

## 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 RULEMAKING DOCKET OPENING

#### MARICOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT AIR QUALITY DIVISION

1. **Title and its heading:** Maricopa County Air Pollution Control Regulations  
**Regulation and its heading:** Regulation III, Control of Air Contaminants  
**Rule and its heading:** Rule 313 - Incinerators, Burn-Off Ovens and Crematories  
**Section number(s):** Rule 313, All Sections
2. **The subject matter of the proposed rule(s):**  
Revised, proposed Rule 313 will regulate burn-off ovens and crematories in addition to incinerators. The proposed rule contains an additional 8 definitions for clarity and allows night burning if a continuous opacity meter is used. The proposed rule contains different temperature requirements and residence times for the three different types of units - incinerators, burn-off ovens and crematories. The proposed rule lists 4 additional EPA test methods to the two methods already listed in section 504.
3. **A citation to all published notices relating to this proceeding:**  
None to date
4. **The name and address of agency personnel with whom persons may communicate regarding the proposed rule(s):**  
Name: Patricia P. Nelson or Jo Crumbaker  
Address: 1001 N. Central Ave., Suite 695  
Phoenix, AZ 85004  
Telephone: (602) 506-6709 or (602) 506-6705  
Fax: (602) 506-6179  
E-mail: pnelson@mail.maricopa.gov or jcrumbak@mail.maricopa.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
To be announced in the Notice of Proposed Rulemaking
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
To be announced in the Notice of Proposed Rulemaking

### NOTICE OF FINAL RULEMAKING

#### RULE 319

#### MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

#### PREAMBLE

1. **Rules Affected** Rule 319 – Ginning Operations      **Rulemaking Action** 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. §§ 49-112(A) and 49-479  
Implementing statute: A.R.S. § 49-479
3. **The effective date of the rule:**  
November 19, 2003
4. **List of all previous notices addressing this rulemaking:**
  - a. Notice of Rulemaking Docket Opening (Rule 319)

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

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Volume # 9 A.A.R. Issue # 22, page 1712, May 30,2003 (rescinded)

**b. Notice of Rulemaking Docket Opening (Rule 319)**

Volume # 9, A.A.R. Issue # 29, page 3151, July 18, 2003

**c. Notice of Proposed Rulemaking, (Rule 319)**

Volume # 9, A.A.R. Issue # 33, page 3673, August 15,2003

**5. The name and address of department personnel with whom persons may communicate regarding this rulemaking:**

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**6. An explanation of the rules, including the department's reasons for initiating the rules:**

The first ginning operations rule was passed in April of 1999. Before this time, ginners were regulated by the process weight tables in Rule 311 and the 20% opacity standard in Rule 300, but there was no source specific rule addressing the cotton industry. The local cotton ginners, the National Cotton Ginners Association and the United States Department of Agriculture Ginning Research Laboratory all participated in the rulemaking process as stakeholders.

The ginning season of 1999 was the first season in which the stakeholders had submitted initial baseline studies of their systems wherein the County could determine compliance by establishing an acceptable operating range for static pressure, pressure drops and volumetric flows. These initial baseline studies were submitted to the County source testing engineers in the third quarter of 2000 to interpret the data. As a result of this evaluation, the County is amending the current rule by listing the testing parameters in section 502 that need be supplied to the County to determine compliance, both initially and weekly.

The revised rule specifies that the baseline study shall be performed under unloaded conditions e.g. devoid of any cotton in the system. Another amendment is the clarification of the expected inlet velocity ranges by referencing the values for numerical design velocity instead of referencing the +/- 20% of the designed gas flow in the current rule. The revised rule increases the frequency requirement of static pressure checks from a monthly basis to a weekly basis.

The revised rule clarifies the definitions of high efficiency cyclone by listing the different dimensions of the cyclones (cone length and diameter) and the different types of low and high pressure exhaust systems. The revised rule adds another test method, EPA Test Method 1, Sample and Velocity Traverses for Stationary Sources, to Section 503.

**7. A reference to any study relevant to the rule that the department reviewed and either relied on for its evaluation of or justification for the rules or relied on in its evaluation or justification for the rule; where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material:**

No studies were reviewed in reference to this rulemaking action.

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

No

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

The revised rule addresses administrative type changes which should cause no more economic impact on the stakeholders than the current rule. The more stringent testing requirement of weekly versus monthly static pressure checks may cause some cost to the ginners but the cost would be minimal since this check is relatively easy to perform. Stakeholders have estimated that the cost to them would be an hour of labor per week extra for these checks.

Projected costs to Maricopa County are minor and would be due to the recordkeeping requirement in section 502.2. The requirement to perform weekly checks of the design inlet velocity instead of monthly checks would lead a Maricopa County inspector to review 4 sets of numbers per month versus one set of numbers per month at the inspection. This impact on an inspector's work load would be very minimal.

**10. Description of the changes between the proposed rule, including supplemental notices and final rule:**

The following changes were made between the text of the proposed rule and the text of the final rule:

Section 203 -This change clarifies and expands the definition of ginning operations. The revised rule states that a ginning operation is "any facility or plant that processes raw harvested seed cotton by separating fiber from the seed, removes trash from both seed cotton and ginned fiber, and packages the cotton fiber into bales."

Section 205 and 206 - These changes reverse the order of the terms "SEED COTTON HANDLING AND TRASH SYSTEMS" AND "LINT HANDLING SYSTEM EXHAUST" into their proper alphabetical order. "LINT HANDLING SYSTEM EXHAUST" placed before the term "SEED COTTON HANDLING AND TRASH SYSTEMS."

Section 502.1- This change adds the statement that “Equivalent systems shall establish alternate baseline parameters through performance testing that are approved by the Control Officer in writing.”

Section 502.1 - This change reinstates the original text of the rule by listing the date of testing as prior to October 9,1999.

**11. A summary of the comments made regarding the rule and the department response to them:**

**Comment #1:** There is a typo or definition problem in the rule. The term “LINT HANDLING SYSTEMS EXHAUST” should be placed before the term “SEED COTTON HANDLING AND TRASH SYSTEMS EXHAUST” to place them in the correct alphabetical order.

**Response # 1:** The correction has been made.

**Comment # 2:** I have always thought that the definition of ginning operation was not quite correct. It should be something like: “Any facility or plant that processes raw harvested seed cotton by separating fiber from the seed, removes trash from both seed cotton and ginned fiber, and packages the cotton fiber into bales.”

**Response # 2:** The County will change the definition to reflect this.

**12. Any other matters prescribed by statute that are applicable to the specific department or to any specific rules or class of rules:**

Not applicable

**13. Incorporations by reference and their location in the rule:**

<b>New incorporations by reference:</b>	<b>Location</b>
EPA Reference Method(s) 1, Sample and Velocity Traverses for Stationary Sources	Section 503

<b>Incorporations by reference updated to 7/1/02:</b>	<b>Location</b>
40 CFR Part 60 Appendix A	Section 503

**14. Was this rule previously an emergency rule?**

No

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

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 319**

**GINNING OPERATIONS**

**INDEX**

**SECTION 100**No change

101 No change

102 No change

**SECTION 200**No change

201 No change

202 No change

203 No change

204 No change

205 ~~HIGH PRESSURE EXHAUST SYSTEM~~ LINT HANDLING SYSTEMS EXHAUST

206 ~~LOW PRESSURE EXHAUST~~ SEED COTTON HANDLING AND TRASH SYSTEMS EXHAUST

**SECTION 300**No change

301 No change

302 No change

303 No change

304 No change

**SECTION 400**No change

~~401 O&M COMPLIANCE SCHEDULE~~

~~402~~ 401 CONTROL EQUIPMENT COMPLIANCE PLAN SCHEDULE

**SECTION 500**No change

501 No change

502 ~~FLOW MAINTENANCE EVALUATIONS~~ COMPLIANCE DETERMINATION

503 ~~COMPLIANCE DETERMINATION~~ TEST METHODS ADOPTED BY REFERENCE

MARICOPA COUNTY

AIR POLLUTION CONTROL REGULATIONS

REGULATION III - CONTROL OF AIR CONTAMINANTS RULE 319

GINNING OPERATIONS

SECTION 100 No change

101 No change

102 No change

SECTION 200 **DEFINITIONS:** See Rule 100 (General Provisions And Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule. For the purposes of this rule the following definitions shall apply:

201 **EMISSION CONTROL SYSTEM (ECS)** - A system for ~~that reducing~~ reduces emissions of particulates, consisting of both collection and control devices ~~which~~ that are approved in writing by the Control Officer and are designed and operated in accordance with good engineering practices.

202 **EMISSIONS UNIT** - Any part of a stationary source ~~which that~~ emits or would have the potential to emit any regulated air pollutant. Each piece of equipment shall be considered a single emissions unit for the purposes of this rule.

203 **GINNING OPERATION** - Any facility or plant ~~which that~~ removes processes raw harvested seed cotton by separating fiber from the seed, removes trash from both seed cotton and ginned fiber, and packages the cotton fiber into bales, lint, and/or and trash from raw cotton and/or and bales of lint cotton.

204 **HIGH EFFICIENCY CYCLONE** - Any cyclone type collector of the 2D-2D or 1D-3D configuration, designations referring to the ratio of cylinder length to cone length, where D is the diameter of the cylinder portion. A 2D-2D cyclone ~~would exhibit a cylinder length of 2XxD and has a body and cone length of 2XxD that are twice as long as the cyclone diameter. A 1D-3D cyclone would exhibit~~ has a cylinder length body that is the same length as the diameter but the cone length is three times the diameter of 1XxD and a cone length of 3XxD.

