 302.5, 302.6, and 302.7 of these rules.
- 304.2** 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:
- a. 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

- b. All voluntarily accepted emissions limitations, controls, or other requirements will be permanent, quantifiable, and otherwise enforceable as a practical matter.

304.3 The Control Officer shall not issue a permit that waives nor makes less stringent any limitations or requirements contained in or issued under an applicable implementation plan or that are otherwise federally enforceable.

304.4 At the same time as notice of proposed issuance is first published under A.R.S. §49-426(D), the Control Officer shall send a copy of any Non-Title V permit proposed to be issued under ~~Section 304~~ this section of this rule to the Administrator for review during the comment period described in the notice under Section 407 of this rule.

304.5 The Control Officer shall send a copy of each final permit issued under Section 304 of this rule to the Administrator.

304.6 For all permits containing voluntarily accepted emission limitations, controls, or other requirements established under this section of this rule, the Control Officer shall provide an opportunity for public participation as provided for in Section 407 of this rule.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

401 FEES REQUIRED: Persons subject to this rule shall pay the fees required, as set forth in Rule 280-Fees of these rules.

402 PERMIT TERM: A Non-Title V permit shall remain in effect for no more than five years.

403 SOURCE CHANGES THAT REQUIRE NON-TITLE V PERMIT REVISIONS:

403.1 A source with a Non-Title V permit may make any physical change or change in the method of operation without revising the source's permit, unless (1) the change is specifically prohibited in the source's permit or (2) is a change described in the following subsections. A change that does not require a permit revision may still be subject to requirements in Section 404 of this rule.

403.2 The following changes at a source with a Non-Title V permit shall require a permit revision:

- a. A change that would trigger a new applicable requirement or violate an existing applicable requirement;
- b. Establishment of, or change in, an emissions cap;
- c. A change that will require a case-by-case determination of an emissions limitation or other standard, or a source specific determination of ambient impacts, or a visibility or increment analysis;
- d. A change that results in emissions which are subject to monitoring, recordkeeping, or reporting under Sections 302.6, 302.7, ~~and~~ or 302.8 of this

rule, if the emissions cannot be measured or otherwise adequately quantified by monitoring, recordkeeping, or reporting requirements already in the permit;

- e. 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;
- f. A change that requires the source to obtain a Title V permit under Rule 210-Title V Permit Provisions of these rules;
- g. 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;
- h. Establishment or revision of an emissions limit under Section 304 of this rule;
- i. Increasing operating hours or rates of production above the permitted level;
- j. Making a change that relaxes monitoring, recordkeeping, or reporting requirements, except when the change results:
 - (1) 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 Section 500 of this rule and if the requirements that are relaxed are present in the permit solely for the equipment that was removed; or
 - (2) From a change in an applicable requirement; and
- k. A minor NSR modification as defined in Rule 100-General Provisions and Definitions of these rules.

404 PROCEDURES FOR CERTAIN CHANGES THAT DO NOT REQUIRE A NON-TITLE V PERMIT REVISION:

404.1 Except for a physical change or change in the method of operation at a Non-Title V source requiring a permit revision under Section 403 of this rule or a change subject to logging or written notice requirements in Section 404.2 of this rule or Section 404.3 of this rule, a change at a Non-Title V source shall not be subject to revision, notice, or logging requirements under these rules.

404.2 Except as otherwise provided in the conditions applicable to an emissions cap created under Rule 201-Emissions Caps of these rules, the following changes may be made if the source keeps on-site records of the changes according to Section 500 of this rule:

- a. Implementing an alternative operating scenario, including raw material changes;
- b. Changing process equipment, operating procedures, or making any other physical change if required by the permit ~~requires the change~~ to be logged;
- c. Engaging in any new ~~exempted activity listed in Rule 200-Permit Requirements, Section 303.3(e)~~ insignificant activity as defined in Rule 100-General Provisions and Definitions of these rules, but not listed in the permit;
- d. Replacing an item of air pollution control equipment listed in the permit with an identical (same model, different serial number) item. The Control Officer may require verification of efficiency of the new equipment by performance tests; and

- e. Making a change that results in a decrease in actual emissions, if the source wants to claim credit for the decrease in determining whether the source has a net emissions increase for any purpose. The logged information shall include a description of the change that will produce the decrease in actual emissions. A decrease that has not been logged is creditable only if the decrease is quantifiable, enforceable, and otherwise qualifies as a creditable decrease.

404.3 Except as otherwise provided in the conditions applicable to an emissions cap created under Rule 201-Emissions Caps of these rules, the following changes may be made if (1) the change does not require a permit revision pursuant to Section 403.2 of this rule and (2) if the source provides written notice to the Control Officer in advance of the change as provided below:

- a. Replacing an item of air pollution control equipment listed in the permit with one that is not identical but that is substantially similar and has the same or better pollutant removal efficiency: 7 days after the written notice is received by the Control Officer. The Control Officer may require verification of efficiency of the new equipment by performance tests;
- b. Making a physical change or change in the method of operation that increases actual emissions ~~more than~~ less than 10% of the major source threshold for any conventional air pollutant but does not require a permit revision: 7 days after the written notice is received by the Control Officer;
- c. Replacing an item of air pollution control equipment listed in the permit with one that is not substantially similar but that has the same or better efficiency: 30 days after the written notice is received by the Control Officer. The Control Officer may require verification of efficiency of the new equipment by performance tests;
- d. Making any change that would trigger an applicable requirement that already exists in the permit: 30 days after the written notice is received by the Control Officer, unless otherwise required by the applicable requirement; and
- e. ~~Making a change that amounts to reconstruction of the source or an affected facility: 7 days. For purposes of this section reconstruction of a source or an affected facility shall be presumed if the fixed capital cost of the new components exceed 50% of the fixed capital cost of a comparable entirely new source or affected facility and the changes to the components have occurred over the 12 consecutive months beginning with commencement of construction; and~~
- f. e. Making a change that will result in ~~the~~ emissions of a new regulated air pollutant ~~above an applicable regulatory threshold~~ at a rate that is less than 10% of the applicable major source threshold for that pollutant, but that does not trigger a new applicable requirement for that source category: 30 days after the date of receipt of the written notice by the Control Officer. ~~For purposes of this requirement, an applicable regulatory threshold for a conventional air pollutant shall be 10% of the applicable major source threshold for that pollutant.~~

404.4 For each change listed under Section 404.3 of this rule, the written notice shall be made by email, certified mail or hand delivery and shall be received by the Control Officer prior to the minimum amount of time required in advance of the change.

Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided with less than required notice, 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.

404.5 The written notice shall include:

- a. When the proposed change will occur;
- b. A description of the change;
- c. Any change in emissions of regulated air pollutants; and
- d. Any permit term or condition that is no longer applicable as a result of the change.

404.6 Notwithstanding any other part of ~~this section~~ Section 404 of this rule, 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 of this rule over the term of the permit, constitutes a change under Section 403.2 of this rule.

404.7 If a source change is described under both Section 404.2 of this rule and Section 404.3 of this rule, the source shall comply with Section 404.3 of this rule.

404.8 If a source change is described under both Section 404.3 of this rule and Section 403.1 of this rule, the source shall comply with Section 403.1 of this rule.

404.9 A source may implement any change under Section 404.3 of this rule without the required written notice by applying for a minor permit revision under Section 405.2 of this rule and complying with Section 406.1 of this rule.

405 PERMIT REVISIONS:

405.1 Administrative Permit Revisions:

- a. An administrative permit revision is required to correct typographical errors in a ~~Non-Title V Permit~~ permit.
- b. An administrative permit revision is required to change the name, address, or phone number of any person identified in the ~~Non-Title V permit~~ permit.
- c. An administrative permit revision is required to change ownership or operational control of a source ~~with a Non-Title V permit~~, where the Control Officer determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for the change of permit responsibility and liability between the current and new permittee has been submitted to the Control Officer.
- d. ~~Incorporates~~ An administrative permit revision is required to incorporate any other type of change which the Control Officer has determined to be similar to those changes described in this subsection.

405.2 Minor Permit Revisions:

- a. ~~Minor~~ A minor permit revision ~~procedures shall be used~~ is required for a change that triggers a new applicable requirement, if all of the following apply:

- (1) The change is not a minor NSR modification for which public participation is required under Rule 241-Minor New Source Review (NSR) of these rules;
- (2) A case-by-case determination of an emissions limitation or other standard is not required; and
- (3) The change does not require the source to obtain a Title V permit under Rule 210-Title V Permit Provisions of these rules.

- b. ~~Minor~~ A minor permit revision ~~procedures shall be used~~ is required for a change that increases emissions above the permitted level, unless the increase ~~otherwise creates a condition that requires~~ triggers the requirement for a non-minor permit revision in Section 405.3 of this rule;
- c. ~~Minor~~ A minor permit revision ~~procedures shall be used~~ is required for a change in fuel from fuel oil or coal to natural gas or propane, if not authorized in the permit;
- d. ~~Minor~~ A minor permit revision ~~procedures shall be used~~ is required for a change that results in emissions subject to monitoring, recordkeeping, or reporting under Sections 302.6, 302.7, or 302.8 of this rule and that cannot be measured or otherwise adequately quantified by monitoring, recordkeeping, or reporting requirements already in the permit;
- e. ~~Minor~~ A minor permit revision ~~procedures shall be used~~ is required for a change that decreases emissions permitted under an emissions cap under Rule 201-Emissions Caps of these rules, unless the decrease requires a change in the conditions required to enforce the emissions cap or to ensure that emissions trades conducted under the emissions cap are quantifiable and enforceable; and
- f. ~~Minor~~ A minor permit revision ~~procedures shall be used~~ is required for a change that replaces an item of air pollution control equipment listed in the permit with one that does not have the same or better efficiency.

