

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 1. BOARD OF ACCOUNTANCY

[R07-196]

PREAMBLE

- 1. Sections Affected**

R4-1-341	Amend
R4-1-341.01	Repeal
R4-1-342	Amend
R4-1-343	Amend
R4-1-346	Amend
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific)**

Authorizing statute: A.R.S. § 32-703(B)(13)
Implementing statutes: A.R.S. §§ 32-721, 32-723, 32-724, 32-726
- 3. The effective date of the rules:**

August 4, 2007
- 4. A list of all previous notices appearing in the *Register* addressing the final rules:**

Notice of Rulemaking Docket Opening: 12 A.A.R. 4617, December 15, 2006
Notice of Proposed Rulemaking: 12 A.A.R. 4574, December 15, 2006
- 5. The name and address of agency personnel with whom persons may communicate regarding the rules:**

Name: Valerie M. Elliott, Executive Director
Address: Board of Accountancy
100 N. 15th Ave., Ste. 165
Phoenix, AZ 85007
Telephone: (602) 364-0804
Fax: (602) 364-0903
E-mail: velliott@azaccountancy.gov
- 6. An explanation of the rules, including the agency's reasons for initiating the rules:**

The amendments clarify language and definitions, remove all references to a non-Arizona examinee and allow registrants other means to notify the Board of a change of address.
- 7. A reference to any study relevant to the rules that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None
- 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:**

Not applicable

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

The rules will impact the Board, applicants for certification as certified public accountants, and certified public accountants. The rules' impact on the Board will be the usual rulemaking-related costs which are minimal. The Board estimates the rules will have a minimal impact on applicants for certification as certified public accountants and certified public accountants.

The Board, applicants for certification as certified public accountants, and certified public accountants benefit from rules that are clear, concise, and understandable. The rules benefit applicants for certification as certified public accountants by specifying items for the application packet, which may reduce the amount of time it takes applicants to submit packets. In addition, applicants benefit from the definition of "upper level course" because the plural of the term is used in statute with regard to the education requirement for certification. This definition will allow applicants to select appropriate courses in order to meet the education requirement for certification. Certified public accountants benefit from being able to use a simplified means to notify the Board of an address change. The Board benefits from clear, concise, and understandable rules that will result in fewer inquiries regarding the application packet for certification and upper level courses.

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

Technical changes were made throughout the rules to improve clarity, grammar, and consistency as suggested by G.R.R.C. staff. Also, changes were made to specify what is meant by sufficient accounting education and experience and evaluation of an applicant's work experience.

11. A summary of the comments made regarding the rules and the agency response to them:

No comments were received.

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

Not applicable

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

None

14. Were the rules previously made as emergency rules:

No

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 1. BOARD OF ACCOUNTANCY

ARTICLE 3. CERTIFICATION AND REGISTRATION

Section

- R4-1-341. CPA Certificates; by Examination
- R4-1-341.01. ~~CPA Certificates; by Non-Arizona Examinee Repealed~~
- R4-1-342. CPA Certificates; by Reciprocity
- R4-1-343. Education and Accounting Experience
- R4-1-346. Notice of Change of Address

ARTICLE 3. CERTIFICATION AND REGISTRATION

R4-1-341. CPA Certificates; by Examination

A. Application: Upon passing all parts of the examination prescribed by A.R.S. § 32-723(C) ~~at one sitting or as prescribed by in accordance with R4-1-229, a candidate believing himself or herself to be otherwise who is~~ qualified under A.R.S. § 32-721 may apply for a certificate of certified public accountant. ~~The candidate shall complete an application packet as prescribed by the Board. The application packet shall include the following information: applicant's background, personal data and photograph; examination scores; education and work history; university or college transcripts to confirm that the bachelor's degree and requirements have been completed; employer or employers name, address, and telephone number; authorization for investigation; and affirmation of truthfulness.~~ by submitting the following to the Board:

1. A completed application packet;
2. An application fee in the amount of \$100.00; and
3. Proof of a passing score on an examination in professional ethics within the two years immediately preceding submission of the application.

B. Application fee: The application fee for a certificate by examination is \$100.00. An applicant shall submit:

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1. An application packet that includes, but is not limited to, the following information and documents:
 - a. A completed application form signed by the applicant and notarized;
 - b. The applicant's personal data and photograph;
 - c. Scores from the examination prescribed by A.R.S. § 32-721(A)(2);
 - d. Education and work history;
 - e. University or college transcripts, verifying that the applicant meets the educational requirements of A.R.S. § 32-721;
 - f. Employment verification, including proof of compliance with the experience requirements of A.R.S. § 32-721;
 - g. References and letters of recommendation;
 - h. Authorization for investigation; and
 - i. Affirmation of truthfulness; and
 2. Other information or documents required by the Board to determine compliance with the eligibility requirements of A.R.S. § 32-721.
- ~~C.~~ **C.** Examination: Each applicant for a certificate of certified public accountant shall pass an examination in Professional Ethics as prescribed by the Board.
- ~~D.~~ **D.** An applicant for certification shall submit an application package containing the following items to the Board Office:
1. ~~A completed application form signed by the applicant and notarized;~~
 2. ~~Other information required by the Board as set forth in subsection (A) necessary to determine the applicant's eligibility; and~~
 3. ~~The application fee.~~
- ~~E.C.~~ **C.** Within 30 days of receiving an application package, the Board shall notify the applicant that the package is either complete or incomplete. If the applicant submits the items set forth in subsection (D) during the month the Board establishes the last day to file applications for examination or the subsequent month, the Board shall have an additional 60 days to notify the applicant that the package is either complete or incomplete. If the package is incomplete, the notice shall specify what information is missing.
1. No change
 2. No change
 3. The Board shall not process an application for certification until the applicant has fully complied with the requirements of this Section.
 4. No change
 5. No change
 6. The 150-day time-frame for a substantive review for the issuance of a certificate is suspended from the date of the written request for additional information pursuant to subsection ~~(E)~~ (C)(5) until the date that all information is received. Service of any written notice shall be completed in accordance with R4-1-117~~(F)~~(E)(1), (2), and (3). Pursuant to R4-1-455.03~~(F)~~, the applicant has 30 days to respond to the Board's request for additional information. If the applicant fails to timely respond to the Board's request, the Board shall finish its substantive review based upon the information the applicant has presented.
 7. No change
- ~~F.D.~~ **D.** No change
1. No change
 2. No change
 3. No change
- ~~G.E.~~ **E.** ~~With the exception in subsection (E), the~~ The Board establishes the following licensing time-frames for the purpose of A.R.S. § 41-1073:
1. No change
 2. No change
 3. No change

