

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

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NOTICE OF FINAL RULEMAKING

MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

MARICOPA COUNTY HAZARDOUS AIR POLLUTANTS (HAPS) PROGRAM

[M07-337]

PREAMBLE

1. Sections affected

	<u>Rulemaking action</u>
Rule 100-General Provisions And Definitions	Amend
Rule 200-Permit Requirements	Amend
Rule 210-Title V Permit Provisions	Amend
Rule 220-Non-Title V Permit Provisions	Amend
Rule 230-General Permits	Amend
Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources	Amend
Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program	New
Appendix B-Standard Permit Application Form And Filing Instructions	Amend
Appendix H-Procedures For Determining Ambient Air Concentrations For Hazardous Air Pollutants	New

2. Statutory authority for the rulemaking:

Authorizing Statutes: Arizona Revised Statutes, Title 49, Chapter 3, Article 3, Sections 479 and 480 (ARS §49-479, ARS §49-480)

Implementing Statutes: Arizona Revised Statutes, Title 49, Chapter 1, Article 1, Section 112 (ARS §49-112)

3. Effective date of the rules:

Date of adoption: June 6, 2007

4. List of all previous notices appearing in the *Register* addressing the proposed rulemaking:

Notice of Rulemaking Docket Opening: 12 A.A.R. 4249, November 17, 2006

Notice of Proposed Rulemaking: 13 A.A.R. 314, February 9, 2007

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

Name: Johanna M. Kuspert or Jo Crumbaker
Address: 1001 N. Central Ave., Ste. 595
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6. An explanation of the rulemaking, including the Department's reasons for initiating the rulemaking:

Arizona Revised Statutes (A.R.S) §49-480.04(A) requires that within six months after the adoption of rules pursuant to ARS §49-426.06(A)-State. Program For Control Of Hazardous Air Pollutants, the Board Of Supervisors shall by rule establish a county program for the control of hazardous air pollutants that meets the requirements of A.R.S. §49-480.04-County Program For Control Of Hazardous Air Pollutants. Since the Arizona Administrative Procedure Act does not define "adoption" and since the Arizona Department Of Environmental (ADEQ) delayed the effective date of the State hazardous air pollutants (HAPs) program until January 2007, counties have until June 2007 to comply with A.R.S. §49-480.04(A) - to establish, by rule, a county program for the control of hazardous air pollutants.

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

The rulemaking adopted on June 6, 2007 creates new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program, a Maricopa County program for the regulation of hazardous air pollutants (HAPs) as required by Arizona Revised Statutes (A.R.S.) §49-480.04, and creates new Appendix H-Procedures For Determining Ambient Air Concentrations For Hazardous Air Pollutants.

In addition, the rulemaking amends existing rules - Rule 100, Rule 200, Rule 210, Rule 220, Rule 230, Rule 240, and Appendix B - to reflect the requirements of the new program and to improve the rules' clarity and regulatory uniformity among related rules in the Maricopa County Air Pollution Control Regulations.

The Maricopa County Hazardous Air Pollutants (HAPs) Program: The Maricopa County Hazardous Air Pollutants (HAPs) Program meets the requirements of A.R.S. §49-480.04-County Program For Control Of Hazardous Air Pollutants and is similar to and no more stringent than ADEQ's Arizona program for the regulation of HAPs. ADEQ's Arizona program for the regulation of HAPs is intended to replace the Arizona Ambient Air Quality Guidelines (AAAQG), which are health-based guidelines/acceptable concentration levels for hazardous air pollutants that are regulated by the State Of Arizona. The AAAQGs are not standards but residential screening values that help agencies make sound environmental risk management decisions to protect human health.

Applicability: The Maricopa County Hazardous Air Pollutants (HAPs) Program applies to new sources of HAPs or modified sources of HAPs. The Maricopa County Hazardous Air Pollutants (HAPs) Program also applies to existing sources of HAPs, when such existing sources increase the emissions of a hazardous air pollutant by more than a de minimis amount. Hazardous air pollutants (HAPs) regulated by this program are the hazardous air pollutants on the federal list of hazardous air pollutants - Section 112(b) of the Clean Air Act.

New Major Sources Of HAPs: The Maricopa County Hazardous Air Pollutants (HAPs) Program applies to new major sources of HAPs. New major sources of HAPs are sources that emit or have the potential to emit either 10 tons per year (tpy) of a single listed HAP or 25 tpy of any combination of listed HAPs.

The Maricopa County Hazardous Air Pollutants (HAPs) Program requires new major sources of HAPs to implement, on a case-by-case basis, Arizona Maximum Achievable Control Technology (AZMACT). A new major source of HAPs is exempted from this requirement, if the new major source of HAPs conducts a scientifically sound Risk Management Analyses (RMA) that shows that the imposition of control technology in a specific case is unnecessary to avoid adverse effects to human health or the environment.

Also, the Maricopa County Hazardous Air Pollutants (HAPs) Program requires new major sources of HAPs to obtain a new permit that would include either Arizona Maximum Achievable Control Technology (AZMACT) or a Risk Management Analyses (RMA) that demonstrates that the imposition of control technology is unnecessary to avoid adverse effects to human health and the environment.

Modifications To Existing Major Sources Of HAPs: The Maricopa County Hazardous Air Pollutants (HAPs) Program applies to existing major sources of HAPs that make a modification that increases the emissions of a HAP by more than a de minimis amount. De minimis amount, for the purpose of the proposed Maricopa County Hazardous Air Pollutants (HAPs) Program, reflects the maximum amount of a pollutant that could be emitted as a result of a modification without producing adverse effects to human health.

The Maricopa County Hazardous Air Pollutants (HAPs) Program requires that existing major sources of HAPs that make a modification obtain a significant permit revision that includes either Arizona Maximum Achievable Control Technology (AZMACT) or a Risk Management Analyses (RMA) that demonstrates that the imposition of control technology in a specific case is unnecessary to avoid adverse effects to human health or the environment.

New Minor Sources Of HAPs: The Maricopa County Hazardous Air Pollutants (HAPs) Program applies to new minor sources of HAPs. New minor sources of HAPs are sources that emit or have the potential to emit either 1 ton per year (tpy) or more but less than 10 tpy of a single listed HAP or 2.5 tpy or more but less than 25 tpy of any combination of listed HAPs, if such new minor sources of HAPs belong to one of the 24 source categories listed in Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program, Table 1-Maricopa County HAPs Minor Source Categories. The sources included in the 24 source categories listed in Rule 372, Table 1 have been determined to emit HAPs that individually or in the aggregate result in adverse effects to human health or adverse environmental effects (i.e., effects that result in or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness).

The Maricopa County Hazardous Air Pollutants (HAPs) Program requires new minor sources of HAPs to implement, on a case-by-case basis, Hazardous Air Pollutant Reasonably Available Control Technology (HAPRACT). A new minor source of HAPs is exempted from this requirement, if the new minor source of HAPs conducts a Risk Management Analyses (RMA) that shows that the imposition of control technology in a specific case is unnecessary to avoid adverse effects to human health or the environment.

Also, the Maricopa County Hazardous Air Pollutants (HAPs) Program requires new minor sources of HAPs to obtain a new permit that would include either a proposal for Hazardous Air Pollutant Reasonably Available Control Technology (HAPRACT) or a Risk Management Analyses (RMA) that shows that the imposition of control technology in a specific case is unnecessary to avoid adverse effects to human health or the environment.

Modifications To Existing Minor Sources Of HAPs: The Maricopa County Hazardous Air Pollutants (HAPs) Program applies to existing minor sources of HAPs, if such existing minor sources of HAPs belong to one of the 24 source categories listed in Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program, Table 1-Maricopa County HAPs Minor Source Categories that make a modification that increases the emissions of a HAP by more than a de minimis amount.

The Maricopa County Hazardous Air Pollutants (HAPs) Program requires that existing minor sources of HAPs that make a modification that increase the emissions of a HAP by more than a de minimis amount obtain a significant permit revision that includes either Hazardous Air Pollutant Reasonably Available Control Technology (HAPRACT) or a Risk Management Analyses (RMA) that shows that the imposition of control technology in a specific case is unnecessary to avoid adverse effects to human health or the environment.

The Structure Of New Rule 372 And New Appendix H:

Rule 372-Section 100-General: Includes purpose, applicability, and exemptions. Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program applies to major sources of HAPs within Maricopa County and applies to minor sources of HAPs within Maricopa County that are in one of the 24 source categories listed in Rule 372, Table 1-Maricopa County HAPs Minor Source Categories.

Sources listed in the Maricopa County HAPs Minor Source Categories list have been determined to emit HAP individually or in the aggregate that results in adverse effects to human health or adverse environmental effects - effects that result in or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.

The Maricopa County HAPs Minor Source Categories list is the same list included in the Arizona Department Of Environmental Quality's (ADEQ's) Arizona Program for the regulation of HAPs. This list was developed by Weston Solutions, Inc., an environmental and redevelopment firm retained by ADEQ to assist in the development of a new Arizona Program for the regulation of HAPs.

Weston Solutions, Inc. modeled HAP emissions from sources in the candidate categories, classified by Standard Industrial Classification (SIC) Code, to determine ambient air concentrations of HAPs. The modeled concentration was then compared to the health-based ambient air concentrations for each particular HAP emitted by a source. If the modeled concentration of any HAP from any source in the candidate category was greater than 120% of the health-based ambient air concentration for that HAP, then that source category was included in the list.

If the highest modeled concentration of any HAP in a candidate category was less than 80% of the health-based ambient air concentration, then that category was excluded from the list.

When modeled concentrations fell within the 80%-120% range, further evaluation of that source category was required. There was only one instance where a modeled source fell within that range.

Facilities in a particular SIC category were modeled only until one met the listing criteria. A total of 64 facilities permitted in Arizona were modeled from 41 different SIC codes. Twenty-four source categories met the listing criteria and were classified as being source categories subject to the HAPs program. Those categories are listed by SIC code in Rule 372, Table 1-Maricopa County HAPs Minor Source Categories.

Rule 372-Section 200-Definitions: Includes seventeen terms and definitions. Of particular note is Section 214-Definition Of Modification/Modify. Modification/Modify means a change in the source or in its method of operation that increases the emissions of a hazardous air pollutant by more than any de minimis amount. Those relevant de minimis amounts are listed in Rule 372, Table 2-Maricopa County HAPs De Minimis Levels. De minimis amounts/levels in Table 2 were developed from the 72 HAPs emitted by Arizona industries, as reported to the Arizona Department Of Environmental Quality (ADEQ) or to the Environmental Protection Agency (EPA) by those industries in their emission or toxic release inventories.

Rule 372-Section 300-Standards: Includes the list of Maricopa County hazardous air pollutants, which are the federally listed hazardous air pollutants listed in Section 112(b)(1) of the Act (42 U.S.C. 7412(b)(1)) and the requirements for a permit or a permit revision and control technology - either Arizona Maximum Achievable Control Technology (AZMACT), Hazardous Air Pollutant Reasonably Available Control Technology (HAPRACT), or a Risk Management Analyses (RMA) that shows that the imposition of control technology in a specific case is unnecessary to avoid adverse effects to human health or the environment.

Rule 372-Section 400-Administrative Requirements: Includes the effective date of proposed Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.

Appendix H-Procedures For Determining Ambient Air Concentrations For Hazardous Air Pollutants: Describes procedures for the development of health-based ambient air concentrations for conducting a Risk Management Analyses (RMA). The necessity of employing these procedures would arise in two instances. First, the ambient air concentrations would need to be developed for HAPs that are not already included in Rule 372, Table 3-Acute And Chronic Ambient Air Concentrations. Second, an applicant conducting an RMA for a source that emits a HAP that is one of a listed group of compounds, but is not the selected compound included in Rule 372, Table 3-Acute And Chronic Ambient Air Concentrations, might wish to develop a separate ambient air concentration, particularly since those compounds selected from groups for inclusion in Rule 372, Table 3-Acute And Chronic Ambient Air Concentrations

are typically the most toxic in that group. Appendix H follows the same procedure used by the Arizona Department Of Environmental Quality (ADEQ) in the Arizona program for the regulation of HAPs.

Section By Section Explanation Of Changes To Existing Rules:

Rule 100-General Provisions And Definitions:

Section 200.55-Definition Of Hazardous Air Pollutant Reasonably Available Control Technology (HAPACT): This revision adds the definition of HAPACT. Definition is the same definition as used in Rule 230-General Permits. Term is deleted from Rule 230-General Permits. Term is used in both Rule 230-General Permits and in new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program. Procedurally, when a term is used in more than one Maricopa County rule, such term is removed from such rules and is added to Rule 100.

Section 200.63(a)(3)(b)-Definition Of Material Permit Condition: This revision changes from a reference to the implementing statutes of the HAPs Program (Arizona Revised Statutes (A.R.S.) §49-426.06) to a reference to new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.

Section 200.91(d)-Definition Of Regulated Air Pollutant: This revision changes from a reference to the implementing statutes of the HAPs Program (A.R.S. §49-401.01) to a reference to new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.

Section 200.98(c)-Definition Of Significant: This revision changes from a reference to the implementing statutes of the HAPs Program (A.R.S. §49-401.01(16)) to a reference to new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.

Section 505.3-Annual Emissions Inventory Report: This revision changes from a reference to the implementing statutes of the HAPs Program (A.R.S. §49-480.04) to a reference to new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.

Rule 200-Permit Requirements:

Section 303.2(a)-Non-Title V Permit: This revision changes from a reference to the implementing statutes of the HAPs Program (A.R.S. §49-426.04(A)(1)) to a reference to new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.

Section 303.2(b)-Non-Title V Permit: This revision changes from a reference to the implementing statutes of the HAPs Program (A.R.S. §49-426.05) to a reference to new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.

Section 303.3(c)(7)(k)-Non-Title V Permit-Miscellaneous: This revision adds “A person to commence construction of, to operate, or to modify...Any source that emits or has the potential to emit, without control, regulated air pollutants, except the following sources to the extent which the described limits are not exceeded...A person to begin actual construction of a source subject to Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.” This revision expands the conditions requiring a Non-Title V permit to include the beginning of actual construction of a source subject to Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.

Section 303.3(c)(7)(l)-Non-Title V Permit-Miscellaneous: This revision adds “A person to commence construction of, to operate, or to modify...Any source that emits or has the potential to emit, without control, regulated air pollutants, except the following sources to the extent which the described limits are not exceeded...A person to make a modification to a source subject to Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.” This revision expands the conditions requiring a Non-Title V permit modification to include a source subject to Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.

Section 404.1-Permit Transfers: This revision clarifies permit transfer requirements for Title V sources and Non-Title V sources. The following has been deleted “...if the person who holds the permit gives notice to the Control Officer in writing at least 30 days before the proposed transfer and complies with the administrative permit amendment procedures pursuant to Rule 210 and/or Rule 220 of these rules”. The following has been added “Before the proposed transfer, the person who holds a valid Non-Title V permit or a valid General permit shall comply with the administrative permit revision procedures pursuant to Rule 200, Section 405.1 of these rules. At least 30 days before the proposed transfer, the person who holds a valid Title V permit shall give notice to the Control Officer in writing and shall comply with the administrative permit amendment procedures pursuant to Rule 210, Section 404 of these rules” and the following has been added “...or a General permit” in the first sentence.

Section 407.1-Air Quality Impact Model: This revision updates the incorporation by reference of the “Guideline On Air Quality Models”. This guideline was previously an independent document but has since been included in the Code Of Federal Regulations at 40 CFR Part 51, Appendix W. This update merely reflects that change and points the applicant to the latest edition of the guideline.

Rule 210-Title V Permit Provisions:

Section 301.4(c)-Permit Application Processing Procedures: This revision changes the reference to the implementing statutes of the HAPs Program (A.R.S. §49-426.03 and A.R.S. §49-426.06) to a reference to new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.

Section 403.1(a)-Source Changes Allowed Without Permit Revisions: This revision changes “ A.R.S. §49-401.01(17)” to “ A.R.S. §49-401.01(24), or as defined in Rule 100-General Provisions And Definitions of these rules”, in order to correct the reference to the definition of “modification” in A.R.S. §49-401.01(24).

Section 405.1(e)-Minor Permit Revisions: This revision changes the reference to the implementing statutes of the HAPs Program (A.R.S. §49-480.04) to a reference to new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.

Section 406.3-Significant Permit Revisions: This revision changes the reference to the implementing statutes of the HAPs Program (A.R.S. §49-480.04) to a reference to new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.

Section 406.4-Significant Permit Revisions: This revision changes the reference to the implementing statutes of the HAPs Program (A.R.S. §49-480.04) to a reference to new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.

Section 408.1(e)-Public Participation: This revision changes the reference to the implementing statutes of the HAPs Program (A.R.S. §49-480.04(D)) to a reference to new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.

Section 408.4(k)-Public Participation: This revision changes the reference to the implementing statutes of the HAPs Program (A.R.S. §49-480.04) to a reference to new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.

Rule 220-Non-Title V Permit Provisions:

Section 301.4(c)-Permit Application Processing Procedures: This revision changes the reference to the implementing statutes of the HAPs Program (A.R.S. §49-426.03 and A.R.S. §49-426.06) to a reference to new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.

Section 304.1-Permits Containing Voluntarily Accepted Emissions Limitations, Controls, Or Other Requirements (Synthetic Minor): This revision deletes “Federal”. Deleting “Federal” allows applicants, who opt to accept a voluntary emission limitation, to avoid state and local applicable requirements, which include the HAPs program under new Rule 372, rather than avoiding merely federal requirements.

Section 407.1-Public Participation: This revision adds public participation requirements for sources listed in fee tables in Rule 280-Fees.

Section 407.2-Public Participation: This revision adds public participation requirements for sources listed in fee tables in Rule 280-Fees.

Section 407.3-Public Participation: This revision adds public participation requirements for sources listed in fee tables in Rule 280-Fees.

Rule 230-General Permits:

Section 201-Definition Of Hazardous Air Pollutant Reasonably Available Control Technology (HAPACT): This revision deletes definition of HAPRACT. This revision adds the definition of HAPRACT to Rule 100-General Provisions And Definitions. Term is used in both Rule 230 and in new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program. Procedurally, when a term is used in more than one Maricopa County rule, such term is removed from such rules and is added to Rule 100-General Provisions And Definitions.

Section 308.1-General Permit Variance For Any Non-Federally Enforceable Requirement Of A Permit: This revision changes the reference to the implementing statutes of the HAPs Program (A.R.S. §49-426.05(A) and A.R.S. §49-480.04(D)) to a reference to new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.

Section 308.2-General Permit Variance For Any Non-Federally Enforceable Requirement Of A Permit: This revision changes the reference to the implementing statutes of the HAPs Program (A.R.S. §49-480.04(D)) to a reference to new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.

Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources:

Section 302.6-Application Completeness: This revision adds “An application for a permit or a permit revision under this rule shall not be considered complete unless the application demonstrates that:…The new major source or major modification will not exceed the applicable standards for hazardous air pollutants contained in Rule 370-Federal Hazardous Air Pollutant Program of these rules and/or Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.”

Section 308.1(d)-Permit Requirements For Sources Located In Attainment And Unclassifiable Areas: This revision adds “Except as provided in Sections 308.2 through 308.7 and Section 509 of this rule, no permit or permit revision under this rule shall be issued to a person proposing to construct a new major source or proposing to make a major modification to a major source that would be constructed in an area designated as attainment or unclassifiable for any pollutant, unless the source or modification meets the following conditions:…Best available control technology (BACT) shall be determined on a case-by-case basis and may constitute application of production processes or avail-

able methods, systems, and techniques...In no event shall such application of best available control technology (BACT) result in emissions of any pollutant which would exceed the emissions allowed by any applicable new source performance standard or national emission standard for hazardous air pollutants under...Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.”

Section 308.1(f)(1)-Permit Requirements For Sources Located In Attainment And Unclassifiable Areas: This revision updates the incorporation by reference of the “Guideline On Air Quality Models”. This guideline was previously an independent document but has since been included in the Code Of Federal Regulations at 40 CFR Part 51, Appendix W. This update merely reflects that change and points the applicant to the latest edition of the guideline.

Section 308.1(f)(2)-Permit Requirements For Sources Located In Attainment And Unclassifiable Areas: This revision deletes “Methods like those outlined in the “Workbook For The Comparison Of Air Quality Models” (U.S. Environmental Protection Agency, Office Of Air Quality Planning And Standards, Research Triangle Park, N.C. 27711, May 1978) should be used to determine the comparability of air quality models.”

Appendix B-Standard Permit Application Form And Filing Instructions:

#16(a)(3)-Compliance Plan: This revision changes the reference to the implementing statutes of the HAPs Program (A.R.S. §49-480.04) to a reference to new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program.

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

Under A.R.S. §49-479(C), a county may not adopt a rule that is more stringent than the rules adopted by the Director of the Arizona Department of Environmental Quality (ADEQ) for similar sources unless it demonstrates compliance with the requirements of A.R.S. §49-112.

The requirements of A.R.S. §49-112 are as follows:

A.R.S. §49-112(A)

When authorized by law, a county may adopt a rule, ordinance, or other regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all the following conditions are met:

1. The rule, ordinance or other regulation is necessary to address a peculiar local condition;
2. There is credible evidence that the rule, ordinance or other regulation is either:
 - (a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible
 - (b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or other regulation is equivalent to federal statutes or regulations.

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality’s (ADEQ’s) Arizona program for the regulation of HAPs.

A.R.S. §49-112(B)

When authorized by law, a county may adopt rules, ordinances, or other regulations in lieu of a state program that are as stringent as a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if the county demonstrates that the cost of obtaining permits or other approvals from the county will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under this title or any rule adopted pursuant to this title...

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality’s (ADEQ’s) Arizona program for the regulation of HAPs. The rules are not being adopted or revised in lieu of a state program.

A.R.S. §49-112(C)

If a county has adopted rules, ordinances, or other regulations pursuant to this subsection B of this section and at any time cannot comply with subsection B of this section, the county shall give notice of noncompliance to the director...

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality’s (ADEQ’s) Arizona program for the regulation of HAPs. The rules are not being adopted or revised in lieu of a state program.

A.R.S. §49-112(D)

Except as provided in chapter 3-Air Quality, article 3-County Air Pollution Control of this title-The Environment, before adopting or enforcing any rule, ordinance, or other regulation pursuant to subsection A or B of this section, the county shall comply with all of the following...

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality’s (ADEQ’s) Arizona program for the regulation of HAPs. The rules are not being adopted or revised in lieu of a state program.

A.R.S. §49-112(E)

A county is not required to comply with subsection D, paragraphs 2, 3, and 4 of this section before it adopts or enforces a rule, ordinance, or other regulation if the rule, ordinance, or other regulation only adopts by reference an existing state or federal rule or law that provides greater regulatory flexibility for regulated parties and otherwise satisfies the requirements prescribed in subsection B of this section.

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. The rules are not being adopted or revised in lieu of a state program.

8. A reference to any study relevant to the rulemaking that the Department reviewed and either proposes to rely on in its evaluation of or justification for the rulemaking, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. The studies relevant to the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs are relevant to the Maricopa County Hazardous Air Pollutants (HAPs) Program:

Arizona Hazardous Air Pollutant Research Program, Final Report (ENSR Consulting and Engineering, August 1995.) Available for review at the ADEQ Library, First Floor, 1110 W. Washington St., Phoenix, AZ 85007.

Arizona DEQ – Development of Chronic Ambient Air Concentrations (Long-Term) (Weston Solutions, Inc., April 2005). Available for review at the ADEQ Library, First Floor, 1110 W. Washington St., Phoenix, AZ 85007.

Arizona DEQ – Development of Acute Health-Based Ambient Air Criteria (Weston Solutions, Inc., June, 2005). Available for review at the ADEQ Library, First Floor, 1110 W. Washington St., Phoenix, AZ 85007.

Procedure for Air Quality Dispersion Modeling for the Arizona HAPRACT Rule (Weston Solutions, Inc., July, 2005). Available for review at the ADEQ Library, First Floor, 1110 W. Washington St., Phoenix, AZ 85007.

Determination of De Minimis Levels (Weston Solutions, Inc. August 2005). Available for review at the ADEQ Library, First Floor, 1110 W. Washington St., Phoenix, AZ 85007.

Modeling Analysis Spreadsheet, Screen Modeling for Source Categories, (Weston Solutions, September, 2005). Available for review at the ADEQ Library, First Floor, 1110 W. Washington St., Phoenix, AZ 85007.

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

Not applicable

10. The economic, small business, and consumer impact:

The Maricopa County Hazardous Air Pollutants (HAPs) Program creates new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program, a Maricopa County program for the regulation of hazardous air pollutants (HAPs) as required by Arizona Revised Statutes (A.R.S.) §49-480.04, and creates new Appendix H-Procedures For Determining Ambient Air Concentrations For Hazardous Air Pollutants.

In addition, the rulemaking amends existing rules - Rule 100, Rule 200, Rule 210, Rule 220, Rule 230, Rule 240, and Appendix B - to reflect the requirements of the new program and to improve the rules' clarity, conciseness, and regulatory uniformity among related rules in the Maricopa County Air Pollution Control Regulations.

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. The Maricopa County Hazardous Air Pollutants (HAPs) Program applies to new sources of HAPs or modified sources of HAPs. The Maricopa County Hazardous Air Pollutants (HAPs) Program also applies to existing sources of HAPs, when such existing sources increase the emissions of a hazardous air pollutant by more than a de minimis amount. Hazardous air pollutants (HAPs) to be regulated by this program are the hazardous air pollutants on the federal list of hazardous air pollutants - Section 112(b) of the Clean Air Act.

The Maricopa County Hazardous Air Pollutants (HAPs) Program:

- Adopts the federally listed hazardous air pollutants
- Lists de minimis levels for Maricopa County hazardous air pollutants (HAPs) in Rule 372, Table 2-Maricopa County HAPs De Minimis Levels
- Lists 24 minor source categories subject to the program in Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program, Table 1-Maricopa County HAPs Minor Source Categories

Other sections in new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program, provide for case-by-case determinations of Hazardous Air Pollutant Reasonably Available Control Technology (HAPRACT) and Arizona Maximum Achievable Control Technology (AZMACT), and risk management analyses.

Introduction: The Maricopa County Hazardous Air Pollutants (HAPs) Program will protect human health and the environment through the application of control technology to reduce emissions of HAPs. The statute authorizes a risk

reduction approach similar to the federal New Source Review Program that requires source-specific control technology (A.R.S. §49-426.06). New and modified sources under this proposed program could be impacted.

New Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program requires the determination of control technology on a case-by-case basis through permits for new sources and permit modifications for existing sources. The level of control technology will vary by the size of the source (i.e., major sources will be subject to AZMACT, while minor sources will be subject to HAPRACT). Although this is not a risk management program, a source subject to this program may conduct a Risk Management Analyses (RMA) to avoid the application of a control technology. The rule provides for risk management analyses using a tiered approach. The tiers range in complexity: Tier 1 is a relatively simple, arithmetic calculation while Tier 4 could involve emission modeling and the development of a site specific risk assessment. Tiers 1-3 are expected to generate minimal compliance costs, while Tier 4 could result in relatively moderate compliance costs. However, the overall compliance costs to a source could be significantly reduced by conducting an RMA.

New Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program regulates emissions of 187 HAPs that are the basis of the federal HAPs control program. All major sources of HAPs with the potential to emit (PTE) 10 tons per year (tpy) or more of a single HAP or 25 tpy or more of any combination of HAPs will be subject to this program. Minor sources, those with a PTE of one tpy or more but less than 10 tpy of a single HAP or 2.5 tpy or more but less than 25 tpy of any combination of HAPs, which belong to the 24 categories listed in new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program will also be subject to this program.

New Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program also establishes de minimis amounts for listed HAPs for new sources or existing sources making modifications. If a modification results in an increase of actual emissions of any regulated HAP by more than any de minimis amount or results in the emission for any HAP not previously emitted by more than the relevant de minimis amount, the source would be subject to the program (A.R.S. §49-401.01).

Classes Of Persons Impacted. Entities impacted by this rulemaking include:

- New major sources emitting HAPs (i.e., sources that emit or have the potential to emit either 10 tons per year (tpy) or more of a single listed HAP or 25 tpy or more of any combination of listed HAPs)
- Existing major sources of HAPs (i.e., sources that emit or have the potential to emit either 10 tons per year (tpy) or more of a single listed HAP or 25 tpy or more of any combination of listed HAPs) that make a modification resulting in emissions greater than the de minimis amounts listed in new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program, Table 2
- New minor sources that emit or have the potential to emit either 1 ton per year (tpy) or more but less than 10 tpy of a single listed HAP or 2.5 tpy or more but less than 25 tpy of any combination of listed HAPs, if such new minor sources of HAPs belong to one of the 24 source categories listed in Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program, Table 1
- Existing minor sources of HAPs that belong to one of the 24 source categories listed in Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program, Table 1 and that make a modification resulting in emissions greater than the de minimis amounts listed in new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program, Table 2
- Consultants, including engineering services, lawyers, and associated businesses
- Pollution control vendors
- ADEQ, as the implementing agency
- Counties with approved air pollution control programs
- The general public

From Maricopa County emissions inventory records, 460 facilities have been issued Maricopa County permits that contain one or more HAPs limits. Of those 460 facilities, 177 sources have a HAPs limit greater than or equal to 1 tpy of a single HAP or greater than or equal to 2.5 tpy of a combination of HAPs. Of those 177 sources, 49 sources belong to the source categories for minor sources subject to the Maricopa County HAPs Program:

Primary SIC Code	Source Category	Number Of Minor Sources
2434	Wood Kitchen Cabinets	5
2451	Mobile Homes	9
2621	Paper Mills	0
2679	Converted Paper Products-Not Elsewhere Classified	0
2851	Paints And Allied Products	0
2911	Petroleum Refining	0
3086	Plastics Foam Products	2

3088	Plastics Plumbing Fixtures	2
3089	Plastics Products-Not Elsewhere Classified	8
3241	Cement-Hydraulic	0
3281	Cut Stone And Stone Products	1
3296	Mineral Wool	0
3312	Blast Furnaces And Steel Mills	1
3331	Primary Copper	0
3411	Metal Cans	0
3444	Sheet Metal Work	1
3451	Screw Machine Products	0
3479	Metal Coating And Allied Services	7
3585	Refrigeration And Heating Equipment	2
3672	Printed Circuit Boards	1
3999	Manufacturing Industries-Not Elsewhere Classified	1
4922	Natural Gas Transmission	0
5169	Chemicals And Allied Products-Not Elsewhere Classified	4
5171	Petroleum Bulk Stations And Terminals	5

Probable Costs And Benefits. The rulemaking is not expected to have a negative impact on state revenues. Potentially, permit fees and the associated hourly fee revenues to Maricopa County will increase.

Sources (Major And Minor). The compliance impact of this rulemaking is dependent upon the number of new and modified sources that would have to comply and the time period considered. It also will be dependent on the proportion of major sources versus minor sources that must comply with the rule provisions. Maricopa County expects compliance costs to vary among sources and across industry groups, depending on the type of HAPs emitted and the technology required to control those pollutants. As a result, smaller business sources could experience a higher per unit cost of output than larger sources. Costs could include processing fees and annual inspection fees. In addition, costs could include permit applications, significant permit revisions, Risk Management Analyses' (RMAs), capital expenditures, increased operation and maintenance, and testing. Annualized costs could range from a few thousand dollars to hundreds of thousands of dollars. Because the cost of pollution control equipment is so variable and dependent on the type of HAPs emitted as well as the configuration of the control devices, it is not possible to estimate a total compliance cost to sources at this time. The preparation of RMAs could range from a simple calculation (Tier 1) to using the SCREEN Model (Tier 2) or a modified SCREEN Model (Tier 3). The final tier (Tier 4) would require either the SCREEN model or a refined model. Preliminary information suggests that costs to sources could range from a very minimal dollar amount to \$10,000 for Tiers 1-3, and for Tier 4 evaluations, as much as \$250,000.

Consultants (Engineering Services, Laboratories, Epidemiologists, Lawyers, And Associated Businesses). This group of classes impacted is expected to experience increasing revenues as sources seek consulting services for permit applications, significant permit revisions, testing, Risk Management Analyses' (RMAs), and other associated services. Potentially, increased revenues for this class of persons could range from several thousand dollars to hundreds of thousands of dollars.

Political Subdivisions Of The State. Unless a political subdivision is an emitter of HAPs, it will be unaffected by this rulemaking.

Pollution Control Vendors. This represents another class of persons that is expected to experience increased revenues as sources install air pollution control equipment. Potentially, revenues could range from several thousands of dollars to hundreds of thousands of dollars. Revenues would depend on the quantity and type of control equipment installed by sources.

Maricopa County Air Quality Department. In addition to the resources used for activities associated with completing this rulemaking, Maricopa County estimates that the current staffing level will be sufficient to implement and enforce Maricopa County's HAPs Program. The only exception might be the need for an additional full time employee to review Risk Management Analyses' (RMAs), but that would depend on the future number of RMAs

received. Although additional revenues from issuing permits should increase, the current number of full time employees assigned is expected to be adequate.

Employment (Private And Public). As previously indicated by the potential for increased compliance costs, Maricopa County expects a higher demand for labor requirements for sources impacted by this rulemaking as well as increased labor requirements from the “consulting” class of persons. Pollution control vendors, however, are expected to handle the increase in sales with their current level of personnel.