~~206~~205 **LOW PRESSURE EXHAUST - LINT HANDLING SYSTEMS EXHAUST** - The exhaust air systems at a cotton gin ~~which that~~ handle air from the cotton lint handling system, battery condenser and mote handling systems.

~~205~~206 **HIGH PRESSURE EXHAUST - SEED COTTON HANDLING AND TRASH SYSTEMS EXHAUST**- The exhaust cotton handling air systems located at a cotton gin ~~which that~~ are not defined as "low pressure exhausts" lint handling systems exhaust."

SECTION 300 No change

301 No change

302 **CONTROLS REQUIRED:** An owner or operator shall ~~control~~ perform the following:

302.1 ~~Effective April 7, 2001,~~ control each unit that is fed by seed-cotton unloading, first seed-cotton cleaning and master trash systems ~~shall be controlled by~~ with an ECS that includes a 1D-3D cyclone or equivalent device with at least a 95% efficiency.

302.2 ~~No later than Effective April 7, 2004,~~ control the remaining high pressure seed cotton handling and trash exhaust emission units ~~shall be controlled by~~ with an ECS that includes a 1D-3D cyclone or equivalent device with at least a 95% efficiency.

302.3 ~~No later than Effective April 7, 2004,~~ control all low pressure lint handling exhaust emissions units ~~shall be controlled by~~ with an ECS that includes at least a 2D-2D cyclone or equivalent device with at least a 90% efficiency.

303 No change

303.1 No change

a. No change

b. No change

303.2 No change

303.3 No change

304 **TRASH HOPPER DUMPING:** Any owner or operator shall dump trash into a hopper that ~~shall~~ must utilize an enclosure with a minimum of two sides in order to minimize fugitive emissions. The sides of the enclosure shall prevent wind dispersion by ensuring that the height of the enclosure extends above the opening of the dumping device. If an auger is used to transport the trash into a hopper, the open end of the auger or auger sleeve shall be below the top of the enclosure.

SECTION 400 No change

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

~~401 O&M PLAN COMPLIANCE SCHEDULE:~~ Any owner or operator, employing an ECS device as of April 7, 1999 to meet the requirements of this rule, shall file by October 4, 1999 an O&M Plan with the Control Officer in accordance with subsection 501.2 of this rule.

~~402401 CONTROL EQUIPMENT COMPLIANCE PLAN SCHEDULE:~~ Any owner or operator ~~that who does not~~ comply has not complied with Section ~~300 302 or 304~~ of this rule as of ~~by~~ April 7, 1999, shall submit to the Control Officer:

~~a.~~ A ~~compliance plan~~ notice of intent to achieve compliance with this rule no later than October 4, 1999. ~~October 4, 1999~~180 days after the initial baseline test.

~~b.~~ A compliance plan, following the notice of intent, that specifies anticipated dates ~~The owner or operator shall specify dates for completing increments of progress in the plan. At a minimum this plan shall include a design scheme, actual date that the equipment was ordered or purchased, anticipated delivery date, installation schedule, anticipated start-up date and starting dates.~~ The Control Officer may require a person submitting a compliance plan to submit subsequent reports on progress in achieving compliance.

~~c.~~ No later than 180 days after the control equipment is considered to be in compliance with this rule, the owner or operator shall file the O & M Plan, as stated in Section 303 of this rule, ~~shall be filed by the owner or operator~~ with the Control Officer.

**SECTION 500** No change

**501 RECORDKEEPING AND REPORTING:** The owner or operator subject to this rule shall comply with the following record requirements. These records shall be kept for a period of five (5) years.

**501.1** No change

**501.2 ECS O&M Plan Records:** An owner or operator shall maintain a record of the periods of time that an approved ECS is used to comply with this rule. Key system parameters such as ~~flow rates fan static pressures, visible emission checks pressure drops~~ and other ~~conditions~~ variable parameters necessary to determine if the control equipment is functioning properly shall be recorded in accordance with the approved O&M Plan. The records shall account for any periods when the control system was not operating. The owner or operator shall also maintain records of all maintenance performed according to the O&M Plan. The results of the visual inspection, and any corrective action taken if necessary, shall also be recorded.

**502 FLOW MAINTENANCE EVALUATIONS COMPLIANCE DETERMINATIONS:** The owner or operator shall conduct maintenance evaluations of the control device to ensure continuing proper flow through the collection system. This evaluation shall consist of all of the following:

**502.1** An initial baseline study of the entire dust collection system to determine ~~its proper balance~~ if the system is properly balanced ~~of volumetric flow~~ to ensure maximum particulate matter collection efficiency. This evaluation shall be made prior to October 1999 following the adoption of this rule. If this initial baseline study shows that any of the systems are not properly balanced then a subsequent baseline study shall be made of the system or systems after the system or systems have been modified. This baseline study shall be conducted using EPA Method 2, as incorporated by reference in ~~subsection~~ 503.1(b). During the ~~baseline study, evaluation~~ the volumetric inlet velocity, fan static pressure flow downstream of each fan, and the cyclone pressure drop at local conditions shall also be determined and recorded for reference. The baseline study shall be performed under unloaded conditions. The cyclones shall be operated at +/- 20% of the designed gas ~~flow velocity~~ at local conditions. The design velocity is 2,700 to 3,600 ft./min. for 2D-2D cyclones and 2,800 to 3,600 ft./min for 1D-3D cyclones. The average pressure drop across each cyclone or set of cyclones or static pressure measured down flow of each fan will be established and recorded at local conditions for later reference. Equivalent systems shall establish alternate baseline parameters through source performance testing that are approved by the Control Officer in writing.

**502.2** ~~Monthly~~ Weekly checks referenced to the ~~initial~~ established baseline parameters shall be made to ensure that the control system is operating within +/- 20% of the designed ~~gas flow inlet velocity range~~ at local conditions. ~~as determined in the initial baseline study.~~ These checks shall be made by direct static pressure measurements at each fan using a manahelic, manometer, velometer or other equivalent measuring device approved by the Control Officer at the same sample ports that were used in the baseline study. using one of the following methods:

~~a.~~ Pressure drops across each cyclone using an anemometer, manahelic device, manometer, velometer or equivalent device.

~~b.~~ Static pressure measurements at each fan using a manahelic device, manometer, or velometer or referenced back to the baseline which was made using an approved method of measurement.

~~c.~~ Flow measurements at the approved location, defined in accordance with the O & M Plan, measured with a calibrated anemometer, manometer, velometer or equivalent device

502.3 No change

503 ~~COMPLIANCE DETERMINATION TEST METHODS ADOPTED BY REFERENCE:~~ The Environmental Protection Agency (EPA) test methods, as they exist in the Code of Federal Regulations, for those subparts of 40 CFR Part 60, Appendix A, adopted as of July 1, 1998 2002 as listed below, are adopted by reference. as indicated. This ~~These~~ adoptions by reference includes no future editions or amendments. Copies of test methods referenced in subsection 503.1 are available at the Maricopa County Environmental Services Department, Suite 201, 1001 North Central Avenue, Phoenix, AZ, 85004-1942.

503.1 No change

a. No change

b. No change

c. No change

d. Sample and Velocity Traverses for Stationary Sources: The sample and-velocity traverses shall be determined according to EPA Reference Method (s) 1, 40 CFR Part 60, Appendix A.

## NOTICE OF FINAL RULEMAKING

### MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

#### RULE 317 – HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

#### RULE 321 – MUNICIPAL SOLID WASTE LANDFILLS

#### RULE 360 – NEW SOURCE PERFORMANCE STANDARDS

#### RULE 370 – FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

#### RULE 371 – ACID RAIN

### PREAMBLE

**1. Sections affected**

Rule 317 § 300  
Rule 321 § 300  
Rule 360 § 300  
Rule 370 § 300  
Rule 371 § 300

**Action Taken**

Amended  
Amended  
Amended  
Amended  
Amended

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

Authorizing statutes: Arizona Revised Statutes, Title 49, Chapter 3, Article 3, Sections 471.08, 479 and 480 (A.R.S. § 49-471.08, A.R.S. § 49-479, A.R.S. § 49-480)

Implementing statutes: Arizona Revised Statutes, Title 49, Chapter 3, Article 3, Section 406(G) (A.R.S. § 49-406)

**3. The effective date of the rules:**

The date the Maricopa County Board of Supervisors adopts the rule

**4. List of all previous notices appearing in the register addressing the final rule:**

- a. Notice of Rulemaking Docket Opening:  
Volume 9 A.A.R. Issue 20, p. 1473, May 16, 2003
- b. Notice of Expedited Rulemaking:  
Volume 9 A.A.R. Issue 24, p. 1879, June 13, 2003
- c. Notice of Expedited Rulemaking:  
Volume 9 A.A.R. Issue 29, p. 3152, July 18, 2003

**5. Name and address of department personnel with whom persons may communicate regarding the rulemaking:**

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

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E-mail: jcrumbak@mail.maricopa.gov

**6. Explanation of the rule, including the department's reason for initiating the rule:**

Maricopa County updated its incorporations by reference of the following federal regulations: New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and Acid Rain as follows:

**Rule 317:** 40 C.F.R. 60, Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996, is incorporated by reference.

**Rule 321:** 40 C.F.R. 60, Subpart WWW, Municipal Solid Waste Landfills, is incorporated by reference.

**Rule 360:** Updates to the federal NSPS regulations are incorporated as of July 1, 2002.

**Rule 370:** Updates to the federal NESHAP regulations are incorporated as of July 1, 2002.

**Rule 371:** Updates to the federal Acid Rain regulations are incorporated as of July 1, 2002.

The Environmental Services Department is requesting delegation of authority for enforcement of the revisions in Rules 317, 321, 360, 370 and 371 from the U.S. Environmental Protection Agency.

