

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

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

NOTICE OF FINAL RULEMAKING

PINAL COUNTY

1. Sections Affected

Rulemaking Action

Chapter 1 - General Provisions And Definitions

§ 1-1-105.SIP List

Amend

2. Statutory Authority:

Generally, see A.R.S. Title 49, Chapter 3, Article 3, which affords the Board of Supervisors authority to adopt rules and implement a permitting program. Specifically, see A.R.S. §§ 49-112, 49-471, 49-479 and 49-480.

3. The effective date of the rules:

December 19, 2001

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

See 1 A.A.R. 1564, September 8, 1995, Notice of Proposed Rule Adopted Pursuant to A.R.S. §49-112(A) or (B)

See 6 A.A.R. 1677, May 5, 2000, County Notices of Proposed Rulemaking and Public Hearing

See 6 A.A.R. 1920, May 26, 2000, County Notices of Proposed Rulemaking and Public Hearing

See 6 A.A.R. 1939, May 26, 2000, Notice of Public Information

See 7 A.A.R. 5088, November 2, 2001, Combined Notification of Proposed Rulemaking and Public Hearing

5. Name and address of the person with whom persons may communicate regarding the rulemaking:

Name: Donald P. Gabrielson, Director
Address: Pinal County Air Quality Control District
P.O. Box 987
Florence, AZ 85232

Telephone: (520) 868-6929

Fax: (520) 868-6967

E-mail: don.gabrielson@co.pinal.az.us

6. An explanation of the rule, including the District's reasons for initiating the rule:

The Clean Air Act requires that a state, or its empowered political subdivisions, adopt and enforce such measures as may be required to attain and maintain the ambient air quality standards. That package of measures must be approved by the Environmental Protection Agency, and that collective package of measures is identified as the "state implementation plan" or "SIP."

From 1980 to 1982, the EPA approved certain Pinal County rules as SIP elements. Since 1993, Pinal County has adopted a new code of regulations, with a wholly new structure and nomenclature. Many of those provisions were presented as either successor, or wholly new, SIP elements. Code §1-1-105 defines those elements of the current code that the County has proposed for SIP-approval by the EPA.

The County correspondingly proposed to rescind all of the "old" rules as approved into the SIP in the 1980's. In most cases, that rescision would be contingent upon EPA approval of successor SIP elements from the new code of regulations. However, in some cases, the County asked for outright rescision of the old SIP provision, without replacement.

R7-3-3.4 was one of the "old" rules approved as a SIP element in 1982. That rule specifically regulated organic material emissions. Although the county had proposed a number of rules as successor SIP elements, the EPA finally approved outright SIP-rescission of Rule R7-3-3.4, without requiring any successor SIP provisions. See 66 FR 49293, September 27, 2001.

In view of the EPA's conclusion that no successor was necessary, this change by the Board of Supervisors merely revokes the County's request that successor provisions be approved as SIP elements. Those individual rules will still

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retain vitality as a matter of state law, but as a result of this action will not be further considered for approval as elements of the federally enforceable state implementation plan.

7. A List of all studies regarding evaluation of or justification for the proposed revisions.

None

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

Not applicable

9. Economic, Small Business and Consumer Impact Statement

Requests for additional information or comment regarding the economic, small business or consumer impact of this action may be directed to the contact person listed in Section 4. The costs to the County, as a political subdivision, will be those continuing costs required to administer the program. On the other hand, the County has corresponding authority to collect permit fees and request grant funding, which will balance out the costs to the County for rulemaking and administration of the SIP.

This action will have no effect on state revenues.

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

Section 5-24-2050 Municipal Solid Waste Landfills - was added during the final rulemaking process as another SIP provision that should be deleted as a SIP element. The rule will continue to be locally enforced in the Pinal County Air Quality Control District Code of Regulations. Section 1-1-105. SIP List Item D. will have only 17 items listed instead of the previous 26 items.

11. A summary of principal comments and the District's response to them:

One individual attended the public workshop on November 27, 2001, and was not opposed to the revision of the SIP List. No one spoke at the public hearing on December 19, 2001.

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

Not applicable

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

None

14. Was the rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

1-1-105. SIP List

A. As a declaration of Board policy rather than a rule, and subject to the limitations of paragraphs B. and C. of this section, the Board of Supervisors expressly designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP:

1. Chapter 1

- a. Article 1.(As amended 5/14/97 and 5/27/98), except for §§1-1-105 and 1-1-107.
- b. Article 2 (As amended 5/14/97 and 07/12/00).
- c. Article 3. (As amended 5/14/97 and 5/27/98, except for the definition in § 1-3-140.81 (10/12/95) of "maximum achievable control technology.")

2. Chapter 2

- a. Article 1. (As amended 10/12/95).
- b. Article 2. (As amended 5/14/97).
- c. Article 3. (As amended 10/12/95).
- d. Article 4. (As amended 10/12/95).
- e. Article 5. (As amended 10/12/95).
- f. Article 6. (As amended 10/12/95).
- g. Article 7. (As amended 10/12/95).

3. Chapter 3

- a. Article 1. (As amended 5/14/97 and 5/27/98 and 07/12/00), excluding §§ 3-1-045 (2/22/95) and 3-1-100 (2/22/95).