405.3 Non-Minor Permit Revisions: A source ~~with a Non-Title V permit shall~~ may make the following changes only after its permit is revised following the public participation requirements of Section 407 of this rule:

- a. Establishing or revising a voluntarily accepted emission limitation or standard described in Section 304 of this rule, or an emissions cap described in Rule 201-Emissions Caps of these rules, except a decrease in the limitation authorized by Section 405.2(e) of this rule;
- b. Making any change in fuel not authorized by the Non-Title V permit and that is not fuel oil or coal to natural gas or propane;
- c. A change that is a minor NSR modification for which public participation is required under Rule 241-Minor New Source Review (NSR) of these rules.
- d. A change that relaxes monitoring, recordkeeping, or reporting requirements, except when the change results:
 - (1) 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 Section 500 of this rule and if the requirements that are relaxed are present in the permit solely for the equipment that was removed; or

- (2) From a change in an applicable requirement.
- e. A change that will cause the source to violate an existing applicable requirement, including the conditions establishing an emissions cap;
- f. A change that will require any of the following:
 - (1) A case-by-case determination of an emission limitation or other standard;
 - (2) A source-specific determination of ambient impacts or a visibility or increment analysis; or
 - (3) A case-by-case determination of a monitoring, recordkeeping, and reporting requirement.
- g. A change that requires the source to obtain a Title V permit under Rule 210-Title V Permit Provisions of these rules.

406 PERMIT REVISIONS PROCEDURES:

406.1 The Source's Responsibility for a Notification of an Application for a Permit Revision: A source shall submit to the Control Officer ~~a notification of a~~ an application for a Non-Title V permit revision, in a form and manner as prescribed by the Control Officer, with the appropriate fee as required by Rule 280-Fees of these rules. ~~In a notification of a Non-Title V permit revision, a source~~ The application must supply information that is related to the proposed change. If the source's proposed ~~Non-Title V~~ permit revision will revise its ~~Non-Title V~~ permit from a Non-Title V permit to a Title V permit, then the source must submit a Title V permit application in accordance with Rule 210-Title V Permit Provisions of these rules. The Control Officer shall issue the entire Title V permit, and not just the portion of the Non-Title V permit being revised, in accordance with Title V permit content and issuance requirements, including requirements for public, affected state, and EPA review contained in Rule 210-Title V Permit Provisions of these rules.

406.2 The Control Officer's Responsibility for Action on a Notification of an Application for a Permit Revision:

- a. **Administrative Permit Revision:** The Control Officer shall take final action within 60 days of receipt of ~~a notification of a~~ complete application for an administrative permit revision.
- b. **Minor Permit Revision:** The Control Officer shall do one or more of the following within 60 days of receipt of ~~a notification of a~~ complete application for a minor permit revision:
 - (1) Issue the minor permit revision as proposed;
 - (2) Deny the minor permit revision application; or
 - (3) Determine that the minor permit revision does not meet the minor permit revision criteria and should be reviewed under the non-minor permit revision procedures.

- c. **Non-Minor Permit Revision:** The Control Officer shall take final action on the majority of the ~~notifications of complete applications for~~ non-minor permit revisions within 90 days of receipt. In no case shall the final action take longer than nine months.

406.3 The Source's Ability to Make Changes Requested in a ~~Notification of an~~ Application for a Permit Revision:

a. Administrative Permit Revision or Minor Permit Revision:

- (1) A source may implement the changes addressed in the administrative permit revision application or in a minor permit revision application after it files the application, unless the revision triggers ~~minor New Source Review (NSR)~~ a minor NSR modification under Rule 241-~~Minor New Source Review (NSR)~~ of these rules.
- (2) A source shall still comply with any Federal laws, Arizona laws, or these rules, and a source shall comply with the "new" permit conditions that the source proposes in its ~~notification of application for~~ a minor permit revision. The Control Officer may enforce the existing permit conditions if the Control Officer determines that the source is not complying with the "new" permit conditions.

- b. **Non-Minor Permit Revision:** ~~A source may implement the changes addressed in the notification for a non-minor permit revision upon the Control Officer's revising the permit. A source shall not implement the changes addressed in the application for a non-minor permit revision until the Control Officer issues a revised permit.~~

407 PUBLIC PARTICIPATION:

407.1 Provide Public Notice Before Taking Action on a Permit: The Control Officer shall provide public notice and an opportunity for public comment before taking any of the following actions:

- a. Issuing, denying, or renewing a permit to a Non-Title V source with emissions of a regulated air pollutant that exceeds the public notice threshold as defined in Rule 100-General Provisions and Definitions of these rules;
- b. Issuing or denying a non-minor permit revision to a Non-Title V source with emissions of a regulated air pollutant that exceeds the public notice threshold as defined in Rule 100 of these rules;
- c. Revoking and reissuing or reopening a permit to a Non-Title V source with emissions of a regulated air pollutant that exceeds the public notice threshold as defined in Rule 100 of these rules; or
- d. Issuing a conditional permit under Rule 120-Conditional Orders of these rules to a Non-Title V source with emissions of a regulated air pollutant that exceeds the public notice threshold as defined in Rule 100 of these rules.

407.2 Provide Information in Public Notice and Publish in Newspapers Before Taking Action on a Permit: The Control Officer shall include the following in the notice required pursuant to Section 407.1 of this rule and shall publish such notice

once each week for two consecutive weeks in two newspapers of general circulation in the county where the source is or will be located and by other means if necessary to assure adequate notice to the affected public. ~~The Control Officer shall give notice of any public hearing at least 30 days in advance of the public hearing.~~

- a. Name and address of the affected facility(ies).
- b. The activity(ies) involved in each permit action.
- c. A statement that any person may submit written comments on a proposed permit action no later than the deadline for submitting such comments.
- d. The deadline for submitting written comments.
- e. Name, address, and phone number of a person from the Department from whom additional information may be obtained.
- f. The location where copies of the permit or permit revision application, the proposed permit, the analysis in support of the preliminary determination whether the application for a permit or permit revision should be approved or disapproved, and all other materials available to the Control Officer that are relevant to the permit decision may be reviewed and the times during which such materials will be available for public inspection.
- g. A statement if the permit or permit revision would result in the generation of emission reduction credits under A.A.C. R18-2-1204-Title 18, Chapter 2, Article 12 or the utilization of emission reduction credits under A.A.C. R18-2-1206 Title 18, Chapter 2, Article 12.
- h. The Control Officer's preliminary determination whether the application for a permit or permit revision should be approved or disapproved.

407.3 Publish List of Permit Applications Received: The Control Officer shall publish, once each week, a list of all permit applications received. The list will be available to the public at the Department's main office and on the Department's website.

407.4 Publish List of Permits Issued: The Control Officer shall publish in a newspaper or post on the Department's website, once each month, a list of all permits issued.

407.5 Public Hearing: 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. If a public hearing is requested, the Control Officer shall schedule the public hearing and publish a notice once each week for two consecutive weeks in two newspapers of general circulation in the county where the source is or will be located and by other means if necessary to assure adequate notice to the affected public. The Control Officer shall give notice of any public hearing at least 30 days in advance of the public hearing.

407.6 Public Notice to be Posted by the Permit Applicant: At the time the Control Officer publishes the first notice under Section 407.1 of this rule, the applicant shall post a notice containing the information required in Section 407.2 of this rule 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 public hearing. Any posting shall be maintained until the public comment period is closed.

407.7 Receipt of Comments and Requests for Public Hearing: The Control Officer shall provide at least 30 days from the date of its first notice for public comment to receive comments and requests for a hearing. The Control Officer shall keep a record of the commenters and 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 to all commenters.

408 AMENDMENTS TO A PERMIT: The Control Officer may amend any Non-Title V permit annually without following the Rule 200-Permit Requirements, Section 402-Permit Reopenings; Revocation and Reissuance; Termination provisions of these rules in order to incorporate changes reflected in logs maintained pursuant to Section 404.2 of this rule or written notices filed under ~~Section 404~~ Section 404.3 of this rule. The amendment shall be effective to the ~~anniversary~~ renewal date of the permit. The Control Officer shall make available to the public for any source:

408.1 A complete record of logs and notices sent to the Control Officer under Section 404 of this rule; and

408.2 Any amendments ~~or revisions~~ to the source's permit made under this rule.

SECTION 500 – MONITORING AND RECORDS

501 LOG RETENTION REQUIREMENT: If a source makes a change that requires logging, then the source shall keep such log for five years from the date the source creates such log.

502 LOG FORMAT SPECIFICATIONS: If a source makes a change that requires logging, then the source shall perform such logging in indelible ink in a bound log book with sequentially numbered pages, or in any other form, including electronic format, if approved by the Control Officer. Each log entry shall include at least the following information:

502.1 A description of the change including:

- a. A description of any process change.
- b. A description of any equipment change, including both old and new equipment descriptions, model numbers, and serial numbers, or any other unique equipment number.
- c. A description of any process material change.

502.2 The date and time that the change occurred.

502.3 The provision of Section 404.2 of this rule that authorizes the change to be made with logging.

502.4 The date the log entry was made and the first and last name of the person making the log entry.

503 **LOG FILING:** A copy of all logs required under Section 404.2 of this rule shall be filed with the Control Officer within 30 days after each anniversary of the permit issue date. If no changes were made at the source requiring logging, a statement to that effect shall be filed instead.

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II – PERMITS AND FEES**

**RULE 230
GENERAL PERMITS**

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SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

Adopted 11/15/1993; Revised 02/15/1995; Revised 06/06/2007; Revised 02/03/2016; Revised 12/11/2019

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II – PERMITS AND FEES**

**RULE 230
GENERAL PERMITS**

SECTION 100 – GENERAL

101 PURPOSE: To allow for the issuance of ~~general~~ General permits for a facility class that contains a large number of sources that are similar in nature, have substantially similar emissions, and would be subject to the same or substantially similar requirements governing operations, emissions, monitoring, reporting, or recordkeeping.

102 APPLICABILITY: ~~A general permit shall not be issued for affected sources except as provided in regulations promulgated by the Administrator under Title IV of the Act.~~

102.1 A General permit may only be issued to a stationary source in a facility class.

102.2 This rule provides the authority and requirements the Control Officer must meet to issue General permits for a facility class.