A description of the new incorporations by reference follows:

[Added at 64 FR 31358, 06/10/1999]

**Part 60, Subpart AAAA** - Standards of Performance for Small Municipal Waste Combustion Units for which Construction is Commenced after August 30, 1999, or for which Modification or Reconstruction is Commenced after June 6, 2001 [Added at 65 FR 76355, 12/06/00]

**Part 60, Subpart BBBB** – Standards of Performance for New Small Municipal Waste Combustion Units [Added at 65 FR 76384, 12/06/00]

**Part 60, Subpart CCCC** – Standards of Performance for Commercial and Industrial Solid Waste Incinerators for which Construction is Commenced after November 30, 1999, or for which Modification or Reconstruction is Commenced on or after June 1, 2001 [Added 65 FR 75350, 12/01/00]

**Part 60, Subpart DDDD** – Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units [Added at 65 FR 75362, 12/01/00]

**Part 63, SUBPART MM** – National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite and Stand-Alone Semichemical Pulp Mills [Added at 66 FR 3193, 01/12/01]

**Part 63, SUBPART OOO** – National Emission Standards for Hazardous Air Pollutants from the Manufacture of Amino/Phenolic Resins [added at 65 FR 3290, 01/20/00]

**Part 63, SUBPART RRR** – National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production [added at 65 FR 15710, 03/23/00]

**Part 63, SUBPART UUU** – National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, And Sulfur Recovery Units [Added at 67 FR 17773, 04/11/02]

**Part 63, SUBPART VVV** – National Emission Standards for Hazardous Air Pollutants for Publicly Owned Treatment Works [Added at 67 FR 64745, 10/21/02]

**Part 63, SUBPART AAAA** – National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills [Amended at 68 FR 2238, 01/16/03]

**Part 63, SUBPART CCCC** – National Emission Standards for Hazardous Air Pollutants for Manufacture of Nutritional Yeast [Added at 66 FR 27884, 05/21/01]

**Part 63, SUBPART GGGG** – National Emission Standards for Hazardous Air Pollutants for Solvent Extraction for Vegetable Oil Production [Added at 66 FR 19011, 04/12/01]

**Part 63, SUBPART HHHH** – National Emission Standards for Hazardous Air Pollutants for Wet-formed Fiberglass Mat Production [Added at 67 FR 17835, 04/11/02]

**Part 63, SUBPART SSSS** – National Emission Standards for Hazardous Air Pollutants for Surface Coating of Metal Coil [Added at 67 FR 39812, 06/10/02]

**Part 63, SUBPART TTTT** – National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations [Added at 67 FR 9162, 02/27/02]

**Part 63, SUBPART UUUU** – National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing [Added at 67 FR 40055, 06/11/02]

**Section by Section Explanation of Changes:**

Rule 317 § 306: Updated the reference date from September 15, 1997 to July 1, 2002.

Rule 321 § 301: Updated the reference date from July 1, 1999 to July 1, 2002.

Rule 360 § 301: Updated the reference date from July 1, 1999 to July 1, 2002; administrative changes made to sections 301.8 and 301.9: in 301.8 added text that was missing, "or for which Modification or Reconstruction is Commenced after June 19, 1996" and in 301.9 deleted text, "or for which Modification Commenced After March 16, 1998"; added new Standards of Performance Subparts AAAA through DDDD, under sections 301.75 through 301.78.

Rule 370 § 104: Updated the reference year from 1998 to 2002.

Rule 370 § 207: Updated the reference year from 1998 to 2002.

Rule 370 § 301: Updated the reference date from July 1, 1999 to July 1, 2002.

Rule 370 § 302: Updated the reference date from July 1, 1999 to July 1, 2002; added new national emission standards Subparts MM, OOO, PPP, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, GGGG, HHHH, SSSS, TTTT, and UUUU under sections 302.28, and 302.49 through 302.62, respectively.

Rule 371 § 104: Updated the reference date from July 1, 1998 to July 1, 2002.

Rule 371 § 301: Updated the reference date from July 1, 1999 to July 1, 2002.

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

Maricopa County is in compliance with A.R.S. § 49-112(A) in that Maricopa County has adopted revisions to Rules 321, 360, 370, and 371 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 the Arizona Department of Environmental Quality (ADEQ) or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49.

The Section 112(B) demonstration does not apply because these particular rules are in that portion of Maricopa County's air quality program that is administered under direct statutory authority. Therefore, these rules are not being adopted/revised in lieu of a state program.

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

No studies were reviewed in reference to this rulemaking action.

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

Maricopa County has updated its incorporations by reference of the following federal regulations: New Source Performance Standards (NSPS); National Emission Standards for Hazardous Air Pollutants (NESHAP); and Acid Rain. There are no additional costs to the regulated community when incorporations are made of an already effective federal standard. The costs of compliance have already occurred, and were considered when the federal regulation was proposed and adopted. These revisions should not have an economic impact on businesses in Maricopa County and should not impose additional costs on the regulated community, small businesses, political subdivisions, and members of the public.

Maricopa County

Costs to Maricopa County are those that may accrue for implementation and enforcement of the new standards. Although there may be some small incremental costs due to this rulemaking, Maricopa County does not intend to hire any additional employees to implement or enforce these rules.

Health Benefits

Health benefits accrue to the general public whenever enforcement of environmental laws takes place. Adverse health effects from air pollution result in a number of economic and social consequences, including:

1. Medical Costs: These include personal out-of-pocket expenses of the affected individual (or family), plus costs paid by insurance or Medicare, for example.
2. Work loss: This includes lost personal income, plus lost productivity whether the individual is compensated for the time or not. For example, some individuals may perceive no income loss because they receive sick pay, but sick pay is a cost of business and reflects lost productivity.
3. Increased costs for chores and care giving: These include special care giving and services that are not reflected in medical costs. These costs may occur because some health effects reduce the affected individual's ability to undertake some or all normal chores, and she or he may require extra care.
4. Other social and economic costs: These include restrictions on or reduced enjoyment of leisure activities; discomfort or inconvenience, pain and suffering, anxiety about the future, and concern and inconvenience to family members.

Impact reduction on small businesses:

A.R.S. § 41-1055 requires Maricopa County to reduce the impact of regulation on small businesses by using certain methods when they are legal and feasible in meeting the statutory objectives of the rulemaking. A 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.” Rules 317, 321, 360, 370 and 371 mainly apply to large businesses, and Maricopa County is required to adopt the federal rules without reduction of stringency. Where federal rules impact small businesses, EPA is required by both the Regulatory Flexibility Act and the Small Business Regulatory Enforcement and Fairness Act to make certain adjustments in its own rulemakings.

**10. Description of the changes between the proposed rules, including supplemental notices and final rules:**

No changes were made between the proposed rules and the final rules.

**11. A summary of the comments made regarding the rule and the department response to them:**

No comments were received by Maricopa County regarding this rulemaking package.

**12. Any other matters prescribed by the statute that are applicable to the specific department or to any specific rule or class of rules:**

Not applicable

**13. Incorporations by reference and their location in the rules:**

<u>New incorporations by reference</u>	<u>Location</u>
40 C.F.R. 60, listed subparts and accompanying appendices	Rule 360, Section 300
40 C.F.R. 61, listed subparts and accompanying appendices	Rule 370, Section 300
40 C.F.R. 63, listed subparts and accompanying appendices	Rule 370, Section 300

**14. Was this rule previously an emergency rule?**

No

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

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 317**

**HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

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Adopted 04/07/93

Revised 04/07/99

Revised 11/19/03

**MARICOPA COUNTY**

**AIR POLLUTION CONTROL REGULATIONS**

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 317**

**HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

**SECTION 100 - GENERAL**

- 101 PURPOSE:** To control emissions of air pollutants from Hospital/Medical/Infectious Waste incinerators.
- 102 APPLICABILITY:** A Hospital/Medical/Infectious Waste Incinerator (HMIWI) commenced on or before June 20, 1996, or for which construction commenced on or before June 20, 1996, shall comply with this rule unless it fits any one of the following exceptions:
  - 102.1** A combustor is not subject to this rule when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned, provided the owner or operator of the combustor:
    - a.** Notifies the Control Officer of an exemption claim; and
    - b.** Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned.
  - 102.2** Any co-fired combustor is not subject to this rule if the owner or operator of the co-fired combustor:
    - a.** Notifies the Control Officer of an exemption claim;
    - b.** Provides an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels and/or wastes to be combusted; and
    - c.** Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.
  - 102.3** Any combustor required to have a permit under Title 42, United States Code Section 6925, Section 3005 of the Solid Waste Disposal Act is not subject to this rule.
  - 102.4** Any combustor which meets the applicability requirements under 40 C.F.R. 60, Subparts Cb, Ea, or Eb (standards or guidelines for certain municipal waste combustors) is not subject to this rule.
  - 102.5** Any pyrolysis unit is not subject to this rule.

