

COUNTY NOTICES PURSUANT TO A.R.S. § 49-112(A) OR (B)

NOTICE OF PROPOSED RULE ADOPTED PURSUANT TO A.R.S. §
49-112(D)

Pinal County

(Pinal County Air Quality Control District)

1. Heading and number of the proposed, modified or repealed rule, ordinance or other regulation:

NOTE - For the sake of clarity, red-lining and strike-throughs have been eliminated from the section titles.

A. PINAL COUNTY AIR QUALITY CONTROL DISTRICT CODE OF REGULATIONS, as last amended 2/22/95

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

ARTICLE 1. PROVISIONS

1-1-105. SIP list

ARTICLE 3. DEFINITIONS

1-3-140. Definitions

CHAPTER 3. PERMITS AND PERMIT REVISIONS

ARTICLE 7. PERMIT AND INSPECTION FEES

3-7-600. Class B permit fees

3-7-602. Local designation of complex sources

CHAPTER 5. EXISTING STATIONARY SOURCE PERFORMANCE STANDARDS

ARTICLE 4. SANDBLASTING OR ABRASIVE BLASTING

5-4-175. Applicability and Performance Standard

ARTICLE 9. VOLATILE ORGANIC COMPOUNDS EMISSIONS

5-9-278. Applicability

5-9-280. Organic Solvents; Volatile Organic Compounds; Ambient Temperature Processes

5-9-290. Organic Solvents; Volatile Organic Compounds; Heated Processes

ARTICLE 10. PETROLEUM SOLVENT DRY CLEANING

5-10-330. Petroleum Solvent Dry Cleaners

ARTICLE 11. CHLORINATED SYNTHETIC SOLVENT DRY CLEANING

5-11-350. Chlorinated Solvent Dry Cleaners

ARTICLE 12. ARCHITECTURAL COATINGS

5-12-370. Architectural Coating Operations

ARTICLE 13. SURFACE COATING OPERATION

5-13-390. Spray Paint and Other Surface Coating Operations

ARTICLE 15. SOLVENT CLEANING

5-15-622. Degreasers - SIP Limitation

APPENDIX A. PERMIT APPLICATION FORM AND FILING INSTRUCTIONS

B. PINAL - GILA COUNTIES AIR QUALITY CONTROL DISTRICT RULES AND REGULATIONS, as last amended by the Pinal County Board of Supervisors on 6/16/80, which provisions were also approved as elements of the Arizona State Implementation Plan at 47 FR 15579 (4/12/82):

REG. 7-3-3.4 ORGANIC SOLVENTS: VOLATILE ORGANIC COMPOUNDS

2. Summary of the proposed rules and rule changes:

- A. §1-1-105 includes an additional SIP designation. The subject provision not only finds express antecedent at AAC R18-2-730(F), but was also approved as a SIP element under the auspices of Pinal-Gila Counties Air Quality Control District Reg. R7-3-3.4 (3/31/75), approved by the Administrator at 43 FR 50531 (11/15/78).
- B. §1-3-140.89 includes typographical corrections within the sub-elements of the definition of "non precursor compound," which in turn constitutes an element of the definition of "volatile organic compound," all to reflect the VOC definition in A.A.C. R18-2-101(116).
- C. §3-7-600(C) includes additional minimum fees for permit revisions for certain Class II sources, which minimum fees will more closely meet the obligation under A.R.S. § 49-480(D)(2) to effect a cost recovery with respect to administering a non-Title V permit. Based on information and belief, those minimum fees will not exceed the similar ADEQ-imposed fees under A.A.C. R18-2-326(J) and (M).
- D. New §3-7-600(F) establishes an annual inspection fee for Class B sources, as required by ARS § 49-480(D). The fee shall be calculated on a "time-and-material" basis, not to exceed the equivalent ADEQ fee established in AAC R18-2-326(E)(2)(a). An approval of this section by the Board will constitute an implicit finding that the equivalent ADEQ inspection fee amount constitutes a reasonable estimate of the average cost of services for an annual inspection. The total fee payable by a source remains subject to the limitation of existing §3-7-600(F); fees for a Class B source still cannot exceed 100% of the ADEQ fee for a non-complex source.
- E. §3-7-602, the local designation of complex sources, is repealed.
- F. §5-4-175, the sandblasting performance standard, is revised to more closely reflect its ADEQ antecedent, R18-2-726.

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- G. Appendix A, the permit application form, is revised to allow a "check-the-box" option for requesting "synthetic minor" status, as well as addition of an express application-certification in accord with §3-1-175, echoing A.A.C. R18-2-304(H).
- H. In the alternative, re-adoption in an unchanged form, re-adoption with one or more modifications, or total or partial repeal of the Pinal County "40#/15# rule." The effectiveness of any change would be conditioned upon EPA-approval of a corresponding revision to the applicable SIP. The alternatives include:
 - 1. Possible re-adoption of part or all of the various elements of the rule, in Chapter 5, Articles 9, 10, 11, 12, and 13 and §5-15-622, with or without modifications pertaining to:
 - a. Source class exemptions for sources subject to other analogous emission limitations.
 - b. Modification of the rule applicability triggers, to exempt smaller sources.
 - c. Revision of the rule-imposed control obligation, to allow for rational alternatives to the existing absolute 90% control requirement.
 - 2. Total or partial repeal.