102.3 The Control Officer may issue a General permit for any facility class that is determined to be appropriate for a General permit, in accordance with the requirements of this rule.

102.4 This rule provides the requirements a stationary source must meet to obtain authority to operate under a General permit issued by the Control Officer.

SECTION 200 – DEFINITIONS: For the purpose of this rule, the following definition shall apply, in addition to those definitions found in Rule 100-General Provisions and Definitions of these rules. In the event of any inconsistency between any of the Maricopa County Air Pollution Control ~~rules~~ Regulations, the definitions in this rule take precedence.

201 SIMILAR IN NATURE: Refers to facility size, processes and operating conditions.

SECTION 300 – STANDARDS

301 RULES APPLICABLE TO A GENERAL PERMIT: Unless otherwise stated, the provisions of Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 220-Non-Title V Permit Provisions, Rule 241-Minor New Source Review (NSR), Rule 245 - Continuous Source Emission Monitoring, Rule 270-Performance Tests, and Rule 400-Procedure Before the Hearing Board shall apply to ~~general~~ General permits.

302 GENERAL PERMIT DEVELOPMENT:

302.1 The Control Officer may issue a ~~general~~ General permit on his own initiative or in response to a petition. At the time the Control Officer issues a ~~general~~ General permit,

the Control Officer may also establish a specific application with filing instructions for sources in the ~~category~~ facility class covered by the ~~general~~ General permit.

- 302.2** Any person may submit a petition to the Control Officer requesting the issuance of a ~~general~~ General permit for a defined class of facilities. The petition shall propose a particular facility class ~~of facilities~~, shall list the approximate number of facilities in the proposed class along with their size, processes and operating conditions, and shall demonstrate how the facility class meets the criteria for a ~~general~~ General permit as specified in Sections 100 and 301 through 303 of this rule and in A.R.S. § 49-426(H). The Control Officer shall provide a written response to the petition within 120 days of receipt.
- 302.3** A ~~general~~ General permit shall be issued for ~~classes of facilities~~ a facility class using the same engineering technical review process that applies to permits for individual sources and following the public notice requirements of Section 304 of this rule.
- 302.4** A ~~general~~ General permit shall include all of the following:
- a. General permits issued for Title V ~~major~~ sources shall contain all elements in Rule 210-Title V Permit Provisions, Section 302.1-Permit Contents of these rules except Sections 302.1(b)(2) and 302.1(f).
 - b. General permits issued for Non-Title V sources shall contain all elements in Rule 220-Non-Title V Permit Provisions, Section 302-Permit Contents of these rules.
 - c. The process for individual sources to apply for ~~coverage~~ authority to operate under the ~~general~~ General permit.
- 302.5** A source applying for authority to operate under a ~~general~~ General permit shall not propose nor accept pursuant to Rule 220-Non-Title V Permit Provisions of these rules emissions limitations, controls, or other requirements that are not included in the specific ~~general~~ General permit.
- 302.6** ~~Of sources that are covered under the general permit,~~ general General permits developed by the Control Officer shall require both of the following:
- a. Installation and operation of reasonably available control technology (RACT) as determined by Rule 241, Section ~~302~~ 307.1 of these rules.
 - b. Compliance with standards/requirements promulgated pursuant to Sections 111 or 112 of the Act as applicable.

303 ~~APPLICATION FOR COVERAGE~~ **APPLICATION FOR COVERAGE AUTHORITY TO OPERATE UNDER GENERAL PERMIT:**

- 303.1** Once the Control Officer has issued a ~~general~~ General permit, any source which is a member of the class of facilities covered by the ~~general~~ General permit may apply to the Control Officer for authority to operate under the ~~general~~ General permit. Applicants shall complete the specific application form, or if none has been adopted, the standard application form. The specific application form shall, at a minimum, require the applicant to submit ~~the following information:~~ information identifying and describing the source, its processes and operating conditions in sufficient detail to allow the Control Officer to determine qualification for and to assure compliance with the General permit.

- a. ~~Information identifying and describing the source, its processes, and operating conditions in sufficient detail to allow the Control Officer to determine qualification for and to assure compliance with the general permit.~~
- b. ~~For general permits issued for Title V major sources, compliance plan that meets the requirements of Rule 210 Title V Permit Provisions, Section 305 Compliance Plan; Certification of these rules.~~
- c. ~~For general permits issued for Non Title V sources, compliance plan that meets the requirements of Rule 220 Non Title V Permit Provisions, Section 303 Compliance Plans of these rules.~~

303.2 For sources required to obtain a permit under Title V of the Act, the Control Officer shall provide the Administrator with a permit application summary form and any relevant portion of the permit application and compliance plan. To the extent possible, this information shall be provided in computer readable format compatible with the Administrator's national database management system.

303.3 The Control Officer shall act on the application for ~~coverage~~ authority to operate under a ~~general~~ General permit as expeditiously as possible. The source may operate under the terms of the applicable ~~general~~ General permit ~~during that time~~ 7 days after the application is submitted, if the application shows that the source qualifies for and is in compliance with the specific General permit. The Control Officer may defer acting on an application under this rule, if the Control Officer has provided notice of intent to renew or not to renew the permit for the facility class.

303.4 The Control Officer shall make available to the public a monthly summary of all applications received ~~under this rule~~ for authority to operate under a General permit.

304 PUBLIC NOTICE:

304.1 The Control Officer shall provide public notice for any proposed ~~general~~ General permit, for any revision of an existing ~~general~~ General permit, and for renewal of an existing ~~general~~ General permit.

304.2 The Control Officer shall publish notice of the proposed ~~general~~ General permit once each week for two consecutive weeks in a newspaper of general circulation within Maricopa County. The notice shall describe the following:

- a. The proposed ~~general~~ General permit.
- b. The category of sources that would be affected.
- c. The air contaminants which the Control Officer expects to be emitted by a typical ~~facility~~ source in the ~~facility~~ class and by ~~facility~~ class as a whole.
- d. The Control Officer's proposed actions and effective date for the actions.
- e. Locations where documents relevant to the proposed ~~general~~ General permit will be available during normal business hours.
- f. The name, address, and telephone number of a person within the Department who may be contacted for further information.

- g. The address where any person may submit comments and/or request a public hearing and the date and time by which comments or public hearing request are required to be received.
- h. The process by which sources may obtain authorization to operate under the ~~general~~ General permit.

304.3 For ~~general~~ General permits under which operation may be authorized in lieu of individual source permits issued under Rule 210-Title V Permit Provisions of these rules, the Control Officer shall give notice of the proposed ~~general~~ General permit to each affected state at the same time that the ~~proposed general permit goes out for public notice~~ Control Officer publishes notice of the proposed General permit in a newspaper as specified in Section 304.2 of this rule. The Control Officer shall provide the proposed final permit to the Administrator after public and affected state review. No Title V permit shall be issued if the Administrator properly objects to its issuance in writing within 45 days from receipt of the proposed final permit and any necessary supporting information from the Control Officer.

304.4 The Control Officer shall provide at least 30 days from the date of the first notice described in Section 304.3 of this rule for public comment.

304.5 Written comments to the Control Officer shall include the name of the person and the person's agent or attorney and shall clearly set forth reasons why the ~~general~~ General permit should or should not be issued.

304.6 At the time a ~~general~~ General permit is issued, the Control Officer shall make available a response to all relevant comments on the proposed permit raised during the public comment period and during any requested public hearing. The response shall specify which provisions, if any, of the proposed permit have been changed and the reason for the changes. The Control Officer shall also notify in writing any petitioner and each person who has submitted written comments on the proposed permit or requested notice of the final permit decision.

305 **SOURCES FOR WHICH A GENERAL PERMIT MAY NOT BE ISSUED:** ~~A general permit shall not be issued to sources that are subject to case-by-case standards or requirements. A General permit shall not be issued to a facility class if that facility class has been issued a General permit by the Director of the Arizona Department of Environmental Quality for sources in Maricopa County pursuant to Arizona Revised Statutes § 49-426(H).~~

306 **GENERAL PERMIT RENEWAL:**

306.1 The Control Officer shall review and may renew ~~general~~ General permits every five years ~~or sooner, if warranted.~~ When renewing a General permit, the Control Officer shall ensure that the General permit meets all of the applicable requirements in accordance with this rule.

306.2 A source's authorization to operate under a ~~general~~ General permit shall expire when the ~~general~~ General permit expires regardless of when the authorization began during the five year period, except as provided in Section 311.3 of this rule.

306.3 At the time a ~~general~~ General permit is renewed, the Control Officer shall notify in writing all sources that were granted ~~coverage~~ authority to operate under the

previous General permit and shall require ~~them~~ such sources to submit a timely renewal application. For purposes of ~~general~~ General permits, a timely application is one that is submitted within the time-frame specified by the Control Officer in the written notification. Failure to submit a timely application terminates the source's right to operate. If a source submits a timely and complete application for a permit renewal, but the Control Officer has failed to issue or deny the renewal General permit before the end of the term of the previous General permit, then the General permit shall not expire until the General permit renewal has been issued or denied.

307 **RELATIONSHIP TO INDIVIDUAL PERMITS:** Any source ~~covered with authority to operate~~ under a ~~general~~ General permit may request to be excluded from ~~coverage such authority to operate~~ by applying for an individual source permit. ~~Coverage Authority to operate~~ under the ~~general~~ General permit shall terminate on the date the individual source permit is issued.

308 **GENERAL PERMIT VARIANCE FOR ANY NON-FEDERALLY ENFORCEABLE REQUIREMENT OF A PERMIT:**

308.1 Except as modified by the variance, the source shall comply with all conditions of the ~~general~~ General permit.

308.2 Applications and approvals of ~~general~~ General permit variances shall be subject to the public notice requirements of Rule 210-Title V Permit Provisions of these rules.