R4-1-341.01. CPA Certificates; by Non-Arizona Examinee Repealed

- ~~A.~~ **A.** Application: An applicant for certification who sat for the CPA examination, as prescribed by A.R.S. § 32-723(C), outside of Arizona, passed all parts of the CPA examination at one sitting or as prescribed by R4-1-229, and who believes himself or herself to be otherwise qualified under A.R.S. § 32-721 shall comply with the application requirements as set forth in R4-1-341.
- ~~B.~~ **B.** Application fee: The application fee for a certificate by a non-Arizona examinee is \$100.00.
- ~~C.~~ **C.** Examination: Each applicant for a certificate of certified public accountant shall pass an examination in Professional Ethics as prescribed by the Board.
- ~~D.~~ **D.** The provisions set forth in R4-1-341(A), (D), (E), (F), and (G) apply to non-Arizona examinees.

R4-1-342. CPA Certificates; by Reciprocity

- A.** Application: A person applying for a certificate as a certified public accountant in Arizona on the basis of a certificate in

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good standing issued by another state, pursuant to A.R.S. § ~~32-727~~ § 32-724, shall ~~comply with the application requirements set forth in R4-1-341.~~ submit the following to the Board:

1. A completed application packet; and
 2. An application fee in the amount of \$100.00.
- B. ~~The application fee for a certificate by reciprocity is \$100. An applicant shall submit:~~
1. An application packet that includes, but is not limited to, the following information and documents:
 - a. A completed application form, signed by the applicant and notarized;
 - b. Verification that the applicant has passed the examination prescribed by A.R.S. § 32-721(A)(2);
 - c. Documentation that demonstrates the applicant has the qualifications required by A.R.S. § 32-726;
 - d. License verification from each jurisdiction in which the applicant has ever been issued a certificate as a certified public accountant;
 - e. Authorization for investigation; and
 - f. Affirmation of truthfulness; and
 2. Other information or documents required by the Board to determine compliance with the eligibility requirements of A.R.S. § 32-724.
- C. ~~Examination: Each applicant for a certificate of certified public accountant shall pass an examination in Professional Ethics as prescribed by the Board. The provisions in R4-1-341(C), (D), and (E) apply to applicants seeking certification by reciprocity.~~
- D. ~~The provisions set forth in R4-1-341 (D), (E), (F), and (G) and the application packet requirements set forth in R4-1-341(A) apply to applicants seeking certification by reciprocity.~~

R4-1-343. Education and Accounting Experience

- A. Definitions. For the purpose of ~~this Section only~~ demonstrating the education and experience requirements of A.R.S. § 32-721, the following definitions apply:
1. No change
 2. No change
 3. ~~“Examination”~~ “Examining” means the critical inquiry ~~or scrutiny~~ and analysis of financial or accounting information, ~~which may include balance sheets, income statements, cash flow statements, and tax returns.~~
 4. “Reporting” means to ~~communicate examination results~~ express an opinion on the results of an examination of financial statements by oral or written communication to an employer, clients, or other third parties.
 5. “Upper level course” means course taken beyond the basic level, after any required prerequisite or introductory accounting course and does not include principles of accounting or similar introductory accounting courses.
- B. ~~Graduate courses. For a course to qualify as a graduate level accounting course that meets the experience requirement of A.R.S. § 32-721(5):~~
1. ~~The course shall be designated by the educational institution at which credit has been earned as a course that is normally open only to graduate students, and~~
 2. ~~The content of the course shall require a prerequisite and mastery of the subject matter normally required for completion of an undergraduate degree.~~
- ~~B.C.~~ Certificate of experience. To demonstrate compliance with the experience requirements of A.R.S. § 32-721, an applicant for certification shall submit: ~~a completed application package which includes one~~
1. One or more certificates of experience to confirm the accounting experience required by A.R.S. §§ 32-721(5) and completed by an individual who possesses personal knowledge of the applicant’s work and is able to confirm the applicant’s accounting experience, and
 - a. Is a certified public accountant; or
 - b. Has accounting education and experience similar to that of a certified public accountant; and
 2. ~~such other~~ Other information as required by the Board ~~may require~~ for explanation or clarification of experience.

R4-1-346. Notice of Change of Address

- A. ~~Each registrant shall give notice to the Board, within 30 days, of~~ Within 30 days of any business, mailing, or residential change of address ~~by filing a revised Biennial Registration Form.~~ a registrant shall notify the Board of the new address in a letter signed by the registrant.
- B. ~~Each registrant shall give notice to the Board~~ Within 30 days of the opening of any new or additional office, or the closing of any existing office. ~~Notice shall be given to the Board by filing a revised Biennial Registration Form.~~ a registrant shall notify the Board in a letter signed by the registrant.

NOTICE OF FINAL RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES

[R07-198]

PREAMBLE

1. **Sections Affected**
R17-4-413
1. **Rulemaking Action**
New Section
2. **The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rule is implementing (specific):**
Authorizing statute: A.R.S. § 28-366
Implementing statute: A.R.S. § 28-3312(J)
3. **The effective date of the rule:**
August 4, 2007
4. **A list of all previous notices appearing in the Register addressing the final rule:**
Notice of Rulemaking Docket Opening: 12 A.A.R. 4025, October 27, 2006
Notice of Proposed Rulemaking: 13 A.A.R. 510, February 23, 2007
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Celeste M. Cook, Administrative Rules Analyst
Address: Administrative Rule Unit
Department of Transportation, Motor Vehicle Division
1801 W. Jefferson St., Mail Drop 530M
Phoenix, AZ 85007
Telephone: (602) 712-7624
Fax: (602) 712-3081
E-mail: ccook@azdot.gov
Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at www.mvd.azdot.gov/mvd/MVDRules/rules.asp.
6. **An explanation of the rule, including the agency's reason for initiating the rule:**
A.R.S. 28-3312(J) authorizes the Arizona Department of Transportation, Motor Vehicle Division, to adopt rules to establish guidelines and conditions under which the Division may reduce a lifetime disqualification. The Division proposes to promulgate rules to prescribe requirements for reinstatement after a lifetime Commercial Driver License Disqualification.
7. **A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
None
8. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
9. **The summary of the economic, small business, and consumer impact:**
The Division's statistics show that approximately 114 commercial driver licensees are currently disqualified for a lifetime. The Division's cost per case, to ensure adequate compliance with 49 CFR commercial licensing standards, is minimal.
Failure to implement the federal regulation by codifying federal requirements in statute and administrative rule could result in the state losing substantial federal funding, grant monies, and the ability to issue, renew, upgrade and transfer any Commercial Driver License.