General Public. Hazardous air pollutants include numerous chemical compounds that could produce cancer and other adverse health effects such as respiratory disease, birth defects, eye irritation, and effects on the nervous system. HAPs may result in excess cancer deaths with greater risks to persons living near the sources. Therefore, reductions in HAPs emissions should result in health benefits. Reductions in HAPs emissions also could have a greater positive impact on persons in higher risk categories, such as children, elderly, and those whose health status has been compromised. Exposure to HAPs can increase the risk of experiencing health problems. Adverse health impacts can range from relatively minor (e.g., skin rash, nausea, cough, headache, dizziness) to severe, including irreversible, debilitating, and life threatening effects (e.g., asthma, chronic bronchitis, emphysema, kidney and liver damage, and reproductive disorders). Sometimes full recovery may occur, while other times, recovery may be slow and incomplete. Excess cancer deaths can be attributable to HAPs emissions. Populations living near sources emitting HAPs may be at greater risk of getting cancer and other non-cancer effects. Exposure to certain types of HAPs (e.g., hydrogen fluoride, hydrogen chloride, and HAP metals) causes adverse chronic and acute health effects. Chronic health disorders include irritation to lung, skin, and mucus membranes, certain effects on central nervous system, and damage to kidneys. Acute health effects include lung irritation, congestion, alimentary effects, such as nausea and vomiting, and effects on kidney and central nervous system. HAPs emissions also can cause adverse environmental impacts on wildlife, aquatic life, and other natural resources. The statute includes the consideration of overall environmental impacts, and Maricopa County considers the approach taken in this rulemaking to have a collateral benefit to wildlife, aquatic life and other natural resources as sources now subject to regulation would not be required to control HAPs under the current approach. Potential health and environmental benefits are expected to accrue as HAPs emissions are reduced in Maricopa County. Consumers may experience higher product costs as sources pass-on higher compliance costs. However, any increases in product costs are expected to be minimal. In some cases, sources may experience less profit from the higher costs of doing business.

Small Business Reduction Of Impacts. State law requires agencies to reduce the impact of a rule on small businesses by using certain methods, when they are legal and feasible, in meeting the statutory objectives of the rulemaking. Maricopa County considered each of the methods prescribed in Arizona Revised Statutes (A.R.S.) §41-1035 and A.R.S. §41-1055(B) for reducing the impact on small businesses. Methods that may be used include the following: (1) exempt them from any or all rule requirements, (2) establish performance standards that would replace any design or operational standards, or (3) institute reduced compliance or reporting requirements, such as establishing less stringent requirements, consolidating or simplifying them or setting less stringent schedules or deadlines. This rulemaking allows sources to do the following: (1) perform a Risk Management Analyses (RMA) to establish the applicability of HAPRACT or AZMACT, (2) voluntarily propose an emissions limitation in order to avoid the imposition of HAPRACT or AZMACT, (3) apply for a general permit, or (4) control HAPs emissions through the application of certain design measures, work practices, process changes, or techniques. Additionally, sources could reject the implementation of certain proposed control technologies by considering economic impacts and cost effectiveness in an RMA. This means that some costly control measures potentially could be eliminated by determining adverse economic, environmental, or energy impacts. Finally, if a reliable method of measuring HAPs emissions is not available, instead of imposing a numeric emissions limitation, a design, equipment, work practice, or operational standard, or some combination thereof, would be required.

11. Description of the changes between the notice of proposed rulemaking, including supplemental notices, and final rule (if applicable):

In this Notice Of Final Rulemaking, Maricopa County did not change the text in the proposed rules; however, Maricopa County did revise the Preamble - particularly Item #10-the economic, small business, and consumer impact - to reflect responses to comments. See Item #12 for the details of such revisions.

12. A summary of the comments made regarding the rulemaking and the Department’s response to them:

For the rulemaking process for the Maricopa County Hazardous Air Pollutants (HAPs) Program, Maricopa County conducted three public workshops - April 2006-January 2007 and an oral proceeding - March 13, 2007. Written comments were submitted by the Joint Environmental Task Force and the Joint Business Group, which is comprised of the following eight business associations: Arizona Association Of Industry (AAI), Arizona Chamber Of Commerce, Arizona Electronics Association, Arizona Mining Association, Arizona Rock Products Association (ARPA), Arizona Technology Council, Association General Contractors-Arizona Chapter, and Greater Phoenix Chamber Of Commerce.

Since the Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality’s (ADEQ’s) Arizona program for the regulation of HAPs, the Joint Business Group submitted to Maricopa County the same comments that it previously submitted to ADEQ. Consequently, responses relevant to the Joint Business Group’s comments submitted to ADEQ are relevant to the Joint Business Group’s comments submitted to Maricopa County.

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

All comments and Maricopa County's responses to such comments are written below.

Comment #1:

The Joint Business Group contends that the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs does not comply with the hazardous air pollutant (HAP) statutes, because ADEQ lacks statutory authority to establish de minimis levels for federal HAPs. ADEQ exceeds its authority by proposing de minimis amounts for federal HAPs. The statutes authorize the establishment of de minimis amounts for non-federal HAPs. The ADEQ HAPs rule establishes de minimis amounts for 73 of the current 187 federally-listed HAPs and establishes a framework for establishing de minimis amounts in the future for other federally-listed HAPs. This exceeds the statutory authority.

Response #1:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County's response to Comment #1 is similar to ADEQ's response to the same comment: "Arizona Revised Statutes (A.R.S.) §49-426.06(A) provides that "the director shall by rule establish a state program for the control of hazardous air pollutants that meets the requirements of this section." A.R.S. §49-426.06(B) provides that, "a person shall not commence the construction or modification of a source that is subject to this section without first obtaining a permit or permit revision." A modification is defined in A.R.S. §49-401.01(24) as a physical change in or change in the method of operation of a source which increases the actual emissions of any regulated air pollutant emitted by such source by more than any relevant de minimis amount or which results in the emission of any regulated air pollutant not previously emitted by more than such de minimis amount. Under A.R.S. §49-426.06(B), the adoption of de minimis amounts is necessary to implement the legislature's directive to adopt a program "that meets the requirements this section," including the regulation of modifications. ADEQ disagrees with the contention of industry stakeholders that the second sentence of A.R.S. §49-426.06(B) limits ADEQ's authority. That sentence requires ADEQ to adopt de minimis amounts for nonfederal HAPs. It does not expressly, or by implication, preclude ADEQ from adopting de minimis amounts for federal HAPs. Arizona law holds that each provision of a statute must be given effect. (*See, e.g., Baker v. Superior Court*, 190 Ariz. 336, 338, 947 P.2d 910, 912 (App.1997).) A statute should be interpreted to be consistent with other statutes where possible. *Id.* ADEQ's interpretation of A.R.S. §49-426.06(B) is necessary to effect the statutory mandate to regulate modifications, and it is consistent with other statutes". A.R.S. §49-480.04(A) requires that within six months after the adoption of rules pursuant to A.R.S. §49-426.06(A)-State Program For Control Of Hazardous Air Pollutants, the Board Of Supervisors shall by rule establish a county program for the control of hazardous air pollutants that meets the requirements of A.R.S. §49-480.04-County Program For Control Of Hazardous Air Pollutants. Since the Arizona Administrative Procedure Act does not define "adoption" and since the Arizona Department Of Environmental (ADEQ) delayed the effective date of the State hazardous air pollutants (HAPs) program until January 2007, counties have until June 2007 to comply with A.R.S. §49-480.04(A) - to establish, by rule, a county program for the control of hazardous air pollutants. The rulemaking to be adopted on June 6, 2007 creates new Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program, a Maricopa County program for the regulation of hazardous air pollutants (HAPs) as required by Arizona Revised Statutes (A.R.S.) §49-480.04, and creates new Appendix H-Procedures For Determining Ambient Air Concentrations For Hazardous Air Pollutants. In addition, the rulemaking amends existing rules - Rule 100, Rule 200, Rule 210, Rule 220, Rule 230, Rule 240, and Appendix B - to reflect the requirements of the new program and to improve the rules' clarity and regulatory uniformity among related rules in the Maricopa County Air Pollution Control Regulations. The Maricopa County Hazardous Air Pollutants (HAPs) Program meets the requirements of A.R.S. §49-480.04-County Program For Control Of Hazardous Air Pollutants and is similar to and no more stringent than ADEQ's Arizona program for the regulation of HAPs.

Comment #2:

The Joint Business Group contends that the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs is improper, because ADEQ relies on an interpretation of "ambient air" that is inconsistent with the definition in existing law. Ambient air is defined as "that portion of the atmosphere, external to buildings, to which the general public has access." The findings and formulas in the ADEQ HAPs rule improperly assume public exposure inside a plant's property boundaries (25 meters from the emitting equipment), unless the source imposes a deed restriction on the property precluding future use for non-industrial purposes.

Response #2:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County's response to Comment #2 is similar to ADEQ's response to the same comment: "The rule, while not specifically using the term process area boundary, defines the term ambient air. ADEQ agrees that the definition of ambient air should be applied equally as to acute and chronic concentrations. ADEQ has determined that it is appropriate to protect members of the general public who may visit property owned by an affected source for a short period for acute exposures. Areas outside the process area may be sold to and developed by third parties, which may possibly result in future chronic exposures. ADEQ's substantive policy regarding process area boundary also uses the definition of ambient air as the "portion of

the atmosphere, external to buildings, to which the general public has access.” In order to ensure protection of public health, the policy states that ADEQ will determine, in consultation with the applicant, an appropriate process area boundary to which the public does not have access on a case-by-case basis through the permit application process. Other substantive policies recognize boundaries, fence lines, and other barriers that constitute process area boundary where public access is precluded. ADEQ’s substantive policy is consistent with the Environmental Protection Agency (EPA) determinations over the last 25 years. The EPA encourages a more detailed review of a proposed facility boundary to ensure the public is truly precluded from access. In those areas where the public has access, including employees of a source, the EPA instructs that national ambient air quality standards (NAAQS) and prevention of significant deterioration (PSD) increments apply. ADEQ will work with each applicant regarding process area boundary to ensure the public is protected. ADEQ has included, in the ADEQ HAPs rule, requirements that controls be enforceable outside the permit to provide flexibility for affected facilities attempting to limit the exposure of the general public while ensuring that public health remains protected. ADEQ has determined that making the measures enforceable outside the permit is necessary to ensure that future owners of the source have notice of and are required to continue implementing the measures. With rapid growth and frequent land use changes, prospective purchasers of properties are not likely to know the conditions contained in a permit for an adjacent or nearby facility. Deed restrictions are apparent to the prospective purchaser and could be structured to condition the use of the land as long as the permitted activity is being conducted.”

Comment #3:

The Joint Business Group contends that the Arizona Department Of Environmental Quality’s (ADEQ’s) Arizona program for the regulation of HAPs does not comply with the hazardous air pollutant (HAP) statutes, because the technical determinations are not based on good science and sufficient facts. An oversimplified “screen” modeling method is used to predict air quality impacts and is used to determine who and what will be regulated under the proposed rules and, when setting “adverse effect” exposure levels for chemicals (AACs), toxicity values from other agencies were accepted at face value. In addition, ultra conservative methods are used to identify what level of a HAP allegedly causes an “adverse effect to human health” and what minor source categories allegedly have HAP emissions that “result in” adverse effects. The screen modeling employed by ADEQ is adequate only to determine which sources can be removed from further modeling analysis and which sources warrant further analysis under refined modeling before ADEQ can make an affirmative finding about whether those sources “result in an adverse effect”. Consequently, the ADEQ HAPs rule is based on remote risks or potential adverse effects rather than on actual adverse effects as required by the HAP statute. See also Comment #17.

Response #3:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality’s (ADEQ’s) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County’s response to Comment #3 is similar to ADEQ’s response to the same comment: “The purpose of this program is to protect public health and the environment from HAPs, which are, by definition, dangerous toxins; a conservative approach is entirely appropriate. ADEQ does not need to document that adverse effects to human health have actually resulted. Arizona Revised Statutes (A.R.S.) §49-401.01(2) defines adverse effects to human health as “those effects that result in or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, including adverse effects that are known to be or may reasonably be anticipated to be caused by substances ...”. ADEQ has not been granted the resources to conduct refined modeling on every source, which would exceed \$100,000 by itself. Further, ADEQ used industry-reported data, which was incomplete for many sources. All data available were used, and when data were not available, ADEQ used conservative assumptions rather than making arbitrary determinations of what the data were likely to be. Further, SCREEN3 predictions are not always higher than those from more refined modeling. Where building heights were not available, ADEQ assumed a minimum building height of 12 feet. ADEQ cannot be assured that any new source or modification to an existing source will occur in an area that will have “urban dispersion” characteristics. ADEQ remodeled all sources using urban dispersion, and all those that were located in urban areas still exceeded the listing threshold by significant margins. Ambient air does not begin at the nearest residences. Sources are very rarely isolated from other land uses, where people are working, shopping and even recreating. While the average person may spend 8% of their time outdoors, Arizonans can and do spend more time outdoors than average people. Further, many houses are not tightly sealed or are swamp-cooled, in which cases indoor air would closely resemble or be identical to outdoor air.”

Comment #4:

The Joint Business Group contends that the Arizona Department Of Environmental Quality’s (ADEQ’s) Arizona program for the regulation of HAPs does not comply with the HAP statutes, because the ADEQ HAPs rule does not provide the flexibility for businesses that the HAP statutes contemplate and allow.

Response #4:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality’s (ADEQ’s) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County’s response to Comment #4 is similar to ADEQ’s response to the same comment: “When considering if a rulemaking will be an impediment to busi-

ness expansions, one must take into account the flexibility of rule provisions. Part of this issue includes whether or not a source would have compliance options, such as a tiered approach for evaluating risk management analyses (RMAs), and other cost-saving mechanisms (e.g., pollution prevention, product substitution, process practices, and voluntary emissions limitations). ADEQ also anticipates allowing certain source categories to apply for a general permit. Whether or not a source would have the ability to pass on compliance costs to consumers is also pertinent. Sources may be able to pass on some or all of their increased costs of compliance to consumers, depending on the price elasticity of demand and supply, as well as market conditions. With the potential for higher costs of doing business in Arizona, sources could experience a decrease in pretax earnings as a direct result of increased compliance costs and reduced revenues due to higher wholesale and retail prices and reduced quantities of product generated due to the law of supply and demand. Therefore, some sources could be losers while other could be gainers in pretax earnings. Even though the proportion of gainers vs. losers cannot be predicted, ADEQ believes that the majority of current earnings by sources will not decline. ADEQ also believes that no sources will be at risk of closure, or that this rulemaking will jeopardize business expansions or competition. Other than the following examples, ADEQ could not find other alternative methods that would reduce the impact of this rulemaking on small businesses or that would be less intrusive or less costly to implement the statutory objectives. Although all sources may take advantage of methods to reduce or eliminate impacts, ADEQ is sensitive to the needs of small businesses. This rulemaking allows sources to do the following: (1) perform an RMA to establish the applicability of HAPRACT or AZMACT, (2) voluntarily propose an emissions limitation to avoid the imposition of HAPRACT or AZMACT, (3) apply for a general permit, or (4) control HAPs emissions through the application of certain design measures, work practices, process changes, or techniques. Additionally, sources could reject the implementation of certain proposed control technologies by considering economic impacts and cost effectiveness in an RMA. If a reliable method of measuring HAPs emissions is not available, instead of imposing a numeric emissions limitation, ADEQ's HAPs rule requires design, equipment, work practices, or operational standards, or some combination thereof."

Comment #5:

The Joint Business Group contends that the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs is not consistent with the HAP statutes and is unduly burdensome, because the ADEQ HAPs rule requires all HAP control decisions to be made on a case-by-case basis through air permitting rather than to be made one-time in a rule that applies to all sources in a category. See also Comment #27.

Response #5:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County's response to Comment #5 is similar to ADEQ's response to the same comment: "Arizona Revised Statutes (A.R.S.) §49-426.06(C) provides that "a permit or permit revision . . . shall impose" MACT or HAPRACT. This language appears to assume case-by-case implementation. The word "standard" is commonly used for emission limits imposed on a case-by-case basis, such as "emission standards and limitations" voluntarily accepted to avoid an applicable requirement. A.R.S. §49-426.03(B)(2) recognizes that the "Administrator adopts emissions standards establishing the MACT"; case-by-case MACT is the exception not the rule. The case-by-case implementation of MACT may be the exception rather than the rule under the Clean Air Act, but not when it comes to New Source Review programs, such as 112(g) and the state HAPs program. Even under the federal program, MACT need not be imposed by rule. The federal Clean Air Act, 42 U.S.C. §7412(g) and (j), and EPA rules, 40 CFR Part 63, Subpart B, provide for the imposition of MACT on a case-by-case basis. Sources subject to AZMACT must follow procedures very similar to federal requirements to determine case-by-case MACT."

Comment #6:

The Joint Business Group contends that the definition of "modification" in the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs should not use the problematic definition of "actual-to-potential". See also Comment #26.

Response #6:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County's response to Comment #6 is similar to ADEQ's response to the same comment: "ADEQ has incorporated the existing state definition of actual emissions, which in some circumstances provides for an "actual to potential" test, because it is (1) a long-standing regulatory requirement, and (2) it is relatively protective compared to other potential options. There is no requirement that ADEQ mirror existing major source rules in all respects, let alone the Environmental Protection Agency (EPA) amendments to these rules that may not be incorporated into state regulations. The rule is a state-only program. It will not be part of the State Implementation Plan (SIP) and need not conform to federal requirements. The definition for "modification" in R18-2-1701(13) states, "A physical change in, or change in the method of operation of, a source which increases the actual emissions of any state HAP by that source is a modification if it results in total source emissions that exceed one ton per year of any individual HAP or two and one half tons per year of any combination of HAPs. The ADEQ HAPs rule provides that applicability determinations will be based on a source's primary SIC

code. However, once a source is subject to regulation based on its primary SIC code, all supporting activities within the same source are also subject to the ADEQ HAPs rule, even if they would be covered by a different SIC code when conducted independently.” In addition R18-2-1708 (C)(3) and (4) state the risk management analyses (RMA) for a new source shall apply to its total potential to emit state HAPs and for a modified source to its potential to emit state HAPs after the modification. Maricopa County supports these rule provisions as all of the releases of HAPs emitted by a facility impact nearby receptors. Also, most processes at a facility are inter-linked such that a change to processes classified under one SIC alters the demand for other processes that may be classified under another SIC. Furthermore, the impact for each source modeled to establish the acute and annual ambient concentrations, de minimis values, and source categories included emissions from the entire facility not just from the processes classified under a single SIC code. Maricopa County believes these provisions provide stronger protection for human health, and are, therefore, appropriate.”

Comment #7:

The Joint Business Group contends that the Arizona Department Of Environmental Quality’s (ADEQ’s) small business and economic impact analyses made for the Arizona program for the regulation of HAPs are inadequate and do not comply with statutory requirements. The analysis of benefits and costs is generic and primarily consists of cutting and pasting general, generic information from the Environmental Protection Agency (EPA) documents. ADEQ failed to gather and present specific information about the specific sources and source categories that ADEQ proposes to regulate under the Arizona program for the regulation of HAPs. EPA’s federal HAPs rules are an important source of economic information (i.e., the new federal rule for surface coating cans) that ADEQ failed to consider in any meaningful way. The following EPA MACT categories overlap the small source categories that ADEQ proposes to regulate under the Arizona program for the regulation of HAPs: (1) steel works, blast furnaces, and rolling mills (including coke ovens), (2) chemicals and allied products, (3) petroleum bulk stations and terminals, (4) metal cans/metal can manufacturing, (5) wood kitchen cabinets and countertop manufacturing, (6) paper mills, (7) plastics, foam products/polystyrene foam products manufacturing, (8) mineral wool/mineral wool manufacturing, (9) cement/cement manufacturing, (10) natural gas transmission, (11) converted paper and paperboard products manufacturing, (12) plastics product/plastics product manufacturing, and (13) petroleum refining. ADEQ could and should have reviewed the extensive files that accompany these rulemakings to analyze the specific kinds of costs that the proposed rules could impose on the same specific small source categories that ADEQ intends to regulate under the ADEQ HAPs rule. See also Comment #18.

Response #7:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality’s (ADEQ’s) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County’s response to Comment #7 is similar to ADEQ’s response to the same comment: Per the Governor’s Regulatory Review Council’s Economist’s Analysis Of The Economic Impact Statement: “This rulemaking creates a new state Hazardous Air Pollutant (HAPS) program and amends existing rules regarding definitions, permits and permit revisions, and general permits to make the rules consistent with the state HAPS program. The rulemaking adopts the federally listed hazardous air pollutants, establishes de minimis levels for state hazardous air pollutants, and lists 25 minor-source categories subject to the program. The department can accept a source’s determination of Hazardous Air Pollutant Reasonably Available control Technology (HAPRACT) and Arizona Maximum Achievable Control Technology (AZMACT) using risk management analyses subject to new source permitting and modification of permits for existing sources. The rules will apply to approximately 45 pollution sources that do not meet the current standards for HAPS if they undergo any modification of the permits, and will impact any new businesses that intend to emit pollution exceeding any of the HAPS limitations. The economic, small business, and consumer impact statement contains the information necessary for compliance with A.R.S. §41-1035, A.R.S. §1052, and A.R.S. §1055. There will be increased revenue to consultants that prepare modifications of permits, new permits, or studies used to meet the requirements to avoid using pollution controls to limit HAPS. The providers of pollution control devices will also benefit from the rules if facilities choose to comply with the pollution standards using HAPRACT or AZMACT standards. The department and counties that enforce permits may have increased permitting and inspection revenues from new permits and modifications that result from these rules. The department believes that there will be significantly decreased costs from limiting HAPS in the air in Arizona, and these costs include decreased mortality and decreased sickness as a result of limiting these air pollutants (see the EIS and associated studies). While the EIS and the studies require acceptance of assumptions regarding the danger of the HAPS, it is beyond the scope of this analyst’s experience to question their finding that most of the HAPS do cause significant biological damage to humans in large enough or long enough exposures. The department believes there will be no decreased revenues for pollution sources as a result of the rulemaking, because sources will not come under the rules unless they make a modification of their pollution permits as a result of either increasing emissions, or changing their plant. New sources will bear the costs of complying with the HAPS emission limitations and will either build a plant with the pollution controls, locate a plant such that the risk as a result of emissions allows a successful study to determine risk, or decide not to locate a plant in Arizona. While the department believes a business may decide not to locate in Arizona as a result of these rules, it is possible that a plant could be located outside of Arizona as a result of these rules. The potential costs to a business that needs to comply with HAPRACT or AZMACT pollution control standards can be considerable, based on the analysis in the department’s EIS. The department believes there are significant benefits of keeping the rules consistent with the statutes and of

having state rather than federal enforcement for the 187 listed HAPS, and these outweigh the cost of the rulemaking through higher costs to HAPS sources through either pollution controls or studies. The legislature's decision to require that HAPS be regulated is not without controversy regarding costs and benefits. While regulation is definitely more expensive than no regulation, the legislature has decided that public health and safety concerns dictate this course, and the department believes the long term health benefits outweigh the costs to industry to comply with the rules. The rulemaking has no reducible impact on small business or consumers. Small business owners of HAPS sources will benefit from the ability to use one of four levels of assessment, rather than install pollution controls for a source that may not reasonably need the controls."

Comment #8:

Clarify throughout the proposed rules that the HAPs rule applies to construction of new sources and the modification of existing sources that are subject to the HAPs rule.

Response #8:

In order to facilitate the use of the Maricopa County Air Pollution Control Regulations, rules are organized into five sections that are consistent throughout the regulations. Typically, an applicability statement is made once in a rule - usually in Section 100 (General). Such is the case with Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program). Section 102 of Rule 372 states that Rule 372 applies to minor sources of Maricopa County HAPs that are in one of the source categories listed in Rule 372, Table 1 (Maricopa County HAPs Minor Source Categories) and to major sources of Maricopa County HAPs. Also, Rule 372, Section 303.1 (Modifications; Permits; Permit Revisions) states that any person who constructs or modifies a source that is subject to Rule 372 must first obtain a permit or significant permit revision that complies with Rule 210 (Title V Permit Provisions) or Rule 220 (Non-Title V Permit Provisions) and Section 303.2 or Section 303.3 of Rule 372.

Comment #9:

Clarify that HAPRACT or AZMACT imposed pursuant to the proposed rules shall apply only to those emissions of a HAP from the new source or modification of HAPs in an amount that exceeds the de minimis level and that are not already subject to HAPRACT, AZMACT, or federal MACT.

Response #9:

In order to facilitate the use of the Maricopa County Air Pollution Control Regulations, rules are organized into five sections that are consistent throughout the regulations. Typically, an applicability statement is made once in a rule - usually in Section 100 (General). Such is the case with Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program). Section 102 of Rule 372 states that Rule 372 applies to minor sources of Maricopa County HAPs that are in one of the source categories listed in Rule 372, Table 1 (Maricopa County HAPs Minor Source Categories) and to major sources of Maricopa County HAPs. Also, Rule 372, Section 303.1 (Modifications; Permits; Permit Revisions) states that any person who constructs or modifies a source that is subject to Rule 372 must first obtain a permit or significant permit revision that complies with Rule 210 (Title V Permit Provisions) or Rule 220 (Non-Title V Permit Provisions) and Section 303.2 or Section 303.3 of Rule 372. In addition, the Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County's response to Comment #9 is similar to ADEQ's response to the same comment: "Under Arizona Revised Statutes (A.R.S.) §49-426.06(C) MACT or HAPRACT must be imposed on a "new or modified source that is subject to the state hazardous air pollutant program" under A.R.S. §49-426.06(A)(1) or (2). Those provisions establish emission thresholds, among other prerequisites to the program's applicability. This language is reasonably read as authorizing application of the program to a source that has emissions exceeding the relevant thresholds after its modification. There is nothing to indicate that assessment of the source's status or emissions must be made pre-modification. The statute does not limit the risk management analyses' (RMA's) applicability to the emissions associated with the modification. Allowing an exemption based on an RMA for the emissions increase alone without regard to existing emissions would allow existing sources to make changes that cause or contribute to adverse effects without being subject to controls."

Comment #10:

Remove or revise the following definitions: "acute adverse effects to human health", "acute ambient air concentration (AAAC)", "chronic adverse effects to human health", and "chronic ambient air concentration (CAAC)". These terms are inconsistent with the HAP statutes and are vague and confusing.

Response #10:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, the terms and definitions used in the Maricopa County Hazardous Air Pollutants (HAPs) Program are similar to and no more stringent than the terms and definitions used in the ADEQ HAPs rule.

Comment #11:

In proposed Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program), Section 103.2 (Exemptions), which is similar to ADEQ's rule R18-2-1702(B)(2), clarify the phrase "with the emissions limitation" by tying it back to the relevant 40 CFR Part 63 standard.

Response #11:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, Rule 372, Section 103.2 is similar to and no more stringent than the ADEQ HAPs rule.

Comment #12:

In proposed Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program), Section 302 (Notice Of Types And Amounts Of HAPs), which is similar to ADEQ's rule R18-2-1704, state that the duty to provide the information is upon request by the Control Officer.

Response #12:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, Rule 372, Section 302 is similar to and no more stringent than the ADEQ HAPs rule. Both Rule 372 and the ADEQ HAPs rule require the owners or operators of sources subject to Rule 372 or the ADEQ HAPs rule to provide in the permit application the types and amounts of HAPS emitted by the source.

Comment #13:

In proposed Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program), Section 304 (Case-By-Case HAPRACT Determination) and Section 305 (Case-By-Case AZMACT Determination), which are similar to ADEQ's rule R18-2-1706 and R18-2-1707 respectively, add a provision to each of these sections clarifying that the control measures shall not be more stringent than the control measure required for the same source category in a standard adopted under 40 CFR Part 63. This would be important, for example, for a source that is not subject to the federal MACT standard for its source category (because it is minor or not within the scope of the MACT affected facility for some other reason) and that does not elect to voluntarily become subject to the MACT standard. In such a case, the proposed revision would ensure that the AZMACT or HAPRACT imposed on the source would not be more stringent than federal MACT.

Response #13:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, Rule 372, Section 304 and Section 305 are similar to and no more stringent than the ADEQ HAPs rule. Although clarification is not made in Rule 372, Section 304 and Section 305 (and likewise not made in the ADEQ HAPs rule), clarification/specification is made in Rule 372, Section 103.1 (and likewise in the ADEQ HAPs rule - R18-2-1702(B)(1)) that the control measures/emissions limitation shall not be more stringent than the control measure required for the same source category in a standard adopted under 40 CFR Part 63.

Comment #14:

In proposed Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program), Section 306.1(c) (Risk Management Analyses), which is similar to ADEQ's rule R18-2-1708(A)(3), a risk management analyses (RMA) for a modified source should apply only to the emissions from the modification and not to the emissions from the entire plant. This is consistent with Arizona Revised Statutes (A.R.S.) §49-426.06(D), which speaks of the "modification," not the modified source, when describing the RMA demonstration.

Response #14:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, Rule 372, Section 306.1(c) is similar to and no more stringent than the ADEQ HAPs rule. Rule 372, Section 306.1(c) states: "The risk management analyses (RMA) for a new source shall apply to (1) the source's annual total potential to emit Maricopa County HAPs for evaluation of chronic exposure or (2) the source's hourly total potential to emit Maricopa County HAPs for evaluation of acute exposure." The reason an RMA for a modified source must apply to the emissions from the entire plant is explained by ADEQ in the Preamble to the Notice Of Final Rulemaking-Jun9, 2006: "Article 17 of Chapter 2 of Title 18 of the Arizona Administrative Code begins with a definition section, R18-2-1701, which lists terms used in the Article that are in addition to general definitions listed in R18-2-101, and relevant statutory definitions in Arizona Revised Statutes (A.R.S.) §49.401.01. The definition of "modification," at R18-2-1701(13) is of particular note; it means, briefly, a change in the source, or in its method of operation, that increases the emissions of a HAP by more than any de minimis amount; those relevant de minimis amounts are listed in Table 1. R18-2-1702 lists those sources to which the Article is applicable. For sources in the source category list, ADEQ has determined that emissions exceeding one ton per year (tpy) of a single HAP or 2.5 tpy of any combination of HAPs, result in adverse health effects. The rule therefore treats increases that cause a source's total emissions to exceed these thresholds as greater than de minimis and the physical or operational change producing the increase as a modification."

Comment #15:

In proposed Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program), Section 306.1(e) (Risk Management Analyses), which is similar to ADEQ's rule R18-2-1708(A)(5), a risk management analyses (RMA) should not be required for emissions that already are subject to an AZMACT, HAPRACT, or MACT standard, since there is no point in seeking an exemption for emissions that are already regulated under the program. The proposed "actual-to-potential" definition of "modification" and the requirement to perform an RMA for the plantwide potential emis-

sions of a modified source create the risk of repeatedly “recycling” regulated HAP emissions through RMA after RMA.

Response #15:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality’s (ADEQ’s) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County’s response to Comment #15 is similar to ADEQ’s response to the same comment: “Emissions units subject to a MACT standard would be exempt from the ADEQ HAPs rule, but it is not in keeping with the requirements of the statute to exempt emissions units not subject to emissions standards for HAPs under a federal MACT standard if the units emit HAPs that would exceed an ambient air concentration. This rulemaking allows sources to do the following: (1) perform an RMA to establish the applicability of HAPRACT or AZMACT, (2) voluntarily propose an emissions limitation to avoid the imposition of HAPRACT or AZMACT, (3) apply for a general permit, or (4) control HAPs emissions through the application of certain design measures, work practices, process changes, or techniques. Sources could reject the implementation of certain proposed control technologies by considering economic impacts and cost effectiveness in an RMA. The statute does not limit the RMAs applicability to the emissions associated with the modification. Allowing an exemption based on an RMA for the emissions increase alone without regard to existing emission would allow existing sources to make changes that cause or contribute to adverse effects without being subject to controls. Implementation of the calculations and procedures required by Tier 1 and Tier 2 RMAs constitutes a “case-by-case determination of an emission limitation or other standard,” which is excluded from being processed as a minor permit revision pursuant to Arizona Administrative Code R18-2-319(A)(3). Tier 1 RMAs will, and Tier 2 RMAs may, use ambient air concentrations (AACs) established by guidance or developed by the permit applicant. Even if a source were exempt from HAPRACT or AZMACT through an RMA, the source would still require a permit. Most such permits will need to incorporate the assumptions, such as limits on operating hours, on which the RMA is based. In addition, the permit will include any other applicable requirements, such as opacity standards, that apply to the source. The statute does not prescribe any particular procedure for evaluating RMAs but rather leaves it up to ADEQ to adopt rules implementing the requirements or A.R.S. §49-426.06. ADEQ is prohibited from imposing any AZMACT standard that would be incompatible with an EPA MACT rule. In addition, ADEQ has, in the ADEQ HAPs rule, exempted any emission unit subject to a MACT standard.”

Comment #16:

The Joint Business Group contends that the Arizona Department Of Environmental Quality (ADEQ) exceeds its statutory authority by placing restrictions on a source’s statutory right to be exempted. The only criterion mandated by the statutes is that a risk demonstration be “scientifically sound” - that an exemption be granted if the source presents a scientifically sound risk management analysis showing no adverse effects to human health or the environment. These statutory provisions create an objective standard for ADEQ’s decision and, if the ADEQ’s decision is appealed, for the state court’s decision upon review. The ADEQ HAPs rule; however, imposes restrictions on the risk management analyses (RMA) demonstration. By restricting in advance the type of evidence that will be accepted, the ADEQ HAPs rule goes far beyond any administrative function and thereby reduces the broad right granted by the statutes.

Response #16:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality’s (ADEQ’s) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County’s response to Comment #16 is similar to ADEQ’s response to the same comment: “The rulemaking allows sources to do the following: (1) perform an RMA to establish the applicability of HAPRACT or AZMACT, (2) voluntarily propose an emissions limitation to avoid the imposition of HAPRACT or AZMACT, (3) apply for a general permit, or (4) control HAPs emissions through the application of certain design measures, work practices, process changes, or techniques. To be worthwhile, a risk management analyses (RMA) will need to assume a level of control that is below MACT or HAPRACT and that the source is willing to implement. There is no need to determine MACT or HAPRACT in advance of an RMA, although the source will likely want to make a preliminary assessment in order to determine whether conducting an RMA is worth the effort.”

Comment #17:

The list of the small source categories that will be regulated by the Arizona Department Of Environmental Quality (ADEQ) HAPs rule exceed ADEQ’s statutory authority, because ADEQ did not demonstrate that emissions from the source categories “result in adverse effects”. In order to designate a small source category for regulation, the statutes require ADEQ to make a finding that the source category “results in” an adverse effect to human health or an adverse environmental effect. In order to make such finding, ADEQ must consider the following: (1) the number of persons likely to be exposed to emissions from sources in the category, (2) whether the category should be limited to sources with the potential to emit HAPs in amounts exceeding one ton per year or more of any HAP or 2.5 tons per year of any combination of HAPs, and (3) whether based on the criteria, the category should be limited to sources located in a particular geographic areas. The methodology described in the ADEQ HAPs rule greatly overpredicts the impacts of source categories and adverse effects, thereby improperly shifting ADEQ’s burden to use good science to the

source/small source that then must use the RMA process over and over again to conduct their own studies to seek an exemption every time the source proposes to make a modification or to build a new facility. See also Comment #3.

