

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.

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

P.O. BOX 987

FLORENCE, ARIZONA 85232

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

NOTICE OF FINAL RULEMAKING

PINAL COUNTY AIR QUALITY CONTROL DISTRICT CODE OF REGULATIONS

PREAMBLE

1. Sections Affected

§3-6-565	Amend
§4-3-080	Amend
§6-1-030	Amend
§7-1-020	Amend
§7-1-030	Amend
Title Page - Code of Regulations (Preface)	Amend

Rulemaking Action

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

Authorizing statutes: Arizona Revised Statutes (A.R.S.) §§ 49-412, 49-479, and 49-501

A.R.S. § 49-479 allows the Board of Supervisors to adopt rules to regulate air quality, which must be at least as stringent as the rules adopted by the Arizona Department of Environmental Quality (ADEQ). A.R.S. § 49-112 requires a specific justification for adoption of rules that are “more stringent” or “in addition to” rules adopted by ADEQ.

3. The effective date of the rules:

December 3, 2003 - date of public hearing and resolution approval by the Board of Supervisors.

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

Notice of Rulemaking Docket Opening: 9 A.A.R. 3894-97, September 5, 2003

Notice of Proposed Rulemaking: 9 A.A.R. 4748, October 31, 2003

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

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

6. An explanation of the rule, including the District’s reasons for initiating the rule:

- A. Summary: This rule revision updates the incorporations by reference of the following federal regulations: New Source Performance Standards (NSPS), National Emissions Standards for Hazardous Air Pollutants (NESHAP), and Acid Rain. The PCAQCD will be requesting delegation of authority for enforcement of the revisions in the changes to the NSPS and NESHAP. In addition, amendments were made to the Title Page (Preface) and §4-3-080 to update a recent change in the contact telephone number for the Pinal County Air Quality Control District (PCAQCD).
- B. Structure of Authority: A.R.S. § 49-479 provides the Board of Supervisors with general air quality rulemaking authority. PCAQCD is in compliance with A.R.S. § 49-112(A) since the District is proposing to adopt revisions to the rules that are not more stringent than nor in addition to a provision of A.R.S. Title 49 or rules adopted by the Director of the Arizona

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Department of Environmental Quality (ADEQ) or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49.

- C. A.R.S. § 49-112(B) does apply because, under A.R.S. § 49-402, these county rules do operate in lieu of ADEQ rules. These changes still conform to the requirements of A.R.S. § 49-112(B). Initially, these changes do not affect existing permit fees. Secondly, Pinal has previously shown that for sources regulated by ADEQ, Pinal County's fees are capped at a level equal to or less than those of ADEQ. Lastly, Pinal County has previously shown that based on reasonably projected costs of program administration, Pinal County's projected fee revenues will not exceed those program costs.
- D. At both the county and state levels, these rules implement federal requirements according to each federal program identified or applicable source type. These rules do not alter the meaning or effect of the state rules and federal regulations from which they derived, as the rule revisions implement federal requirements.
- E. Section by Section Explanation of significant changes:

§3-6-565. Adoption of 40 Code of Federal Regulations (C.F.R.) by reference: Incorporated by Reference with new date of July 1, 2002.

§4-3-080. Emissions from Existing and New Non-Point Sources: Construction Sites -Fugitive Dust:

Revised telephone contact number.

§6-1-030. Performance Standards:

- 1. Added the appropriate Sections of 40 CFR 60 after each subpart for easier reference.
- 2. Added text that was missing, "or for which modification or reconstruction is commenced after June 19, 1996" for Subpart Eb.
- 3. Deleted text, "or for which modification commenced after March 16, 1998" for Subpart Ec.
- 4. Incorporated by Reference with new date of July 1, 2002, the following 40 C.F.R. 60 Subparts:
 - 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 Federal Register (FR) 76355, 12/06/00]
 - Subpart BBBB - Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units [Added at 65 FR 76384, 12/06/00]
 - Subpart CCCC - Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for which construction is commenced after November 30, 1999, or for which modification or reconstruction is commenced on or after June 1, 2001 [Added at 65 FR 75350, 12/01/00]
 - Subpart DDDD - Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that commenced Construction on or before November 30, 1999 [Added at 65 FR 76362, 12/01/01]

§7-1-030. Performance Standards for Federally Listed Hazardous Air Pollutants:

- 1. Added the appropriate Sections of 40 CFR 63 after each subpart for easier reference.
- 2. Added "Reserved" for Subparts not published or adopted and renumbered listing numbers.
- 3. Incorporated by Reference with new date of July 18, 2003, the following 40 C.F.R. 63 Subparts:
 - Subpart MM - NESHAP for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-alone Semi-chemical Pulp Mills [Added at 66 FR 3193, 01/12/01]
 - Subpart OOO - NESHAP from the Manufacture of Amino/Phenolic Resins [Added at 66 FR 3290, 01/20/00]
 - Subpart PPP - NESHAP for Polyether Polyols Production [Added at 64 FR 29439, 06/01/99]
 - Subpart QQQ - NESHAP for Primary Copper Smelters [Added at 67 FR 40491, 06/12/02]
 - Subpart RRR - NESHAP for Secondary Aluminum Production [Added at 65 FR 15710, 03/23/00]
 - Subpart UUU - NESHAP for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units [Added at 67 FR 17773, 04/11/02]
 - Subpart VVV - NESHAP for Publicly Owned Treatment Works [Added at 67 FR 64745, 10/21/02]
 - Subpart AAAA - NESHAP for Municipal Solid Waste Landfills [Added at 68 FR 2238, 01/16/03]
 - Subpart CCCC - NESHAP for Manufacture of Nutritional Yeast [Added at 66 FR 27884, 05/21/01]
 - Subpart GGGG - NESHAP for Solvent Extraction for Vegetable Oil Production [Added at 66 FR 19011, 04/12/01]
 - Subpart HHHH - NESHAP for Wet-Formed Fiberglass Mat Production [Added at 67 FR 17835, 04/11/02]
 - Subpart SSSS - NESHAP for Surface Coating of Metal Coil [Added at 67 FR 39812, 06/10/02]
 - Subpart TTTT - NESHAP for Leather Finishing Operations [Added at 67 FR 9162, 02/27/02]
 - Subpart UUUU - NESHAP for Cellulose Products Manufacturing [Added at 67 FR 40055, 06/11/02]

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

None, other than the cited statutes and rules.

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 the state:

Not applicable

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

PCAQCD is updating 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. These revisions should not have any economic impact on businesses in Pinal County and should not impose additional costs on the regulated community, small businesses, political subdivisions, and members of the public. These updates do not establish fees, any costs associated with these rule revisions will come from permit application fees for sources obtaining a permit revision to reflect new emission limits, due to applicability of a new standard. Therefore, fees associated with these rules will be exactly the same as fees associated with similar permits.

The changes will not affect state revenues.

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

The following typographical errors and corrections were made after the publication in the *Arizona Administrative Register* on October 31, 2003, and were discussed during the November 12, 2003 stakeholder meeting and the November 26, 2003 oral proceeding:

§7-1-030 was renumbered and updated to reflect errors discovered during the stakeholder process. These updates include Subparts B, Q, R, T, and W of 40 CFR Part 61, and Subparts C, E, Y, and II of 40 CFR Part 63.

§7-1-030. - Added: 100. Subpart VVVV - NESHAP for New and Existing Boat Manufacturing Facilities (§§63.5695-63.5935 and Tables)

11. The full text of the final rules follows:

CODE OF REGULATIONS

AS AMENDED ~~DECEMBER 13, 2000~~ DECEMBER 3, 2003

PREPARED BY

AIR QUALITY CONTROL DISTRICT STAFF

PREFACE

CODIFICATION NOTES

- ° This document constitutes a courtesy-codification by District staff of the combination of rules and amendments as approved by the Pinal County Board of Supervisors by:
 1. Resolution No. 62993-AQ, adopted on June 29, 1993;
 2. Resolution No. 113993-PII and Resolution No. 11393-PIA, adopted November 3, 1993;
 3. Resolution No. 81194-SM, adopted August 11, 1994;
 4. Resolution No. 82994-SIP, adopted August 29, 1994;
 5. Resolution No. 22295-REV, adopted February 22, 1995;
 6. Resolution No. 101295-AQ1., adopted October 12, 1995;
 7. Resolution Nos. 62096-AQ1 and 62096-Q2, adopted on June 20, 1996
 8. Resolution No. 51497-AQC, adopted May 14, 1997
 9. Resolution No. 62597-AQC, adopted June 25, 1997.
 10. Resolution No. 52798-AQC, adopted May 27, 1998.
 11. Resolution No. 62298-AQC, adopted June 22, 1998.
 12. Resolution No. 72998-AQ2, adopted July 29, 1998.
 13. Resolution No. 071200-AQC, adopted July 12, 2000.
 14. Resolution No. 121300-AQ4, adopted December 13, 2000.
 15. Resolution No. 050301-A.C., adopted on May 30, 2001.
 16. Resolution No. 090501-AQ3, adopted on September 5, 2001.

17. Resolution No. 121901-AQ1, adopted on December 19, 2001.
18. Resolution No. 060502-AQ1, adopted June 5, 2002.
19. Resolution No. 120402-AQ1, adopted on December 4, 2002.
20. Resolution No. 120402-AQ3, adopted on December 4, 2002.
21. Resolution No. 081303-AQ1, adopted on August 13, 2003.
22. Resolution No. 081303-AQ2, adopted on August 13, 2003.
23. Resolution No. 120303-AQ1, adopted on December 3, 2003.

