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

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

NOTICE OF FINAL RULEMAKING

MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

REGULATION II, PERMITS AND FEES

PREAMBLE

1. Rules Affected — **Rulemaking Action**
Rule 280 — Amend

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

Authorizing statutes: A.R.S. §§ 49-402, 49-473(B), 49-476.01(A), 49-476.01(C), 49-479, and 11-251.08(A)

Implementing statutes: A.R.S. §§ 49-480(D), 49-480(E), 49-480(J), 49-112(A), 49-112(B), and 11-251.08(B)

3. The effective date of the rule:
July 1, 2003

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

Notice of Rulemaking Docket Opening: 8 A.A.R. 4108, September 27, 2002

Notice of Proposed Rulemaking: 8 A.A.R. 4594, November 1, 2002

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

Name: Jo Crumbaker, Air Quality Division

Address: 1001 N. Central Avenue, Suite 201
Phoenix, AZ 85004

Telephone: (602) 506-6705

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E-mail: jcrumbak@mail.maricopa.gov

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

This rule revises the structure of the Maricopa County's Title V and Non-Title V air permit fees. The Title V and Non-Title V (except for Stage I Vapor Recovery Sources) fees have not been increased since 1993. For this rulemaking, Maricopa County completed an updated work load analysis to be consistent with the methodology used by the Arizona Department of Environmental Quality (ADEQ). From this analysis, Maricopa County has concluded that the fees no longer provide sufficient revenue to cover the costs of the permitting programs and compliance with federal and state law. This discrepancy is due to an underestimation in 1993 of the workload required to comply with Title V and MACT requirements as well as to inflation, the increased administrative requirements associated with regulatory reform, other rising costs and the nonattainment area downgrades to "serious".

The need for permit fee rules is based on the County's mandate to comply with state law and the federal Clean Air Act. The County is required to develop and implement a permit program in which fees paid by sources will support program development and implementation costs. The program fee requirement is statutorily mandated by A.R.S. § 49-480(D)(1) and (D)(2). Furthermore, A.R.S. § 49-480(D)(1) requires the County to establish a fee system that is "consistent with and equivalent to that prescribed under § 502 of the clean air act." Arizona law, being consistent with the 1990 Clean Air Act (CAA) amendments, also provides for increasing permit fees based on the consumer price index. The proposed revisions to Rule 280 conform to these mandates.

An additional complication to County rulemaking authority relates to a statutory provision that links county permit fees to those that the Arizona Department of Environmental Quality (ADEQ) sets. A.R.S. § 49-112 was added by the legislature in 1994, placing limits on county environmental rules. Subsection (B) limits the amount the counties may charge for their permit fees to an amount "approximately equal or less than" the fee the state program may charge. "Approximately equal" is defined in A.R.S. § 49-101 as "not greater than ten percent more than the fees or costs charged by the state for similar state permits or approvals." A small number of sources regulated by Maricopa County fall under A.R.S. § 49-112(B).

To ensure that Maricopa County, Pima and Pinal counties, and ADEQ would all recover adequate revenue, ADEQ convened a statewide stakeholder process to revise fees. ADEQ's challenge was to develop a fee schedule that would allow Maricopa, the other counties and ADEQ sufficient revenue to recover costs and allocate permit program costs among sources in a manner that would be equitable and acceptable to those who pay the fees. ADEQ employed linear program modeling using Microsoft Excel® Solver Tool to project figures contained in ADEQ's Workload Analysis, Maricopa County's Workload Analysis, and estimates supplied by Pinal and Pima counties. Additionally, cost allocation calculations were employed to ensure that fees from Title V permits were used solely for Title V program costs. ADEQ adopted the resulting fee schedule and the state sources began paying the revised fee January 1, 2002.

Title V of the CAA provides for a permit system implemented by states, and requires that states recover costs incurred to develop and administer the operating permit program, including the following costs:

- Preparing rules and implementing procedures for the permit program, including enforcement provisions.
- Reviewing and acting upon permit applications, including permit revisions, renewals, etc.
- Administering and operating the program (e.g., all activities pertaining to issuing permits; supporting and tracking permitted sources; compliance certifications; and related data entry).
- Implementing and enforcing permit terms, excluding court costs or other costs associated with enforcement actions.
- Performing emissions and ambient monitoring.
- Performing modeling, analyses, and demonstrations.
- Preparing inventories and tracking emissions.
- Developing and administering a Small Business Assistance Program (SBAP), pursuant to CAA 502(b)(3)(7)(A)(i) through (vi).

CAA, § 502(b)(3). A final objective met by these rules is to assure that the state's Title V permit fee program is EPA-approvable, thus avoiding a federally-administered program in this state.

For purposes of fees, the designations "Title V" and "Non-Title V" generally refer to the origin of the source's permit requirement. For a source that requires a permit according to both state law and Title V of the federal CAA, this proposed fee structure includes an hourly-based permit processing fee. The source must also pay an annual administrative fee plus an annual emissions-based fee. Non-title V sources require a permit only under state law. The proposed fee structure for new and modified non-title V sources is based on an hourly-based fee not to exceed a total of $25,000 for more complex sources (Tables A-B) and a flat permit for simpler sources (Tables C-E) based on historical averages. The non-title V source must also pay an annual administrative and permit renewal fee. For a source that is covered under a general permit, the fee structure is based on fixed amounts for obtaining an authorization to operate and an annual administrative fee. In response to comments from sources, the Non-Title V and general permit annual fees would be restructured to include 1/5 of permit processing fee for permit renewal as well as the annual costs for inspection, emission inventory, and regulatory activities. This structure would allow the Non-Title V source to pay approximately the same fee each year and avoid the second fee due every 5 years at permit renewal under the current system.

ADEQ reports that one reason for the proposed structure is that Title V sources had expressed an interest in moving away from the previous fee structure, under which emissions-based fees provided over three-quarters of ADEQ's total annual revenue. Such a structure did not provide for budgeting consistency from year to year because emissions are, in part, determined by a source's operational demands, which may vary greatly from year to year. From Maricopa County's perspective, the emissions-based fee that allowed ADEQ to recover its Title V program costs did not allow the County to recover its costs due to the significantly smaller size of county Title V sources. Maricopa County agrees with ADEQ that this proposed structure will allow sources to better anticipate their costs since only a small portion of the annual fees are based on emissions tonnage. The emissions tonnage will be billed at $11.75/ton, which is revised annually based on the Consumer Price Index. The annual administrative fees, also adjusted annually, were calculated based on actual hours that will be expended on each source category for activities that cover inspections, monitoring, and other regulatory activities.

SECTION-BY SECTION ANALYSIS

Rule 280, Section 200 – Definitions

This section adds terms used within this rulemaking. The terms "administrative fee" and "billable permit action" are used in this rulemaking to clarify for what types of activities the sources pay a fee. "Itemized invoice" refers to the information the County will include on the invoice. "Non-major title V source" refers to a specific group of synthetic minor sources that tend to be larger and more complex requiring additional time to process and inspect. "Regulated air pollutant" was moved from the text of the standards section to the definition section. The definitions for "existing source" and "Sources required to have a Title V Permit" were updated.

Rule 280, Section 300 – Standards

This section outlines the fee for each category of sources. Section 301 details fees for Title V sources. 301.1 details permit processing fees prescribing the hourly rate, at what point during the permitting process fees are due, and provides a cap for hourly fees. ADEQ reports the $66 hourly rate was calculated by taking the total costs for processing the projected number of permit applications and dividing by the number of technical hours required to process those applications. The growth in hourly rate is the result of anticipated increased expenses for operating the permitting programs, including growth in base salaries and increased expenses from public notice and comment process. 301.2 details the administrative and emission fees charged annually. Emission fees are based on stack and some fugitive emissions. The rule specifies the ADEQ method for determining which fugitives count for emission fees and was based on stakeholder input: no PM_{10} fugitives count unless they are in the 4 listed categories; all VOC fugitives count unless they are from a solution-extraction unit. To comply with A.R.S. § 49-480(D)(1), the administrative and emission fees will be adjusted annually based on the Consumer Price Index (CPI).

The following table illustrates what fees a Title V source will pay under the rule.

TITLE V PERMIT FEES

Permit Action	Type of Fee	Fee	Payment Time
New Facility	Permit Processing	$66/hour, $40,000 cap	Prior to permit issuance
	Annual Fees	Fixed Fee + $11.75/ton, max 400 tons per pollutant, excluding certain fugitive emissions, no emissions already counted as VOC or PM_{10}, CO exempted	After initial start-up, every anniversary date for fixed fee and April 30th for emission fees
Existing Facility	Permit Processing (Renewals)	$66/hour, $40,000 cap	Prior to issuance
	Annual Fees	Fixed Fee + $11.75/ton, max 400 tons pr pollutant, excluding certain fugitive emissions, no emissions already counted as VOC or PM_{10}, Co exempted	Every anniversary date for fixed fee and April 30th for emission fees
Permit Revisions	Permit Processing	$66/hour/$40,000 cap	Prior to issuance
Administrative Amendments, Changes per Rule 210, Subsection 403, Transfers	NO FEE		
General Permit	Permit Processing	Fixed Fee	Application Fee
	Annual Fee	Fixed Fee	Anniversary date of initial ATO approval

Subsections 302 and 303 detail fees for Non-Title V permits. The following tables illustrate what fees Non-Title V sources will be responsible to pay.

Non-Title V Permit Fees

Permit Action	Type of Fee	Fee	Payment Time
New Facility	Permit Processing	Tables A-B $66/hour, $25,000 cap Tables C-E Fixed Fee	Application Fee and any balance due prior to permit issuance
	Annual Fees	Fixed Fee	After initial start-up, every anniversary date for fixed fee

Existing Facility	Annual Fees, include permit renewals	Fixed Fee	Every anniversary date for fixed fee
Permit Revisions	Permit Processing	Tables A-B $66/hour, $25,000 cap Tables C-E Fixed Fee	Application Fee and any balance due prior to issuance
Administrative Amendments, Changes according to Rule 210, Section 403, Transfers	NO FEE		
General Permit	New Permit Processing	Fixed Fee	Application Fee
	Annual Fee, includes renewal fee	Fixed Fee	Anniversary date of initial ATO approval

Section 304 codifies a provision for incremental increases in the fees as the Consumer Price Index changes. Section 305 describes how emission fees are calculated and paid. Changes specify the ADEQ method for determining which fugitives count for emission fees and were based on stakeholder input to the effect that no PM_{10} fugitives count unless they are in the 4 listed categories; all VOC fugitives count unless they are from a solution-extraction unit. Sections 306-314 detail fees for hearing board filings, conditional orders, gasoline delivery vessels, permits to burn, earthmoving permits, asbestos notification and plan review filings, late fees, delinquencies, and subscriptions for rule mailing lists. These fees are not changed in this proposal. An accelerated permit processing provision is included in Section 315, requiring a filing fee of $15,000, and basing the final fee on the actual cost. Section 316 provides the statutory references for failing to pay fees.

Rule 280, Section 400 – Administrative Requirements

Sections 401, 402 and 403 codify payment procedures, invoicing procedures, and include 5 tables of source categories.

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

Based on information and belief, the Control Officer of the Maricopa County Environmental Services Department affirms the following:

A. Maricopa County is in compliance with A.R.S. § 49-112(A) in that Maricopa County Environmental Services Department is adopting rules that are not more stringent than nor are in addition to a provision of A.R.S. Title 49 or rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49.

Maricopa County fails to meet the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), ozone and particulates. In addition, Maricopa County is the only ozone nonattainment area in Arizona. Maricopa County may adopt rules that are more stringent than the State pursuant to A.R.S. § 49-112 as enacted in 1994, provided that the emission standard is required by law or is necessary and feasible to prevent a significant threat to public health or the environment that results from a unique local condition.

B. Maricopa County is in compliance with A.R.S. § 49-112(B) in that Maricopa County Environmental Services Department is proposing to adopt rules that are as stringent as a provision of A.R.S. Title 49 or rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49. The cost of obtaining permits or other approvals from Maricopa County will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under Title 49 or any rule adopted pursuant to Title 49.

8. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

1. "Maricopa County's Workload and Resource Needs Analysis for Assessing Permit Fees," February 3, 2003.

This document is available at:

Maricopa County Environmental Services Department
Air Quality Planning Section
1001 N. Central Avenue, Suite 695
Phoenix, AZ 85004

(602) 506-6705

2. "Draft Arizona's Workload and Resource Needs Analysis for Assessing Permitting Fees," January 26, 2000.

   This document is available at:

   Arizona Department of Environmental Quality Library
   1110 W. Washington
   Phoenix, AZ 85007

9. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this State:

Not applicable

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

This economic impact statement (EIS) was developed to estimate the incremental impact of this rule. This impact statement, comprised of potential costs and benefits, represents the probable "incremental" impact or the estimated costs and benefits above what currently is the status quo. Thus, it is not the total accumulation of costs and benefits, but the marginal costs and benefits possible under a new status quo once this rule is implemented.

This rule will decrease the permit processing fee from $70.00/hour to $66.00/hour. In addition, the hourly rate will be adjusted annually for inflation beginning in 2004. Based on estimated workload hours for processing Title V and Non-Title V permits, permit processing revenues for new sources and permit amendments are expected to decrease by approximately $34,800 annually ($26,800 and $8,000, respectively for Title V and Non-Title V revenues).

Table 1 shows an estimate of average processing hours for Title V and Non-Title V permits by new sources and permit amendments categories. Note that general permits are not included because those processing fees are not proposed to be based upon an hour rate. Total projected costs were calculated at an hourly rate of $66.00. To make the comparison equitable, the same number of hours was used to estimate the current fee level, except that an hourly rate of $70.00 was used.

Table 1. Fee Changes for Permit Processing of Title V (TV) and Non-Title V (NTV)

Sources: New Permits and Amendments*

Source Category	Total Average Time for Processing Permits (hours)	Projected Cost for New Sources Only ($)	Total Fee Per Category ($)
New sources TV	2374	$156,684	$156,684
Permit amendments TV	4324	NA	$285,384
SUBTOTAL (TV)	6698	$156,684	$442,068
New sources NTV	1037	$68,442	$68,442
Permit amendments NTV	952	NA	$63,162
SUBTOTAL (NTV)	1994	$68,442	$131,604
TOTAL (TV + NTV)	8692	$225,126	$573,672

*Projected costs based on an hourly rate of $66.00.

Another significant change implemented is how annual revenues are generated from Title V sources. Under the rule, the anticipated $553,600 revenue will be generated from the revised annual fixed fee and the revised annual emissions fee. The annual fixed fee will increase substantially from current levels, but will remain the same as or less than the ADEQ Title V fixed fees except for natural gas fired utilities and compressor stations. Fees for these exceptions are not greater than ten percent more than the ADEQ applicable fixed fees. The proposed emissions fee of $11.75/ton is identical to the ADEQ emissions fee. ADEQ indicated in their Notice of Final Rulemaking that this fee structure provides that approximately one-half of their anticipated $1.6 million in annual revenues will be generated from the annual fixed fees and the remainder from the annual emissions fees.

Table 2 lists 50 Title V sources distributed by source categories and their corresponding fees. Annual fixed fees, shown in the 3rd column, were calculated by source category. These fixed fees by source category range from a low of $4,900 for reinforced plastics sources to $11,200 for utilities primarily fueled by natural gas. Table 3 lists the same 50 Title V sources using the current annual fees.

Table 2. Annual Fees for Title V Permitted Sources*

Source Category	Number of Sources Per Category	Annual Fixed Fee Per Source[1] ($)	Total Annual Fixed Fee Revenue Per Category ($)	Annual Emissions Per Category[2] (tons)	Total Annual Emissions Fee Revenue Per Category[3] ($)	Total Annual Revenue Per Category ($)
Aerospace	2	$10,700	$21,400	208	$2,444	$23,844
Combustion/ Boilers	1	$9,200	$9,200	107	$1,257	$10,457
Compressor Stations	1	$8,700	$8,700	0	0	$8,700
Expandable Foam	4	$9,200	$36,800	345	$4,054	$40,848
Landfills	7	$9,300	$65,100	236	$2,773	$67,873
Petroleum Products Terminal Facilities	1	$10,800	$10,800	45	$529	$11,329
Polymeric Fabric Coaters	1	$9,500	$9,500	82	$964	$10,464
Reinforced Plastics	5	$4,900	$24,500	371	$4,359	$28,859
Semiconductor Fabrication	0	$10,800	0	0	0	0
Utilities – Primary Fuel Natural Gas	11	$11,200	$123,200	7013	$82,397	$205,597
Vitamin/ Pharma-ceutical Manufac-turing	0	$6,200	0	0	0	0
Wood Furniture	11	$6,200	$68,200	1107	$13,007	$81,207
Others	6	$9,900	$59,400	427	$5017	$64,417
TOTAL	50		$436,800	9,940	$116,795	$553,595

*Note this table does not reflect permit processing costs.

[1]Fixed fees were generated using Excel and includes permit administration hours (by ratio) based on the WLA.

[2]Emissions tonnages were derived from calendar year 2000 emission inventory, except that utilities tonnages represent an average of 1998-2000 reports.

[3]Total emissions were calculated by multiplying emissions tonnage in column 5 by $11.75 per ton.

Table 3. Former Annual Fees For Title V Sources*

Source Category	Number of Sources Per Category	Total Annual Fixed Fee Revenue Per Source Category[1] ($)	Total Emissions Per Category[2] (annual tons)	Total Emissions Fee Revenue Per Source Category[3] ($)	Total Annual Revenue Per Category ($)
Aerospace	2	$5,000	208	$7,669	$12,669
Combustion/ Boilers	1	$2,500	107	$3,945	$6,445
Compressor Stations	1	$2,500	0	0	$2,500
Expandable Foam	4	$10,000	345	$12,720	$22,720
Landfills	7	$17,500	236	$8,701	$26,201
Petroleum Products Terminal Facilities	1	$2,500	45	$1,659	$4,159
Polymeric Fabric Coaters	1	$2,500	82	$3,023	$5,523
Reinforced Plastics	5	$12,500	371	$13,679	$26,179
Semiconductor Fabrication	0	0	0	0	0
Utilities – Primary Fuel Natural Gas	11	$27,500	7013	$258,551	$286,051
Vitamin/ Pharmaceutical Manufacturing	0	0	0	0	0
Wood Furniture	11	$27,500	1107	$40,815	$68,315
Others	6	$15,000	427	$15,743	$30,743
TOTAL	50	$125,000	9,940	$366,488	$491,488

*Excludes permit processing fees.

[1]Total annual fixed fees were calculated by multiplying the number of sources per category by the current fixed fee of $2,500.

[2]Emissions tonnages were derived from calendar year 2000 emission inventory, except that utilities tonnages represent an average of 1998-2000 reports.

[3]Total emissions were calculated by multiplying emissions tonnage in column 5 by $36.87 per ton.

Comparing Table 2 to Table 3, these same 50 sources will generate approximately $62,100 more in annual total revenue under the proposed rule. This increase better reflects the actual cost attributable to Title V sources.

In addition to these changes for Title V sources, fees for Non-Title V sources will increase under the revised rule to better reflect the share of costs directly related to Non-Title V sources. Tables 4 and 5 show that annual revenues from these sources would increase under the proposed scenario. Thus, Maricopa County expects annual revenue to increase from just over $1.5 million to approximately $2 million from Non-Title V sources. Most of the increases will impact the Table A and Table B sources. These tables include the high tech, aerospace and other sources, which require more time to regulate. For Tables C-E, the 5-year average fees will increase for Table C and E sources and decrease slightly for Table D sources.

Table 4. Annual Fees for Permitted Non-Title V Sources

Source Category	Number of Sources Per Category	Annual Fixed Fee Per Source ($)	Total Fee Per Category
Individual Permit Table A	184	$3,100	$570,400
Individual Permit Table B	321	$1,300	$417,300
Individual Permit Tables C-E	972	$360	$349,920
General Permit Table C	615	$300	$184,500
General Permit Table D	940	$335	$314,900
General Permit Table E	500	$290	$145,000
TOTAL	3532		$1,982,020

Table 5. Former Fees for Permitted Non-Title V Sources

Source Category	Number of Sources Per Category	Annual Fixed Fee Per Source ($)	Total Fee Per Category
Individual Permit Table A	184	$650	$119,600
Individual Permit Table B	321	$650	$208,650
Individual Permit Tables C-E	972	$225	$218,700
General Permit Table C	615	$225	$138,375
General Permit Table D	940	$335	$314,900
General Permit Table E	500	$225	$112,500
SUBTOTAL	3532		$1,112,725
Annual Renewal Permit Processing Fees	2444 hours	$70/hour	$171,080
Annual Non-Title V Emission Fees	5478 tons	$36.87/ton	$210,971
TOTAL CURRENT FEES			$1,494,776

Smaller sources indicated to the County that they struggle to pay the two separate fees due under the former fee system during the fifth year when the source renews its permit. As a result, the annual fixed fees for Non-Title V sources combine one-fifth of the permit renewal fee with the annual fixed fee so that sources pay the same fee each year. For example, a Table C General Permit source will pay an annual fixed fee of $300 under the revised rule, a 13% increase over the current fees that were last revised in 1993. Over the 5 year permit term under the existing system, the same source pays an average fee of $270 calculated by multiplying $225 by 5 (annual fixed fee), adding $225 (permit renewal processing fee) and dividing that total by 5.

Cost/Benefit Discussion

The Department believes that the benefits of restructuring a significant portion of the cost of the air quality permit program outweighs the cost of the rulemaking to the County, ADEQ, and permitted sources. Based on input at numerous stakeholder meetings, ADEQ reports that ADEQ and stakeholders place a high value on a fee system that is more

streamlined and equitable, meets statutory requirements, and maintains sufficient revenues from Title V sources to receive approval from EPA as a Title V program revision.