Response #17:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County's response to Comment #17 is similar to ADEQ's response to the same comment: "The statute authorizes the Director to list a source category if the Director finds "that emissions of hazardous air pollutants from sources in the category individually or in the aggregate result in adverse effects to human health or adverse environmental effects." Adverse effects to human health are defined as "effects that result in or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, including adverse effects that are known to be or may reasonably be anticipated to be caused by substances that are acutely toxic, chronically toxic, carcinogenic, mutagenic, teratogenic, neurotoxic, or causative of reproductive dysfunction. If a conservative modeling approach indicated that emissions of federal HAPs from a source standing alone cause an increase in mortality or in serious irreversible or incapacitating reversible illness, then it is reasonable to conclude that real world concentrations resulting from those emissions "significantly contribute" to those effects. In addition, it "may reasonably be anticipated" that those emissions cause the effects listed in the statutes. ADEQ did not have sufficient information to determine whether any of the sources in the same candidate category are sufficiently near each other or numerous enough, in aggregate, to produce ambient concentrations significantly higher than they do individually."

Comment #18:

Since emissions from polystyrene plants in Maricopa County must already comply with stringent reasonably available control technology under Maricopa County's new polystyrene rule (Rule 358-Polystyrene Foam Operations) , what is the economic justification for including this source category in the proposed rules' list of small sources to be regulated? What proof or analysis does Maricopa County have of any additional increment benefit that would be achieved by requiring polystyrene plants in Maricopa County to repeatedly trigger the proposed rules for "modifications"? See also Comment #7.

Response #18:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County's response to Comment #18 is similar to ADEQ's response to the same comment: "If the modeled concentration of any HAP from any source in the candidate category was greater than 120% of the health-based ambient air concentration (AAC) for that HAP, then that source category was included in the list. If the highest modeled concentration of any HAP in a candidate category was less than 80% of the health-based AAC, then that category was excluded from the list. When modeled concentrations fell within the 80%-120% range, then that source category was evaluated further, although there was only one instance where a modeled source fell within that range. Only those sources that emit a HAP in greater than de minimis amounts would be required to install HAPRACT or AZMACT or conduct a risk management analyses (RMA)."

Comment #19:

What happens to the Arizona Ambient Air Quality Guidelines?

Response #19:

The Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of hazardous air pollutants (HAPs) replaces the Arizona Ambient Air Quality Guidelines of 1992. According to the Preamble in ADEQ's Notice Of Final Rulemaking-June 9, 2006: "ADEQ opened the docket on this rulemaking in order to address concerns about lack of regulation governing pollutants not covered under Section 112 of the federal Clean Air Act. The goal of this process has been to work with stakeholders regarding a rule requiring new and modified sources to install appropriate control technology for HAPs. This rule will replace the Arizona Ambient Air Quality Guidelines."

Comment #20:

How much will a risk management analyses (RMA) cost?

Response #20:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County's response to Comment #20 is similar to ADEQ's response to the same comment: "The economic impact of the ADEQ HAPs rule is dependent upon the number of new and modified sources that would have to comply with this rule and the time period considered. The impact also would be dependent upon the physical properties of HAPs emission streams, the configuration of the control devices, and the number of sources conducting risk management analyses (RMAs). Overall costs for complying with the ADEQ HAPs rule will vary widely depending upon the size and complexity of the source and the cost of the control technologies that would be applied as AZMACT or HAPRACT. The actual number of sources that would have to install control technology cannot be quantified at this time because the requirements only apply to future

sources and modifications. A suggested price range for the cost of a permit revision for a new or major AZMACT sources could be \$17,000 to \$23,000. This range includes the cost of a consultant preparing the application and making a HAPRACT or AZMACT determination. However, for an existing source with a permit, the application cost (\$7,000-\$9,000) should not be attributed to the ADEQ HAPs rule. Sources have an option to utilize cost-savings measures when evaluating appropriate control technologies. Sources could substitute less toxic chemicals, or modify their processes to avoid imposition of pollution controls. The use of less toxic or non-toxic chemicals can reduce other regulatory burdens for reporting and waste management, which, ultimately, can result in net reductions in compliance costs. Sources also could use the less-resource intensive Tier 1 through Tier 3 RMA analyses. The preparation of RMAs could range from a simple calculation (Tier 1) to using the SCREEN Model (Tier 2) or a modified SCREEN Model (Tier 3). A Tier 4 would require either the SCREEN model or a refined air quality model. Costs to sources are expected to range from a minimal dollar amount for a Tier 1 RMA to \$15,000 for Tiers 2-3. Costs for Tier 4 could be considerably higher for complex evaluations. Sources can avoid the provisions of the State HAPs Program if they already are subject to and comply with EPA's MACT or GACT standards. Many existing major HAPs sources in Arizona already comply with EPA's MACT standards. A few sources exceeding the HAPs major source threshold are in source categories for which EPA has not promulgated a MACT standard or have been excused from having to install control technology under the federal rules. These sources, if modified to increase emissions over the de minimis amount, would be subject to AZMACT unless they choose to comply with a voluntary emissions limitation. New major HAPs sources in compliance with a MACT standard would not be subject to AZMACT. New minor HAPs sources could choose to comply with EPA's MACT standards rather than perform RMAs and/or propose to install control technologies that would be considered HAPRACT. Sources have a variety of options under this rule that provide opportunities to reduce both permitting and compliance costs. If a source chooses to comply with an EPA MACT standard, the compliance costs associated with that option should not be considered a cost of the ADEQ HAPs rule. For new sources, the EPA MACT floor cannot be less stringent than the emission control achieved by the best-controlled similar sources. For existing sources, EPA's MACT standards cannot be less stringent than the average emission limitation achieved by the best performing 12% percent of existing sources for the applicable category or subcategory, or the best performing five sources when there are fewer than 30 sources in a category or subcategory."

Comment #21:

Does Maricopa County's proposed Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program), Section 302 (Notice Of Types And Amounts Of HAPs) match the Arizona Department Of Environmental Quality's (ADEQ's) rule?

Response #21:

Yes. ADEQ's rule R18-2-1704 (Notice Of Type And Amounts Of HAPs) reads: "An owner or operator of a source subject to the Article shall provide the Director with notice, in a permit application, of the types and amounts of HAPs emitted by the source. The notice shall include readily available data regarding emissions from the source. The Director shall not require the owner or operator to conduct performance tests, sampling, or monitoring to fulfill the requirements of this section." Maricopa County's Rule 372, Section 302 (Notice Of Types And Amounts Of HAPs) reads: "An owner and/or operator of a source subject to this rule shall provide the Control Officer with notice, in a permit application, of the types and amounts of HAPs emitted by the source. The notice shall include readily available data regarding emissions from the source. The Control Officer shall not require the owner and/or operator to conduct performance tests, sampling, or monitoring in order to fulfill the requirements of this section of this rule."

Comment #22:

Are there 187 or 188 chemicals/compounds on the federal HAPs list?

Response #22:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County's response to Comment #22 is similar to ADEQ's statement in the Preamble in the ADEQ's Notice Of Final Rulemaking-June 9, 2006: "The rule regulates emissions of the 187 HAPs that are listed under the federal HAPs control program. 188 federal HAPs were listed in ADEQ's Notice Of Proposed Rulemaking. As the EPA de-listed methyl-ethyl ketone (MEK) in December 2005 (70 FR 75047-December 19, 2005), methyl-ethyl ketone (MEK) has been dropped from the list in ADEQ's HAPs rule."

Comment #23:

What if a source already has an emissions cap? Isn't "concentration" usually an issue when an emissions cap is issued in the first place?

Response #23:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County's response to Comment #23 is similar to ADEQ's response to the same comment: "The Department remains concerned about the difficulty of ensuring that public health is protected in implementing emissions caps, because they would allow HAPs concentrations

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resulting from emissions to exceed levels that humans can tolerate, even if total emissions remain below the cap. The Department has concluded that alternative operating scenarios can provide flexibility while assuring that public health is protected.”

Comment #24:

Will a source have controls on a production area rather than an emissions cap?

Response #24:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality’s (ADEQ’s) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County’s response to Comment #24 is similar to ADEQ’s response to the same comment: “Arizona Revised Statutes (A.R.S.) §49-426.04 - §49-426.06 authorize a program for the control of state hazardous air pollutants using a risk reduction approach, modeled on Section 112(g) of the Clean Air Act, after the publication of a scientific report on HAPs in Arizona, required by A.R.S. §49-426.08. The program is similar to New Source Review, in that it applies only to new or modified sources of HAPs; existing sources are only brought into the program when they effect a qualifying modification. The program provides for the imposition of control technology on a case-by-case basis by creating a presumption that a source, subject to the program, which emits a listed HAP, shall be required to impose either Hazardous Air Pollutant Reasonably Available Control Technology (HAPRACT) for minor sources or Arizona Maximum Achievable Control Technology (AZMACT) for major sources. This presumption may be rebutted if the source conducts a risk management analyses (RMA) demonstrating the imposition of control technology is not necessary in that particular case to avoid adverse effects to human health or the environment. Any new source or “modification” of an existing source, subject to the program, that increases the emission of HAPs by more than the listed de minimis amount, would be required by R18-2-1705 to obtain a permit or significant permit revision, through one of three avenues: the imposition of HAPRACT, under R18-2-1706; the imposition of AZMACT, under R18-2-1707; or the demonstration that HAPRACT or AZMACT is unnecessary to avoid adverse human health or environmental effects, by conducting an RMA under R18-2-1708. Under R18-2-1706, the case-by-case HAPRACT determination, an applicant for a permit or permit revision shall propose HAPRACT by documenting a series of steps. The applicant must identify the range of applicable control technologies, propose one of those technologies as HAPRACT for their source, and identify the rejected technologies and explain why they rejected them. The Department remains concerned about the difficulty of ensuring that public health is protected in implementing emissions caps, because they would allow HAPs concentrations resulting from emissions to exceed levels that humans can tolerate, even if total emissions remain below the cap. The Department has concluded that alternative operating scenarios can provide flexibility while assuring that public health is protected.”

Comment #25:

If other source categories might be added, then could source categories be removed as well?

Response #25:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality’s (ADEQ’s) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County’s response to Comment #25 is similar to ADEQ’s response to the same comment: “In the ADEQ HAPs rule, R18-2-1709 requires periodic review of the list of HAPs, the minor source categories (i.e., 24 source categories are listed in the ADEQ HAPs rule; source categories not listed in the ADEQ HAPs rule will not be subject to the program unless they are listed in a subsequent rulemaking), the acute and chronic de minimis levels for listed HAPs, and the acute ambient air concentrations (AAACs) and chronic ambient air concentrations (CAACs) for listed HAPs. The Director shall, within one year after the Administrator of the Environmental Protection Agency (EPA) adds or deletes a HAP on the federal list, adopt those revisions by rulemaking. The Director based on a triennial review of the state list of HAPs, may revise the de minimis levels and ambient air concentrations for listed HAPs and the list of included minor source categories”.

Comment #26:

Actual emissions to potential emissions - how will a source determine if it increases HAPs or not? See also Comment #6.

Response #26:

If a source is a minor source of hazardous air pollutants (HAPs) (i.e, a stationary source that emits or has the potential to emit, including fugitive emissions, one ton or more but less than 10 tons per year of any hazardous air pollutant or two and one-half tons or more but less than 25 tons per year of any combination of hazardous air pollutants) and the source is listed in Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program), Table 1 (Maricopa County HAPs Minor Source Categories) and the source is making a modification, then the source must determine if the modification results in an increase in emissions of any hazardous air pollutant in excess of a de minimis amount. Also, the source must determine if the modification increases the source’s potential emissions above the threshold for a minor source or a major source. To determine the amount of an emissions increase, the source must compare its average actual emissions before the modification to its potential emissions (i.e., maximum allowable emissions) after the modification. It may be infeasible for some sources to determine whether a particular emissions increase exceeds

some the of the de minimis levels in Rule 372, Table 1. In such cases, the source will have to assume that a modification (i.e., a physical change or a change in the method of operation) that results in any emissions increase constitutes a modification.

Comment #27:

HAPRACT would apply every time a source makes a modification? Or a source can do an RMA after HAPRACT is installed? See also Comment #5.

Response #27:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County's response to Comment #27 is similar to ADEQ's response to the same comment: "ADEQ's HAPs rule is a program for the control of state hazardous air pollutants using a risk reduction approach, modeled on Section 112(g) of the Clean Air Act, after the publication of a scientific report on HAPs in Arizona, required by A.R.S. §49-426.08. The program is similar to New Source Review, in that it applies only to new or modified sources of HAPs; existing sources are only brought into the program when they effect a qualifying modification. The program provides for the imposition of control technology on a case-by-case basis by creating a presumption that a source, subject to the program, which emits a listed HAP, shall be required to impose either Hazardous Air Pollutant Reasonably Available Control Technology (HAPRACT) for minor sources or Arizona Maximum Achievable Control Technology (AZMACT) for major sources. This presumption may be rebutted if the source conducts a risk management analyses (RMA) demonstrating the imposition of control technology is not necessary in that particular case to avoid adverse effects to human health or the environment. Any new source or "modification" of an existing source, subject to the program, that increases the emission of HAPs by more than the listed de minimis amount, would be required by R18-2-1705 to obtain a permit or significant permit revision, through one of three avenues: the imposition of HAPRACT, under R18-2-1706; the imposition of AZMACT, under R18-2-1707; or the demonstration that HAPRACT or AZMACT is unnecessary to avoid adverse human health or environmental effects, by conducting an RMA under R18-2-1708. Under R18-2-1706, the case-by-case HAPRACT determination, an applicant for a permit or permit revision shall propose HAPRACT by documenting a series of steps. The applicant must identify the range of applicable control technologies, propose one of those technologies as HAPRACT for their source, and identify the rejected technologies and explain why they rejected them."

Comment #28:

When a source makes another modification, will modeling be required?

Response #28:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County's response to Comment #28 is similar to ADEQ's response to the same comment: "Under Arizona Revised Statutes (A.R.S.) §49-426.06, all newly constructed major sources, or new minor sources belonging to a designated category, are subject to the HAPs program; modifications as defined in A.R.S. §49-401.01, that increase the emissions of a HAP by more than a de minimis amount, are also subject to the program. According to the statute, the owner or operator of an affected source has to obtain a new permit or a significant permit revision that would include either a proposal for HAPRACT or AZMACT or an RMA. Minor sources of HAPs, on a case-by-case basis, must submit as part of their permit application a proposal for HAPRACT, which ADEQ would then review. Major sources of HAPs must submit a similar proposal for AZMACT. Any affected source also has the option of conducting a scientifically sound risk management analyses as part of their permit application to show that the imposition of control technology, in their case, is unnecessary to avoid adverse effects to human health or the environment. Any new source or "modification" of an existing source, subject to the program, that increases the emission of HAPs by more than the listed de minimis amount, would be required by R18-2-1705 to obtain a permit or significant permit revision, through one of three avenues: the imposition of HAPRACT, under R18-2-1706; the imposition of AZMACT, under R18-2-1707; or the demonstration that HAPRACT or AZMACT is unnecessary to avoid adverse human health or environmental effects, by conducting an RMA under R18-2-1708. Under R18-2-1706, the case-by-case HAPRACT determination, an applicant for a permit or permit revision shall propose HAPRACT by documenting a series of steps. The applicant must identify the range of applicable control technologies, propose one of those technologies as HAPRACT for their source, and identify the rejected technologies and explain why they rejected them."

Comment #29:

The draft HAP rule language does not adequately clarify that existing combustion turbines are excluded from the county HAP rule.

Response #29:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County's response to Comment #29 is

similar to ADEQ's response to the same comment: "The EPA recently developed NESHAPs for stationary combustion turbines (69 FR 10512-March 5, 2004). The MACT standard in Part 63 establishes national emission standards for new and reconstructed stationary turbines (40 CFR Part 63 Subpart YYYY). This standard applies to all stationary combustion turbines (new, reconstructed, and existing), but only imposes emission limitations on new and reconstructed units. The EPA determined not to impose emission limitations for existing stationary combustion turbines, unless the stationary combustion turbines are subsequently "reconstructed" as defined within the rule. A few sources exceeding the HAPs major source threshold are in source categories for which EPA has not promulgated a MACT standard or have been excused from having to install control technology under the federal rules. These sources, if modified to increase emissions over the de minimis amount, would be subject to AZMACT, unless they choose to comply with a voluntary emissions limitation."

Comment #30:

Under the conditions for risk management, in some cases there will not be any assigned numerical limits for a particular pollutant. How would you know if the pollution levels for that pollutant exceed the health-based acute and chronic limits? If the pollutant can't be measured, don't produce it.

Response #30:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County's response to Comment #30 is similar to ADEQ's response to the same comment: "Rather than proposing Hazardous Air Pollutant Reasonably Available Control Technology (HAPRACT) or Arizona Maximum Achievable Control Technology (AZMACT), the applicant may, as part of their permit or permit revision, conduct a scientifically sound risk management analyses (RMA) under R18-2-1708. The rule takes a tiered approach to the analyses. ADEQ has provided for the statutory requirement of a scientifically sound analysis by allowing the applicant to conduct any of four successively more complex RMAs in order to show that the imposition of HAPRACT or AZMACT is unnecessary in order to avoid adverse health or environmental effects. If the applicant fails to make the necessary showing, they may either impose the appropriate control technology or proceed to a higher tier analysis. The Tier 1 analysis is specifically for sources that emit a HAP that is included in a group of compounds (e.g., chromium compounds) but is not the representative HAP selected for that group (hexavalent chromium) for purposes of determining health-based chronic and acute ambient air concentrations (CAACs and AAACs). The applicant must determine the appropriate CAAC and AAAC for their particular HAP through a process laid out in Appendix 12. By employing the equation in R18-2-1708(B)(1), the applicant shall then determine the maximum hourly and annual exposure to the emitted HAP, and compare this value to the AACs. The Tier 2 analysis requires the applicant to employ the SCREEN 3 Model for their source, consistent with federal and state guidelines. If the model predicts a maximum concentration less than the relevant AAC, listed in Table 3, then the applicant shall not be required to impose HAPRACT or AZMACT. The Tier 3 analysis is a modified version of SCREEN 3 modeling for which, for the evaluation of chronic exposure only, the applicant may use exposure assumptions that are consistent with institutional or engineering controls that are permanent and enforceable outside the permit. Based on the predicted concentrations, the applicant may either impose HAPRACT or AZMACT, or move on to the Tier 4 analysis. The Tier 4 analysis is based on a modified SCREEN 3 Model, or other, refined air quality model, consistent with state and federal guidelines. The applicant may employ either the SCREEN 3 or some other refined model and, as in Tier 3, for evaluation of chronic exposure only, use exposure assumptions that are consistent with institutional or engineering guidelines that are permanent and enforceable outside the permit. The applicant may also include in the Tier 4 analysis consideration of a number of other factors, listed in A.R.S. §49-426.06(D), and incorporated into the rule in R18-2-1708(B)(4)(b). If the predicted concentration is less than the relevant AAC or, if in the Director's discretion, it is warranted by consideration of those statutory factors, the Director shall not require the imposition of HAPRACT or AZMACT. If the predicted concentration is greater than or equal to the relevant AAC, then the Director shall require HAPRACT or AZMACT."

Comment #31:

Economic impact is taken into account for risk management. In no case should this impact take precedence over health-based "not to exceed" limits.

Response #31:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County's response to Comment #31 is similar to ADEQ's response to the same comment: "Arizona's HAPs program is not intended to eliminate all air pollution or completely reduce the risk for cancer and non-cancer adverse-health effects. It is, however, intended to protect human health and the environment through risk reduction by the application of control technology to reduce emissions of HAPs. HAPs can exist in particular matter (PM) in the form of heavy metals and semi-volatile organic compounds. Particles less than 10 micrometers in diameter are of the greatest concern, because they can be breathed deeply into the respiratory system. Sources can also emit HAPs in the form of inorganic fumes, vapors, and gasses. Both particulate and gaseous pollutants can have direct adverse impact on the respiratory system or enter into the bloodstream (in the case of particulates, the soluble components) through the lungs. The statute authorizes a risk-

reduction approach similar to the federal New Source Review Program that requires source-specific control technology (A.R.S. §49-426.06) for both new and modified sources. This rule will require the determination of control technology on a case-by-case basis through permits for new sources and modifications for existing sources. The level of control technology will vary by the size of the source: major sources, or those emitting at least 10 tons per year (tpy) of a single HAP or 25 or more tpy of any combination of HAPs not already covered by a federal standard under 40 CFR Part 61 or Part 63, will be subject to Arizona maximum achievable control technology (AZMACT); minor sources, those emitting 1 to 10 tpy of a single or 2.5 to 25 tpy of any combination of HAPs will be subject to hazardous air pollutant reasonably available control technology (HAPRACT). The negative effects of air pollution on ecosystems are variable and widespread. Many effects are either not understood or lack quantitative analyses. In some cases, these effects may not be observed or it may be unknown what impact HAPs have had on their ecological structure and function. HAPs, such as mercury, dioxins, and furans, however, are capable of causing acute effects to animals and chronic effects in biogeochemical cycles and may accumulate in the food chain. Other HAPs also pose negative effects on Arizona's ecosystems and general welfare. Research on environmental effects of HAPs is limited to only a few chemicals and, in only extreme cases, have HAPs been traced to emissions from specific industrial sources. The statute includes the consideration of overall environmental impacts and ADEQ considers the approach taken in this rulemaking to have a collateral benefit to wildlife, aquatic life, and other natural resources now subject to regulation would not be required to control HAPs under the current approach. When HAPs and other pollutants destroy habitats and impair life-support services, the losses create significant social costs, albeit generally hidden from economic accounting.”

Comment #32:

Do not use obsolete models.

Response #32:

The Maricopa County Hazardous Air Pollutants (HAPs) Program is similar to and no more stringent than the Arizona Department Of Environmental Quality's (ADEQ's) Arizona program for the regulation of HAPs. Consequently, when creating the Maricopa County HAPs Program, Maricopa County relied upon the same studies and analyses that ADEQ relied upon to create the ADEQ HAPs rule and consequently Maricopa County's response to Comment #32 is similar to ADEQ's response to the same comment: “The purpose of this program is to protect public health and the environment from HAPs, which are, by definition, dangerous toxins. The modeling protocol employed by ADEQ was designed to assess exposure based on reasonably conservative assumptions. ADEQ used industry-reported data, which was incomplete for many sources. All data available were used and when data were not available, ADEQ used conservative assumptions rather than making arbitrary determinations of what the data were likely to be. Ambient air concentrations (AACs) are those concentrations of HAPs above which it is predicted that adverse effects to human health would occur. AACs were developed for both short-term-acute effects and long-term-chronic effects. Acute ambient air concentrations (AAACs) were based on the potential for short-term-acute health effects or those effects that result in, or significantly contribute to, an increase in mortality or serious irreversible or incapacitating illness. The approach used to develop health-based AAACs was based on a hierarchy of applicable health-based criteria, organized into tiers used. A similar tiered approach was used in the development of health-based chronic ambient air concentrations (CAACs). Health-based CAACs were developed for individuals to establish exposure levels to protect against serious chronic health-effects.”

Comment #33:

There should not be any requirements which restrict the County from making stricter requirements than those of the Arizona Department Of Environmental Quality (ADEQ) or the Environmental Protection Agency (EPA). There are statutes that address this issue. There should not be any requirements that prevent the County from trying to make stricter requirements, if the County believes this is necessary.

Response #33:

The commenter is correct and the existing regulatory language has this effect. According to A.R.S. §49-479(A): “The board of supervisors shall adopt such rules as it determines are necessary and feasible to control the release into the atmosphere of air contaminants originating within the territorial limits of the county or multi-county air quality control region in order to control air pollution, which rules, except as provided in subsection C shall contain standards at least equal to or more restrictive than those adopted by the director.” According to A.R.S. §49-479(C): “A county may adopt or amend a rule, emission standard, or standard of performance that is as stringent or more stringent than a rule, emission standard or standard of performance for similar sources adopted by the director only if the county complies with the applicable provisions of section 49-112.” According to A.R.S. §49-112(A): “When authorized by law, a county may adopt a rule, ordinance or other regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all of the following conditions are met: (1) The rule, ordinance or other regulation is necessary to address a peculiar local condition. (2) There is credible evidence that the rule, ordinance or other regulation is either: (a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible or (b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the County rule, ordinance or other regulation is equivalent to federal statutes or regulations.”

Comment #34:

The Joint Business Group respectfully requests Maricopa County to defer any further action on the County HAPs rule until the Court determines whether the Arizona Department Of Environmental Quality (ADEQ) HAPs rule is invalid.

Response #34:

Until the Court determines whether the ADEQ HAPs rule is invalid, the ADEQ HAPs rule is lawful. Maricopa County will continue the rulemaking. If the Court deems any and/or all of the ADEQ HAPs rule as un-lawful, then Maricopa County will conduct another rulemaking process to revise the Maricopa County Hazardous Air Pollutants (HAPs) Program accordingly.

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

None

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

<u>Incorporation By Reference</u>	<u>Location</u>
40 CFR 51, Appendix W	Rule 200, Section 407.1 Rule 240, Section 308.1(f)(1)
40 CFR 63.2	Rule 372, Section 203

15. Was this rulemaking previously made as an emergency rule?

No

16. The full text of the rule follows:

Revised 07/13/88
 Revised 10/01/90
 Revised 06/22/92
 Revised 11/16/92
 Repealed and Adopted 11/15/93
 Revised 02/15/95
 Revised 04/03/96
 Revised 06/19/96
 Revised 03/04/98
 Revised 05/20/98
 Revised 07/26/00
 Revised 03/07/01
 Revised 08/22/01
 Revised 11/06/02
 Revised 03/15/06

MARICOPA COUNTY
 AIR POLLUTION CONTROL REGULATIONS
 REGULATION I - GENERAL PROVISIONS
 RULE 100
 GENERAL PROVISIONS AND DEFINITIONS

SECTION 100 - GENERAL

- 101 No change
- 102 No change
- 103 No change
- 104 No change
- 105 No change
- 106 No change
- 107 No change
- 108 **HEARING BOARD:** The Board of Supervisors shall appoint a 5-member hearing board knowledgeable in the field of air pollution. At least ~~3~~ three members shall not have a substantial interest, as defined in ARS §38-502(11), in any person required to obtain an air pollution permit. Each member shall serve a term of ~~3~~ three years (~~ARS §49-478~~).
- 109 No change
- 110 **AVAILABILITY OF POLLUTION INFORMATION:** The public shall be informed on a daily basis of average daily concentration of ~~3~~ three pollutants: particulates, carbon monoxide, and ozone. This information shall be disseminated through the use of newspapers, radio, and television. The levels of each pollutant shall be expressed through the use of the Air Quality Index (AQI) and a written copy of such information shall be made available at the office of the Maricopa County Air Quality Department, 1001 North Central Avenue, Suite 400, Phoenix, Arizona, 85004, 602-506-6010.
- 111 No change

112 **AVAILABILITY OF INFORMATION:** Copies of 40 CFR 51, Subpart A, Appendix A, Table 2A are available at 1001 N. North Central Avenue, Suite 695 Suite 595, Phoenix, Arizona, 85004, or call 602-506-6010 for information.

SECTION 200 - DEFINITIONS: No change

200.1 **AAC** - No change

200.2 **ACT** - No change

200.3 **ACTUAL EMISSIONS** - The actual rate of emissions of a pollutant from an emissions unit, as determined in ~~Sections~~ Section 200.3(a) through Section 200.3(e) of this rule:

a. No change

b. No change

c. No change

d. No change

e. For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit), actual emissions of the unit, following the physical or operational change, shall equal the representative actual annual emissions of the unit, if the source owner and/or operator maintains and submits to the Control Officer on an annual basis, for a period of 5 ~~five~~ years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the Control Officer, if the Control Officer determines the longer period to be more representative of normal source post-change operations.

200.4 **ADMINISTRATOR** - No change

200.5 **ADVISORY COUNCIL** - No change

200.6 **AFFECTED FACILITY** - No change

200.7 **AFFECTED SOURCE** - No change

200.8 **AFFECTED STATE** - No change

200.9 **AIR CONTAMINANT** - No change

200.10 **AIR POLLUTION** - No change

200.11 **AIR POLLUTION CONTROL EQUIPMENT** - No change

200.12 **ALLOWABLE EMISSIONS** - No change

a. No change

b. The applicable existing source performance standard as approved for the State Implementation Plan (SIP); or

c. No change

200.13 **AMBIENT AIR** - No change

200.14 **AP-42** - The EPA document "Compilation of Air Pollutant Emission Factors," as incorporated by reference in Appendix G of these rules.

200.15 **APPLICABLE IMPLEMENTATION PLAN** - Those provisions of the State Implementation Plan (SIP) approved by the Administrator ~~of EPA~~ or a Federal Implementation Plan (FIP) promulgated under Title I-Air Pollution Prevention And Control of the Act.

200.16 **APPLICABLE REQUIREMENT** - No change

a. No change

b. No change

200.17 **APPROVED** - No change

200.18 **AREA SOURCE** - No change

200.19 **ARS** - No change

200.20 **ASME** - No change

200.21 **ASTM** - No change

200.22 **ATTAINMENT AREA** - An area so designated by the Administrator ~~of EPA~~, acting under Section 107-Air Quality Control Regions of the Act, as having ambient air pollutant concentrations equal to or less than national primary or secondary ambient air quality standards for a particular pollutant or pollutants.

200.23 **BEGIN ACTUAL CONSTRUCTION** - No change

200.24 **BEST AVAILABLE CONTROL TECHNOLOGY (BACT)** - An emissions limitation, based on the maximum degree of reduction for each pollutant, subject to regulation under the Act, which would be emitted from any proposed stationary source or modification, which the Control Officer, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant. Under no circumstances shall BACT be determined to be less stringent than the emission control required by an applicable provision of these rules or of any State or Federal laws ("Federal laws" include the EPA approved State Implementation Plan (SIP)). If the Control Officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

- 200.25 BRITISH THERMAL UNIT (BTU)** - The quantity of heat required to raise the temperature of \pm one pound of water \pm one degree Fahrenheit ($^{\circ}$ F) at 39.1 $^{\circ}$ F.
- 200.26 BUILDING, STRUCTURE, FACILITY, OR INSTALLATION** - No change
- 200.27 CFR** - No change
- 200.28 CIRCUMSTANCES OUTSIDE THE CONTROL OF THE SOURCE** - No change
- 200.29 CLEAN COAL TECHNOLOGY** - No change
- 200.30 CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT** - No change
- 200.31 COMMENCE** - No change
- No change
 - No change
- 200.32 COMPLETE** - No change
- 200.33 CONSTRUCTION** - No change
- 200.34 CONTROL OFFICER** - No change
- 200.35 DEPARTMENT** - No change
- 200.36 DIRECTOR** - No change
- 200.37 DISCHARGE** - No change
- 200.38 DIVISION** - No change
- 200.39 DUST GENERATING OPERATION** - No change
- 200.40 EFFLUENT** - No change
- 200.41 ELECTRIC UTILITY STEAM GENERATING UNIT** - No change
- 200.42 EMISSION STANDARD** - No change
- 200.43 EMISSIONS UNIT** - No change
- 200.44 EPA** - No change
- 200.45 EQUIVALENT METHOD** - Any method of sampling and analyzing for an air pollutant, which has been demonstrated to the EPA Administrator's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.
- 200.46 EXCESS EMISSIONS** - No change
- 200.47 EXISTING SOURCE** - No change
- No change
 - When used in conjunction with a source subject to new source performance standards (NSPS), any source which does not have an applicable NSPS under Rule 360-New Source Performance Standards of these rules.
- 200.48 FACILITY** - No change
- 200.49 FEDERAL APPLICABLE REQUIREMENT** - Any of the following as they apply to emissions units covered by a Title V permit or a Non-Title V permit (including requirements that have been promulgated or approved by the EPA through rulemaking at the time of issuance but have future effective compliance dates):
- Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the EPA through rulemaking under Title I-Air Pollution Prevention And Control of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR 52.
 - No change
 - No change
 - No change
 - Any standard or other requirement of the acid rain program under Title IV-Acid Deposition Control of the Act or the regulations promulgated thereunder and incorporated under Rule 371-Acid Rain of these rules.
 - No change
 - Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI-Stratospheric Ozone Protection of the Act, unless the Administrator of EPA has determined that such requirements need not be contained in a Title V permit; and
 - No change
- 200.50 FEDERAL LAND MANAGER** - No change
- 200.51 FEDERALLY ENFORCEABLE** - No change
- No change
 - The requirements of operating permit programs and permits issued under such permit programs which have been approved by the Administrator of EPA, including the requirements of State and County operating permit programs approved under Title V-Permits of the Act or under any new source review permit program;
 - All limitations and conditions which are enforceable by the Administrator of EPA, including the requirements of the New Source Performance Standards (NSPS) and the National Emissions Standards for Hazardous Air Pollutants (NESHAPs) contained in these rules;
 - The requirements of such other State or County rules or regulations approved by the Administrator of EPA for inclusion in the State Implementation Plan (SIP);

- e. The requirements of any federal regulation promulgated by the Administrator of EPA as part of the State Implementation Plan (SIP); and
- f. The requirements of State and County operating permit programs, other than Title V programs, which have been approved by the Administrator of EPA and incorporated into the applicable State Implementation Plan (SIP) under the criteria for federally enforceable State Operating Permit Programs set forth in 54, Federal Register 27274, dated June 28, 1989. Such requirements include permit terms and conditions which have been entered into voluntarily by a source under this rule and/or under Rule 220-Non-Title V Permit Provisions of these rules.