102.6 Cement kilns firing hospital waste or medical/infectious waste are not subject to this rule.

102.7 Physical or operational changes made to an existing HMIWI unit solely for the purpose of complying with emission guidelines under this rule are not considered a modification and do not result in an existing HMIWI unit becoming subject to the provisions of 40 C.F.R. 60, Subpart Ec.

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

- 201 **BATCH HMIWI** - An HMIWI that is designed such that neither waste charging nor ash removal can occur during combustion.
- 202 **BIOLOGICALS** - Preparations made from living organisms and their products. This includes vaccines, cultures, etc., intended for use in diagnosing, immunizing, or treating humans or animals or in research pertaining thereto.
- 203 **BLOOD PRODUCTS** - Any product derived from human blood, including, but not limited to, blood plasma, platelets, red or white blood corpuscles, and other derived licensed products, such as interferon, etc.
- 204 **BODY FLUIDS** - Liquid emanating or derived from humans and limited to blood; dialysate; amniotic, cerebrospinal, synovial, pleural, peritoneal and pericardial fluids; and semen and vaginal secretions.
- 205 **BYPASS STACK** - A device used for discharging combustion gases to avoid severe damage to the air pollution control device or other equipment.
- 206 **CHEMOTHERAPEUTIC WASTE** - Waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.
- 207 **CO-FIRED COMBUSTOR** - A unit combusting hospital waste and/or medical/infectious waste with other fuels or wastes (e.g., coal, municipal solid waste) and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, 10 percent or less of the weight of which is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered "other" wastes when calculating the percentage of hospital waste and medical/infectious waste combusted.
- 208 **CONTINUOUS HMIWI** - An HMIWI that is designed to allow waste charging and ash removal during combustion.
- 209 **CREMATORY** - An incinerator used for the cremation of human and animal bodies, their body parts, and for the incineration of associated animal bedding.
- 210 **DIOXINS/FURANS** - The combined emissions of tetra-through octa-chlorinated dibenzo-para-dioxins and dibenzofurans, as measured by EPA Reference Method 23, found in 40 C.F.R. Part 60, Appendix A, and incorporated by reference per Section 301 of this rule.
- 211 **HOSPITAL** - Any facility which has an organized medical staff, maintains at least six inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of 24 hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuing medical supervision.
- 212 **HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATOR OR HMIWI OR HMIWI UNIT** - Any device that combusts any amount of hospital waste or medical/infectious waste.
- 213 **HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATOR OPERATOR OR HMIWI OPERATOR** - Any person who operates, controls or supervises the day-to-day operation of an HMIWI.
- 214 **HOSPITAL WASTE** - Discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.
- 215 **INFECTIOUS AGENT** - Any organism (such as a virus or bacteria) that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.
- 216 **INTERMITTENT HMIWI** - An HMIWI that is designed to allow waste charging, but not ash removal, during combustion.
- 217 **LARGE HMIWI:**
- 217.1 Except as provided in 217.2:
- a. An HMIWI whose maximum design waste burning capacity is more than 500 pounds per hour;  
or



- 221.4 Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips.
- 221.5 Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals.
- 221.6 Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.
- 221.7 Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.
- 222 **MEDIUM HMIWI:**
- 222.1 Except as provided in subsection 222.2:
- a. An HMIWI whose maximum design waste burning capacity is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or
  - b. A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or
  - c. A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day but less than or equal to 4,000 pounds per day.
- 222.2 The following are not medium HMIWI:
- a. A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour or more than 500 pounds per hour; or
  - b. A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day or less than or equal to 1,600 pounds per day.
- 223 **PATHOLOGICAL WASTE** - Waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding (if applicable).
- 224 **PYROLYSIS** - The endothermic gasification of hospital waste or medical/infectious waste using external energy.
- 225 **SHUTDOWN** - The period of time after all waste has been combusted in the primary chamber. For continuous HMIWI, shutdown shall commence no less than 2 hours after the last charge to the incinerator. For intermittent HMIWI, shutdown shall commence no less than 4 hours after the last charge to the incinerator. For batch HMIWI, shutdown shall commence no less than 5 hours after the high-air phase of combustion has been completed.
- 226 **SMALL HMIWI:**
- 226.1 Except as provided in subsection 226.2:
- a. An HMIWI whose maximum design waste burning capacity is less than or equal to 200 pounds per hour; or
  - b. A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour; or
  - c. A batch HMIWI whose maximum charge rate is less than or equal to 1,600 pounds per day.
- 226.2 The following are not small HMIWI:
- a. A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour; or
  - b. A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day.

**SECTION 300 - STANDARDS**

- 301 **HMIWI STANDARDS:** An existing HMIWI covered by this Section shall comply with 40 C.F.R. 60, subpart Ec, as modified by this subsection. 40 C.F.R. 60, Subpart Ec "Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996" is incorporated by reference in Rule 360 of the Maricopa County Air Pollution Control Regulations.

**302 HMIWI EMISSIONS GUIDELINES:** An HMIWI shall comply with the emissions guidelines in Table 1 listed below:

**Table 1**

**Emission Limits for Small, Medium, and Large HMIWI**

Pollutant	Units (7% oxygen, dry basis)	Emission Limits		
		HMIWI size		
		Small	Medium	Large
Cadmium	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.16 (0.07) or 65%	0.16 (0.07) or 65%	0.16 (0.07) or 65%
Carbon monoxide	Parts per million by volume	40	40	40
Dioxins/furans	Nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)
Hydrogen chloride	Parts per million by volume or percent reduction	100 or 93%	100 or 93%	100 or 93%
Lead	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	1.2 (0.52) or 70%	1.2 (0.52) or 70%	1.2 (0.52) or 70%
Mercury	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.55 (0.24) or 85%	0.55 (0.24) or 85%	0.55 (0.24) or 85%
Nitrogen oxides	Parts per million by volume	250	250	250
Particulate matter	Milligrams per dry standard cubic meter (grains per dry standard cubic foot)	115 (0.05)	69 (0.03)	34 (0.015)
Sulfur dioxide	Parts per million by volume	55	55	55

**303 OPACITY:** No owner or operator of an HMIWI shall cause to be discharged into the atmosphere from the stack of that HMIWI any gases that exhibit greater than 10 percent opacity (6-minute block average) or darker than 20 percent opacity for an aggregate of more than 30 seconds in any consecutive 60 minutes.

**304 LARGE HMIWI OPACITY:** A large HMIWI shall comply with the opacity requirements as specified in 40 C.F.R. 60, Section 60.52c (c), (d), and (e).

**305 NIGHT BURNING:** No person shall operate a medical waste incinerator between sunset and the following sunrise unless a continuous opacity (particulate) recorder is operating at all times when there is any combustion within the incinerator. Such recorder shall be in compliance with subsection 501.1 of this rule.

**306 INCORPORATION BY REFERENCE:** All C.F.R. references as of ~~September 15, 1997~~ July 1, 2002 that are listed below and in various sections of this rule are adopted by reference. These adoptions by reference include no future editions or amendments. Copies of these C.F.R. references are available at Maricopa County Environmental Services Department, 1001 N. Central Ave., Suite 201, Phoenix, AZ, 85004-1942.

- 40 C.F.R. Part 60, Subpart EC
- 40 C.F.R. Part 60, Section 60.52(c), (d), and (e)
- 40 C.F.R. Part 60, Section 60.56(c)
- 40 C.F.R. Part 60, Section 60.58c(b), (d), (e), and (f)
- 40 C.F.R. Part 60, Appendix A and Appendix B
- 40 C.F.R. Part 70

**307 EXEMPTIONS:** HMIWI subject to this Section are not subject to Rule 313.

**307.1** Any co-fired combustor or combustor that is not subject to this rule is still subject to Rule 313. (See Applicability, subsections 102.2, 102.3, and 102.4 of this rule.)

**307.2** A crematory whose incinerator burns only human remains is not a HMIWI and is not subject to this rule. It is subject to Rule 313. However, if the incinerator burns 10 percent or less of hospital waste and medical/infectious waste, it is a co-fired combustor subject only to notification and recordkeeping requirements, as specified in subsection 102.2 of this rule. If the incinerator burns more than 10 percent hospital waste and medical/infectious waste, it is subject to all of the requirements of this rule.

**SECTION 400 - ADMINISTRATIVE REQUIREMENTS**

**401 COMPLIANCE SCHEDULE:** Beginning either September 15, 2000, or on the effective date of an EPA approved operating permit program under Clean Air Act Title V and the implementing regulations under 40 C.F.R. Part 70 in Arizona, whichever date is later, designated facilities subject to this rule shall operate pursuant to a permit issued under the EPA-approved operating permit program.

**SECTION 500 - MONITORING AND RECORDS**

**501 PROVIDING AND MAINTAINING MONITORING DEVICES:** Except as provided in Section 502, all requirements for compliance and performance testing listed in 40 C.F.R. 60.56c shall be required of each HMIWI, excluding the fugitive emissions testing requirements under Sections 60.56c(b)(12) and (c)(3).

**501.1** Any person subject to Section 304 of this rule shall operate and maintain all of the following continuous data recording systems. All required systems shall be completely and properly operating during all periods of combustion within the incinerator, and each shall include a real-time recording device that creates a clear, legible record at all times of operation.