- In addition, certain elements of other rule-sets adopted prior to above-enumerated actions by the Board retain continued vitality. All constitute Administrator-approved elements of the Arizona State Implementation Plan. As elements of the foregoing resolutions, the Board of Supervisors proposed a conditional repeal of all of those provisions, which repeal remains contingent upon the Administrator's approval of their deletion from the SIP, which approval would in most but not all cases be coupled with SIP-approval of a successor provision within the current provisions of this Code. Relevant predecessor provisions include:
 1. Appendix H; Pinal-Gila Counties Air Quality Control District Rules, as adopted by the Pinal County Board of Supervisors on March 31, 1975, and approved by the Administrator as elements of the Arizona State Implementation Plan at 43 F.R. 50531 (11/15/78), **including certain deletions approved at 62 F.R. 34641 (6/27/97).**
 2. Appendix I; Pinal-Gila Counties Air Quality Control District Rules, as adopted by the Pinal County Board of Supervisors on March 31, 1975, and approved by the Administrator as elements of the Arizona State Implementation Plan at 44 F.R. 73033 (12/17/79).
 3. Appendix J; Pinal-Gila Counties Air Quality Control District Rules, as adopted by the Pinal County Board of Supervisors on June 16, 1980, and approved by the Administrator as elements of the Arizona State Implementation Plan at 47 F.R. 15579 (4/12/82).
- In 1996, the EPA approved elements of the District's pending SIP submittal. See 61 F.R. 15717 (4/9/96). The approved elements generally pertained to the District's attainment-area minor- and major-NGR programs. Although the newly approved elements necessarily logically supersede certain portions of the earlier SIP-approved rules, the April 1996 action did not expressly rescind the SIP-approval of those earlier rules. To provide a ready reference-definition of those portions of the Code, or earlier rules, that have been EPA-approved as elements of the Arizona SIP, Appendix K now includes a copy of the most recent EPA-promulgated "Pinal County Applicable State Implementation Plan Log."

FORMAT

This Code is organized in outline format with divisions, subdivisions, numbering and lettering schemes having the meanings indicated below:

- | | |
|---------------|--|
| Chapter: | Arabic numerals, e.g., Chapter 1 |
| Article: | Arabic numerals subdividing the chapter, e.g., Article 1 |
| Section: | Three-part Arabic numerals further subdividing the article, with the first and second parts identical to the corresponding chapter and article number, respectively, e.g., 1-3-010 is Section 010 of Chapter 1, Article 3. |
| Subsection: | Single uppercase letter in alphabetical order, e.g., A. |
| Subdivision: | Single-digit Arabic numeral, in numerical order, e.g., 1. |
| Paragraph: | Single lowercase letter, in alphabetical order, e.g., a. |
| Subparagraph: | Lower case Roman numeral, in numerical order, e.g., I. |
| Item: | Arabic numeral, in numerical order, in parentheses, e.g., (1). |

REGULATORY REFORM

The Pinal County Air Quality Control District has an on-going program of regulatory review to evaluate the Code for need, effectiveness, enforceability, clarity, simplicity and consistency with other statutory provisions. Please direct comments or suggestions to:

Pinal County Air Quality Control District
Post Office Box 987
Florence, Arizona 85232
(520) ~~868-6929~~ 866-6929

ARTICLE 6. FEDERAL ACID RAIN PROGRAM

3-6-565. Adoption of 40 C.F.R. Part 72 by reference

- A. The following subparts of 40 CFR Part 72, Permits Regulation, and all accompanying appendices adopted as of ~~December 31, 1997~~ July 1, 2002 (and no future amendments) are incorporated by reference. These standards are on file with the District and shall be applied by the District.
1. Subpart A - Acid Rain Program General Provisions.
 2. Subpart B - Designated Representative.
 3. Subpart C - Acid Rain Applications.
 4. Subpart D - Acid Rain Compliance Plan and Compliance Options.
 5. Subpart E - Acid Rain Permit Contents.
 6. Subpart F - Federal Acid Rain Permit Issuance Procedures.
 7. Subpart G - Acid Rain Phase II Implementation.
 8. Subpart H - Permit Revisions.
 9. Subpart I - Compliance Certification.
- B. 40 Parts 74, 75 and 76 and all accompanying appendices, adopted as of December 31, 1997 (and no future amendments) are incorporated by reference. These standards are on file with the District and shall be applied by the District.
- C. When used in 40 CFR Parts 72, 74, 75 or 76, "Permitting Authority" means the Pinal County Air Quality Control District and "Administrator" means the Administrator of the United States Environmental Protection Agency.
- D. If the provisions or requirements of the regulations incorporated in this section conflict with any of the other provisions of this Code, then the regulations incorporated in this section shall apply and take precedence.

[Adopted effective November 3, 1993. Amended February 22, 1995. Revised May 27, 1998 and ratified July 29, 1998; revised July 29, 1998, and amended December 3, 2003, with succeeding changes conditioned upon EPA approval of a revision to the District's Title V program as approved at 61 Fed. Reg. 55910 (10/30/96).]

4-3-080. Registration Requirements

Prior to engaging in affected activities on a job site, at least one affected party shall file a registration form with the Control Officer, pay the appropriate fee, and receive a registration notice from the Control Officer.