200.52 FINAL PERMIT - No change

200.53 FUEL OIL - No change

200.54 FUGITIVE EMISSION - No change

200.55 HAZARDOUS AIR POLLUTANT REASONABLY AVAILABLE CONTROL TECHNOLOGY

(HAPRACT) - An emissions standard for hazardous air pollutants which the Control Officer, acting pursuant to §49-480.04(C), determines is reasonably available for a source. In making the foregoing determination, the Control Officer shall take into consideration the estimated actual air quality impact of the standard, the cost of complying with the standard, the demonstrated reliability and widespread use of the technology required to meet the standard, and any non-air quality health and environmental impacts and energy requirements. For purposes of this definition, an emissions standard may be expressed as a numeric emissions limitation or as a design, equipment, work practice, or operational standard.

~~200.55~~**200.56 INDIAN GOVERNING BODY** - No change

~~200.56~~**200.57 INDIAN RESERVATION** - No change

~~200.57~~**200.58 INSIGNIFICANT ACTIVITY** – For the purpose of this rule, an insignificant activity shall be any activity, process, or emissions unit that is not subject to a source-specific applicable requirement, that emits no more than 0.5 ton per year of hazardous air pollutants (HAPs) and no more than ~~2~~ two tons per year of a regulated air pollutant, and that is either included in Appendix D-List of Insignificant Activities of these rules or is approved as an insignificant activity under Rule 200-Permit Requirements of these rules. Source-specific applicable requirements include requirements for which emissions unit-specific information is needed to determine applicability.

~~200.58~~**200.59 MAJOR MODIFICATION** - No change

a. No change

b. No change

c. No change

(1) No change

(2) No change

(3) No change

(4) No change

(5) No change

(a) The source was capable of accommodating before December 12, 1976, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under ~~Rules~~ Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources, Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules; or

(b) The source is approved to use under any permit issued under 40 CFR 52.21, or under ~~Rules~~ Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources, Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules;

(6) An increase in the hours of operation or in the production rate, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under ~~Rules~~ Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources, Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules;

(7) No change

(8) No change

(a) No change

(b) The Control Officer determines that the increase will cause or contribute to a violation of any national ambient air quality standard, prevention of significant deterioration (PSD) increment, or visibility limitation;

(9) No change

(a) The State Implementation Plan (SIP); and

(b) No change

(10) No change

(11) No change

~~200.59~~**200.60 MAJOR SOURCE** -

- a. A major source as defined in Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules;

- b. No change
 - (1) No change
 - (2) For radionuclides, major source shall have the meaning specified by the Administrator of EPA by rule.

c. No change

~~200.60~~**200.61 MAJOR SOURCE THRESHOLD** – The lowest applicable emissions rate for a pollutant that would cause the source to be a major source, at the particular time and location, under ~~Section 200.59~~ Section 200.60-Definition Of Major Source of this rule.

~~200.61~~**200.62 MALFUNCTION** - No change

~~200.62~~**200.63 MATERIAL PERMIT CONDITION** - No change

a. No change

(1) No change

(2) No change

(3) No change

(a) No change

(b) A requirement to install, operate, or maintain a maximum achievable control technology or hazardous air pollutant reasonably available control technology required under ~~the requirements of ARS §49-426.06. Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.~~

(c) No change

(d) No change

(e) No change

(f) No change

(4) No change

b. For the purposes of ~~Sections 200.62~~ Sections 200.63(a)(3)(c), (d), and (e) of this rule, a permit condition shall not be material where the failure to comply resulted from circumstances which were outside the control of the source.

~~200.63~~**200.64 METHOD OF OPERATION** - The definition of method of operation is included in ~~Section 200.74~~ Section 200.72-Definition Of Operation of this rule.

~~200.64~~**200.65 MODIFICATION** - No change

~~200.65~~**200.66 NET EMISSIONS INCREASE** -

a. The amount by which the sum of ~~Section 200.65~~ Section 200.66(a)(1) and ~~Section 200.65~~ Section 200.66(a)(2) below exceed zero:

(1) No change

(2) No change

b. No change

(1) The date ~~5~~ five years before construction on the particular change commences; and

(2) No change

c. No change

d. An increase or decrease in actual emissions of sulfur dioxide, nitrogen oxides, or particulate matter which occurs before the applicable baseline date, as described in Rule 500-Attainment Area Classification of these rules, is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

e. No change

f. No change

(1) No change

(2) No change

(3) No change

(4) No change

g. No change

~~200.66~~**200.67 NEW SOURCE** - No change

~~200.67~~**200.68 NITROGEN OXIDES (NO_x)** - No change

~~200.68~~**200.69 NONATTAINMENT AREA** - No change

~~200.69~~**200.70 NON-PRECURSOR ORGANIC COMPOUND** - No change

a. Any of the following organic compounds that have been designated by the EPA as having negligible photo-chemical reactivity:

67-64-1 Acetone;

74-82-8 Methane;

74-84-0 Ethane;

75-09-2 Methylene chloride (dichloromethane);

71-55-6 1,1,1-trichloroethane (methyl chloroform);

75-69-4 Trichlorofluoromethane (CFC-11);

75-71-8 Dichlorodifluoromethane (CFC-12);

75-45-6 Chlorodifluoromethane (HCFC-22);

76-13-1 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);

76-14-2 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);

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76-15-3	Chloropentafluoroethane (CFC-115);
75-46-7	Trifluoromethane (HFC-23);
306-83-2	1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
2837-89-0	2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
1717-00-6	1,1-dichloro-1-fluoroethane (HCFC-141b);
75-68-3	1-chloro-1,1-difluoroethane (HCFC-142b);
354-33-6	Pentafluoroethane (HFC-125);
354-25-6	1,1,2,2-tetrafluoroethane (HFC-134);
811-97-2	1,1,1,2-tetrafluoroethane (HFC-134a);
420-46-2	1,1,1-trifluoroethane (HFC-143a);
75-37-6	1,1-difluoroethane (HFC-152a);
98-56-6	Parachlorobenzotrifluoride (PCBTF);
127-18-4	Perchloroethylene (tetrachloroethylene);
422-56-0	3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
507-55-1	1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
	1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
75-10-5	Difluoromethane (HFC-32);
353-36-6	Ethylfluoride (HFC-161);
690-39-1	1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
678-86-7	1,1,2,2,3-pentafluoropropane (HFC-245ca);
460-73-1	1,1,2,3,3-pentafluoropropane (HFC-245ea);
431-31-2	1,1,1,2,3-pentafluoropropane (HFC-245eb);
	1,1,1,3,3-pentafluoropropane (HFC-245fa);
431-63-0	1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
	1,1,1,3,3-pentafluorobutane (HFC-365mfe);
593-70-4	Chlorofluoromethane (HCFC-31);
1615-75-4	1-chloro-1-fluoroethane (HCFC-151a);
354-23-4	1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
163702-07-6	1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C ₄ F ₉ OCH ₃) (HFE-7100);
	2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane (CF ₃) ₂ CF ₂ OCH ₃);
163702-05-4	1-ethoxy-1,1,2,2,3,3,4,4-nonafluorobutane (C ₄ F ₉ OC ₂ H ₅) (HFE-7200);
	2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF ₃) ₂ CF ₂ OC ₂ H ₅);
79-20-9	methyl acetate;
	cyclic, branched, or linear completely methylated siloxanes;
375-03-1	1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C ₃ F ₇ OCH ₃ , HFE-7000);
431-89-0	1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);
107-31-3	methyl formate (HCOOCH ₃);

And perfluorocarbon compounds that fall into these classes:

Cyclic, branched, or linear, completely fluorinated alkanes;

Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and

fluorine.

b. No change

~~200.70~~**200.71 OPEN OUTDOOR FIRE** - No change

~~200.71~~**200.72 OPERATION** - No change

~~200.72~~**200.73 ORGANIC COMPOUND** - No change

~~200.73~~**200.74 ORGANIC LIQUID** - No change

~~200.74~~**200.75 OWNER AND/OR OPERATOR** - No change

~~200.75~~**200.76 PARTICULATE MATTER** - No change

~~200.76~~**200.77 PERMITTING AUTHORITY** - No change

~~200.77~~**200.78 PERSON** - No change

~~200.78~~**200.79 PHYSICAL CHANGE** - No change

~~200.79~~**200.80 ^{PM_{2.5}} PM_{2.5}** - Particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 microns

(micrometers), as measured by the applicable State and Federal Reference Test Methods.

~~200.80~~**200.81 PM₁₀** - No change

~~200.81~~**200.82 POLLUTANT** - No change

~~200.82~~**200.83 POLLUTION CONTROL PROJECT** - No change

a. No change

b. No change

c. No change

d. No change

~~200.83~~**200.84 PORTABLE SOURCE** - No change

~~200.84~~**200.85 POTENTIAL TO EMIT** - No change

~~200.85~~**200.86** PROPOSED PERMIT - No change

~~200.86~~**200.87** PROPOSED FINAL PERMIT - The version of a Title V permit that the Control Officer proposes to issue and forwards to the Administrator of EPA for review, in compliance with Rule 210-Title V Permit Provisions of these rules.

~~200.87~~**200.88** QUANTIFIABLE - No change

~~200.88~~**200.89** REACTIVATION OF A VERY CLEAN COAL-FIRED ELECTRIC UTILITY STEAM GENERATING

UNIT - No change

- a. No change
- b. No change
- c. No change
- d. No change

~~200.89~~**200.90** REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) - No change

~~200.90~~**200.91** REFERENCE METHOD - No change

~~200.91~~**200.92** REGULATED AIR POLLUTANT - No change

- a. Any conventional air pollutant as defined in ARS §49-401.01, which means any pollutant for which the Administrator of EPA has promulgated a primary or a secondary national ambient air quality standard (NAAQS) (i.e., for carbon monoxide (CO), nitrogen oxides (NO_x), lead, sulfur oxides (SO_x) measured as sulfur dioxides (SO₂), ozone, and particulates).
- b. No change
- c. No change
- d. Any hazardous air pollutant (HAP) as defined in ARS §49-401.01 or listed in Section 112(b) (Hazardous Air Pollutants; List Of Pollutants) of the Act Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.
- e. No change

~~200.92~~**200.93** REGULATORY REQUIREMENTS - No change

~~200.93~~**200.94** REPLICABLE - No change

~~200.94~~**200.95** REPOWERING - No change

- a. No change
 - (1) No change
 - (2) No change
 - (3) No change
 - (4) No change
 - (5) No change
 - (6) As determined by the Administrator of EPA, in consultation with the United States Secretary of Energy, a derivative of one or more of the above listed technologies; and
 - (7) No change
- b. No change

~~200.95~~**200.96** REPRESENTATIVE ACTUAL ANNUAL EMISSIONS - No change

- a. No change
- b. No change

~~200.96~~**200.97** RESPONSIBLE OFFICIAL - One of the following:

- a. No change
 - (1) No change
 - (2) No change
- b. No change
- c. For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this rule, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or
- d. No change
 - (1) No change
 - (2) No change

~~200.97~~**200.98** SCHEDULED MAINTENANCE - No change

~~200.98~~**200.99** SIGNIFICANT - No change

- a. No change
- b. No change
- c. In reference to a regulated air pollutant that is not listed in ~~Section 200.98(a)~~ Section 200.99(a) of this rule, is not a Class I nor a Class II substance listed in Section 602-Listing Of Class I And Class II Substances of the Act and is not a hazardous air pollutant according to ~~ARS §49-401.01(16)~~ Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules. any emissions rate.
- d. Notwithstanding the emission amount listed in ~~Section 200.98(a)~~ Section 200.99(a) of this rule, any emissions rate or any net emissions increase associated with a major source or major modification, which would be constructed within 10 kilometers (6.2 miles) of a Class I area and which would have an impact on the ambient air quality of such area equal to or greater than 1 microgram/cubic meter (mg/m³) (24-hour average).

- ~~200.99~~**200.100 SOLVENT-BORNE COATING MATERIAL** - No change
~~200.100~~**200.101 SOURCE** - No change
~~200.101~~**200.102 SPECIAL INSPECTION WARRANT** - No change
~~200.102~~**200.103 STANDARD CONDITIONS** - No change
~~200.103~~**200.104 STATE IMPLEMENTATION PLAN (SIP)** - The plan adopted by the State Of Arizona which provides for implementation, maintenance, and enforcement of such primary and secondary ambient air quality standards as are adopted by the Administrator of EPA under the Act.
~~200.104~~**200.105 STATIONARY SOURCE** - No change
~~200.105~~**200.106 SYNTHETIC MINOR** - No change
~~200.106~~**200.107 TEMPORARY CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT** - No change
~~200.107~~**200.108 TITLE V** - No change
~~200.108~~**200.109 TOTAL REDUCED SULFUR (TRS)** - No change
~~200.109~~**200.110 TRADE SECRETS** - No change
 a. No change
 b. No change
 c. No change
 d. No change
~~200.110~~**200.111 TRIVIAL ACTIVITY** - No change
~~200.111~~**200.112 UNCLASSIFIED AREA** - An area which the Administrator of EPA, because of lack of adequate data, is unable to classify as an attainment or nonattainment area for a specific pollutant. For purposes of these rules, unclassified areas are to be treated as attainment areas.
~~200.112~~**200.113 VOLATILE ORGANIC COMPOUND (VOC)** - No change
SECTION 300 - STANDARDS
 301 No change
 302 No change
SECTION 400 - ADMINISTRATIVE REQUIREMENTS
 401 CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS: No change
 402 CONFIDENTIALITY OF INFORMATION: No change
 402.1 No change
 402.2 No change
 a. No change
 b. Provides sufficient supporting information to allow the Control Officer to evaluate whether such information satisfies the requirements related to trade secrets as defined in ~~Section 200.109~~ Section 200.110 of this rule.
 402.3 Within 30 days of receipt of a notice of confidentiality that complies with Section 402.2 of this rule, the Control Officer shall make a determination as to whether the information satisfies the requirements for trade secrets as described in ~~Section 200.109~~ Section 200.110 of this rule and so notify the applicant in writing. If the Control Officer agrees with the applicant that the information covered by the notice of confidentiality satisfies the statutory requirements, the Control Officer shall include a notice in the administrative record of the permit application that certain information has been considered confidential.
 402.4 No change
 402.5 No change
SECTION 500 - MONITORING AND RECORDS
 501 REPORTING REQUIREMENTS: No change
 502 DATA REPORTING: No change
 503 EMISSION STATEMENTS REQUIRED AS STATED IN THE ACT: Upon request of the Control Officer and as directed by the Control Officer, the owner and/or operator of any source which emits or may emit oxides of nitrogen (NO_x) or volatile organic compounds (VOC) shall provide the Control Officer with an emission statement, in such form as the Control Officer prescribes, showing measured actual emissions or estimated actual emissions of NO_x and VOC from that source. At a minimum, the emission statement shall contain all information required by the Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A, which is incorporated by reference in Appendix G of these rules. The statement shall contain emissions for the time period specified by the Control Officer. The statement shall also contain a certification by a responsible official of the company that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. Statements shall be submitted annually to the Department. The Control Officer may waive this requirement for the owner and/or operator of any source which emits less than 25 tons per year of oxides of nitrogen or volatile organic compounds with an approved emission inventory for sources based on AP-42 or other methodologies approved by the Administrator of EPA.
 504 RETENTION OF RECORDS: Information and records required by applicable requirements and copies of summarizing reports recorded by the owner and/or operator and submitted to the Control Officer shall be retained by the owner and/or operator for ~~5~~ five years after the date on which the information is recorded or the report is submitted. Non-Title V sources may retain such information, records, and reports for less than ~~5~~ five years, if otherwise allowed by these rules.
 505 ANNUAL EMISSIONS INVENTORY REPORT:
 505.1 No change

- 505.2 No change
- 505.3 The Control Officer may require submittal of supplemental emissions inventory information forms for air contaminants under ARS §49-476.01, ARS §49-480.03, ~~and ARS §49-480.04~~ and Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.

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Revised 05/20/98
Revised 08/22/01

MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II - PERMITS AND FEES
RULE 200
PERMIT REQUIREMENTS

SECTION 100 - GENERAL

101 PURPOSE: No change

SECTION 200 - DEFINITIONS (NOT APPLICABLE) No change

SECTION 300 - STANDARDS

301 PERMITS REQUIRED: No change

302 TITLE V PERMIT: No change

302.1 Any major source as defined in Rule 100-General Provisions And Definitions of these rules.

302.2 No change

302.3 Any affected source as defined in Rule 100-General Provisions And Definitions of these rules.

302.4 No change

303 NON-TITLE V PERMIT: No change

303.1 A person to make a modification to a source which would cause it to emit or to have the potential to emit quantities of regulated air pollutants greater than those specified in ~~subsections~~ Sections 303.2 and 303.3(c) of this rule.

303.2 No change

a. A source that emits or has the potential to emit with controls ten tons per year or more of a hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants designated by the ~~Director pursuant to ARS §49-426.04(A)(1)~~ Control Officer pursuant to Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules and not listed in Section 112(b) of the Act.

b. A source that is within a category designated by the ~~Director pursuant to ARS §49-426.05~~ Control Officer pursuant to Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules and that emits or has the potential to emit with controls at least one ton, but less than ten tons per year of a hazardous air pollutant or at least 2.5 tons, but less than 25 tons per year of any combination of hazardous air pollutants.

303.3 No change

a. No change

b. No change

c. No change

(1) General Combustion Equipment:

(a) No change

(b) No change

(2) Liquid Storage Tanks:

(a) No change

(b) No change

(c) No change

(3) Surface Coating And Printing Equipment:

(a) No change

(b) No change

(c) No change

(d) No change

(4) Solvent Cleaning Equipment: No change

(a) No change

(b) No change

(c) No change

(5) Internal Combustion Equipment:

(a) No change

(b) No change

(i) No change

(ii) No change

- (iii) No change
 - (c) No change
 - (d) No change
 - (e) No change
 - (6) **Food Equipment:**
 - (a) No change
 - (b) Bakeries:
 - (i) No change
 - (ii) No change
 - (7) **Miscellaneous:**
 - (a) No change
 - (b) No change
 - (c) No change
 - (d) No change
 - (e) No change
 - (f) No change
 - (g) No change
 - (h) No change
 - (i) No change
 - (j) No change
 - (k) A person to begin actual construction of a source subject to Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.
 - (l) A person to make a modification to a source subject to Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.
- 304 **GENERAL PERMIT:** No change
- 305 **EARTH MOVING PERMIT:** No change
- 305.1 **Application:** No change
- 305.2 **Annual Block Permit:** No change
- a. No change
 - b. No change
 - c. No change
- 305.3 **Action On Permit Application:** No change
- 305.4 **Permit Term:** No change
- 305.5 **Permit Renewal:** No change
- 306 **PERMIT TO BURN:** No change
- 307 **EXEMPTIONS:** No change
- 307.1 No change
 - 307.2 No change
 - 307.3 No change
- 308 **STANDARDS FOR APPLICATIONS:** No change
- 308.1 **Insignificant Activities:**
- a. No change
 - b. No change
 - c. No change
 - d. No change
- 308.2 **Trivial Activities:**
- a. No change
 - b. No change
 - c. No change
- 309 **PERMIT CONDITIONS:** No change
- 309.1 No change
- a. No change
 - b. No change
 - c. No change
- 309.2 No change
- a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- 309.3 No change
- 310 **PROHIBITION - PERMIT MODIFICATION:** No change
- 311 **PERMIT POSTING REQUIRED:** No change
- 312 **TRANSITION FROM INSTALLATION AND OPERATING PERMIT PROGRAM TO UNITARY PERMIT PROGRAM:**

- 312.1 **Sources With A Valid Installation, Operating, Or Conditional Permit:** No change
 - a. No change
 - b. No change
 - c. No change
- 312.2 **Title V Sources With An Installation, Operating, Or Conditional Permit:** No change
 - a. No change
 - b. No change
- 312.3 **Non-Title V Sources With An Installation, Operating, Or Conditional Permit:** No change
 - a. No change
 - b. No change
- 312.4 **Written Notice:** For purposes of this ~~subsection~~ section, written notice shall include, but not be limited to, a written warning, notice of violation, or order issued by the Control Officer for constructing or operating an emission source without a permit. Such a source shall be considered to be in violation of these rules on each day of operation or each day during which construction continues, until a permit is granted.
- 312.5 **Sources Not Under Permit:**
 - a. No change
 - b. No change
 - c. No change
- 312.6 **Sources Which Currently Have An Installation Or Operating Permit:**
 - a. No change
 - b. No change

313 **ACCELERATED PERMITTING:**

- 313.1 No change
- 313.2 No change
 - a. No change
 - b. No change
 - c. No change
- 313.3 No change

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 **APPROVAL OR DENIAL OF PERMIT OR PERMIT REVISION:**

- 401.1 No change
- 401.2 No change
- 401.3 No change
- 401.4 No change

402 **PERMIT REOPENINGS; REVOCATION AND REISSUANCE; TERMINATION:**

- 402.1 **Reopening For Cause:**
 - a. No change
 - (1) No change
 - (2) No change
 - (3) No change
 - (4) No change
 - b. No change
 - c. No change
 - d. No change
- 402.2 **Reopening For Cause By The Administrator:**
 - a. No change
 - b. No change
 - c. No change

403 **PERMIT RENEWAL AND EXPIRATION:**

- 403.1 No change
- 403.2 No change
- 403.3 No change

404 **PERMIT TRANSFERS:**

- 404.1 Except as provided in ARS §49-429 and Section 404.2 of this rule, a Title V permit, ~~or a Non-Title V permit, or a General permit~~ may be transferred to another person, ~~if the person who holds the permit gives notice to the Control Officer in writing at least 30 days before the proposed transfer and complies with administrative permit amendment procedures pursuant to Rule 210 and/or Rule 220 of these rules. Before the proposed transfer, the person who holds a valid Non-Title V permit or a valid General permit shall comply with the administrative permit revision procedures pursuant to Rule 220, Section 405.1 of these rules. At least 30 days before the proposed transfer, the person who holds a valid Title V permit shall give notice to the Control Officer in writing and shall comply with the administrative permit amendment procedures pursuant to Rule 210, Section 404 of these rules.~~ Permit transfer notice shall contain the following:
 - a. No change

- b. No change
- c. No change
- d. No change
- e. No change
- f. No change
- g. No change
- h. No change
 - (1) No change
 - (2) No change
 - (3) No change
- 404.2 No change
- 404.3 No change
 - a. No change
 - b. No change
- 405 **PERMITS CONTAINING THE TERMS AND CONDITIONS OF FEDERAL DELAYED COMPLIANCE ORDERS (DCO) OR CONSENT DECREES:**
 - 405.1 No change
 - 405.2 No change
 - 405.3 No change
- 406 **APPEAL:** No change
- 407 **AIR QUALITY IMPACT MODELS:**
 - 407.1 Where the Control Officer requires a person to perform air quality impact modeling, the modeling shall be performed in a manner consistent with the "~~Guideline on Air Quality Models (Revised)~~" (EPA 450/2-78-027R, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, July 1986) and "~~Supplement B to the Guideline on Air Quality Models~~" (U.S. Environmental Protection Agency, September 1990). Both documents 40 C.F.R. 51, Appendix W, "Guideline On Air Quality Models", as of July 1, 2004 (and no future amendments or additions), which shall be referred to hereinafter as "Guideline", and are ~~is~~ adopted by reference.
 - 407.2 **Model Substitution:** No change
 - a. No change
 - b. No change
 - c. No change
- 408 **TESTING PROCEDURES:** No change
- 409 **PERMIT FEES:** No change
- 410 **PORTABLE SOURCES:**
 - 410.1 No change
 - 410.2 No change
 - 410.3 No change
 - 410.4 No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - 410.5 No change
- 411 **PUBLIC RECORDS; CONFIDENTIALITY:**
 - 411.1 No change
 - 411.2 No change
 - a. No change
 - b. No change
 - c. No change

SECTION 500 - MONITORING AND RECORDS (NOT APPLICABLE)

Revised 07/13/88
Repealed and Adopted 11/15/93
Revised 02/15/95
Revised 06/19/96
Revised 05/20/98
Revised 02/07/01
Revised 05/07/03

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II - PERMITS AND FEES
RULE 210
TITLE V PERMIT PROVISIONS**

SECTION 100 - GENERAL

101 PURPOSE: No change

102 APPLICABILITY: No change

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

201 EMISSIONS ALLOWABLE UNDER THE PERMIT - No change

SECTION 300 - STANDARDS

301 PERMIT APPLICATION PROCESSING PROCEDURES:

301.1 Standard Application Form And Required Information: No change

301.2 Unless otherwise required by Rule 200-Permit Requirements of these rules, a timely application is:

- a. For purposes of permit renewal, a timely application is one that is submitted at least ~~6~~ six months, but not more than 18 months, prior to the date of permit expiration.
- b. For the initial Phase II acid rain requirement under Rule 371-Acid Rain of these rules of a Title V permit, one that is submitted to the Control Officer by January 1, 1996, for sulfur dioxide, and by January 1, 1998, for nitrogen oxides.
- c. Any existing source which becomes subject to a standard promulgated by the Administrator of EPA under Section 112(d) of the Act shall, within 12 months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard.

301.3 No change

301.4 No change

- a. To be complete, an application shall provide all information required by ~~subsection 301.1~~ Section 301.1-Standard Application Form And Required Information of this rule. An application for permit revision only need supply information related to the proposed change, unless the source's proposed permit revision will change the permit from a Non-Title V Permit to a Title V Permit. A responsible official shall certify the submitted information consistent with ~~subsection 301.7~~ Section 301.7-Certification Of Truth, Accuracy, And Completeness of this rule.
- b. An application for a new permit or permit revision shall contain an assessment of the applicability of the requirements of Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources and Rule 241-Permits For New Sources And Modifications To Existing Sources of these rules. If the proposed new source is a major source, as defined in Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources of these rules, or the proposed permit revision constitutes a major modification as defined in Rule 100-General Provisions And Definitions of these rules, then the application shall comply with all applicable requirements of Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources of these rules.
- c. An application for a new permit or permit revision shall contain an assessment of the applicability of the requirements established under ~~Arizona Revised Statutes (A.R.S.) §49-426.03 and A.R.S. §49-426.06~~ Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules. If the proposed new source permit or permit revision is subject to the requirements of ~~A.R.S. §49-426.03 or A.R.S. §49-426.06~~ Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules, the application shall comply with all applicable requirements of ~~those sections and rules promulgated under those sections~~ Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.
- d. An application to construct or reconstruct any major source of hazardous air pollutants shall contain a determination that maximum achievable control technology (MACT) for new sources under Section 112 of the Act will be met. Where MACT has not been established by the Administrator of EPA, such determination shall be made on a case-by-case basis under 40 C.F.R. 63.40 through 63.44, as incorporated by reference in Rule 370-Federal Hazardous Air Pollutant Program of these rules. For purposes of this ~~subsection~~ section of this rule, constructing or reconstructing a major source shall have the meaning prescribed in 40 C.F.R. 63.41, as incorporated by reference in Rule 370-Federal Hazardous Air Pollutant Program of these rules.
- e. An application for a new permit, a permit revision, or a permit renewal shall be deemed to be complete, unless the Control Officer notifies the applicant by certified mail within 60 days of receipt of the application that the application is not complete. For a proposed new major source or a major modification subject to the requirements of Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources of these rules, the permit application shall be deemed to be submitted on the date that the completeness determination is made under Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources of these rules.
- f. If, while processing an application that has been determined or deemed to be complete, the Control Officer determines that additional information is necessary to evaluate or to take final action on that application, the Control Officer may request such information in writing and may set a reasonable deadline for a response. Except for minor permit revisions as set forth in Section 405 of this rule, a

source's ability to continue operating without a permit, as set forth in this rule, shall be in effect from the date the application is determined to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the Control Officer. The Control Officer may, after ~~4~~ one submittal by the applicant under this rule, reject an application that is still determined to be incomplete and shall notify the applicant of the decision by certified mail.

g. No change

h. To be complete, an application for a new permit or an application for a permit revision shall list and generally group activities, if applicable, which are insignificant as defined in Rule 100-General Provisions And Definitions of these rules and which are listed in Appendix D-List Of Insignificant Activities of these rules. The application need not provide emissions data regarding insignificant activities. If the Control Officer determines that an activity listed as insignificant does not meet the requirements of insignificant as defined in Rule 100-General Provisions And Definitions of these rules and as listed in Appendix D-List Of Insignificant Activities of these rules (i.e., if emissions estimates are needed for another purpose, such as determining the amount of permit fees), then the Control Officer shall notify the applicant in writing and shall specify additional information required.

i. No change

j. No change

301.5 A source that has submitted information with an application under a claim of confidentiality under A.R.S. §49-487 and Rule 200-Permit Requirements of these rules shall submit a copy of such information directly to the Administrator ~~of EPA~~.

301.6 **Duty To Supplement Or Correct Application:** No change

301.7 **Certification Of Truth, Accuracy, And Completeness:** No change

301.8 **Action On Application:**

a. No change

b. No change

(1) The permit application received must be complete according to ~~subsection 301.4~~ Section 301.4 of this rule.

(2) No change

(3) The Control Officer shall have complied with the requirements of Section 303 of this rule for notifying and responding to affected states and if applicable, other notification requirements of Rule 240, ~~Subsection 304.2~~ Section 304.2-Action On Application And Notification Requirements and Rule 240, ~~Subsection 511.3(b)~~ Section 511.3(b)-Visibility Protection of these rules.

(4) No change

(5) For permits for which an application is required to be submitted to the Administrator ~~of EPA~~ under ~~subsection 303.1~~ Section 303.1 of this rule, and to which the Administrator ~~of EPA~~ has properly objected to its issuance in writing within 45 days of receipt of the proposed final permit and all necessary supporting information from the ~~Division~~ Department, the Control Officer has revised and submitted a proposed final permit in response to the objection and the Administrator ~~of EPA~~ has not objected to this proposed final permit.

(6) For permits to which the Administrator ~~of EPA~~ has objected to issuance under a petition filed under 40 C.F.R. 70.8(d), the ~~Administrator of EPA's~~ Administrator's objection has been resolved.

c. No change

(1) No change

(2) No change

(3) No change

d. No change

e. The Control Officer shall provide a statement that sets forth the legal and factual basis for the proposed permit conditions including references to the applicable statutory or regulatory provisions. The Control Officer shall send this statement to the Administrator ~~of EPA~~ and to any other person who requests it.

f. Except as provided in 40 C.F.R. 70.4(b)(11), Rule 200-Permit Requirements of these rules and Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources of these rules, regulations promulgated under Title IV or Title V of the Act, or the permitting of affected sources under the acid rain program, the Control Officer shall take final action on each permit application (and request for revision or renewal) within 18 months after receiving a complete application.

g. No change

h. A proposed permit decision shall be published within ~~9~~ nine months of receipt of a complete application and any additional information requested under ~~subsection 301.4(e)~~ Section 301.4(e) of this rule to process the application. The Control Officer shall provide notice of the decision as

provided in Section 408 of this rule and any public hearing shall be scheduled as expeditiously as possible.

302.1 **301.9 Requirement For A Permit:** No change

PERMIT CONTENTS:

302.1 No change

- a. No change
- b. No change
 - (1) No change
 - (2) The permit shall state that, where an applicable requirement of the Act is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act and incorporated under Rule 371-Acid Rain of these rules, both provisions shall be incorporated into the permit and shall be enforceable by the Administrator ~~of EPA~~.
 - (3) Any permit containing an equivalency demonstration for an alternative emission limit submitted under ~~subsection 301.3~~ Section 301.3 of this rule shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.
 - (4) The permit shall specify applicable requirements for fugitive emission limitations, regardless of whether the source category in question is included in the list of sources contained in the definition of major source in Rule 100-General Provisions And Definitions of these rules.
- c. No change
 - (1) No change
 - (2) Where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit as reported under ~~subsection 302.1(d)~~ Section 302.1(d) of this rule. Such monitoring requirements shall ensure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this rule; and
 - (3) No change
- d. No change
 - (1) No change
 - (a) No change
 - (b) No change
 - (c) No change
 - (d) No change
 - (e) No change
 - (f) No change
 - (2) Retention of records of all required monitoring data and support information for a period of at least ~~5~~ five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
- e. No change
 - (1) Submittal of reports of any required monitoring at least every ~~6~~ six months. All instances of deviations from permit requirements shall be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with ~~subsections~~ Section 301.7 and Section 305.1(e) of this rule.
 - (2) No change
- f. A permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Act or the regulations promulgated thereunder and incorporated under Rule 371-Acid Rain of these rules.
 - (1) No permit revision shall be required for increases in emissions that are authorized by allowances acquired under the acid rain program and incorporated under Rule 371-Acid Rain of these rules, provided that such increases do not require a permit revision under any other applicable requirement.
 - (2) No change
 - (3) No change
 - (4) Any permit issued under the requirements of this rule and Title V of the Act to a unit subject to the provisions of Title IV of the Act and incorporated under Rule 371-Acid Rain of these rules shall include conditions prohibiting all of the following:
 - (a) No change
 - (b) No change
 - (c) No change
 - (d) No change

- g. No change
- h. No change
 - (1) No change
 - (2) No change
 - (3) No change
 - (4) No change
 - (5) No change
 - (6) For any major source operating in a nonattainment area for any pollutant(s) for which the source is classified as a major source, the source shall comply with reasonably available control technology (RACT) as defined in Rule 100-General Provisions And Definitions of these rules.
 - (7) No change
- i. A provision to ensure that a source pays fees to the Control Officer under A.R.S. §49-480(D) and Rule 280-Fees of these rules.
- j. No change
- k. No change
 - (1) No change
 - (2) No change
 - (3) No change
- l. No change
 - (1) Shall include all terms required under ~~subsections~~ Section 302.1 and Section 302.3 of this rule to determine compliance;
 - (2) May extend the permit shield described in ~~subsection 302.4~~ Section 302.4 of this rule to all terms and conditions that allow such increases and decreases in emissions; and
 - (3) No change
- m. No change
- n. If a permit applicant requests it, the Control Officer shall issue permits that contain terms and conditions allowing for the trading of emission increases and decreases in the permitted source solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The Control Officer shall not be required to include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements. Changes made under this ~~subsection~~ section of this rule shall not include modifications under any provision of Title I of the Act and may not exceed emissions allowable under the permit. The terms and conditions shall include notice that (1) conforms to ~~subsection 403.4~~ Section 403.4 and ~~subsection 403.5~~ Section 403.5 of this rule and (2) describes how the increases or decreases in emissions will comply with the terms and conditions of the permit.
- o. Such terms and conditions as are consistent with the requirements of this rule, of Rule 100-General Provisions And Definitions of these rules and of the Clean Air Act (~~CAA~~) and are found by the Control Officer to be necessary.