**501.2** Opacity of stack emissions or other indicator of particulate matter which is approved by the Control Officer. Pursuant to Section 305 of this rule, any incinerator burning after sunset must be equipped with a continuously recording opacity monitor, regardless of capacity. The opacity monitor shall be located after (downstream of) all control equipment, prior to the stack exit, and prior to any dilution with ambient air. The opacity monitor shall at all times comply with EPA Performance Specification 1 (40 C.F.R., Part 60, Appendix B) and shall be calibrated no less than once each day.

**502 RECORDKEEPING AND REPORTING:** Each HMIWI shall comply with the requirements listed in 40 C.F.R. 60.58c(b), (c), (d), (e), and (f), excluding 40 C.F.R. 60.58c(b)(2)(ii) (fugitive emissions) and (b)(7) (siting).

**503 HMIWI MONITORING REQUIREMENTS:** An existing HMIWI shall comply with the monitoring requirements of Section 60.57c of Subpart Ec.

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 321**

**MUNICIPAL SOLID WASTE LANDFILLS**

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**Adopted 05/14/97**  
**Revised 03/01/00**  
**Revised 03/07/01**  
**Revised 11/19/03**

**MARICOPA COUNTY**  
**AIR POLLUTION CONTROL REGULATIONS**  
**REGULATION III - CONTROL OF AIR CONTAMINANTS**  
**RULE 321**  
**MUNICIPAL SOLID WASTE LANDFILLS**

**SECTION 100 - GENERAL**

- 101 PURPOSE:** To limit the emission of non-methane organic compounds from municipal solid waste landfills.
- 102 APPLICABILITY:** The provisions of this rule shall apply to each municipal solid waste landfill for which construction commenced prior to May 30, 1991, and which has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition.
- 103 AVAILABILITY OF INFORMATION:** Copies of 40 C.F.R. 60, Subpart WWW are available at 1001 N. Central Avenue, Phoenix, Arizona, 85004, or call (602) 506-6700 for information.

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

- 201 ADMINISTRATOR** - The Control Officer, except that the Control Officer shall not be empowered to approve alternative or equivalent test methods.
- 202 AFFECTED FACILITY** - Any municipal solid waste landfill to which this rule is applicable.
- 203 COMMENCED** - State or condition where an owner or operator has undertaken a continuous program of construction; or where an owner or operator has entered into a contractual obligation to undertake and complete such a program.
- 204 CONSTRUCTION** - The fabrication, erection, or installation of an affected facility.
- 205 MODIFICATION** - Any physical change in, or change in the method of operation of, an affected facility which would result in a change in actual emissions.
- 206 MUNICIPAL SOLID WASTE LANDFILL (MSW LANDFILL)** - An entire, publicly or privately owned, disposal facility in a contiguous geographical space where household waste is placed in or on land. Portions of a MSW landfill may be separated by access roads.
- 207 NMOC** - Non-methane organic compound.
- 208 OWNER OR OPERATOR** - Any person who owns, leases, operates, controls, or supervises an affected facility.

**SECTION 300 - STANDARDS**

- 301 STANDARDS OF PERFORMANCE FOR MSW LANDFILLS:** The federal Standards of Performance for municipal solid waste landfills set forth in 40 C.F.R. 60, Subpart WWW adopted as of July 1, ~~1999~~ 2002, and all accompanying appendices, excluding 40 C.F.R. 60.750, are adopted and incorporated herein by reference with the amendments and revisions set forth in this section. This adoption by reference includes no future editions or revisions. Each owner or operator of an affected facility shall comply with the requirements of 40 C.F.R. 60, Subpart WWW as adopted and, where applicable, revised herein.
  - 301.1 Collection and Control System Design Plan:** 40 C.F.R. 60.752(b)(2)(i) is amended to read: "Submit a collection and control design plan prepared by a professional engineer to the Administrator for approval not later than 12 months after submittal of the initial NMOC emission rate report."
  - 301.2 Design Capacity Report:** 40 C.F.R. 60.757(a) is amended to read "Each owner or operator of an affected facility shall submit an initial design capacity report to the Administrator within 90 days from the effective date of this rule." 40 C.F.R. 60.757(a)(1) is deleted.
  - 301.3 NMOC Emission Rate Report:** 40 C.F.R. 60.757(b) is amended to read "Each owner or operator of an affected facility shall submit an NMOC emission rate report to the Administrator initially and annually thereafter, except as provided for in paragraphs (b)(1)(ii) or (b)(3) of this section. The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate." 40 C.F.R. 60.757(b)(1)(i) is amended to read: "The initial NMOC emission

rate report shall be submitted within 90 days from the effective date of this rule and may be combined with the initial design capacity report required in paragraph (a) of this section. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in paragraphs (b)(1)(ii) and (b)(3) of this section.”

- 302 DELAYED APPLICABILITY:** For an affected facility that first becomes subject to the collection and control system requirement of 40 C.F.R. 60.752 after the effective date of this rule, the design plan shall be due not later than 12 months after submittal or scheduled submittal of an NMOC emission rate report of 50 megagrams (55.12 tons) or more.

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 360**

**NEW SOURCE PERFORMANCE STANDARDS**

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Revised 07/13/88  
Revised 04/06/92  
Revised 11/20/96  
Revised 05/14/97  
Revised 08/19/98  
Revised 04/07/99  
Revised 03/01/00  
Revised 03/07/01  
Revised 11/19/93

**MARICOPA COUNTY**

**AIR POLLUTION CONTROL REGULATIONS**

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 360**

**NEW SOURCE PERFORMANCE STANDARDS**

**SECTION 100 - GENERAL**

- 101 PURPOSE:** To establish acceptable design and performance criteria for specified new or modified emission sources.

- 102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source which contains an affected facility on which the construction, reconstruction, or a modification is commenced after the date of publication of any standard applicable to such facility in the 40 C.F.R. 60. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 AVAILABILITY OF INFORMATION:** Copies of all 40 C.F.R., Part 60 revisions currently enforced by Maricopa County are available at 1001 N. Central Avenue, Phoenix, Arizona, 85004, or call (602) 506-6700 for information.
- 104 FEDERAL DELEGATION AUTHORITY:** Maricopa County shall enforce the following enumerated Federal Regulations (Part 60, Title 40 of the Code of Federal Regulations) which have heretofore been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. Maricopa County may in addition enforce such other Federal Regulations (Part 60, Title 40 of the Code of Federal Regulations) delegated to the County for such enforcement from time to time by EPA and which will be enumerated in any revision hereof.

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

- 201 ADMINISTRATOR** - As used in Part 60, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods or alternative standards/work practices.
- 202 AFFECTED FACILITY** - With reference to a stationary source, any apparatus to which a standard is applicable.
- 203 COMMENCED** - With respect to the definition of “new source” in Section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction, reconstruction, or modification or that an owner or operator has entered into a contracted obligation to undertake and complete, within a reasonable time, a continuous program of construction, reconstruction or modification.
- 204 CONSTRUCTION** - The fabrication, erection, or installation of an affected facility.
- 205 MODIFICATION** - Any physical change in, or change in the method of operation of, an existing facility which increases the amount of any contaminant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air contaminant (to which a standard applies) into the atmosphere not previously emitted.
- 206 OWNER OR OPERATOR** - Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.
- 207 STANDARD** - A standard of performance promulgated under this rule.
- 208 STATIONARY SOURCE** - Any building, structure, facility, or installation which emits or may emit any air pollutant.

**SECTION 300 - STANDARDS**

- 301 ADOPTED FEDERAL STANDARDS:** The federal Standards of Performance for those subparts of 40 C.F.R. 60 adopted as of July 1, ~~1999~~ 2002, as listed below, and all accompanying appendices are adopted by reference as indicated. This adoption by reference includes no future editions or amendments.
- 301.1 SUBPART A** - General Provisions; exclude 60.4, 60.5, and 60.6, and any sections dealing with equivalency determinations or innovative technology waivers, as covered in Sections 111(h)(3) and 111(j) respectively of the Clean Air Act
- 301.2 SUBPART D** - Standards of Performance for Fossil Fuel Fired Steam Generators for which Construction is Commenced after August 17, 1971
- 301.3 SUBPART Da** - Standards of Performance for Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978; exclude 60.45a
- 301.4 SUBPART Db** - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units; exclude 60.44b(f), 60.44b(g), and 60.49b(a)(4)
- 301.5 SUBPART Dc** - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units
- 301.6 SUBPART E** - Standards of Performance for Incinerators
- 301.7 SUBPART Ea** - Standards of Performance for Municipal Waste Combustors for which Construction is Commenced after December 20, 1989 and on or Before September 20, 1994
- 301.8 SUBPART Eb** - Standards of Performance for Municipal Waste Combustors for which Construction is Commenced after September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996