Small Business Impact

As a result of these changes, costs for the Title V and more complex Non-Title V small sources will increase to more accurately reflect the costs of administering these permits. In general, most Non-Title V sources are smaller than Title V sources. The final economic, small business and consumer impact statement for this rule must contain a statement of probable impact of the rule on small businesses. "Small business" is defined in A.R.S. § 41-1001 as "a concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than four million dollars in its last fiscal year. For purposes of a specific rule, an agency may define small business to include more persons if it finds that such a definition is necessary to adapt the rule to the needs and problems of small businesses and organizations" A.R.S. § 41-1001(19). Maricopa County received comments concerning small businesses that are classified as Title V sources. Based on these comments and the statutory requirements for determining fees, the County made adjustments to the rule for small businesses.

Reduction of Rule Impact on Small Businesses

A.R.S. § 41-1035 requires agencies to reduce the impact of a rule on small businesses by using certain methods when they are legal and feasible in meeting the statutory objectives for the rulemaking. The County considered each of the methods prescribed in A.R.S. §§ 41-1035 and 41-1055(B)(5)(c) for reducing the impact on small businesses. The methods to be considered are summarized below:

(1) Establish less stringent compliance or reporting requirements in the small businesses.

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

(3) Consolidate or simplify the rule's compliance or reporting requirements for small businesses.

(4) Establish performance standards for small businesses to replace design or operational standards in the rule.

(5) Exempt small businesses from any or all requirements of the rule.

The general statutory objectives that are the basis of this rulemaking are contained in the statutory authority cited in number 2 of this preamble. The specific objectives are to:

(1) Control the release into the atmosphere of air contaminants in order to control air pollution (A.R.S. § 49-479(A)),

(2) Implement a fee system for permitted sources under A.R.S. § 49-480(D), and

(3) Ensure EPA approval of the fee system for Title V sources under 40 C.F.R. 70 (see A.R.S. § 49-480(E)(1)).

Maricopa County has evaluated each of the five listed methods and has concluded that all of the methods that are legal and feasible have already been implemented. The statutory directive that permit fees be related to costs prohibits the County from basing permit fees on the size of the source. However, during the comment period stakeholders proposed an alternative methodology. The County evaluated the proposed alternative and revised its method of allocating indirect costs. By allocating indirect costs (administration, rules, SIPs, monitoring, etc.) according to the amount of direct hours (inspections, documentation review, source tests, emission inventories, etc.) associated with each source category, the fees for most Title V small businesses decreased. Generally, the County takes fewer direct labor hours to administer small business permits than the more complex permits for larger industries. The Title V annual fixed fee for the Reinforced Plastics sources decreased from $7400 in the proposal to $4900 in the final rule. For the Wood Furniture category, the Title V annual fixed fee decreased from $7800 in the proposal to $6200 in the final rule.

Other EIS Statutory Requirements

Although air quality fees in Maricopa County will be restructured, this can be viewed as a more realistic cost of doing business. The County expects that a proportion of this increased compliance burden will be passed on. In some cases, this could result in increased prices for consumers. In other cases, these increased costs may have to be absorbed by the sources. Maricopa County has not received examples of how this might impact certain categories of sources.

Although many sources will experience increased costs under this new rule, the County expects this burden to be relatively minor on these sources. As such, the County does not anticipate more than a very minor to de minimis effect on revenues or payroll expenditures of these impacted sources. Concomitantly, the County does not anticipate any impact upon private or public employment on any entity impacted by this new rule. Finally, the County does not expect an impact upon state revenues.

TABLE 7: TIME TO ADMINISTER A PERMIT BY SOURCE TYPE

Source type/category	**# of sources**	**Annual hours per individual source**	**Total hours per category**
Title V			
Aerospace	2	309	618
Combustion/Boilers	1	259	259
Compressor Stations	1	263	263
Expandable Foam	4	261	1,043
Landfills	7	263	1,839
Petroleum Products Terminal Facilities	1	329	329
Polymeric Fabric Coaters	1	269	269
Reinforced Plastics	5	137	687
Utilities—Primary Fuel Natural Gas	11	374	4,112
Wood Furniture	11	176	1,934
Others	6	286	1,716
Total	50		13,068
Non-Title V			
Table A	184	62	11,408
Table B	329	20	6,580
Table C	1579	5.5	8,685
Table D	940	5	4,700
Table E	500	4.5	2,250
Total	3532		33,623

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

Four kinds of changes were made between the proposed rule and the final rule. First, in response to a comment from a group of stakeholders, the proposed annual administrative fees for Title V sources were recalculated. As a result fees for 29 sources in 6 categories decreased. Second, the County re-inserted a $40,000 cap for processing Title V applications in Section 301 in response to a comment from a stakeholder. This cap was in the former rule. Third, the County added a provision to the transition schedule specifically clarifying when the new emissions fee will apply. Lastly, all the rest of the changes were the result of working to make the rule clear, concise, and understandable. All of the changes from the proposed rule to the current version are shown below:

MARICOPA COUNTY

AIR POLLUTION CONTROL REGULATIONS

REGULATION II - PERMITS AND FEES

RULE 280

FEES

INDEX
No change

SECTION 100 - GENERAL
101 No change
102 No change

SECTION 200 - DEFINITIONS: For the purpose of this rule, the following definitions shall apply:
201 No change
202 No change
203 No change
204 No change
205 No change
206 No change
207 No change

SECTION 300 – STANDARDS
301 TITLE V PERMIT FEES: The owner or operator of a source required to have a Title V permit shall pay fees according to the following provisions:
301.1Fees for Billable Permit Actions: The owner or operator of a Title V source shall pay $66.00 per hour, adjusted annually under Section 304, for all permit processing time required for a billable permit action. The fee shall be paid as follows:
a. An application shall be submitted with the applicable fee from the table below:

Type of Application	**Application Fee**
New permit application	$7,000
Significant permit revision application that is a result of a major modification	$7,000
Other significant permit revision applications	$1,000
Minor permit revision application	$150
Permit renewal application	$3,500

b. At any time after submittal of the application, the Control Officer may request additional application fees based on the cost to date of reviewing and acting on the application, minus all fees previously submitted for the application.
c. When permit processing is completed for a facility, the Control Officer shall send an itemized invoice. The invoice shall indicate the total actual cost of reviewing and acting upon the application, all fees previously submitted, and the balance due.
d. The maximum fee for processing permit applications listed in subsection 301.1 is $40,00.00.
~~**d.**~~**e.** The Control Officer shall not issue a permit or permit revision until the balance due on the itemized invoice is paid in full.

301.2 Annual Fees: The owner or operator of a Title V source shall pay an annual administrative fee plus an emissions-based fee as follows:

a. The applicable annual administrative fee from the table below, as adjusted annually under Section 304. The fee is due on the first anniversary date of the initial permit covering construction and startup of operations and annually thereafter on that date.

Title V Source Category	**Annual Administrative Fee**
Aerospace	$10,700
Cement Plants	$39,500
Combustion/Boilers	~~$9,600~~ $9,200
Compressor Stations	$8,700
Expandable Foam	~~$9,600~~ $9,200
Landfills	~~$9,600~~ $9,300
Lime Plants	$37,000
Copper & Nickel Mines	$9,300
Gold Mines	$9,300
Paper Mills	$12,700
Petroleum Products Terminal Facilities	$10,800
Polymeric Fabric Coaters	~~$9,700~~ $9,500
Reinforced Plastics	~~$7,400~~ $4,900
Semiconductor Fabrication	$10,800
Copper Smelters	$39,500
Utilities – Primary Fuel Natural Gas	$11,200
Utilities – Fossil Fuel Except Natural Gas	$20,200
Vitamin/Pharmaceutical Manufacturing	~~$7,600~~ $6,200
Wood Furniture	~~$7,800~~ $6,200
Others	$9,900
Others with Continuous Emissions Monitoring	$12,700

b. An emissions-based fee of $11.75 per ton of actual emissions of all regulated pollutants emitted during the previous calendar year as determined by ~~the~~ Section 305. The fee is adjusted annually under Section 304.

302 No change

303 No change

304 ANNUAL ADJUSTMENT OF FEES:

304.1 The Control Officer shall adjust the hourly rate every January 1, to the nearest ~~ten~~ 10 cents per hour, beginning on January 1, ~~2003,~~ 2004. ~~by multiplying~~ The Control Officer will multiply the $66.00 by the Consumer Price Index (CPI) for the most recent year as described in subsection 304.4, and then ~~dividing~~ divide by the CPI for the year 2001.

304.2 The Control Officer shall adjust the administrative or permit processing fees listed in Sections 301-303 every January 1, to the nearest $10, beginning on January 1, ~~2003,~~ 2004. ~~by multiplying~~ The Control Officer will multiply the administrative or permit processing fee by the Consumer Price Index (CPI) for the most recent year as described in subsection 304.4, and then ~~dividing~~ divide by the CPI for the year 2001.

304.3 The Control Officer shall adjust the rate for emission-based fees every January 1, beginning on January 1, ~~2003,~~ 2004. ~~by~~ multiplying The Control Officer will multiply $11.75 by the Consumer Price Index (CPI) for the most recent year as described in subsection 304.4, and then ~~dividing~~ divide by the CPI for the year 2001.

304.4 The Consumer Price Index for any year is the average of the monthly Consumer Price Index for ~~all-urban~~ all urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year.

305 No change
306 No change
307 No change
308 No change
309 No change
310 No change
311 No change
312 No change
313 No change
314 No change
315 No change
316 No change

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 TRANSITION TO REVISED FEES: The revised fees, except for the emissions fee, in this rule shall become effective ~~(the first of the month 90 days after date of adoption)~~ July 1, 2003. The revised emissions fee shall become effective January 1, 2004, beginning with the emissions reported for calendar year 2003.

402 No change
403 No change

12. A summary of the principal comments and the department responses to them:

The County received 5 comments on the proposed rules. A commenter from the utility industry was concerned that the Title V fee cap had been removed. An independent auditor funded by the wood furniture industry and the reinforced plastics industry identified three areas where changes might be made that could improve equity or there were issues that might be considered equity related issues. These issues are monitoring cost allocation, indirect cost allocation and utility categorization. The auditor also noted that the analysis appears to be consistent and the estimated resource requirements for the various tasks appear reasonable. A representative from the wood furniture industry was concerned that the smaller sources were subsidizing the utilities under the current proposal. Another representative of the wood furniture industry was concerned whether a change to the utility classification would be a substantive change. Another utility comment supported the rule and responded to the 3 issues addressed by the independent auditor. County responses to these comments are below:

Title V fee cap. The County agreed to put the fee cap for Title V sources back in the revised rule as Section 301.1(d).

Monitoring cost allocation. The County allocated monitoring costs to Title V, Non-Title V and Nonrecoverable cost categories based on the regional emission inventories. To allocate monitoring costs within each of the three categories, the County applied a fixed cost to each permit. However, the choice of an allocation methodology is complicated by a number of factors. Not all air pollutants are directly emitted. Ozone and some particulates are formed through atmospheric reactions downwind of the emission source. Attributing the formation of secondary pollutants to specific sources is problematic. Source emissions can fluctuate from year to year further complicating source specific attributions. In light of these factors affecting an emissions based allocation and recognizing that the flat fee per permit method also has shortcomings, the County changed the cost allocation methodology for individual source categories. Instead of a flat number of hours per permit, the County reallocated the monitoring costs on the basis of the variable direct labor hours per source category. This technique allows some recognition that the level of effort involved in administering a permit for different sources can also vary for indirect costs. For example, larger, more complex sources that consume more staff time may also consume more administrative oversight time.

Indirect cost allocation. Maricopa County followed the ADEQ methodology for allocating indirect costs by a fixed number of hours per source in the proposal. However, as noted by the auditor, the direct labor hours associated with Title V sources range from 50 hours to 200 hours. The auditor suggested an alternative method of allocating indirect costs based on the variable direct cost so that the relative overhead factor is the same for all sources. The County evaluated the proposed alternative and agreed to revise its method of allocating indirect costs. By allocating indirect costs (administration, rules, SIPs, monitoring, etc.) according to the amount of direct hours (inspections, documentation review, source tests, emission inventories, etc.) associated with each source category, the fees for most Title V smaller businesses decreased. Generally, the County takes fewer direct labor hours to administer small business permits than

the more complex permits for larger industries. The Title V annual fixed fee for the Reinforced Plastics sources decreased from $7400 in the proposal to $4900 in the final rule. For the Wood Furniture category, the Title V annual fixed fee decreased from $7800 in the proposal to $6200 in the final rule. Fees for four other categories also decreased by $200-$400.

Utility Categorization/Small Sources Subsidizing Utilities. Several commenters stated that small sources were being forced to subsidize utilities and proposed an alternative indirect cost allocation methodology to address their concern. The utility commenter supported this alternative method for allocating indirect costs. When Maricopa County reallocates the indirect costs so that the relative overhead factor is the same for all sources, the relative costs for utility sources exceed ADEQ's natural gas category fee cap. Commenters noted that ADEQ's rule contains 2 categories of utility sources, natural gas and fossil fuel except natural gas. Because existing Maricopa County utility sources also have the capability to burn fuel oil, they suggested that the dual-fired utility sources should be classified as fossil fuel fired instead of natural gas fired. Maricopa County consulted with ADEQ and confirmed that it classifies the dual-fired utility sources as natural gas so long as natural gas is the primary fuel. Natural gas is the primary fuel for the existing utility sources in Maricopa County. ADEQ also informed the County that it will be reviewing the ADEQ fee rule again in the near future. The County elected to reduce fees for those source categories whose fees decreased when calculated with the revised allocation methodology. For those source categories whose fees increased under the revised methodology, the County elected to leave the fees at the same level as originally proposed until ADEQ revises its fees again.

Another commenter asked if the proposed revision to the utility source classification would be a substantial change. The utility source fossil fuel, except natural gas, category has a proposed fee approximately double the proposed fee for the utility source natural gas category. Staff confirmed that doubling a proposed fee would be a substantial change and require a supplemental notice. However, since the County did not revise the utility source classification, a supplemental notice is not necessary. (See response under Utility Classification/Small Sources Subsidizing Utilities)

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

None

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

40 C.F.R. 60, Appendix F	Rule 280, Section 305.1(a)(1)
40 C.F.R. 75, and all accompanying appendices	Rule 280, Section 305.1(a)(1)

15. Was this rule previously adopted as an emergency rule?

No

16. The full text of the rule follows:

REGULATION II - PERMITS AND FEES

RULE 280

FEES

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206 REGULATED AIR POLLUTANT
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~~402~~403 TABLE A, ~~AND~~ TABLE B, TABLE C, TABLE D, AND TABLE E SOURCES

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MARICOPA COUNTY

AIR POLLUTION CONTROL REGULATIONS

REGULATION II - PERMITS AND FEES

RULE 280

FEES

~~**SECTION 100 - GENERAL**~~
~~**101 PURPOSE:** To establish fees to be charged owners and operators of sources of air pollution subject to these rules.~~
~~**102 APPLICABILITY:** Every person owning/operating equipment or engaged in activities which may cause or contribute to air pollution is subject to the prescribed fees in this rule.~~

~~**SECTION 200 - DEFINITIONS:** For the purpose of this rule, the following definitions shall apply:~~
~~**201 EXISTING SOURCE** - A source that has commenced construction and for which one of the following is true:~~
~~**201.1** Held a valid installation or operating permit as of September 1, 1993, or~~
~~**201.2** Has been issued a permit pursuant to A.R.S. § 49-480C after September 1, 1993.~~
~~**202 SOURCES REQUIRED TO OBTAIN A TITLE V PERMIT** - The following sources shall be considered to be required to obtain a Title V permit:~~
~~**202.1** Any source required to have a Title V permit under these rules;~~
~~**202.2** Any source that qualifies for a Non-Title V permit pursuant to being listed in Rule 200, Section 302 of these rules but that elects to apply for a Title V permit.~~

~~**SECTION 300 - STANDARDS**~~
~~**301 TITLE V PERMIT FEES:** The owner or operator of a source required to obtain a Title V permit shall pay fees to the Control Officer according to the following provisions.~~
~~**301.1** An applicant for a permit to construct and operate a source required to obtain a Title V permit pursuant to these rules shall pay to the Control Officer a fee representing the total actual cost of reviewing and acting on the application. The minimum fee chargeable pursuant to this subsection and due with the application shall be $7000.00 and the maximum fee shall be $40,000. At any time after submittal of the application, the Control Officer may request an additional application fee based on the cost to date of reviewing and acting on the application, minus any application fee remitted. Before issuance of a permit to construct and operate a source, an applicant shall pay to the Control Officer a fee billed by the Control Officer representing the total actual cost of reviewing and acting upon the application minus any application fee remitted.~~
~~**301.2** Each existing source required to have a Title V permit shall pay annual fees equal to $31.00 per year per ton of actual emissions of regulated air pollutants calculated pursuant to Section 304 of this rule plus an annual permit processing and inspection fee of $2500.00 per year.~~

~~**301.3**An applicant for a permit revision pursuant to Rule 210, Sections 405 and 406, or the transfer of a permit pursuant to Rule 200, Section 404, at the time the application or notice is submitted, shall pay a fee as follows:~~

~~**a.** $10,000.00 for a significant permit revision that is the result of a major modification.~~

~~**b.** $1,500.00 for any other significant permit revision.~~

~~**c.** $300.00 for a minor permit revision.~~

~~**d.** $250.00 for a permit transfer.~~

~~**e.** $120.00 for an administrative permit amendment.~~

~~**301.4**Before the issuance of a permit revision pursuant to Rule 210, Sections 405 and 406, the applicant for the permit revision shall pay a fee billed by the Control Officer representing the total actual cost of reviewing and acting upon the application or notice, minus any application fee remitted.~~

~~**301.5**Each source required to have a Title V permit pursuant to these rules shall pay a performance test fee of $640.00 for any year during which such test will be performed.~~

~~**302 NON-TITLE V PERMIT FEES:** The owner or operator of a source required to obtain a Non-Title V permit pursuant to these rules shall pay fees to the Control Officer according to the following provisions.~~

~~**302.1**An applicant for a permit to construct and operate a source required to obtain a Non-Title V permit pursuant to these rules shall pay to the Control Officer a fee representing the total actual cost of reviewing and acting on the application for a facility listed in Table A (Section 402.1 of this rule) or a fee of $350.00 for a facility listed in Table B (Section 402.2 of this rule). A nonrefundable sum of $160.00 shall be due with the application. At any time after the submittal of an application for a facility listed in Table A, the Control Officer may request an additional application fee based on the cost to date of reviewing and acting on the application, minus any application fee remitted. Subsequent to the issuance of the permit, the source shall be subject to the applicable annual fees pursuant to Section 303 of this rule. Before issuance of a permit to construct and operate a source, an applicant shall pay to the Control Officer a fee billed by the Control Officer representing the total actual cost of reviewing and acting upon the application minus any application fee remitted.~~

~~**302.2**Each source listed in Table A (Section 402.1 of this rule) required to have a Non-Title V permit shall pay annual fees equal to $31.00 per year per ton of actual emissions of regulated air pollutants calculated pursuant to Section 304 of this rule plus an annual permit processing and inspection fee of $650.00 per year.~~

~~**302.3**Each source, other than Stage I Vapor Recovery Sources, listed in Table B (Section 402.2 of this rule) required to have a Non-Title V permit shall pay annual fees equal to $31.00 per year per ton of actual emissions of regulated air pollutants calculated pursuant to Section 304 of this rule plus an annual permit processing and inspection fee of $225.00 per year.~~

~~**302.4**Each Stage I Vapor Recovery Sources listed in Table B (section 402.2 of this rule) required to have a Non-Title V permit shall pay annual fees equal to $31.00 per year per ton of actual emissions of regulated air pollutants calculated pursuant to Section 304 of this rule plus an annual permit processing and inspection fee of $335.00 per year.~~

~~**302.5**An applicant for a permit modification pursuant to Rule 220, Sections 404 through 406 of these rules, or the transfer of a permit pursuant to Rule 200, Section 404 of these rules, at the time the application or notice is submitted, shall pay a fee as follows:~~

~~**a.** $750.00 for a non-minor permit revision for sources listed in Table A (Section 402.1 of this rule).~~

~~**b.** $225.00 for a non-minor permit revision for sources listed in Table B (Section 402.2 of this rule).~~

~~**c.** $225.00 for a minor permit revision.~~

~~**d.** $70.00 for an administrative permit amendment.~~

~~**e.** $200.00 for a permit transfer.~~

~~**302.6**Before the issuance of a permit revision pursuant to Rule 220, Sections 405 and 406, the applicant for the permit revision shall pay a fee billed by the Control Officer representing the total actual cost of reviewing and acting upon the application or notice, minus any application fee remitted.~~

~~**302.7**Each source requiring a performance test shall pay a performance test fee of $450.00 for any year during which such test will be performed.~~

~~**302.8**The maximum fee chargeable to this subsection shall be $25,000.~~

~~**303 GENERAL PERMIT FEES:** The owner or operator of a source required to obtain a permit pursuant to these rules covered by a general permit shall pay fees to the Control Officer according to the following provisions:~~

~~**303.1**An applicant for a permit to construct and operate a source applying for coverage under a general permit issued pursuant to Rule 230 of these rules shall pay to the Control Officer an application processing fee of $650.00 for a facility listed in Table A (Section 402.1 of this rule) and $225.00 for a source listed in Table B (Section 402.2 of this rule). A sum of $160.00 shall be due with the application. Before issuance of a permit to construct and operate a source, an applicant shall pay to the Control Officer a fee billed by the Control Officer representing the remaining application review fees.~~

