

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

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

Pinal County

(Pinal County Air Quality Control District)

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 Heading and number of the proposed, modified or repealed rule, ordinance or other regulation:

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

1-3-130. Adopted Document(s)

1-3-140. Definitions

CHAPTER 2. AMBIENT AIR QUALITY STANDARDS

ARTICLE 5. LIMITATION OF POLLUTANTS IN CLASSIFIED ATTAINMENT AREAS

2-5-160. Ambient Air Increment Ceilings

2-5-180. Baseline Date

CHAPTER 3. PERMITS AND PERMIT REVISIONS

ARTICLE 1. GENERAL PROVISIONS RELATING TO PERMITS AND PERMIT REVISIONS

3-1-040. Applicability and Classes of Permits

3-1-050. Permit Application Requirements

ARTICLE 2. PERMIT AMENDMENTS AND REVISIONS

3-2-180. Facility Changes Allowed Without Permit Revisions

ARTICLE 7. PERMIT AND INSPECTION FEES

3-7-600. Class B Permit Fees

3-7-602. Local Designation of Complex Sources

3-7-610. General Permit Fees - Class I Sources

3-7-612. General Permit Fees - Class II Sources

3-7-620. Annual Permit Fee Payment

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; Emissions of Volatile Organic Compounds

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

5-15-640. Monitoring and Records

CHAPTER 7. HAZARDOUS AIR POLLUTANT STANDARDS

ARTICLE 1. FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

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

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, any of which may be adopted in whole or in part:

A. § 1-1-105(A) deletes the definition of "MACT" as a proposed SIP element.

B. § 1-1-105(D)(4) and (D)(5) propose possible modification of the SIP with respect to the existing Pinal County "40#/15# rule," previously approved as a SIP element at 47 FR 15579 (4/12/82) pursuant to Pinal-Gila Counties Air Quality Control District Reg. R7-3-3.4 (6/16/80), wherein the Board will have options to seek EPA-approval of either:

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1. A renumbered substitution under the SIP of a modified version of the rule; or
 2. A renumbered substitution under the SIP of a modified version of the rule, with an additional limitation that the rule will only remain operative as a SIP element in a limited geographic region of the County and will be deleted elsewhere as a SIP provision; or
 3. A total deletion of the underlying rule from the SIP.
- C. §1-1-105(D)(7) through (11) propose a renumbered substitution under the SIP of several existing SIP elements, which were approved by the Administrator at 47 FR 15579 (4/12/82) pursuant to Pinal-Gila Counties Air Quality Control District Reg. R7-3-3.4 (6/16/80).
- D. §1-1-105(D)(18) proposes a renumbered substitution under the SIP of an existing SIP element, which not only finds express antecedent at A.A.C. R18-2-730(F) but was also EPA-approved as a SIP element at 43 FR 50531 (11/15/78) pursuant to Pinal-Gila Counties Air Quality Control District Reg. R7-3-3.4 (3/31/75).
- E. §1-3-140(16)(a) expands the definition of "area source" to include meanings from both the CAA and EPA regulations.
- F. §1-3-140(19)(a) adds the 40 CFR 51 definition of "begin actual construction," in response to EPA comments on the District's NSR SIP submittal.
- G. §1-3-140(74)(a) revises the definition of "insignificant activity" to allow Class B sources to also benefit from the implementation of that concept.
- H. §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).
- I. §2-5-160 revises a typographical error in the PM₁₀ increment ceiling for a Class III area.
- J. §2-5-180(B)(3) corrects a reference.
- K. §3-1-040(B)(1)(b) makes a grammatical correction.
- L. §3-1-050(E) allows Class B sources to also avoid the need to quantify emissions from "insignificant activities."
- M. §3-2-180(C) clarifies the availability of emission trading, in response to EPA comments on the District's NSR SIP submittal.
- N. New §3-7-600(F) establishes an annual inspection fee for Class B sources, as required by A.R.S. § 49-480(D). The fee shall be calculated on a "time-and-material" basis, not to exceed the equivalent ADEQ fee established in A.A.C. 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.
- O. §3-7-602, the local designation of complex sources, is repealed.
- P. §3-7-610(B)(1) makes a grammatical correction.
- Q. §3-7-612(C) clarifies and revises the fee payment schedule for Class II sources operating under a general permit.
- R. §3-7-620 clarifies and revises the fee payment schedule for sources operating under individual permits.
- S. §5-4-175, the sandblasting performance standard, is revised to more closely reflect its ADEQ antecedent, R18-2-726.
- T. §5-9-278 affords the Board the option of limiting the scope-of-operation of a proposed revision of the Pinal County "40# rule."
- U. §5-9-280 affords the Board the option of adopting revisions to the Pinal County "40# rule," found at R7-3-3.4 (6/16/80) and SIP-approved at 47 FR 15579 (4/12/82).
- V. §5-10-330 recodifies the existing SIP standard for solvent dry cleaners, found at R7-3-3.4 (6/16/80) and SIP-approved at 47 FR 15579 (4/12/82).
- W. §5-11-350 recodifies the existing SIP standard for chlorinated solvent dry cleaners, found at R7-3-3.4 (6/16/80) and SIP-approved at 47 FR 15579 (4/12/82).
- X. §5-12-370 recodifies the existing SIP standard for architectural coating operations, found at R7-3-3.4 (6/16/80) and SIP-approved at 47 FR 15579 (4/12/82).
- Z. §5-13-390 recodifies the existing SIP standard for spray paint and other surface coating operations, found at R7-3-3.4 (6/16/80) and SIP-approved at 47 FR 15579 (4/12/82).
- AA. §5-15-622 recodifies the existing SIP standard for solvent degreasers, found at R7-3-3.4 (6/16/80) and SIP-approved at 47 FR 15579 (4/12/82).
- BB. §5-15-640 conforms the record retention requirement to five rather than two years.
- CC. §7-1-030(B) makes a grammatical correction.
- DD. §7-1-030(B)(2) mirrors ADEQ's 2/17/95 adoption of 40 CFR 63, Subpart B.
- EE. §8-1-030 adds a revision notation.
- FF. 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)
- GG. Appendix J, R7-3-3.4 (6/16/80), a proposed repeal, contingent upon EPA-approval of a corresponding SIP-revision.

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" (See Code Appendix J, R7-3-3.4 (6/16/80)) 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 adoption of "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 proposed for recodification include §§ 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.

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However, the options before the Board (i.e. §§ 5-9-278 and 5-9-280) include proposed modification of those existing SIP emission standard provisions. 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 fact that these provisions are enforceable as a matter of federal law only in 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 other proposed changes are all believed to involve matters that cannot be characterized as "more stringent" than equivalent ADEQ provisions. They involve changes to more closely conform to prevailing ADEQ standards, to modify fees that are capped at ADEQ fee-levels, or to revise the matters of a purely clerical or administrative nature that do no more than meet statutory and rule-imposed mandates in a clear and understandable manner.

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).

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
574 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 hearing:

Date: October 12, 1995
Time: 2 p.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 some, all, or none of the proposed revisions.