

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

**RULE 241
MINOR NEW SOURCE REVIEW (NSR)**

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**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 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 its potential to emit a regulated minor NSR pollutant 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 any of the sources identified in Section 102 of this rule, if the emissions are subject to major source requirements under Rule 240-Federal Major New Source Review (NSR) of these rules.

SECTION 200 – DEFINITIONS: 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 without first obtaining a permit or a proposed final permit 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 without first obtaining a permit revision 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 CONTROL TECHNOLOGY REQUIREMENTS:** The Control Officer shall not issue a permit or permit revision to an owner or operator of a source proposing to construct a new source or make a 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 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 meets any of the emission threshold limits set forth in any one of the following criteria:

304.1 Any new stationary source which 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.

- 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 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.

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 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. 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 source subject to a source-specific rule under Regulation III-Control of Air Contaminants of these rules, RACT is the emissions limitations that are applicable to an emission unit at the time the permit is issued.

307.2 For any 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. The following sources of control technology shall be evaluated in making a RACT determination:

- a. Technology that has been applied to a similar, but not necessarily identical, source category. RACT for a particular source is determined on a case-by-case basis, considering the technological feasibility and cost-effectiveness of the application of the control technology to the source category.

- 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 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 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 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 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 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 any permit or permit revision subject to this rule, if:

309.1 The ambient air quality impact assessment conducted pursuant to Section 308 of this rule demonstrates that the new or modified source 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 or 220 of these rules shall be required for a permit or permit revision if the emissions of any one pollutant is equal to or greater than the public notice threshold as defined in Rule 100-General Provisions and Definitions of these rules.

- 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 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.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)