~~**303.2**Each source listed in Table A (Section 402.1 of this rule) covered by a general permit shall pay annual fees equal to $31.00 per year per ton of actual emissions of regulated air pollutants calculated pursuant to Section 304~~

~~of this rule plus an annual permit processing and inspection fee of $650.00 per year.~~

~~**303.3**Each source, other than Stage I Vapor Recovery Sources, listed in Table B (Section 402.2 of this rule) covered by a general permit shall pay annual fees equal to $31.00 per year per ton of actual emissions of regulated air pollutants calculated pursuant to Section 304 of this rule plus an annual permit processing and inspection fee of $225.00 per year.~~

~~**303.4**Each Stage I Vapor Recovery Source listed in Table B (Section 402.2 of this rule) covered by a general permit shall pay annual fees equal $31.00 per year per ton of actual emissions of regulated air pollutants calculated pursuant to Section 304 of this rule plus an annual permit processing and inspection fee of $335.00 per year.~~

~~**303.5**Each source requiring a performance test shall pay a performance test fee of $450.00 for any year during which such test will be performed.~~

~~**304 CALCULATION OF EMISSION FEES:** The owner or operator of each source required to obtain a Title V permit pursuant to these rules shall pay an annual emission fee equal to $31.00 per year per ton of actual emissions of regulated air pollutants (rounded to the nearest ton). If a source required to obtain a Non-Title V permit or a General Permit pursuant to these rules emits an aggregate of five tons per year or more of all regulated air pollutants, the owner or operator of such source shall pay an annual emission fee equal to $31.00 per ton of actual emissions of regulated air pollutants (rounded to the nearest ton).~~

~~**304.1**For purposes of this subsection, actual emissions means the actual quantity of regulated air pollutants emitted over the preceding calendar year or any other period determined by the Control Officer to be representative of normal source operations, determined as follows.~~

~~**a.** Emissions quantities, including fugitive emissions, reported pursuant to Rule 100, Section 507 or pursuant to an emissions inventory required prior to the effective date of Rule 100, Section 507 shall be used for purposes of calculating the permit fee to the extent they are calculated in a manner consistent with this paragraph. Acceptable methods for calculating actual emissions pursuant to Rule 100, Section 500 include the following:~~

~~**(1)** Emissions estimates calculated from continuous emissions monitors certified pursuant to 40 CFR Part 75, Subpart C and referred appendices, as published in the Federal Register on January 11, 1993 (and no later editions) which is incorporated herein by reference, and is on file with the Control Officer, or data quality assured pursuant to Appendix F of 40 CFR, Part 60.~~

~~**(2)** Emissions estimates calculated from source performance test data.~~

~~**(3)** Emissions estimates calculated from material balance using engineering knowledge of process.~~

~~**(4)** Emissions estimates calculated using AP-42 emissions factors.~~

~~**(5)** Emissions estimates calculated by equivalent methods approved by the Control Officer. The Control Officer shall only approve methods that are demonstrated as accurate and reliable as the applicable method in items (1) through (4) of this paragraph.~~

~~**b.** Actual emissions shall be determined for each source on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored, or combusted.~~

~~**304.2**For purposes of this section, regulated air pollutants consist of the following:~~

~~**a.** Nitrogen oxides or any volatile organic compounds.~~

~~**b.** Conventional air pollutants, except carbon monoxide.~~

~~**c.** Any pollutant that is subject to any standard promulgated under Section 111 of the Act (Standards of Performance for New Stationary Sources), including fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur and reduced sulfur compounds.~~

~~**d.** Any federally listed hazardous air pollutant that is subject to a standard promulgated by the Administrator under Section 112 of the Act (Hazardous Air Pollutants) or other requirement established under Section 112 of the Act, including Sections 112(g) and (j) of the Act. Federally listed hazardous air pollutants subject to requirements established under Section 112 of the Act include the following:~~

~~**(1)** Any pollutant subject to requirements under Section 112(j) of the Act (Hazardous Air Pollutants). If the Administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be considered major under Section 112(a)(1) of the Act shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Section 112(e) of the Act.~~

~~**(2)** Any pollutant for which the requirements of Section 112(g)(2) of the Act (Hazardous Air Pollutants) have been met, but only with respect to the individual source subject to Section 112(g)(2) requirements.~~

~~**304.3**The following emissions of regulated pollutants shall be excluded from a source's actual emissions for purposes of this section:~~

~~**a.** Emissions of a regulated pollutant from the source in excess of 4,000 tons per year.~~

~~**b.** Emissions of any regulated pollutant that are already included in the fee calculation for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM_{10}.~~

~~**c.** Emissions from insignificant activities excluded from the permit for the source pursuant to Rule 210.~~

~~**304.4**A notice to pay the fee specified in this subsection and a declaration of emissions form will be mailed annually to the owner or operator of a source to which this subsection applies with the annual emission inventory questionnaire. The fee is due and payable by April 30 each year or by the ninetieth (90th) day following the date of notice.~~

~~**304.5**Beginning in 1995, the $31.00 per ton per year fee shall be adjusted each year on January 1 to reflect the increase, if any, by which the Consumer Price Index for the most recent year exceeds the Consumer Price Index for year ending in 1993. The Consumer Price Index for any year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each year.~~

~~**305 HEARING BOARD FILING FEE:** A $100.00 fee shall be charged for filing a petition with the Hearing Board. This fee may be refunded by a majority vote of the Hearing Board upon a showing of undue hardship.~~

~~**306 CONDITIONAL ORDER FEE:** Any person applying for a conditional order shall pay a conditional order fee. The amount of a conditional order fee shall be equal to the amount of the applicable permit fee as specified in this rule.~~

~~**307 GASOLINE DELIVERY VESSEL FEE:** An annual certification fee of $115.00 shall be charged for each gasoline delivery vessel required to be leak tested by Rule 352 of these rules.~~

~~**308 PERMIT TO BURN FEE:** Permits to Burn shall be issued for open outdoor fires that are approved by the Control Officer in accordance with Rule 314 of these rules. An applicant for a Permit to Burn shall pay a fee as set forth in the following fee schedule:~~

~~**Fire Category**~~	~~**Permit Period**~~	~~**Fee**~~
~~Tumbleweeds~~	~~30 days~~	~~$50.00~~
~~Fire Hazard~~	~~30 days~~	~~$50.00~~
~~Fire Fighting Instruction~~	~~1 year~~	~~$50.00~~
~~Ditch Bank/Fence Row~~	~~1 year~~	~~$50.00~~
~~Disease/Pest Prevention~~	~~30 days~~	~~$62.00~~
~~Land Clearance~~	~~30 days~~	
	~~Less than 5.0 acres~~	~~$74.00~~
	~~5.0 acres or greater~~	~~$144.00~~
~~Air Curtain Destructor~~	~~30 days~~	~~$249.00~~

~~**309 EARTH MOVING PERMIT FEE:** This schedule includes any power or mechanical equipment used to clear, excavate or level land, including but not limited to demolition, road and street construction, trenching or any other earth moving activity. An applicant for an Earth Moving Permit shall pay an annual fee as set forth in the following fee schedule, based on the total surface area that is disturbed.~~

~~**Total Surface Area Disturbed**~~	~~**Fee**~~
~~Annual Block Permit~~	~~$2000.00~~
~~0.1 to less than one acre~~	~~$75.00~~
~~One acre or greater~~	~~$36.00 per acre plus $110.00~~

~~Example: 6 acres = 6 x $36.00 + $110 = $326~~

~~**310 ASBESTOS NOTIFICATION AND PLAN REVIEW FILING FEE:** Any person~~ required to ~~file notification pursuant to the provisions of Rule 370 of these rules shall pay a fee as follows:~~

~~**310.1**Any person filing notification of a project to renovate regulated asbestos-containing materials shall pay a nonrefundable notification and plan review filing fee of $425.00.~~

~~**310.2**Any person filing notification of a project to demolish a facility (as defined in 40 CFR 61, Subpart M) shall pay a nonrefundable notification and plan review filing fee of $425.00.~~

~~**311 HOURLY RATE:** For the purposes of Sections 301 and 302, the hourly rate applied for all direct hours spent processing the permit shall be $70.00 per hour.~~

~~**312 LATE FEE:** The following fees shall be assessed in addition to all other applicable fees.~~

~~**312.1TITLE V, NON-TITLE V OR GENERAL PERMIT:** An applicant for a required permit for a source that has been constructed without such permit and who has received a Notice of Violation shall pay a late fee of $70.00.~~

~~**312.2EARTH MOVING PERMIT:** Any person who has begun earth moving activity without an Earth Moving Permit and has received a Notice of Violation for operating the earth moving equipment without an Earth Moving~~

~~Permit shall pay a late fee of $70.00.~~

~~**313 DELINQUENCY FEE:** Any applicant or permittee who fails to pay any required fee(s) within 30 days of billing shall pay a delinquency fee of $35.00 or a delinquency fee of $70.00 if delinquent over 60 days from the date of billing. Applicants and permittees shall be notified by mail of any permit delinquency fees that are due and payable.~~

~~**314 SUBSCRIPTION FEE FOR RULE REVISIONS:** A person requesting to be placed on a mailing list to receive copies of new and revised rules shall pay to the Control Officer an annual subscription fee of $35.00.~~

~~**315 ACCELERATED PERMIT PROCESSING:** An applicant requesting accelerated permit processing shall pay fees to the Control Officer according to the following provisions:~~

~~**315.1**Such a request shall be accompanied by the standard application fees as described in this rule, plus an additional payment of 50 percent of those fees, which shall be nonrefundable, if the Control Officer undertakes to provide accelerated processing as described in Rule 200, Section 313 of these rules.~~

~~**315.2**At any time after an applicant has requested accelerated permit processing, the Control Officer may request an additional advance payment fee based on the most recent estimated cost of accelerating the processing of the application.~~

~~**315.3**Before issuing a permit or permit revision pursuant to Rule 200, Section 313 of these rules, the applicant shall pay to the Control Officer all regular permit processing and other fees due, and the difference between the actual cost of accelerating the permit application, including any costs incurred by the Control Officer in contracting for, hiring, or supervising the work of outside consultants, and all advance payments submitted. If an additional payment is required, the Control Officer shall provide an accounting of the actual cost of accelerating the permit application, at the request of the applicant.~~

~~**315.4**Any additional costs incurred as a result of accelerated permit processing shall not be applied toward any applicable maximum fee described in this rule.~~

~~**SECTION 400 – ADMINISTRATIVE REQUIREMENTS**~~

~~**401 PAYMENT OF FEES:**~~

~~**401.1**At least 30 days before the anniversary date of a Title V, Non-Title V or General Permit issued pursuant to these rules, the owner or operator of the source will be notified by mail of the annual permit processing and inspection fee to be paid and the due date.~~

~~**401.2**Gasoline delivery vessel fee shall be paid at the time the application is submitted showing satisfactory test results prior to the issuance of the sticker required in the provisions of Rule 352.~~

~~**401.3**Asbestos removal notification and plan review filing fee shall be paid at the time the notification is submitted. The notification is not considered filed until the appropriate filing fee is paid.~~

~~**401.4**Other fees shall be paid in the manner and at the time notified.~~

~~**402 TABLE A AND TABLE B SOURCES:** For processes and equipment not listed below, the Control Officer will designate either Table A or Table B applicability.~~

~~**402.1Table A Sources:**~~

~~Aggregate Production/Crushing, All~~
~~Aggregate Screening~~
~~Aircraft Manufacturing~~
~~Animal Feed Processing~~
~~Asphalt Batching~~
~~Auto Body Shredding~~
~~**Table A Sources Continued:**~~
~~Bulk Terminal~~
~~Cement Products Packaging~~
~~Chemical Processing, Dry~~
~~Chemical Processing, Liquid~~
~~Circuit Board Processing~~
~~Coating Line, Can/Coil/Fabric/Film/Glass/Paper~~
~~Concrete Batching~~
~~Concrete Products Manufacturing~~
~~Cotton Ginning~~
~~Cotton Seed Processing~~
~~Crematory~~
~~Cultured Marble~~
~~Ethylene Oxide Sterilization~~
~~Extrusion~~
~~Fiberglass Product Manufacturing~~
~~Flour Milling~~
~~Foundry~~

~~Furnace, Metals~~
~~Furnace, Burn-Off~~
~~Furnace, Electric Arc~~
~~Furnace, Other~~
~~Gas Turbine, All~~
~~Grain Cleaning/Processing~~
~~Grain Storage~~
~~Gypsum, Calcining~~
~~Incinerator, Medical Waste~~
~~Incinerator, Other~~
~~Insulation Manufacturing~~
~~Internal Combustion Engine, Cogeneration~~
~~Jet Engine Manufacturing~~
~~Miscellaneous Air Polluting Equipment~~
~~Pesticide/Herbicide Production~~
~~Pharmaceutical Manufacturing~~
~~Pipeline Transmission Facilities~~
~~Plating Tanks~~
~~Printing Presses, 25 Tons Per Year Potential Uncontrolled VOC Emissions or Facilities With Controls~~
~~Rendering~~
~~Rubber Products Manufacturing~~
~~Semiconductor Manufacturing~~
~~Soil Treatment~~
~~Solvent Degreasing Unit/System, Solvent Use ^{3}3 Gallons Per Day~~
~~Solvent Reclaiming~~
~~Stage I Vapor Recovery, Bulk Plants Other Than Shown in Table B~~
~~Stripping Operations~~
~~Tennis Ball Manufacturing~~
~~Vegetable Oil Extraction~~
~~Table A Sources Continued:~~
~~Wood Treating~~

~~**402.2Table B Sources:**~~

~~Abrasive Blasting~~
~~Asphalt Day Tanker/Kettle~~
~~Cement Products Packaging~~
~~Dry Cleaning~~
~~Fertilizer, Packaging, Mixing and Handling~~
~~Fuel Burning~~
~~Incinerator, Paper and Cardboard Products~~
~~Internal Combustion Engine, All~~
~~Miscellaneous Solvent Use at a Premise~~
~~Petroleum Storage, Non-retail~~
~~Printing Presses, <25 Tons Per Year Potential Uncontrolled VOC Emissions and With No Controls~~
~~Solvent Cleaning, <3 Gallons Per Day~~
~~Spray Coating~~
~~Stage I Vapor Recovery, Bulk Plant Loading Facilities as Defined by Rule 351, Section 305.1~~
~~Stage I Vapor Recovery, Service Station and larger Non-resale Dispensing Operations~~
~~Non-resale Dispensing Operations exempted from Stage I Vapor Recovery by Rule 353, Section 303.2~~
~~Storage Tanks, Non-Petroleum~~

SECTION 100 - GENERAL

101 **PURPOSE:** To establish fees to be charged to owners and operators of sources of air pollution subject to these rules.

102 **APPLICABILITY:** Every person owning/operating equipment or engaged in activities that may cause or contribute to air pollution is subject to the prescribed fees in this rule.

SECTION 200 - DEFINITIONS: For the purpose of this rule, the following definitions shall apply:

201 **ANNUAL ADMINISTRATIVE FEE –** Paid annually by a source to recover the average cost of services required to administer the permit and conduct inspections.

202 **BILLABLE PERMIT ACTION -** The review, issuance or denial of a new permit, significant permit revision, or minor permit revision, or the renewal of an existing permit.

203 **EXISTING SOURCE -** A source that has commenced construction and has been issued a permit pursuant to A.R.S. § 49-480 after September 1, 1993.

204 **Itemized INVOICE -** A breakdown of the permit processing time into the categories of pre-application activities, completeness review, substantive (technical) review, and public involvement activities, and within each category, a further breakdown by employee name.

205 **NON-MAJOR TITLE V SOURCE –** A source required to obtain a Non-Title V permit under Rule 200 to which both of the following apply:

205.1 The source is classified as a Synthetic Minor Source, and

205.2 The source has a permit that contains allowable emissions greater than or equal to 50% of the major source threshold.

206 **REGULATED AIR POLLUTANT -** For the purposes of Section 305, consists of the following air pollutants:

206.1 Any conventional air pollutant as defined in A.R.S. § 49-401.01, which means any pollutant for which the Administrator of EPA has promulgated a primary or a secondary national ambient air quality standard (NAAQS) except carbon monoxide (i.e., for nitrogen oxides (NO_X), lead, sulfur oxides (SO_X) measured as sulfur dioxides (SO_2), ozone, and particulates).

206.2 Nitrogen oxides (NO_X) and volatile organic compounds (VOCs).

206.3 Any air contaminant that is subject to a standard contained in Rule 360 (New Source Performance Standards) of these rules or promulgated under Section 111 (Standards Of Performance For New Stationary Sources) of the Act.

206.4 Any hazardous air pollutant (HAP) as defined in A.R.S. § 49-401.01 or listed in Section 112(b) (Hazardous Air Pollutants; List Of Pollutants) of the Act.

206.5 Any Class I or II substance listed in Section 602 (Stratospheric Ozone Protection; Listing Of Class I And Class II Substances) of the Act.

207 **SOURCES REQUIRED TO HAVE A TITLE V PERMIT -** The following sources shall be considered sources required to have a Title V permit:

207.1 Any source required to have a Title V permit under Rule 200, Section 302;

207.2 Any source that qualifies for a Non-Title V permit but that elects to have a Title V permit under Rule 200, Section 302.

SECTION 300 - STANDARDS

301 **TITLE V PERMIT FEES:** The owner or operator of a source required to have a Title V permit shall pay fees according to the following provisions:

301.1 **Fees for Billable Permit Actions:** The owner or operator of a Title V source shall pay $66.00 per hour, adjusted annually under Section 304, for all permit processing time required for a billable permit action. The fee shall be paid as follows:

a. An application shall be submitted with the applicable fee from the table below:

Type of Application	**Application Fee**
New permit application	$7,000
Significant permit revision application that is a result of a major modification	$7,000
Other significant permit revision applications	$1,000
Minor permit revision application	$150
Permit renewal application	$3,500

b. At any time after submittal of the application, the Control Officer may request additional application fees based on the cost to date of reviewing and acting on the application, minus all fees previously submitted for the application.

c. When permit processing is completed for a facility, the Control Officer shall send an itemized invoice. The invoice shall indicate the total actual cost of reviewing and acting upon the application, all fees previously submitted, and the balance due.

d. The maximum fee for processing permit applications listed in section 301.1 is $40,000.00.

e. The Control Officer shall not issue a permit or permit revision until the balance due on the itemized invoice is paid in full.

301.2 Annual Fees: The owner or operator of a Title V source shall pay an annual administrative fee plus an emissions-based fee as follows:

a. The applicable annual administrative fee from the table below, as adjusted annually under Section 304. The fee is due on the first anniversary date of the initial permit covering construction and startup of operations and annually thereafter on that date.

Title V Source Category	**Annual Administrative Fee**
Aerospace	$10,700
Cement Plants	$39,500
Combustion/Boilers	$9,200
Compressor Stations	$8,700
Expandable Foam	$9,200
Landfills	$9,300
Lime Plants	$37,000
Copper & Nickel Mines	$9,300
Gold Mines	$9,300
Paper Mills	$12,700
Petroleum Products Terminal Facilities	$10,800
Polymeric Fabric Coaters	$9,500
Reinforced Plastics	$4,900
Semiconductor Fabrication	$10,800
Copper Smelters	$39,500
Utilities – Primary Fuel Natural Gas	$11,200
Utilities – Fossil Fuel Except Natural Gas	$20,200
Vitamin/Pharmaceutical Manufacturing	$6,200
Wood Furniture	$6,200
Others	$9,900
Others with Continuous Emissions Monitoring	$12,700

b. An emissions-based fee of $11.75 per ton of actual emissions of all regulated pollutants emitted during the previous calendar year as determined by Section 305. The fee is adjusted annually under Section 304.

302 NON-TITLE V PERMIT FEES: The owner or operator of a source required to have a Non-Title V permit under Rule 200, Section 303 shall pay fees according to the following provisions:

302.1 Fees for Billable Permit Actions: Except for the renewal of an existing permit, the owner or operator of a Non-Title V source listed in Table A (subsection 403.1) or Table B (subsection 403.2) shall pay to the Control Officer $66.00 per hour, adjusted annually under Section 304 of this rule, for all permit processing time required for a billable permit action. The owner or operator of a Non-Title V source facility listed in Table C, D, or E (section 403.3-5) shall pay the applicable fees from the table in section 302.1(a) below for a billable permit action. The fee shall be paid as follows:

a. An application shall be submitted with the applicable fee from the table below:

Type of Application	*Application Fee*
New permit application	$350
Non-minor permit revision application	$350
Minor permit revision application	$150
Permit renewal application	Not required

b. At any time after the submittal of an application for a facility listed in Table A or Table B, the Control Officer may request an additional application fee based on the cost to date of reviewing and acting on the application, minus all fees previously submitted for the application.

c. When permit processing is completed for a facility listed in Table A and Table B and final costs are greater than the fee submitted with the application under section 302.1(a), the Control Officer shall send an itemized invoice. The invoice shall indicate the total cost of reviewing and acting upon the application, all fees previously submitted, and the balance due.

d. The maximum fee for processing permit applications listed in section 302.1 is $25,000.00.

e. The Control Officer shall not issue a permit or permit revision until the balance due on the itemized invoice is paid in full.

302.2 Annual Fees: The owner or operator of an existing Non-Title V source shall pay the applicable annual administrative fee from the table below, as adjusted annually under Section 304. The annual administrative fee covers the cost of renewing a Non-Title V permit. The fee is due on the first anniversary date of the initial permit covering construction and startup of operations and annually thereafter on that date.

Non-Title V Source Type	*Annual Administrative Fee*
Source listed in Table A	$3,100
Source listed in Table B	$1,300
Source listed in Table C	$360

303 GENERAL PERMIT FEES: The owner or operator of a source required to obtain a permit pursuant to these rules who elects to be covered by a general permit shall pay fees according to the following provisions:

303.1 Fees Due with an Application: The owner or operator of a source initially applying for authorization to operate under a General Permit shall pay the applicable fee from the table below with the submittal of the application. Source categories designated as Tables A-E are listed in sections 403.1-5 of this rule.