*Arizona Administrative Register / Secretary of State*

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

- 301.9** **SUBPART Ec** - Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced after June 20, 1996 ~~Or For Which Modification Commenced After March 16, 1998~~
- 301.10** **SUBPART F** - Standards of Performance for Portland Cement Plants
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- 301.15** **SUBPART K** - Standards of Performance for Storage Vessels of Petroleum Liquids for which Construction, Reconstruction or Modification Commenced after June 11, 1973 and Prior to May 19, 1978
- 301.16** **SUBPART Ka** - Standards of Performance for Storage Vessels of Petroleum Liquids for which Construction, Reconstruction or Modification Commenced after May 18, 1978 and Prior to July 23, 1984
- 301.17** **SUBPART Kb** - Standards of Performance for Volatile Organic Liquid Storage Vessels for which Construction, Reconstruction or Modification Commenced after July 23, 1984 (Including Petroleum Liquid Storage Vessels); exclude 60.111b(f)(4), 60.114b, 60.116b(e)(3)(iii), 60.116b(e)(3)(iv), and 60.116b(f)(2)(iii)
- 301.18** **SUBPART L** - Standards of Performance for Secondary Lead Smelters
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- 301.27** **SUBPART T** - Standards of Performance for Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants
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- 301.39** **SUBPART EE** - Standards of Performance for Surface Coating of Metal Furniture
- 301.40** **SUBPART GG** - Standard of Performance for Stationary Gas Turbines; exclude 60.332(a)(3) and 60.335(a)(ii)
- 301.41** **SUBPART HH** - Standards of Performance for Lime Manufacturing Plants
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- 301.43** **SUBPART LL** - Standards of Performance for Metallic Mineral Processing Plants
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- 301.53** **SUBPART WW** - Standards of Performance for Beverage Can Surface Coating Industry; exclude 60.495(a)(i) and 60.493(b)(2)(i)(A)
- 301.54** **SUBPART XX** - Standards of Performance for Bulk Gasoline Terminals
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- 301.56** **SUBPART BBB** - Standards of Performance for Rubber Tire Manufacturing Plants; exclude 60.543(c)(2)(ii)(B)
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- 301.58** **SUBPART FFF** - Standards of Performance for Flexible Vinyl and Urethane Coating and Printing
- 301.59** **SUBPART GGG** - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries; exclude 60.592(c)
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- 301.61** **SUBPART III** - Standards of Performance for Volatile Organic Compound Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes; exclude 60.613(e)
- 301.62** **SUBPART JJJ** - Standards of Performance for Petroleum Dry Cleaners; exclude 60.623
- 301.63** **SUBPART KKK** - Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants
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**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 370**

**FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

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Revised 07/13/88  
Revised 04/06/92  
Repealed and Adopted 11/15/93  
Revised 11/20/96  
Revised 05/14/97  
Revised 05/20/98  
Revised 08/19/98  
Revised 03/01/00  
Revised 03/07/01  
Revised 11/19/03

MARICOPA COUNTY

AIR POLLUTION CONTROL REGULATIONS

REGULATION III - CONTROL OF AIR CONTAMINANTS

RULE 370

FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

SECTION 100 - GENERAL

- 101 PURPOSE:** To establish emission standards for federally listed hazardous air pollutants.
- 102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source for which a standard is prescribed under this rule, and for which federal delegation of the implementation and enforcement of the standards to Maricopa County has been accomplished. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 AVAILABILITY OF INFORMATION:** Copies of all 40 C.F.R., Part 61 and Part 63 revisions currently enforced by Maricopa County are available at 1001 N. Central Avenue, Phoenix, Arizona, 85004, or by calling (602) 506-6700 for information.
- 104 FEDERAL DELEGATION AUTHORITY:** Maricopa County shall enforce the national emission standards for hazardous air pollutants (40 C.F.R. Part 61 and Part 63 (~~1998~~ 2002)) (NESHAPs) listed in Section 300 of this rule which have heretofore been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. Maricopa County may in addition enforce such other NESHAPs as may be delegated by the EPA to the County from time to time.

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

- 201 EXISTING SOURCE** - Any stationary source other than a new source.
- 202 FEDERALLY LISTED HAZARDOUS AIR POLLUTANT** - Any air pollutant listed pursuant to Section 112(b) of the Act.
- 203 HAZARDOUS AIR POLLUTANT** - Any air pollutant regulated under Section 112 of the Act, any air pollutant subject to NESHAP, or any air pollutant designated by the Director as a hazardous air pollutant pursuant to A.R.S. § 49-426.04.
- 204 MAJOR SOURCE** - A stationary source or group of stationary sources located within a contiguous area, and under common control, and that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any federally listed hazardous air pollutant or 25 tons per year or more of any combination of federally listed hazardous air pollutants. A lesser quantity or, in the case of radionuclides, a different criteria may be established by the Administrator pursuant to Section 112 of the Act and may be adopted by the Board of Supervisors by rule.
- 205 MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT)** - An emission standard that requires the maximum degree of reduction in emissions of federally listed hazardous air pollutants subject to this rule, including a prohibition on such emissions where achievable, that the Control Officer, after considering the cost of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements, determines is achievable by a source to which such standard applies, through application of measures, processes, methods, systems or techniques, including measures which do one or more of the following:
- 205.1** Reduce the volume of, or eliminate emissions of, such pollutants through process changes, substitution of materials or other modifications.
- 205.2** Enclose systems or processes to eliminate emissions.
- 205.3** Collect, capture or treat such pollutants when released from a process, stack, storage or fugitive emissions point.
- 205.4** Are design, equipment, work practice, or operational standards, including requirements for operator training or certification.
- 205.5** Are a combination of the above.
- 206 MODIFICATION** - Any physical change in, or change in the method of operation of, a major source which increases the actual emissions of any federally listed hazardous air pollutant emitted by such source by more than a de minimis amount, or which results in the emission of any federally listed hazardous air pollutant, not previously emitted by more than a de minimis amount.

- 207 NESHAP - National emission standards for hazardous air pollutants pursuant to 40 C.F.R. Part 61 and Part 63 (~~1998~~ 2002).
- 208 NEW SOURCE - A stationary source, the construction or reconstruction of which commences after the Administrator first proposes regulations under Section 112 of the Act establishing an emission standard applicable to such source, and after an applicable rule is adopted by the Board of Supervisors.
- 209 STATIONARY SOURCE - Any building, structure, facility, or installation which emits or may emit any air pollutant.

**SECTION 300 - STANDARDS**

- 301 **STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS:**

The federally listed hazardous air pollutants as listed in Table I and NESHAPs adopted as of July 1, ~~1999~~ 2002, as listed below and as which can be found at 40 C.F.R. 61.01 through 61.358, and all accompanying appendices, are incorporated herein by reference with the listed exclusions and additions and shall be applied by the Control Officer. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein.
- 301.1 **SUBPART A** - General Provisions; exclude Sections 61.04(b), 61.06, 61.12(d)(1), 61.13(h)(1)(ii), 61.14, 61.15 and any sections dealing with equivalency determinations that are nontransferable through Section 112(e)(3) of the Act
- 301.2 **SUBPART C** - National Emission Standard for Beryllium
- 301.3 **SUBPART D** - National Emission Standard for Beryllium Rocket Motor Firing
- 301.4 **SUBPART E** - National Emission Standard for Mercury; exclude 61.53(c)(4) and 61.55(d)
- 301.5 **SUBPART F** - National Emission Standard for Vinyl Chloride; exclude 61.66
- 301.6 **SUBPART J** - National Emission Standard for Benzene Fugitive Emissions Sources/Equipment Leaks; exclude 61.112(c)
- 301.7 **SUBPART L** - National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants; exclude 61.136(d)
- 301.8 **SUBPART M** - National Emission Standard for Asbestos; exclude 61.149(c)(2), 61.150(a)(4), 61.151(c)(2), 61.152(b)(3), 61.153(c), 61.154(b)(2), 61.154(d), 61.155(a), and 61.156(d)
  - a. Each owner or operator of a demolition activity or renovation activity involving a facility as defined in 40 C.F.R. 61, Subpart M shall:
    - (1) Fully comply with all requirements of 40 C.F.R. 61, Subpart M.
    - (2) Provide the Control Officer with written notification in the manner described in 40 C.F.R. 61.145 of intention to demolish or to renovate.
    - (3) Inspect the facility within 12 months of commencement of demolition or renovation activity.
    - (4) Pay all applicable fees prescribed by Rule 280 of these rules.
  - b. In addition, each owner or operator of a demolition activity or renovation activity shall comply with the following requirements:
    - (1) Certification, training, and record keeping requirements:
      - (a) All facilities scheduled for demolition or renovation shall be inspected by a currently certified Asbestos Hazard Emergency Response Act (AHERA) accredited asbestos building inspector (herein referenced as inspector), as required by either AHERA or the Asbestos School Hazard Abatement Reauthorization Act (ASHARA).
      - (b) Each owner and operator of a facility shall maintain a copy of any reports of inspections made for a facility for two years, including laboratory test results of samples collected, and shall submit a statement to the Control Officer verifying that the facility was inspected and verifying whether or not asbestos containing material (ACM) was found.
      - (c) All asbestos workers shall be AHERA trained, and an AHERA/ASHARA trained asbestos contractor/supervisor shall be on-site at all times during active asbestos abatement work.
    - (2) Asbestos renovation and demolition standards:

- (a) Category I nonfriable ACM and Category II nonfriable ACM that remain nonfriable Category I ACM and nonfriable Category II ACM shall be removed so as not to create visible dust emissions during removal and transport to the disposal site.
- (b) Inspection viewing devices at facilities are required at all asbestos renovation and abatement projects where regulated ACM is being abated, except for roofing projects involving Category I nonfriable ACM and Category II nonfriable ACM exclusively. Viewing devices shall be so designed as to allow an inspector to view the facility from the outside, either through ports or by video monitoring.
- (c) The friable portion of regulated ACM shall be kept adequately wet and contained in transparent, leak-tight wrapping or 6-mil poly bags to prevent dust emissions during removal, transport, storage, and proper landfill disposal following local, county, state, and federal regulations. Each wrapping or bag shall be labeled with the name and address of the location that generated the ACM.