309 ~~GENERAL PERMIT SHIELD: Each general permit issued under this rule shall specifically identify all federal, state, and local air pollution control requirements applicable to the source at the time the general permit is issued. The general permit shall state that compliance with the conditions of the general permit shall be deemed in compliance with any applicable requirement as of the date of general permit issuance. Any permit under this rule that does not expressly state that a permit shield exists shall be presumed not to provide such a shield. Notwithstanding the above provisions, the source shall be subject to enforcement action for operation without a permit if the source is later determined not to qualify for the conditions and terms of the general permit. A permit shield provided for a general permit shall meet all the requirements of Rule 210-Title V Permit Provisions of these rules.~~

310 **309 GENERAL PERMIT APPEALS:** Any person who filed a comment on a proposed ~~general~~ General permit as provided in Section 304 of this rule may appeal the terms and conditions of a ~~general~~ General permit, as they apply to the facility class covered under a ~~general~~ General permit, by filing an appeal with the hearing board within ten days of issuance of the ~~general~~ General permit.

311 **310 REVOCATIONS OF AUTHORITY TO OPERATE:**

311.1 **310.1** The Control Officer may require a source authorized to operate under a ~~general~~ General permit to apply for and to obtain an individual source permit at any time if:

- a. The Control Officer has determined that the source is not in compliance with the terms and conditions of the ~~general~~ General permit; or

- b. The Control Officer has determined that the emissions from the source or facility class are significant contributors to ambient air quality standard violations which are not adequately addressed by the requirements in the ~~general~~ General permit; or
- c. The Control Officer has information which indicates that the effects on human health and the environment from the sources covered under the ~~general~~ General permit are unacceptable.

~~311.2~~ **310.2** ~~The Control Officer shall provide written notice to all sources operating under a general permit prior to cancellation of a general permit. Such notice shall include an explanation of the basis for the proposed action. Within six months of receipt of the notice of the expiration, termination or cancellation of any general permit, sources notified shall submit an application to the Control Officer for an individual permit. The Control Officer shall provide a written explanation to all sources operating under a General permit at least 12 months prior to termination or cancellation of a General permit. At least six months prior to the date of termination or cancellation of a General permit, sources operating under such General permit shall submit an application for an individual source permit to the Control Officer. Each source previously authorized to operate under such General permit may operate under the terms of such General permit, until the individual source permit is approved by the Control Officer.~~

~~311.3~~ A source previously authorized to operate under a general permit may operate under the terms of the general permit until the earlier of the date it submits a complete application for an individual permit, or 180 days after receipt of the notice of expiration, termination or cancellation of any general permit.

~~312~~ **311** **CHANGES TO FACILITIES GRANTED COVERAGE AUTHORITY TO OPERATE UNDER GENERAL PERMIT:**

~~312.1~~ **311.1** An owner or operator of a source that has been granted ~~coverage authority to operate~~ under a ~~general~~ General permit may make the following changes at the source only after the owner or operator provides written notification to the Control Officer and only if such changes do not require the owner or operator to obtain a Title V or a Non-Title V permit:

- a. Adding new emissions units of the same type operating under a General permit issued to the source.
- b. Installing a replacement emissions unit operating under a General permit issued to the source.
- c. Adding or replacing air pollution control equipment operating under a General permit issued to the source.

~~312.2~~ **311.2** **Notification Required:** The written notification required by Section ~~312.1~~ 311.1 of this rule shall include:

- a. When the proposed change will occur;
- b. A description of the change; and
- c. Any change in potential emissions of regulated air pollutants.

~~312.3~~ **311.3** An owner or operator of a source that has been granted ~~coverage~~ authority to operate under a ~~general~~ General permit shall keep a record of any physical change or change in the method of operation that could affect emissions. The record shall include a description of the change and the date the change occurred.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II – PERMITS AND FEES**

**RULE 240
FEDERAL MAJOR NEW SOURCE REVIEW (NSR)**

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Adopted 11/15/1993; Revised 02/15/1995; Revised 02/07/2001; Revised 05/07/2003; Revised 06/06/2007; Repealed and Adopted 02/03/2016; **Revised 12/11/2019**

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II – PERMITS AND FEES**

**RULE 240
FEDERAL MAJOR NEW SOURCE REVIEW (NSR)**

SECTION 100 – GENERAL

- 101 PURPOSE:** To implement the federal new source review requirements, including nonattainment area new source review requirements of sections 172(c)(5) and 173 of the Clean Air Act for any area designated nonattainment for any national ambient air quality standard under 40 CFR 81.303 and attainment area prevention of significant deterioration requirements of section 165 of the Clean Air Act for any area designated attainment or unclassifiable under sections 107(d)(1)(A)(ii) or (iii) of the Clean Air Act. This is a preconstruction review and permitting program applicable to new or modified major stationary sources in areas designated nonattainment, attainment or unclassifiable.
- 102 APPLICABILITY:** The provisions of this rule apply to any new major stationary source or major modification to an existing major stationary source of regulated NSR pollutants.
- 103 INCORPORATION BY REFERENCE:** Except ~~as~~ as otherwise provided in this rule, the CFR sections adopted as of ~~July 1, 2015~~ July 1, 2019, as cited in this rule, are ~~adopted and~~ incorporated by reference ~~in~~ into this rule and made part of the Maricopa County Air Pollution Control Regulations. This incorporation by reference includes no future editions or amendments.

SECTION 200 – DEFINITIONS: ~~The definitions applicable throughout this rule are incorporated by reference into Sections 304 and 305 of this rule.~~ In the event of any inconsistency between any of the Maricopa County Air Pollution Control ~~rules~~ Regulations, the definitions in this rule take precedence, ~~for this rule.~~ See Rule 100 (General Provisions and Definitions) of these rules for definitions of terms that are used but not ~~specifically~~ defined in this rule.

- 201** The definitions contained in 40 CFR 51.100 and 40 CFR 51.103 are applicable to all portions of this rule.
- 202** The definitions contained in 40 CFR 51.165(a)(1) are applicable to Section 304 of this rule.
- 202.1** The following incorporated definitions in 40 CFR 51.165(a)(1) are revised as follows:
- a.** In the definition of “net emissions increase”, the term “reasonable period” shall be replaced with “Between the dates five years before a complete application for a permit or permit revision authorizing the particular change is submitted or actual construction of the particular change begins, whichever occurs earlier, and the date that the increase from the particular change occurs.”

b. The definition of the term “projected actual emissions” as defined in 40 CFR 51.165(a)(1)(xxviii) (B)(1) shall be revised to include “Maricopa County” and read as “...the company’s filings with Maricopa County, the State or Federal regulatory authorities...”

c. The term “reviewing authority” shall be replaced with “Control Officer”.

202.2 The following definitions of 40 CFR 51.165(a)(1) are excluded: (xliii), (xliv), (xlv), and (xlvi).

203 The definitions contained in 40 CFR 52.21(b) are applicable to Section 305 of this rule.

203.1 The following incorporated definitions in 40 CFR 52.21(b) are revised as follows:

a. In the definition of “net emissions increase”, paragraph 40 CFR 52.21(b)(3)(ii)(a) shall read as “The date five years before a complete application for a permit or permit revision authorizing the particular change is submitted or actual construction of the particular change begins, whichever occurs earlier; and”.

204 The definitions of the terms “major source” and “major modification” as used throughout this rule have the meanings as defined in 40 CFR 51.165(a)(1) when referring to nonattainment pollutants and as defined in 40 CFR 52.21(b) for all other pollutants.

SECTION 300 – STANDARDS

301 **PERMIT OR PERMIT REVISION REQUIRED:** No person shall begin actual construction of a new major source or a major modification subject to the requirements of this rule without first obtaining a proposed final permit from the Control Officer, ~~pursuant to Rule 210 Section 303.1(b) of these rules, stating that the major source or major modification shall meet the requirements of this rule.~~

302 **APPLICATION COMPLETENESS:** An application for a permit or a permit revision under this rule, other than a PAL permit issued pursuant to Sections 304 and/or 305 of this rule, shall not be considered complete unless the applicant demonstrates that:

302.1 The impact analyses requirements in Section 304.16 and Section 305 of this rule are met and demonstrate that the new major source or major modification will not interfere with the attainment or maintenance of any applicable NAAQS.

302.2 ~~The more stringent of the applicable new source performance standards (NSPS) in Section 111 of the Clean Air Act or the existing source performance standards in Regulation III-Control of Air Contaminants of these rules are applied to the proposed new major source or major modification of a major source. The proposed major source or major modification of a major source will comply with any applicable new source performance standards (NSPS) in 40 CFR Part 60.~~

302.3 The new major source or major modification will not have an adverse impact on visibility in any Federal Class I area or mandatory Class I Federal area, as determined by Sections 304 and/or 305 of this rule and the applicant will satisfy all the applicable visibility requirements contained in Sections 304 and/or 305 of this rule. A If required by Sections 304 or 305 of this rule, a demonstration of the impact on visibility shall be made according to the requirements of 40 CFR 51.307(a), 40 CFR

52.21(o), and (p)(1) through (p)(4) as incorporated by reference and shall be included with the application.

302.4 All applicable requirements of the SIP ~~are~~ will be met, including but not limited to the requirements contained in Rule 200 (Permit Requirements), Rule 210 (Title V Permit Provisions), Rule 240 (Federal Major New Source Review (NSR)), Rule 241 (Minor New Source Review (NSR)), Rule 245 (Continuous Source Emission Monitoring), and Rule 270 (Performance Tests) of these rules.

302.5 The new major source or major modification will be in compliance with whatever emission limitation, design, equipment, work practice or operational standard, or combination thereof is applicable to the source or modification to satisfy BACT or LAER as applicable. ~~The degree of emission limitation required for control of any pollutant under this rule shall not be affected in any manner by:~~

~~a. Stack height in excess of CEP stack height except as provided in Section 306 of this rule; or~~

~~b. Any other dispersion technique, unless implemented prior to December 31, 1970.~~

302.6 The new major source or major modification will the applicable standards for hazardous air pollutants contained in Section 112 of the Clean Air Act.

302.7 The new major source or major modification will comply with all applicable requirements of Regulation III-Control of Air Contaminants of these rules.