Source Category Table	**Application Fee**
Title V General Permits	Administrative Fee from Title V table for category
Table A	$3,000
Table B	$1,000
Table C	$300
Table D	$335
Table E	$290

303.2 Annual Fee: The owner or operator of a source with an authorization to operate under a General Permit shall pay the applicable annual administrative fee from the table below, as adjusted annually under Section 304. The annual administrative fee covers the cost of reapplying for authorization to operate under a General Permit. The fee is due on the first anniversary date of the initial approval to operate under a General Permit and annually thereafter on that date. Source categories designated as Tables A-E are listed in sections 403.1-5.

Source Category Table	**Administrative & Permit Renewal Fee**
Title V General Permits	Administrative Fee from Title V table for category
Table A	$3,000
Table B	$1,000
Table C	$300
Table D	$335
Table E	$290

304 ANNUAL ADJUSTMENT OF FEES:

304.1 The Control Officer shall adjust the hourly rate every January 1, to the nearest 10 cents per hour, beginning on January 1, 2004. The Control Officer will multiply $66.00 by the Consumer Price Index (CPI) for the most recent year as described in subsection 304.4, and then divide by the CPI for the year 2001.

304.2 The Control Officer shall adjust the administrative or permit processing fees listed in Sections 301-303 every January 1, to the nearest $10, beginning on January 1, 2004. The Control Officer will multiply the administrative or permit processing fee by the Consumer Price Index (CPI) for the most recent year as described in section 304.4, and then divide by the CPI for the year 2001.

304.3 The Control Officer shall adjust the rate for emission-based fees every January 1, beginning on January 1, 2004. The Control Officer will multiply $11.75 by the Consumer Price Index (CPI) for the most recent year as described in section 304.4, and then divide by the CPI for the year 2001.

304.4 The Consumer Price Index for any year is the average of the monthly Consumer Price Index for all urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year.

305 CALCULATION AND PAYMENT OF EMISSION FEES:

305.1 For purposes of this subsection, actual emissions means the actual quantity of regulated air pollutants emitted over the preceding calendar year or any other period determined by the Control Officer to be representative of normal source operations, determined as follows:

a. Emissions quantities, including fugitive emissions, reported under Rule 100, Section 500 shall be used for purposes of calculating the permit fee to the extent they are calculated in a manner consistent with this paragraph. Acceptable methods for calculating actual emissions under Rule 100, Section 500 include the following:

(1) Emissions estimates calculated from continuous emissions monitors certified under 40 CFR Part 75, Subpart C and referenced appendices, or data quality assured pursuant to Appendix F of 40 CFR, Part 60. 40 CFR Part 75 and referenced appendices and 40 CFR Part 60 Appendix F adopted as of July 1, 2001, (and no future additions) are incorporated by reference.

(2) Emissions estimates calculated from source performance test data.

(3) Emissions estimates calculated from material balance using engineering knowledge of process.

(4) Emissions estimates calculated using AP-42 emissions factors.

(5) Emissions estimates calculated by equivalent methods approved by the Control Officer. The Control Officer shall only approve methods that are demonstrated as accurate and reliable as the applicable method in items (1) through (4) of this paragraph.

b. Actual emissions shall be determined for each source on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored, or combusted.

305.2 The following emissions of regulated air pollutants shall be excluded from a source's actual emissions for purposes of this section:

a. Emissions of a regulated air pollutant from the source in excess of 4,000 tons per year.

b. Emissions of any regulated air pollutant that are already included in the fee calculation for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM_{10}.

c. Emissions from insignificant activities excluded from the permit for the source under Rule 210.

d. Fugitive emissions of PM10 from activities other than crushing, belt transfers, screening, or stacking.

e. Fugitive emissions of VOC from solution-extraction units.

305.3 A notice to pay the fee specified in section 301.2(b) and a declaration of emissions form will be mailed annually to the owner or operator of a source to which this subsection applies, along with the annual emission inventory questionnaire. The emission fee is due and payable by April 30 each year or by the ninetieth (90th) day following the date of notice, whichever is later.

306 **HEARING BOARD FILING FEE:** A person filing a petition with the Hearing Board shall pay a fee of $100.00. This fee may be refunded by a majority vote of the Hearing Board upon a showing of undue hardship.

307 **CONDITIONAL ORDER FEE:** Any person applying for a conditional order pursuant to Rule 120 shall pay a conditional order fee. The amount of a conditional order fee shall be equal to the amount of the applicable permit fee as specified in this rule.

308 **GASOLINE DELIVERY VESSEL FEE:** A person wishing to obtain a decal for each gasoline delivery vessel that passes the required annual test under Rule 352 shall pay a fee of $115.00.

309 **PERMIT TO BURN FEE:** A person applying for a Permit to Burn shall pay a fee as set forth in the following fee schedule:

Fire Category	Permit Period	Fee
Tumbleweeds	30 days	$50.00
Fire Hazard	30 days	$50.00
Fire Fighting Instruction	1 year	$50.00
Ditch Bank/Fence Row	1 year	$50.00
Disease/Pest Prevention	30 days	$62.00
Land Clearance	30 days	
	Less than 5.0 acres	$74.00
	5.0 acres or greater	$144.00
Air Curtain Destructor	30 days	$249.00

310 **EARTH MOVING PERMIT FEE:** A person applying for an Earth Moving Permit shall pay an annual fee as set forth in the following fee schedule, based on the total surface area that is disturbed:

Total Surface Area Disturbed	Fee
Annual Block Permit	$2000.00
0.1 to less than one acre	$75.00
One acre or greater	$36.00 per acre plus $110.00
	Example: 6 acres = 6 x $36.00 + $110 = $326

311 **ASBESTOS NOTIFICATION AND PLAN REVIEW FILING FEE:** Any person required to file notification under the provisions of Rule 370 of these rules shall pay a fee as follows:

311.1 Any person filing notification of a project to renovate regulated asbestos-containing materials shall pay a nonrefundable notification and plan review filing fee of $425.00.

311.2 Any person filing notification of a project to demolish a facility (as defined in 40 C.F.R. 61, Subpart M) shall pay a nonrefundable notification and plan review filing fee of $425.00.

312 **LATE FEE:** The Control Officer shall assess the following fees in addition to all other applicable fees:

312.1 **TITLE V, NON-TITLE V OR GENERAL PERMIT:** An applicant for a required permit for a source that has been constructed without such permit and who has received a Notice of Violation shall pay a late fee of $70.00.

312.2 **EARTH MOVING PERMIT:** Any person who is conducting earth moving activity without an Earth Moving Permit and has received a Notice of Violation for operating the earth moving equipment without an Earth Moving Permit shall pay a late fee of $70.00.

313 **DELINQUENCY FEE:** An applicant or permittee who fails to pay any required fee(s) by 30 days after invoice due date shall pay a delinquency fee of $35.00 or a delinquency fee of $70.00 if delinquent over 60 days from the invoice due date. Applicants and permittees will be notified by mail of any permit delinquency fees that are due and payable.

314 **SUBSCRIPTION FEE FOR RULE REVISIONS:** A person requesting to be placed on a mailing list to receive copies of new and revised rules shall pay to the Control Officer an annual subscription fee of $35.00.

315 **ACCELERATED PERMIT PROCESSING:** An applicant requesting accelerated permit processing shall pay fees to the Control Officer according to the following provisions:

315.1 Such a request shall be accompanied by an initial fee of $15,000. The fee is nonrefundable to the extent of the Control Officer's costs for accelerating the processing if the Control Officer undertakes to provide accelerated processing as described in Rule 200, Section 313 of these rules.

315.2 At any time after an applicant has requested accelerated permit processing, the Control Officer may request an additional advance payment fee based on the most recent estimated cost of accelerating the processing of the application.

315.3 Upon completion of permit processing activities but before issuing or denying a permit or permit revision, the Control Officer shall send notice of the decision to the applicant along with a final invoice. The final invoice shall include all regular permit processing and other fees due, as well as the difference between the actual cost of accelerating the permit application, including any costs incurred by the Control Officer in contracting for, hiring, or supervising the work of outside consultants, and all advance payments submitted for accelerated processing. In the event all payments made exceed actual accelerated permit costs, the Control Officer shall refund the excess advance payments.

315.4 Any additional costs incurred as a result of accelerated permit processing shall not be applied toward any applicable maximum fee described in this rule.

316 **FAILURE TO PAY REQUIRED FEES:** Nonpayment of fees required by this rule constitutes a violation as provided in A.R.S. §§ 49-502, 49-511 and 49-513.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 **TRANSITION TO REVISED FEES:** The revised fees, except for the emissions fee, in this rule shall become effective July 1, 2003. The revised emissions fee shall become effective January 1, 2004, beginning with the emissions reported for calendar year 2003.

402 **PAYMENT OF FEES:** All fees required by this rule shall be payable to Maricopa County Environmental Services Department.

402.1 Annual Administrative Fees:

a. **Title V and Non-Title V Permits:** The Control Officer shall mail the owner or operator of a Title V or Non-Title V source an invoice for the annual administrative fee due under sections 301, 302, and 303 at least 30 days prior to the anniversary date of the permit.

b. **General Permits:** The Control Officer shall mail the owner or operator of source authorized to operate under a General Permit an invoice for the annual administrative fee due under section 303 at least 30 days prior to the anniversary date of the authorization to operate.

402.2 Gasoline Delivery Vessel Decal Fee: Gasoline delivery vessel decal fee shall be paid at the time the application is submitted showing satisfactory test results prior to the issuance of the sticker required in the provisions of Rule 352.

402.3 Asbestos Removal Notification and Plan Review Fee: The asbestos removal notification and plan review filing fee shall be paid at the time the notification is submitted. The notification is not considered filed until the appropriate filing fee is paid.

402.4 Other Fees: Other fees shall be paid in the manner and at the time required by the Control Officer.

403 **TABLE A, TABLE B, TABLE C, TABLE D, AND TABLE E SOURCES:** For processes and equipment not listed below, the Control Officer will designate either Table A, Table B, Table C, Table D, or Table E applicability.

403.1 Table A Sources:

Aircraft Manufacturing
Chemical Manufacturing, Dry
Chemical Manufacturing, Liquid
Circuit Board Manufacturing ≥ 5 Tons per Year VOC
Coating Line, Can/Coil/Fabric/Film/Glass/Paper
Ethylene Oxide Sterilization
Gypsum, Calcining
Hot Mix Asphalt Plant
Incinerator, Medical Waste
Incinerator, Hazardous Material
Insulation Manufacturing
Jet Engine Manufacturing

Non-Major Title V Source
Pesticide/Herbicide Production
Petroleum Loading Racks and Storage Tanks at Bulk Terminals
Pharmaceutical Manufacturing
Polymeric Foam Products
Printing Facilities ≥ 25 Tons per Year Potential Uncontrolled VOC Emissions or Facility with Controls
Rendering
Rubber Products Manufacturing
Semiconductor Manufacturing
Solid Waste Landfill
Source Subject to BACT Determination
Source Subject to a MACT, NESHAPS or NSPS standard under
CAA Section 111 or 112 unless otherwise identified in another table
Source with 3 or more Table B Processes
Tennis Ball Manufacturing
Vegetable Oil Extraction

403.2Table B Sources

Aerospace Products Manufacturing & Rework not subject to MACT
Aggregate Production/Crushing, All
Aggregate Screening
Animal Feed Processing
Auto Body Shredding
Bakery with Oven of 25 Tons per year of Potential Uncontrolled VOC emissions or facility with controls
Chemical/Fertilizer Storage, Mixing, Packaging and Handling
Concrete Batching
Concrete Product Manufacturing
Cotton Gin
Cotton Seed Processing
Crematory
Cultured Marble
Fiberglass Product Manufacturing
Flour Milling
Foundry
Furnace, Metals
Furnace, Burn-Off
Furnace, Electric Arc
Furnace, Other
Gas Turbine, Non-Utility (Utility in Table A)
Grain Cleaning/Processing
Grain Storage
Incinerator, Non-Hazardous Material
Internal Combustion Engine, Cogeneration
Pipeline Transmission Facility
Plating Tanks, Electrolytic or Electrowinning
Soil Treatment/Remediation
Soil Solvent Extraction System with Package Thermal/Catalytic Oxidizer/Carbon Adsorption
Solvent Degreasing/Cleaning System, Solvent Use >3 gallons per day
Solvent Reclaiming
Source with 3 or more Table C Processes
Stage I Vapor Recovery, Bulk Plants with Loading Racks
Stripping Operation, Equipment or Furniture Refurbishment
Stripping Operation, Liquid Chemical Groundwater/Wastewater Remediation
Wood Coating Operation subject to RACT including Furniture/Millwork Sources larger than 10 TPY VOC

403.3Table C Sources:

Abrasive Blasting
Asphalt Day Tanker/Kettle
Cement Products Packaging
Circuit Board Assembly
Circuit Board Manufacturing <5 Tons per Year of VOC

Dry Cleaning
Emergency Internal Combustion Engine
Incinerator, Paper and Cardboard Products
Miscellaneous Solvent Use
Packaging, Mixing & Handling, Granular or Powdered Material other than Cement or Grain
Petroleum Storage, Non-retail Dispensing Operations exempted from Stage I Vapor Recovery by Rule 353
Plastic or Metal Extrusion
Plating, Electroless
Powder Coating
Printing Facilities without Control and < 25 Tons per Year of Potential Uncontrolled VOC Emissions
Solvent Cleaning, < 3 Gallons Per Day
Spray Coating
Bulk Plant Loading Facilities as Defined by Rule 351, Section 305.1
Storage Tank, Non-Petroleum Volatile Organic Compounds
Vehicle Refinishing
Wood Furniture/ Millwork/ Small Source less than 10 TPY VOC

403.4Table D Sources:
Service Station and larger Non-resale Dispensing Operations

403.5Table E Sources:
Fuel Burning Equipment

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

P. O. BOX 987

FLORENCE, ARIZONA 85232

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

NOTICE OF PROPOSED RULEMAKING

PINAL COUNTY AIR QUALITY CONTROL DISTRICT CODE OF REGULATIONS

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

CHAPTER 3. PERMITS AND PERMIT REVISIONS

PREAMBLE

1. Sections Affected — **Rulemaking Action**

§1-1-107	Amend
§3-3-220	Amend
§3-3-230	Amend

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

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

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

A.R.S. § 49-480 allows the Board to adopt rules establishing a permit program for stationary sources. A.R.S. § 49-112 requires a specific justification for adoption of rules that are "more stringent" or "in addition to" rules adopted by ADEQ.

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

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

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

Name: Jean Parkinson, Air Quality Planning Manager

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

Telephone: (520) 866-6929

Fax: (520) 866-6967

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

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

A. Summary: This rule revision proposal involves:

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

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

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

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

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

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

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

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

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

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

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

None, other than the cited statutes and rules.

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this State:

Not applicable

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

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

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

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

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

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

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

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

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

Stakeholders' Meeting:	**Friday, July 18, 2003**
Time:	**1:00 p.m.**
Location:	Pinal County Complex, Emergency Operations Center (EOC), Building F, 31 N. Pinal Street, Florence, Arizona, 85232
Nature:	The Control Officer will meet informally with any interested party for the purpose of discussing the proposed rules.
Public Hearing (Oral Proceeding):	**Wednesday, July 23, 2003**
Time:	**1:00 p.m.**
Location:	Pinal County Complex, Emergency Operations Center (EOC), Building F, 31 N. Pinal Street, Florence, Arizona, 85232
Nature:	Public Hearing with the opportunity for formal comments on the record regarding the proposed rules.

Public Hearing (Supervisors):	**Wednesday, August 13, 2003**
Time:	**9:30 a.m.**
Location:	Pinal County Complex, Board of Supervisors Hearing Room, Building A, 31 N. Pinal Street, Florence, Arizona, 85232
Nature:	Public Hearing with the opportunity for formal comments on the record regarding the proposed rules.

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

Not applicable

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

None

13. The full text of the rules follows:

1-1-107. Title V Program Content

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

1-2-110.	Adopted document(s)	***Adopted June 29, 1993.*** ***Amended May 14, 1997.*** ***Amended May 27, 1998.*** ***Amended July 12, 2000.***
1-3-130.	Adopted document(s)	Adopted June 29, 1993. Amended November 3, 1993. ***Amended October 12, 1995.*** ***Amended May 14, 1997.***
1-3-140.	Definitions	Adopted June 29, 1993. Amended November 3, 1993. Amended February 22, 1995. ***Amended October 12, 1995.*** ***Amended May 14, 1997.*** ***Amended May 27, 1998.***
2-1-010. to 3-3-210.	NO CHANGE	
3-3-220.	Permit and permit revision requirements for sources located in nonattainment areas	Adopted June 29, 1993 Amended/renumbered November 3, 1993. ***Amended July 30, 2003.***
3-3-230.	Offset and net air quality benefit standards	Adopted June 29, 1993 Amended/renumbered November 3, 1993. Amended February 22, 1995 ***Amended July 30, 2003.***
3-3-240. to 9-1-080, and	NO CHANGE	
Appendix A		

[Adopted June 25, 1997. Amended May 27, 1998 and ratified July 29, 1998. Amended July 29, 1998 and July 12, 2000. Amended December 13, 2000. Amended July 30, 2003.]

CHAPTER 3. PERMITS AND PERMIT REVISIONS

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

3-3-200. Purpose – NO CHANGE

3-3-203. Definitions – NO CHANGE

3-3-205. Application requirements – NO CHANGE

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

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

A. Except as provided in Subsections C. through I. below, no permit or permit revision under this article shall be issued to a person proposing to construct a new major source or make a major modification to a source located in any nonattainment area for the pollutant(s) for which the source is classified as a major source or the modification is classified as a major modification unless:
   1. The person demonstrates that the new major source or the major modification will meet an emission limitation, which is the lowest achievable emission rate (LAER) for that source for that specific pollutant(s). In determining lowest achievable emission rate for a reconstructed stationary source, the provisions of 40 C.F.R. §60.15(f)(4) (1992) shall be taken into account in assessing whether a new source performance standard is applicable to such stationary source.
   2. The person certifies that all existing major sources owned or operated by that person (or any entity controlling, controlled by, or under common control with that person) in Pinal County, are in compliance with, or on a schedule of compliance for, all conditions contained in permits of each of the sources and all other applicable emission limitations and standards under the Clean Air Act (1990) and this Code.
   3. The person demonstrates that emission reductions for the specific pollutant(s) from source(s) in existence in the allowable offset area of the new major source or major modification (whether or not under the same ownership) meet the offset and net air quality benefit requirements of §3-3-230.

B. No permit or permit revision under this article shall be issued to a person proposing to construct a new major source or make a major modification to a major source located in a nonattainment area unless:
   1. The person performs an analysis of alternative sites, sizes, production processes and environmental control techniques for such new major source or major modification; and
   2. The Control Officer determines that the analysis demonstrates that the benefits of the new major source or major modification outweigh the environmental and social costs imposed as a result of its location, construction or modification.

C. At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as restriction on hours of operation, then the requirements of this section shall apply to the source or modification as though construction had not yet commenced on the source or modification.

D. Secondary emissions shall not be considered in determining the potential to emit of a new source or modification and therefore whether the new source or modification is major. However, if a new source or modification is subject to this section on the basis of its direct emissions, permit or permit revision under this article to construct the new source or modification shall be denied unless the conditions specified in Subdivisions 1. and 2. of Subsection A. of this section are met for reasonably quantifiable secondary emissions caused by the new source or modification.

E. A permit to construct a new source or modification shall be denied unless the conditions specified in Subdivisions 1., 2., and 3. of Subsection A. of this section are met for fugitive emissions caused by the new source or modification. However, these conditions shall not apply to a new major source or major modification that would be a major source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the source or modification, and the source is not either among the categorical sources listed in §1-3-140.25. or belongs to the category of sources for which new source performance standards under 40 C.F.R. Part 60 (1992) or national emission standards for hazardous air pollutants which were adopted prior to August 7, 1980 under 40 C.F.R. Part 61 (1992) promulgated by the Administrator prior to August 7, 1980.

F. The requirements of A.3. of this section shall not apply to temporary emission sources, such as pilot plants and portable sources, which are only temporarily located in the nonattainment area, are otherwise regulated by a permit, and are in compliance with the conditions of that permit.

~~G. The requirements of A.3. of this section shall not apply to emissions of a pollutant from a new major source or major modification to be located in a nonattainment area for that pollutant, if the person applying for a permit or permit revision subject to this article under this section can demonstrate that emissions of that pollutant from the new major source or major modification will not exceed the allowance plan adopted pursuant to the Clean Air Act §§172 and 173 (1990).~~

~~H. The requirements of A.3. of this section shall not apply to new resource recovery projects burning municipal solid waste and sources which must switch fuels due to lack of adequate fuel supplies or where a source is required to be modified as a result of EPA regulations, if the owner or operator of the source or modification can demonstrate that:~~

~~1. Best efforts were made to meet the requirements of A.3. of this section and such efforts were unsuccessful;~~

~~2. All available emission offsets have been or will be secured; and~~

~~3. Offsets will continue to be sought and applied when they become available.~~

~~I.~~G. A decrease in actual emissions shall be considered in determining the potential of a new source or modification to emit only to the extent that the Control Officer has not relied on it in issuing any permit or permit revision subject to this article under this section or the District has not relied on it in demonstrating attainment or reasonable further progress.

[Adopted effective June 29, 1993. Former Section 3-2-220 renumbered as Section 3-3-220 and amended effective November 3, 1993. Amended July 30, 2003.]