3. **A demonstration of the grounds and evidence of compliance with A.R.S. § 49-112(A) or (B):**

Based on information and belief, the Director of the Pinal County Air Quality Control District affirms the following:

A. **Regarding "More Stringent" Provisions**

Certain of the options under consideration with respect to the "40#/15# rule" constitute emission standards which are more stringent than those promulgated by ADEQ. Insofar as other demonstrations are required under A.R.S. § 49-112(A) with respect to adoption of "more stringent" provisions, or arguably "more stringent" provisions, or arguably "more stringent" provisions, the demonstrations follow:

The subject "40#/15# rule" provisions were adopted by the Pinal County Board of Supervisors in 1980. The portions of those old rules of current concern were also approved by the Administrator of the EPA as elements of the State Implementation Plan in 1982, and are therefore enforceable as a matter of federal law in Pinal County. Modification or elimination of that independent enforceability as a matter of federal law requires the approval of the Administrator of the EPA.

At least elements of the subject rules are apparently at least in part "more stringent" than prevailing generally applicable ADEQ emission limitations.

Nonetheless, insofar as the Board may elect to merely renumber and effectively codify those provisions within the current regulatory structure, they are not being "adopted" or "revised" and therefore are believed to not fall subject to the obligation of A.R.S. § 49-479(C) and therefore do not trigger any of the demonstrations required under A.R.S. § 49-112. The subject provisions include §§ 5-9-280 and 5-9-290, if adopted in a unmodified form, §§ 5-10-330, 5-11-350, 5-12-370, 5-13-390 and 5-15-622, all of which are proposed for inclusion in the current Code in essentially their current form. Those provisions are not merely required by federal law; they are the federal law.

However, the options before the Board will include a variety of modifications of one or more of those existing SIP provisions (e.g. §§ 5-9-280 and 5-9-290). Such substantive modifications apparently do require a showing under A.R.S. § 49-112(A) by virtue of A.R.S. § 49-479(C). The federal enforceability of these provisions with respect to only Pinal County creates a peculiar local condition that gives rise to a need for the subject proposed revisions. The requirements arising from the original, existing text of those provisions proposed for modification are believed to pose a significant threat to the environment in Pinal County and, more specifically, to the economic environment in the County. The proposed revisions are believed to be far more technically and economically feasible than the existing federally enforceable provisions. Further, given the need for EPA-approval of the proposed changes in order to mitigate the existing federally enforceable provisions, the proposed configuration is believed to strike an optimal balance between addressing the threat to the local environment identified above and the simplicity required to receive EPA approval in a timely manner.

Based on a review of operating costs of the Pinal County Air Quality Control District, and a rational projection of permit revenues associated with permits required to implement and enforce any or all of such "more stringent" emission standards, the Director of the District finds that there is no danger whatever that the resulting fees will exceed the reasonable costs of the District to administer such a program.

B. **Regarding "As Stringent" Provisions**

The proposed changes to §§ 1-1-105, 1-3-140, 3-7-600, 3-7-602, 5-4-175 and Appendix A are all believed to involve matters that cannot be characterized as "more stringent" than equivalent ADEQ provisions. To the extent that § 5-9-278 may be repealed, or part or all of PGCAQCD Reg. 7-3-3.4 (6/16/80) may be repealed without re-adoption, part, such actions would fall into the same category. They involve changes to more closely conform to the District's understanding of prevailing ADEQ standards, to modify fees that are capped at ADEQ fee levels, or to revise the matters of a purely administrative nature that do no more than meet a statutory and rule-imposed mandate.

To the extent that the proposed changes may result in a rule-set establishing emission limitations mirror ADEQ's corresponding regulations, A.R.S. § 49-479(C) clearly gives rise to an obligation to make a showing under A.R.S. § 49-112(B).

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Based on a review of operating costs of the Pinal County Air Quality Control District, and a rational projection of permit revenues associated with permits required to implement and enforce the foregoing emission standards, there is believed to be no danger whatever that either the individual fees, or the whole of the resulting fees, will exceed the reasonable costs of the District to administer such a program.

Further, none of the changes alter the fee limitations in §§3-7-590 and 3-7-600, which effectively cap County-imposed fees at a level "approximately equal" to parallel ADEQ fees.

4. Name and address of the person to whom persons may address questions or comments:

Name: Donald P. Gabrielson, Director
Address: Pinal County Air Quality Control District
P.O. Box 987
Florence, Arizona 85232
Telephone: (520) 868-6760
Fax: (520) 868-6754

5. Where persons may obtain a full copy of the proposed rule or existing rules:

Name: Pinal County Air Quality Control District
Address: P.O. Box 987
457 South Central
Florence, Arizona 85232
Telephone: (520) 868-6760
Fax: (520) 868-6754

Note - the District has the proposed revisions, as well as supporting materials, available in hard-copy or on disk.

6. Date, time, and location of scheduled public workshops and hearings:

A. Public Workshop

Date: April 21, 1995
Time: 9:30 a.m.
Location: Board of Supervisor's Hearing Room
Administration Building No. 1
31 North Pinal Avenue
Florence, Arizona

Nature: Public workshop, to explain, discuss and accept preliminary comment on the proposed changes.

B. Public Hearing

Date: May 18, 1995
Time: 11 a.m.
Location: Board of Supervisor's Hearing Room
Administration Building No. 1
31 North Pinal Avenue
Florence, Arizona

Nature: Public hearing as an element of the regular meeting of the Pinal County Board of Supervisors, to consider formal adoption of the proposed revisions.