302.2 Federally Enforceable Requirements: All terms and conditions in a Title V Permit shall be enforceable by the Administrator ~~of the Environmental Protection Agency (EPA)~~ and citizens under the Act, including any provisions designed to limit a source's potential to emit. However, the Control Officer shall specifically designate as not being federally enforceable under the Act any terms and conditions included in the Title V Permit that are not required under the Act or under any of its applicable requirements.

302.3 No change

302.4 No change

302.5 A Title V permit issued to a major source shall require that revisions be made under Rule 200-Permit Requirements of these rules to incorporate additional applicable requirements adopted by the Administrator ~~of EPA~~ under the Act that become applicable to a source with a permit with a remaining permit term of ~~3~~ three or more years. No revision shall be required if the effective date of the applicable requirements is after the expiration of the permit. The revisions shall be made as expeditiously as practicable, but not later than 18 months after the promulgation of such standards and regulations. Any permit revision required under this ~~subsection~~ section of this rule shall comply with provisions in Rule 200-Permit Requirements of these rules for permit renewal and shall reset the ~~5~~ five year permit term.

303 PERMIT REVIEW BY THE EPA AND AFFECTED STATES:

303.1 Except as provided in ~~subsection 301.5~~ Section 301.5 of this rule and as waived by the Administrator ~~of EPA~~, for each Title V permit, a copy of each of the following shall be provided to the Administrator ~~of EPA~~ as follows:

Arizona Administrative Register / Secretary of State

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

- a. The applicant shall provide a complete copy of the application, including any attachments, compliance plans, and other information required by ~~subsection 301.4~~ Section 301.4 of this rule at the time of submittal of the application to the Control Officer.
 - b. No change
 - c. No change
- 303.2** The Control Officer may require the application information to be submitted in a computer-readable format compatible with the ~~Administrator of EPA's~~ Administrator's national database management system.
- 303.3** The Control Officer shall keep all records associated with all permits including those records containing the calculations and rationale supporting the Control Officer's decision to issue a permit for a minimum of ~~5~~ five years from permit issuance.
- 303.4** No permit for which an application is required to be submitted to the Administrator ~~of EPA~~ under ~~subsection 303.1~~ Section 303.1 of this rule shall be issued if the Administrator ~~of EPA~~ properly objects to its issuance in writing within 45 days of receipt of the proposed final permit from the Control Officer and all necessary supporting information.
- 303.5** Review By Affected States:
- a. No change
 - b. If the Control Officer refuses to accept a recommendation of any affected State submitted during the public or affected State review period, the Control Officer shall notify the Administrator ~~of EPA~~ and the affected State in writing. The notification shall include the Control Officer's reasons for not accepting any such recommendation and shall be provided to the Administrator ~~of EPA~~ as part of the submittal of the proposed final permit. The Control Officer shall not be required to accept recommendations that are not based on federal applicable requirements or requirements of state law.
- 303.6** Any person who petitions the Administrator ~~of EPA~~ under 40 C.F.R. 70.8(d) shall notify the Control Officer by certified mail of such petition as soon as possible, but in no case more than 10 days following such petition. Such notice shall include the grounds for objection and whether such objections were raised during the public comment period. A petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day administrative review period and prior to the ~~Administrator of EPA's~~ Administrator's objection.
- 303.7** If the Control Officer has issued a permit prior to receipt of the ~~Administrator of EPA's~~ Administrator's objection under this rule, and the Administrator ~~of EPA~~ indicates that a permit should be revised or revoked and reissued, the Control Officer shall respond consistent with Rule 200-Permit Requirements of these rules and may thereafter issue only a revised permit that satisfies the ~~Administrator of EPA's~~ Administrator's objection. In any case, the source shall not be in violation of the requirement to have submitted a timely and complete application.
- 303.8** Prohibition On Default Issuance:
- a. No Title V permit including a permit renewal or revision shall be issued until affected States and the Administrator ~~of EPA~~ have had an opportunity to review the proposed permit.
 - b. No change
- 304** **EMISSION STANDARDS AND LIMITATIONS:** No change
- 305** **COMPLIANCE PLAN; CERTIFICATION:**
- 305.1** No change
- a. No change
 - (1) No change
 - (2) Where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported under ~~subsection 305.1(e)~~ Section 305.1(c) of this rule. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirements; and
 - (3) No change
 - b. All applicable recordkeeping requirements, as described in ~~subsection 302.1(d)~~ Section 302.1(d) of this rule.
 - c. No change
 - (1) Submittal of reports of any required monitoring at least every 6 months. All instances of deviations from permit requirements shall be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with ~~subsection 305.1(e)~~ Section 305.1(e) of this rule.
 - (2) Reporting within ~~2~~ two working days from knowledge of deviations from permit requirements, including those attributable to upset conditions as defined in the permit and the probable cause of such deviations. Reporting within a reasonable time of any long-term corrective actions or preventative measures taken.
 - d. No change

- (1) No change
- (2) No change
- (3) No change
 - (a) No change
 - (b) No change
 - (c) No change
 - (d) No change
 - (e) No change
- (4) A requirement that all compliance certifications be submitted to the Control Officer and to the Administrator of EPA;
- (5) Additional requirements specified in Sections 114(a)(3) and 504(b) of the Act or under Rule 220-Non-Title V Permit Provisions, Section 304-Permits Containing Voluntarily Accepted Emissions Limitations, Controls, Or Other Requirements (Synthetic Minor) of these rules.
- e. No change
- f. No change
 - (1) No change
 - (2) No change
 - (3) No change
 - (4) No change
 - (5) No change
- g. No change
 - (1) No change
 - (2) No change
 - (a) No change
 - (b) No change
 - (c) No change
 - (3) No change
 - (a) No change
 - (b) No change
 - (c) No change
 - (4) A schedule for submission of certified progress reports no less frequently than every ~~6~~ six months for sources required to have a schedule of compliance to remedy a violation. Such schedule shall contain:
 - (a) No change
 - (b) No change
 - (5) The compliance plan content requirements specified in ~~subsection 305.1(g)~~ Section 305.1(g) of this rule shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act and incorporated under Rule 371-Acid Rain of these rules with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.
- h. No change

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 FEES REQUIRED: Persons subject to this rule shall pay the fees required, as set forth in Rule 280-Fees of these rules.

402 PERMIT TERM: A Title V Permit shall remain in effect for no more than ~~5~~ five years.

403 SOURCE CHANGES ALLOWED WITHOUT PERMIT REVISIONS:

403.1 A source with a Title V permit may make changes without a permit revision if all of the following apply:

- a. The changes are not modifications under any provision of Title I of the Act or under ~~A.R.S. §49-401.01(17)~~ A.R.S. §49-401.01(24) or as defined in Rule 100-General Provisions And Definitions of these rules.
- b. No change
- c. No change
- d. No change
- e. No change

403.2 The substitution of an item of process or pollution control equipment for an identical or substantially similar item of process or pollution control equipment shall qualify as a change that does not require a permit revision, if it meets all of the requirements of ~~subsections~~ Sections 403.1, 403.4, and 403.5 of this rule.

403.3 Except for sources with authority to operate under general permits, permitted sources may trade increases and decreases in emissions within the permitted source, as established in the permit under ~~subsection 302.1(f)~~ Section 302.1(l) of this rule, where an applicable implementation plan provides for such emissions trades, without applying for a permit revision and based on the ~~7~~ seven working days notice prescribed in ~~subsection 403.4~~ Section 403.4 of this rule. This provision is available in those

cases where the permit does not already provide for such emissions trading, and shall not include any emissions units for which emissions are not quantifiable nor for which there are no replicable procedures to enforce the emissions trades.

- 403.4** For each such change under ~~subsections~~ Sections 403.1 and 403.3 of this rule, a written notice either by hand delivery or by certified mail shall be received by the Control Officer and the Administrator ~~of EPA~~, a minimum of 7 seven working days in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided less than 7 seven working days in advance of the change but must be provided as far in advance of the change, or if advance notification is not practicable, as soon after the change as possible.
- 403.5** No change
- a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
- 403.6** The permit shield described in Section 407 of this rule shall not apply to any change made under ~~subsections~~ Section 403.1 through Section 403.3 of this rule. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the implementation plan authorizing the emissions trade.
- 403.7** Except as otherwise provided for in the permit, making a change from one alternative operating scenario to another, as provided in ~~subsection 302.1(k)~~ Section 302.1(k) of this rule, shall not require any prior notice under this rule.
- 403.8** Notwithstanding any other part of this rule, the Control Officer may require a permit to be revised for any change that, when considered together with any other changes submitted by the same source under this rule over the term of the permit, does not satisfy ~~subsection 403.1~~ Section 403.1 of this rule.
- 403.9** No change
- 404 ADMINISTRATIVE PERMIT AMENDMENTS:**
- 404.1** No change
- a. No change
 - b. No change
 - c. No change
 - d. Allows for a change in ownership or operational control of a source under Rule 200-Permit Provisions of these rules, where the Control Officer determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the Control Officer.
- 404.2** Administrative permit amendments to Title IV provisions of the permit shall be governed by regulations promulgated by the Administrator ~~of EPA~~ under Title IV of the Act or incorporated under Rule 371-Acid Rain of these rules.
- 404.3** The Control Officer shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request. ~~Permits~~ Title V permits may incorporate such changes without providing notice to the public or affected States provided that such permits designate that such permit revisions have been made under this rule.
- 404.4** The Control Officer shall submit a copy of Title V permits revised under this rule to the Administrator ~~of EPA~~.
- 404.5** **Source's Ability To Make A Change:** Except for permit transfers described in Rule 200-Permit Provisions of these rules, the source may implement the changes addressed in the request for an administrative permit amendment immediately upon submittal of the request.
- 405 MINOR PERMIT REVISIONS:**
- 405.1** Minor permit revision procedures may be used only for those changes at a Title V source that satisfy all of the following:
- a. No change
 - b. No change
 - c. No change
 - (1) No change
 - (2) No change
 - (3) No change
 - d. Do not seek to establish nor to change a Title V permit term or condition for which there is no corresponding underlying applicable requirement and that the Title V source has assumed in order to avoid an applicable requirement to which the Title V source would otherwise be subject. Such terms and conditions include:

- (1) A federally enforceable emissions cap which the Title V source would assume to avoid classification as a modification under any provision of Title I of the Act; and
- (2) No change
- e. Are not modifications under any provision of Title I of the Act or ~~regulations promulgated under A.R.S. § 49-480.04 Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.~~
- f. Are not changes in fuels not represented in the permit application or provided for in the Title V permit.
- g. The increase in the Title V source's potential to emit for any regulated air pollutant is not significant as defined in Rule 100-General Provisions And Definitions of these rules.
- h. No change
- 405.2 As approved by the Control Officer, minor permit revision procedures may be used for Title V permit revisions involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit revision procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by the Administrator of EPA.
- 405.3 ~~An application for minor permit revision shall be on a standard application form prescribed by the Control Officer and shall include the following:~~ To request a minor permit revision, a source shall complete the "Standard Permit Application Form" and shall include the following information:
 - a. No change
 - b. For any source that is making the change immediately after it files the application, the Title V source's suggested draft permit; and
 - c. Certification by a responsible official, ~~consistent with standard permit application requirements,~~ that the proposed revision meets the criteria for use of minor permit revision procedures and a request that such procedures be used.
- 405.4 **EPA And Affected State Notification:** Within ~~5~~ five working days of ~~the Control Officer's~~ receipt of an application for a minor permit revision, the Control Officer shall notify the Administrator of EPA and affected States of the requested permit revision in accordance with Section 303 of this rule.
- 405.5 The Control Officer shall not issue a final permit revision until after the Administrator of EPA's Administrator's 45-day review period or until the Administrator of EPA has notified the Control Officer that the Administrator of EPA will not object to issuance of the permit revision, whichever is first. ~~although~~ Although, the Control Officer may approve the permit revision prior to that time. Within 90 days of the Control Officer's receipt of an application under minor permit revision procedures, or 15 days after the end of the Administrator of EPA's Administrator's 45-day review period, whichever is later, the Control Officer shall do one or more of the following:
 - a. No change
 - b. No change
 - c. No change
 - d. Revise the proposed permit revision and transmit to the Administrator of EPA the new proposed permit revision as required in Section 303 of this rule.
- 405.6 **Source's Ability To Make Change:** The source may make the change proposed in its minor permit revision application immediately after it files the application. After the source makes the change allowed by the preceding sentence, and until the Control Officer takes any of the actions specified in ~~subsection 405.5~~ Section 405.5 of this rule, the source shall comply with both the applicable requirements governing the change and the proposed revised permit terms and conditions. During this time period, the Title V source need not comply with the existing permit terms and conditions it seeks to modify. However, if the Title V source fails to comply with its proposed permit terms and conditions during this time period, the Control Officer may enforce existing permit terms and conditions, which the Title V source seeks to revise.
- 405.7 **Permit Shield:** No change
- 405.8 Notwithstanding any other part of this rule, the Control Officer may require a permit to be revised under Section 406 of this rule for any change that, when considered together with any other changes submitted by the same source under this rule or under Section 404 of this rule over the life of the permit, do not satisfy ~~subsection 405.1~~ Section 405.1 of this rule.
- 405.9 No change
- 406 **SIGNIFICANT PERMIT REVISIONS:**
 - 406.1 No change
 - 406.2 A significant permit revision that is only required because of a change described in ~~subsection 405.1(f)~~ Section 405.1(f) or ~~subsection 405.1(g)~~ Section 405.1(g) of this rule shall not be considered a significant permit revision under Part 70 for the purposes of 40 C.F.R. 64.5(a)(2). Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions shall follow significant permit revision procedures.
 - 406.2 **406.3** Any modification to a major source of federally listed hazardous air pollutants, and any reconstruction of a source, or a process or production unit, under Section 112(g) of the Act and regulations promulgated thereunder, shall follow significant permit revision procedures and ~~shall follow any rules~~

- ~~adopted under A.R.S. § 49-480.04 Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.~~
- 406.3 **406.4** All modifications to sources subject to ~~rules promulgated under A.R.S. § 49-480.04 Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules~~ shall follow significant permit revision procedures.
- 406.4 **406.5** Significant permit revisions shall meet all requirements of this rule for applications, public participation, review by affected States, and review by the Administrator ~~of EPA~~, that apply to permit issuance and renewal.
- 406.5 **406.6** The Control Officer shall process the majority of significant permit revision applications received each calendar year within ~~9~~ nine months of receipt of a complete permit application but in no case longer than 18 months. Applications for which the Control Officer undertakes the accelerated permitting process, under Rule 200, Section 313 of these rules, shall not be included in this requirement. ~~Subsection 406.5 Section 406.6~~ of this rule does not change any time-frame requirements in Section 301 of this rule.
- 407 **PERMIT SHIELDS:**
- 407.1 Each Title V permit issued under this rule shall specifically identify all federal, state, and local air pollution control requirements applicable to the Title V source at the time the Title V permit is issued. The Title V permit shall state that compliance with the conditions of the Title V permit shall be deemed compliance with any applicable requirement as of the date of Title V permit issuance, provided that such applicable requirements are included and expressly identified in the Title V permit. The Control Officer may include in a Title V permit determination that other requirements specifically identified are not applicable. Any Title V permit issued under this rule that does not expressly state that a permit shield exists shall not provide such a shield.
- 407.2 No change
- a. The provisions of Section 303 of the Act-Emergency Orders, including the authority of the Administrator ~~of EPA~~ under that section.
- b. No change
- c. No change
- d. The ability of the Administrator ~~of EPA~~ or of the Control Officer to obtain information from a source under Section 114 of the Act, or any provision of State law.
- e. No change
- 407.3 In addition to the provisions of Rule 200-Permit Requirements of these rules, a permit shall be reopened by the Control Officer and the permit shield revised, when it is determined that standards or conditions in the permit are based on incorrect information provided by the applicant.
- 408 **PUBLIC PARTICIPATION:**
- 408.1 No change
- a. No change
- b. No change
- c. No change
- d. Issuing a conditional order under Rule 120-Conditional Orders of these rules.
- e. Granting a variance from a general permit under ~~A.R.S. § 49-480.04(D)~~ and Rule 230-General Permits of these rules and Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.
- 408.2 No change
- 408.3 The Control Officer shall provide the notice required under ~~subsection 408.1~~ Section 408.1 of this rule as follows:
- a. The Control Officer shall publish the notice once each week for ~~2~~ two consecutive weeks in ~~2~~ two newspapers of general circulation in the county where the source is or will be located.
- b. No change
- c. No change
- 408.4 The notice required by ~~subsection 408.3~~ Section 408.3 of this rule shall include the following:
- a. No change
- b. No change
- c. No change
- d. No change
- e. No change
- f. No change
- g. No change
- h. The name, address, and telephone number of a person from the ~~Division~~ Department from whom additional information may be obtained;
- i. Locations where copies of the permit or permit revision application, the proposed permit, and all other materials available to the Control Officer that are relevant to the permit decision may be reviewed, including the closest ~~Division~~ Department office, and the times at which such materials shall be available for public inspection;

- j. A summary of any notice of confidentiality filed under Rule 100-~~General Provisions And Definitions~~ of these rules; and
 - k. If applicable, a statement that the source has submitted a ~~Risk Management Analysis risk management analysis (RMA)~~ under A.R.S. §49-480.04 ~~Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program~~ of these rules.
 - l. No change
- 408.5** The Control Officer shall hold a public hearing to receive comments on petitions for conditional orders, which would vary from requirements of the applicable implementation plan. For all other actions involving a proposed permit, the Control Officer shall hold a public hearing only upon written request. If a public hearing is requested, the Control Officer shall schedule the hearing and publish notice as described in A.R.S. §49-498 and in ~~subsection 408.4~~ Section 408.4 of this rule. The Control Officer shall give notice of any public hearing at least 30 days in advance of the hearing.
- 408.6** At the time the Control Officer publishes the first notice under ~~subsection 408.3(a)~~ Section 408.3(a) of this rule, the applicant shall post a notice containing the information required in ~~subsection 408.4~~ Section 408.4 of this rule at the site where the source is or may be located. Consistent with federal, State, and local law, the posting shall be prominently placed at a location under the applicant's legal control, adjacent to the nearest public roadway, and visible to the public using the public roadway. If a public hearing is to be held, the applicant shall place an additional posting providing notice of the hearing. Any posting shall be maintained until the public comment period is closed.
- 408.7** No change

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

Revised 07/13/88
 Repealed And Adopted 11/15/93
 Revised 02/15/95
 Revised 06/19/96
 Revised 03/04/98
 Revised 07/26/00
 Revised 05/07/03

MARICOPA COUNTY
 AIR POLLUTION CONTROL REGULATIONS
 REGULATION II - PERMITS AND FEES
 RULE 220
 NON-TITLE V PERMIT PROVISIONS

SECTION 100 - GENERAL

- 101** PURPOSE: No change
- 102** APPLICABILITY: No change

SECTION 200 - DEFINITIONS (NOT APPLICABLE)

SECTION 300 - STANDARDS

- 301** PERMIT APPLICATION PROCESSING PROCEDURES:
 - 301.1** Standard Application Form And Required Information: No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 301.2** Permit Application And A Compliance Plan:
 - a. No change
 - b. No change
 - (1) No change
 - (2) No change
 - 301.3** A Timely Permit Application:
 - a. Unless otherwise required by Rule 200-Permit Requirements of these rules and for purposes of permit renewal, a timely application is one that is submitted at least ~~6~~ six months, but not more than 18 months, prior to the date of permit expiration.
 - b. Unless otherwise required by Rule 200-Permit Requirements of these rules and for any existing source which becomes subject to a standard promulgated by the Administrator ~~of the Environmental Protection Agency (EPA)~~ under Section 112(d) of the Act-Hazardous Air Pollutants-Emission Standards, a timely application is a permit revision application that is submitted within 12 months of the date on which the standard is promulgated. Such permit revision application shall be subject to Rule 210-Title V Permit Provisions of these rules.
 - 301.4** No change
 - a. To be complete, an application shall provide all information required under ~~subsection 301.4~~ Section 301.1 of this rule, except that notifications of permit revision need supply such information only if it is related to the proposed change. A responsible official shall certify the submitted information, consistent with ~~subsection 301.6~~ Section 301.6 of this rule.

- b. To be complete, an application for a new permit or a notification of a permit revision shall contain an assessment of the applicability of the requirements of Rule 241-Permits For New Sources And Modifications To Existing Sources of these rules and shall comply with all applicable requirements of Rule 241-Permits For New Sources And Modifications To Existing Sources of these rules.
- c. To be complete, an application for a new permit or a notification of a permit revision shall contain an assessment of the applicability of the requirements established under ~~Arizona Revised Statutes (A.R.S.) §49-426.03 and A.R.S. §49-426.06~~ Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules. If the proposed new source permit or the proposed permit revision is subject to the requirements of ~~A.R.S. §49-426.03 or A.R.S. §49-426.06~~ Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules, the application shall comply with all applicable requirements ~~promulgated under those sections and rules promulgated under those sections~~ of Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.
- d. No change
- e. No change
- f. No change
- g. No change
- h. Any emission source or equipment item listed in Rule 200-Permit Requirements of these rules shall be included in the application. The application need not provide emissions data regarding the activities listed in Rule 200-Permit Requirements of these rules. If the Control Officer determines that a source or an activity listed on the application does not meet the requirements of Rule 200-Permit Requirements of these rules, the Control Officer shall notify the applicant in writing and specify additional information required, which may include emissions data and supporting documents.
- i. No change

301.5 Duty To Supplement Or Correct Application: No change

301.6 Action On Application:

- a. No change
- b. For Non-Title V permits that contain voluntary emission limits, controls, or other requirements established under Section 304 of this rule, the Control Officer shall have complied with the requirement of ~~subsection 304.4~~ Section 304.4 of this rule to provide the Administrator ~~of EPA~~ with a copy of each such proposed permit. In addition, the Control Officer may issue, revise, or renew a permit only if all of the following conditions have been met:
 - (1) The permit application received must be complete according to ~~subsection 301.4~~ Section 301.4 of this rule.
 - (2) Except for revisions qualifying as administrative or minor under ~~subsections 405.1 and 405.2~~ Sections 405.1 and 405.2 of this rule, all of the requirements for public notice and participation under Section 407 of this rule must have been met.
 - (3) No change
 - (4) For permits for which an application is required to be submitted to the Administrator ~~of EPA~~ under Section 304 of this rule, and to which the Administrator ~~of EPA~~ has properly objected to its issuance in writing within 45 days of receipt of the proposed final permit and all necessary supporting information from the Control Officer, the Control Officer has revised and submitted a proposed final permit in response to the objection and the Administrator ~~of EPA~~ has not objected to this proposed final permit.
- c. No change
 - (1) No change
 - (2) No change
 - (3) No change
- d. No change
- e. Except as provided in Rule 200-Permit Requirements of these rules, the Control Officer shall take final action on each permit application (and request for revision or renewal) within 90 days of receipt of a complete application, unless a finding is made that more time is needed, but in no case longer than ~~9~~ nine months after receiving a complete application.

301.7 No change

302 PERMIT CONTENTS: No change

302.1 No change

302.2 No change

302.3 No change

302.4 No change

302.5 No change

302.6 No change

302.7 All recordkeeping requirements, including recordkeeping requirements established under Section 304 of this rule, if applicable, for the retention of records of all required monitoring data and support information for a period of at least ~~5~~ five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all strip-

chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

302.8 No change

302.9 No change

302.10 No change

302.11 No change

302.12 No change

302.13 No change

302.14 No change

302.15 No change

302.16 No change

302.17 No change

302.18 No change

302.19 No change.

302.20 No change

302.21 No change

302.22 No change

302.23 **Federally Enforceable Requirements:** Designated terms and conditions contained in Non-Title V permits issued under Rule 220-Non-Title V Permit Provisions of these rules will be considered federally enforceable, provided that the County's Permit Program is approved by the Administrator of EPA and incorporated into the applicable State Implementation Plan (SIP) under Section 110 of the Act, and the permit meets the requirements set forth in Section 304 of this rule:

a. Terms or conditions designated as federally enforceable in a Non-Title V permit, including but not limited to those that are entered into voluntarily under Section 304 of this rule and which have been submitted to the Administrator of EPA for review, include:

(1) No change

(2) No change

b. No change

303 **COMPLIANCE PLANS:** No change

303.1 No change

303.2 No change

a. No change

b. No change

c. No change

303.3 No change

a. No change

b. No change

303.4 A schedule for submission of certified progress reports no less frequently than every ~~6~~ six months for sources required to have a schedule of compliance to remedy a violation. Such schedule shall contain:

a. No change

b. No change

303.5 No change

303.6 No change

304 **PERMITS CONTAINING VOLUNTARILY ACCEPTED EMISSIONS LIMITATIONS, CONTROLS, OR OTHER REQUIREMENTS (SYNTHETIC MINOR):**

304.1 A source may voluntarily propose in its application, and accept in its permit, emissions limitations, controls, or other requirements that are permanent, quantifiable, and otherwise enforceable as a practical matter in order to avoid classification as a source that requires a Title V permit, or to avoid one or more other Federal applicable requirements. For the purposes of this rule, "enforceable as a practical matter" means that specific means to assess compliance with an emissions limitation, control, or other requirement are provided for in the permit in a manner that allows compliance with the limit standard or trade provision to be readily determined by an inspection of the source records or reports. In addition, for the purposes of this rule, "enforceable as a practical matter" shall include the following criteria:

a. No change

b. No change

c. No change

d. No change

e. No change

f. The permit conditions for monitoring, recordkeeping, and reporting requirements are sufficient to comply with Rule 220-Non-Title V Permit Provisions, ~~subsections 302.3, 302.4, 302.5, 302.6, and 302.7~~ Sections 302.3, 302.4, 302.5, 302.6, and 302.7 of these rules.

304.2 No change

a. No change

b. No change

304.3 No change

304.4 At the same time as notice of proposed issuance is first published under A.R.S. §49-426(D), the Control Officer shall send a copy of any Non-Title V permit proposed to be issued under Section 304 of this rule to the Administrator of ~~EPA~~ for review during the comment period described in the notice under Section 407 of this rule.

304.5 The Control Officer shall send a copy of each final permit issued under Section 304 of this rule to the Administrator of ~~EPA~~.

304.6 No change

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 FEES REQUIRED: No change

402 PERMIT TERM: A Non-Title V permit shall remain in effect for no more than 5 five years.

403 SOURCE CHANGES THAT REQUIRE NON-TITLE V PERMIT REVISIONS:

403.1 No change

403.2 No change

a. No change

b. No change

c. No change

d. A change that results in emissions which are subject to monitoring, recordkeeping, or reporting under ~~subsections 302.6, 302.7, and 302.8~~ Sections 302.6, 302.7, and 302.8 of this rule, if the emissions cannot be measured or otherwise adequately quantified by monitoring, recordkeeping, or reporting requirements already in the permit;

e. No change

f. A change that requires the source to obtain a Title V permit under Rule 210-Title V Permit Provisions of these rules;

g. No change

h. No change

i. No change

j. No change

(1) No change

(2) No change

404 PROCEDURES FOR CERTAIN CHANGES THAT DO NOT REQUIRE A NON-TITLE V PERMIT REVISION:

404.1 Except for a physical change or change in the method of operation at a Non-Title V source requiring a permit revision under Section 403 of this rule or a change subject to logging or notice requirements in ~~subsection 404.2~~ Section 404.2 of this rule or ~~subsection 404.3~~ Section 404.3 of this rule, a change at a Non-Title V source shall not be subject to revision, notice, or logging requirements under these rules.

404.2 No change

a. No change

b. No change

c. Engaging in any new exempted activity listed in Rule 200-Permit Requirements, ~~subsection 303.3(e)~~ Section 303.3(c) of these rules, but not listed in the permit;

d. No change

e. No change

404.3 No change

a. No change

b. No change

c. No change

d. No change

e. No change

f. No change

404.4 For each change under ~~subsection 404.3~~ Section 404.3 of this rule, the written notice shall be by certified mail or hand delivery and shall be received by the Control Officer the minimum amount of time in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided with less than required notice, but must be provided as far in advance of the change, or if advance notification is not practicable, as soon after the change, as possible.

404.5 No change

a. No change

b. No change

c. No change

d. No change

404.6 Notwithstanding any other part of this section of this rule, the Control Officer may require a permit to be revised for any change that, when considered together with any other changes submitted by the same source under this section of this rule over the term of the permit, constitutes a change under ~~subsection 403.2~~ Section 403.2 of this rule.

- 404.7 If a source change is described under both ~~subsections 404.2 and 404.3~~ Section 404.2 of this rule and Section 404.3 of this rule, the source shall comply with ~~subsection 404.3~~ Section 404.3 of this rule.
- 404.8 If a source change is described under both ~~subsections 404.3 and 403.1~~ Section 404.3 of this rule and Section 403.1 of this rule, the source shall comply with ~~subsection 403.1~~ Section 403.1 of this rule.
- 404.9 A source may implement any change under ~~subsection 404.3~~ Section 404.3 of this rule without the required notice by applying for a minor permit revision under ~~subsection 405.2~~ Section 405.2 of this rule and complying with ~~subsection 406.1~~ Section 406.1 of this rule.
- 405 **PERMIT REVISIONS:**
- 405.1 **Administrative Permit Revisions:**
- a. No change
 - b. No change
 - c. No change
 - d. Incorporates any other type of change which the Control Officer has determined to be similar to those changes described in this ~~subsection~~ section.
- 405.2 **Minor Permit Revisions:**
- a. No change
 - (1) No change
 - (2) No change
 - (3) No change
 - b. No change
 - c. No change
 - d. Minor permit revision procedures shall be used for a change that results in emissions subject to monitoring, recordkeeping, or reporting under ~~subsections 302.6, 302.7, or 302.8~~ Sections 302.6, 302.7, or 302.8 of this rule and that cannot be measured or otherwise adequately quantified by monitoring, recordkeeping, or reporting requirements already in the permit;
 - e. No change
 - f. No change
- 405.3 **Non-Minor Permit Revisions:** No change
- a. Establishing or revising a voluntarily accepted emission limitation or standard described in Section 304 of this rule, or an emissions cap described in Rule 201-Emissions Caps of these rules, except a decrease in the limitation authorized by ~~subsection 405.2(e)~~ Section 405.2(e) of this rule;
 - b. No change
 - c. A change to, or an addition of, an emissions unit not subject to an emissions cap that will result in a net emissions increase of a pollutant greater than the significance level defined in Rule 100-General Provisions And Definitions of these rules;
 - d. No change
 - (1) No change
 - (2) No change
 - e. No change
 - f. No change
 - (1) No change
 - (2) No change
 - (3) No change
 - g. No change
- 406 **PERMIT REVISIONS PROCEDURES:**
- 406.1 **The Source's Responsibility For A Notification Of A Permit Revision:** No change
- 406.2 **The Control Officer's Responsibility For Action On A Notification Of A Permit Revision:**
- a. No change
 - b. No change
 - (1) No change
 - (2) No change
 - (3) No change
 - c. No change
- 406.3 **The Source's Ability To Make Changes Requested In A Notification Of A Permit Revision:**
- a. No change
 - (1) No change
 - (2) No change
 - b. No change
- 407 **PUBLIC PARTICIPATION:**
- 407.1 No change
- a. Issuing or renewing a permit to a Non-Title V source listed in Rule 280-Fees, ~~subsection 402.1 (Table A Sources)~~ Section 403.1-Fee Table A Sources, Section 403.6-Fee Table F Sources, and Section 403.7-Fee Table G Sources of these rules;

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- b. Issuing a non-minor permit revision to a Non-Title V source listed in Rule 280-Fees, ~~subsection 402.1 (Table A Sources)~~ Section 403.1-Fee Table A Sources, Section 403.6-Fee Table F Sources, and Section 403.7-Fee Table G Sources of these rules;
 - c. Revoking and reissuing or reopening a permit to a Non-Title V source listed in Rule 280-Fees, ~~Section 402 (Table A, Table B, And Table C Sources)~~ Section 403-Fee Tables A, B, C, D, E, F, and G Sources of these rules; or
 - d. Issuing a conditional permit under Rule 120-Conditional Orders of these rules to a Non-Title V source listed in Rule 280-Fees, ~~Section 402 (Table A, Table B, And Table C Sources)~~ Section 403-Fee Tables A, B, C, D, E, F, and G Sources of these rules.
- 407.2** For sources listed in Rule 280-Fees, ~~Section 402 (Table A, Table B, And Table C Sources)~~ Section 403-Fee Tables A, B, C, D, E, F, and G Sources of these rules, the Control Officer shall publish, once each week, a list of all permit applications received. The list will be available to the public at the Department's main office and on the Internet. The list shall include the following information:
- a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
- 407.3** For sources listed in Rule 280-Fees, ~~Section 402 (Table A, Table B, And Table C Sources)~~ Section 403-Fee Tables A, B, C, D, E, F, and G Sources of these rules, the Control Officer shall publish in a newspaper, once each month, a list of all permits issued.
- 407.4 Public Hearing:** No change
- 407.5** At the time the Control Officer publishes the first notice under ~~subsection 407.1~~ Section 407.1 of this rule, the applicant shall post a notice containing the information required in Section 407.2 of this rule at the site where the source is or may be located. Consistent with Federal, State, and local law, the posting shall be prominently placed at a location under the applicant's legal control, adjacent to the nearest public roadway, and visible to the public using the public roadway. If a public hearing is to be held, the applicant shall place an additional posting providing notice of the public hearing. Any posting shall be maintained until the public comment period is closed.
- 407.6** No change
- 408 AMENDMENTS TO A PERMIT:** The Control Officer may amend any Non-Title V permit annually without following Rule 200-Permit Requirements, ~~Section 407 (Permit Reopenings)~~ Section 402-Permit Reopenings: Revocation And Reissuance; Termination of these rules in order to incorporate changes reflected in logs or notices filed under Section 404 of this rule. The amendment shall be effective to the anniversary date of the permit. The Control Officer shall make available to the public for any source:
- 408.1** No change
 - 408.2** No change
- SECTION 500 - MONITORING AND RECORDS**
- 501 LOG RETENTION REQUIREMENT:** If a source makes a change that requires logging, then the source shall keep such log for ~~5~~ five years from the date the source creates such log.
- 502 LOG FORMAT SPECIFICATIONS:** No change
- 502.1** No change
 - a. No change
 - b. No change
 - c. No change
 - 502.2** No change
 - 502.3** The provision of ~~subsection 404.2~~ Section 404.2 of this rule that authorizes the change to be made with logging.
 - 502.4** No change
- 503 LOG FILING:** A copy of all logs required under ~~subsection 404.2~~ Section 404.2 of this rule shall be filed with the Control Officer within 30 days after each anniversary of the permit issue date. If no changes were made at the source requiring logging, a statement to that effect shall be filed instead.