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

A. Increased emissions by a major source or major modification subject to this article must be offset by reductions in the emissions of each pollutant for which the area has been designated as nonattainment and for which the source or modification is classified as major. Such offset may be obtained by reductions in emissions from the source or modification, or from any other source in existence or projected within the allowable offset area, on the startup date of the new major source or major modification. Credit for an emissions offset can be used only if it has not been relied upon in demonstrating attainment or reasonable further progress, and if it has not been relied upon previously in issuing a permit or permit revision under this article pursuant to §§ 3-3-205, 3-3-210 and 3-3-220 or not otherwise required under this Code or under any provision of the SIP.

B. An offset shall not be sufficient unless total emissions for the particular pollutant for which the offset is required will be:
   1. Obtained from sources within the allowable offset area;
   2. Contemporary with the operation of the new major source or major modification;
   3. Less than the baseline of the total emissions for that pollutant, except in ozone nonattainment areas classified as moderate, serious or severe; and
   4. Such reductions are sufficient to satisfy the Control Officer that emissions from the new major source or major modification, together with the offset, will result in reasonable further progress for that pollutant.

C. In ozone nonattainment areas classified as marginal, total emissions of VOC and oxides of nitrogen from other sources shall offset those from the proposed or permitted major source or major modification by a ratio of at least 1.10 to 1.00. In ozone nonattainment areas classified as moderate, total emissions of volatile organic compounds and oxides of nitrogen from other sources shall offset those from the proposed or permitted major source or major modification by a ratio of at least 1.15 to 1.00. New major sources and major modifications in serious and severe ozone nonattainment areas shall conform to the requirements of this section and §3-3-240.

D. Only intrapollutant emission offsets shall be allowed. Intrapollutant emission offsets for precursors of ozone or nitrogen dioxide shall include offset reductions in emissions of volatile organic compounds and oxides of nitrogen, respectively.

E. For purposes of this section, "reasonable further progress" means compliance with the schedule of annual incremental reductions in emissions of the applicable air pollutant prescribed by the Control Officer based on air quality modeling under §3-3-275 to provide for attainment of the applicable air quality standards by the deadlines set under Title I, Part D of the Clean Air Act (1990), or in a SIP revision approved by the Administrator. Reasonable further progress shall be deemed to occur if the offset reductions are sufficient to satisfy the Control Officer that the construction of the new major source or major modification together with the offset will result in a net air quality benefit.
   1. For purposes of this section, "net air quality benefit" shall mean that during similar time periods either a. or b. below, is applicable:
      a. A reduction in the number of violations of the applicable Arizona ambient air quality standard within the allowable offset area has occurred and the following mathematical expression is satisfied:

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

C = The applicable Arizona ambient air quality standard.

X_i = The concentration level of the violation at the ith receptor for such pollutant after offsets.

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

X_j = The concentration level of the violation at the jth receptor from such pollutant before offsets.

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

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

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

G. For an existing fuel combustion source, offset credit shall be based on the allowable emissions under the regulations or permit conditions applicable to the source for the type of fuel being burned at the time the permit or permit revision application subject to this article is filed. If an existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the allowable (or actual) emissions for the fuels involved shall not be acceptable unless:
   1. The source's permit or permit revision subject to this article specifically requires the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date; and,
   2. The source demonstrates to the satisfaction of the Control Officer that it has secured an adequate long-term supply of the cleaner fuel.
   3. Emission reductions shall be creditable, if such emission reductions meet the requirements of §3-3-230.L., which requires offsets be based on reductions in actual emissions.

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

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

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

K. An emission reduction may only be used to offset emissions if the reduced level of emissions will continue for the life of the new source or modification and if the reduced level of emissions is federally and legally enforceable at the time of the permit issuance. It shall be considered legally enforceable if the following conditions are met by the time such source or modification commences operation:
   1. The emission reduction is included as a condition in the permit of the source relied upon to offset the emissions from the new major source or major modification, or in the case of reductions from sources controlled by the applicant, is included as a condition of the permit or permit revision under this article for the new major source or major modification, or is adopted as a part of this Code, or comparable rules and regulations of any other governmental entity or is contractually enforceable by the District.
   2. ~~The permit conditions or regulations containing the emission reduction have been submitted to the Administrator for inclusion in the SIP adopted pursuant to the Clean Air Act §110 (1990).~~ The emission reduction is adopted as a part of this Article or comparable rules of any other governmental entity or is contractually enforceable by the District and is

in effect at the time the permit is issued.

L. Offsets:

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

   Wherever obtained, such emission reductions shall be, by the time a new or modified source commences operation, in effect and federally enforceable and shall assure that the total tonnage of increased emission of the air pollutant from the new or modified source shall be offset by an equal or greater reduction, as applicable, in the actual emissions of such air pollutant from the same or other sources in the area.
2. Emission reductions otherwise required by this Code shall not be creditable as emission reductions for purposes of any such offset requirement. Incidental emission reductions which are not otherwise required by this Code shall be creditable as emission reductions for such purposes if such emission reductions meet the requirements of paragraph (L).

[Adopted effective June 29, 1993. Former Section 3-2-230 renumbered as Section 3-3-230, amended effective November 3, 1993, amended February 22, 1995, and amended July 30, 2003.]

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

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

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

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

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

3-3-280. Visibility protection – NO CHANGE

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

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

P. O. BOX 987

FLORENCE, ARIZONA 85232

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

NOTICE OF PROPOSED RULEMAKING

PINAL COUNTY AIR QUALITY CONTROL DISTRICT CODE OF REGULATIONS

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

CHAPTER 3. PERMITS AND PERMIT REVISIONS

PREAMBLE

1.

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

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

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

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

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

A.R.S. § 49-480 allows the board to establish a permit program, and impose permit fees. A.R.S. § 49-112 effectively limits county-imposed permit fees to an amount "approximately equal or less than" the fees imposed by ADEQ. A.R.S. § 49-101 defines "approximately equal" as "not greater than ten percent more than the fees or costs charged by the state for similar state permits or approvals." A.R.S. § 49-112 also requires a specific justification for adoption of rules that are "more stringent" or "in addition to" rules adopted by ADEQ.

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

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

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

Name: Jean Parkinson, Air Quality Planning Manager

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

Telephone: (520) 866-6929

Fax: (520) 866-6967

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

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

A. Summary. This rule revision proposal involves:

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

B. Detailed Discussion:

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

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

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

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

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

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

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

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

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

In the context of these revisions, and specifically for fee purposes, the designation as a "Title V" source invokes the definition set forth in the Clean Air Act (CAA) §502(a), which makes all major sources, and all sources regulated under emission standards adopted under CAA §§111 or 112, subject to a federal "Title V" operating permit requirement. However, the EPA Administrator has authority to defer or event exempt specific source categories from the requirement to actually obtain a "Title V" Permit. Nonetheless, ADEQ's fee rule designates all such sources as "Title V" sources, even if they have been deferred or exempted from the actual Title V permit requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

A. "Draft Arizona's Workload and Resource Needs Analysis for Assessing Permitting Fees," January 26, 2000. This document is available at ADEQ Library, Air Quality Planning, 3033 N. Central Avenue, Suite 100, Phoenix, Arizona, 85012, and (602) 207-4335.

B. Pinal County Budget for Fiscal Year (FY) 2002-2003, and internal budgetary projections for FY 2003-2004, and FY 2004-2005, which show a current deficit and increasing future deficits. These documents are available from PCAQCD, P.O. Box 987, Florence, Arizona, 85232, and (520) 866-6929.

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this State:

Not applicable

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

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

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

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

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

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

   Subject to the exceptions discussed above, the permit fee revisions will, in almost all cases, impose additional costs on those same regulated entities. However, PCAQCD has no basis to believe that the fee increases will affect either gross business revenues or payroll expenditures of employers who are subject to the proposed changes. Increased fees will have an adverse impact on net revenues. However, PCAQCD believes those impacts will be incremental in nature, and will not have a material adverse impact on affected businesses. Further, for sources that would require an ADEQ permit, the changes should have no net long term impact, because lack of adequate funding for a local air quality program would logically result in ADEQ taking over permitting in Pinal County, at which point those sources would pay ADEQ's fees anyway.
4. PCAQCD has no basis to believe that the proposed air quality permit fee increases will have a discernible impact on private or public employment outside Pinal County government. Coupled with continuing growth in the county, the permit fee increases may enable PCAQCD to increase staffing levels to respond to the air quality issues associated with that continuing growth.
5. With respect to the impact of the fee rule changes on small businesses generally, affected entities will include all who require an air quality permit in Pinal County. The costs for compliance will effectively consist of paying the requisite fees. Given that the objective is to raise revenues to meet expenditures, reductions for small businesses would directly conflict with the stated objective. Affected small businesses will see increased fee costs, but will continue to benefit from local regulation.
6. The proposed changes will not affect state revenues.
7. With respect to the fee increases, PCAQCD sees no way to make the proposal less intrusive and still accomplish the objective of increasing revenues.

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

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

Name:	Jean Parkinson, Air Quality Planning Manager
Address:	Pinal County Air Quality Control District (PCAQCD) P.O. Box 987 Florence, AZ 85232
Telephone:	(520) 866-6929

Fax: (520) 866-6967

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

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

Stakeholders' Meeting:	**Friday, July 18, 2003**
Time:	**1:00 p.m.**
Location:	Pinal County Complex, Emergency Operations Center (EOC), Building F, 31 N. Pinal Street, Florence, Arizona, 85232
Nature:	The Control Officer will meet informally with any interested party for the purpose of discussing the proposed rules.

Public Hearing (Oral Proceeding):	**Wednesday, July 23, 2003**
Time:	**1:00 p.m.**
Location:	Pinal County Complex, Emergency Operations Center (EOC), Building F, 31 N. Pinal Street, Florence, Arizona, 85232
Nature:	Public Hearing with the opportunity for formal comments on the record regarding the proposed rules.

Public Hearing (Supervisors):	**Wednesday, August 13, 2003**
Time:	**9:30 a.m.**
Location:	Pinal County Complex, Board of Supervisors Hearing Room, Building A, 31 N. Pinal Street, Florence, Arizona, 85232
Nature:	Public Hearing with the opportunity for formal comments on the record regarding the proposed rules.

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

Not applicable

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

None

13. The full text of the rules follows:

1-1-107. Title V Program Content

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

1-2-110.	Adopted document(s)	***Adopted June 29, 1993.*** ***Amended May 14, 1997.*** ***Amended May 27, 1998.*** ***Amended July 12, 2000.***
1-3-130.	Adopted document(s)	Adopted June 29, 1993. Amended November 3, 1993. ***Amended October 12, 1995.*** ***Amended May 14, 1997.***

1-3-140.	Definitions	Adopted June 29, 1993. Amended November 3, 1993. Amended February 22, 1995. ***Amended October 12, 1995.*** ***Amended May 14, 1997.*** ***Amended May 27, 1998.***
2-1-010. to 3-1-020	NO CHANGE	
3-1-030.	Definitions	Adopted June 29, 1993 Amended November 3, 1993 ***Amended July 30, 2003***
3-1-040.	Applicability and classes of permits	Adopted November 3, 1993 Amended February 22, 1995 ***Amended October 12, 1995*** ***Amended May 14, 1997*** ***Amended May 27, 1998*** *Amended July 12, 2000* ***Amended July 30, 2003***
3-1-042.	Operating authority and obligations for a source subject to permit reopening	Adopted February 22, 1995
3-1-045.	Transition from installation and operating permit program	Adopted November 3, 1993 Amended February 22, 1995 ***Amended July 30, 2003***
3-1-050.	Permit application requirements	Adopted November 3, 1993 Amended February 22, 1995 ***Amended October 12, 1995*** ***Amended July 30, 2003***
3-1-055.	Completeness determination	Adopted November 3, 1993 ***Amended May 27, 1998*** ***Amended July 30, 2003***
3-1-060.	Permit application review process	Adopted November 3, 1993 Amended February 22, 1995 *Amended December 13, 2000* ***Amended July 30, 2003***
3-1-065.	Permit review by the EPA and affected states	Adopted November 3, 1993 ***Amended July 30, 2003***
3-1-070.	Permit application grant or denial	Adopted June 29, 1993 Amended November 3, 1993

3-1-080.	Appeals to the Hearing Board	Adopted June 29, 1993 Amended November 3, 1993 Amended February 22, 1995
3-1-081.	Permit conditions	Adopted November 3, 1993 Amended August 11, 1994 Amended February 22, 1995 ***Amended May 27, 1998*** ***Amended July 30, 2003***
3-1-082.	Emission standards and limitations	Adopted November 3, 1993
3-1-083.	Compliance provisions	Adopted November 3, 1993 Amended February 22, 1995 ***Amended July 30, 2003***
3-1-084. to 3-2-177	NO CHANGE	
3-2-180.	Facility changes allowed without permit revisions	Adopted November 3, 1993 ***Amended July 30, 2003***
3-2-185.	Administrative permit amendments	Adopted November 3, 1993 ***Amended July 30, 2003***
3-2-190.	Minor permit revisions	Adopted November 3, 1993 ***Amended July 30, 2003***
3-2-195.	Significant permit revisions	Adopted November 3, 1993 ***Amended May 27, 1998*** ***Amended July 29, 1998*** ***Amended July 30, 2003***
3-3-200. to 3-3-285	NO CHANGE	
3-4-420.	Standards of Conditional Orders	Adopted June 29, 1993 Amended November 3, 1993 ***Amended May 27, 1998*** ***Amended July 30, 2003***
3-4-430. to 3-7-577	NO CHANGE	
3-7-578	Fee Increases: Effective Date; Phase-In	***Adopted July 30, 2003***

3-7-580.	Application filing deposit fee for new sources	Adopted November 3, 1993 ***Amended July 30, 2003***
3-7-585.	Annual fee adjustment	Adopted November 3, 1993
3-7-590.	Class ~~A~~ I permit fees	Adopted November 3, 1993 Amended February 22, 1995 ***Amended June 20, 1996*** ***Amended May 14, 1997*** ***Amended July 30, 2003***
3-7-591.	***Fees for sources operating under a unitary permit on June 20, 1996, which sources are subject to or deemed subject to a permit***	***Adopted June 20, 1996*** ***Amended July 30, 2003***
3-7-595.	Annual reporting of Class ~~A~~ I permit fees and costs	Adopted November 3, 1993 ***Amended July 30, 2003***
3-7-600.	Class ~~B~~ II permit and inspection fees	Adopted November 3, 1993 Amended February 22, 1995 ***Amended October 12, 1995*** ***Amended June 20, 1996*** ***Amended July 30, 2003***
3-7-610.	General permit fees - Class I sources	Adopted November 3, 1993 Amended February 22, 1995 ***Amended October 12, 1995*** ***Amended June 20, 1996*** ***Amended May 14, 1997*** ***Amended July 30, 2003***
3-7-612.	General permit fees - Class II sources	Adopted February 22, 1995 ***Amended October 12, 1995*** ***Amended June 20, 1996*** ***Repealed July 30, 2003***
3-7-620.	Annual permit fee payment	Adopted November 3, 1993 Amended February 22, 1995 ***Amended October 12, 1995*** ***Amended June 20, 1996*** ***Amended July 30, 2003***
3-7-625.	Permit fee accounts	Adopted November 3, 1993 ***Amended July 30, 2003***
3-7-630.	Accelerated application processing fee	Adopted November 3, 1993 ***Amended July 30, 2003***

3-7-640.	Review of final bill	Adopted November 3, 1993 ***Amended July 12, 2000***
3-7-650.	Hourly rate and late fee charge	Adopted November 3, 1993 Amended February 22, 1995 ***Amended July 30, 2003***
3-7-660. to 9-1-080.	NO CHANGE	
Appendix A	Permit Application Form and Filing Instructions	Adopted November 3, 1993 ***Amended May 14, 1997*** ***Amended July 12, 2000*** ***Amended July 30, 2003***

[Adopted June 25, 1997. Amended May 27, 1998 and ratified July 29, 1998. Amended July 29, 1998 and July 12, 2000. Amended December 13, 2000. Amended July 30, 2003.]

CHAPTER 3. PERMITS AND PERMIT REVISIONS

ARTICLE 1. GENERAL PROVISIONS RELATING TO PERMITS AND PERMIT REVISIONS

3-1-010. Purpose – NO CHANGE

3-1-020. Adopted documents – NO CHANGE

3-1-030. Definitions

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

1. AFFECTED SOURCE - A source that includes one or more units which are subject to emission reduction requirements or limitations under Title IV of the Clean Air Act (1990).
2. AFFECTED STATE - Any state whose air quality may be affected and that is contiguous to Arizona; or that is within 50 miles of the permitted source.
3. ALTERNATIVE METHOD - Any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to produce results adequate for the Control Officer's determination of compliance in accordance with §3-1-160.D.

3a. BILLABLE PERMIT ACTION - the issuance or denial of a new permit, significant permit revision, or minor permit revision, or the renewal of an existing permit.

4. COMPLETE - In reference to an application for a permit or permit revision, complete shall mean that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the Control Officer from requesting or accepting any additional information.
5. DISPERSION TECHNIQUE - Any technique which attempts to affect the concentration of a pollutant in the ambient air by:
   a. Using that portion of a stack, which exceeds good engineering practice stack height.
   b. Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant.
   c. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, combining exhaust gases from several existing stacks into one stack, or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. The preceding sentence does not include:
      i. The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream.
      ii. The merging of exhaust gas streams where:

(1) The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams.
(2) After July 8, 1983, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of dispersion techniques shall apply only to the emission limitation for the pollutant affected by such change in operation; or
(3) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the reviewing agency shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the reviewing agency shall deny credit for the effects of such merging in calculating the allowable emissions for the source.

iii. Smoke management in agricultural or silvicultural prescribed burning programs.
iv. Episodic restrictions on residential woodburning and open burning.
v. Techniques under paragraph (c) above which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.

5a. EMISSIONS ALLOWABLE UNDER THE PERMIT - An enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or an enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

6. EQUIPMENT USED IN NORMAL FARM OPERATIONS - Equipment used directly on farm property for tilling, disking, fertilizing, harvesting, feeding, weed and pest controlling, crop or animal handling, milking, sheep shearing, irrigating, or other direct farm operation for over 50% of its use. Fuel storage vessels are considered farm equipment if they meet all of the following conditions:
   a. Contain diesel, unleaded or leaded gasoline, propane or butane.
   b. Are located on farm property, which is zoned for agricultural use and assessed for property tax purposes as being used for agricultural uses.
   c. Have total capacities not more than 12,000 gallons for diesel, 8,000 gallons for gasoline, 2,000 gallons for propane or butane.
   d. Are used to fuel equipment used on the same farm property on which they are located. Equipment used on a farm for a purpose, which is normally done off farm property by a farm support company is not considered farm equipment for normal farm operations. Examples include but are not limited to long term grain storage, cotton ginning, repair services, and irrigation wells and equipment not located on the farm which they irrigate.

7. EXISTING STACK - The owner or operator had:
   a. Begun, or caused to begin, a continuous program of physical on-site construction of the stack; or
   b. Entered into binding agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

8. FINAL PERMIT - The version of a permit issued by the District after completion of all review required by this Code.

8a. GASOLINE DISPENSING OPERATION - All gasoline dispensing tanks and associated equipment located on one or more contiguous or adjacent properties under the control of the same person (or persons under common control). These sources shall be permitted as a Title V, General, and Non-Title V source, according to the number of nozzles, the gasoline throughput, and vapor recovery systems.

9. GOOD ENGINEERING PRACTICE (GEP) STACK HEIGHT - A stack height meeting the requirements described in §3-1-177.

10. HIGH TERRAIN - Any area having an elevation of 900 feet or more above the base of the stack of a source.

11. INNOVATIVE CONTROL TECHNOLOGY - Any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice, and of achieving at least comparable reductions at lower cost in terms of energy, economics, or nonair quality environmental impacts.

12. LOW TERRAIN - Any area other than high terrain.

13. LOWEST ACHIEVABLE EMISSION RATE (LAER) - For any source, the more stringent rate of emissions based on the following:
   a. The most stringent emissions limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or

b. The most stringent emissions limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within a stationary source. In no event shall the application of the term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance or national emission standard for a hazardous air pollutant.

13a. MINOR SCREENING SOURCE – A source that requires a permit under Code §3-1-040, but which does not have an uncontrolled potential to emit that exceeds the significant emission rates defined in Code §1-3-140.121.

13b. NAICS – the 5 or 6-digit North American Industry Classification System- United States, 1997, number for industries used by the U.S. Department of Commerce.

13c. PERMIT PROCESSING TIME – all time spent by the air quality staff on tasks specifically related to the processing of an application for the issuance, or renewal of a particular permit or permit revision, including time spent processing an application that is denied.

14. PORTABLE SOURCE - Any building, structure, facility or installation subject to regulation pursuant to A.R.S. § 49-480 (1992) which emits or may emit any air pollutant and is capable of being operated at more than one location.

15. PROPOSED PERMIT - The version of a permit for which the Control Officer offers public participation under §3-1-107 or affected state review pursuant to §3-1-065.E.

16. PROPOSED FINAL PERMIT - The version of a Class A permit that the District proposes to issue and forwards to the Administrator for review in compliance with §3-1-065.A.

16a. QUALIFYING GENERAL SOURCE – A source that meets the applicability requirements for an ADEQ general permit issued under A.A.C. R18-2-501 through R18-2-511.

17. REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) - For sources subject to Chapter 5. of this Code, the emissions limitation of the source performance standard. For sources not subject to Chapter 5. of this Code, the lowest emission limitation that a particular source is capable of achieving by the application of control technology that is reasonably available considering technological and economic feasibility. Such technology may previously have been applied to a similar, but not necessarily identical, source category. RACT for a particular source is determined on a case-by-case basis, considering the technological feasibility and cost-effectiveness of the application of the control technology to the source category.