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Costs to the commercial driver license applicant are minimal. Commercial driver license reinstatement is immediate upon the person meeting the eligibility requirements, submission of the appropriate documentation, satisfactory completion of all required written and skill tests, and, when applicable, successfully passing a federal threat security assessment.

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

Minor grammatical and style corrections were made to some Sections to at the request of Governor's Regulatory Review Council staff.

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

Not applicable

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

Not applicable

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

Not applicable

14. Was this rule previously made as an emergency rule?

No

15. The full text of the rules follows:

TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES

ARTICLE 4. DRIVER LICENSES

Section

R17-4-413. Lifetime Disqualification Reinstatement

ARTICLE 4. DRIVER LICENSES

R17-4-413. Lifetime Disqualification Reinstatement

A. Definitions. In addition to the definitions prescribed under A.R.S. §§ 28-101 and 28-3001, the following definitions apply to this Section, unless otherwise specified:

"CDL" means Commercial Driver License.

"Lifetime disqualification" means the individual is disqualified for life from operating a commercial motor vehicle as prescribed under 49 CFR 391.15.

"Permanently disqualified" means the individual will never be able to obtain a commercial driver license.

B. Eligibility. An individual with a lifetime disqualification may request reinstatement of the individual's commercial driving privilege if:

1. Ten years have passed since the date of the lifetime disqualification.

2. The individual:

a. Is otherwise eligible for licensure.

b. Has continuously been eligible for a driver license during the most recent 10-year period.

c. Has not previously reinstated CDL privileges for another lifetime disqualification.

d. Has no record of a conviction for any of the following violations, in any state, within the previous 10-year period:

i. Driving while under the influence of alcohol or a controlled substance.

ii. Having a blood alcohol concentration of .04 or greater while driving a commercial motor vehicle.

iii. Refusal to submit to a blood alcohol concentration test.

iv. Leaving the scene of an accident.

v. Using a vehicle in the commission of a felony.

vi. Operating a commercial motor vehicle as defined under A.R.S. § 28-3001 while his or her commercial driving privileges are canceled, disqualified, suspended, or revoked.

vii. Causing a fatality through the negligent operation of a commercial motor vehicle.

C. Application after lifetime disqualification. If the Division determines that the individual is eligible to reinstate his or her commercial driving privilege, the individual may obtain a new CDL by paying all required fees, submitting the medical examination form prescribed under Section R17-4-508(A)(1), and successfully completing all CDL written, vision, and

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demonstration-skill testing applicable to the type of CDL, including any endorsements, for which the individual is applying.

D. Permanent disqualification.

- 1. An individual who reinstated his or her commercial driving privilege in accordance with this Section and who is subsequently given a lifetime disqualification under A.R.S. § 28-3312 is permanently disqualified.
2. An individual convicted of using any vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance is permanently disqualified.
3. An individual who more than once refuses a test in violation of A.R.S. § 28-1321 if the refusals involve more than one incident is permanently disqualified.
4. An individual who more than once is convicted of violating A.R.S. § 28, Chapter 4, Article 3 is permanently disqualified.

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TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR POLLUTION CONTROL

[R07-199]

PREAMBLE

1. Sections Affected

- R18-2-703
R18-2-704
R18-2-715
R18-2-718
R18-2-729
R18-2-732

Rulemaking Action

- Amend
Amend
Amend
Repeal
Amend
Amend

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

Authorizing Statutes: A.R.S. § 49-104(A)(10)
Implementing Statutes: A.R.S. §§ 49-404, 49-425, and 49-426

3. The effective date of the rules:

August 4, 2007

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

Notice of Rulemaking Docket Opening: June 30, 2006, 12 A.A.R. 2306
Notice of Proposed Rulemaking: November 13, 2006, 12 A.A.R. 4162

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

Name: Kevin Force
Address: Arizona Department of Environmental Quality
1110 W. Washington Ave.
Phoenix, AZ 85007
Telephone: (602) 771-4480 (This number may be reached in-state by dialing 1-800-234-5677) and requesting the seven digit number.)
Fax: (602) 771-2366

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

Summary. The Arizona Department of Environmental Quality has amended a number of rules in Article 7 to correct several technical and typographical errors and internal inconsistencies. This rulemaking includes the repeal of R18-2-718, Standards of Performance for Existing Kraft Pulp Mills, since there are no longer any operating sources of this sort in Arizona; the deletion of the reference to the now-defunct smelter at San Manuel; and the deletion of language in R18-2-729, Standards of Performance for Cotton Gins, which refers to language in R18-2-702, General Provisions, that is no longer applicable.

Section by Section Explanation of the Proposed Rules:

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R18-2-703. Standards of Performance for Existing Fossil-fuel Fired Steam Generators and General Fuel-burn-ing Equipment. In subsection (G)(2) of the proposed rule, an unclear reference to “0.08 pounds” has been corrected to specify “0.08 pounds of sulfur dioxide.”

R18-2-704. Standards of Performance for Incinerators. The rule corrects a misspelling in subsection (C) by changing the word “dearest” to the word “nearest.”

R18-2-715. Standards of Performance for Existing Primary Copper Smelters; Site-specific Requirements. The rulemaking deletes references to the smelter located in San Manuel. That smelter shut down operations and its permit was terminated in March of 2005. R18-2-715, therefore, no longer applies to that smelter. Should another smelter apply for a permit to commence operations in the same location, or the original smelter apply for a new permit, it would be subject to a New Source Review and not R18-2-715.

