

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

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NOTICE OF EXPEDITED RULEMAKING PIMA COUNTY AIR QUALITY CONTROL REGULATIONS

Pima County Code

Title 17 – Air Quality Control

Chapter 4 General Provisions

Chapter 8 Ambient Air Quality Standards

Chapter 12 Permit And Permit Revisions

Chapter 16 Emission Limiting Standards

Chapter 28 Violations And Conditional Orders

PREAMBLE

1. Sections Affected

PCC 17.04.070
PCC 17.08.110
PCC 17.08.130
PCC 17.12.060
PCC 17.12.070
PCC 17.12.140
PCC 17.12.160
PCC 17.12.170
PCC 17.12.180
PCC 17.12.210
PCC 17.12.365
PCC 17.12.480
PCC 17.12.490
PCC 17.12.540
PCC 17.16.130
PCC 17.16.165
PCC 17.16.430
PCC 17.16.530
PCC 17.16.700
PCC 17.28.065
Table 17.16.040

Rulemaking Action

Amend
Amend

2. Statutory authority for the rulemaking:

A.R.S. § 49-112
A.R.S. § 49-424(3)
A.R.S. § 49-479.04
A.R.S. § 49-479.08

3. List of all previous notices appearing in the register addressing the proposed rule or ordinance and a concise explanatory statement.

None

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

Name: Jean Parkinson
Program Coordinator

Arizona Administrative Register / Secretary of State

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

Address: Pima County DEQ
150 W. Congress
Tucson, AZ 85701

Telephone: (520) 740-3978

Fax: (520) 882-7709

E-mail: Jean.Parkinson@DEQ.CO.PIMA.AZ.US

5. An explanation of the rule, including the Control Officer's reasons for initiating the rule:

Summary: This rulemaking contains amendments to Pima County Code Title 17, which makes corrections to typographical errors; conforms to directly reflect federal and state rule or law, and incorporates by reference provisions of the Arizona Administrative Code and the U.S. Code of Federal Regulations.

Statutory Authority: A.R.S § 49-471.08 – Expedited rule or Ordinance making – provides a statutory mechanism for a declaration of an expedited process if the rulemaking is a conforming change to directly reflect federal or state rule or law.

Background: Periodically the Pima County Department of Environmental Quality updates and conforms to the Arizona Administrative Code and the Code of Federal Regulations in an effort to achieve consistency and accuracy in Air Quality Regulations for Pima County. The last conforming changes to Title 17 were in 1999.

Section by Section Analysis

PCC 17.04.070	Amend	Updates Code of Federal Regulation references to 2004 version
PCC 17.08.110	Amend	Conforms to CFR part 81 § 81.303, designating Tucson planning area as Attainment for CO
PCC 17.08.130	Amend	Conforms to CFR part 81 § 81.303, designating Ajo planning area as Maintenance for SO ₂
PCC 17.12.060	Amend	Conforms to Arizona Administrative Code § R18-2-313, Existing Source Emission Monitoring
PCC 17.12.070	Amend	Adds subsection references to clarify the rule requirement
PCC 17.12.140	Amend	Conforms to Arizona Administrative Code § R18-2-302, Applicability; Classes of Permits
PCC 17.12.160	Amend	Removes an unnecessary subsection reference.
PCC 17.12.170	Amend	Conforms to Arizona Administrative Code § R18-2-305, Public Records; Confidentiality
PCC 17.12.180	Amend	Conforms to Arizona Administrative Code § R18-2-306, Permit Contents
PCC 17.12.210	Amend	Conforms to Arizona Administrative Code § R18-2-306, Compliance Plan Certification
PCC 17.12.365	Amend	Updated the reference date from July 1, 1996 to July 1, 2004
PCC 17.12.480	Amend	Conforms to Arizona Administrative Code § R18-2-602, Unlawful Open Burning
PCC 12.12.490	Repeal	Repeal Provision relating to standard permit requirements for open burning.
PCC 17.12.540	Amend	Removes outdated Activity Permit Fee Schedule from the code.

Arizona Administrative Register / Secretary of State

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

PCC 17.16.130	Amend	Conforms to Arizona Administrative Code § R18-2-702, General Provisions
PCC 17.16.165	Amend	Corrects an incorrect code reference within the provision.
PCC 17.16.430	Amend	Typographical error, adds a comma within a series
PCC 17.16.490	Amend	Updates and renumbers incorporation by reference to 2004 version of Federal National Standards of Performance for New Stationary Sources (NSPS), pursuant to 40 CFR Part 60
PCC 17.16.530	Amend	Updates and renumbers incorporation by reference to 2004 version of Federal National Emissions Standards for Hazardous Pollutants, (NESHAP), pursuant to 40 CFR Part 61
PCC 17.16.700	Amend	Updates and renumbers incorporation by reference to 2004 version of Federal National Emission Standards for Hazardous Air Pollutants for Source Categories (NESHAP), pursuant to 40 CFR 63
PCC 17.28.065	Amend	Incorporates by reference Arizona Administrative Code § R18-2-310.01
Table 17.16.040	Amend	Conforms to Arizona Administrative Code § R18-2-702, General Provisions

6. A demonstration of the grounds and evidence of compliance with A.R.S. § 49-112

Based on information and belief, the Control Officer of the Pima County Department of Environmental Quality affirms the following:

Pima County is in compliance with A.R.S. §49-112(A) in that Pima County Department of Environmental Quality adopted ordinances that are not more stringent than nor are they in addition to any provisions of A.R.S. Title 49 or rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49.