303 ACTION ON APPLICATION AND NOTIFICATION REQUIREMENTS: Unless the specific requirement has already been satisfied under Rule 210 of these rules, the Control Officer shall comply with the following requirements:

303.1 Within 60 days after receipt of an application for a permit; or a permit revision subject to this rule, or of any addition to such application, the Control Officer shall advise the applicant of any deficiency in the application. The date of receipt of the application shall be, for the purpose of this rule, the date on which the Control Officer received all required information and deemed the application complete. The permit application shall not be deemed complete solely because the Control Officer failed to meet the requirements of this section.

303.2 Permit Issuance: Prior to issuing a permit or permit revision pursuant to this rule, the Control Officer shall:

a. Make a preliminary determination whether the permit or permit revision ~~or~~ should be approved with conditions or disapproved.

b. Make available in at least one location, including the closest Department office, a copy of all materials the applicant submitted, a copy of the preliminary determination, a copy of the proposed permit and a copy or summary of other materials, if any, considered in making the preliminary determination. Permits or permit revisions subject to the provisions in Section 305 of this rule, shall also make available the degree of increment consumption that is expected from the source or modification.

- c. ~~Publish in at least one newspaper of general circulation in Maricopa County a notice stating the preliminary determination of the Control Officer, noting how pertinent information can be obtained, and inviting written public comment for a 30-day period following the date of publication. The notice shall include the time and place of any hearing that may be held, including a statement of procedure to request a hearing (unless a hearing has already been scheduled). Notify the public of the application, the preliminary determination and the opportunity for a public hearing and to submit written comments in accordance with the public participation requirements in Rule 210 of these rules. In case of an application subject to Section 305 of this rule, the notice shall include the degree of consumption of the maximum allowable increases allowed under limitation of pollutants in classified attainment and unclassified areas that is expected to occur as a result of emissions from the proposed source or modification.~~
- d. Send a copy of the notice requesting public comment to the permit applicant, the Administrator, and the following officials and agencies having cognizance of the location where the proposed major source or major modification would occur:
- (1) The Board of Supervisors for the county wherein the proposed or existing source that is the subject of the permit or permit revision application is located;
 - (2) The city or town managers of the city or town which contains, and any city or town the boundaries of which are within five miles of the location of the proposed or existing source that is the subject of the permit or permit revision application;
 - (3) Any regional land use planning agency with authority for land use planning in the area where the proposed or existing source that is the subject of the permit or permit revision application is located; and
 - (4) Any State, Federal Land Manager, or Indian governing body whose lands may be affected by emissions from the proposed source or modification.
- e. ~~The Control Officer shall consult~~ Consult with the Federal Land Manager on a proposed major stationary source or major modification that may impact visibility in any Class I Area, in accordance with 40 CFR 51.307, as incorporated by reference.
- f. Provide opportunity for a public hearing for persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations, if in the Control Officer's judgment such a hearing is warranted. The Control Officer shall give notice of any public hearing at least 30 days in advance of the hearing.
- g. Consider all written comments that were submitted within the 30 day public comment period and all comments received at any public hearing in making a final determination on the approvability of the application and make all comments available, including the Control Officer's response to the comments, for public inspection in the same location where the Control Officer made available preconstruction information relating to the proposed source or modification.

- h. Make a final determination whether the permit or permit revision should be approved with conditions or denied within one year of the proper filing of the complete application. The Control Officer shall notify the applicant in writing of his approval or of his denial.

303.3 The authority to construct and operate a new major source or major modification under a permit or permit revision issued under this rule shall terminate if the owner or operator does not commence the proposed construction within 18 months of issuance, or if during the construction, the owner or operator suspends work for more than 18 months. The Control Officer may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

303.4 Within 30 days of the issuance of any permit under this rule, the Control Officer shall submit control technology information from the permit to the Administrator for the purposes listed in Section 173(d) of the Clean Air Act.

303.5 Prior to issuance of a preliminary decision to issue a permit or permit revision for a new major stationary source or major modification, the Control Officer shall make each of the following determinations:

- a. That the new or modified source will not violate applicable ~~state implementation plan~~ (SIP) requirements.
- b. That the new or modified source will not interfere with the attainment or maintenance of any applicable NAAQS.
- c. For applications subject to Section 305, that the new or modified source will not cause or contribute to a violation of a prevention of significant deterioration (PSD) increment identified in Section 305 of this rule.
- d. That the new or modified source has met the BACT or LAER control technology requirements as applicable in Sections 304 and/or 305 of this rule.

304 PERMIT REQUIREMENTS FOR NEW MAJOR SOURCES OR MAJOR

MODIFICATIONS LOCATED IN NONATTAINMENT AREAS: The provisions of this section apply to new major stationary sources and major modifications to existing major stationary sources located in areas designated as nonattainment ~~under~~ in 40 CFR 81.303 and which would be major for the nonattainment regulated NSR pollutant. Such sources are subject to nonattainment new source review.

304.1 ~~Definitions: The definitions contained in 40 CFR 51.100, 40 CFR 51.301, and 40 CFR 51.165(a)(1) are incorporated by reference, except as provided below:~~

- a. ~~The following incorporated provisions of 40 CFR 51.165(a)(1) are revised as follows:~~

- (1) ~~The term “reviewing authority” shall be replaced with “Control Officer”.~~

- (2) ~~In the definition of “net emissions increase”, the term “reasonable period” shall be replaced with “Between the date five years before a complete application for a permit or permit revision authorizing the particular change~~

is submitted or actual construction of the particular change begins, whichever occurs earlier, and the date that the increase from the particular change occurs.”

(3) The definition of the term “Projected actual emissions” as defined in 40 CFR 51.165(a)(1)(xxviii) (B)(1) shall be revised to include “Maricopa County” and to read as: “..., the company’s filings with Maricopa County, the State or Federal regulatory authorities,....”

b. The following definitions of 40 CFR 51.165(a)(1) are excluded: (xliii), (xliv), (xlv), and (xlvi).

e. The following definitions in 40 CFR 51.301 are included: “Adverse impact on visibility”; “Natural conditions”; and “Visibility impairment”.

304.2 **304.1 Emission Calculation Requirements to Determine NSR Applicability:** Except for an application for a PAL permit subject to ~~Section 304.9~~ Section 304.8 of this rule, the provisions contained in 40 CFR 51.165(a)(2)(ii)(A) through (F) ~~as incorporated by reference~~ shall be used to determine if a proposed project will result in a new major stationary source or a major modification to an existing stationary source. These provisions shall not be used to determine the quantity of offsets required for a project subject ~~to~~ the requirements of Section 304 of this rule.

304.3 **304.2 Emission Offsets:** Increased emissions, calculated pursuant to Section ~~304.5(d)~~ 304.4(d) of this rule, from a major source or major modification subject to Section 304 of this rule shall be offset by reductions in the emissions of each pollutant for which the area has been designated as nonattainment and for which the proposed project will result in a new major stationary source or a major modification for that nonattainment pollutant. Unless an offset ratio is provided for the applicable nonattainment area pollutant in Section ~~304.6~~ 304.5 of this rule, the offset ratio of total actual emissions reductions to emission increases shall be at least 1 to 1.

304.4 **304.3 Baseline for Determining Credit for Offsets:** The baseline for determining credit for emissions reductions shall be the actual emissions of the source from which offset credit is obtained.

304.5 **304.4 Offset and Emission Reduction Requirements:**

a. All emission reductions claimed as offset credit shall meet the provisions contained in 40 CFR 51.165(a)(3)(ii)(A) through (D) ~~as incorporated by reference~~ and 40 CFR 51.165(a)(3)(ii)(G) ~~as incorporated by reference~~.

b. All emission reductions claimed as offset credits shall be federally enforceable by the time a permit is issued to the owner or operator of the major source subject to this ~~Section~~ rule and shall be in effect by the time the new or modified source subject to the permit commences operations.

c. Location of offsetting emissions: The applicant of a major source or major modification subject to this rule must obtain offset credits from the same source or from other sources in the same nonattainment area, except that the Control Officer may allow the applicant to obtain offset credits from another nonattainment area if the provisions contained in 40 CFR Part 51 Appendix S (IV)(D) ~~as incorporated by reference~~ are satisfied.

- d. The total tonnage of increased emissions, in tons per year, resulting from a major modification that must be offset under this ~~Section~~ rule shall be determined by summing the difference between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit.
- e. Interpollutant offsetting:
 - (1) For the purposes of satisfying the offset requirements, the provisions contained in 40 CFR Part 51, Appendix S (IV)(G)(5) apply. ~~the~~ The Control Officer may approve interpollutant emission offsets for precursor pollutants on a case by case basis, except for PM₁₀, ~~which is subject to Section 304.5(e)(2)~~ and PM_{2.5}, which ~~is~~ are subject to ~~Section 304.5(e)(5)~~ Sections 304.4(e)(2) and 304.5(e)(2) of this rule. In such cases, the Control Officer shall impose, based on an air quality analysis, emission offset ratios in addition to the requirements of Sections ~~304.3 304.2~~ and ~~304.6 304.5~~ of this rule. Interpollutant emission offsets used at a major stationary source must receive written approval by the Administrator.
 - (2) Interpollutant offsets between PM₁₀ and PM₁₀ precursors are not allowed.
 - (3) PM₁₀ emissions shall not be allowed to offset Nitrogen Oxides or Volatile Organic Compound (VOC) emissions in ozone nonattainment areas.
 - (4) In no case shall the compounds excluded from the definition of VOC be used as offsets for VOC.
 - (5) Interpollutant offsets between PM_{2.5} and PM_{2.5} precursors are not allowed unless modeling has been used to demonstrate appropriate PM_{2.5} interpollutant offset ratios as approved in a PM_{2.5} Attainment Plan.

