

COUNTY NOTICES OF PROPOSED RULEMAKING  
Pursuant to A.R.S. §§ 49-112(A) or 49-112(B)

MARICOPA COUNTY  
ENVIRONMENTAL SERVICES DEPARTMENT - AIR QUALITY DIVISION

1. Heading and number of the proposed rule, ordinance, or other regulation:

- Rule 100 (General Provisions And Definitions)
- Rule 200 (Permit Requirements)
- Rule 210 (Title V Permit Provisions)
- Rule 370 (Federal Hazardous Air Pollutant Program)

2. Summary of the proposed rules, ordinances or other regulation:

Maricopa County is proposing to revise Rule 100 (General Provisions And Definitions), Rule 200 (Permit Requirements), Rule 210 (Title V Permit Provisions), and Rule 370 (Federal Hazardous Air Pollutant Program) in order to correct deficiencies in the Title V permit program, that the Environmental Protection Agency (EPA) described in its final interim approval of Maricopa County's Title V permit program. (See EPA's October 30, 1996, Federal Register notice).

Maricopa County conducted a Public Workshop on February 19, 1998, to discuss these proposed rule revisions. Although no written comments were received regarding these proposed rule revisions, some additional revisions are being proposed to these rules, per verbal comments made during the Public Workshop conducted on February 19, 1998. Additional revisions proposed to these rules, per the Public Workshop, are underlined.

The proposed rule revisions are as follows:

*Rule 100 (General Provisions And Definitions)*

- "Major Source" will be more clearly defined to ensure that fugitive emissions of hazardous air pollutants are accounted for in calculating potential to emit for determining major source status. With this revision, the "major source" definition will match the Arizona Department Of Environmental Quality (ADEQ) rule R18-2-101(61) and will comply with EPA's recommendation described in EPA's final interim approval of Maricopa County's Title V permit program made on October 30, 1996.
- "Material Permit Condition" will be revised so that "material permit conditions" can exist in State permits as well as in County permits. With this revision, the "material permit condition" definition will match ADEQ rule R18-2-331(A)(1).
- "Significant" will be revised to include a significant emission rate of 50 tons for municipal solid waste landfill emissions. With this revision, the "significant" definition will match ADEQ rule R18-2-101(97)(a).
- Rule 100, Section 403 will be re-worded, so that the effective date of Rule 100 is more clear.

*Rule 200 (Permit Requirements)*

- Rule 200, Section 102 will be moved from Rule 200, Section 412 and will be reworded, so that the effective date of Rule 200 will be more clear.
- Rule 200, Subsection 312.2 will be clarified so that a source becomes subject to the requirements of Title V on the date that EPA approves Maricopa County's Title V permit program and when a source becomes subject to the applicability requirements. With this revision, Rule 200, Subsection 312.2 will comply with EPA's recommendation described in EPA's final interim approval of Maricopa County's Title V permit program made on October 30, 1996.
- The terms "requesting a permit" will be deleted from Rule 200, Section 407.
- Rule 200, Section 412 will be moved to Rule 200, Section 102 and will be reworded, so that the effective date of Rule 200 is more clear.

*Rule 210 (Title V Permit Provisions)*

- Rule 210, Section 103 will be added, so that the effective date of Rule 210 is more clear.
- Rule 210, Subsection 301.4(a) will be revised to comply with EPA's recommendation described in EPA's final interim approval of Maricopa County's Title V permit program made on October 30, 1996, in that the text, "except that", will be deleted from Rule 210, Subsection 301.4(a). The text requiring a source's entire permit to undergo full Title V review, if such source changes from a Non-Title V source to a Title V source will be added to Rule 220, Subsection 406.1 in a future rulemaking process.
- Rule 210, Subsection 301.4(d) will be added which will require that a major source of hazardous air pollutants must include a determination of maximum achievable control technology (MACT) in its application. This proposed text is similar to text found in the Clean Air Act (CAA) Section 112(g) and matches ADEQ rule R18-2-302(D).
- Rule 210, Subsections 302.1(h)(1) and 302.1(h)(3) will be revised to require that permit provisions must state that the permittee must comply with all conditions of the permit including all applicable requirements of Arizona air quality statutes and Arizona and County air quality rules and that the permit may be revised, reopened, revoked and reissued, or terminated

**County Notices Pursuant to A.R.S. §§ 49-112(A) or 49-112(B)**

for cause. With this revision, Rule 210, Subsections 302.1(h)(1) and 302.1(h)(3) will match ADEQ rules R18-2-306(A)(8)(a) and R18-2-306(A)(8)(c).

- Rule 210, Subsection 302.1(n) will be clarified so that changes made under this Subsection cannot be changes under any provision of CAA Title I and will state that the terms and conditions of the permit include notice that describes how the increases and decreases in emissions will comply with the terms and conditions of the permit. With this revision, Rule 210, Subsection 302.1(n) will match ADEQ rule R18-2-306(A)(14) and will comply with EPA's recommendation described in EPA's final interim approval of Maricopa County's Title V permit program made on October 30, 1996.