1. Registration Form:
 - a. The applicant shall present a registration on a form approved by the Control Officer, and shall include all essential identification information as specified on that form.
 - b. Each registration shall also include a plot plan with linear dimensions in feet. The plot plan must be on 8 1/2 by 11 inch paper, and may be on one or more sheets. The plan should identify the parcel, the street address, the direction north, the total area to be disturbed and indicates sources of fugitive dust emission on the plot plan (delivery, transport, and storage areas).
 - c. Using the options on the registration form or in the applicant's own words, each registration application shall contain an explanation of the control measures and work practices to be utilized on the project.
 - d. Using the options on the registration form or in the applicant's own words, each registration application shall contain an explanation of how the applicant will demonstrate compliance with this rule, by demonstrating after-the-fact that the control measures and work practices proposed in the registration were in fact utilized on the project. A demonstration of compliance would typically include a daily written log at the work site, or the maintenance of invoices and/or payments reflecting the cost of the control measures.
2. Registration acknowledgment:
 - a. The registration acknowledgment from the control officer will contain the universal performance standard and conditions regarding the necessary control measures and work practices specific to the applicable project as proposed by the registrant.
 - b. The registration acknowledgment shall contain a provision that all registrants keep records documenting the actual application or implementation of the control measures delineated in the registration application for at least 30 days following the termination of the registration acknowledgment.
 - c. The registration acknowledgment shall be valid for a period of not more than one year from the date of issue, and may be renewed by providing the Control Officer a new registration application and payment of the appropriate fee.
 - d. Registrants shall notify the Control Officer within five working days of the start and completion of the project.
 - e. At all sites that are five acres or larger, registrants shall erect a project information sign at the main entrance that is visible to the public or at each end of the road construction project site. The sign shall be a minimum of 24 inches tall by 30 inches wide, have a white background, have the words "DUST CONTROL" shown in black block lettering which is at least four inches high, and shall contain the following information in a legible fashion:

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- i. Project Name
- ii. Name and phone number of person(s) responsible for conducting project
- iii. Text stating: Dust Complaints? Call Pinal County Air Quality Control District at (520) 868-6929/866-6929.

CHAPTER 6. NEW SOURCE PERFORMANCE STANDARDS

ARTICLE 1. ADOPTED DOCUMENTS

6-1-030. Performance standards

The standards of performance established in those subparts of 40 C.F.R. Part 60, adopted or revised as of July 1, ~~1997~~ 2002, or such other adoption date as specified below, and listed below, including all accompanying appendices, are adopted by reference with the listed exceptions:

1. SUBPART A - General Provisions (§§60.1-60.19)
2. SUBPART D - Fossil Fuel-Fired Steam Generators for which construction is commenced after August 17, 1971 (§§60.40-60.46)
3. SUBPART Da - Electric Utility Steam Generating Units for which construction is commenced after September 18, 1978 (§§60.40a-60.49a)
4. SUBPART Db - Utility Industrial, Commercial, Institutional Steam Generating Units (§§60.40b-60.49b)
5. SUBPART Dc - Small Industrial, Commercial, Institutional Steam Generating Units (§§60.40c-60.48c)
6. SUBPART E - Incinerators (§§60.50-60.54)
7. SUBPART Ea - Municipal Waste Combustors for which Construction is Commenced after December 20 1989, and on or before September 20, 1994 (§§60.50a-60.59a)
8. Subpart Eb - Municipal Waste Combustors for which Construction is Commenced after September 20, 1994 or for which modification or reconstruction is commenced after June 19, 1996. (§§60.50b-60.59b)
9. SUBPART Ec - Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for which construction commenced after June 20, 1996 or for which modifications commenced after March 16, 1998. (§§60.50c-60.58c)
10. SUBPART F - Portland Cement Plants (§§60.60-60.66)
11. SUBPART G - Nitric Acid Plants (§§60.70-60.74)
12. SUBPART H - Sulfuric Acid Plants (§§60.80-60.86)
13. SUBPART I - Asphaltic Concrete Plants (§§60.90-60.93)
14. SUBPART J - Petroleum Refineries (§§60.100-60.109)
15. SUBPART K - Storage Vessels of Petroleum Liquids for which construction, reconstruction or modification commenced after June 11, 1973 and prior to May 19, 1978. (§§60.110-60.113)
16. SUBPART Ka - Volatile Organic Liquid Storage Vessels for which construction, reconstruction or modification commenced after May 18, 1978 and prior to July 23, 1984. (§§60.110-60.115a)
17. SUBPART Kb - Volatile Organic Liquid Storage Vessels for which construction, reconstruction or modification commenced after July 23, 1984 (including petroleum liquid storage vessels) (§§60.110b-60.117b)
18. SUBPART L - Secondary Lead Smelters (§§60.120-60.123)
19. SUBPART M - Secondary Brass and Bronze Production Plants (§§60.130-60.133)
20. SUBPART N - Iron and Steel Plants from Basic Oxygen Process Furnaces (§§60.140-60.144)
21. SUBPART Na - Iron and Steel Plants - Secondary Emissions from Basic Oxygen Process Furnaces for which construction commenced after January 20, 1983 (§§60.140a-60.145a)
22. SUBPART O - Sewage Treatment Plants (§§60.150-60.156)
23. SUBPART P - Primary Copper Smelters (§§60.160-60.166)
24. SUBPART Q - Primary Zinc Smelters (§§60.170-60.176)
25. SUBPART R - Primary Lead Smelters (§§60.180-60.186)
26. SUBPART S - Primary Aluminum Reduction Plants (§§60.190-60.195)
27. SUBPART T - Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants (§§60.200-60.204)
28. SUBPART U - Phosphate Fertilizer Industry: Superphosphoric Acid Plants (§§60.210-60.214)
29. SUBPART V - Phosphate Fertilizer Industry: Diammonium Phosphate Plants (§§60.220-60.224)
30. SUBPART W - Phosphate Fertilizer Industry: Triple Superphosphate Plants (§§60.230-60.234)
31. SUBPART X - Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities (§§60.240-60.244)
32. SUBPART Y - Coal Preparation Plants (§§60.250-60.254)
33. SUBPART Z - Ferro-Alloy Production Facilities (§§60.260-60.266)
34. SUBPART AA - Steel Plants: Electric Arc Furnaces constructed after October 21, 1974 and on or before August 17, 1983 (§§60.270-60.276)