18. RESPONSIBLE OFFICIAL - One of the following:

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

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

ii. The delegation of authority to such representatives is approved in advance by the Control Officer;

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

c. For a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this Code, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency; or

d. For affected sources:

i. The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Clean Air Act (1990) or the regulations promulgated thereunder are concerned; and

ii. The designated representative for any other purposes under 40 C.F.R. Part 70 (1992).

19. SIGNIFICANCE LEVELS - The following ambient concentrations for the enumerated pollutants:

	Averaging Time				
Pollutant	Annual	24-hour	8-hour	3-hour	1-hour
SO_2	1 μg/m^3	5 μg/m^3		25 μg/m^3	
NO_2	1 μg/m^3				
CO			0.5 mg/m^3		2 mg/m^3
PM_{10}	1 μg/m^3	5 μg/m^3			

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

20. SMALL SOURCE - a source with a potential to emit, without controls, less than the rate defined as significant in §1-3-140 (#121), but required to obtain a permit solely because it is subject to a standard under 40 CFR 63.
21. SYNTHETIC MINOR SOURCES – those sources with voluntary permit limitations adopted pursuant to Code §3-1-084. For fee purposes, "synthetic minor sources" means those sources with permit limitations configured to avoid triggering additional applicable requirements, and having at least one permit-defined cap that allows emissions exceeding 50% of a major source threshold.

[Adopted effective June 29, 1993. Amended effective November 3, 1993. Amended July 30, 2003.]

3-1-040. Applicability and classes of permits

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

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

1. Class ~~A~~ I permits shall be required for persons proposing to commence construction of or operate any of the following sources:
   a. Any major source.
   b. Any source, including an area source, subject to a standard, limitation, or other requirement under §111 of the Clean Air Act (1990) that has been adopted as an element of this Code, provided that the obligation under this subparagraph does not extend to any source which has been exempted by the Administrator from a Title V permit requirement or for which the Administrator has allowed a deferral of a Title V permit requirement, but then only for the duration of the allowable deferral period.
   c. Any source, including an area source, subject to a standard or other requirement under §112 of the Clean Air Act (1990) that has been adopted as an element of this Code, provided that the obligation under this subparagraph does not extend to any source which has been exempted by the Administrator from a Title V permit requirement or for which the Administrator has allowed a deferral of a Title V permit requirement, but then only for the duration of the allowable deferral period, and further provided that a source is not required to obtain a permit solely because it is subject to regulations or requirements under §112(r) of the Clean Air Act (1990).
   d. An affected source.
   e. Solid waste incineration units required to obtain a permit pursuant to §129(e) of the Clean Air Act (1990).
   f. Any source in a source category designated by the Administrator and adopted by the Control Officer by rule.
2. Unless a Class ~~A~~ I permit is required, Class ~~B~~ II permits shall be required for:
   a. A person to commence construction of or operate any of the following:
      i. Any source that has the potential to emit greater than *de minimis* amounts of regulated air pollutants.

ii. Any source, including an area source, subject to a standard, limitation, or other requirement under §111 of the Clean Air Act (1990).
iii. Any source, including an area source, subject to a standard or other requirement under §112 of the Clean Air Act (1990), further provided that a source is not required to obtain a permit solely because it is subject to regulations or requirements under §112(r) of the Clean Air Act (1990).
iv. Any source subject to a standard of performance under Chapter 5 of this Code.
v. Any source burning used oil, used oil fuel, hazardous waste or hazardous waste fuel.
vi. Incinerators.
vii. Fuel burning equipment, other than incinerators, fired with a fuel other than commercial natural gas or propane, and rated at more than 500,000 Btu per hour.
viii. Fuel burning equipment fired with commercial natural gas or propane, and rated at more than 2,500,000 BTU per hour.

b. A person to make a modification to a source which would cause it to emit, or have the potential to emit, quantities of regulated air pollutants greater than those specified in Paragraph a.i. of this subdivision, unless such modification is authorized by other provisions of this Code.

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

C. Exemptions.
1. Unless the source is a major source, or unless operation without a permit would result in a violation of the Clean Air Act (1990), the provisions of this chapter shall not apply to the following sources:
   a. Sources subject to 40 CFR Part 60, Subpart AAA, "Standards of Performance for New Residential Wood Heaters."
   b. Sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR §61.145.
   c. Agricultural equipment used in normal farm operations. "Agricultural equipment used in normal farm operations" does not include equipment that would be classified as a source that would require a permit under Title V of the Clean Air Act (1990), or would be subject to a standard under 40 CFR Parts 60 or 61.

D. No person may construct or reconstruct any major source of hazardous air pollutants, unless the Control Officer determines that maximum achievable control technology limitation (MACT) for new sources under section 112 of the Act will be met. Where MACT has not been established by the Administrator, such determination shall be made on a case-by-case basis pursuant to 40 CFR §§63.40 through 63.44, as incorporated by reference in Code §7-1-030.B. For purposes of this subsection, constructing and reconstructing a major source shall have the meanings prescribed in 40 CFR §63.41.

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended October 12, 1995. Tentatively revised as indicated on 5/14/97; revisions remain contingent upon corresponding EPA-approval of a revision to the SIP as EPA-approved at 61 FR 15717 (4/9/96). Revised May 27, 1998 and ratified July 29, 1998; Revised on July 12, 2000, revisions remain contingent upon corresponding EPA-approval of a revision to the SIP as EPA-approved at 61 FR 15717 (4/9/96) and the District's Title V program as approved at 61 Fed. Reg. 55910 (10/30/96). Amended July 30, 2003.]

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

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

A. In accordance with the provisions of Arizona Session Laws 1992, Chapter 299, Section 65, a valid Installation Permit or Permit to Operate issued by the Control Officer before November 3, 1993 and the authority to operate continues in effect until either of the following occurs:
1. The Installation Permit or Permit to Operate is terminated.
2. The Control Officer issues or denies a Class ~~A~~ I or Class ~~B~~ II permit to the source.

B. Any Installation Permit or Permit to Operate issued after September 1, 1993 shall be effective for such term as is specified in the permit.

C. Unless otherwise required by §3-1-050.C.3., all sources requiring Class ~~A~~ I permits, which sources hold valid Installation Permits or Permits to Operate issued by the Control Officer before November 3, 1993, shall submit permit applications within 180 days of receipt of written notice from the Control Officer that an application is required, but in no case may the application be submitted any later than 12 months after the date the Administrator approves this Code as an operating permit program under Title V of the Clean Air Act (1990).

D. All sources that are in existence on November 3, 1993 holding valid Installation Permits or Permits to Operate issued by the Control Officer and requiring Class ~~B~~ II permits, shall submit permit applications to the Control Officer within 90 days of receipt of written notice from the Control Officer that an application is required.

E. Unless otherwise provided, §§3-1-087 through 3-1-090 and §§3-2-180 through 3-2-195 shall apply to sources with Installation Permits and Permits to Operate.

F. Sources in existence on November 3, 1993 not holding valid Permits to Operate or Installation Permits, and which have not applied for a Class ~~A~~ I or Class ~~B~~ II permit pursuant to this Code shall submit applications for the applicable Class ~~A~~ I or ~~B~~ II permit to the Control Officer within the following time frames:

1. For sources requiring Class ~~A~~ I permits, within 180 days of receipt of written notice from the Control Officer that an application is required.
2. For sources requiring Class ~~B~~ II permits, within 90 days of receipt of written notice from the Control Officer that an application is required.
3. For purposes of this section, written notice shall include, but not be limited to, a written warning, notice of violation, or order issued by the Control Officer for constructing or operating an emission source without a permit. Such a source shall be considered to be in violation of this Code on each day of operation or each day during which construction continues, until a permit is granted.

G. Any application for a Permit to Operate or an Installation Permit that is determined to be complete prior to November 3, 1993 but for which no permit has been issued shall be considered complete for the purposes of this section. In issuing a permit pursuant to such an application, the Control Officer shall include in the permit all elements addressed in the application and a schedule of compliance for submitting an application for a permit revision to address the elements required to be in the permit that were not included in the Permit to Operate or Installation Permit application. No later than 6 months after November 3, 1993, the Control Officer shall take final action on a Permit to Operate application or an Installation Permit application determined to be complete prior to November 3, 1993.

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended July 30, 2003.]

3-1-050. Permit application requirements

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

B. To apply for a Class ~~A~~ I permit, applicants shall complete the "Permit Application Form" and supply all information required by the "Filing Instructions" as shown in Appendix A.

C. Unless otherwise required by §3-1-045, a timely application is:

1. For a source, other than a major source, applying for a permit for the first time, one that is submitted within 12 months after the source becomes subject to the permit program.
2. For purposes of a Class ~~A~~ I permit renewal, a timely application is one that is submitted at least 6 months, but not greater than 18 months prior to the date of permit expiration.
3. For purposes of a Class ~~B~~ II permit renewal, a timely application is one that is submitted at least 3 months, but not greater than 12 months prior to the date of permit expiration.
4. For initial Phase II acid rain permits required pursuant to §3-6-565, one that is submitted to the Control Officer by January 1, 1996 for sulfur dioxide, and by January 1, 1998 for nitrogen oxides.
5. Any existing source which becomes subject to a standard promulgated by the Administrator pursuant to §112(d) of the Clean Air Act (1990) shall, within twelve months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard.

D. If an applicable implementation plan allows the determination of an alternate emission limit, a source may, in its application, propose an emission limit that is equivalent to the emission limit otherwise applicable to the source under the applicable implementation plan. The source shall also demonstrate that the equivalent limit is quantifiable, accountable, enforceable and subject to replicable compliance determination procedures.

E. Permit applications need not provide emissions data regarding insignificant activities. Activities which are insignificant pursuant to §1-3-140 need only be listed in Class ~~A~~ I permit applications.

F. If a permit applicant requests terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements, the permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable.

G. A source that has submitted information with a Class ~~A~~ I permit application under a claim of confidentiality pursuant to A.R.S. § 49-487 (1992) and §3-1-120 of this Code shall submit a copy of such claim and such information directly to the Administrator.

H. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a proposed permit.

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended October 12, 1995. Amended July 30, 2003.]

3-1-055. Completeness determination

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

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

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

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

3-1-060. Permit application review process

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

B. Action on application.

1. The Control Officer shall issue or deny each permit according to the provisions of §3-1-070. The Control Officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.
2. In addition, a permit may be issued, revised, or renewed only if all of the following conditions have been met:
   a. The application received by the Control Officer for a permit, permit revision, or permit renewal shall be complete according to §3-1-055.
   b. Except for revisions qualifying as administrative or minor under §§3-2-185 and 3-2-190, all of the requirements for public notice and participation under §3-1-107 shall have been met.
   c. For Class ~~A~~ I permits, the Control Officer shall have complied with the requirements of §3-1-065 for notifying and responding to affected States, and if applicable, other notification requirements of §§3-3-210.2.e. and 3-3-280.C.2.
   d. For Class ~~A~~ I and ~~B~~ II permits, the conditions of the permit shall require compliance with all applicable requirements.
   e. For permits for which an application is required to be submitted to the Administrator under §3-1-065.A., and to which the Administrator has properly objected to its issuance in writing within 45 days of receipt of the proposed final permit and all necessary supporting information from the Department, the Control Officer has revised and submitted a proposed final permit in response to the objection and EPA has not objected to this proposed final permit.
   f. For permits to which the Administrator has objected to issuance pursuant to a petition filed under 40 CFR §70.8(d) (1992), the Administrator's objection has been resolved.

3. Omitted from original.
4. Omitted from original.
5. The Control Officer shall provide a statement that sets forth the legal and factual basis for the proposed permit conditions including references to the applicable statutory or regulatory provisions. For Class ~~A~~ I permits, the Control Officer shall send this statement to the Administrator and for both Class ~~A~~ I and ~~B~~ II permits, to any other person who requests it.
6. Except as provided in 40 CFR §70.4(b)(11) (1992), §§3-1-045 and 3-3-210, regulations promulgated under Title IV or V of the Clean Air Act (1990), or the permitting of affected sources under the acid rain program, the Control Officer shall take final action on each permit application (and request for revision or renewal) within 18 months after receiving a complete application.
7. Priority shall be given by the Control Officer to taking action on applications for construction or modification submitted pursuant to Title I, Parts C and D of the Clean Air Act (1990).
8. A proposed permit decision shall be published within 9 months of receipt of a complete application and any additional information requested pursuant to §3-1-055.B.5. to process the application. The Control Officer shall provide notice of the decision as provided in §3-1-107 and any public hearing shall be scheduled as expeditiously as possible.

C. Except as noted under the provisions in §§3-2-180, 3-2-185 and 3-2-190, no source may operate after the time that it is required to submit a timely and complete application, except in compliance with a properly issued permit. However, if a source submits a timely and complete application for permit issuance, revision or renewal, the source's failure to have a permit is not a violation of this Code until the Control Officer takes final action on the application. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the Control Officer, any additional information identified as being needed to process the application.

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended July 30, 2003.]

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

A. Except as provided in §3-1-050.G. and as waived by the Administrator, for each Class ~~A~~ I permit, a copy of each of the following shall be provided to the Administrator as follows:
   1. The applicant shall provide a complete copy of the application including any attachments, compliance plans and other information required by §3-1-055 at the time of submittal of the application to the Control Officer.
   2. The Control Officer shall provide the proposed final permit after public and affected state review.
   3. The Control Officer shall provide the final permit at the time of issuance.

B. The Control Officer may require the application information to be submitted in a computer-readable format compatible with the Administrator's national database management system.

C. The Control Officer shall keep all records associated with all permits for a minimum of five years from issuance.

D. No permit for which an application is required to be submitted to the Administrator under Subsection A. of this section shall be issued if the Administrator properly objects to its issuance in writing within 45 days of receipt of the proposed permit from the District and all necessary supporting information.

E. Review by Affected States.
   1. For each Class ~~A~~ I permit, the Control Officer shall provide notice of each proposed permit to any affected state on or before the time that the Control Officer provides this notice to the public as required under §3-1-107 except to the extent §3-2-190 requires the timing of the notice to be different.
   2. If the Control Officer refuses to accept a recommendation of any affected state submitted during the public or affected state review period, the Control Officer shall notify the Administrator and the affected state in writing. The notification shall include the Control Officer's reasons for not accepting any such recommendation, and shall be provided to the Administrator as part of the submittal of the proposed final permit. The Control Officer shall not be required to accept recommendations that are not based on federal applicable requirements or requirements of State law.

F. Any person who petitions the Administrator pursuant to 40 CFR §70.8(d) (1992) shall notify the District by certified mail of such petition as soon as possible, but in no case more than 10 days following such petition. Such notice shall include the grounds for objection and whether such objections were raised during the public comment period. A petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day administrative review period and prior to the Administrator's objection.

G. If the Control Officer has issued a permit prior to receipt of the Administrator's objection under this section, and the Administrator indicates that it should be revised, terminated, or revoked and reissued, the Control Officer shall respond consistent with §3-1-087 and may thereafter issue only a revised permit that satisfies the Administrator's objection. In any case, the source shall not be in violation of the requirement to have submitted a timely and complete application.

H. Prohibition on Default Issuance.
   1. No Class ~~A~~ I permit, including a permit renewal or revision, shall be issued until affected states and the Administrator have had an opportunity to review the proposed permit.
   2. No permit or renewal shall be issued unless the Control Officer has acted on the application.

[Adopted effective November 3, 1993. Amended July 30, 2003.]

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

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

3-1-081. Permit conditions

A. Each permit issued shall include the following elements:
   1. The date of issuance and the permit term.
   2. Enforceable emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of issuance.
      a. The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.
      b. The permit shall state that, where an applicable requirement of the Clean Air Act (1990) is more stringent than an applicable requirement of regulations promulgated under Title IV of the Clean Air Act (1990), both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.
      c. Any permit containing an equivalency demonstration for an alternative emission limit submitted pursuant to §3-1-050.D. shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.
      d. The permit shall specify applicable requirements for fugitive emission limitations, regardless of whether the source category in question is included in the list of sources contained in the definition of major source in §1-3-140.
      e. Emission limitations for batch processors shall be based on worst-case operational scenarios as adequately demonstrated by the permit applicant.
   3. Each permit shall contain the following requirements with respect to monitoring:
      a. All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to §§114(a)(3) or 504(b) of the Clean Air Act (1990);
      b. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit as reported pursuant to Subdivision A.4. of this section. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph; and
      c. As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.
   4. With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements and require, where applicable, the following:
      a. Records of required monitoring information that include the following:
         i. The date, place as defined in the permit, and time of sampling or measurements;
         ii. The date(s) analyses were performed;
         iii. The company or entity that performed the analyses;
         iv. The analytical techniques or methods used;
         v. The results of such analyses; and
         vi. The operating conditions as existing at the time of sampling or measurement;
      b. Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
   5. With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:
      a. Submittal of reports of any required monitoring at least every 6 months. All instances of deviations from permit requirements shall be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with §§3-1-175 and 3-1-083.A.5.
      b. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Within a permit the Control Officer shall define "prompt" in relation to the degree and type of deviation likely to occur and the applicable requirements, provided that no report under this subparagraph shall be due sooner than two days after the upset event, nor later than ten days after the upset event.

6. A permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Clean Air Act (1990) or the regulations promulgated thereunder and incorporated pursuant to §3-6-565.
   a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement.
   b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to non-compliance with any other applicable requirement.
   c. Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Clean Air Act (1990).
   d. Any permit issued pursuant to the requirements of this chapter and Title V of the Clean Air Act (1990) to a unit subject to the provisions of Title IV of the Clean Air Act (1990) shall include conditions prohibiting all of the following:
      i. Annual emissions of sulfur dioxide in excess of the number of allowances to emit sulfur dioxide held by the owners or operators of the unit or the designated representative of the owners or operators.
      ii. Exceedances of applicable emission rates.
      iii. The use of any allowance prior to the year for which it was allocated.
      iv. Contravention of any other provision of the permit.
7. A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portion of the permit.
8. Provisions stating the following:
   a. The permittee shall comply with all conditions of the permit. The permit shall contain all applicable requirements of Arizona air quality statutes and the air quality rules. Any permit noncompliance constitutes a violation of the Clean Air Act (1990) and is grounds for enforcement action; for a permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.
   b. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
   c. The permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
   d. The permit does not convey any property rights of any sort, or any exclusive privilege.
   e. The permittee shall furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Control Officer copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee shall furnish such records directly to the Administrator along with a claim of confidentiality.
9. A provision to ensure that the source pays fees to the Control Officer pursuant to Article 7 of this chapter.
10. A provision stating that no permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit.
11. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Control Officer. Such terms and conditions:
    a. Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;
    b. Shall extend the permit shield described in §3-1-102 to all terms and conditions under each such operating scenario; and
    c. Shall ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of this chapter.
12. Terms and conditions, if the permit applicant requests them, as approved by the Control Officer, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:
    a. Shall include all terms required under Subsections A. and C. of this section to determine compliance;
    b. May extend the permit shield described in Subsection D. of this section to all terms and conditions that allow such increases and decreases in emissions; and
    c. Shall meet all applicable requirements and requirements of this chapter.
13. Terms and conditions, if the permit applicant requests them and they are approved by the Control Officer, setting forth intermittent operating scenarios including potential periods of downtime. If such terms and conditions are included, the county's emissions inventory shall not reflect the zero emissions associated with the periods of downtime.

14. If a permit applicant requests it, the Control Officer shall issue permits that contain terms and conditions allowing for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The Control Officer shall not be required to include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements. Changes made under this subparagraph shall not include modifications under any provision of Title I of the Act and may not exceed emissions allowable under the permit.

B. Federally-enforceable requirements.
   1. All terms and conditions in a Class ~~A~~ I permit, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator and citizens under the Clean Air Act (1990).
   2. Notwithstanding Subdivision B.1. of this section, the Control Officer shall specifically designate as not being federally enforceable under the Clean Air Act (1990) any terms and conditions included in the permit that are not required under the Clean Air Act (1990) or under any of its applicable requirements, provided that no such designation shall extend to any provision electively designated as federally enforceable pursuant to §3-1-084.

C. All permits shall contain a compliance plan that meets the requirements of §3-1-083.

D. Each permit shall include the applicable permit shield provisions set forth in §3-1-102.

E. Emergency provision
   1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
   2. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Subdivision 3. of this subsection are met.
   3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
      a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
      b. The permitted facility was at the time being properly operated;
      c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
      d. The permittee submitted notice of the emergency to the Control Officer by certified mail or hand delivery within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of Paragraph A.5.b. of this section. The notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective action taken.
      4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
      5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

F. A Class ~~A~~ I permit issued to a major source shall require that revisions be made pursuant to §3-1-087 to incorporate additional applicable requirements adopted by the Administrator pursuant to the Clean Air Act (1990) that become applicable to a source with a permit with a remaining permit term of three or more years. No revision shall be required if the effective date of the applicable requirement is after the expiration of the permit. The revisions shall be made as expeditiously as practicable, but not later than eighteen months after the promulgation of such standards and regulations. Any permit revision required pursuant to this section shall comply with provisions in §3-1-089 for permit renewal and shall reset the permit term.

G. Any permit issued by the Control Officer to any person burning used oil, used oil fuel, hazardous waste, or hazardous waste fuel under this subsection shall contain, at a minimum, conditions governing:
   1. Limitations on the types, amounts and feed rates of used oil, used oil fuel, hazardous waste or hazardous waste fuel which may be burned.
   2. The frequency and type of fuel testing to be conducted by the person.
   3. The frequency and type of emissions testing or monitoring to be conducted by the person.
   4. Requirements for record keeping and reporting.
   5. Numeric emission limitations expressed in pounds per hour and tons per year for air contaminants to be emitted from the facility burning used oil, used oil fuel, hazardous waste or hazardous waste fuel.