Adopted 11/15/93
Revised 02/15/95

MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II - PERMITS AND FEES
RULE 230
GENERAL PERMITS

SECTION 100 - GENERAL

- 101 PURPOSE:** No change
- 102 APPLICABILITY:** ~~General permits~~ A general permit shall not be issued for affected sources except as provided in regulations promulgated by the Administrator under Title IV of the Act.

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

~~201 HAZARDOUS AIR POLLUTANT REASONABLY AVAILABLE CONTROL TECHNOLOGY (HAPRACT) - An emissions standard for hazardous air pollutants which the Control Officer, acting pursuant to §49-480.04(C), determines is reasonably available for a source. In making the foregoing determination, the Control Officer shall take into consideration the estimated actual air quality impact of the standard, the cost of complying with the standard, the demonstrated reliability and widespread use of the technology required to meet the standard, and any non-air quality health and environmental impacts and energy requirements. For purposes of this definition, an emissions standard may be expressed as a numeric emissions limitation or as a design, equipment, work-practice, or operational standard.~~

~~202~~**201 SIMILAR IN NATURE** - No change

SECTION 300 - STANDARDS

301 RULES APPLICABLE TO A GENERAL PERMIT: Unless otherwise stated, the provisions of ~~Rules~~ Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 220-Non-Title V Permit Provisions, Rule 245-Continuous Source Emission Monitoring, Rule 270-Performance Tests, and Rule 400-Procedure Before The Hearing Board shall apply to general permits.

302 GENERAL PERMIT DEVELOPMENT:

302.1 No change

302.2 No change

~~302.3~~ General permits **A general permit** shall be issued or denied for classes of facilities using the same engineering technical review process that applies to permits for individual sources and following the public notice requirements of Section 304 of this rule.

~~302.4~~ General permits **A general permit** shall include all of the following:

a. All elements contained in Rule 210-Title V Permit Provisions, Section 302.1-Permit Contents of these rules except Sections 302.1(b)(2) and 302.1(f).

b. No change

302.5 A source applying for authority to operate under a general permit shall not propose nor accept pursuant to Rule 220-Non-Title V Permit Provisions of these rules emissions limitations, controls, or other requirements that are not included in the general permit.

303 APPLICATION FOR COVERAGE UNDER GENERAL PERMIT:

303.1 No change

a. No change

b. A compliance plan that meets the requirements of Rule 210-Title V Permit Provisions, Section 305-Compliance Plan; Certification of these rules.

303.2 No change

303.3 No change

303.4 No change

304 PUBLIC NOTICE:

304.1 No change

304.2 No change

a. No change

b. No change

c. No change

d. No change

e. No change

f. The name, address, and telephone number of a person within the ~~Division-Department~~ who may be contacted for further information.

g. No change

h. No change

304.3 For general permits under which operation may be authorized in lieu of individual source permits issued under Rule 210-Title V Permit Provisions of these rules, the Control Officer shall give notice of the proposed general permit to each affected state at the same time that the proposed general permit goes out for public notice. The Control Officer shall provide the proposed final permit to the Administrator after public and affected state review. No Title V permit shall be issued if the Administrator properly objects to its issuance in writing within 45 days from receipt of the proposed final permit and any necessary supporting information from the Control Officer.

304.4 No change

304.5 No change

304.6 No change

305 SOURCES FOR WHICH A GENERAL PERMIT MAY NOT BE ISSUED: General permits **A general permit** shall not be issued to sources that are subject to case-by-case standards or requirements.

306 GENERAL PERMIT RENEWAL: No change

307 RELATIONSHIP TO INDIVIDUAL PERMITS: No change

308 GENERAL PERMIT VARIANCE FOR ANY NON-FEDERALLY ENFORCEABLE REQUIREMENT OF A PERMIT:

- 308.1 Where, maximum achievable control technology (MACT), as defined in Rule 370-Federal Hazardous Air Pollutant Program of these rules, or hazardous air pollutant reasonably available control technology (HAPRACT) has been established in a general permit for a source category designated pursuant to ~~ARS-§49-426.05(A)~~ Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules, the owner ~~or~~ and/or operator of a source within that source category may apply for a variance from the standard by demonstrating compliance with ~~ARS §49-480.04(D)~~ Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program, Section 306-Risk Management Analyses of these rules at the time the source applies for coverage under the general permit.
- 308.2 If the owner ~~or~~ and/or operator makes the showing required by ~~ARS §49-480.04(D)~~ Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program, Section 306-Risk Management Analyses of these rules and otherwise qualifies for the general permit, the Control Officer shall, in accordance with the procedures established pursuant to this rule, approve the application and authorize operation under a variance from the standard of the general permit.
- 308.3 No change
- 308.4 Applications and approvals of general permit variances shall be subject to the public notice requirements of Rule 210-Title V Permit Provisions of these rules.
- 309 **GENERAL PERMIT SHIELD:** Each general permit issued under this rule shall specifically identify all federal, state, and local air pollution control requirements applicable to the source at the time the general permit is issued. The general permit shall state that compliance with the conditions of the general permit shall be deemed compliance with any applicable requirement as of the date of general permit issuance. Any permit under this rule that does not expressly state that a permit shield exists shall be presumed not to provide such a shield. Notwithstanding the above provisions, the source shall be subject to enforcement action for operation without a permit if the source is later determined not to qualify for the conditions and terms of the general permit. A permit shield provided for a general permit shall meet all the requirements of Rule 210-Title V Permit Provisions of these rules.
- 310 **GENERAL PERMIT APPEALS:** No change
- 311 **REVOICATIONS OF AUTHORITY TO OPERATE:**
 - 311.1 No change
 - a. No change
 - b. No change
 - c. No change
 - 311.2 No change
 - 311.3 No change

SECTION 400 - ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 - MONITORING AND RECORDS (NOT APPLICABLE)

Adopted 11/15/93
Revised 02/15/95
Revised 02/07/01
Revised 05/07/03

MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II - PERMITS AND FEES

RULE 240

PERMIT REQUIREMENTS FOR NEW MAJOR SOURCES AND
MAJOR MODIFICATIONS TO EXISTING MAJOR SOURCES

SECTION 100 - GENERAL

- 101 **PURPOSE:** No change
- 102 **APPLICABILITY:** The provisions of this rule apply to new major sources of conventional air pollutants and major modifications to existing major sources of conventional air pollutants. The provisions of this rule do not apply to new sources and modifications to existing sources subject to the requirements of Rule 241-Permits For New Sources And Modifications To Existing Sources of these rules.
- SECTION 200 - DEFINITIONS:** See Rule 100-General Provisions And Definitions of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply:
 - 201 **ADVERSE IMPACT ON VISIBILITY** - Visibility impairment that interferes with the management, protection, preservation, or enjoyment of visual experience of a Class I area, as determined by Rule 500-Air Quality Standards of these rules.
 - 202 **CATEGORICAL SOURCES** - No change
 - 203 **CONVENTIONAL AIR POLLUTANT** - No change
 - 204 **DISPERSION TECHNIQUE** - No change
 - 204.1 No change
 - 204.2 No change
 - 204.3 No change
 - a. No change
 - b. No change
 - (1) No change

- (2) No change
- (3) No change
- c. No change
- d. No change
- e. No change
- 205 **GOOD ENGINEERING PRACTICE (GEP) STACK HEIGHT-** No change
- 206 **HIGH TERRAIN -** No change
- 207 **INNOVATIVE CONTROL TECHNOLOGY -** No change
- 208 **LOW TERRAIN -** No change
- 209 **LOWEST ACHIEVABLE EMISSION RATE (LAER) -** No change
 - 209.1 The most stringent emissions limitation that is contained in the State Implementation Plan (SIP), as defined in Rule 100-General Provisions And Definitions of these rules, for the class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that the limitations are not achievable; or
 - 209.2 The most stringent emissions limitation that is achieved in practice by the class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under the applicable standards of performance in Rule 360-New Source Performance Standards of these rules and in 40 C.F.R. 60 and 40 C.F.R. 61.
- 210 **MAJOR SOURCE -**
 - 210.1 No change
 - 210.2 No change
 - 210.3 Any change to a minor source, except for VOC or NO_x emission increases at minor sources in serious or severe ozone nonattainment areas, that would increase its emissions to the qualifying levels in ~~subsections~~ Section 210.1 or Section 210.2 of this rule;
 - 210.4 Any change in VOC or NO_x at a minor source in serious or severe ozone nonattainment areas that would be significant as described in ~~subsection~~ Section 307.2 of this rule and that would increase its emissions to the qualifying levels in ~~subsection~~ Section 210.1 of this rule;
 - 210.5 Any stationary source that emits, or has the potential to emit, § five or more tons of lead per year;
 - 210.6 No change
 - 210.7 No change
 - 210.8 No change
- 211 **RECONSTRUCTION -** No change
- 212 **RESOURCE RECOVERY PROJECT -** No change
- 213 **SECONDARY EMISSIONS -** No change
- 214 **SIGNIFICANCE LEVELS -** The following ambient concentrations for the enumerated pollutants:

Pollutant	Averaging Time				
	Annual	24-Hour	8-Hour	3-Hour	1-Hour
SO ₂	1 mg/m ³	5 mg/m ³		25 mg/m ³	
NO ₂	1 mg/m ³				
CO			0.5 mg/m ³		2 mg/m ³
PM ₁₀	1 mg/m ³	5 mg/m ³			

Except for the annual pollutant concentrations, exceedance of significance levels shall be deemed to occur when the ambient concentration of the above pollutant is exceeded more than once per year at any ± one location. If the concentration occurs at a specific location and at a time when the Arizona ambient air quality standards for the pollutant are not violated, the significance level does not apply.

SECTION 300 - STANDARDS

- 301 **PERMIT OR PERMIT REVISION REQUIRED:** No change
- 302 **APPLICATION COMPLETENESS:** No change
 - 302.1 No change
 - 302.2 The more stringent of the applicable new source performance standards (NSPS) in Rule 360-New Source Performance Standards of these rules or the existing source performance standards in Regulation III-Control Of Air Contaminants of these rules are applied to the proposed new major source or major modification of a major source;
 - 302.3 No change
 - 302.4 All applicable provisions of ~~Rules~~ Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources, Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules are met;

- 302.5 No change
- a. No change
 - b. No change
- 302.6 The new major source or major modification will not exceed the applicable standards for hazardous air pollutants contained in Rule 370-Federal Hazardous Air Pollutant Program of these rules and/or Rule 372-Maricopa County Hazardous Air Pollutants (HAPS) Program of these rules.
- 302.7 The new major source or major modification will not exceed the limitations, if applicable, on emission from fugitive sources contained in ~~Rules~~ Rule 310-Fugitive Dust, Rule 311-Particulate Matter From Process Industries, and Rule 316-Nonmetallic Mineral Processing of these rules.
- 302.8 A stationary source that will emit 5 or more tons of lead per year will not violate the ambient air quality standards for lead contained in Rule 510-Air Quality Standards of these rules.
- 303 **AIR IMPACT ANALYSIS FOR ANY GEOGRAPHICAL AREA:** No change
- 304 **ACTION ON APPLICATION AND NOTIFICATION REQUIREMENTS:** No change
- 304.1 No change
- 304.2 No change
- a. No change
 - b. No change
 - c. The city or town managers of the city or town which contains, and any city or town the boundaries of which are within ~~5~~ five miles of the location of the proposed or existing source that is the subject of the permit or permit revision application;
 - d. No change
 - e. No change
- 304.3 The Control Officer shall take final action on the application within ~~+~~ one year of the proper filing of the complete application. The Control Officer shall notify the applicant in writing of his approval or of his denial.
- 304.4 No change
- 304.5 No change
- 305 **PERMIT REQUIREMENTS FOR SOURCES LOCATED IN NONATTAINMENT AREAS:**
- 305.1 Except as provided in ~~subsections~~ Section 305.3 through Section 305.7 of this rule, no permit or permit revision shall be issued under this rule to a person proposing to construct a new major source or proposing to make a major modification to a source located in any nonattainment area for the pollutant(s) for which the source is classified as a major source or the modification is classified as a major modification unless:
- a. No change
 - b. No change
 - c. No change
- 305.2 No change
- a. No change
 - b. No change
- 305.3 No change
- 305.4 Secondary emissions shall not be considered in determining the potential to emit of a new source or modification and therefore whether the new source or modification is major. However, if a new source or modification is subject to this rule on the basis of its direct emissions, a permit or a permit revision, under this rule to construct the new source or modification, shall be denied, unless the conditions specified in ~~subsections~~ Section 305.1(a) and Section 305.1(b) of this rule are met, for reasonably quantifiable secondary emissions caused by the new source or modification.
- 305.5 A permit to construct a new source or modification shall be denied, unless the conditions specified in ~~subsections~~ Section 305.1(a), Section 305.1(b), and Section 305.1(c) of this rule are met for fugitive emissions caused by the new source or modification. However, these conditions shall not apply to a new major source or major modification that would be a major source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the source or modification, and the source is neither a categorical source nor a source belonging to the category of sources for which New Source Performance Standards (NSPS) under 40 C.F.R. Part 60 or National Emission Standards For Hazardous Air Pollutants (NESHAPS) under 40 C.F.R. Part 61 promulgated by the Administrator prior to August 7, 1980.
- 305.6 The requirements of ~~subsection~~ Section 305.1(c) of this rule shall not apply to temporary emission sources, such as pilot plants and portable sources, which are only temporarily located in the nonattainment area, are otherwise regulated by a permit, and are in compliance with the conditions of that permit.
- 305.7 No change
- 305.8 The issuance of a permit or permit revision under this rule shall not relieve the owner and/or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan (SIP) and any other requirements pursuant to local, State, or Federal law.

- 305.9** Within 30 days of the issuance of any permit under this section, the Control Officer shall submit control technology information from the permit to the Administrator ~~of the Environmental Protection Agency (EPA)~~ for the purposes listed in Section 173(d) of the Act.
- 306 OFFSET AND NET AIR QUALITY BENEFIT STANDARDS:**
- 306.1** Increased emissions by a major source or major modification subject to this rule shall be offset by reductions in the emissions of each pollutant for which the area has been designated as nonattainment and for which the source or modification is classified as major. The offset may be obtained by reductions in emissions from the source or modification, or from any other source within the allowable offset area. Credit for an emissions offset can be used only if it has not been relied upon in demonstrating attainment or in demonstrating reasonable further progress (RFP), and if it has not been relied upon previously in issuing a permit or permit revision under this rule, under ~~Sections~~ Section 301 through Section 305 of this rule, or not otherwise required under this rule or under any provision of the State Implementation Plan (SIP).
- 306.2** No change
- a.** No change
- b.** A surplus emission, which is an emission reduction not required by current regulations in the State Implementation Plan (SIP); not already relied upon for SIP planning purposes; and not used by the source to meet any other regulatory requirement, including, at the time emission reduction credits (ERCs) are used, reasonably available control technology (RACT), reasonable further progress (RFP), or milestones ~~therefore thereof~~, or demonstration of attainment;
- c.** No change
- d.** No change
- e.** A quantifiable emission. Quantification may be based on emission factors, stack tests, monitored values, operating rates and averaging times, process or production inputs, modeling or other reasonable measurement practices. Quantification methods shall be credible, workable, and replicable. The method for calculating emissions should be used to measure the emissions both before and after the changes in emission levels, both at the generator and at the user of the emission reduction credits (ERCs); and
- f.** Sufficient to satisfy the Control Officer that emissions from the new major source or major modification, together with the offset, will result in reasonable further progress (RFP) for that pollutant.
- 306.3** No change
- 306.4** No change
- 306.5** No change
- 306.6** For the purpose of this rule, net air quality benefit shall mean that during similar time periods either ~~subsections~~ Section 306.6(a) or Section 306.6(b) of this rule is applicable:
- a.** No change
- b.** No change
- 306.7** No change
- a.** No change
- (1)** No change
- (2)** The demonstration of reasonable further progress (RFP) and attainment of ambient air quality standards is based upon the actual emissions of sources located within a designated nonattainment area.
- b.** No change
- 306.8** No change
- a.** No change
- b.** No change
- 306.9** Offsets shall be made on either a pounds-per-hour, pounds-per-day, pounds-per-quarter, tons-per-quarter, or tons-per-year basis, whichever is applicable, when all sources involved in the emission offset calculations are operating at their maximum expected or allowed production rate and, except as otherwise provided in ~~subsection~~ Section 306.8 of this rule, utilizing the type of fuel burned at the time the application for the permit or permit revision under this rule is filed. A tons-per-year basis shall not be used if the new or modified source or the source offsets are not expected to operate throughout the entire year. No emissions credit may be allowed for replacing ~~± one~~ VOC with another VOC of lesser reactivity.
- 306.10** Emissions reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels may be credited, if the work force to be affected has been notified of the proposed shutdown or curtailment. No offset credits for shutdowns or curtailments shall be provided for emissions reductions that are necessary to bring a source into compliance with reasonably available control technology (RACT) or any other standard under an applicable implementation plan.
- 306.11** No change
- 306.12** No change
- a.** No change

- b. No change
- 306.13 No change
 - a. **Applicability:** Non change
 - b. **Limitations:**
 - (1) No change
 - (2) No change
 - (3) A MERC generated by a MERC Program is subject to the written approval of the Control Officer and the Administrator ~~of EPA.~~
 - (4) At a minimum, a MERC, like other emission reduction credits used as NSR offsets, must meet the requirements of ~~subsection~~ Section 306.2 of this rule, including being surplus, enforceable, permanent, and quantifiable.
 - (5) No change
 - (a) No change
 - (b) Life of mobile source emission credit. The life of a MERC shall be dependent on the duration of the actual emission reductions activity. For the purpose of this ~~subsection~~ section, actual emission reductions means emission reductions which occur or are projected to occur within the Maricopa County nonattainment area and which meet the requirements of ~~subsection~~ Section 306.2 of this rule.
 - (c) Evidence of disposal of original mobile source. For the purpose of this ~~subsection~~ section, disposal is not limited to scrapping a mobile source but includes relocating a mobile source outside the Maricopa County nonattainment area.
 - (d) No change
 - c. **Inspections And Recordkeeping:**
 - (1) Any owner, user, transferor, or transferee of a MERC for new source review (NSR) purposes, of a mobile source for which a MERC has been granted, or any generator of a MERC shall compile and retain, for ~~§ five~~ years beyond the credit life (if the credit has a limited life), all records reasonably necessary to verify compliance with the requirements of this rule and with any other requirements imposed under the granting or use of the MERC. The Control Officer shall determine what records are "reasonably necessary" and, prior to the MERC-generating activity taking place, shall approve a written document, which describes these requirements. Records may be maintained in an electronic format, if compatible with existing Department computer equipment, as determined by the Control Officer.
 - (2) No change
 - (3) Any owner, user, transferor, or transferee of a MERC for new source review (NSR) purposes, of a mobile source for which a MERC has been granted, or any generator of a MERC, is subject to random inspections by the Control Officer to verify compliance with this rule and any other requirements imposed under the granting or use of the MERC.
 - (4) The Control Officer shall, upon request, have access to the premises of any owner, user, transferor, or transferee of a MERC for new source review (NSR) purposes, of any mobile source for which a MERC has been granted, or any generator of a MERC, for purposes of conducting an inspection to verify compliance with this rule and with any other requirements imposed under the granting or use of the MERC.
 - (5) No change

307 SPECIAL REQUIREMENTS FOR MAJOR SOURCES OF VOC OR OXIDES OF NITROGEN IN OZONE NONATTAINMENT AREAS CLASSIFIED AS SERIOUS OR SEVERE:

- 307.1 The provisions of Section 307 of this rule only apply to stationary sources of VOC or oxides of nitrogen in ozone nonattainment areas classified as serious or severe. Unless otherwise provided in this rule, all requirements of ~~Rules~~ Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources, Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules apply.
- 307.2 No change
- 307.3 For any major source that emits or has the potential to emit less than 100 tons VOC or oxides of nitrogen per year, a significant increase in VOC or oxides of nitrogen, respectively, shall constitute a major modification, except that the increase in emissions from any discrete emissions unit, operation, or other pollutant emitting activity that is offset from other units, operations, or activities at the source at a ratio of 1.3:1 for the increase in VOC or oxides of nitrogen, respectively, from the unit, operation, or activity shall not be considered part of the major modification. Best available control technology (BACT) shall be substituted for lowest achievable emission rate (LAER) for all major modifications under this section. Net emissions increases in VOC or oxides of nitrogen above the internal offset described herein shall be subject to the offset requirements in ~~subsections~~ Section 307.5 and Section 307.6 of this rule.
- 307.4 For any stationary source that emits or has the potential to emit 100 tons or more of VOC or oxides of nitrogen per year, any significant increase in VOC or oxides of nitrogen, respectively, shall constitute a major modification. If the increase in emissions from the modification at any discrete emissions unit, operation, or other pollutant emitting activity is offset from other units, operations or activities at the

source at a ratio of 1.3:1 for the increase in VOC or oxides of nitrogen, respectively from the unit, operation or activity, best available control technology (BACT) shall be substituted for lowest achievable emission rate (LAER) at the unit, operation, or activity. Net emissions increases in VOC or oxides of nitrogen above the internal offset described herein shall be subject to the offset requirements in subsections Section 307.5 and Section 307.6 of this rule.

307.5 No change

307.6 For any new major source or major modification that is classified as such because of emissions or potential to emit VOC or oxides of nitrogen in an ozone nonattainment area classified as severe, the increase in emissions of these pollutants from the source or modification shall be offset at a ratio of 1.3:1. If the State Implementation Plan (SIP) requires all existing major sources of these pollutants in the nonattainment area to apply best available control technology (BACT), then the offset ratio shall be 1.2:1. These offsets shall be made in accordance with the provisions of Section 306 of this rule.

308 PERMIT REQUIREMENTS FOR SOURCES LOCATED IN ATTAINMENT AND UNCLASSIFIABLE AREAS:

308.1 Except as provided in subsections Section 308.2 through Section 308.7 and Section 509 of this rule, no permit or permit revision under this rule shall be issued to a person proposing to construct a new major source or proposing to make a major modification to a major source that would be constructed in an area designated as attainment or unclassifiable for any pollutant, unless the source or modification meets the following conditions:

- a. A new major source shall apply best available control technology (BACT) for each pollutant listed in Rule 100-General Provisions And Definitions of these rules for which the potential to emit is significant.
- b. A major modification shall apply best available control technology (BACT) for each pollutant listed in Rule 100-General Provisions And Definitions of these rules for which the modification would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or of a change in the method of operation in the unit.
- c. For phased construction projects, the determination of best available control technology (BACT) shall be reviewed and modified as appropriate at the latest reasonable time which occurs no later than 18 months prior to commencement of construction of each independent phase of the project. At such time, the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of best available control technology (BACT) for the source.
- d. Best available control technology (BACT) shall be determined on a case-by-case basis and may constitute application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment, clean fuels, or innovative fuel combustion techniques, for control of such pollutant. In no event shall such application of best available control technology (BACT) result in emissions of any pollutant which would exceed the emissions allowed by any applicable new source performance standard or national emission standard for hazardous air pollutants under Rule 360-New Source Performance Standards, ~~and~~ Rule 370-Federal Hazardous Air Pollutant Program, and Rule 372-Maricopa County Hazardous Air Pollutants (HAPS) Program of these rules. If the Control Officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof may be prescribed instead to satisfy the requirement for the application of best available control technology (BACT). Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.
- e. The person applying for the permit or permit revision under this rule performs an air impact analysis and monitoring as specified in Section 500 of this rule and such analysis demonstrates that allowable emission increases from the proposed new major source or major modification, in conjunction with all other applicable emission increases or reductions, including secondary emissions, for all pollutants listed in Rule 500-Attainment Area Classification of these rules, and minor and mobile sources for oxides of nitrogen:
 - (1) Would not cause nor contribute to an increase in concentrations of any pollutant by an amount in excess of any applicable maximum allowable increase over the baseline concentration in Rule 500-Attainment Area Classification of these rules for any attainment or unclassified area; or
 - (2) No change

f. No change

- (1) All estimates of ambient concentrations required under this rule shall be based on the applicable air quality models, data basis, and other requirements specified in the "Guideline on Air Quality Models (Revised)" (EPA-450/2-78-027R, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, July 1986) and "Supplement B to the Guideline on Air Quality Models" (U.S. Environmental Protection

~~Agency, September 1990). Both documents 40 C.F.R. 51, Appendix W, "Guideline On Air Quality Models", as of July 1, 2004 (and no future amendments or additions), which shall be referred to hereinafter as "Guideline" and are is adopted by reference.~~

- (2) Where an air quality impact model specified in the Guideline is inappropriate, the model may be modified or another model substituted. Such a change is subject to notice and opportunity for public comment. Written approval of the Administrator shall be obtained for any modification or substitution. ~~Methods like those outlined in the "Workbook For The Comparison Of Air Quality Models" (U.S. Environmental Protection Agency, Office Of Air Quality Planning And Standards, Research Triangle Park, N.C. 27711, May 1978) should be used to determine the comparability of air quality models.~~

308.2 No change

308.3 The requirements of this section shall not apply to a new major source or major modification of a source if such source or modification would be a major source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the source or modification, and the source is not either among the Categorical Sources listed in Section 202 of this rule or belongs to the category of sources for which New Source Performance Standards (NSPS) under 40 C.F.R. Part 60 or National Emission Standards For Hazardous Air Pollutants (NESHAPS) under 40 C.F.R. Part 61, promulgated by the Administrator prior to August 7, 1980.

308.4 No change

308.5 No change

308.6 **Special Requirements Applicable To Federal Land Managers:**

- a. Notwithstanding any other provision of this rule, a Federal Land Manager may present to the Control Officer a demonstration that the emissions attributed to such new major source or major modification to a source will have significant adverse impact on visibility or other specifically defined air quality related values of any Federal Mandatory area designated in Rule 500-Attainment Area Classification of these rules, regardless of the fact that the change in air quality resulting from emissions attributable to such new major source or major modification to a source in existence will not cause or contribute to concentrations which exceed the maximum allowable increases for a Class I area. If the Control Officer concurs with such demonstrations, the permit or permit revision under this rule shall be denied.

b. No change

308.7 The issuance of a permit or permit revision under this rule in accordance with this section shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan (SIP) and any other requirements under local, State, or Federal law.

308.8 No change

309 **STACK HEIGHT LIMITATION:**

309.1 No change

a. No change

b. No change

c. No change

309.2 Good engineering practice (GEP) stack height is calculated as the greater of the following ~~4~~ four numbers:

a. No change

b. No change

c. For all other stacks, $H_g = H + 1.5L$, where:

H_g = good engineering practice stack height, measured from the ground-level elevation at the base of the stack;

H = height of nearby structure measured from the ground-level elevation at the base of the stack;

L = lesser dimension (height or projected width) of nearby structure; provided that the EPA, the Director, or the Control Officer may require the use of a field study or fluid model to verify good engineering practice (GEP) stack height for the source; or

d. No change

e. No change

(1) For purposes of applying the formulae in ~~subsection Section~~ Section 309.2(b) of this rule and ~~subsection Section~~ Section 309.2(c) of this rule, that distance up to ~~5~~ five times the lesser of the height or the width dimension of a structure but not greater than 0.8 km (one-half mile).

(2) For conducting demonstrations under ~~subsection Section~~ Section 309.2(d) of this rule, means not greater than 0.8 km (one-half mile). An exception is that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum height ($H+$) of the feature, not to exceed ~~2~~ two miles if such feature achieved a height ($H+$) 0.8 km from the stack. The height shall be at least 40% of the good engineering practice (GEP) stack height determined by the formula provided in ~~subsection Section~~ Section 309.2(c) of this rule, or 85 feet (26 meters), whichever is greater, as measured from the ground-level elevation at the base of the stack.

- f. "Excessive concentrations" means, for the purpose of determining good engineering practice stack height under ~~subsection~~ Section 309.2(d) of this rule:
- (1) For sources seeking credit for stack height exceeding that established under ~~subsections~~ Sections 309.2(b) and 309.2(c) of this rule, a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40% in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the requirements for permits or permit revisions under this rule, an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40% in excess of the maximum concentration experienced in the absence of such downwash, wakes or eddy effects and greater than the applicable maximum allowable increase contained in Rule 500-Attainment Area Classification of these rules. The allowable emission rate to be used in making demonstrations under ~~subsection~~ Section 309.2(d) of this rule shall be prescribed by the new source performance standard (NSPS) which is applicable to the source category, unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the Control Officer, an alternative emission rate shall be established in consultation with the source owner or operator.
 - (2) For sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under ~~subsections~~ Sections 309.2(b) and 309.2(c) of this rule, either:
 - (a) A maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects as provided in ~~subsection~~ Section 309.2(f)(1) of this rule, except that emission rate specified by any applicable State Implementation Plan (SIP) shall be used, or
 - (b) No change
 - (3) For sources seeking credit after January 12, 1979, for a stack height determined under ~~subsections~~ Sections 309.2(b) and 309.2(c) of this rule, where the Control Officer requires the use of a field study or fluid model to verify good engineering practice (GEP) stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in ~~subsections~~ Sections 309.2(b) and 309.2(c) of this rule, a maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects that is at least 40% in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

- 309.3** The degree of emission limitation required of any source after the respective date given in ~~subsection~~ Section 309.1 of this rule for control of any pollutant shall not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique.
- 309.4** The good engineering practice (GEP) stack height for any source seeking credit because of plume impaction which results in concentrations in violation of national ambient air quality standards or applicable prevention of significant deterioration (PSD) increments can be adjusted by determining the stack height necessary to predict the same maximum air pollutant concentration on any elevated terrain feature as the maximum concentration associated with the emission limit which results from modeling the source using the good engineering practice (GEP) stack height as determined herein and assuming the elevated terrain features to be equal in elevation to the good engineering practice (GEP) stack height. If this adjusted good engineering practice (GEP) stack height is greater than stack height the source proposes to use, the source's emission limitation and air quality impact shall be determined using the proposed stack height and the actual terrain heights.
- 309.5** Before the Control Officer issues a permit or permit revision under this rule to a source based on a good engineering practice (GEP) stack height that exceeds the height allowed by ~~subsection~~ Section 309.2 of this rule, the Control Officer shall notify the public of the availability of the demonstration study and provide opportunity for a public hearing in accordance with the requirements of Rule 210-Title V Permit Provisions of these rules.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 - MONITORING AND RECORDS

501 POLLUTANTS TO BE INCLUDED IN ANALYSIS OF AMBIENT AIR QUALITY: No change

501.1 No change

501.2 No change

502 PRECONSTRUCTION AIR QUALITY MONITORING DATA:

502.1 No change

502.2 No change

502.3 In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one year and shall represent at least the year preceding receipt of the application,

except that if the Control Officer determines that a complete and adequate analysis can be accomplished with continuous air quality monitoring data gathered over a period shorter than ~~4~~ one year, but not to be less than ~~4~~ four months, the data that is required shall have been gathered over at least that shorter period.