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35. SUBPART AAa - Steel Plants: Electric Arc Furnaces and Argon Oxygen Decarburization Vessels constructed after August 17, 1983 (§§60.270a-60.276a)
36. SUBPART BB - Kraft Pulp Mills (§§60.280-60.285)
37. SUBPART CC - Glass Manufacturing Plants (§§60.290-60.296)
38. SUBPART DD - Grain Elevators (§§60.300-60.304)
39. SUBPART EE - Surface Coating of Metal Furniture (§§60.310-60.316)
40. SUBPART GG - Stationary Gas Turbines (§§60.330-60.335)
41. SUBPART HH - Lime Manufacturing Plants (§§60.340-60.344)
42. SUBPART KK - Lead-Acid Battery Manufacturing Plants (§§60.370-60.374)
43. SUBPART LL - Metallic Mineral Processing Plants (§§60.380-60.386)
44. SUBPART MM - Automobile and Light Duty Truck Surface Coating Operations (§§60.390-60.398)
45. SUBPART NN - Phosphate Rock Plants (§§60.400-60.404)
46. SUBPART PP - Ammonium Sulfate Manufacture (§§60.420-60.424)
47. SUBPART QQ - Graphic Arts Industry: Publication Rotogravure Printing (§§60.430-60.435)
48. SUBPART RR - Pressure Sensitive Tape and Label Surface Coating Operations (§§60.440-60.447)
49. SUBPART SS - Industrial Surface Coating: Large Appliances (§§60.450-60.456)
50. SUBPART TT - Metal Coil Surface Coating (§§60.460-60.466)
51. SUBPART UU - Asphalt Processing and Asphalt Roofing Manufacture (§§60.470-60.474)
52. SUBPART VV - Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry (§§60.480-60.489)
53. SUBPART WW - Beverage Can Surface Coating Industry (§§60.490-60.496)
54. SUBPART XX - Bulk Gasoline Terminals (§§60.500-60.506)
55. SUBPART AAA - New Residential Wood Heaters (§§60.530-60.539b)
56. SUBPART BBB - Rubber Tire Manufacturing Plants (§§60.540-60.548)
57. SUBPART DDD - Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry (§§60.560-60.566)
58. SUBPART FFF - Flexible Vinyl and Urethane Coating and Printing (§§60.580-60.585)
59. SUBPART GGG - Equipment Leaks of VOC in Petroleum Refineries (§§60.590-60.593)
60. SUBPART HHH - Synthetic Fiber Production Facilities (§§60.600-60.604)
61. SUBPART III - Volatile Organic Compound Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes (§§60.610-60.618)
62. SUBPART JJJ - Petroleum Dry Cleaners (§§60.620-60.636)
63. SUBPART KKK - Equipment Leaks of VOC from Onshore Natural Gas Processing Plants (§§60.630-60.636)
64. SUBPART LLL - Onshore Natural Gas Processing: SO₂ Emissions (§§60.640-60.648)
65. SUBPART NNN - Volatile Organic Compound Emissions from the Synthetic Organic Chemical Manufacturing Industry Distillation Operations (§§60.660-60.668)
66. SUBPART OOO - Non-Metallic Mineral Processing Plants (§§60.670-60.676)
67. SUBPART PPP - Wool Fiberglass Insulation Manufacturing Plants (§§60.680-60.685)
68. SUBPART QQQ - Petroleum Refinery Wastewater Systems (§§60.690-60.699)
69. Subpart RRR - Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes (58 FR 45962, August 31, 1993.) (§§60.700-60.708)
70. SUBPART SSS - Magnetic Tape Coating Facilities (§§60.710-60.718)
71. SUBPART TTT - Industrial Surface Coating: Plastic Parts for Business Machines (§§60.720-60.726)
72. Subpart UUU - Calciners and Dryers in Mineral Industries (§§60.730-60.737).
73. Subpart VVV - Polymeric Coating of Supporting Substrates Facilities (§§60.740-60.748).
74. Subpart WWW - Municipal Solid Waste Landfills (§§60.750-60.759).
75. Reserved.
76. Reserved.
77. Reserved.
78. 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 (§§60.1000-60.1465).
79. Subpart BBBB - Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999 (§§60.1500-60.1940).
80. Subpart CCCC - Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction is Commenced After November 30, 1999 for Which Modification or Reconstruction is Commenced on or After June 1, 2001 (§§60.2000-60.2265).