H. The Control Officer may waive specific requirements of this section for Class ~~B~~ II permits if the Control Officer determines that the conditions would be unnecessary or unreasonable for a particular source or category of sources.

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

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

3-1-083. Compliance provisions

A. Subject only to the limitation of subsection C. of this section, all permits shall contain the following elements with respect to compliance:
   1. The following monitoring requirements sufficient to assure compliance with the terms and conditions of the permit:
      a. All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to §§114(a)(3) or 504(b) of the Clean Air Act (1990);
      b. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to Subdivision 3. of this subsection. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement; and
      c. As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.
   2. All applicable recordkeeping requirements and require, where applicable, the following:
      a. Records of required monitoring information that include the following:
         i. The date, place as defined in the permit, and time of sampling or measurements;
         ii. The date(s) analyses were performed;
         iii. The company or entity that performed the analyses;
         iv. The analytical techniques or methods used;
         v. The results of such analyses; and
         vi. The operating conditions as existing at the time of sampling or measurement;
      b. Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings or physical records for continuous monitoring instrumentation, and copies of all reports required by the permit.
   3. With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:
      a. Submittal of reports of any required monitoring at least every 6 months. All instances of deviations from permit requirements shall be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with Subdivision 5. of this subsection.
      b. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Within the permit, the Control Officer shall define "prompt" in relation to the degree and type of deviation likely to occur and the applicable requirements.
   4. Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:
      a. The frequency for submissions of compliance certifications, which shall not be less than annually;
      b. The means to monitor the compliance of the source with its emissions limitations, standards, and work practices;
      c. A requirement that the compliance certification include the following:
         i. The identification of each term or condition of the permit that is the basis of the certification;
         ii. The compliance status;
         iii. Whether compliance was continuous or intermittent;
         iv. The method(s) used for determining the compliance status of the source, currently and over the reporting period; and
         v. Other facts as the Control Officer may require to determine the compliance status of the source.
      d. A requirement that all compliance certifications be submitted to the Control Officer, and for Class ~~A~~ I permits, to the Administrator as well.
      e. Such additional requirements as may be specified pursuant to §§114(a)(3) and 504(b) of the Clean Air Act (1990).
   5. Any document required to be submitted by a permit, including reports, shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this chapter

shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

6. Inspection and entry provisions which require that upon presentation of proper credentials, the permittee shall allow the Control Officer to:
   a. Enter upon the permittee's premises where a source is located or emissions-related activity is conducted, or where records are required to be kept under the conditions of the permit;
   b. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;
   c. Inspect, during normal business hours or while the source is in operation, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
   d. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements; and
   e. To record any inspection by use of written, electronic, magnetic and photographic media.
7. A compliance plan that contains all the following:
   a. A description of the compliance status of the source with respect to all applicable requirements.
   b. A description as follows:
      i. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
      ii. For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.
      iii. For requirements for which the source is not in compliance at the time or permit issuance, a narrative description of how the source will achieve compliance with such requirements.
   c. A compliance schedule as follows:
      i. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
      ii. For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.
      iii. A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirement for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.
   d. A schedule for submission of certified progress reports no less frequently than every 6 months for sources required to have a schedule of compliance to remedy a violation. Such schedule shall contain:
      i. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
      ii. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
   e. The compliance plan content requirements specified in this subdivision shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Clean Air Act (1990) and incorporated pursuant to §3-6-565 with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.
8. If there is a Federal Implementation Plan (FIP) applicable to the source, a provision that compliance with the FIP is required.

B. The Control Officer may develop special guidance documents and forms to assist certain sources applying for Class ~~B~~ II permits in completing the compliance plan.

C. For a Class ~~B~~ II source with an uncontrolled potential to emit that does not exceed fifty percent (50%) of any relevant major source threshold, the Control Officer may allow reporting of required monitoring on an annual basis.

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended July 30, 2003.]

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

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

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

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

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

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

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

3-1-110. Investigative authority – NO CHANGE

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

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

3-1-140. Permit revocation – NO CHANGE

3-1-150. Monitoring - NO CHANGE

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

3-1-170. Performance tests – NO CHANGE

3-1-173. Quality assurance – NO CHANGE

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

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

ARTICLE 2. PERMIT AMENDMENTS AND REVISIONS

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

A. A facility with a permit may make changes without a permit revision if all of the following apply:
   1. The changes are not modifications under any provision of Title I of the Clean Air Act (1990) or §1-3-140.78.
   2. The changes do not exceed the emissions allowable under the permit whether expressed therein as a rate of emissions or in terms of total emissions.
   3. The changes do not violate any applicable requirements or trigger any additional applicable requirements.
   4. The changes meet all requirements for processing as a minor permit revision under §3-2-190.
   5. The changes do not contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

B. The substitution of an item of process or pollution control equipment for an identical or substantially similar item of process or pollution control equipment shall qualify as a change that does not require a permit revision, if it meets all of the requirements of Subsections A., D. and E. of this section.

C. Except for sources with authority to operate under general permits, permitted sources may trade increases and decreases in emissions within the permitted facility, as established in the permit pursuant to §3-1-081.A.12., where an applicable implementation plan provides for such emissions trades, without applying for a permit revision and based on the 7 working days notice prescribed in Subsection D. of this section. This provision is available in those cases where the permit does not already provide for such emissions trading, and shall not include any emission units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades.

D. For each such change under Subsections A. through C. of this section, a written notice by certified mail shall be received by the Control Officer and, for sources requiring Class ~~A~~ I permits, the Administrator a minimum of 7 working days in advance of the change. Notification of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided less than 7 working days in advance of the change but must be provided as far in advance of the change as possible, or if advance notification is not practicable, within 3 working days of the change.

E. Each notification shall include:
   1. When the proposed change will occur.
   2. A description of each such change.
   3. Any change in emissions of regulated air pollutants.
   4. The pollutants emitted subject to the emissions trade, if any.
   5. The provisions in the implementation plan that provide for the emissions trade with which the source will comply and any other information as may be required by the provisions in the implementation plan authorizing the trade.
   6. If the emissions trading provisions of the implementation plan are invoked, then the permit requirements with which the source will comply.
   7. Any permit term or condition that is no longer applicable as a result of the change.

F. The permit shield described in §3-1-102 shall not apply to any change made pursuant to Subsections A. through C of this section. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the implementation plan authorizing the emissions trade.
G. Except as otherwise provided for in the permit, making a change from one alternative operating scenario to another as provided under §3-1-081.A.11. shall not require any prior notice under this section.
H. Notwithstanding any other part of this section, the Control Officer may require a permit to be revised for any change that when considered together with any other changes submitted by the same source under this section over the term of the permit, do not satisfy Subsection A.
I. The Control Officer shall make available to the public monthly summaries of all notices received under this section.

[Adopted effective November 3, 1993. Amended July 30, 2003.]

3-2-185. Administrative permit amendments

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

[Adopted effective November 3, 1993. Amended July 30, 2003.]

3-2-190. Minor permit revisions

A. Minor permit revision procedures may be used only for those changes at a source that satisfy all of the following:
   1. Do not violate any applicable requirement;
   2. Do not involve substantive changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
   3. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source specific determination of ambient impacts, or a visibility or increment analysis;
   4. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed in order to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
      a. A federally enforceable emissions cap, which the source would assume to avoid classification as a modification under any provision of Title I of the Clean Air Act (1990);
      b. An alternative emissions limit approved pursuant to regulations promulgated under §112(i)(5) of the Clean Air Act (1990);
   5. Are not modifications under any provision of Title I of the Clean Air Act (1990) that would result in a significant net emissions increase of any pollutant subject to regulation under this Code;
   6. Are not modifications under Chapter 7., Article 2. of this Code;
   7. Are not changes in fuels not represented in the permit application or provided for in the permit;
   8. The increase in the source's potential to emit for any regulated pollutant is not significant as defined in §1-3-140.
   9. Are not required to be processed as a significant revision under §3-2-195.
B. As approved by the Control Officer, minor permit revision procedures may be used for permit revisions involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit revision procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by the Administrator.
C. An application for minor permit revisions shall be on the standard application form contained in Appendix A. and include the following:

1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
2. For Class ~~A~~ I sources, the source's suggested draft permit;
3. Certification by a responsible official, consistent with standard permit application requirements, that the proposed revision meets the criteria for use of minor permit revision procedures and a request that such procedures be used.

D. For Class ~~A~~ I permits, within 5 working days of receipt of an application for a minor permit revision, the Control Officer shall notify the Administrator and affected states of the requested permit revision in accordance with §3-1-065.

E. The Control Officer shall follow the following timetable for action on an application for a minor permit revision:
1. For Class ~~A~~ I permits, the Control Officer shall not issue a final permit revision until after the Administrator's 45-day review period or until the Administrator has notified the Control Officer that the Administrator will not object to issuance of the permit revision, whichever is first, although the Control Officer may approve the permit revision prior to that time. Within 90 days of the Control Officer's receipt of an application under minor permit revision procedures, or 15 days after the end of the Administrator's 45-day review period, whichever is later, the Control Officer shall do one or more of the following:
   a. Issue the permit revision as proposed.
   b. Deny the permit revision application.
   c. Determine that the proposed permit revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures.
   d. Revise the proposed permit revision and transmit to the Administrator the new proposed permit revision as required in §3-1-065.
2. Within 90 days of the Control Officer's receipt of an application for a revision of a Class ~~B~~ II permit under this section, the Control Officer shall do one or more of the following:
   a. Issue the permit revision as proposed.
   b. Deny the permit revision application.
   c. Determine that the permit revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures.
   d. Revise and issue the proposed permit revision.

F. The source may make the change proposed in its minor permit revision application immediately after it files the application. After the source makes the change allowed by the preceding sentence, and until the Control Officer takes any of the actions specified in Subsection E. of this section, the source shall comply with both the applicable requirements governing the change and the proposed revised permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to revise may be enforced against it.

G. The permit shield under §3-1-102 shall not extend to minor permit revisions.

H. Notwithstanding any other part of this section, the Control Officer may require a permit to be revised under §3-2-195 for any change that, when considered together with any other changes submitted by the same source under this section or §3-2-180 over the life of the permit, do not satisfy Subsection A.

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

[Adopted effective November 3, 1993. Amended July 30, 2003.]

3-2-195. Significant permit revisions

A. Significant revision procedures shall be used for applications requesting permit revisions that do not qualify as minor revisions or as administrative amendments. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions shall follow significant revision procedures.

B. All major modifications to major sources of conventional air pollutants, and any reconstruction of a source, or a process or production unit, under section 112(g) of the Act and regulations promulgated hereunder, shall follow significant revision procedures and shall meet the appropriate requirements of Chapter 3., Article 3. of this Code.

C. All modifications to major sources of federally listed hazardous air pollutants shall follow significant revision procedures and shall meet the appropriate requirements of Chapter 7, Article 1. A physical change to a source or change in the method of operation of a source that complies with §112(g)(1) of the Clean Air Act (1990) shall be a modification required to be processed under this section but not for the purposes of requiring maximum achievable control technology.

D. All modifications to sources subject to Chapter 7, Article 2 shall follow significant revision procedures.

E. Significant permit revisions shall meet all requirements of this article for applications, public participation, review by affected States and review by the Administrator as they apply to permit issuance and renewal.

F. When an existing source applies for a significant permit revision to revise its permit from a Class ~~B~~ II permit to a Class ~~A~~ I permit, it shall submit a Class ~~A~~ I permit application in accordance with the provisions of this Code. The Control Officer shall issue the entire permit, and not just the portion being revised, in accordance with Class ~~A~~ I permit-content and permit-issuance requirements, including requirements for public, affected state, and EPA review, as set forth in this Code.

G. The Control Officer shall process the majority of significant permit revision applications within 9 months of receipt of a complete permit application but in no case longer than 18 months.

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

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

3-3-200. Purpose – NO CHANGE

3-3-203. Definitions – NO CHANGE

3-3-205. Application requirements – NO CHANGE

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

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

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

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

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

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

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

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

3-3-280. Visibility protection – NO CHANGE

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

ARTICLE 4. CONDITIONAL ORDERS

3-4-420. Standards of Conditional Orders

A. Notwithstanding any other provision in this article, no person holding a Class ~~A~~ I permit shall be eligible for a Conditional Order under this article. Further notwithstanding any other provision of this article, no conditional order may shield or excuse any person holding a Class ~~B~~ II permit from an obligation to apply for and obtain a Class ~~A~~ I permit when such a requirement would otherwise arise under the provisions of this Code.

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

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

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

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

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

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

ARTICLE 5. GENERAL PERMITS

3-5-470. Applicability – NO CHANGE

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

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

3-5-500. Public notice – NO CHANGE

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

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

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

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

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

ARTICLE 6. FEDERAL ACID RAIN PROGRAM

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

ARTICLE 7. PERMIT FEES

3-7-570. Purpose – NO CHANGE

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

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

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

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

A. For an individual source holding an issued permit on December 31, 2003, the fee increases scheduled to take effect beginning on January 1, 2004, shall be implemented in three (3) equal annual increments, with the annually increasing fees each due an payable on the succeeding permit-issuance anniversary dates following January 1, 2004.

B. On and after January 1, 2004, for new sources, or for revisions involving modifications to existing sources causing the source to change classifications as defined in Appendix B, the source shall pay the full fee defined in Appendix B. Those fees shall be payable on the succeeding permit-issuance anniversary date following January 1, 2004.

[Adopted July 30, 2003]

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

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

[Adopted effective November 3, 1993. Amended July 30, 2003.]

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

3-7-590. Class ~~A~~ I permit fees

A. For a billable permit action, Class I sources shall pay a permit processing fee as defined in Appendix B, Section B. For a significant permit revision, the maximum permit processing fee shall be $25,000. For a minor permit revision, the maximum permit processing fee shall be $10,000.

B. Beginning on the anniversary date of the initial permit issuance, Class I sources shall annually pay an administrative fee and an emission-based fee as defined in Appendix B, Section C. For fee purposes, actual emissions shall be quantified on the basis of subsection C of this rule.

~~A. The fees in this section related to permits are based on estimated costs for the Pinal County Air Quality Control District air~~

~~pollution permitting program under this chapter.~~

~~B. For the purposes of this section, the following sources shall be deemed to be required to obtain a permit pursuant to Title V of the Clean Air Act (1990), and shall thereupon be subject to the fees defined in either this section or §3-7-610:~~

~~1. Any source required to have a Class A permit pursuant to §3-1-040.B.1.~~

~~2. Any source that qualifies for a Class B permit pursuant to being listed in §3-1-040.B.2. but that elects to apply for a Class A permit.~~

~~3. Any source subject to a standard, limitation or other requirement under section 111 of the Act, whether or not such source requires a Class A permit.~~

~~4. Any source subject to a standard, limitation or other requirement under section 112 of the Act, whether or not such source requires a Class A permit, provided that the deemed inclusion under this subdivision shall not extend to a source required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of the Act.~~

~~5. Any source allowed to operate under a Class I general permit issued by ADEQ.~~

C. ~~The owner or operator of each source required to obtain a permit pursuant to Title V or the Clean Air Act (1990) shall pay an annual permit fee equal to $26.00 per year per ton of actual emissions of regulated pollutants plus base fee of $6574.00 per year. Owners or operators of sources required to obtain a permit pursuant to Title V of the Clean Air Act (1990) and that emit less than 20 tons per year of any hazardous air pollutant or 125 tons per year of any criteria air pollutant shall pay a reduced base fee of $2500.00 per year.~~

~~1.~~ For purposes of this ~~subsection~~ rule, actual emissions means the actual quantity of regulated pollutants emitted, including fugitive emissions, over the calendar year ending immediately prior to the date on which the annual fee is calculated, or any other period determined by the Control Officer to be representative of normal source operations, determined as follows:

~~a.~~1. Emissions quantities reported pursuant to §3-1-103, or pursuant to an emissions inventory required prior to the effective date of §3-1-103, shall be used for purposes of calculating the permit fee to the extent they are calculated in a manner consistent with this paragraph. Acceptable methods for calculating actual emissions pursuant to §3-1-103 include the following:

~~i.~~a. Emissions estimates calculated from continuous emissions monitors certified pursuant to 40 C.F.R. Part 75, Subpart C and referenced appendices, as published in the Federal Register on January 11, 1993, which is incorporated herein by reference, and is on file with the District, or data quality assured pursuant to Appendix F of 40 C.F.R. Part 60.

~~ii.~~b. Emissions estimates calculated from source performance test data.

~~iii.~~c. Emissions estimates calculated from material balance using engineering knowledge of process.

~~iv.~~d. Emissions estimates calculated using AP-42 emissions factors.

~~v.~~e. Emissions estimates calculated by equivalent methods approved by the Control Officer. The Control Officer shall only approve methods that are demonstrated as accurate and reliable as the applicable method in Subparagraphs ~~i.~~ a. through ~~iv.~~ d. of this paragraph.

~~b.~~2. Actual emissions shall be determined for each source on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored, or combusted.

~~c.~~3. The first annual permit fee for new Class ~~A~~ I sources that have not been required to report emission quantities pursuant to §3-1-103 shall be based on the emissions estimate listed in the permit application.

~~2.~~b. For purposes of this section, regulated pollutants consist of the following:

~~a.~~1. Nitrogen oxides or any volatile organic compounds.

~~b.~~2. Conventional air pollutants, except carbon monoxide.

~~c.~~3. Any pollutant that is subject to any standard promulgated under §111 of the Clean Air Act (1990), including fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur and reduced sulfur compounds.

~~d.~~4. Any federally listed hazardous air pollutant that is subject to a standard promulgated by the Administrator under §112 of the Clean Air Act (1990) or other requirement established under §112 of the Clean Air Act (1990), including §§112(g) and (j) of the Clean Air Act (1990). Federally listed hazardous air pollutants subject to requirements established under §112 of the Clean Air Act (1990) include the following:

~~i.~~a. Any pollutant subject to requirements under §112(j) of the Clean Air Act (1990). If the Administrator fails to promulgate a standard by the date established pursuant to §112(e) of the Clean Air Act (1990), any pollutant for which a source would be considered major under §112(a)(1) of the Clean Air Act (1990) shall be considered to be regulated on the date eighteen months after the applicable date established pursuant to §112(e) of the Clean Air Act (1990).

~~ii.~~b. Any pollutant for which the requirements of §112(g)(2) of the Clean Air Act (1990) have been met, but only with respect to the individual source subject to §112(g)(2) requirements.

~~3.~~c. The following emissions of regulated pollutants shall be excluded from a source's actual emissions for purposes of setting fees:

~~a.~~1. Emissions of a regulated pollutant from the source in excess of 4,000 tons per year.

~~b.~~2. Emissions of any regulated pollutants that are already included in the fee calculation for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM_{10}.

~~c.~~3. Emissions from insignificant activities excluded from the permit for the source pursuant to §3-1-050.E.

~~D. Before the issuance of a permit to construct and operate a source that is required to obtain a permit pursuant to Title V of the Clean Air Act (1990), the applicant for the permit shall pay to the District a new source review fee in addition to the annual fee billed by the Control Officer representing the total actual cost of reviewing acting upon the application minus any application filing deposit fee remitted.~~

~~E.~~D. Each Class I source ~~required to obtain a permit pursuant to Title V of the Clean Air Act (1990),~~ applying for a permit revision pursuant to §§3-2-190 or 3-2-195~~, or the transfer of a permit pursuant to §3-1-090~~ shall remit to the District at the time the request or application is submitted, a fee deposit as follows:

1. $10,000.00 for a significant permit revision that is a result of a major modification.
2. $1000.00 for any other significant permit revision not covered in Subsection 1 above.
3. $500.00 for a minor permit revision.
4. ~~$424.00 for a permit transfer, which shall be the transfer fee.~~

~~F. Before the issuance of a permit revision pursuant to §§3-2-190 or 3-2-195 for a source required to obtain a permit pursuant to Title V of the Clean Air Act (1990), the applicant for the permit revision shall pay to the District a fee billed by the Control Officer, representing the total actual cost of reviewing and acting upon the application or notice, minus any fee remitted pursuant to Subsection E. of this section, provided that the maximum fee chargeable pursuant to this subsection shall be $25,000 for any significant permit revision and $10,000 for any minor permit revision.~~

~~G. The owner or operator of source required to obtain a permit pursuant to Title V of the Clean Air Act (1990) shall pay to the District an annual inspection fee for the total actual cost of conducting and reviewing inspections of the source.~~

~~H. The total actual cost of any activity related to permits includes the cost for the actual time spent and direct costs such as but not limited to mileage and supplies. Indirect costs such as overhead for offices shall be included in the hourly rate used to determine the cost for the time spent.~~

~~I. Notwithstanding any other provision of this section, either a facility required to obtain a Class A permit solely due to a requirement pursuant to §112 of the Clean Air Act (1990) and that would not constitute a major source as defined in §1-3-140 even in the absence of controls or permit-imposed operating limitations, or any source required to obtain a Class B permit solely as a result of falling subject to an emission standard or other requirement promulgated under §112 of the Act, and which source has uncontrolled emissions that are less than significant, shall pay an annual emissions fee of $260.00 and an annual inspection fee based on the costs of performing the inspection, not to exceed an amount of $390.00, and such source is otherwise exempt from any fees set forth in this section.~~

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

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended June 20, 1996. Revised May 14, 1997. Amended July 30, 2003.]