R18-2-718. Standards of Performance for Existing Kraft Pulp Mills. The rulemaking repeals this Section, as there are no longer any operating Kraft pulp mills in Arizona. The last such paper mill, Abitibi Consolidated, located 15 miles west of Snowflake, AZ, switched operations from Kraft pulp to recycled paper in 1988. Any new pulp mills would be subject to a new source performance standard, rather than this Section.

R18-2-729. Standards of Performance for Cotton Gins. R18-2-729(B) allows the owner or operator of a cotton gin to request permission to perform a mass emissions test, should the source’s opacity exceed the 40% standard established by the rule. Successful completion of that emissions test results “in an adjustment to the simultaneous opacity standard in accordance with Section R18-2-702(D).” R18-2-702(D) allowed an owner or operator to apply for an alternative opacity limit. However, R18-2-702, General Provisions, was substantially amended by final rulemaking in 2003 (9 A.A.R. 5550, Dec. 26, 2004). Those amendments included a change to R18-2-702(D) that required any application for an alternative opacity limit to be submitted to the Department by May 15, 2004, which date has passed. Thus, this procedure is no longer available to any owners or operators, including those of cotton gins. This rulemaking eliminates the language in R18-2-729(B) that refers to the application for alternative opacity limits in R18-2-702(D), which is no longer available.

R18-2-732. Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators. R18-2-732(J)(2)(b) requires an owner or operator to submit an annual report to ADEQ at an old address. This rulemaking deletes the reference to the incorrect address.

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

Not applicable

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:

Not applicable

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

Rule Identification. Title 18, Chapter 2, Article 7, “Existing Stationary Source Performance Standards.” This rule-making amends five sections and repeals one.

Cost Benefit Analysis. Because this proposed rulemaking corrects and clarifies existing language to rule provisions relative to performance standards of sources, it neither creates costs nor generates benefits to these regulated entities or the implementing agency (refer to item #5, “An explanation of the rules, including the agency’s reason for initiating the rules.”).

This proposed rulemaking amends R18-2-715, “Standards of Performance for Existing Primary Copper Smelters; Site-specific Requirements.” This Section will be amended by deleting the reference to the smelter located near San Manuel that shut down and terminated its permit in March 2005, and the accompanying site-specific performance standards. This amendment will not create any social or economic impacts. Should this smelter or a new smelter apply for a permit, it would be subject to New Source Review and not R18-2-715.

The rulemaking also removes language from R18-2-729, “Standards of Performance for Existing Cotton Gins,” which referred to a procedure that is no longer available that allowed an owner or operator of a cotton gin to apply for an alternative opacity standard. ADEQ permits only seven cotton gins, none of which are operating under such an alternative opacity standard. This rulemaking, therefore, has no impact upon the few existing permitted cotton gins in Arizona.

This rulemaking repeals R18-2-718, “Standards of Performance for Existing Kraft Pulp Mills,” since the state no longer has any operating Kraft pulp mills. The last such mill switched to recycling paper in 1988. As a result, this Section is unnecessary because any new Kraft pulp mills would be subject to New Source Review.

As a result of these changes, it is not necessary for the Department to prepare a detailed economic impact assessment. This rulemaking does not impose any compliance burdens on sources or additional regulatory requirements on Arizona Department of Environmental Quality.

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

- 1) In R18-2-729(B) the sentence reading “An opacity of 40% or less shall exempt the source from mass emissions testing” has been stricken. That sentence should have been stricken in the proposed rulemaking. If it remains, it may create a negative implication that an opacity of greater than 40% may *require* mass emissions testing. Mass emissions testing was part of the expired process to apply for an alternative opacity limit that was available in R18-2-702(D). This sentence should be stricken along with the rest of the language in R18-2-729 that refers to that procedure which is no longer available.
- 2) Minor technical and grammatical changes in order to improve the rules’ clarity, conciseness and understandability.

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

None

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

Not applicable

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

None

14. Was this rule previously made as an emergency rule?

No

15. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL

ARTICLE 7. EXISTING STATIONARY SOURCE PERFORMANCE STANDARDS

Section

- R18-2-703. Standards of Performance for Existing Fossil-fuel Fired Steam Generators and General Fuel-burning Equipment
- R18-2-704. Standards of Performance for Incinerators
- R18-2-715. Standards of Performance for Existing Primary Copper Smelters; Site-specific Requirements
- R18-2-718. ~~Standards of Performance for Existing Kraft Pulp Mills~~ Repealed
- R18-2-729. Standards of Performance for Cotton Gins
- R18-2-732. Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators

ARTICLE 7. EXISTING STATIONARY SOURCE PERFORMANCE STANDARDS

R18-2-703. Standards of Performance for Existing Fossil-fuel Fired Steam Generators and General Fuel-burning Equipment

- A.** This Section applies to the following:
1. Installations in which fuel is burned for the primary purpose of producing power, steam, hot water, hot air or other liquids, gases or solids and in the course of doing so the products of combustion do not come into direct contact with process materials. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitation shall apply, except for wood waste burners as regulated under R18-2-704.
 2. All fossil-fuel fired steam generating units or general fuel burning equipment which are greater than or equal to 73 megawatts capacity.
- B.** For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. The heat content of solid fuel shall be determined in accordance with R18-2-311. Compliance tests shall be conducted during operation at the nominal rated capacity of each unit.
- C.** No person shall cause, allow or permit the emission of particulate matter in excess of the amounts calculated by one of the following equations:
1. For equipment having a heat input rate of 4200 million Btu per hour or less, the maximum allowable emissions shall be determined by the following equation:
$$E = 1.02Q^{0.769}$$
where:

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E = the maximum allowable particulate emissions rate in pounds-mass per hour.

Q = the heat input in million Btu per hour.

2. For equipment having a heat input rate greater than 4200 million Btu/hr, the maximum allowable emissions shall be determined by the following equation:

$$E = 17.0Q^{0.432}$$

where "E" and "Q" have the same meaning as in subsection (C)(1).