- Rule 210, Subsection 302.5 will be revised, so that the term "rule" in the last sentence of this Subsection will be changed to "subsection". With this revision, Rule 210, Subsection 302.5 will match ADEQ rule R18-2-306(F).

- The format of Rule 210, Subsection 405.1(c) will be changed to match ADEQ rule R18-2-319(A)(3). With this revision, Rule 210, Subsection 405.1(c) will comply with EPA's recommendation described in EPA's final interim approval of Maricopa County's Title V permit program made on October 30, 1996.

- Rule 210, Subsection 406.2 will be revised to require that significant permit revisions include situations under CAA Section 112(g). With this revision, Rule 210, Subsection 406.2 will match ADEQ rule R18-2-320(B) and will comply with EPA's recommendation described in EPA's final interim approval of Maricopa County's Title V permit program made on October 30, 1996.

- Rule 210, Subsection 406.5 was proposed to be added, so as to comply with EPA's recommendation described in EPA's final interim approval of Maricopa County's Title V permit program made on October 30, 1996. However, such text, which will require a source's entire permit to undergo full Title V review, if such source changes from a Non-Title V source to a Title V source, will be added to Rule 220, Subsection 406.1 in a future rulemaking process instead. With this revision, Rule 220 will comply with EPA's recommendation described in EPA's final interim approval of Maricopa County's Title V permit program made on October 30, 1996.

- Rule 210, Subsection 407.3 will be revised such that the text "may" will be changed to "shall".

- Rule 210, Subsection 408.1 will be revised to more clearly state that the Control Officer shall provide public notice for a source required to obtain a permit pursuant to Title V of the Clean Air Act.

*Rule 370 (Federal Hazardous Air Pollutant Program)*

- Rule 370, Sections 301 and 302 will be revised to incorporate the year "1997" instead of the year "1996". With these revisions, Rule 370, Sections 301 and 302 will match ADEQ rules R18-2-1101(A) and (B).

- Rule 370, Section 302 will be revised to include 2 additional subparts of the National Emission Standards For Hazardous Air Pollutants (NESHAP). With this revision, Rule 370, Section 302 will match ADEQ rule R18-2-1101(B)(2) and (3).

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

Name:                     Johanna Kuspert, Air Quality Planner  
                                   Or  
                                   Jo Crumbaker, Planning and Analysis Section Manager

Address:                 Maricopa County Environmental Services Department  
                                   Air Quality Division  
                                   1001 North Central Avenue, #201  
                                   Phoenix, Arizona 85004

Telephone:             Johanna Kuspert (602) 506-6710 or Jo Crumbaker (602) 506-6705

Fax:                         (602) 506-6179

**4. Where persons may obtain a full copy of the proposed rule, ordinance, or other regulation:**

Location:               Maricopa County Environmental Services Department

Address:                 Air Quality Division  
                                   1001 North Central Avenue, #201  
                                   Phoenix, Arizona 85004

Telephone:             (602) 506-6010

Fax:                         (602) 506-6179

**NOTICE OF PUBLIC HEARING**  
**Pursuant to A.R.S. §§ 49-112(A) or 49-112(B)**

**MARICOPA COUNTY**  
**ENVIRONMENTAL SERVICES DEPARTMENT - AIR QUALITY DIVISION**

1. **Heading and number of the proposed rules, ordinance, or other regulations that are the subject of the public hearing:**
  - Rule 100 (General Provisions and Definitions)
  - Rule 200 (Permit Requirements)
  - Rule 210 (Title V Permit Provisions)
  - Rule 370 (Federal Hazardous Air Pollutant Program)
2. **Date, time, and location of public hearing scheduled:**
  - Dates: Wednesday, May 20, 1998
  - Time: 9 a.m.
  - Location: Maricopa County Board of Supervisors Auditorium  
301 West Jefferson Street  
Phoenix, Arizona

Nature Of Public Hearing: To discuss approve the rules listed in question #1.
3. **County personnel to whom questions and comments may be addressed:**
  - Name: Johanna Kuspert, Air Quality Planner
  - Or  
Jo Crumbaker, Planning and Analysis Section Manager
  - Address: Maricopa County Environmental Services Department  
Air Quality Division  
1001 North Central Avenue #201  
Phoenix, Arizona 85004
  - Telephone: Johanna Kuspert (602) 506-6710 or Jo Crumbaker (602) 506-6705
  - Fax: (602) 506-6179
4. **Any other pertinent information concerning the above described rules, ordinance, or other regulations:**

Please refer to the County Notice of Proposed Rules which immediately precedes this Notice of Public Hearing.