~~304.6~~ **304.5** **Offset Ratios for Ozone Nonattainment Areas:** In meeting the emissions offset requirements of Section ~~304.3~~ 304.2 of this rule for ozone nonattainment areas, the offset ratio of total actual emissions reductions of VOC or nitrogen oxides to the emissions increase of VOC or nitrogen oxides shall be as follows:

- a. In any marginal nonattainment area for ozone – at least 1.1 to 1;
- b. In any moderate nonattainment area for ozone – at least 1.15 to 1; or
- c. In any serious, severe, or extreme nonattainment area for ozone the applicable ratio as provided in 40 CFR 51.165(a)(9)(ii)(C) through (E) and 40 CFR 51.165(a)(9)(iii) ~~as incorporated by reference.~~

~~304.7~~ **304.6** **Source Obligations:**

- a. The issuance of a permit or permit revision under this rule in accordance with this section shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the ~~State Implementation Plan (SIP)~~ and any other requirements under local, State, or Federal law.
- b. 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 rule shall apply to the source or

modification as though construction had not yet commenced on the source or modification.

- c. Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this rule, any changes to the application as required by the Control Officer, or with the terms of its permit, shall be subject to enforcement action.

304.8 304.7 Non-Major Modifications that Result in Reasonable Possibility of Significant Emissions Increase: The provisions of this section shall apply with respect to any regulated NSR pollutant emitted from projects at existing emissions units at a major stationary source, other than at a source with a PAL, in circumstances where there is a reasonable possibility, within the meaning of 40 CFR 51.165(a)(6)(vi), that a project that is not part of a major modification ~~that~~ may result in a ~~significant~~ significant emissions increase of such pollutant and the owner or operator elects to use the method specified in the definition of projected actual emissions in 40 CFR 51.165(a)(1)(xxviii)(B)(1)through(3) for calculating projected actual emissions. The owner or operator shall meet the following requirements:

- a. Comply with the procedures in 40 CFR 51.165(a)(6)(i) through (vi) ~~as incorporated by reference.~~
- b. Make the information required to be documented and maintained pursuant to this section available for review upon a request for inspection by the Control Officer or the general public pursuant to the requirements contained in 40 CFR 70.4(b)(3)(viii) ~~as incorporated by reference.~~

304.9 304.8 Plantwide Applicability Limits (PAL) Permit:

- a. ~~Any major stationary source with a PAL permit for a regulated NSR pollutant, shall comply with provisions contained in 40 CFR 51.165(f)(1) through (15) as incorporated by reference.~~
- b. a. The Control Officer ~~may~~ shall issue a PAL permit for any existing major stationary source according to the provisions contained in 40 CFR 51.165(f)(1) through (15) if the PAL permit meets the requirements in 40 CFR 52.21(aa) as incorporated by reference.
- c. b. The term “PAL” shall mean “actuals PAL” ~~throughout Section 304.9 as used in Section 304.8~~ of this rule.
- d. ~~The following terms as used in 40 CFR 52.21 (aa) shall be replaced as follows:~~
 - (1) ~~“The term “Administrator” shall be replaced by the term “Control Officer”~~
 - (2) ~~“The term “PSD” shall be replaced by the term “NSR”~~
 - (3) ~~“The term “BACT” shall be replaced by the term “LAER”~~
 - (4) ~~“The term “Plan” shall be replaced by the term “SIP”~~

304.10 304.9 Additional Requirements Permit Issuance: Except as provided in Section ~~304.12~~ 304.11 through Section ~~304.15~~ 304.14 of this rule, the Control Officer shall not issue any permit or permit revision under this rule to an applicant proposing to construct a

new major source or proposing to make a major modification for the pollutant for which the area is designated nonattainment unless:

- a. The Control Officer has determined that the new major source or the major modification will meet an emission limitation which is the lowest achievable emission rate (LAER) for that source for that regulated NSR pollutant.
- b. The Control Officer has determined that all existing major sources owned or operated by the applicant (or any entity controlling, controlled by, or under common control with such person) in the State are in compliance with, or are on a schedule of compliance for, all conditions contained in permits for each of the sources and all other applicable emission limitations and standards under the Act and in this rule.
- c. The Control Officer has determined that emission reductions for the specific pollutant(s) from ~~of~~ the new major source or major modification meet the offset requirements of ~~Section 304.3~~ Sections 304.2 through 304.6 ~~304.5~~ of this rule.
- d. The Administrator has not determined that the applicable implementation plan is not being adequately implemented for the nonattainment area.

~~304.11~~ **304.10** No permit or permit revision under this rule shall be issued for a new major source or major modification to a major source located in a nonattainment area unless:

- a. The applicant performs an analysis of alternative sites, sizes, production processes and environmental control techniques for such new major source or major modification; and
- b. The Control Officer determines that the analysis demonstrates that the benefits of the new major source or major modification significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

~~304.12~~ **304.11** Secondary emissions shall not be considered in determining the potential to emit of a new source or modification and therefore whether the new source or modification is major. However, if a new source or modification is subject to this rule on the basis of its direct emissions, a permit or a permit revision, ~~under this rule to construct the new source or modification,~~ shall be denied, unless the requirements in ~~Sections 304.10~~ Sections 304.9(a) and (b) of this rule are met, for reasonably quantifiable secondary emissions caused by the new source or modification.

~~304.13~~ **304.12** A Fugitive emissions shall not be considered in determining the potential to emit of a new source or a modification that would be a major stationary source or a major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the new source or modification, and if the source does not belong to a source category listed in 40 CFR 51.165(a)(1)(iv)(c)(1)through(27).

~~304.14~~ **304.13** The requirements of ~~Section 304.10(e)~~ Sections 304.4 and 304.9(c) of this rule shall not apply to temporary emissions units, such as pilot plants or portable facilities that will be relocated outside of the nonattainment area, and the construction phase of a new source, if those units will operate for no more than 12 months in the

nonattainment area, are otherwise in compliance with the requirement to obtain a permit under this rule, and are in compliance with the conditions of ~~that~~ their permit.

- ~~304.15~~ **304.14** A decrease in actual emissions shall be considered in determining the net emission increase of a new source or modification only to the extent that the Control Officer has not relied on it in issuing any permit or permit revision under these rules (including the issuance of any ERC (Emission Reduction Certificate), or the State has not relied on it in demonstrating attainment or reasonable further progress (RFP).
- ~~304.16~~ **304.15** Ambient Air Quality Standards Impact Analysis: The Control Officer may require the use of an air quality model to estimate the effects of a new or modified stationary source. The analysis shall estimate the effects of the new or modified stationary source, and verify that the new or modified stationary source will not prevent or interfere with the attainment or maintenance of any ambient air quality standard. In making this determination the Control Officer shall take into account the mitigation of emissions through offsets pursuant to this rule and the impacts of transported pollutants on downwind pollutant concentrations. The Control Officer may impose, based on an air quality analysis, offset ratios greater than the requirements of Sections ~~304.3 and 304.6~~ 304.2 and 304.5 of this rule.
- ~~304.17~~ **304.16** All estimates of ambient concentrations required pursuant to this rule shall be based on the applicable air quality models, data bases, and other requirements specified in 40 CFR 51, Appendix W (Guideline on Air Quality Models) as of July 1, 2019 (and no future amendments or additions) as incorporated by reference and consistent with the provisions in Rule 200 (Permit Requirements), Section 407 of these rules.
- ~~304.18~~ **304.17** The applicant of a proposed new major source or major modification that may affect visibility of a Class I area shall provide the Control Officer with an analysis of impairment to visibility that would occur as a result of the source or modification as required by 40 CFR 51.307(b)(2) ~~as incorporated by reference~~ and in accordance with 40 CFR 51.166(o) ~~as incorporated by reference~~.

305 PERMIT REQUIREMENTS FOR NEW MAJOR SOURCES OR MAJOR MODIFICATIONS LOCATED IN ATTAINMENT OR UNCLASSIFIABLE AREAS: The provisions of this section apply to new major stationary sources and major modifications to existing major stationary sources located in areas designated as attainment or in areas that are unclassifiable for any NAAQS criteria air pollutant. Such sources are subject to the federal prevention of significant deterioration (PSD) program. The intent of Section 305 of this rule is to ~~incorporate~~ implement the federal prevention of significant deterioration (PSD) ~~rule program~~ by incorporating the program requirements into this rule ~~Maricopa County Air Pollution Control Regulations by incorporating the federal requirements~~ by reference.

305.1 Incorporation by Reference Revisions: The following provisions of 40 CFR 52.21, which are incorporated by reference pursuant to Section 103 of this rule, are revised as follows:

a. ~~40 CFR 51.100: Definitions.~~

- b. **a.** ~~40 CFR 51.166(p): Sources impacting Federal Class I areas—additional requirements. Paragraphs (a)(1), (b)(55-58), (f), (g), (p)(6-8), (q), (s), (t), (u), (v), (x), (y), (z), and (cc) are excluded from the incorporation of 40 CFR 52.21.~~

e. ~~The following definitions contained in 40 CFR 51.301: “Natural conditions”; and “Visibility impairment”.~~

d. ~~40 CFR 52.21: Prevention of significant deterioration of air quality, except:~~

~~(1) The following paragraphs of 40 CFR 52.21 are excluded: (a)(1), (b)(55-58), (f), (g), (p)(6-8), (q), (s), (t), (u), (w), (x), (y), (z), and (cc).~~

~~(2) The following incorporated provisions of 40 CFR 52.21 are revised as follows:~~

~~(a) The term “administrator” shall read as follows:~~

~~(i) “EPA administrator” in 40 CFR 52.21(b)(17), (b)(37)(i), (b)(43), (b)(48)(ii)(c), (b)(50)(i), (b)(51), (j)(2) and (p)(2); and~~

~~(ii) “Control Officer” elsewhere, as defined in Rule 100.~~

~~(b) The phrase “paragraph (q) of this section” in 40 CFR 52.21(1)(2) and (p)(1) shall be revised to read as follows: the public participation provisions of Rule 210 of these rules.~~

b. The term “administrator” shall read as follows:

(1) “EPA Administrator” in 40 CFR 52.21 (b)(3), (b)(17), (b)(37)(i), (b)(43), (b)(48)(ii)(c), (b)(49), (b)(50)(i), (b)(51), (l)(2) and (p)(2); and

(2) “Control Officer” elsewhere, as defined in Rule 100 of these rules.

c. The phrase “paragraph (q) of this section” in 40 CFR 52.21(l)(2) and (p)(1) shall read as follows: the public participation provisions of Rule 210 of these rules.