- D. For reference purposes only, the two equations in subsection (C) are plotted in Appendix 11, Figure 1. The emission values obtained from the graph are approximately correct for the heat input rates shown. However, the actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- E. When low sulfur oil is fired:
 1. Existing fuel-burning equipment or steam-power generating installations which commenced construction or a major modification prior to May 30, 1972, shall not emit more than 1.0 pounds sulfur dioxide maximum three-hour average, per million Btu (430 nanograms per joule) heat input.
 2. Existing fuel-burning equipment or steam-power generating installations which commenced construction or a major modification after May 30, 1972, shall not emit more than 0.80 pounds of sulfur dioxide maximum three-hour average per million Btu (340 nanograms per joule) heat input.
- F. When high sulfur oil is fired, all existing steam-power generating and general fuel-burning installations which are subject to the provisions of this Section shall not emit more than 2.2 pounds of sulfur dioxide maximum three-hour average per million Btu (946 nanograms per joule) heat input.
- G. When solid fuel is fired:
 1. Existing general fuel-burning equipment and steam-power generating installations which commenced construction or a major modification prior to May 30, 1972, shall not emit more than 1.0 pounds of sulfur dioxide maximum three-hour average, per million Btu (430 nanograms per joule) heat input.
 2. Existing general fuel-burning equipment and steam-power generating installations which commenced construction or a major modification after May 30, 1972, shall not emit more than 0.80 pounds of sulfur dioxide, maximum three-hour average, per million Btu (340 nanograms per joule) heat input.
- H. Any permit issued for the operation of an existing source, or any renewal or modification of such a permit, shall include a condition prohibiting the use of high sulfur oil by the permittee, unless the applicant demonstrates to the satisfaction of the Director that sufficient quantities of low sulfur oil are not available for use by the source and that it has adequate facilities and contingency plans to ensure that the sulfur dioxide ambient air quality standards set forth in R18-2-202 will not be violated.
 1. The terms of the permit may authorize the use of high sulfur oil under such conditions as are justified.
 2. In cases where the permittee is authorized to use high sulfur oil, it shall submit to the Department monthly reports detailing its efforts to obtain low sulfur oil.
 3. When the conditions justifying the use of high sulfur oil no longer exists, the permit shall be modified accordingly.
 4. Nothing in this Section shall be construed as allowing the use of a supplementary control system or other form of dispersion technology.
- I. Existing steam-power generating installations which commenced construction or a major modification after May 30, 1972, shall not emit nitrogen oxides in excess of the following amounts:
 1. 0.20 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when gaseous fossil fuel is fired.
 2. 0.30 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when liquid fossil fuel is fired.
 3. 0.70 pounds of nitrogen oxides, maximum three-hour average, calculated as nitrogen dioxide, per million Btu heat input when solid fossil fuel is fired.
- J. Emission and fuel monitoring systems, where deemed necessary by the Director for sources subject to the provisions of this Section shall, conform to the requirements of R18-2-313.
- K. The applicable reference methods given in the Appendices to 40 CFR 60 shall be used to determine compliance with the standards as prescribed in subsections (C) through (G) and (I). All tests shall be run at the heat input calculated under subsection (B).

R18-2-704. Standards of Performance for Incinerators

- A. No person shall cause, allow or permit to be emitted into the atmosphere, from any type of incinerator, smoke, fumes, gases, particulate matter or other gas-borne material which exceeds 20% opacity except during the times specified in subsection (D).
- B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any incinerator, in excess of the following limits:
 1. For multiple chamber incinerators, controlled atmosphere incinerators, fume incinerators, afterburners or other unspecified types of incinerators, emissions shall not exceed 0.1 grain per cubic foot, based on dry flue gas at standard conditions, corrected to 12% carbon dioxide.

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- 2. For wood waste burners other than air curtain destructors, emissions discharged from the stack or burner top opening shall not exceed 0.2 grain per cubic foot, based on dry flue gas at standard conditions, corrected to 12% carbon dioxide.
- C. Air curtain destructors shall not be used within 500 feet of the ~~clearest~~ nearest dwelling.
- D. Incinerators shall be exempt from the opacity and emission requirements described in subsections (A) and (B) as follows:
 - 1. For multiple chamber incinerators, controlled atmosphere incinerators, fume incinerators, afterburners or other unspecified types of incinerators, such exemption shall be for not more than 30 seconds in any 60-minute period.
 - 2. Wood waste burners shall be exempt both:
 - a. For a period once each day for the purpose of building a new fire but not to exceed 60 minutes, and
 - b. For an upset of operations not to exceed three minutes in any 60-minute period.
- E. The owner or operator of any incinerator subject to the provisions of this Section shall record the daily charging rates and hours of operation.
- F. The test methods and procedures required by this Section are as follows:
 - 1. The reference methods in 40 CFR 60, Appendix A, shall be used to determine compliance with the standards prescribed in subsection (B) as follows:
 - a. Method 5 for the concentration of particulate matter and the associated moisture content;
 - b. Method 1 for sample and velocity traverses;
 - c. Method 2 for velocity and volumetric flow rate;
 - d. Method 3 for gas analysis and calculation of excess air, using the integrated sampling technique.
 - 2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the Director.

R18-2-715. Standards of Performance for Existing Primary Copper Smelters; Site-specific Requirements

- A. No owner or operator of a primary copper smelter shall cause, allow or permit the discharge of particulate matter into the atmosphere from any process in total quantities in excess of the amount calculated by one of the following equations:
 - 1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 4.10P^{0.67}$$
 where
 E = the maximum allowable particulate emissions rate in pounds-mass per hour.
 P = the process weight rate in tons-mass per hour.
 - 2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 55.0P^{0.11} - 40$$
 where "E" and "P" are defined as indicated in subsection (A)(1).
- B. For reference purposes only, the equations in subsection (A) are plotted in Figure 2, Appendix 11. The emission values obtained from the graph are approximately correct for the process weight rates shown. However, the actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- C. For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter for that process.
- D. The opacity of emissions subject to the provisions of this Section shall not exceed 20%.
- E. The reference methods set forth in the Arizona Testing Manual and 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in this Section as follows:
 - 1. Method A1 or Reference Method 5 for concentration of particulate matter and associated moisture content;
 - 2. Reference Method 1 for sample and velocity traverses;
 - 3. Reference Method 2 for volumetric flow rate;
 - 4. Reference Method 3 for gas analysis.
- F. Except as provided in a consent decree or a delayed compliance order, the owner or operator of any primary copper smelter shall not discharge or cause the discharge of sulfur dioxide into the atmosphere from any stack required to be monitored by R18-2-715.01(K) in excess of the following:
 - 1. ~~For the copper smelter located near San Manuel, Arizona at latitude 32°36'58"N and longitude 110°37'19"W:~~
 - a. ~~Annual average emissions, as calculated under R18-2-715.01(C), shall not exceed 1,742 pounds per hour.~~
 - b. ~~The number of three-hour average emissions, as calculated under R18-2-715.01(C), shall not exceed n cumulative occurrences in excess of E, the emission level, shown in the following table in any compliance period as defined in R18-2-715.01(J):~~

n_i	E_i
Cumulative Occurrences	(lb/hr)