81. Subpart DDDD - Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999 (§§60.2500-60.2875).

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended June 20, 1996. Revised May 14, 1997. Revised May 27, 1998 and ratified July 29, 1998. Revised on July 12, 2000. Amended December 3, 2003.]

CHAPTER 7. HAZARDOUS AIR POLLUTANT STANDARDS

ARTICLE 1. FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

7-1-020. Definitions

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

1. ACCIDENTAL RELEASE - An unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.
2. ADMINISTRATOR - As used in any Subpart of the C.F.R. incorporated under this Article shall mean the Control Officer, subject to the limitations established in this Article.
3. AREA SOURCE - Any stationary source of federally listed hazardous air pollutants that is not a major source, but not including motor vehicles or non-road vehicles subject to regulation under Subchapter II of the Clean Air Act (1990).
4. EXISTING SOURCE - Any stationary source other than a new source.
5. MAJOR SOURCE - Any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, ten (10) tons per year or more of any federally listed hazardous air pollutant or twenty-five (25) tons per year or more of any combination of federally listed hazardous air pollutants. A lesser quantity, or in the case of radionuclides, different criteria, may be established by the Administrator pursuant to §112 of the Clean Air Act (1990) and adopted by the Control Officer by rule.
6. 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 an amount numerically equal to a corresponding *de minimis* amount or which results in the emission of any federally listed hazardous air pollutant not previously emitted by more than a relevant *de minimis* amount. A physical change to a source, or change in the method of operation of a source, is not a modification if the change complies with the offset requirements of §112(g)(1) of the Clean Air Act (1990), which is hereby incorporated by reference.
7. NEW SOURCE - A stationary source, the construction or reconstruction of which is commenced after the Administrator first proposes regulations under §112 of the Clean Air Act (1990) establishing an emission standard applicable to such source.
8. REGULATED SUBSTANCE - Any substance listed under §112(r)(3) of the Clean Air Act (1990) or 40 C.F.R. §68.130 (~~1992~~ 65 FR 13250, March 13, 2000).
9. THRESHOLD QUANTITY - The quantity specified for regulated substances under §112(r)(5) of the Clean Air Act (1990) or listed in 40 C.F.R. §68.130 (~~1992~~ 65 FR 13250, March 13, 2000) and determined to be present at a stationary source as specified in 40 C.F.R. §68.53 (~~1992~~ 65 FR 13250, March 13, 2000).

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

7-1-030. Performance standards for federally listed hazardous air pollutants

- A. Subject to the specified exceptions, the following Subparts of 40 CFR Part 61 and 63, NESHAPs, along with accompanying appendices, adopted by the Administrator as of July 18, ~~1998~~ 2003, and other than as expressly defined below, no future editions, are hereby adopted by reference:
1. SUBPART A - General Provisions (§§61.01-61.19)
 2. SUBPART C - Beryllium (§§61.30-61.34)
 3. SUBPART D - Beryllium Rocket Motor Firing (§§61.40-61.44)
 4. SUBPART E - Mercury (§§61.50-61.56)
 5. SUBPART F - Vinyl Chloride (§§61.60-61.71)
 6. Reserved - G
 7. Reserved - H
 8. Reserved - I
 - 6.9 SUBPART J - Benzene Fugitive Emissions Sources and Equipment Leaks (§§61.01-61.19)
 10. Reserved - K