~~(3)~~ **d.** The definition of the term “Subject to regulation” as defined in 40 CFR 52.21(b)(49) shall be revised to read as follows: “Subject to regulation means, for any air pollutant, excluding greenhouse gases (GHGs), that the pollutant is subject to either a provision in the Clean Air Act, or a nationally-applicable regulation codified by the Administrator in subchapter C of this chapter, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity.”

~~(4)~~ **e.** In the definition of “net emissions increase”, paragraph 40 CFR 52.21(b)(3)(i)(a) shall be revised to read as “The date five years before a complete application for a permit or permit revision authorizing the particular change is submitted or actual construction of the particular change begins, whichever occurs earlier; and”.

305.2 Notification Requirements: No permit or permit revision under this rule shall be issued to a applicant proposing to construct a new major source or proposing to make a major modification to a major source that would be constructed in an area designated as attainment or unclassifiable for any regulated NSR pollutant, unless the source or modification meets the provisions of 40 CFR 52.21 as incorporated by reference and the following conditions: The Control Officer shall provide written notice of any permit application for a proposed major stationary source or major modification to the Administrator. Such notification shall include a copy of all

information relevant to the permit application and shall be given within 30 days of receipt and at least 60 days prior to any public hearing on the application for a permit to construct.

- ~~a. In addition to the air impact analysis and monitoring requirements under 40 CFR 52.21(k) and (m), the applicant for the permit or permit revision under this rule shall also demonstrate that allowable emissions increases from the proposed major source or major modification, in conjunction with all other applicable emission increases or reductions, including secondary emissions, would not cause nor contribute to a violation of a NAAQS for a pollutant in which primary or secondary NAAQS for that pollutant are being violated.~~
- ~~b. A new major source or a major modification shall be presumed to cause or contribute to a violation of the NAAQS when such source or modification would, at a minimum, exceed the significance levels for any nonattainment pollutant listed in 40 CFR 51.165(b)(2) as incorporated by reference, at any locality that does not or would not meet the applicable NAAQS.~~
- ~~e. A new major source or major modification subject to Section 305.2(b) of this rule may reduce the impact of its emissions upon air quality by obtaining sufficient emission reductions to, at a minimum, compensate for its adverse ambient impact where the major source or major modification would otherwise cause or contribute to a violation of any NAAQS. In the absence of such emission reductions, the Control Officer shall deny the proposed permit or permit revision.~~
- ~~d. The presumption provision in Section 305.2(b) of this rule may be rebutted for a new major source or major modification if it can be satisfactorily demonstrated to the Control Officer that emissions with respect to a particular pollutant from the new major source or major modification will not cause or contribute to violations of the NAAQS in designated nonattainment areas under section 107 of the Clean Air Act.~~
- ~~e. The demonstration allowed by Section 305.2(d) of this rule 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 VOCs emitted from the source are not expected to contribute to violations of the ozone standards in the adjacent nonattainment areas.~~

305.3 Permit Issuance: The Control Officer shall not issue any permit or permit revision under this rule to an applicant proposing to construct a new major source or proposing to make a major modification for the pollutant for which the area is designated attainment or unclassifiable for any NAAQS, unless:

- a. The Control Officer has determined that the proposed new major source or major modification meets all applicable requirements of 40 CFR 52.21.
- b. The applicant performs an air quality impact assessment (AQIA) which demonstrates that allowable emissions increases from the proposed major source or major modification, in conjunction with all other applicable emission increases or reductions, including secondary emissions, would not contribute significantly to nonattainment in, or interfere with maintenance by, any other State with

respect to any NAAQS, or interfere with any other State's SIP provisions to prevent significant deterioration of air quality or to protect visibility.

- (1) A new major source or major modification shall be presumed to cause or contribute to a violation of the NAAQS when such source or modification would, at a minimum, exceed the significance levels for any nonattainment pollutant listed in 40 CFR 51.165(b)(2) at any locality that does not or would not meet the applicable NAAQS.
- (2) A new major source or major modification subject to Section 305.3(b)(1) of this rule may reduce the impact of its emissions upon air quality by obtaining significant emission reductions to, at a minimum, compensate for its adverse ambient impact where the major source or major modification would otherwise cause or contribute to a violation of any NAAQS. In the absence of such emission reductions, the Control Officer shall deny the proposed permit or permit revision.
- (3) The presumption provision in Section 305.3(b)(1) of this rule may be rebutted for a new major source or major modification if it can be satisfactorily demonstrated to the Control Officer that emissions with respect to a particular pollutant from the new major source or major modification will not cause or contribute to violations of the NAAQS in designated nonattainment areas under section 107 of the Clean Air Act.
- (4) The demonstration allowed by Section 305.3(b)(1) of this rule may 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 the pollutants emitted from the source are not expected to contribute to violations of a NAAQS in the adjacent nonattainment areas.

306 ~~STACK HEIGHT AND DISPERSION TECHNIQUES: Criteria for good engineering practice for stack heights and dispersion techniques is established as follows:~~

~~306.1 Incorporation by Reference: Except as provided below, the definitions contained in 40 CFR 51.100 (gg) "A stack in existence", (hh) "Dispersion technique", (ii) "Good engineering practice (GEP)", (jj) "Nearby", and (kk) "Excessive concentration" are incorporated by reference.~~

- ~~a. The term "authority administering the State implementation plan" shall be replaced with "Control Officer".~~
- ~~b. The term "EPA, State or local control agency" shall be replaced with "Control Officer".~~
- ~~e. The term "reviewing agency" shall be replaced with "Control Officer".~~

~~306.2 The degree of emission limitation required of any source for control of any pollutant shall not be affected by so much of any source's stack height that exceeds good engineering practice as determined in accordance with 40 CFR 51.100 (ii) as incorporated by reference or by any other dispersion technique as defined in 40 CFR 51.100 (hh) as incorporated by reference, except as provided in Section 306.3 of this rule.~~

- 306.3 ~~The provisions of Section 306 shall not apply to a stack in existence, or dispersion techniques implemented on or before December 31, 1970, except where pollutants are being emitted from such stacks or using such dispersion techniques by sources, as defined in Section 111(a)(3) of the Clean Air Act, which were constructed, or reconstructed, or for which major modifications, as defined in this rule, were carried out after December 31, 1970.~~
- 306.4 ~~Before the Control Officer issues a permit or permit revision under this rule to a source based on a good engineering practice (GEP) stack height that exceeds the height allowed by 40 CFR 51.100(ii) as incorporated by reference, the Control Officer shall notify the public of the availability of the demonstration study and provide opportunity for a public hearing in accordance with the requirements of Rule 210-Title V Permit Provisions of these rules.~~
- 306.5 ~~Any field study or fluid model used to demonstrate GEP stack height under Section 306.2 of this rule and any determination of “excessive concentration” as defined in 40 CFR 51.100 (kk) must be approved by the EPA and the Control Officer prior to any emission limit being established.~~
- 306.6 ~~The provisions of Section 306 of this rule do not restrict, in any manner, the actual stack height of any stationary source or facility.~~

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II – PERMITS AND FEES**

**RULE 241
MINOR NEW SOURCE REVIEW (NSR)**

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SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

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Adopted 11/15/1993; Revised 06/19/1996; Revised 02/03/2016; Revised 09/07/2016; Revised 12/11/2019

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II – PERMITS AND FEES**

**RULE 241
MINOR NEW SOURCE REVIEW (NSR)**

SECTION 100 – GENERAL

- 101 PURPOSE:** To provide a procedure for the review of new sources and modifications to existing sources of air pollution requiring permits or permit revisions for the protection of the national ambient air quality standards (NAAQS).
- 102 APPLICABILITY:** Except as provided in Section 103 of this rule, the provisions of this rule shall apply to the construction of any new or modified ~~Title V or Non-Title V~~ stationary source, when:
- 102.1** A new source has the potential to emit a regulated minor NSR pollutant in an amount equal to or greater than any of the permitting thresholds specified in Rule 100 of these rules; or
- 102.2** An existing source increases ~~emissions of its potential to emit~~ a regulated minor NSR pollutant ~~from a minor NSR modification~~ by an amount equal to or greater than any of the minor NSR modification thresholds specified in Rule 100-General Provisions and Definitions of these rules.
- 103 EXEMPTION:** The provisions of this rule shall not apply to ~~the emissions of a pollutant from any of the activities~~ any of the sources identified in Section 102 of this rule, if the emissions ~~of that pollutant~~ are subject to major source requirements under Rule 240-Federal Major New Source Review (NSR) of these rules.

SECTION 200 – DEFINITIONS: ~~(NOT APPLICABLE)~~ See Rule 100-General Provisions and Definitions of these rules for definitions of terms that are used but not specifically defined in this rule.

SECTION 300 – STANDARDS:

- 301 PERMIT OR PERMIT REVISION REQUIRED:** An owner or operator of a source shall not begin actual construction:
- 301.1** Of a new stationary source, ~~subject to this rule~~, without first obtaining a permit, ~~a permit revision, or a proposed final permit, or a proposed final permit revision~~ from the Control Officer in accordance with the requirements of Rule 210 or Rule 220 of these rules.
- 301.2** Of a minor NSR modification, ~~subject to this rule~~, without first obtaining a permit, ~~a permit revision, a proposed final permit, or a proposed final permit revision~~ from the

Control Officer in accordance with the requirements of Rule 210 or Rule 220 of these rules.