- 503 COMPLETE APPLICATION AIR QUALITY MONITORING DATA:** For any application which, prior to February 9, 1982, becomes complete, except as to the requirements of ~~subsection~~ Section 502.2 of this rule, the data that ~~subsection~~ Section 502.2 of this rule requires shall have been gathered over at least the period from February 9, 1981, to the date the application becomes otherwise complete, except that:
- 503.1** No change
- 503.2** If the Control Officer determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than ~~4~~ four months), the data that ~~subsection~~ Section 502.2 of this rule requires shall have been gathered over that shorter period.
- 503.3** No change
- 504 POST-APPROVAL AIR QUALITY MONITORING DATA FOR OZONE:** No change
- 505 POST-CONSTRUCTION AIR QUALITY MONITORING DATA:** No change
- 506 OPERATIONS OF MONITORING STATIONS:** The owner or operator of a new major source or major modification shall meet the requirements of 40 C.F.R. 58, Appendix B, during the operation of monitoring stations for purposes of satisfying ~~Sections~~ Section 502 through Section 505 of this rule.
- 507 EXCEPTIONS TO MONITORING FOR A PARTICULAR POLLUTANT:** The requirements of ~~Sections~~ Section 502 through Section 506 of this rule shall not apply to a new major source or major modification to an existing source with respect to monitoring for a particular pollutant if:
- 507.1** No change
- 507.2** The concentrations of the pollutant in the area that the new source or modification would affect are less than the concentrations listed in ~~subsection~~ Section 507.1 of this rule.
- 508 VISIBILITY AND AIR QUALITY IMPACT ANALYSIS:** No change
- 508.1** No change
- 508.2** No change
- 509 INNOVATIVE CONTROL TECHNOLOGY:**
- 509.1** Notwithstanding the provisions of ~~subsections~~ Sections 308.1(a), 308.1(b), and 308.1(c), of this rule, the owner or operator of a proposed new major source or major modification may request that the Control Officer approve a system of innovative control technology rather than the best available control technology (BACT) requirements otherwise applicable to the new source or modification.
- 509.2** No change
- a.** No change
- b.** The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under ~~subsection~~ Section 308.1(b) of this rule by a date specified in the permit or permit revision under this rule for the source. Such date shall not be later than ~~4~~ four years from the time of start-up or ~~7~~ seven years from the issuance of a permit or permit revision under this rule;
- c.** The source or modification would meet requirements equivalent to those in ~~subsection~~ Section 308.1 of this rule based on the emissions rate that the stationary source employing the system of innovative control technology would be required to meet on the date specified in the permit or permit revision under this rule;
- d.** No change
- (1)** No change
- (2)** No change
- e.** No change
- f.** No change
- g.** The limits on pollutants contained in Rule 500-Attainment Area Classification of these rules for Class I areas will be met for all periods during the life of the source or modification.
- 509.3** No change
- a.** No change
- b.** No change
- c.** No change
- 509.4** If the new source or major modification fails to meet the required level of continuous emissions reduction within the specified time period, or if the approval is withdrawn in accordance with ~~subsection~~ Section 509.3 of this rule, the Control Officer may allow the owner or operator of the source or modification up to an additional ~~3~~ three years to meet the requirement for the application of best available control technology (BACT) through use of a demonstrated system of control.
- 510 AIR QUALITY MODELS:**
- 510.1** No change
- 510.2** No change
- a.** No change
- b.** No change
- c.** No change

- 510.3** d. No change
Use of a modified or substituted model under this rule shall be subject to notice and opportunity for public comment under Rule 210-Title V Permit Provisions of these rules.
- 511 VISIBILITY PROTECTION:**
 - 511.1** No change
 - a. No change
 - b. No change
 - 511.2** No change
 - a. No change
 - b. No change
 - c. No change
 - (1) No change
 - (2) No change
 - (3) No change
 - (4) No change
 - (5) No change
 - 511.3** d. The correlation between the characteristics listed in ~~subsection~~ Section 511.2(c) of this rule and the factors described in ~~subsections~~ Sections 511.2(a) and 511.2(b) of this rule.
The Control Officer shall not issue a permit or a permit revision under this rule, or pursuant to ~~Rules~~ Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules, for any new major source or major modification subject to this rule, unless the following requirements have been met:
 - a. The Control Officer shall notify the individuals identified in ~~subsection~~ Section 511.3(b) of this rule within 30 days of receipt of any advance notification of any such permit application or permit revision application under this rule.
 - b. No change
 - (1) No change
 - (2) No change
 - (3) No change
 - c. The Control Officer shall consider any analysis provided by the Federal Land Manager that is received within the comment period provided in ~~subsection~~ Section 511.3(b) of this rule.
 - (1) Where the Control Officer finds that the analysis provided by the Federal Land Manager does not demonstrate to the satisfaction of the Control Officer that an adverse impact on visibility will result in the area, the Control Officer shall, within the public notice required by Rule 210-Title V Permit Provisions of these rules, either explain the decision or specify where the explanation can be obtained.
 - (2) No change
 - d. When the proposed permit decision is made under Rule 210-Title V Permit Provisions of these rules and available for public review, the Control Officer shall provide the individuals identified in ~~subsection~~ Section 511.3(b) of this rule with a copy of the proposed permit decision and shall make available to them any materials used in making that determination.

Adopted _____

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III - CONTROL OF AIR CONTAMINANTS
RULE 372**

MARICOPA COUNTY HAZARDOUS AIR POLLUTANTS (HAPS) PROGRAM

SECTION 100 - GENERAL

101 PURPOSE: To implement/establish procedures for a Maricopa County program for the regulation of federally listed hazardous air pollutants (HAPs).

102 APPLICABILITY:

102.1 Unless otherwise noted, this rule applies to:

- a. Minor sources of Maricopa County hazardous air pollutants (HAPs) that are in one of the source categories listed in Table 1-Maricopa County HAPs Minor Source Categories of this rule; and
- b. Major sources of Maricopa County hazardous air pollutants (HAPs).

Table 1-Maricopa County HAPs Minor Source Categories

Primary SIC Code	Source Category
2434	Wood Kitchen Cabinets
2451	Mobile Homes
2621	Paper Mills

2679	Converted Paper Products-Not Elsewhere Classified
2851	Paints And Allied Products
2911	Petroleum Refining
3086	Plastics Foam Products
3088	Plastics Plumbing Fixtures
3089	Plastics Products-Not Elsewhere Classified
3241	Cement-Hydraulic
3281	Cut Stone And Stone Products
3296	Mineral Wool
3312	Blast Furnaces And Steel Mills
3331	Primary Copper
3411	Metal Cans
3444	Sheet Metal Work
3451	Screw Machine Products
3479	Metal Coating And Allied Services
3585	Refrigeration And Heating Equipment
3672	Printed Circuit Boards
3999	Manufacturing Industries-Not Elsewhere Classified
4922	Natural Gas Transmission
5169	Chemicals And Allied Products-Not Elsewhere Classified
5171	Petroleum Bulk Stations And Terminals

102.2 If the Clean Air Act has established provisions including specific schedules for the regulation of source categories under Section 112(e)(5) and Section 112(n) of the Act, those provisions and schedules shall apply to the regulation of those source categories.

103 EXEMPTIONS: This rule shall not apply to:

103.1 An affected source for which a standard under 40 Code Of Federal Regulations (CFR) Part 61-National Emission Standards For Hazardous Air Pollutants (NESHAPS) or 40 CFR Part 63-National Emission Standards For Hazardous Air Pollutants For Source Categories imposes an emissions limitation.

103.2 An affected source at a minor source of Maricopa County HAPs, if the minor source is in a source category for which a standard under 40 CFR Part 63-National Emission Standards For Hazardous Air Pollutants For Source Categories has been adopted and agrees to comply with the emissions limitation under Rule 220-Non-Title V Permit Provisions, Section 304-Permits Containing Voluntarily Accepted Emissions Limitations, Controls, Or Other Requirements (Synthetic Minor) of these rules.

103.3 Sources for which the Administrator has made one of the following findings under Section 112(n) of the Act (42 U.S.C. 7412(n)):

- a.** A finding that regulation is not appropriate or necessary, or
- b.** A finding that the source should apply alternative control strategies.

103.4 Any category or subcategory of facilities licensed by the Nuclear Regulatory Commission. The Control Officer shall not adopt or enforce any standard or limitation respecting emissions of radionuclides, which is more stringent than the standard or limitation adopted by the Administrator under Section 112 of the Act.

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

201 ACUTE ADVERSE EFFECTS TO HUMAN HEALTH - Those effects described in Arizona Revised Statutes (ARS) §49-401.01(2)-Air Quality-General Provisions-Definitions that are of short duration or rapid onset. In ARS 49-401.01(2)-Air Quality-General Provisions-Definitions, “Adverse effects to human health” means those effects that result in or significantly contribute to an increase in mortality or an increase in serious irreversible or

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- incapacitating reversible illness, including adverse effects that are known to be or may reasonably be anticipated to be caused by substances that are acutely toxic, chronically toxic, carcinogenic, mutagenic, teratogenic, neurotoxic, or causative of reproductive dysfunction.
- 202 ACUTE AMBIENT AIR CONCENTRATION (AAAC)** - That concentration of a hazardous air pollutant, in the ambient air, above which the general population, including susceptible populations, could experience acute adverse effects to human health.
- 203 AFFECTED SOURCE** - Notwithstanding the definition of “affected source” as defined in Rule 100-General Provisions And Definitions of these rules (a source that includes one or more emissions units which are subject to emission reduction requirements or limitations under Title IV-Acid Deposition Control of the Act), for the purpose of this rule “affected source” has the meaning of “affected source” contained in 40 CFR 63.2-National Emission Standards For Hazardous Air Pollutants For Source Categories-Definitions as of July 1, 2004 (and no future amendments or editions) (the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a Section 112(c) source category or subcategory for which a Section 112(d) standard or other relevant standard is established pursuant to Section 112 of the Act. Each relevant standard will define the “affected source”, as defined in 40 CFR 63.2-National Emission Standards For Hazardous Air Pollutants For Source Categories-Definitions unless a different definition is warranted based on a published justification as to why this definition would result in significant administrative, practical, or implementation problems and why the different definition would resolve those problems. The term “affected source”, as used in 40 CFR 63.2-National Emission Standards For Hazardous Air Pollutants For Source Categories-Definitions, is separate and distinct from any other use of that term in these rules such as those implementing Title IV of the Act. Affected source may be defined differently for 40 CFR Part 63-National Emission Standards For Hazardous Air Pollutants For Source Categories than affected facility and stationary source in 40 CFR Part 60-Standards Of Performance For New Stationary Sources and 40 CFR Part 61-National Emission Standards For Hazardous Air Pollutants (NESHAPS), respectively. This definition of “affected source”, and the procedures for adopting an alternative definition of “affected source,” shall apply to each Section 112(d) standard for which the initial proposed rule is signed by the Administrator after June 30, 2002).
- 204 AMBIENT AIR CONCENTRATION (AAC)** - That concentration of a hazardous air pollutant in the ambient air, listed in Section 306- Risk Management Analyses of this rule or determined according to Section 306.3(b)-Risk Management Analyses-Health Based Ambient Air Concentrations Of Maricopa County HAPs of this rule or Section 306.3(c)-Risk Management Analyses-Health Based Ambient Air Concentrations Of Maricopa County HAPs of this rule, above which the general population, including susceptible populations, could experience adverse effects to human health.
- 205 ARIZONA MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (AZMACT)** - An emission standard that requires the maximum degree of reduction in emissions of hazardous air pollutants subject to these rules, including a prohibition on the emissions where achievable, and that the Control Officer, according to Section 305-Case-By-Case AZMACT Determination of this rule, has determined to be achievable by an affected source to which the standard applies, through application of measures, processes, methods, systems, or techniques, including measures that:
- 205.1** Reduce the volume of, or eliminate emissions of, the pollutants through process changes, substitution of materials, or other modifications;
 - 205.2** Enclose systems or processes to eliminate emissions;
 - 205.3** Collect, capture, or treat the pollutants when released from a process, stack, storage, or fugitive emissions point;
 - 205.4** Are design, equipment, work practice, or operational standards, including requirements for operator training or certification; or
 - 205.5** Are a combination of Section 205.1 thru Section 205.4 of this rule.
- 206 CHEMICAL ABSTRACT SERVICE (CAS) NUMBER** - A unique, identifying number assigned by the Chemical Abstract Service to each distinct chemical substance.
- 207 CHRONIC ADVERSE EFFECTS TO HUMAN HEALTH** - Those effects described in ARS §49-401.01(2)-Air Quality Generally-General Provisions-Definitions that are persistent, recurring, or long-term in nature or that are delayed in their onset. ARS 49-401.01(2)-Air Quality Generally-General Provisions-Definitions defines “adverse effects to human health” as those effects that result in or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, including adverse effects that are known to be or may reasonably be anticipated to be caused by substances that are acutely toxic, chronically toxic, carcinogenic, mutagenic, teratogenic, neurotoxic, or causative of reproductive dysfunction.
- 208 CHRONIC AMBIENT AIR CONCENTRATION (CAAC)** - That concentration of a hazardous air pollutant, in the ambient air, above which the general population, including susceptible populations, could experience chronic adverse effects to human health.
- 209 FEDERALLY LISTED HAZARDOUS AIR POLLUTANT** - Any pollutant adopted under Section 301-Maricopa County List Of Hazardous Air Pollutants of this rule.
- 210 HAZARDOUS AIR POLLUTANT** - Any federally listed hazardous air pollutant.
- 211 MAJOR SOURCE OF MARICOPA COUNTY HAZARDOUS AIR POLLUTANTS (HAPs)** -
- 211.1** A stationary source that emits or has the potential to emit in the aggregate, including fugitive emissions, 10 tons per year or more of any Maricopa County hazardous air pollutant or 25 tons per year or more of any combination of Maricopa County hazardous air pollutants.

- 211.2** Any change to a minor source of hazardous air pollutants that would increase its emissions to the qualifying levels in Section 211.1 of this rule.
- 212** **MARICOPA COUNTY HAZARDOUS AIR POLLUTANT (HAP)** - Any federally listed hazardous air pollutant.
- 213** **MINOR SOURCE OF MARICOPA COUNTY HAZARDOUS AIR POLLUTANTS (HAPs)** - A stationary source that emits or has the potential to emit, including fugitive emissions, one ton or more but less than 10 tons per year of any hazardous air pollutant or two and one-half tons or more but less than 25 tons per year of any combination of hazardous air pollutants.
- 214** **MODIFICATION / MODIFY -**
- 214.1** A physical change in, or change in the method of operation of, a source that increases the actual emissions of any Maricopa County hazardous air pollutant (HAP) emitted by the source by more than any de minimis amount listed in Table 2-Maricopa County HAPs De Minimis Levels, or which results in the emission of any HAP not previously emitted by the source by more than any de minimis amount listed in Table 2- Maricopa County HAPs De Minimis Levels.

Table 2-Maricopa County HAPs De Minimis Levels

Chemical	De Minimis Lb/Hour	De Minimis Lb/Year
1,1,1-Trichloroethane (Methyl Chloroform)	117	14,247
1,1,2,2-Tetrachloroethane	N/A	0.20
1,3-Butadiene	N/A	0.39
1,4-Dichlorobenzene	N/A	1.9
2,2,4-Trimethylpentane	51	N/A
2,4-Dinitrotoluene	N/A	0.13
2-Chloroacetophenone	N/A	0.19
Acetaldehyde	N/A	5.3
Acetophenone	1.4	2,261
Acrolein	0.013	0.129
Acrylonitrile	N/A	0.17
Antimony Compounds (Selected Compound: Antimony)	0.71	9.0
Arsenic Compounds (Selected Compound: Arsenic)	N/A	0.0027
Benzene	N/A	1.5
Benzyl Chloride	N/A	0.25
Beryllium Compounds (Selected Compound: Beryllium)	0.000707	0.0049
Biphenyl	2.1	1,130
bis (2-Ethylhexy) Phthalate	0.71	3.0
Bromoform	0.42	11
Cadmium Compounds (Selected Compound: Cadmium)	N/A	0.0065
Carbon Disulfide	18	4,522
Carbon Tetrachloride	N/A	0.78
Carbonyl Sulfide	1.7	N/A
Chlorobenzene	57	6,442

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Chloroform	N/A	2.2
Chromium Compounds (Selected Compound: Hexavalent Chromium)	N/A	0.0010
Cobalt Compounds (Selected Compound: Cobalt)	N/A	0.0042
Cumene	53	2,583
Cyanide Compounds (Selected Compound: Hydrogen Cyanide)	0.22	19
Dibenzofurans	1.4	45
Dichloromethane (Methylene Chloride)	20	25
Dimethyl Formamide	9.3	194
Dimethyl Sulfate	0.018	N/A
Ethyl Benzene	14	6,442
Ethyl Chloride (Chloroethane)	71	64,420
Ethylene Dibromide (Dibromoethane)	N/A	0.020
Ethylene Dichloride (1,2-Dichloroethane)	N/A	0.45
Ethylene Glycol	2.8	2,583
Ethylidene Dichloride (1,1-Dichloroethane)	354	3,230
Formaldehyde	N/A	0.90
Glycol Ethers (Selected Compound: Diethylene Glycol, Monoethyl Ether)	14	19
Hexachlorobenzene	N/A	0.026
Hexane	659	13,689
Hydrochloric Acid	0.93	129
Hydrogen Fluoride (Hydrofluoric Acid)	0.56	90
Isophorone	0.71	12,946
Manganese Compounds (Selected Compound: Manganese)	0.14	0.32
Mercury Compounds (Selected Compound: Elemental Mercury)	0.058	1.9
Methanol	53	25,830
Methyl Bromide	15	32
Methyl Chloride	67	582
Methyl Hydrazine	N/A	0.0024
Methyl Isobutyl Ketone (Hexone)	28	19,388
Methyl Methacrylate	18	4,522
Methyl Tert-Butyl Ether	N/A	46
N, N-Dimethylaniline	1.4	45
Naphthalene	N/A	0.35

Nickel Compounds (Selected Compound: Nickel Refinery Dust)	N/A	0.049
Phenol	3.3	1,295
Polychlorinated Biphenyls (Selected Compound: Aroclor 1254)	N/A	0.12
Polycyclic Organic Matter (Selected Compound: Benzo(a)pyrene)	N/A	0.013
Propionaldehyde	N/A	5.3
Propylene Dichloride	14	26
Selenium Compounds (Selected Compound: Selenium)	0.028	113
Styrene	31	6,442
Tetrachloroethylene (Perchloroethylene)	N/A	2.0
Toluene	109	146,766
Trichlorethylene	N/A	0.10
Vinyl Acetate	22	1,295
Vinyl Chloride	N/A	1.3
Vinylidene Chloride (1,2-Dichloroethylene)	2.1	1,295
Xylene (Mixed Isomers)	98	644

- 214.2** A physical change in, or change in the method of operation of, a source that increases the actual emissions of any Maricopa County HAPs emitted by the source, if it results in total source emissions that exceed one ton per year (tpy) of any individual HAP or 2.5 tpy of any combination of HAPs.
- 214.3** A physical change in, or change in the method of operation of, a source is not a modification subject to this rule, if:
- a. The change, together with any other changes implemented or planned by the source, qualifies for an alternative emission limitation under Section 112(i)(5) of the Act;
 - b. The Clean Air Act Section 112(d) or Section 112(f) imposes a standard requiring the change that is implemented after the Administrator promulgates the standard;
 - c. The change is routine maintenance, repair, or replacement;
 - d. The change is the use of an alternative fuel or raw material by reason of an order under Section 2(a) and (b) of the Energy Supply And Environmental Coordination Act of 1974, 15 U.S.C. 792, or by reason of a natural gas curtailment plan under the Federal Power Act, 16 U.S.C. 792-825r;
 - e. The change is the use of an alternative fuel by reason of an order or rule under Section 125 of the Act;
 - f. The change is the use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
 - g. The change is an increase in the hours of operation or in the production rate, unless the change would be prohibited under an enforceable permit condition; or
 - h. The change is any change in ownership at a stationary source.
- 215** **POTENTIAL TO EMIT / POTENTIAL EMISSION RATE** - The maximum capacity of a stationary source to emit a pollutant, excluding secondary emissions, taking into account controls that are enforceable under any federal, state, or local law, rule, or regulation or that are inherent in the design of the source.
- 216** **SIC CODE** - The standard industrial classification code number for a source category derived from 1987 Standard Industrial Classification Manual (U.S. Office Of Management And Budget, 1987).
- 217** **TECHNOLOGY TRANSFER** - The process by which existing control technologies that have been successfully applied in other source categories that have similar processes or emissions units are reviewed for potential use in a different source category.

SECTION 300 - STANDARDS

- 301** **MARICOPA COUNTY LIST OF HAZARDOUS AIR POLLUTANTS:** The following federally listed hazardous air pollutants listed in Section 112(b)(1) of the Act (42 U.S.C. 7412(b)(1)) are hazardous air pollutants (HAPs) under this rule:
- | | |
|----------------|--------------|
| <u>CAS No.</u> | <u>HAPs</u> |
| 75070 | Acetaldehyde |

60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (Including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (Isomers and mixture)
95487	o-Cresol
108394	m-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)
91941	3,3-Dichlorobenzidine
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethylaniline (N,N-Dimethylaniline)
64675	Diethyl sulfate
119904	3,3-Dimethoxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3'-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate

77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol, and salts
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl chloride (Chloroethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)
123319	Hydroquinone
78591	Isophorone
58899	Lindane (All isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
60344	Methyl hydrazine
74884	Methyl iodine (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4,4-Methylene bis(2,chloroaniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diisocyanate (MDI)
101779	4,4'-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine

7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl aziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (Chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (Isomers and mixture)
95476	o-Xylenes
108383	m-Xylenes
106423	p-Xylenes

Antimony Compounds

Arsenic Compounds (Inorganic including arsine)

Beryllium Compounds

Cadmium Compounds

Chromium Compounds

Cobalt Compounds

Coke Oven Emissions

Cyanide Compounds

X'CN where X = H' or any other group where a formal dissociation may occur. For example, KCN or Ca(CN)₂

Glycol Ethers

a. Glycol ethers include mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)[n]-OR' where:

- (1) n = 1, 2, or 3;
- (2) R = alkyl C7 or less; or
- (3) R = phenyl or alkyl substituted phenyl;
- (4) R' = H or alkyl C7 or less; or
- (5) OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate

b. Glycol ethers does not include ethylene glycol monobutyl ether

Lead Compounds

Manganese Compounds

Mercury Compounds

Fine Mineral Fibers (Including mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag or other mineral-derived fibers of average diameter 1 micrometer or less)

Nickel Compounds

Polycyclic Organic Matter (Including organic compounds with more than one benzene ring and which have a boiling point greater than or equal to 100°C)

Radionuclides (Including radon. Radionuclide is a type of atom which spontaneously undergoes radioactive decay)

Selenium Compounds

302 NOTICE OF TYPES AND AMOUNTS OF HAPS: An owner and/or operator of a source subject to this rule shall provide the Control Officer with notice, in a permit application, of the types and amounts of HAPs emitted by the source. The notice shall include readily available data regarding emissions from the source. The Control Officer shall not require the owner and/or operator to conduct performance tests, sampling, or monitoring in order to fulfill the requirements of this section of this rule.

303 MODIFICATIONS; PERMITS; PERMIT REVISIONS:

303.1 Any person who constructs or modifies a source that is subject to this rule must first obtain a permit or significant permit revision that complies with:

- a. Rule 210-Title V Permit Provisions of these rules or Rule 220-Non-Title V Permit Provisions of these rules; and
- b. Section 303.2 of this rule or Section 303.3 of this rule.

303.2 A permit or significant permit revision that the Control Officer issues to a new or modified minor source of Maricopa County hazardous air pollutants (HAPs) that is in one of the source categories listed in Table 1-Maricopa County HAPs Minor Source Categories of this rule shall impose HAPRACT under Section 304 of this rule, unless the applicant demonstrates, with a risk management analyses (RMA) under Section 306 of this rule, that the imposition of HAPRACT is not necessary to avoid adverse effects to human health or adverse environmental effects.

303.3 A permit or significant permit revision that the Control Officer issues to a new or modified major source of Maricopa County hazardous air pollutants (HAPs) shall impose AZMACT under Section 305 of this rule, unless the applicant demonstrates, with a risk management analyses (RMA) under Section 306 of this rule, that the imposition of AZMACT is not necessary to avoid adverse effects to human health or adverse environmental effects.

303.4 If the Control Officer establishes a general permit establishing HAPRACT according to Rule 230-General Permits of these rules, the following apply:

- a. The owner and/or operator of a source covered by that general permit may obtain a variance from HAPRACT by complying with a risk management analyses (RMA) under Section 306 of this rule when the source applies for the general permit;
- b. If the owner and/or operator makes the applicable demonstration required by a risk management analyses (RMA) under Section 306 of this rule and otherwise qualifies for the general permit, the Control Officer shall approve the application according to ARS §49-480-County Air Pollution Control-Permits; Fees and issue an authorization-to-operate granting a variance from the specific provisions of the general permit relating to HAPRACT; and
- c. Except as modified by a variance, the general permit governs the source.

303.5 When determining whether HAP emissions from a new source or modification exceed the thresholds prescribed in Section 211-Definition Of Major Source Of Maricopa County Hazardous Air Pollutants (HAPs) of this rule and Section 213-Minor Source Of Maricopa County Hazardous Air Pollutants (HAPs) of this rule or a de minimis amount described in Table 2-Maricopa County HAPs De Minimis Levels in Section 214.1 of this rule, the Control Officer shall exclude particulate matter emissions that consist of natural crustal material and that are produced either by natural forces, such as wind or erosion, or by anthropogenic activities, such as agricultural operations, excavation, blasting, drilling, handling, storage, earthmoving, crushing, grinding, or traffic over paved or unpaved roads, or other similar activities.

303.6 In addition to the requirements of Appendix B-Standard Permit Application Form And Filing Instructions of these rules, an application for a permit or a permit revision required under this section of this rule shall include one of the following:

- a. The applicant's proposal and documentation for HAPRACT under Section 304 of this rule;
- b. The applicant's proposal and documentation for AZMACT under Section 305 of this rule; or
- c. A risk management analyses (RMA) submitted under Section 306 of this rule.

303.7 Any applicant for a permit or a permit revision under this rule may request accelerated permit processing under Rule 200-Permit Requirements, Section 313-Accelerated Permitting of these rules.

304 CASE-BY-CASE HAPRACT DETERMINATION:

304.1 The applicant shall include in the application sufficient documentation to show that the proposed control technology or methodology meets the requirements of ARS §49-480.04-County Air Pollution Control-County Program For Control Of Hazardous Air Pollutants and of this section of this rule.

304.2 An applicant subject to Section 303.2-Modifications; Permits; Permit Revisions of this rule shall propose HAPRACT for the new source or modification, to be included in the applicant's permit or significant permit revision. The applicant shall document each of the following steps:

- a. The applicant shall identify the range of applicable control technologies, including:
 - (1) A survey of similar emission sources to determine the emission limitations currently achieved in practice in the United States;

- (2) Controls applied to similar source categories, emissions units, or gas streams through technology transfer; and
 - (3) Innovative technologies that are demonstrated to be reliable, that reduce emissions for HAP under review at least to the extent achieved by the control technology that would otherwise have been proposed and that meets all the requirements of ARS §49-480.04-County Air Pollution Control-County Program For Control Of Hazardous Air Pollutants and this section of this rule.
 - b. The applicant shall propose as HAPRACT one of the control technologies identified under Section 304.2(a)-Case-By-Case HAPRACT Determination of this rule and shall provide:
 - (1) The rationale for selecting the specific control technologies from the range identified in Section 304.2(a)-Case-By-Case HAPRACT Determination;
 - (2) Estimated control efficiency, described as percent HAP removed;
 - (3) Expected emission rates in tons per year and pounds per hour;
 - (4) Expected emission reduction in tons per year and pounds per hour;
 - (5) Economic impacts and cost effectiveness of implementing the proposed control technology;
 - (6) Other environmental impacts of the proposed control technology; and
 - (7) Energy impact of the proposed technology.
 - c. The applicant shall identify rejected control technologies identified in Section 304.2(a)-Case-By-Case HAPRACT Determination of this rule and shall provide for each rejected control technology:
 - (1) The rationale for rejecting the specific control technologies identified in Section 304.2(a)-Case-By-Case HAPRACT Determination of this rule;
 - (2) Estimated control efficiency described as percent HAP removed;
 - (3) Expected emission rates in tons per year and pounds per hour;
 - (4) Expected emission reduction in tons per year and pounds per hour;
 - (5) Economic impact and cost effectiveness of implementing the rejected control technologies;
 - (6) Other environmental impact of the rejected control technology; and
 - (7) Energy impact of the rejected control technologies.
- 304.3** The Control Officer shall determine whether the applicant's HAPRACT selection complies with ARS §49-480.04-County Air Pollution Control-County Program For Control Of Hazardous Air Pollutants and this section of this rule based on the documentation provided in Section 304.2-Case-By-Case HAPRACT Determination of this rule:
- a. If the Control Officer finds that the applicant's proposal complies with ARS §49-480.04-County Air Pollution Control-County Program For Control Of Hazardous Air Pollutants and this section of this rule, the Control Officer shall include the applicant's proposed HAPRACT selection in the permit or permit revision.
 - b. If the Control Officer finds that the applicant's proposal fails to comply with ARS §49-480.04-County Air Pollution Control-County Program For Control Of Hazardous Air Pollutants and this section of this rule, the Control Officer shall:
 - (1) Notify the applicant that the proposal fails to meet requirements;
 - (2) Specify the deficiencies in the proposal; and
 - (3) State that the applicant shall submit a new HAPRACT proposal according to the provisions regarding permit application processing procedures in Rule 210-Title V Permit Provisions or Rule 220-Non-Title V Permit Provisions of these rules.
 - c. If the applicant does not submit a new proposal, the Control Officer shall deny the application for a permit or permit revision.
 - d. If the Control Officer finds that the new proposal fails to comply with ARS §49-480.04-County Air Pollution Control-County Program For Control Of Hazardous Air Pollutants and this section of this rule, the Control Officer shall deny the application for a permit or permit revision.
- 304.4** If the Control Officer finds that a reliable method of measuring HAP emissions is not available, the Control Officer shall require, in the permit, the applicant to comply with a design, equipment, work practice or operational standard, or combination of these, but shall not impose a numeric emissions limitation upon the applicant.
- 304.5** The Control Officer shall not impose a control technology that would require the application of measures that are incompatible with measures required under Rule 370-Federal Hazardous Air Pollutant Program of these rules or 40 CFR Part 63-National Emission Standards For Hazardous Air Pollutants For Source Categories. An applicable control technology for a source or source category that is promulgated by the Administrator shall supersede control technology imposed by the Control Officer for that source or source category.
- 305 CASE-BY-CASE AZMACT DETERMINATION:**
- 305.1** The applicant shall include in the application sufficient documentation to show that the proposed control technology meets the requirements of ARS §49-480.04-County Air Pollution Control-County Program For Control Of Hazardous Air Pollutants and of this section of this rule.
- 305.2** An applicant subject to Section 303.3-Modifications; Permits; Permit Revisions of this rule shall propose AZMACT for the new source or modification, to be included in the applicant's permit or permit revision. The applicant shall document each of the following steps:

- a. The applicant shall identify all available control options, taking into consideration the measures cited in Section 205-Definition Of Arizona Maximum Achievable Control Technology (AZMACT) of this rule. The analysis shall include a survey of emission sources to determine the most stringent emission limitation currently achieved in practice in the United States. The survey may include technologies employed outside of the United States and may include controls applied through technology transfer to similar source categories and gas streams.
 - b. The applicant shall eliminate options that are technically infeasible because of source-specific factors. The applicant shall clearly document the demonstration of technical infeasibility and shall base the demonstration upon physical, chemical, and engineering barriers that would preclude the successful use of each control option that the applicant has eliminated.
 - c. The applicant shall list the remaining control technologies in order of overall removal efficiency for the HAP under review, with the most effective at the top of the list. The list shall include the following information, for the control technology proposed and for any control technology that is ranked higher than the proposed technology:
 - (1) Estimated control efficiency described by percent of HAP removed;
 - (2) Expected emission rate in tons per year and pounds per hour;
 - (3) Expected emission reduction in tons per year and pounds per hour;
 - (4) Economic impact and cost effectiveness;
 - (5) Other environmental impact; and
 - (6) Energy impact.
 - d. The applicant shall evaluate the most effective controls, listed according to Section 305.2(c)-Case-By-Case AZMACT Determination of this rule and document the results as follows:
 - (1) For new major sources, the applicant shall consider the factors described in Section 305.2(c)-Case-By-Case AZMACT Determination of this rule to arrive at the final control technology proposed as AZMACT.
 - (a) The applicant shall discuss the beneficial and adverse economic, environmental, and energy impacts and quantify them where possible, focusing on the direct impacts of each control technology.
 - (b) If the applicant proposes the top alternative in the list as AZMACT, the applicant shall consider whether other environmental impacts mandate the selection of an alternative control technology. If the applicant does not propose the top alternative as AZMACT, the applicant shall evaluate the next most stringent technology in the list. The applicant shall continue the evaluation process until the applicant arrives at a technology that the applicant does not eliminate because of source-specific, economic, environmental, or energy impacts.
 - (2) For a modification, the applicant shall evaluate the control technologies according to Section 305.2(d)(1)-Case-By-Case AZMACT Determination of this rule. AZMACT for a modification may be less stringent than AZMACT for a new source in the same source category but shall not be less stringent than:
 - (a) In cases where the applicant has identified 30 or more sources, the average emission limitation achieved by the best performing 12% of the existing similar sources, which the applicant shall include in the permit application; or
 - (b) In cases where the applicant has identified fewer than 30 similar sources, the average emission limitation achieved by the best performing five sources, which the applicant shall include in the permit application.
 - e. The applicant shall propose as AZMACT for the HAP under review:
 - (1) The technology that reduces emissions to the extent achieved by the control technology that the applicant otherwise would have proposed under Section 305.2(e)(1)-Case-By-Case AZMACT Determination of this rule and that meets all the requirements of ARS §49-480.04-County Air Pollution Control-County Program For Control Of Hazardous Air Pollutants and this section of this rule.
- 305.3** The Control Officer shall not approve a control technology or methodology less stringent than any applicable federal new source performance standard (NSPS) at 40 CFR Part 60 or national emission standard for hazardous air pollutants (NESHAP) at 40 CFR Part 61.
- 305.4** The Control Officer shall determine whether the applicant's AZMACT proposal complies with ARS §49-480.04-County Air Pollution Control-County Program For Control Of Hazardous Air Pollutants and this section of this rule.
- a. If the Control Officer determines that the applicant's proposal complies with ARS §49-480.04-County Air Pollution Control-County Program For Control Of Hazardous Air Pollutants and this section of this rule, the Control Officer shall include the applicant's proposed AZMACT selection in the permit or permit revision.
 - b. If the Control Officer determines that the applicant's proposal does not comply with ARS §49-480.04-County Air Pollution Control-County Program For Control Of Hazardous Air Pollutants and this section of this rule, the Control Officer shall:
 - (1) Notify the applicant that the proposal does not meet the requirements;

