
NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an “announcement” that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY AIR POLLUTION CONTROL

[R15-180]

- 1. Title and its heading:** 18, Environmental Quality
- Chapter and its heading:** 2, Department of Environmental Quality – Air Pollution Control
- Article and its heading:**
- 1, General
 - 2, Ambient Air Quality Standards; Area Designations; Classifications
 - 3, Permits and Permit Revisions
 - 4, Permit Requirements for New Major Sources and Major Modifications to Existing Major Sources
- Section numbers:** R18-2-101, R18-2-102, R18-2-201, R18-2-203, R18-2-217, R18-2-218, R18-2-301, R18-2-302, R18-2-302.01, R18-2-303, R18-2-304, R18-2-306, R18-2-306.01, R18-2-306.02, R18-2-307, R18-2-312, R18-2-319, R18-2-320, R18-2-324, R18-2-326, R18-2-327, R18-2-330, R18-2-332, R18-2-334, R18-2-401, R18-2-402, R18-2-403, R18-2-404, R18-2-405, R18-2-406, R18-2-407, R18-2-408, R18-2-410, R18-2-411, R18-2-412, R18-2-502, R18-2-503, R18-2-504, R18-2-507, R18-2-512, R18-2-513
Appendix 1 (*As part of the rulemaking, any other sections may be added, amended, or deleted as necessary.*)

2. The subject matter of the proposed rule:

The Arizona Department of Environmental Quality is considering amending its new source review (NSR) rules to remedy deficiencies identified by the Environmental Protection Agency (EPA) in its 2015 limited approval/limited disapproval of the state’s NSR program and to make other necessary changes. The amendments that would be included in this rulemaking are necessary to secure EPA’s approval of the rules as part of the state implementation plan (SIP) under the federal Clean Air Act.

This rulemaking would include revisions correcting technical deficiencies to the state’s major NSR program identified by EPA, as well as changes to ensure Arizona’s major NSR rules conform to current federal requirements. The changes would include updates to the Ozone and PM_{2.5} National Ambient Air Quality Standards (NAAQS) and application of Clean Air Act Title I, Part D, Subpart 4 requirements to PM_{2.5} nonattainment areas, as required by a 2013 decision by the United States Court of Appeals for the D.C. Circuit.

As required by EPA’s limited approval/limited disapproval of the state’s minor NSR program, the revisions would remove exemptions from public notice and comment requirements for sources that (1) are projected to result in criteria pollutant concentrations that are less than 75 percent of the NAAQS or (2) are installing reasonably available control technology based on the safe harbor provisions of the minor NSR rule (R18-2-334(D)(2)). The revisions would require public notice and comment for all source modifications subject to minor NSR as well as correcting technical deficiencies in the minor NSR program identified by EPA.

In addition, this action would amend the general permit rules in Article 5 to reflect minor NSR requirements, as well as the state’s new Web-based general permitting system and would streamline certain aspects of the permitting



process to ease regulatory burdens.

3. A citation to all published notices relating to the proceeding:

None

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

Name: Steve Burr
Address: 1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4251
Fax: (602) 771-2366
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5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

To be announced in the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Proposed Rulemaking.