- 302** ~~BEST AVAILABLE CONTROL TECHNOLOGY (BACT) OR REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIRED~~ **CONTROL TECHNOLOGY REQUIREMENTS:** The Control Officer shall not issue a ~~proposed final Title V permit or permit revision or a Non-Title V permit or permit revision subject to this rule~~ permit or permit revision to an owner or operator of a source proposing to construct a new source or make a ~~minor~~ NSR modification unless such owner or operator implements Best Available Control Technology (BACT) or Reasonably Available Control Technology (RACT), as required by Sections 304 or 305 of this rule.
- 303** ~~DETERMINATION FOR AMBIENT AIR QUALITY IMPACT ASSESSMENT~~ **REQUIREMENTS:** Notwithstanding the implementation of RACT or BACT under this rule, an applicant for a permit or permit revision subject to this rule shall conduct an ambient air quality impact assessment under Section 308 of this rule upon the Control Officer's request. The Control Officer shall make such request, if there is reason to believe that a new source or minor NSR modification could interfere with attainment or maintenance of a national ambient air quality standard. In making the determination under this section of this rule, the Control Officer shall take into consideration:
- 303.1** The source's emission rates.
 - 303.2** The location of emission units within the facility and their proximity to the ambient air.
 - 303.3** The terrain in which the source is or will be located.
 - 303.4** The source type.
 - 303.5** The location and emissions of nearby sources.
 - 303.6** Background concentrations of regulated minor NSR pollutants.
- 304** **BACT REQUIRED:** An applicant for a permit or permit revision subject to Rules 210, 220, or 230 of these rules shall implement BACT for each pollutant emitted which ~~exceeds~~ meets any of the emission threshold limits set forth in any one of the following criteria:
- 304.1** Any new stationary source which ~~emits~~ has the potential to emit:
 - a. 40 or more tons/yr of volatile organic compounds; or
 - b. 40 or more tons/yr of nitrogen oxides; or
 - c. 40 or more tons/yr of sulfur dioxide; or
 - d. 15 or more tons/yr of PM₁₀; or
 - e. 100 or more tons/yr of carbon monoxide; or
 - f. 10 or more tons/yr of PM_{2.5}; or
 - g. 0.3 or more tons/yr of lead.
 - 304.2** Any modified existing stationary source if the modification causes an increase in the source's potential to emit in any one of the amounts listed in Sections 304.2(a)–(g) of

this rule. ~~BACT is only required for the emission unit or group of emission units being modified.~~

- a. 40 or more tons/yr of volatile organic compounds; or
- b. 40 or more tons/yr of nitrogen oxides; or
- c. 40 or more tons/yr of sulfur dioxide; or
- d. 15 or more tons/yr of PM₁₀; or
- e. 100 or more tons/yr of carbon monoxide; or
- f. 10 or more tons/yr of PM_{2.5}; or
- g. 0.3 or more tons/yr of lead.

305 RACT REQUIRED: ~~An applicant for a permit or permit revision for a new or modified existing stationary source which emits or causes an increase in the source's potential to emit in any of the following amounts shall implement RACT for each pollutant emitted from said new or modified existing stationary source: An applicant for a permit or permit revision subject to Rules 210, 220, or 230 of these rules shall implement RACT for each pollutant emitted for which the increase in potential to emit is less than the BACT thresholds set forth in Section 304 of this rule.~~

~~305.1 Up to 40 tons/yr of volatile organic compounds; or~~

~~305.2 Up to 40 tons/yr of nitrogen oxides; or~~

~~305.3 Up to 40 tons/yr of sulfur dioxide; or~~

~~305.4 Up to 15 tons/yr of PM₁₀; or~~

~~305.5 Up to 100 tons/yr of carbon monoxide; or~~

~~305.6 Up to 10 tons/yr of PM_{2.5}; or~~

~~305.7 Up to 0.3 tons/yr of lead.~~

306 BACT DETERMINATIONS: The Control Officer shall determine BACT, as appropriate, for each emission unit subject to the BACT requirements under Section 304 of this rule. BACT shall be determined as follows:

306.1 An applicant for a permit or permit revision for a new or modified stationary source shall present an emissions analysis to determine whether the ~~future~~ emissions increase from the project will trigger BACT requirements.

306.2 The applicant shall conduct a BACT analysis for each pollutant which exceeds the BACT requirement threshold. The applicant may conduct a case-by-case analysis.

306.3 The applicant may accept legally and practically enforceable limits on the operation of their source in order to restrict emissions to below the BACT requirement thresholds and avoid imposition of BACT in accordance with Rule 220, Section 304 of these rules. ~~At such time as~~ If the applicability of any requirement of this rule would be triggered by an existing source solely by virtue of a relaxation of any enforceable limitation on the capacity of the source to emit a pollutant, then the

requirements of this rule will apply to the source in the same way as they would apply to a new or modified source otherwise subject to this rule.

306.4 In the case of a modification, the selection of BACT shall address the emission unit or group of emission units being modified.

307 RACT DETERMINATIONS: The Control Officer shall determine RACT, as appropriate, for each emission unit subject to the RACT requirements under Section 305 of this rule. RACT shall be determined as follows:

307.1 For any ~~facilities~~ source subject to a source-specific rule under Regulation III-Control of Air Contaminants of these rules, RACT is the emissions ~~limitation of the existing source performance standard~~ limitations that are applicable to an emission unit at the time the permit is issued.

307.2 For any ~~facilities~~ source not subject to a source-specific rule under Regulation III-Control of Air Contaminants of these rules, RACT is the lowest emission limitation that a particular source is capable of achieving by the application of control technology that is reasonably available considering technological and economic feasibility, ~~and shall be determined by one of the following~~ The following sources of control technology shall be evaluated in making a RACT determination:

- a. Technology that ~~may previously have~~ has been applied to a similar, but not necessarily identical, source category. RACT for a particular ~~facility~~ source is determined on a case-by-case basis, considering the technological feasibility and cost-effectiveness of the application of the control technology to the source category.
- b. A control technique guideline issued by the Administrator under section 108(f)(1) of the Act.
- c. An emissions standard established or revised by the Administrator for the same type of source under Sections 111 or 112 of the Act after November 15, 1990.

307.3 In the case of a modification, the selection of RACT shall address the emission unit or group of emission units being modified.

308 AMBIENT AIR QUALITY IMPACT ~~ASSESSMENT~~ ASSESSMENTS: An ambient air quality impact assessment, if required by Section 303 of this rule, must demonstrate that emissions from the new or modified source ~~or minor NSR modification~~ will not interfere with attainment or maintenance of any national ambient air quality standard.

308.1 An owner or operator of a source may elect to have the Control Officer perform a screening model of its emissions. If the results of the screening model indicate that the new or modified source ~~or minor NSR modification~~ will interfere with attainment or maintenance of any national ambient air quality standard, the owner or operator may perform a more refined model to make the demonstration required by this rule.

308.2 The requirements of this rule shall be satisfied, if the results of the screen or more refined modeling conducted pursuant to Section 308.1 of this rule demonstrate either of the following:

- a. Ambient concentrations resulting from emissions from the new or modified source ~~or modification~~ combined with existing concentrations of regulated minor NSR pollutants will not cause or contribute to a violation of any national ambient air quality standard.
- b. Emissions from the new or modified source ~~or minor modification~~ will have an ambient impact below the significance levels as defined in Rule 240-Federal Major New Source Review (NSR) of these rules.

308.3 The ambient air quality impact assessment required by this rule shall take into account any limitations, controls, or emissions decreases that are or will be enforceable in the permit or permit revision for the source.

309 **APPLICATION DENIAL:** The Control Officer shall deny an application for a ~~Title V permit or permit revision or a Non-Title V~~ any permit or permit revision subject to this rule, if:

309.1 ~~An~~ The ambient air quality impact assessment conducted pursuant to Section 308 of this rule demonstrates that the new or modified source ~~or permit revision~~ will interfere with attainment or maintenance of any national ambient air quality standard; or

309.2 The new or modified source will violate applicable State Implementation Plan (SIP) requirements.

310 **PUBLIC NOTICE:** Public notice requirements pursuant to Rules 210 ~~and~~ or 220 of these rules shall be required for a permit or permit revision if the emissions of any one pollutant ~~are~~ is equal to or greater than the public notice threshold as defined in Rule 100-General Provisions and Definitions of these rules. ~~The Control Officer shall hold a public hearing upon written request. If a public hearing is requested, the Control Officer shall schedule the public hearing and publish a notice once each week for two consecutive weeks in two newspapers of general circulation in the county where the source is or will be located and by other means if necessary to assure adequate notice to the affected public. The Control Officer shall give notice of any public hearing at least 30 days in advance of the public hearing.~~

311 **NOTICE TO OTHER AGENCIES:** A copy of the notice required by Rule 210, Section 408 for permits or significant permit revisions or Rule 220, ~~Section 407~~ Section 304.4 of these rules for permits or non-minor permit revisions subject to this rule must also be sent to the Administrator through the appropriate regional office. The notice also must be sent to any other agency in the region having responsibility for implementing the procedures required under this rule.

312 **MODELING REQUIRED:** All modeling required pursuant to this rule shall be conducted in accordance with 40 CFR 51, Appendix W as of July 1, 2019 (and no future amendments or additions).

313 **PERMIT CONDITIONS SPECIFIED PURSUANT TO THIS RULE:** The Control Officer shall specify those conditions in the permit that are implemented pursuant to this rule. The specified conditions shall be included in subsequent permit renewals unless the

conditions are modified pursuant to this rule or Rule 240-Federal Major New Source Review (NSR) of these rules.

314 CIRCUMVENTION: The submission of applications for permits or permit revisions for new or modified sources in phases so as to circumvent the requirements of this section is prohibited. The burden of proof to show that an application for a permit or permit revision is not being submitted as a phase of a larger project shall be upon the applicant. A person shall not build, erect, install, or use any article, machine, equipment, condition, or any contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, conceals or dilutes an emission which would otherwise constitute a violation of this section. A person shall not circumvent this section to dilute air contaminants by using more emission openings than is considered normal practice by the industry or by the activity in question.

315 SOURCE OBLIGATION: ~~The issuance of a permit or permit revision under this rule shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan (SIP) and any other requirements under local, State, or Federal law.~~

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)