- 7.11 SUBPART L - Benzene Emissions from Coke By-Product Recovery Plants (§§61.130-61.139)
 - 8.12 SUBPART M - Asbestos (§§61.140-61.157 and Appendix A)
 - 9.13 SUBPART N - Inorganic Arsenic Emissions from Glass Manufacturing Plants (§§61.160-61.165)
 - ~~10.14~~ SUBPART O - Inorganic Arsenic Emissions from Primary Copper Smelters (§§61.170-61.177)
 - ~~11.15~~ SUBPART P - Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities (§§61.180-61.186)
 - 16. Reserved - Q
 - 17. Reserved - R
 - 18. Reserved - S
 - 19. Reserved - T
 - 20. Reserved - U
 - ~~21.21~~ SUBPART V - Volatile Hazardous Air Pollutants: Fugitive Emissions and Equipment Leaks (§§61.240-61.247)
 - 22. Reserved - W
 - 23. Reserved - X
 - 24. SUBPART Y - Benzene Storage Vessels (§§61.270-61.277)
 - 25. Reserved - Z
 - 26. Reserved - AA
 - ~~27.27~~ SUBPART BB - Benzene Transfer Operations (§§61.300-61.306)
 - 28. Reserved - CC
 - 29. Reserved - DD
 - 30. Reserved - EE
 - ~~31.31~~ SUBPART FF - Benzene Waste Operations (§§61.340-61.358)
- B. The following Subparts of 40 CFR Part 63, NESHAPs for Source Categories, along with accompanying appendices and amendments, finally adopted or revised by the Administrator as of July 18, ~~1998~~ 2003, and other than as expressly defined below, no future editions are adopted by reference:
- 1. Subpart A - General Provisions (§§63.1-63.15)
 - 2. Subpart B - Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112 (j) (§§63.40-63.56)
 - 3. Reserved - C
 - 4. Subpart D - Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants (§§63.70-63.81)
 - 5. Reserved - E
 - 6. Subpart F - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry (§§63.100-63.106 and Tables)
 - 7. 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 (§§63.110-63.152 and Appendix)
 - 8. Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks (§§63.160-63.182 and Tables)
 - 9. Subpart I - National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks (§§63.160-63.182 and Tables)
 - 10. Reserved - J
 - 11. Reserved - K
 - 12. Subpart L - National Emission Standards for Coke Oven Batteries (§§63.300-63.313)
 - 13. Subpart M - National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities (§§63.320-63.325)
 - 14. Subpart N - Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (§§63.340-63.347 and Table)
 - 15. Subpart O - Ethylene Oxide Emissions for Sterilization Facilities (§§63.360-63.367)
 - 16. Reserved - P
 - 17. Subpart Q - Industrial Process Cooling Towers (§§63.400-63.406 and Table)
 - 18. Subpart R - Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) (§§63.420-63.429 and Table)
 - 19. Subpart S - Pulp and Paper Industry (§§63.440-63.459 and Table)
 - 20. Subpart T - Halogenated Solvent Cleaning (§§63.460-63.469 and Appendix A & B)
 - 21. Subpart U - Group I Polymers and Resins (§§63.480-63.506 and Tables)
 - 22. Reserved - V
 - 23. Subpart W - Epoxy Resins Production and Non-Nylon Polyamides Production (§§63.520-63.528 and Table)
 - 24. Subpart X - Secondary Lead Smelting (§§63.541-63.550)
 - 25. Reserved - Y