- 301.9 **SUBPART N** - National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants; exclude 61.164(a)(2) and 61.164(a)(3)
- 301.10 **SUBPART O** - National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters; exclude 61.172(b)(2)(ii)(B), 61.172(b)(2)(ii)(C), 61.174(a)(2), and 61.174(a)(3)
- 301.11 **SUBPART P** - National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities
- 301.12 **SUBPART V** - National Emission Standard for Volatile Hazardous Air Pollutants - Fugitive Emissions/Equipment Leaks; exclude 61.242-1(c)(2) and 61.244
- 301.13 **SUBPART Y** - National Emission Standard for Benzene Storage Vessels; exclude 61.273
- 301.14 **SUBPART BB** - National Emission Standard for Benzene Transfer Operations
- 301.15 **Subpart FF** - National Emission Standards for Benzene Waste Operations; exclude 61.353

302 **STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES:** The federally listed hazardous air pollutants as listed in Table I and NESHAPs adopted as of July 1, ~~1999~~ 2002, as listed below and as which can be found at 40 C.F.R. 63, and all accompanying appendices, are incorporated herein by reference with the listed exclusions and additions and shall be applied by the Control Officer. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein.

- 302.1 **SUBPART A** - General Provisions
- 302.2 **SUBPART B** - Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections 112(g) and 112(j)
- 302.3 **SUBPART D** - Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants
- 302.4 **SUBPART F** - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry
- 302.5 **SUBPART G** - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater
- 302.6 **SUBPART H** - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks; exclude 63.177
- 302.7 **SUBPART I** - National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
- 302.8 **SUBPART L** - National Emission Standards for Coke Oven Batteries; exclude 63.302(d); 63.304(b)(6); 63.305(b), (d), and (e); 63.307(d)
- 302.9 **SUBPART M** - National Emission Standards for Perchloroethylene for Dry Cleaning Facilities
- 302.10 **SUBPART N** - National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
- 302.11 **SUBPART O** - National Emission Standards for Ethylene Oxide for Sterilization Facilities

- 302.12** **SUBPART Q** - National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers
- 302.13** **SUBPART R** - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations); exclude 63.426, 63.427(a)(5)
- 302.14** **SUBPART S** – National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry
- 302.15** **SUBPART T** - National Emission Standards for Halogenated Solvent Cleaning
- 302.16** **SUBPART U** - National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
- 302.17** **SUBPART W** - National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production
- 302.18** **SUBPART X** - National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting
- 302.19** **SUBPART AA** – National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants
- 302.20** **SUBPART BB** - National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants
- 302.21** **SUBPART CC** - National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries
- 302.22** **SUBPART DD** - National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations
- 302.23** **SUBPART EE** - National Emission Standards for Magnetic Tape Manufacturing Operations
- 302.24** **SUBPART GG** - National Emission Standards for Aerospace Manufacturing and Rework Facilities
- 302.25** **SUBPART HH** - National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities
- 302.26** **SUBPART JJ** - National Emission Standards for Wood Furniture Manufacturing Operations
- 302.27** **SUBPART KK** - National Emission Standards for the Printing and Publishing Industry; exclude 63.827(b), 63.827(c)
- 302.28** **SUBPART MM** – National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite and Stand-Alone Semicheical Pulp Mills
- 302.29** **SUBPART OO** - National Emission Standards for Tanks - Level 1
- 302.30** **SUBPART PP** - National Emission Standards for Containers
- 302.31** **SUBPART QQ** - National Emission Standards for Surface Impoundments
- 302.32** **SUBPART RR** - National Emission Standards for Individual Drain Systems
- 302.33** **SUBPART SS** – National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or Process
- 302.34** **SUBPART TT** – National Emission Standards for Equipment Leaks – Control Level 1
- 302.35** **SUBPART UU** – National Emission Standards for Equipment Leaks – Control Level 2 Standards
- 302.36** **SUBPART VV** - National Emission Standards for Oil-Water Separators and Organic-Water Separators
- 302.37** **SUBPART WW** – National Emission Standards for Storage Vessels (Tanks) – Control Level 2
- 302.38** **SUBPART YY** - National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards
- 302.39** **SUBPART CCC** - National Emission Standards for Hazardous Air Pollutants for Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants
- 302.40** **SUBPART DDD** - National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production
- 302.41** **SUBPART EEE** - National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors
- 302.42** **SUBPART GGG** - National Emission Standards for Pharmaceuticals Production
- 302.43** **SUBPART HHH** - National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities
- 302.44** **SUBPART III** - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production

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- 302.45** **SUBPART JJJ** - National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins
- 302.46** **SUBPART LLL** - National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry
- 302.47** **SUBPART MMM** - National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production
- 302.48** **SUBPART NNN** - National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing
- 302.49** **SUBPART OOO** – National Emission Standards for Hazardous Air Pollutants from the Manufacture of Amino/Phenolic Resins
- 302.50** **SUBPART PPP** – National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production
- 302.51** **SUBPART RRR** – National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production
- 302.52** **SUBPART TTT** – National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting
- 302.53** **SUBPART UUU** – National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, And Sulfur Recovery Units
- 302.54** **SUBPART VVV** – National Emission Standards for Hazardous Air Pollutants for Publicly Owned Treatment Works
- 302.55** **SUBPART XXX** – National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese
- 302.56** **SUBPART AAAA** – National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills
- 302.57** **SUBPART CCCC** – National Emission Standards for Hazardous Air Pollutants for Manufacture of Nutritional Yeast
- 302.58** **SUBPART GGGG** – National Emission Standards for Hazardous Air Pollutants for Solvent Extraction for Vegetable Oil Production
- 302.59** **SUBPART HHHH** – National Emission Standards for Hazardous Air Pollutants for Wet-formed Fiberglass Mat Production
- 302.60** **SUBPART SSSS** – National Emission Standards for Hazardous Air Pollutants for Surface Coating of Metal Coil
- 302.61** **SUBPART TTTT** – National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations
- 302.62** **SUBPART UUUU** – National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing

**303 ADDITIONAL REQUIREMENTS:**

- 303.1** From the general standards identified in Section 301 of this rule, delete 40 C.F.R. 61.04.
- 303.2** When the Administrator adopts and makes effective emission standards pursuant to Section 112(d) or 112(f) of the Act, the Control Officer may enforce those standards as prescribed by the Administrator.
- 303.3** Where the Act has established provisions, including specific schedules, for the regulation of source categories pursuant to Section 112(e)(5) and 112(n) of the Act, the Control Officer may enforce those provisions.
- 303.4** For any category or subcategory of sources licensed by the U.S. Nuclear Regulatory Commission, the Board of Supervisors shall not adopt and the Control Officer shall not enforce any standard or limitation respecting emissions of radionuclides which is more stringent than the standard or limitation adopted by the Administrator pursuant to Section 112 of the Act.
- 303.5** If the Administrator finds by rule that regulation is not appropriate or necessary or that alternative control strategies should be applied, the Control Officer shall administer and enforce this rule based on the Administrator’s findings.

**SECTION 400 - ADMINISTRATIVE REQUIREMENTS**

- 401 CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES IN ACCORDANCE WITH CLEAN AIR ACT SECTIONS, SECTIONS 112(g) AND 112(j):** 40 C.F.R. 63.50-56 are adopted by reference.
- 402 COMPLIANCE EXTENSIONS FOR EARLY REDUCTION OF FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS:** 40 C.F.R. 63.70-81 and Table I are adopted by reference.

**TABLE I**

**FEDERAL LIST OF HAZARDOUS AIR POLLUTANTS**

A. All of the following are federally listed hazardous air pollutants:

<u>CAS No.</u>	<u>Chemical Name</u>
75-07-0	Acetaldehyde
60-35-5	Acetamide
75-05-8	Acetonitrile
98-86-2	Acetophenone
53-96-3	2-Acetylaminofluorene
107-02-8	Acrolein
79-06-1	Acrylamide
79-10-7	Acrylic acid
107-13-1	Acrylonitrile
107-05-1	Allyl chloride
92-67-1	4-Aminobiphenyl
62-53-3	Aniline
90-04-0	o-Anisidine
1332-21-4	Asbestos
71-43-2	Benzene (including benzene from gasoline)
92-87-5	Benzidine
98-07-7	Benzotrichloride
100-44-7	Benzyl chloride
92-52-4	Biphenyl
117-81-7	Bis(2-ethylhexyl)phthalate (DEHP)
542-88-1	Bis(chloromethyl)ether
75-25-2	Bromoform
106-99-0	1,3-Butadiene
156-62-7	Calcium cyanamide
105-60-2	Caprolactam
133-06-2	Captan
63-25-2	Carbaryl
75-15-0	Carbon disulfide
56-23-5	Carbon tetrachloride
463-58-1	Carbonyl sulfide
120-80-9	Catechol
133-90-4	Chloramben
57-74-9	Chlordane
7782-50-5	Chlorine
79-11-8	Chloroacetic acid
532-27-4	2-Chloroacetophenone
108-90-7	Chlorobenzene
510-15-6	Chlorobenzilate