- (2) Specify the deficiencies; and
 - (3) State that the applicant shall submit a new AZMACT proposal according to permit application processing procedures in Rule 210-Title V Permit Provisions or Rule 220-Non-Title V Permit Provisions of these rules.
 - c. If the applicant does not submit a new proposal, the Control Officer may deny the application for permit or permit revision.
 - d. If the Control Officer determines that the new proposal fails to comply with ARS §49-480.04-County Air Pollution Control-County Program For Control Of Hazardous Air Pollutants and this section of this rule, the Control Officer shall deny the application for a permit or permit revision.
- 305.5 If a reliable method of measuring HAP emissions is not available, the Control Officer shall require the applicant to comply with a design, equipment, work practice, or operational standard, or combination of these, to be included in the applicant's permit, but shall not impose a numeric emissions limitation.
- 305.6 The Control Officer shall not impose a control technology that would require the application of measures that are incompatible with measures required under Rule 370-Federal Hazardous Air Pollutant Program of these rules or 40 CFR Part 63-National Emission Standards For Hazardous Air Pollutants For Source Categories. An applicable control technology for a source or source category that is promulgated by the Administrator shall supersede control technology imposed by the Control Officer for that source or source category.
- 306 **RISK MANAGEMENT ANALYSES:**
 - 306.1 **Applicability:**
 - a. An applicant seeking to demonstrate that HAPRACT or AZMACT is not necessary to prevent adverse effects to human health or the environment by conducting a risk management analyses (RMA) shall first apply for a permit or a significant permit revision that complies with Rule 210-Title V Permit Provisions or Rule 220-Non-Title V Permit Provisions of these rules.
 - b. An applicant seeking to demonstrate that HAPRACT or AZMACT is not necessary to prevent adverse effects to human health or the environment shall conduct a risk management analyses (RMA) according to this section of this rule.
 - c. The risk management analyses (RMA) for a new source shall apply to:
 - (1) The source's annual total potential to emit Maricopa County HAPs for evaluation of chronic exposure; or
 - (2) The source's hourly total potential to emit Maricopa County HAPs for evaluation of acute exposure.
 - d. The risk management analyses (RMA) for a modified source shall apply to:
 - (1) The source's annual total potential to emit Maricopa County HAPs, after the modification, for evaluation of chronic exposure; or
 - (2) The source's hourly total potential to emit Maricopa County HAPs, after the modification, for evaluation of acute exposure.
 - e. An applicant shall conduct a risk management analyses (RMA) for each Maricopa County HAP emitted by the source in greater than de minimis amounts.
 - 306.2 The applicant may use any of the following methods for conducting a risk management analyses (RMA):
 - a. **Tier 1-Equation:**
 - (1) For emissions of a HAP included in a listed group of hazardous compounds, other than those HAPs identified in Table 3-Acute And Chronic Ambient Air Concentrations of this rule as selected compounds, the applicant shall determine a health-based ambient air concentration, under Section 306.3(c)-Risk Management Analyses-Health Based Ambient Air Concentrations Of Maricopa County HAPs of this rule.
 - (2) The applicant shall determine the potential maximum hourly exposure resulting from emissions of the HAP by applying the following equation: $MHE = PPH * 17.68$, where:
 - (a) MHE = maximum hourly exposure in milligrams per cubic meter, and
 - (b) PPH = hourly potential to emit the HAP in pounds per hour.
 - (3) The applicant shall determine the potential maximum annual exposure resulting from emissions of the HAP by applying the following equation: $MAE = PPY * 1/MOH * 1.41$, where:
 - (a) MAE = maximum annual exposure in milligrams per cubic meter,
 - (b) PPY = annual potential to emit the HAP in pounds per year, and
 - (c) MOH = maximum operating hours for the source, taking into account any enforceable operational limitations.
 - (4) The Control Officer shall not require compliance with HAPRACT for the HAP under Section 304-Case-By-Case HAPRACT Determination of this rule or with AZMACT for the HAP under Section 305-Case-By-Case AZMACT Determination of this rule, if both of the following are true:
 - (a) The maximum hourly concentration determined under Section 306.2(a)(2)-Risk Management Analyses-Tier 1-Equation of this rule is less than the acute ambient air

- concentrations determined under Section 306.3(c)-Risk Management Analyses-Health Based Ambient Air Concentrations Of Maricopa County HAPs of this rule; and
- (b) The maximum annual concentration determined under Section 306.2(a)(3)-Risk Management Analyses-Tier 1-Equation of this rule is less than the chronic ambient air concentrations determined under Section 306.3(c)-Risk Management Analyses -Health Based Ambient Air Concentrations Of Maricopa County HAPs of this rule.
- (5) If either the maximum hourly concentration determined under Section 306.2(a)(2)-Risk Management Analyses-Tier 1-Equation of this rule or the maximum annual concentration determined under Section 306.2(a)(3)-Risk Management Analyses-Tier 1-Equation is greater than or equal to the relevant ambient air concentration:
- (a) The Control Officer shall require compliance with HAPRACT under Section 304-Case-By-Case HAPRACT Determination of this rule or with AZMACT under Section 305-Case-By-Case AZMACT Determination of this rule; or
 - (b) The applicant may use the Tier 2-SCREEN model method under Section 306.2(b) of this rule, the Tier 3-Modified SCREEN Model method under Section 306.2(c) of this rule, or the Tier 4-Modified SCREEN Model Or Refined Air Quality Model method under Section 306.2(d) of this rule for conducting a risk management analyses (RMA) under Section 306-Risk Management Analyses of this rule.
- b. Tier 2-SCREEN Model:**
- (1) The applicant shall use the SCREEN model performed in a manner consistent with the Guideline specified in Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources, Section 308.1(f)(1)-Permit Requirements For Sources Located In Attainment And Unclassifiable Areas-Air Quality Models of these rules. The applicant shall compare the maximum concentration that is predicted in the ambient air with the relevant ambient air concentration determined under Section 306.3-Risk Management Analyses-Health Based Ambient Air Concentrations Of Maricopa County HAPs of this rule.
 - (2) If the predicted maximum concentration is less than the relevant ambient air concentration, the Control Officer shall not require compliance with HAPRACT under Section 304-Case-By-Case HAPRACT Determination of this rule or AZMACT under Section 305-Case-By-Case AZMACT Determination of this rule.
 - (3) If the predicted maximum concentration is greater than or equal to the relevant ambient air concentration:
 - (a) The Control Officer shall require compliance with HAPRACT under Section 304-Case-By-Case HAPRACT Determination of this rule or AZMACT under Section 305-Case-By-Case AZMACT Determination of this rule; or
 - (b) The applicant may use the Tier 3-Modified SCREEN Model method under Section 306.2(c) of this rule or the Tier 4-Modified SCREEN Model Or Refined Air Quality Model method under Section 306.2(d) of this rule for determining maximum public exposure to Maricopa County HAPs under Section 306.2(c)-Risk Management Analyses-Tier 3-Modified SCREEN Model of this rule.
- c. Tier 3-Modified SCREEN Model:**
- (1) The applicant shall use the SCREEN model performed in a manner consistent with the Guideline specified in Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources, Section 308.1(f)(1)-Permit Requirements For Sources Located In Attainment And Unclassifiable Areas-Air Quality Models of these rules.
 - (2) For evaluation of acute exposure, the applicant shall assume exposure in the ambient air.
 - (3) For evaluation of chronic exposure:
 - (a) The applicant may use exposure assumptions consistent with institutional or engineering controls that are permanent and enforceable outside the permit.
 - (b) The applicant shall notify the Control Officer of these controls. If the Control Officer does not approve of the proposed controls or if the controls are not permanent and enforceable outside of the permit, the applicant shall not use the method specified in Section 306.2(c)(3)-Risk Management Analyses-Tier 3-Modified SCREEN Model of this rule to determine maximum public exposure to the Maricopa County HAP.
 - (4) If the predicted maximum concentration is less than the relevant ambient air concentration, the Control Officer shall not require compliance with HAPRACT under Section 304-Case-By-Case HAPRACT Determination of this rule or AZMACT under Section 305-Case-By-Case AZMACT Determination of this rule.
 - (5) If the predicted maximum concentration is greater than or equal to the relevant ambient air concentration:
 - (a) The Control Officer shall require compliance with HAPRACT under Section 304-Case-By-Case HAPRACT Determination of this rule or AZMACT under Section 305-Case-By-Case AZMACT Determination of this rule; or

- (b) The applicant may use the Tier 4-Modified SCREEN Model Or Refined Air Quality Model method under Section 306.2(d) of this rule for determining maximum public exposure to Maricopa County HAPs, under Section 306.2(d) of this rule.
- d. **Tier 4-Modified SCREEN Model Or Refined Air Quality Model:**
 - (1) The applicant shall employ either the SCREEN model or a refined air quality model performed in a manner consistent with the Guideline specified in Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources, Section 308.1(f)(1)-Permit Requirements For Sources Located In Attainment And Unclassifiable Areas-Air Quality Models of these rules.
 - (2) For evaluation of acute exposure, the applicant shall assume exposure in the ambient air.
 - (3) For evaluation of chronic exposure:
 - a) The applicant may use exposure assumptions consistent with institutional or engineering controls that are permanent and enforceable outside the permit.
 - (b) The applicant shall notify the Control Officer of these controls. If the Control Officer does not approve of the proposed controls or if the proposed controls are not permanent and enforceable outside of the permit, the applicant shall assume chronic exposure in the ambient air.
 - (4) The applicant may include in the Tier 4 risk management analyses (RMA) documentation of the following factors:
 - (a) The estimated actual exposure to the HAP of persons living in the airshed of the source;
 - (b) Available epidemiological or other health studies;
 - (c) Risks presented by background concentrations of hazardous air pollutants;
 - (d) Uncertainties in risk assessment methodology or other health assessment techniques;
 - (e) Health or environmental consequences from efforts to reduce the risk; or
 - (f) The technological and commercial availability of control methods beyond those otherwise required for the source and the cost of such methods.
 - (5) The applicant shall submit a written protocol for conducting a risk management analyses (RMA), consistent with the requirements of Section 306.2(d)-Risk Management Analyses-Tier 4-Modified SCREEN Model Or Refined Air Quality Model of this rule, to the Control Officer for the Control Officer's approval. If the Control Officer does not approve the written protocol, the applicant may:
 - (a) Submit a revised protocol to the Control Officer;
 - (b) Propose HAPRACT under Section 304-Case-By-Case HAPRACT Determination of this rule or AZMACT under Section 305-Case-By-Case AZMACT Determination of this rule; or
 - (c) Refuse to submit a revised protocol, in which case the Control Officer shall deny the application.
 - (6) If the predicted maximum concentration is less than the relevant ambient air concentration or if warranted under the factors listed in Section 306.2(d)(4)-Risk Management Analyses-Tier 4-Modified SCREEN Model Or Refined Air Quality Model of this rule, the Control Officer shall not require compliance with HAPRACT under Section 304-Case-By-Case HAPRACT Determination of this rule or AZMACT under Section 305-Case-By-Case AZMACT Determination of this rule.
 - (7) Except as provided in Section 306.2(d)(6)-Risk Management Analyses-Tier 4-Modified SCREEN Model Or Refined Air Quality Model of this rule, if the predicted maximum concentration is greater than or equal to the relevant ambient air concentration, the Control Officer shall require compliance with HAPRACT under Section 304-Case-By-Case HAPRACT Determination of this rule or AZMACT under Section 305-Case-By-Case AZMACT Determination of this rule.

306.3 Health Based Ambient Air Concentrations Of Maricopa County HAPs:

- a. For Maricopa County HAPs for which the Control Officer has already determined an ambient air concentration, the applicant shall use the acute and chronic values listed in Table 3-Acute And Chronic Ambient Air Concentrations of this rule.

Table 3-Acute And Chronic Ambient Air Concentrations

Chemical	Acute Ambient Air Concentrations (mg/m ³)	Chronic Ambient Air Concentrations (mg/m ³)
1,1,1-Trichloroethane (Methyl Chloroform)	2,075	2.30E+00
1,1,2,2-Tetrachloroethane	18	3.27E-05
1,3-Butadiene	7,514	6.32E-05

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1,4-Dichlorobenzene	300	3.06E-04
2,2,4-Trimethylpentane	900	NA
2,4-Dinitrotoluene	5.0	2.13E-05
2-Chloroacetophenone	NA	3.13E-05
Acetaldehyde	306	8.62E-04
Acetophenone	25	3.65E-01
Acrolein	0.23	2.09E-05
Acrylonitrile	38	2.79E-05
Antimony Compounds (Selected Compound: Antimony)	13	1.46E-03
Arsenic Compounds (Selected Compound: Arsenic)	2.5	4.41E-07
Benzene	1,276	2.43E-04
Benzyl Chloride	26	3.96E-05
Beryllium Compounds (Selected Compound: Beryllium)	0.013	7.90E-07
Biphenyl	38	1.83E-01
bis (2-Ethylhexy) Phthalate	13	4.80E-04
Bromoform	7.5	1.72E-03
Cadmium Compounds (Selected Compound: Cadmium)	0.25	1.05E-06
Carbon Disulfide	311	7.30E-01
Carbon Tetrachloride	201	1.26E-04
Carbonyl Sulfide	30	NA
Chlorobenzene	1,000	1.04E+00
Chloroform	195	3.58E-04
Chromium Compounds (Selected Compound: Hexavalent Chromium)	0.10	1.58E-07
Cobalt Compounds (Selected Compound: Cobalt)	10	6.86E-07
Cumene	935	4.17E-01
Cyanide Compounds (Selected Compound: Hydrogen Cyanide)	3.9	3.13E-03
Dibenzofurans	25	7.30E-03
Dichloromethane (Methylene Chloride)	347	4.03E-03
Dimethyl Formamide	164	3.13E-02
Dimethyl Sulfate	0.31	NA
Ethyl Benzene	250	1.04E+00
Ethyl Chloride (Chloroethane)	1,250	1.04E+01
Ethylene Dibromide (Dibromoethane)	100	3.16E-06

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Ethylene Dichloride (1,2-Dichloroethane)	405	7.29E-05
Ethylene Glycol	50	4.17E-01
Ethylidene Dichloride (1,1-Dichloroethane)	6,250	5.21E-01
Formaldehyde	17	1.46E-04
Glycol Ethers (Selected Compound: Diethylene Glycol, Monoethyl Ether)	250	3.14E-03
Hexachlorobenzene	0.50	4.12E-06
Hexane	11,649	2.21E+00
Hydrochloric Acid	16	2.09E-02
Hydrogen Fluoride (Hydrofluoric Acid)	9.8	1.46E-02
Isophorone	13	2.09E+00
Manganese Compounds (Selected Compound: Manganese)	2.5	5.21E-05
Mercury Compounds (Selected Compound: Elemental Mercury)	1.0	3.13E-04
Methanol	943	4.17E+00
Methyl Bromide	261	5.21E-03
Methyl Chloride	1,180	9.39E-02
Methyl Hydrazine	0.43	3.96E-07
Methyl Isobutyl Ketone (Hexone)	500	3.13E+00
Methyl Methacrylate	311	7.30E-01
Methyl Tert-Butyl Ether	1,444	7.40E-03
N, N-Dimethylaniline	25	7.30E-03
Naphthalene	75	5.58E-05
Nickel Compounds (Selected Compound: Nickel Refinery Dust)	5.0	7.90E-06
Phenol	58	2.09E-01
Polychlorinated Biphenyls (Selected Compound: Aroclor 1254)	2.5	1.90E-05
Polycyclic Organic Matter (Selected Compound: Benzo(a)pyrene)	5.0	2.02E-06
Propionaldehyde	403	8.62E-04
Propylene Dichloride	250	4.17E-03
Selenium Compounds (Selected Compound: Selenium)	0.50	1.83E-02
Styrene	554	1.04E+00
Tetrachloroethylene (Perchloroethylene)	814	3.20E-04
Toluene	1,923	5.21E+00
Trichlorethylene	1,450	1.68E-05

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Vinyl Acetate	387	2.09E-01
Vinyl Chloride	2,099	2.15E-04
Vinylidene Chloride (1,2-Dichloroethylene)	38	2.09E-01
Xylene (Mixed Isomers)	1,736	1.04E-01

- b. For Maricopa County HAPs for which an ambient air concentration has not already been determined, the applicant shall determine the acute and chronic ambient air concentrations according to the process in Appendix H-Procedures For Determining Ambient Air Concentrations For Hazardous Air Pollutants of these rules.
- c. For specific compounds included in Maricopa County HAPs listed as a group (e.g., arsenic compounds), the applicant may use an ambient air concentration developed according to the process in Appendix H-Procedures For Determining Ambient Air Concentrations For Hazardous Air Pollutants of these rules.

306.4 As part of the risk management analyses (RMA), an applicant may voluntarily propose emissions limitations under Rule 220-Non-Title V Permit Provisions, Section 304-Permits Containing Voluntarily Accepted Emissions Limitations, Controls, Or Other Requirements (Synthetic Minor) of these rules, in order to avoid being subject to HAPRACT under Section 304-Case-By-Case HAPRACT Determination of this rule or to avoid being subject to AZMACT under Section 305-Case-By-Case AZMACT Determination of this rule.

306.5 Documentation Of Risk Management Analyses (RMA): The applicant shall document each risk management analyses (RMA) performed for each Maricopa County HAP and shall include the following information:

- a. The potential maximum public exposure of the Maricopa County HAP;
- b. The method used to determine the potential maximum public exposure:
 - (1) For Tier 1-Equation, the calculation demonstrating that the emissions of the Maricopa County HAP are less than the health-based ambient air concentration, determined under Section 306.3(c)-Risk Management Analyses-Health Based Ambient Air Concentrations Of Maricopa County HAPs of this rule.
 - (2) For Tier 2-SCREEN Model, the input files to and the results of the SCREEN Modeling.
 - (3) For Tier 3-Modified SCREEN Model:
 - (a) The input files to and the results of the SCREEN Modeling; and
 - (b) The permanent and enforceable institutional or engineering controls approved by the Control Officer under Section 306.2(c)(3)-Risk Management Analyses-Tier 3-Modified SCREEN Model of this rule.
 - (4) For Tier 4-Modified SCREEN Model Or Refined Air Quality Model:
 - (a) The model the applicant used;
 - (b) The input files to and the results of the modeling;
 - (c) The modeling protocol approved by the Control Officer under Section 306.2(d)(3)-Risk Management Analyses-Tier 4-Modified SCREEN Model Or Refined Air Quality Model of this rule; and
 - (d) The permanent and enforceable institutional or engineering controls approved by the Control Officer under Section 306.2(d)(5)-Risk Management Analyses-Tier 4-Modified SCREEN Model Or Refined Air Quality Model of this rule;
- c. The health-based ambient air concentrations determined under Section 306.3-Risk Management Analyses-Health Based Ambient Air Concentrations Of Maricopa County HAPs of this rule; and
- d. Any voluntary emissions limitations that the applicant proposes under Section 306.4-Risk Management Analyses of this rule.

306.6 An applicant may conduct a risk management analyses (RMA) for any alternative operating scenario, requested in the application, consistent with the requirements of Section 306-Risk Management Analyses of this rule. The alternative operating scenario may allow a range of operating conditions if the Control Officer concludes that the risk management analyses (RMA) demonstrates no adverse effects to human health or adverse environmental effects from operations within that range. Modifications to a source consistent with the alternative operating scenario are not subject to this rule.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 EFFECTIVE DATE: The provisions of this rule shall be effective July 1, 2007 and shall not apply to permits or significant permit revisions for which the Control Officer receives the first application component before the effective date of this rule.

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

**Adopted 11/15/93
Revised 02/15/95**

**APPENDIX B
STANDARD PERMIT APPLICATION FORM AND FILING INSTRUCTIONS**

MARICOPA COUNTY

FILING INSTRUCTIONS

No application shall be considered complete until the Control Officer has determined that all information required by this application form and the applicable statutes and regulations has been submitted. The Control Officer may waive certain application requirements for specific source types pursuant to ~~Rules~~ Rule 200-Permit Provisions, Rule 210-Title V Permit Provisions, and/or Rule 220-Non-Title V Permit Provisions of these rules. For permit revisions, the applicant need only supply information which directly pertains to the revision. The Control Officer shall develop special guidance documents and forms to assist certain sources requiring Non-Title V permits in completing the application form and filing instructions. Guidance documents can be requested by contacting the Maricopa County ~~Environmental Services~~ Air Quality Department at the address and phone number given on the "Standard Permit Application Form".

In addition to the information required on the application form, the applicant shall supply the following:

1. No change
2. Description of ~~product(s)~~ product.
3. No change
4. Description of alternate operating scenario ~~product(s)~~ product, if applicable.
5. No change
6. No change
7. No change
 - a. The source shall ~~be required to~~ submit the potential emissions of regulated air pollutants as defined in Rule 100-General Provisions And Definitions of these rules for all emission sources. Emissions shall be expressed in pounds per hour, tons per year, and such other terms as may be requested. Emissions shall be submitted using the standard "Emission Sources" portion of the "Standard Permit Application Form". Emissions information shall include fugitive emissions in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source in Rule 100-General Provisions And Definitions of these rules.
 - b. The source shall ~~be required to~~ identify and describe all points of emissions and ~~to~~ submit additional information related to the emissions of regulated air pollutants sufficient to verify which requirements are applicable to the source and sufficient to determine any fees pursuant to Rules Rule 280-Fees of these rules.
8. Citation and description of all applicable requirements as defined in Rule 100-General Provisions And Definitions of these rules including voluntarily accepted limits to Rule 220-Non-Title V Permit Provisions of these rules.
9. An explanation of any voluntarily accepted limits established pursuant to Rule 220-Non-Title V Permit Provisions of these rules and of any proposed exemptions from otherwise applicable requirements.
10. The following information to the extent it is needed to determine or regulate emissions or to comply with the requirements of Rule 220-Non-Title V Permit Provisions of these rules:
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 1. No change
 2. No change
 3. No change
 4. No change
 - h. No change
 - i. A demonstration of how the source will meet any limitations accepted voluntarily pursuant to Rule 220-Non-Title V Permit Provisions of these rules.
11. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
12. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change

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13. No change
- a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. Relative location of emission ~~sources/points~~ sources or points.
 - h. No change
 - i. No change
14. No change
- a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. Evidence that operation of the new or modified pollution control equipment will not violate any ambient air quality standards, or maximum allowable increases pursuant to Rule 500-Attainment Area Classification of these rules.
15. No change
16. No change
- a. No change
 1. A demonstration that the source or modification will comply with the applicable requirements contained in Regulation III-Control Of Air Contaminants.
 2. A demonstration that the source or modification will comply with the applicable requirements contained in rules promulgated pursuant to A.R.S. §49-480.03-Federal Hazardous Air Pollutants (HAPS) Program; Date Specified By Administrator; Prohibition.
 3. A demonstration that the source or modification will comply with the applicable requirements contained in ~~rules promulgated pursuant to A.R.S. §49-480.04~~ Rule 372-Maricopa County Hazardous Air Pollutants (HAPS) Program of these rules.
 4. A demonstration that the source or modification will comply with any voluntarily accepted limitations pursuant to Rule 220-Non-Title V Permit Provisions of these rules.
 - b. No change
 1. No change
 2. No change
 3. No change
 - c. No change
 - d. The compliance plan content requirements specified in this paragraph shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act with regard to the schedule and ~~method(s)~~ method the source will use to achieve compliance with the acid rain emissions limitations.
17. No change
- a. A certification of compliance with all applicable requirements including voluntarily accepted limitations pursuant to Rule 220-Non-Title V Permit Provisions of these rules by a responsible official consistent with Rule 210-Title V Permit Provisions or Rule 220-Non-Title V Permit Provisions of these rules. The certification shall include:
 1. No change
 2. No change
 3. No change
 4. No change
 5. A certification of truth, accuracy, and completeness pursuant to Rule 210-Title V Permit Provisions or Rule 220-Non-Title V Permit Provisions of these rules.
 - b. No change
18. A new major source as defined in Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules or a major modification shall submit all information required in this Appendix and information necessary to show compliance with Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules including, but not limited to:
- a. No change
 1. In the case of a new major source as defined in Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules or a major modification subject to an emission limitation which is lowest achievable emission rate (LAER) (~~Lowest Achievable Emission Rate~~) for that source or facility, the application shall contain a determination of LAER that is consistent with the requirements of the definition of LAER contained in Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules. The demonstration shall contain the data and information relied upon by the applicant in determining the emission limitation that is LAER for the source or facility for which a permit is sought.

2. In the case of a new major source as defined in Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules or a major modification subject to the demonstration requirement of Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules, the applicant shall submit such demonstration in a form that lists and describes all existing major sources owned or operated by the applicant and a statement of compliance with all conditions contained in the permits or conditional orders of each of the sources.
 3. In the case of a new major source as defined in Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules or a major modification subject to the offset requirements described in Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules, the applicant shall demonstrate the manner in which the new major source or major modification meets the requirements of Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules.
 4. An applicant for a new major source as defined in Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules or a major modification for volatile organic compounds or carbon monoxide (or both) which will be located in a nonattainment area for ozone or carbon monoxide (or both) shall submit the analysis described in Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules.
- b. No change
1. A demonstration of the manner in which a new major source or major modification which will be located in an attainment area for a pollutant for which the source is classified as a major source as defined in Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules or the modification is classified as a major modification will meet the requirements of Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules.
 2. In the case of a new major source as defined in Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules or major modification subject to an emission limitation which is best available control technology (BACT) (~~Best Available Control Technology~~) for that source or facility, the application shall contain a determination of BACT that is consistent with the requirements of the definition of BACT contained in Rule 100-General Provisions And Definitions of these rules. The demonstration shall contain the data and information relied upon by the applicant in determining the emission limitation that is BACT for the source or facility for which a permit is sought.
 3. In the case of a new major source as defined in Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules or major modification required to perform and submit an air impact analysis in the form prescribed in Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules, such an analysis shall meet the requirements of Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules. Unless otherwise exempted in writing by the Control Officer, the air impact analysis shall include all of the information and data specified in Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules.
 4. If an applicant seeks an exemption from any or all of the requirements of Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources of these rules, the applicant shall provide sufficient information and data in the application to demonstrate compliance with the requirements of the ~~subsection(s)~~ sections under which an exemption is sought.
19. No change
- STANDARD PERMIT APPLICATION FORM** (As required by A.R.S. § 49-480, and Chapter 3, Article 3, Arizona Administrative Code): No change

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
APPENDIX H**

**PROCEDURES FOR DETERMINING AMBIENT AIR CONCENTRATIONS
FOR HAZARDOUS AIR POLLUTANTS**

1. **APPLICABILITY:** The procedure described in Appendix H of these rules shall be used to develop chronic ambient air concentrations (CAACs) and acute ambient air concentrations (AAACs) for hazardous air pollutants (HAPs) for the following:
 - a. Any HAP not included in Rule 372-Maricopa County Hazardous Air Pollutants (HAPS) Program-Table 3-Acute And Chronic Ambient Air Concentrations of these rules; and
 - b. Any compound included in a group of HAPs listed in Rule 372-Maricopa County Hazardous Air Pollutants (HAPS) Program-Table 3-Acute And Chronic Ambient Air Concentrations of these rules, other than those identified in the group listing as the "selected" compound.
2. **CHRONIC AMBIENT AIR CONCENTRATIONS:**
 - a. The applicant shall review the following data sources and, except as otherwise provided, shall give them the priority indicated in the development of chronic ambient air concentrations (CAACs):
 - (1) **Tier 1 Data Sources:** Reference Concentrations (RfCs) and air Unit Risk Factors (URFs) as presented in the Integrated Risk Information System (IRIS) of the United States Environmental Protection Agency (EPA).

- (2) **Tier 2 Data Sources:**
 - (a) Preliminary Remediation Goals (PRGs) developed by Region 9 of the EPA.
 - (b) Risk-Based Concentrations (RBCs) developed by Region 3 of the EPA.
- (3) **Tier 3 Data Sources:**
 - (a) Minimal Risk Levels (MRLs) developed by the Agency For Toxic Substances And Disease Registry (ATSDR).
 - (b) Reference Exposure Levels (RELs) and Unit Risk Factors (CalURFs) developed by the California Environmental Protection Agency.
- b. **Evaluation Of Tier 1 Values:**
 - (1) **Calculation Of Concentrations:**
 - (a) Reference Concentrations (RfCs) shall be multiplied by 1.04 to reflect an assumed exposure of 350 rather than 365 days per year.
 - (b) Unit Risk Factors (URFs) shall be transformed into concentrations in milligrams per cubic meter (mg/m^3) by applying the following equation:
$$\text{TR} \times \text{ATc} / (\text{EF} \times \text{IFA adj} \times [\text{URF} \times \text{BW}/\text{IR}])$$
Where: $\text{TR} = 1\text{E}-06$
 $\text{ATc} = 25,550 \text{ days}$
 $\text{EF} = 350 \text{ days/year}$
 $\text{IFA adj} = 11 \text{ m}^3\text{-year/kg-day}$
 $\text{BW} = 70 \text{ kg}$
 $\text{IR} = 20 \text{ m}^3/\text{day}$
 - (2) **Comparison To Tier 2 And Tier 3 Concentrations:**
 - (a) The concentration developed in accordance with Section 2(b)(1) of this appendix shall be compared to the Tier 2 and Tier 3 concentrations for the compound, if any.
 - (b) Unit Risk Factor (URF)-based concentrations shall be compared only to concentrations based on Unit Risk Factors (CalURFs) developed by the California Environmental Protection Agency.
 - (c) Reference Concentrations (RfCs)-based concentrations shall be compared to concentrations based on Preliminary Remediation Goals (PRGs), Risk-Based Concentrations (RBCs), Minimal Risk Levels (MRLs), and Reference Exposure Levels (RELs).
 - (d) If there is reasonable agreement between Tier 1 concentration and the other concentrations for the compound, the Tier 1 concentration shall be selected as the chronic ambient air concentration (CAAC).
 - (e) If the Tier 1 concentration is not in reasonable agreement with the other concentrations and one of the other concentrations is based on more recent or relevant studies that concentration shall be selected as the chronic ambient air concentration (CAAC). Otherwise, the Tier 1 concentration shall be selected.
 - (3) If both a Reference Concentration (RfC)-based and a Unit Risk Factor (URF)-based Tier 1 concentration is selected under Section 2(b)(2) of this appendix, the more stringent of the two shall be used as the chronic ambient air concentration (CAAC).
 - (4) If a Tier 1 value is selected in accordance with this section of this appendix, no further evaluation of Tier 2 or Tier 3 concentrations is required.
- c. **Evaluation Of Tier 2 Concentrations:**
 - (1) **Selection Of Tier 2 Values For Further Evaluation:**
 - (a) If there is only a Preliminary Remediation Goal (PRG) or Risk-Based Concentrations (RBCs) for the compound, it shall be selected for further evaluation in accordance with Section 2(c)(2) of this appendix.
 - (b) If there is both a Preliminary Remediation Goal (PRG) and a Risk-Based Concentration (RBC) for the compound, the concentrations shall be compared. If the concentrations are similar, the Preliminary Remediation Goal (PRG) shall be selected for further evaluation. If the concentrations are not similar and the Risk-Based Concentration (RBC) is based on more relevant or more recent studies, it shall be selected for further evaluation. Otherwise, the Preliminary Remediation Goal (PRG) shall be selected.
 - (2) **Comparison To Tier 3 Concentrations:**
 - (a) The concentration developed in accordance with Section 2(c)(1) of this appendix shall be compared to the Tier 3 concentrations for the compound, if any. For purposes of this comparison, only Minimal Risk Level (MRL)-based or Reference Exposure Level (REL)-based concentrations shall be considered.
 - (b) If there is reasonable agreement between the Tier 2 concentrations and the Tier 3 concentrations for the compound, the Tier 2 concentration shall be selected as the chronic ambient air concentration (CAAC).
 - (c) If the Tier 2 concentration is not in reasonable agreement with the Tier 3 concentrations and one of the Tier 3 concentrations is based on more recent or relevant studies, that concentration shall be selected as the chronic ambient air concentration (CAAC). Otherwise, the Tier 2 concentration shall be selected.

- (d) If the Tier 2 concentration is selected in accordance with Section 2(c) of this appendix, no further evaluation of Tier 3 concentrations is required.
- d. **Evaluation Of Tier 3 Values:**
- (1) **Calculation Of Concentrations:**
- (a) Minimal Risk Levels (MRLs) and Reference Exposure Levels (RELs) shall be multiplied by 1.04 to reflect an assumed exposure of 350 rather than 365 days per year.
- (b) Unit Risk Factors (CalURFs) developed by the California Environmental Protection Agency shall be transformed into concentrations in milligrams per cubic meter (mg/m^3) by applying the following equation:
$$\text{TR} \times \text{ATc} / (\text{EF} \times \text{IFA adj} \times [\text{CalURF} \times \text{BW}/\text{IR}])$$

Where: $\text{TR} = 1\text{E}-06$
 $\text{ATc} = 25,550$ days
 $\text{EF} = 350$ days/year
 $\text{IFA adj} = 11\text{m}^3\text{-year}/\text{kg}\text{-day}$
 $\text{BW} = 70$ kg
 $\text{IR} = 20$ m^3/day
- (2) **Selection Of Concentration:**
- (a) If both a Minimal Risk Level (MRL) and a Reference Exposure Level (REL) exist for the compound, the most appropriate shall be selected after considering the relevance and timing of the studies on which the levels are based.
- (b) If there is both a Unit Risk Factors (CalURFs) developed by the California Environmental Protection Agency-based concentration and a concentration based on a Minimal Risk Level (MRL) or a Reference Exposure Level (REL) for the compound, the more stringent of the two shall be selected.
- e. **No Available Data:** If there is no data available in any of the sources identified in Section 2(a) of this appendix for the compound, the applicant must perform a Tier 4 risk management analyses (RMA) under Rule 372-Maricopa County Hazardous Air Pollutants (HAPS) Program-Section 306-Risk Management Analyses (RMA) of these rules or forego the risk management analyses (RMA) option.
3. **ACUTE AMBIENT AIR CONCENTRATIONS:**
- a. Selection Of Concentration:
- (1) The first concentration identified by evaluating the following data sources in the order listed shall be adjusted, where required, and used as the acute ambient air concentration (AAAC) for the compound:
- (a) The level 2 four-hour average Acute Exposure Guideline Level developed by the EPA Office Of Prevention-Pesticides And Toxic Substances.
- (b) The level 2 Emergency Response Planning Guideline (ERPG) developed by the American Industrial Hygiene Association. The acute ambient air concentration (AAAC) shall be the Emergency Response Planning Guideline (ERPG) divided by two.
- (c) The level 2 Temporary Emergency Exposure Limit (TEEL) developed by the United States Department Of Energy's Emergency Management Advisory Committee's Subcommittee On Consequence Assessment And Protective Action. The acute ambient air concentration (AAAC) shall be the Temporary Emergency Exposure Limit (TEEL) divided by two.
- (2) **No Available Data:** If there is no data available in any of the sources identified in Section 3(a) of this appendix, the applicant must perform a Tier 4 risk management analyses (RMA) under Rule 372-Maricopa County Hazardous Air Pollutants (HAPS) Program-Section 306-Risk Management Analyses (RMA) of these rules or forego the risk management analyses (RMA) option.