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

A. Sources subject to this section shall pay a permit fee at a rate calculated in the same manner, as would be a permit fee calculated under §3-7-590. The revised current-year permit fee imposed by this section shall apply to the following sources:

1. Any source currently operating under a unitary permit, whose emission inventory for the preceding calendar year shows that the source is in fact a “major source,” as defined in this Code; and
2. Any source currently operating under a unitary permit, which source is deemed subject to a requirement to obtain a permit under Title V of the Act, as that phrase is defined in §3-7-590.B.

B. The initial-year permit fee rate established under this paragraph shall become effective on 12:00:01 a.m. on June 1, 1996, provided that for any source affected by this section that has already paid a annual permit fee for the current term, then such source operator shall initially be subject to only a fee prorated to cover that part of the annual period between the effective date specified in this subparagraph, and the succeeding anniversary date of the issuance of that permit. Further, any permittee subject to such a prorated fee shall also be entitled to an equitable offset against the revised permit fee that takes effect on June 1, 1996, which offset shall reflect fees already paid for that same term.

C. For initial fees additionally due from sources subject to the revised fee rate effective on June 1, 1996, 50% of the additional fee under this section shall be due on August 1, 1996, and the balance shall be due by the earlier of the next regular mid-term payment date as allowed under §3-7-620, or the expiration date of the permit.

D. Subsequent permit fees from sources affected by this section shall be due in accord with §3-7-620.

[Adopted June 20, 1996.]

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

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

[Adopted effective November 3, 1993. Amended July 30, 2003.]

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

A. For a billable permit action, Class II sources shall pay a permit processing fee as defined in Appendix B, Section B. The maximum permit processing fee shall not exceed $25,000, and for a minor permit revision, the maximum permit processing fee shall not exceed $10,000.

B. Beginning on the anniversary date of initial permit issuance, and annually thereafter, Class II sources shall pay an administrative fee as defined in Appendix B, Section C, D, and E.

1. Class II Title V sources shall pay an administrative fee as defined in Appendix B, Section C. Class II Title V sources shall include those sources that do require a permit but do not require a Class I permit, and are actually regulated under a standard promulgated under §§111 or 112 of the CAA.
2. Other Class II sources, also known as Class II Non-Title V sources, shall pay an administrative fee as defined in Appendix B, Section D.
3. As provided in Appendix B, Section C and D, Class II "synthetic minor sources" shall pay an administrative fee as defined in Appendix B, Section B. For purposes of this fee rule requirement, "synthetic minor sources" shall include only those sources that have accepted voluntary permit limitations under §2-1-084, and have permit-allowable emissions that exceed 50% of the major source threshold for at least one regulated pollutant.

C. Notwithstanding any other provision of this Section, the total annual administrative fee for a Class II Source shall not exceed 100% of the fees that would apply if the source was subject to regulation by ADEQ.

~~A. Notwithstanding any other provision of this section, a source deemed subject to a requirement to obtain a permit pursuant to Title V of the Act, as that phrase is defined in §3-7-590, shall be required to pay the Class A permit fees defined in §§3-7-590 and 3-7-591.~~

~~B. The owner or operator of each existing source that is required to obtain a permit pursuant to §3-1-040.B.2., and is not required to obtain one pursuant to Title V of the Clean Air Act (1990), shall be liable for the reasonable cost of providing the services required to process the permit application, which shall be the annual permit fee. Fee schedules, which the Board of Supervisors hereby finds as adequate to cover the reasonable costs of reviewing, acting upon, implementing and enforcing the terms and conditions of any such permit (not including any court costs or other enforcement-action costs), are provided in Appendix B. These fees, minus any application filing deposit fee remitted, are due at the times listed in §3-7-620.~~

~~C. The owner or operator of a source required to obtain a permit pursuant to §3-1-040.B.2., applying for the transfer of a permit pursuant to §3-1-090, shall remit to the District at the time of the request, a transfer fee of $250.00 or 50 percent of the latest annual permit fee, whichever is less.~~

~~D. Before the issuance of a permit revision pursuant to §§3-2-190 or 3-2-195 for a source that is required to obtain a permit pursuant to §3-1-040.B.2., the applicant for the permit revision shall pay to the District a fee billed by the Control Officer. as follows:~~

~~1. 50 percent of the Standard Fee listed in Appendix B, Subsection A, for any significant permit revision.~~
~~2. 25 percent of the Standard Fee listed in Appendix B, Subsection A, for any minor permit revision.~~
~~3. A fee as determined by Appendix B, Subsection B, for any source not listed in Appendix B, Subsection A.~~

~~E. A new source required to obtain a permit pursuant to §3-1-040.B.2. shall be required to pay a review fee as determined by Appendix B, Subsection B. of this Code.~~

~~F. Any source subject to a calculated fee under Appendix B, Subsection B, which source requires a performance test, shall also pay in the year the test is performed a test fee based on the costs of observing and documenting the test, not to exceed an amount of $488 for non-complex sources or $635 for complex sources.~~

~~G. Any source subject to a permit fee under this section shall also pay an annual inspection fee. The inspection fee shall be based on a reasonable estimate of direct and indirect costs of performing an inspection, but shall not be less than $50 and shall not exceed $390, which range of costs the Board finds to reflect practical limits on the average total cost of performing such an inspection. The fee assessed for any permit issued prior to October 12, 1995 shall be deemed, for the duration of that permit, to already include the cost of an inspection required under this subsection.~~

~~H. Notwithstanding any other provision of this Section, the total annual combination of permit, test and inspection fees for a source requiring a Class B permit shall not exceed any applicable combination of the following limits:~~

~~1. The total fee for any source shall not exceed $25,000;~~
~~2. The total fee shall not exceed 100% of the combination of annual permit, inspection and test fees to which a non-complex source would be subject under ADEQ regulation.~~

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended October 12, 1995. Amended June 20, 1996. Amended July 30, 2003.]

3-7-602. Class III permit fees
Upon issuance of a new or renewal permit, and annually thereafter, Class III sources shall pay an administrative fee as defined in Appendix B, Section F.
[Adopted effective July 30, 2003.]

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

A. Permit Processing fee. The owner or operator of a source that falls subject to a county jurisdiction and applies for authority to operate under a general permit shall pay to the District $500 with the submittal of the application. This fee applies to the owner or operator of any source who intends to continue operating under the authority of a general permit that has been proposed for renewal.

B. Administrative Fee. The owner or operator of a source subject to county jurisdiction and having authority to operate under a general permit shall pay, of each calendar year, the applicable administrative fee from the table below, by March 31, or 60 days after the Control Officer mails the invoice, whichever is later.

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

~~A. An applicant seeking an initial grant of authority to operate any Class A source under a general permit, or a renewal of authority to operate a Class A source under a general permit proposed for renewal, shall pay an application processing fee of $540.00, payable at the time of filing the application.~~

~~B. For each year during which a source required to obtain a permit pursuant to Title V of the Clean Air Act (1990) is covered by an authorization to operate under a general permit, the source shall pay the greater of the applicable annual emissions fees calculated as follows:~~

~~1. As a minimum, a source that has uncontrolled emissions that are less than significant and that is subject to a permit requirement solely because it is subject to a standard under section 112 of the Act, shall pay an annual emissions fee of $260.00;~~

~~2. As a minimum, all other sources covered by an authorization to operate under a general permit shall pay an annual emissions fee of $1500.00;~~

~~3. Unless the specified minimum applicable fee is higher, all such sources shall be subject to a fee equal to the product of:~~

~~a. The prevailing per-ton-rate, which shall be equal to $28.15 per year, adjusted initially on January 1, 1994, and readjusted on each January 1 thereafter, to reflect the increase, if any, by which the Consumer Price Index for the most recent year exceeds the Consumer Price Index for the year 1989. The Consumer Price Index for any year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year, multiplied by;~~

~~b. The number of tons of actual emissions, rounded to the nearest integer, of all regulated pollutants.~~

~~C. For purposes of calculating fees under this section, all of the following apply:~~

~~1. "Actual emissions" means the actual quantity of all regulated pollutants emitted, including fugitive emissions, during the most recent calendar year ending at least twelve months before the date the fee is due, unless some other period is specified by rule, determined, in order of preference priority, pursuant to:~~

~~a. An emissions inventory conducted in accord with §3-1-103 or A.A.C. R18-2-327;~~

~~b. An emissions inventory required by other provision of law prior to the effective date of § 3-1-103; or~~

~~c. The provisions of §3-7-590.C.1.~~

~~2. "Regulated pollutants" consist of the following:~~

~~a. Nitrogen oxides or any volatile organic compounds.~~

~~b. Conventional air pollutants, except carbon monoxide.~~

~~c. Any pollutant that is subject to any standard promulgated under section 111 of the Act, including fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur and reduced sulfur compounds.~~

~~d. Any federally listed hazardous air pollutant that is subject to a standard promulgated by the Administrator under section 112 of the Act or other requirements established under that section, including section 112(g) and (j) of the Act. Federally listed hazardous air pollutants subject to requirements established under section 112 of the Act include the following:~~

~~i. Any pollutant subject to requirements under section 112(j) of the Act. If the Administrator fails to promul-~~

~~gate a standard by the date established pursuant to section 112(e) of the Act, any pollutant for which a subject source would be considered major under section 112(a)(1) of the Act shall be considered to be regulated on the date eighteen months after the applicable date published pursuant to section 112(e) of the Act.~~

~~ii. Any pollutant for which the requirements of section 112(g)(2) of the Act have been met, but only with respect to the individual source subject to section 112(g)(2) requirements.~~

~~3. The following emissions of regulated pollutants shall be excluded from a source's actual emissions for purposes of this subsection:~~

~~a. Emissions of a regulated pollutant in excess of 4,000 tons per year.~~

~~b. Emissions of any regulated pollutant that are already included in the fee calculation for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM_{10}.~~

~~c. Emissions from insignificant activities excluded from the permit for the source in accord with the provisions of the general permit and A.A.C. R18-2-101 (54), provided that if the Control Officer determines that an activity listed as insignificant does not meet the requirements of A.A.C. R18-2-101 (54), the Control Officer shall notify the applicant in writing and specify additional information required.~~

~~D. When a source is granted authority to operate under a general permit, the initial annual emissions fee for the source shall be due 60 days after the authority is granted and shall be based on emissions for the most recent calendar year ending at least 12 months previous to the date the fee is due, or, for sources granted authority to operate in calendar year 1994, for 1990. The source may deduct from the initial payment such portion of an already paid rate-based emission fee, paid pursuant to an individual permit, to the extent that a double payment would otherwise result. Subsequent payments shall be due on January 1 and July 1 of each year.~~

~~E. For the purposes of this section, "required to obtain a permit pursuant to title V of the Act" shall include sources deemed subject to such a requirement under §3-7-590.B.~~

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended October 12, 1995. Amended June 20, 1996. Revised 5/14/97. Amended July 30, 2003.]

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

~~A. Notwithstanding any other provision of this section, a source deemed subject to a requirement to obtain a permit pursuant to Title V of the Act, as that phrase is defined in §3-7-590, shall be required to pay the general permit fees defined in §3-7-610.~~

~~B. An applicant seeking an initial grant of authority to operate a source not subject to §3-7-610 under a general permit, or a renewal of authority to operate a source not subject to §3-7-610 under a general permit proposed for renewal, shall pay an application processing fee of $540.00, payable at the time of filing the application.~~

~~C. For purposes of this section, the following sources shall be considered complex sources:~~

~~1. Agricultural chemical manufacturers and processors.~~
~~2. Commercial ethylene oxide sterilizers.~~
~~3. Foundries.~~
~~4. Glass bead manufacturers.~~
~~5. Lumber mills.~~
~~6. Mining and mineral processing facilities, except facilities engaged solely in the extraction and beneficiation of ores and minerals. For the purposes of this paragraph, "beneficiation" is limited to the activities specified in 40 CFR § 261.4(b)(7) (7/1/93), as incorporated herein by this reference.~~
~~7. Paper mills.~~
~~8. Refineries.~~
~~9. Plastics extrusion facilities.~~
~~10. Printers with actual emissions of VOC in excess of 25 tons per year.~~
~~11. Textile manufacturers.~~
~~12. Manufacturers of tires and related products.~~

~~D. For each calendar year during which a source not subject to §3-7-610 is covered by a general permit, the source shall pay an annual inspection fee as follows:~~

~~1. Complex sources shall pay a fee of $1,560.~~
~~2. Sources not deemed "complex" shall pay a fee of $390.~~
~~3. The inspection fee shall be payable in two equal parts; the initial first half is due 60 days after a source is granted an authority to operate by the Control Officer; the initial second half shall be due on January 1 or July 1, whichever follows next. Subsequent semi-annual payments shall thereafter be due on each January 1 or July 1.~~

~~E. For each calendar year during which a source not subject to §3-7-610 is covered by a general permit, and the source is subject to a performance test requirement, the source shall pay a performance test fee, as follows:~~

~~1. Complex sources shall pay a performance test fee of $635.~~
~~2. Sources not deemed "complex" shall pay a performance test fee of $488.~~
~~3. The performance test fee shall be payable when the test protocol is submitted.~~

[Adopted February 22, 1995. Amended October 12, 1995. Amended June 20, 1996. Repealed July 30, 2003.]

3-7-620. Annual permit fee payment

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

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

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended October 12, 1995. Amended June 20, 1996. Amended July 30, 2003.]

3-7-625. Permit fee accounts

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

[Adopted effective November 3, 1993. Amended July 30, 2003.]

3-7-630. Accelerated application processing fee

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

1. When an applicant has requested accelerated permit processing, the Control Officer may request an additional surcharge fee based on the estimated cost of accelerating the processing of the application, or, to the extent practicable, may seek to process the permit or permit revision in accordance with the following schedule:
   a. For applications for initial Class ~~A~~ I and ~~B~~ II permits governed by §3-1-040 or significant permit revisions governed by §3-2-195, final action on the permit or permit revision shall be taken within 120 days after receiving notice that the application is complete.
   b. For minor permit revisions governed by §3-2-190, final action on the permit shall be taken within 60 days after receiving an application.
2. Before granting an application for a permit or permit revision pursuant to this section, the applicant shall pay to the District all permit processing and other fees due, and in addition, the difference between the actual cost of accelerating the permit application and the 50% surcharge submitted. Nothing in this section shall affect the public participation requirements of §3-1-107.
3. None of the surcharges for accelerated permit processing shall be applied toward the applicable maximum permit fee.

[Adopted effective November 3, 1993. Amended July 30, 2003.]

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

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

~~A. For the purposes of calculating costs and assessing fees under this Code, the hourly rate applied by the Control Officer for all direct hours spent on activity subject to billing under this Code shall be $46.00-66.00 per hour for engineers and managers, $29.00 for environmental program specialists and $17.00 for clerical support personnel.~~

~~B.~~ Owners or operators of permitted sources shall owe a late charge of 1.5% per month for any fees which remain unpaid 30 days after they are due.

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended July 30, 2003.]

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

PERMIT APPLICATION (Appendix A)
(As required by A.R.S. §49-480, and Chapter 3, Article 1, Pinal County Air Quality Control District Rules)
PINAL COUNTY AIR QUALITY CONTROL DISTRICT
P. O. BOX 987 FLORENCE, AZ 85232 PHONE: (520) 8686-6929

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

2. Mailing Address:_____

   City:_____ State:_____ Zip:_____

   Billing Address (if different from above):_____
   City:_____ State:_____ Zip:_____
3. Plant Name (if different from #1 above):_____

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

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

6. Plant/Site Manager or Contact Person:_____
   Phone:_____ Fax:_____

7. Equipment/Plant Location or Proposed Location Address:_____
   City:_____ Zip:_____
   Section/Township/Range, Latitude/Longitude, Elevation:_____
   Assessor's Parcel Number:_____
8. General Nature of Business:_____
   Standard Industrial Classification Code:_____
9. Type of Organization:
   ❒Corporation State of incorporation:
   ❒ Individual Owner ❒ Partnership ❒ Arizona Limited Liability Company
   ❒ Government Entity (Government Facility Code:_____)
   ❒ Other

10. Permit Application Basis: (Check all that apply.)
    ❒ New Source ❒ Revision ❒ Renewal of Existing Permit
    ❒ Portable Source ❒ General Permit ❒ Permit Transfer
    For renewal or modification, include existing permit number:_____
    Date of Commencement of Construction or Modification:_____
    Is any of the equipment to be leased to another individual or entity? ❒ Yes ❒ No

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

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

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

Signature of Responsible Official of Organization:_____
Typed or Printed Name of Signer:_____
Official Title of Signer:_____
Date:_____

[Adopted effective November 3, 1993. Amended July 30, 2003.]

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

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

1. ~~The Standardized Permit Fee Schedule is used to assess an annual permit fee for sources that meet all of the following requirements:~~
   - ~~a. The source is required to obtain a permit pursuant to §3-1-040.B.2.~~
   - ~~b. There are many similar types of sources in the County.~~
   - ~~c. The time spent on preparing the conditions for the permit is less than or equal to:~~
     - ~~i. 4 hours for one type of equipment at one source.~~
     - ~~ii. 4 hours plus 2 hours for each additional type of equipment at one source.~~

~~2. The annual permit fee shall be assessed by using equipment schedules found in Subdivisions A.4. through A.15. of this subsection. For each additional type of equipment at one source, $50.00 will be subtracted from each equipment fee.~~

~~3. This fee schedule is used to simplify and standardize the fee-setting procedure. Fees for sources that do not meet the requirements of Paragraphs A.1.a. through A.1.c. of this subsection must be set using the Calculated Permit Fee Schedule found in Subsection B. of this appendix.~~

~~4. Fuel Burning Equipment: This schedule includes any residential and small commercial equipment used for the purpose of heating or heat exchange. This schedule does not include incinerators or equipment specifically exempted by A.R.S. §49-480 (1992).~~

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

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

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

~~Gasoline Stations~~

~~Gallons~~	~~Fee~~
~~25,000 or less~~	~~$100.00~~
~~25,001 to 35,000~~	~~$125.00~~
~~35,001 to 50,000~~	~~$150.00~~
~~50,001 or greater~~	~~Use Calculated Permit Fee Schedule~~

~~Other~~

~~Gallons~~	~~Fee~~
~~1000 or less~~	~~$100.00~~
~~1,001 to 3,000~~	~~$150.00~~
~~3,001 to 10,000~~	~~$200.00~~
~~10,001 to 20,000~~	~~$250.00~~
~~20,001 or greater~~	~~Use Calculated Permit Fee Schedule~~

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

~~Emergency and Nonemergency~~

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

~~7. Asphalt Plants~~

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

~~8. Cotton Gins~~

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

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

~~9. Concrete Batch Plants~~

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

~~10. Crushing Plants~~

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

~~11. Paint Booths~~

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

~~12. Laundromats~~

~~a. For laundromats in which dry cleaning machines are not in use, the fees assessed shall be those used for fuel burning equipment in Subdivision 4. of this subsection.~~

~~b. For laundromats in which dry cleaning machines are in use, fees shall be assessed using Subsection A., Subdivisions 2., 4. and 13. of this appendix.~~

~~13. Dry Cleaners~~

~~a. For dry cleaners in which the solvent process is used and machines have capacities of 50 lbs/load or less, a fee of $105.00 shall be assessed.~~

~~b. For dry cleaners in which the perchloroethylene process is used and machines have capacities of 50 lbs/load or less, a fee of $105.00 shall be assessed.~~

~~c. For any dry cleaner in which machines have capacities of over 50 lbs/load, the Calculated Permit Fee Schedule found in Subsection B. of this appendix shall be used to assess fees.~~

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

~~Area (ft2)~~	~~Fee~~
~~5.0 or less~~	~~$125.00~~
~~5.1 to 10.0~~	~~$150.00~~
~~10.1 to 25.0~~	~~$275.00~~
~~25.1 or greater~~	~~Use Calculated Permit Fee Schedule~~

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

~~B. Calculated Permit Fee Schedule~~

~~1. Class B permit applications which are new sources or do not meet the requirements of Subsection A. of this appendix (Standardized Permit Fee Schedule) shall be charged an annual fee based on the actual time and expenses, including direct and indirect costs, spent on preparing the permit as calculated pursuant to Subdivision 2. of this subsection.~~

~~2. The Permit Checklist and Fee Itemization form as shown at the end of this appendix shall be used to calculate the fees assessed pursuant to Paragraphs a. and b. of this subsection.~~

~~a. The actual time spent preparing the permit, inspecting the source, investigating complaints, submitting public notices, attending public hearings and other time directly related to the source shall be assessed to the annual permit fee by multiplying the time spent by the hourly rate as defined in §3-7-650.A.~~

~~b. All actual expenses such as but not limited to mileage, postage, copying, long distance phone calls, public hearings and preparation of public notices directly related to the source shall be included in the annual permit fee.~~

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

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

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

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

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

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

a. For purposes of this section, "actual emissions" means the quantity of all regulated pollutants emitted during the calendar year, as determined by the annual emissions inventory under §3-1-103.

b. For purposes of this section, "regulated pollutants" consist of the following:

i. Nitrogen oxides and any volatile organic compounds;

ii. Conventional air pollutants, except carbon monoxide and ozone;

iii. Any pollutant that is subject to any standard promulgated under Section 111 of the Act, including fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, and reduced sulfur compounds; and

iv. Any federally listed hazardous air pollutant.

c. For purposes of this Section, the following emissions of regulated pollutants are excluded from a source's actual emissions:

i. Emissions of any regulated pollutant from the source in excess 4,000 tons per year;

ii. Emissions of any regulated pollutant already included in the actual emissions for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM10;

iii. Emissions from insignificant activities listed in the permit application for the source under §3-1-050.

iv. Fugitive emissions of PM10 from activities other than crushing, belt transfers, screening, or stacking; and

v. Fugitive emissions of VOC from solution-extraction units.

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

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

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

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

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

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

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

[Adopted effective November 3, 1993. Amended July 30, 2003.]