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0	9803
1	8253
2	7619
4	6072
7	5660
12	4922
20	4515
32	4272
48	3945
68	3727
94	3568
130	3419
180	3253
245	3101
330	2958
435	2831
560	2712
710	2615
890	2525
1100	2440
1340	2366
1610	2290
1910	2216
2240	2142

- 2-1. For the copper smelter located near Hayden, Arizona at latitude 33°0'29"N and longitude 110°47'17" W:
- a. Annual average emissions, as calculated under R18-2-715.01(C), shall not exceed 6,882 pounds per hour.
 - b. The number of three-hour average emissions, as calculated under R18-2-715.01(C), shall not exceed n cumulative occurrences in excess of E, the emission level, shown in the following table in any compliance period as defined in R18-2-715.01(J):

n,	E,
Cumulative Occurrences	(lb/hr)
0	24,641
1	22,971
2	21,705
4	20,322
7	19,387
12	18,739
20	17,656
32	16,988
48	16,358
68	15,808
94	15,090
130	14,423
180	13,777
245	13,212
330	12,664

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435	12,129
560	11,621
710	11,165
890	10,660
1100	10,205
1340	9,748
1610	9,319
1910	8,953
2240	8,556

- 3-2. For the copper smelter located near Miami, Arizona at latitude 33°24'50"N and longitude 110°51'25"W:
- a. Annual average emissions, as calculated under R18-2-715.01(C), shall not exceed 604 pounds per hour.
 - b. The number of three-hour average emissions, as calculated under R18-2-715.01(C), shall not exceed n cumulative occurrences in excess of E, the emission level, shown in the following table in any compliance period as defined in R18-2-715.01(J):

n, Cumulative Occurrences	E, (lb/hr)
0	8678
1	7158
2	5903
4	4575
7	4074
12	3479
20	3017
32	2573
48	2111
68	1703
94	1461
130	1274
180	1145
245	1064
330	1015
435	968
560	933
710	896
890	862
1100	828
1340	797
1610	765
1910	739
2240	712

- G. Except as provided in a consent decree or a delayed compliance order, ~~the owner or operator of the copper smelters listed below shall not discharge or cause the discharge of fugitive sulfur dioxide into the atmosphere in excess of the following:~~ for the copper smelter located near Hayden, Arizona at latitude 33°0'29"N and longitude 110°47'17"W, annual average fugitive emissions calculated under R18-2-715.01(T) shall not exceed 295 pounds per hour.
 - 1. ~~For the copper smelter located near San Manuel, Arizona at latitude 32°36'58"N and longitude 110°37'19"W:~~
 - a. ~~Annual average emissions calculated under R18-2-715.01(R) shall not exceed 715 pounds per hour for converter roof fugitive emissions; and~~

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- b. The number of three-hour average emissions for converter roof fugitive emissions, calculated under R18-2-715.01(R) shall not exceed n cumulative occurrences in excess of E_{fn} , the emission level, shown in the following table in any compliance period as defined in R18-2-715.01(R)(8):

n	E_{fn} (lb/hr)
0	4462
1	4299
2	4222
4	4017
7	3867
12	3460
20	3179
32	3000
48	2827
68	2649
94	2523
130	2361
180	2218
245	2072
330	1923
435	1785
560	1644
710	1517
890	1402
1100	1300
1340	1208
1610	1121
1910	1039
2240	957

2. For the copper smelter located near Hayden, Arizona at latitude 33°0'29"N and longitude 110°47'17"W, annual average fugitive emissions calculated under R18-2-715.01(T) shall not exceed 295 pounds per hour.

- H. In addition to the limits in subsection (F)(3), except as provided in a consent decree or a delayed compliance order, the owner or operator of the copper smelter located near Miami, Arizona at latitude 33°24'50"N and longitude 110°51'25"W shall not discharge or cause the discharge of sulfur dioxide into the atmosphere from combined stack and fugitive emissions units in excess of the 2420 pounds per hour annual average calculated under R18-2-715.01(U).

R18-2-718. Standards of Performance for Existing Kraft Pulp Mills Repealed

- A. The provisions of this Section are applicable to the following affected facilities in kraft pulp mills: digester system, brown stock washer system, multiple effect evaporator system, black liquor oxidation system, recovery furnace, smelt dissolving tank, lime kiln, and condensate stripper system. In pulp mills in which kraft pulping is combined with neutral sulfite semi-chemical pulping, the provisions of this Section are applicable when any portion of the material charged to an affected facility is produced by the kraft pulping operation.

- B. No person shall cause, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any kraft pulp mill process source in total quantities in excess of the amounts calculated by one of the following equations:

1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 4.10P^{0.67}$$

where:

E = the maximum allowable particulate emissions rate in pounds mass per hour.

P = the process weight rate in tons mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maxi-

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imum allowable emissions shall be determined by the following equation:

$$E = 55.0P^{0.11} - 40$$

where "E" and "P" are defined as indicated in subsection (B)(1).