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- b. Article 2. (As amended 10/12/95, 5/27/98 and 7/29/98).
- c. Article 3. (As amended 10/12/95).
- d. Article 5. (As amended 5/27/98).
- e. Article 8. (As amended 10/12/95).
- 4. Chapter 4
 - a. Article 1. (As amended 2/22/95).
 - b. Article 2. (As amended 5/14/97 and 07/12/00).
- B. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, those provisions, save §3-1-084 which shall be expressly exempted from the limitation of this paragraph, shall operate as elements of the SIP only insofar as they pertain to:
 - 1. "Construction," as defined in Nov. '93 Code §1-3-140.28; or
 - 2. "Modification," as defined in Nov. '93 Code §1-3-140.84; and
- C. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, neither those provisions nor any permit conditions imposed pursuant to those provisions shall:
 - 1. Operate as elements of the SIP insofar as they pertain to other than "conventional pollutants," as defined in § 1-3-140.33;
 - 2. Operate as elements of the SIP insofar as they pertain only to a requirement arising under, or pertain to a source subject to regulation exclusively by virtue of a requirement arising under:
 - a. § 111 of the Clean Air Act; or
 - b. Title IV of the 1990 amendments to the Clean Air Act; or
 - c. Title VI of the 1990 amendments to the Clean Air Act; or
 - d. Any section of this Code that is not a part of the SIP;
 - 3. Operate as an element of the SIP, at least insofar as they impose a "fee";
 - 4. Operate as an element of the SIP, at least insofar as they require a "certification";
 - 5. Operate as an element of the SIP, at least insofar as they impose obligations pertaining to "renewals";
 - 6. Operate as an element of the SIP, at least insofar as they impose requirements regarding "excess emissions"; or
 - 7. Operate as an element of the SIP, at least insofar as they impose requirements regarding "compliance plans."
- D. As a renumbering and reconciliation of previously approved SIP provisions as elements of this Code, the Board of Supervisors additionally designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP without operational limitation:
 - 1. §§ 1-1-010.C (2/22/95) and 1-1-010.D (2/22/95) *Declaration of Policy*
 - 2. Chapter 2, Article 8 (As amended 5/14/97) *Visibility Limiting Standard*
 - 3. Chapter 3, Article 8 (2/22/95) *Open Burning*
 - 4. ~~§ 5-9-278. Applicability (As amended 10/12/95 and 07/12/00)~~
 - 5. ~~§ 5-9-280 (10/12/95) Organic Solvents; Control of Volatile Organic Compound Emissions~~
 - 6. ~~4. [Reserved]~~
 - 7. ~~§ 5-10-330 (10/12/95) Petroleum Solvent Dry Cleaners~~
 - 8. ~~§ 5-11-350 (10/12/95) Chlorinated Solvent Dry Cleaners~~
 - 9. ~~§ 5-12-370 (10/12/95) Architectural Coatings~~
 - 10. ~~§ 5-13-390 (10/12/95) Surface Coating Operations~~
 - 11. ~~§ 5-15-622 (10/12/95) Degraders - SIP Limitation~~
 - 12. ~~5. § 5-18-740 (2/22/95) Storage of Organic Compounds - Organic Compound Emissions~~
 - 13. ~~6. § 5-19-800 (2/22/95) Loading of Volatile Organic Compounds - Organic Compound Emissions~~
 - 14. ~~7. § 5-21-920 (2/22/95) Fossil Fuel Fired Industrial and Commercial Equipment Standard Applicability~~
 - 15. ~~8. § 5-21-930 (2/22/95 and 07/12/00) Fossil Fuel Fired Industrial and Commercial Equipment Particulate Emission Standard~~
 - 16. ~~9. § 5-22-950 (2/22/95) Fossil Fuel Fired Steam Generator Standard Applicability~~
 - 17. ~~10. § 5-22-960 (2/22/95) Fossil Fuel Fired Steam Generator Sulfur Dioxide Emission Limitation~~
 - 18. ~~11. § 5-24-1030.F (2/22/95) Generally Applicable Federally Enforceable Minimum Standard of Performance - Organic Compound Emissions~~
 - 19. ~~12. § 5-24-1030.I (2/22/95) Generally Applicable Federally Enforceable Minimum Standard of Performance - Carbon Monoxide~~
 - 20. ~~13. § 5-24-1032 (2/22/95) Federally Enforceable Minimum Standard of Performance - Process Particulate Emissions~~
 - 21. ~~14. § 5-24-1040 (2/22/95) Carbon Monoxide Emissions - Industrial Processes~~
 - 22. ~~15. § 5-24-1045 (2/22/95) Sulfite Pulp Mills - Sulfur Compound Emissions~~
 - 23. ~~16. § 5-24-1050 (2/22/95, as amended June 20, 1996) Reduced Sulfur Emissions - Default Limitation~~
 - 24. ~~17. § 5-24-1055 (2/22/95) Pumps and Compressors - Organic Compound Emissions~~

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- 25. ~~§ 5-24-2050 (5/17/97 an 07/12/00) Municipal Solid Waste Landfills~~
- 26. ~~§ 5-35-2060 through 2066 (07/12/00) Hospital Medical/Infectious Waste Incinerators~~

Editor's Note: The following language is part of Pinal County's Notice of Final Rulemaking.

[Adopted effective June 29, 1993. Amended effective November 3, 1993. Amended August 29, 1994. Amended February 22, 1995. Amended October 12, 1995. Amended June 25, 1997. Amended May 27, 1998 and ratified July 29, 1998. Amended July 29, 1998. Amended on July 12, 2000. Amended on December 13, 2000. Amended December 19, 2001. ~~Revisions shall be contingent upon corresponding EPA approval of a revision to the SIP as EPA approved at 61 FR 15717, April 9, 1996.]~~