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26. Reserved - Z
27. Subpart AA - NESHAP from Phosphoric Acid Manufacturing Plants (§§63.600-63.610 and Appendix)
28. Subpart BB - NESHAP from Phosphate Fertilizers Production Plants (§§63.620-63.631 and Appendix)
29. Subpart CC - Petroleum Refineries (§§63.640-63.654 and Appendix)
30. Subpart DD - Off-site waste and recovery operations (§§63.680-63.698 and Tables)
31. Subpart EE - Magnetic Tape Manufacturing Operations (§§63.701-63.708 and Table)
32. Reserved - FF
33. Subpart GG - Aerospace Manufacturing and Rework Facilities (§§63.741-63.753 and Table 1 and Appendix)
34. Subpart HH - NESHAP Oil and Natural Gas Production Facilities (§§63.760-63.777 and Appendix)
35. Reserved - II
36. Subpart JJ - Wood Furniture Manufacturing Operations (§§63.800-63.808 and Tables)
37. Subpart KK - Printing and Publishing Industry (§§63.820-63.831 and Table 1 and Appendix)
38. Subpart LL - Primary Aluminum Reduction Plants (§§63.840-63.853 and Tables 1-3 and Appendix)
39. ~~Reserved~~ Subpart MM - NESHAP for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfitic, and Stand-alone Semicheical Pulp Mills (§§63.864-63.865)
40. Reserved - NN
41. Subpart OO - National Emission Standards for Tanks - Level 1 (§§63.900-63.907)
42. Subpart PP - National Emission Standards for Containers (§§63.920-63.928)
43. Subpart QQ - National Emission Standards for Surface Impoundments (§§63.940-63.948)
44. Subpart RR - National Emission Standards for Individual Drain Systems (§§63.960-63.966)
45. Subpart SS - National Emission Standards for Closed Vent systems, Control Devices, Recovery Devices and Routing to a Fuel Gas system or a Process (§§63.980-63.999)
46. Subpart TT - National Emission Standards for Equipment Leaks - Control Level 1 (§§63.1000-63.1018)
47. Subpart UU - National Emission Standards for Equipment Leaks - Control Level 2 (§§63.1019-63.1039 and Table)
48. Subpart VV - National Emission Standards for Oil-water Separators and Organic-water separators (§§63.1040-63.1049)
49. Subpart WW - National Emission Standards for Storage Vessels (Tanks) - Control Level 2 (§§63.1060-63.1066)
50. Reserved - XX
51. Subpart YY - NESHAP for Source Categories: Generic Maximum Achievable Control Technology Standards (§§63.1100-63.1113)
52. Reserved - ZZ
53. Reserved - AAA
54. Reserved - BBB
55. Subpart CCC - NESHAP for Steel Pickling - HCL Process facilities and Hydrochloric Acid Regeneration Plants (§§63.1155-63.1166 and Table)
56. Subpart DDD - NESHAP for Mineral Wool Production (§§63.1175-63.1196 and Table 1 and Appendix)
57. Subpart EEE - Hazardous Air Pollutants from Hazardous Waste Combustors (§§63.1200-63.1213 and Table 1 and Appendix)
58. Reserved - FFF
59. Subpart GGG - National Emission Standards for Pharmaceuticals Production (§§63.1250-63.1261 and Tables)
60. Subpart HHH - NESHAP from Natural Gas Transmission and Storage Facilities (§§63.1270-63.1287 and Appendix)
61. Subpart III - NESHAP for Flexible Polyurethane Foam Production (§§63.1290-63.1309 and Appendix)
62. Subpart JJJ - Group IV Polymers and Resins (§§63.1310-63.1335 and Tables)
63. Reserved - KKK
64. Subpart LLL - NESHAP from the Portland Cement Manufacturing Industry (§§63.1340-63.1358 and Table)
65. Subpart MMM - NESHAP for Pesticide Active Ingredient Production (§§63.1360-63.1369 and Tables)
66. Subpart NNN - NESHAP for Wool Fiberglass Manufacturing (§§63.1380-63.1387 and Tables)
67. ~~Reserved~~ Subpart OOO - NESHAP from the Manufacture of Amino/Phenolic Resins (§§63.1400-63.1419 and Tables)
68. ~~Reserved~~ Subpart PPP - NESHAP for Polyether Polyols Production (§§63.1420-63.1439 and Tables)
69. ~~Reserved~~ Subpart QQQ - NESHAP for Primary Copper Smelters (§§63.1440-63.1459 and Table and Figure 1)
70. ~~Reserved~~ Subpart RRR - NESHAP for Secondary Aluminum Production (§§63.1500-63.1519 and Tables)
71. Reserved - SSS
72. Subpart TTT - NESHAP for Primary Lead Smelters (§§63.1541-63.1550)
73. ~~Reserved~~ Subpart UUU - NESHAP for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (§§63.1560-63.1579 and Tables)
74. ~~Reserved~~ Subpart VVV - NESHAP for Publicly Owned Treatment Works (§§63.1580-63.1595 and Table)
75. Reserved - WWW

- 76. Subpart XXX - NESHAP for Ferroalloys Production: Ferromanganese and Silicomanganese (§§63.1650-63.1661 and Appendix A - D)
- 77. Reserved - YYY
- 78. Reserved - ZZZ
- 79. Subpart AAAA - NESHAP for Municipal Solid Waste Landfills (§§63.1930-63.1990 and Table)
- 80. Reserved - BBBB
- 81. Subpart - CCCC - NESHAP for Manufacture of Nutritional Yeast (§§63.2130-63.2192 and Tables)
- 82. Reserved - DDDD
- 83. Reserved - EEEE
- 84. Reserved - FFFF
- 85. Subpart GGGG - NESHAP for Solvent Extraction for Vegetable Oil Production (§§63.2830-63.2872)
- 86. Subpart HHHH - NESHAP for Wet- Formed Fiberglass Mat Production (§§63.2980-63.3004 and Tables and Appendix A & B)
- 87. Reserved - IIII
- 88. Reserved - JJJJ
- 89. Reserved - KKKK
- 90. Reserved - LLLL
- 91. Reserved - MMMM
- 92. Reserved - NNNN
- 93. Reserved - OOOO
- 94. Reserved - PPPP
- 95. Reserved - QQQQ
- 96. Reserved - RRRR
- 97. Subpart SSSS - NESHAP for Surface Coating of Metal Coil (§§63.5080-63.5200 and Tables)
- 98. Subpart TTTT - NESHAP for Leather Finishing Operations (§§63.5280-63.5460 and Figure 1)
- 99. Subpart UUUU - NESHAP for Cellulose Products Manufacturing (§§63.5480-63.5610 and Tables)
- 100. Subpart VVVV - NESHAP for New and Existing Boat Manufacturing Facilities (§§63.5695-63.5935 and Tables)

[Adopted effective November 3, 1993. Amended February 22, 1995. Amended October 12, 1995. Amended June 20, 1996. Revised May 14, 1997. Revised May 27, 1998 and ratified July 29, 1998, revised on July 12, 2000, revised on December 13, 2000, amended on December 3, 2003, conditioned upon corresponding EPA approval of a revision to the District's Title V program as approved at 61 Fed. Reg. 55910 (10/30/96).]