- ~~C.~~ For reference purposes only, the equations set forth in subsection (B) are plotted in Appendix 11, Figure 2. The emission values obtained from the graph are approximately correct for the process weight rates shown. However, the actual values shall be calculated from the applicable equations and rounded off to two decimal places.
- ~~D.~~ For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.
- ~~E.~~ No person shall cause, allow or permit the discharge of total reduced sulfur measured as hydrogen sulfide (H₂S) in excess of the following amounts:
 - 1. From any recovery furnace, any gases which contain H₂S in excess of 20 ppm by volume corrected to 8% oxygen.
 - 2. From any lime kiln, any gases which contain H₂S in excess of 40 ppm by volume corrected to 10% oxygen.
- ~~F.~~ Any owner or operator subject to the provisions of this Section shall install, calibrate, maintain, and operate the following continuous monitoring systems:
 - 1. A continuous monitoring system to monitor and record the opacity of the gases discharged into the atmosphere from any recovery furnace. The span of this system shall be set at 70% opacity.
 - 2. A continuous monitoring system, to monitor and record the concentration of H₂S emissions discharged into the atmosphere from any recovery furnace or lime kiln. The span shall be set at H₂S concentration of 50 ppm.
 - 3. A continuous monitoring system to monitor and record the percent of oxygen by volume in the gases discharged from any recovery furnace or lime kiln. The continuous monitoring system shall be located downstream of the control device for the recovery furnace or lime kiln, and all measurements shall be made on a dry basis. The span of this system shall be set at 20% oxygen.
 - 4. For any lime kiln or smelter dissolving tank using a scrubber emission control device:
 - a. A monitoring device for the continuous measurement of the pressure loss of the gas stream through the control equipment. The monitoring device shall be certified to the manufacturer to be accurate within a gage pressure of ±500 pascals (ca. ±2 inches of water gage pressure).
 - b. A monitoring device for the continuous measurement of the scrubbing liquid supply pressure to the control equipment. The monitoring device shall be certified by the manufacturer to be accurate within ±15% of design scrubbing liquid supply pressure. The pressure sensor or tap shall be located close to the scrubber liquid discharge point, although the Director may be consulted for approval of alternative locations.
- ~~G.~~ The test methods and procedures required by this Section are as follows:
 - 1. Reference methods in 40 CFR 60, Appendix A except as provided under R18-2-312 shall be used to determine compliance with this Section as follows:
 - a. Method 5 for the concentration of particulate matter and the associated moisture content;
 - b. Method 1 for sample and velocity traverses;
 - c. Method 3 for gas analysis;
 - d. Method 9 for visible emissions;
 - e. Method 11 for total reduced sulfur as hydrogen sulfide.
 - 2. For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the Director. Water shall be used as the cleanup solvent instead of acetone in the sample recovery procedure outlined in Method 5. For determination of compliance with this Section, particulate measurements shall at least be made on the recovery furnace, smelt dissolving tank, and lime kiln. All concentrations of particulate matter from the lime kiln and recovery furnace shall be corrected to 10 volume percent oxygen and 8 volume percent oxygen, respectively, when the oxygen concentrations exceed these values.

R18-2-729. Standards of Performance for Cotton Gins

- A. Fugitive dust, lint, bolls, cotton seed or other material emitted from a cotton gin or lying loose in a yard shall be collected and disposed of in an efficient manner or shall be treated in accordance with R18-2-604 through R18-2-607.
- B. No person shall cause, allow or permit to be emitted into the atmosphere, from any type of incinerator, smoke, fumes, gases, particulate matter or other gas-borne material which exceeds 40% opacity. An opacity of 40% or less shall exempt the source from mass emissions testing. In the event that the cotton gin does not comply with the 40% opacity standard, the owner or operator may request the permission of the Director to perform a mass emissions test observed by a representative of the Department. Successful completion of this test will result in an adjustment to the simultaneous opacity standard in accordance with Section R18-2-702(D).
- C. No person shall cause, allow, or permit the discharge of particulate matter into the atmosphere in any one hour from any cotton gin in total quantities in excess of the amounts calculated by one of the following equations:
 - 1. For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:

$$E = 4.10P^{0.67}$$

where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

P = the process weight rate in tons-mass per hour.

2. For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:

$$E = 55.0P^{0.11} - 40$$

where "E" and "P" are defined as indicated in subsection (C)(1).

D. The test methods and procedures required by this Section are as follows:

1. The reference methods in the Arizona Testing Manual and 40 CFR 60, Appendix A shall be used to determine compliance with this Section as follows:
 - a. Method A-2 for the measurement of particulate matter,
 - b. Method 1 for sample and velocity traverses,
 - c. Method 2 for velocity and volumetric flow rate,
 - d. Method 3 for gas analysis,
 - e. Method 9 for visible emissions.
2. For Method A-2, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dry standard cubic meters per hour (0.53 dry standard cubic feet per minute), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the Director.

R18-2-732. Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators

A. This Section applies to any hospital/medical/infectious waste incinerator (HMIWI) for which construction was commenced on or before June 20, 1996. All federal regulations cited within this Section are incorporated by reference in R18-2-901. An incinerator subject to this Section is not subject to R18-2-704. The following types of incinerators are not subject to this Section:

1. An incinerator during periods when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned, if the owner or operator of the incinerator does both of the following:
 - a. Notifies the Director of an exemption claim.
 - b. Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned.
2. Any co-fired incinerator if the owner or operator of the incinerator does all of the following:
 - a. Notifies the Director of an exemption claim.
 - b. Provides an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels or wastes to be burned.
 - c. Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste burned, and the weight of all other fuels and wastes burned at the co-fired incinerator.
3. Any incinerator required to have a permit under Section 3005 of the Solid Waste Disposal Act.
4. Any incinerator subject to 40 CFR 60, Subparts Cb, Ea, or Eb (standards or guidelines for certain municipal waste incinerators).
5. Any pyrolysis unit, as defined in 40 CFR 60.51c.
6. Cement kilns firing hospital waste or medical/infectious waste.

B. A physical or operational change made to an existing HMIWI unit solely for the purpose of complying with emission limitations under this Section is not considered a modification and does not result in an existing HMIWI unit becoming subject to the provisions of R18-2-901(9).

C. In addition to the definitions provided in 40 CFR 60.51c, the following definitions apply to this Section:

1. "Rural HMIWI" means any small HMIWI that is located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area and that burns less than 2,000 pounds per week of hospital waste and medical/infectious waste. The 2,000 pounds per week limitation does not apply during performance tests.
2. "Standard Metropolitan Statistical Area" or "SMSA" means any area listed in Office of Management and Budget (OMB) Bulletin 93-17 entitled "Revised Statistical Definitions for Metropolitan Areas" dated June 30, 1993 which is incorporated by reference. This incorporation by reference does not include any later amendments or editions. A copy of the bulletin is on file with the Office of the Secretary of State and the Department.
3. "State Plan" means the plan that 40 CFR 60 subpart Ce requires states to develop to regulate existing HMIWI built on or before June 20, 1996.