CAS No.      Chemical Name

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67-66-3	Chloroform
107-30-2	Chloromethyl methyl ether
126-99-8	Chloroprene
1319-77-3	Cresols/Cresylic acid (isomers and mixture)
95-48-7	o-Cresol
108-39-4	m-Cresol
106-44-5	p-Cresol
98-82-8	Cumene
94-75-7	2,4-D, salts and esters
3547-04-4	DDE
334-88-3	Diazomethane
132-64-9	Dibenzofurans
96-12-8	1,2-Dibromo-3-chloropropane
84-74-2	Dibutylphthalate
106-46-7	1,4-Dichlorobenzene(p)
91-94-1	3,3-Dichlorobenzidene
111-44-4	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542-75-6	1,3-Dichloropropene
62-73-7	Dichlorvos
111-42-2	Diethanolamine
121-69-7	N,N-Diethyl aniline (N,N-Dimethylaniline)
64-67-5	Diethyl sulfate
119-90-4	3,3-Dimethoxybenzidine
60-11-7	Dimethyl aminoazobenzene
119-93-7	3,3-Dimethyl benzidine
79-44-7	Dimethyl carbamoyl chloride
68-12-2	Dimethyl formamide
57-14-7	1,1-Dimethyl hydrazine
131-11-3	Dimethyl phthalate
77-78-1	Dimethyl sulfate
534-52-1	4,6-Dinitro-o-cresol, and salts
51-28-5	2,4-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
123-91-1	1,4-Dioxane (1,4-Diethyleneoxide)
122-66-7	1,2-Diphenylhydrazine

<u>CAS No.</u>	<u>Chemical Name</u>
106-89-8	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106-88-7	1,2-Epoxybutane
140-88-5	Ethyl acrylate
100-41-4	Ethyl benzene
51-79-6	Ethyl carbamate (Urethane)
75-00-3	Ethyl chloride (Chloroethane)
106-93-4	Ethylene dibromide (Dibromoethane)
107-06-2	Ethylene dichloride (1,2-Dichloroethane)
107-21-1	Ethylene glycol
151-56-4	Ethylene imine (Aziridine)
75-21-8	Ethylene oxide
96-45-7	Ethylene thiourea
75-34-3	Ethylidene dichloride (1,1-Dichloroethane)
50-00-0	Formaldehyde
76-44-8	Heptachlor

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118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
77-47-4	Hexachlorocyclopentadiene
67-72-1	Hexachloroethane
822-06-0	Hexamethylene- 1,6-diisocyanate
680-31-9	Hexamethylphosphoramide
110-54-3	<u>n</u> -Hexane
302-01-2	Hydrazine
7647-01-0	Hydrochloric acid
7664-39-3	Hydrogen fluoride (Hydrofluoric acid)
123-31-9	Hydroquinone
78-59-1	Isophorone
58-89-9	Lindane (all isomers)
108-31-6	Maleic anhydride
67-56-1	Methanol
72-43-5	Methoxychlor
74-83-9	Methyl bromide (Bromomethane)
74-87-3	Methyl chloride (Chloromethane)
71-55-6	Methyl chloroform (1,1,1-Trichloroethane)
78-93-3	Methyl ethyl ketone (2-Butanone)
60-34-4	Methyl hydrazine

<u>CAS No.</u>	<u>Chemical Name</u>
74-88-4	Methyl iodide (Iodomethane)
108-10-1	Methyl isobutyl ketone (Hexone)
624-83-9	Methyl isocyanate
80-62-6	Methyl methacrylate
1634-04-4	Methyl tert butyl ether
101-14-4	4,4-Methylene bis(2-chloroaniline)
75-09-2	Methylene chloride (Dichloromethane)
101-68-8	Methylene diphenyl diisocyanate (MDI)
101-77-9	4,4-Methylenedianiline
91-20-3	Naphthalene
98-95-3	Nitrobenzene
92-93-3	4-Nitrobiphenyl
100-02-7	4-Nitrophenol
79-46-9	2-Nitropropane
684-93-5	N-Nitroso-N-methylurea
62-75-9	N-Nitrosodimethylamine
59-89-2	N-Nitrosomorpholine
56-38-2	Parathion
82-68-8	Pentachloronitrobenzene (Quintobenzene)
87-86-5	Pentachlorophenol
108-95-2	Phenol
106-50-3	p-Phenylenediamine
75-44-5	Phosgene
7803-51-2	Phosphine
7723-14-0	Phosphorus
85-44-9	Phthalic anhydride
1336-36-3	Polychlorinated biphenyls (Aroclors)
1120-71-4	1,3-Propane sultone
57-57-8	beta-Propiolactone

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123-38-6	Propionaldehyde
114-26-1	Propoxur (Baygon)
78-87-5	Propylene dichloride (1,2-Dichloropropane)
75-56-9	Propylene oxide
75-55-8	1,2-Propylenimine(2-Methyl aziridine)
91-22-5	Quinoline
106-51-4	Quinone
100-42-5	Styrene
96-09-3	Styrene oxide

<u>CAS No.</u>	<u>Chemical Name</u>
1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethylene (Perchloroethylene)
7550-45-0	Titanium tetrachloride
108-88-3	Toluene
95-80-7	2,4-Toluene diamine
584-84-9	2,4-Toluene diisocyanate
95-53-4	o-Toluidine
8001-35-2	Toxaphene (chlorinated camphene)
120-82-1	1,2,4-Trichlorobenzene
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethylene
95-95-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol
121-44-8	Triethylamine
1582-09-8	Trifluralin
540-84-1	2,2,4-Trimethylpentane
108-05-4	Vinyl acetate
593-60-2	Vinyl bromide
75-01-4	Vinyl chloride

<u>CAS No.</u>	<u>Chemical Name</u>
75-35-4	Vinylidene chloride (1,1-Dichloroethylene)
1330-20-7	Xylenes (isomers and mixture)
95-47-6	o-Xylenes
108-38-3	m-Xylenes
106-42-3	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds <sup>[1]</sup>
0	Glycol ethers <sup>[2]</sup>
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds

- 0 Fine mineral fibers<sup>[3]</sup>
- 0 Nickel Compounds
- 0 Polycyclic Organic Matter<sup>[4]</sup>
- 0 Radionuclides (including radon)<sup>[5]</sup>
- 0 Selenium Compounds

**B.** The following applies for all listings above which contain the word "compounds" or are glycol ethers: unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

- (1) X'CN where X = H' or any other group where a formal dissociation may occur (e.g. KCN or Ca(CN)<sub>2</sub>).
- (2) Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OR' where:
  - n = 1, 2, or 3;
  - R = alkyl or aryl groups;
  - R' = R, H, or groups which, when removed, yield glycol ethers with the structure: R-(OCH<sub>2</sub>CH)<sub>n</sub>-OH.
  - Polymers are excluded from the glycol category.
- (3) Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter one micrometer or less.
- (4) Includes organic compounds which have more than one benzene ring and which have a boiling point greater than or equal to 212° F (100° C). (Limited to, or refers to, products from incomplete combustion of organic compounds and pyrolysis processes.)
- (5) A type of atom which spontaneously undergoes radioactive decay.

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 371**

**ACID RAIN**

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Adopted 02/15/95  
Revised 04/03/96  
Revised 03/01/00  
Revised 03/07/01  
Revised 11/19/03

**MARICOPA COUNTY**

**AIR POLLUTION CONTROL REGULATIONS**

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 371**

**ACID RAIN**

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**SECTION 100 - GENERAL**

- 101 PURPOSE:** To incorporate by reference the Acid Rain federal regulations in order to obtain delegated authority to enforce portions of the Clean Air Act Amendments of 1990 (CAAA).
- 102 APPLICABILITY:** This rule applies to those affected units as described in 40 Code Of Federal Regulations (C.F.R.) 72.6 which has been adopted by reference.
- 103 SEVERABILITY:** If the provisions or requirements of the regulations incorporated pursuant to this rule conflict with any of the remaining portions of these rules, the regulations incorporated pursuant to this rule shall apply and shall take precedence.
- 104 AVAILABILITY OF INFORMATION:** Copies of 40 C.F.R. Part 72 (Permits Regulation), 40 C.F.R. Part 74 (Sulfur Dioxide Opt-Ins), 40 C.F.R. Part 75 (Continuous Emission Monitoring), and 40 C.F.R. 76 (Acid Rain Nitrogen Oxides Emission Reduction Program) and all accompanying appendices, adopted as of July 1, ~~1999~~ 2002, (and no future additions) incorporated by reference currently enforced by Maricopa County are available at 1001 North Central Avenue, Suite 201, Phoenix, Arizona 85004, or call 602-506-6700 for information.

**SECTION 300 - STANDARDS**

- 301 INCORPORATED SUBPARTS OF THE FEDERAL ACID RAIN REGULATIONS:** 40 C.F.R. Parts 72, 74, 75 and 76 and all accompanying appendices, adopted as of July 1, ~~1999~~ 2002, (and no future additions) are incorporated by reference.
- 302 FEDERAL REGULATORY REVISIONS:** The Maricopa County Board of Supervisors shall take action following promulgation by the Environmental Protection Agency (EPA) of regulations implementing Section 407 and Section 410 of the Clean Air Act (CAA), or revising either Part 72, 74, 75, and/or 76 of the regulations implementing Section 407 or Section 410 of the CAA, to either incorporate such new or revised provisions by reference or to submit, for EPA approval, Maricopa County regulations implementing these provisions.