D. Beginning September 15, 2000, an HMIWI shall operate under a Class I permit.

E. An owner or operator of an HMIWI shall comply with the following emissions limitations:

1. The emissions limitations in Table 1 unless the HMIWI is a rural HMIWI.
2. The emissions limitations in Table 2, if the HMIWI is a rural HMIWI.
3. An owner or operator of an HMIWI shall not cause to be discharged into the atmosphere from the stack of that HMIWI any gases that exhibit greater than 10% opacity (6-minute block average).
4. An owner or operator of a large existing HMIWI shall comply with the opacity requirements in 40 CFR 60.52c (c),

- (d), and (e).
- F.** An owner or operator of an HMIWI shall comply with the operator training requirements found in 40 CFR 60.53c within one year following approval of the State Plan.
- G.** An owner or operator of an HMIWI shall comply with the waste management requirements found in 40 CFR 60.55c.
- H.** An owner or operator of a rural HMIWI shall comply with the following inspection requirements:
1. The owner or operator shall conduct or hire another party to conduct an initial equipment inspection within one year following approval of the State Plan.
 2. At a minimum, an inspection shall include the following:
 - a. Inspect all burners, pilot assemblies, and pilot sensing devices for proper operation. Clean pilot flame sensor, as necessary.
 - b. Inspect adjustment of primary and secondary chamber combustion air, and adjust as necessary.
 - c. Inspect hinges and door latches, and lubricate as necessary.
 - d. Inspect dampers, fans, and blowers for proper operation.
 - e. Inspect HMIWI door and door gaskets for proper sealing.
 - f. Inspect motors for proper operation.
 - g. Inspect primary chamber refractory lining. Clean and repair or replace lining as necessary.
 - h. Inspect incinerator shell for corrosion and hot spots.
 - i. Inspect secondary/tertiary chamber and stack, clean as necessary.
 - j. Inspect mechanical loader, including limit switches, for proper operation, if applicable.
 - k. Visually inspect waste bed (grates), and repair or seal, as appropriate.
 - l. For the burn cycle that follows the inspection, document that the incinerator is operating properly and make any necessary adjustments.
 - m. Inspect each air pollution control device for proper operation, if applicable.
 - n. Inspect waste heat boiler systems to ensure proper operation, if applicable.
 - o. Inspect bypass stack components.
 - p. Ensure proper calibration of thermocouples, sorbent feed systems and any other monitoring equipment.
 - q. Generally observe that the equipment is maintained in good operating condition.
 3. Within 10 operating days following an equipment inspection, the owner or operator shall complete all necessary repairs unless the owner or operator obtains written approval from the Director establishing a date by which all necessary repairs of the facility shall be completed.
 4. The owner or operator of any rural HMIWI shall conduct or hire another party to conduct an equipment inspection annually (no more than 12 months following the previous annual equipment inspection), as outlined in subsections (2) and (3).
- I.** An owner or operator of an HMIWI shall comply with the following compliance, performance testing, and monitoring requirements:
1. Except as provided in subsection (2), an existing HMIWI shall meet the requirements for compliance and performance testing in 40 CFR 60.56c, excluding the fugitive emissions testing requirements under 40 CFR 60.56c(b)(12) and (c)(3).
 2. A rural HMIWI shall meet the following compliance and performance testing requirements:
 - a. Conduct the performance testing requirements in 40 CFR 60.56c(a), (b)(1) through (b)(9), (b)(11) (Hg only), and (c)(1). The 2,000 lb/week limitation under 40 CFR 60.33e(b) does not apply during performance tests.
 - b. Establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limitations.
 - c. Ensure that the facility does not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as three-hour rolling averages (calculated each hour as the average of the previous three operating hours) at all times except during periods of startup, shutdown, and malfunction. Operating parameter limits do not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature is a violation of the established operating parameter.
 - d. Except as provided in subsection (I)(2)(e), operating the facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three-hour rolling average) simultaneously is a violation of the PM, CO, and dioxin/furan emission limitations.
 - e. The owner or operator may conduct a repeat performance test within 30 days after violation of any applicable operating parameter to demonstrate that the facility is not in violation of any applicable emission limit. Repeat performance tests conducted under this subsection shall be conducted using the identical operating parameters that indicated a violation under subsection (I)(2)(d).
 3. The owner or operator shall comply with the monitoring requirements listed in 40 CFR 60.57c of subpart Ec, except as provided in subsection (I)(4).
 4. A rural HMIWI shall meet the following monitoring requirements:
 - a. Install, calibrate (to manufacturer's specifications), maintain, and operate a device for measuring and recording

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the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation.

- b. Install, calibrate (to manufacturer's specifications), maintain, and operate a device that automatically measures and records the date, time, and weight of each charge fed into the HMIWI.
 - c. Obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for 75% of the operating hours per day and for 90% of the operating hours per calendar quarter that the facility is incinerating hospital waste or medical/infectious waste.
- J.** An owner or operator of an HMIWI shall comply with the following reporting and recordkeeping requirements:
1. An owner or operator of each HMIWI shall comply with the requirements listed in 40 CFR 60.58c(b), (c), (d), (e), and (f), excluding 40 CFR 60.58c(b)(2)(ii) (fugitive emissions) and (b)(7) (siting).
 2. An owner or operator of each rural HMIWI shall perform all the following:
 - a. Maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 days after an inspection or the time-frame established by the Director.
 - b. Submit an annual report to ADEQ, Air Quality Division, ~~(F5109B), 3003 North Central Avenue, Phoenix, Arizona 85012~~. The report shall contain information recorded under subsection (2)(a) and be submitted no later than 60 days following the year in which data were collected. The owner or operator shall send subsequent reports no later than 12 calendar months following the previous report (after receiving a Class I permit, the owner or operator shall submit these reports semiannually). The facility's manager shall sign the report.