7. A demonstration of the grounds and evidence of compliance with A.R.S. § 49-471.08:

Pursuant to A.R.S. §49-471.08, this rulemaking includes conforming changes to directly reflect federal and state rule of law and is thereby declared an expedited rulemaking. The rulemaking does not alter the sense, meaning or effect of the federal or state rule of law and is substantially identical to the rule in which it is derived.

8. Reference to any study relevant to the rule that the Control Officer reviewed and either relied or did or did not rely on in its evaluation of or justification for the rule, where the public may review each study, all data underlying each study, and any analysis of each study and other supporting material:

No studies were reviewed in reference to this rulemaking action.

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

Not applicable

10. The preliminary summary of the economic, small business, and consumer impact:

Pima County is proposing to update its incorporations by reference of the following federal regulations: New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and Acid Rain. These revisions should not have an economic impact on businesses in Pima County, and should not impose additional costs on the regulated community, small businesses, political subdivisions, and members of the public beyond that already incurred by reason of Federal or State law. In addition, Pima County is updating rules to conform to the Arizona Administrative Code and recent rule amendments finalized by the Arizona Department of Environmental Quality. These revisions should have not have an economic impact on Pima County businesses beyond that already incurred by reason of State law.

11. Name and address of department personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Jean Parkinson, Program Coordinator

Address: Pima County DEQ
150 W. Congress
Tucson, AZ 85701

Telephone: (520) 740-3978
Fax: (520) 882-7709
E-mail: Jean.Parkinson@DEQ.CO.PIMA.AZ.US

12. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules and or ordinance:

Written comments will be accepted if received between the date of this publication and **October 12, 2004 at 5:00 p.m.** Written comments may be mailed or hand delivered to the Pima County Department of Environmental Quality (see #4 above). Written comments received during the comment period will be considered formal comments to the proposed expedited rule or ordinance, and will be responded to in the notice of final rulemaking.

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

None

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

New incorporations by reference (subparts or larger):

Acid Rain (40 CFR Part 72, July 1, 2004): Rule 17.12.365

NSPS (40 CFR Part 60, July 1, 2004): Rule 17.16.490

NESHAP (40 CFR Part 61, July 1, 2004): Rule 17.16.530 (A)

NESHAP (40 CFR Part 63, July 1, 2004): Rule 17.16.530 (B)

All referenced incorporations provided in the text of the rule or ordinance are available for review at the Pima County Department of Environmental Quality. The federal regulations: New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and Acid Rain are also available for review at: <http://www.ecfr.gpoaccess.gov>

15. The proposed effective date for the rule or ordinance.

The contents of this rulemaking will go into effect thirty days after Board adoption. The rule or ordinance will be scheduled for a public hearing/oral proceeding before the Board on:

Time: **October 19, 2004 at or after 9:00 a.m.**

Place: Pima County Board of Supervisors Public Hearing Room
130 West Congress Street, First Floor
Tucson, AZ 85701

16. The full text of the rule follows:

Title 17 of the Pima County Code Air Quality Control

ORDINANCE 2004-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO THE ENVIRONMENT AND AIR QUALITY; AMENDING CHAPTERS 17.04; 17.08; 17.12; 17.16; 17.28 TO CONFORM WITH CORRESPONDING STATE AND FEDERAL AIR QUALITY REGULATIONS.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

SECTION 1. Chapter 17.04, Section 17.04.070 is hereby amended to read:

**Chapter 17.04
GENERAL PROVISIONS**

17.04.070 Incorporated Materials.

3. All parts of the CFR referenced in this Title are amended as of July 1, ~~1996~~ 2004 unless specifically indicated otherwise.

(Ord. 2004- § __, Ord. 1997-79 § 1, 1997; Ord. 1995-87 § 2, 1995; Ord. 1993-128 § 1, 1993)

SECTION 2. Chapter 17.08 is hereby amended by amending, Sections 17.08.110 and 17.08.130 to read as follows:

**Chapter 17.08
AMBIENT AIR QUALITY STANDARDS**

17.08.110 Tucson CO ~~non~~attainment area

A. An area defined by the following ~~geographic~~ Township/Range/Section coordinates, as listed in 40 CFR 81.303, shall be an ~~non~~attainment area for CO:

<u>LATITUDE</u>	<u>LONGITUDE</u>
32°38.5'N	111°24.0'W
32°26.5'N	110°47.5'W
32°12.5'N	110°32.5'W
31°49.5'N	110°25.5'W

<u>LATITUDE</u>	<u>LONGITUDE</u>
31°42.0'N	110°50.5'W
31°52.5'N	111°12.5'W
32°24.5'N	111°29.0'W

All portions of Coronado National Forest and Saguaro National Monument lying within the nonattainment area are excluded.

B. The Tucson nonattainment area for CO shall be a Class II attainment area for SO₂, NO₂, and O₃, and unclassified for PM₁₀.

<u>Designated Area</u>	<u>Designation</u>		<u>Classification</u>	
	<u>Date</u>	<u>Type</u>	<u>Date</u>	<u>Type</u>
<u>Tucson Area: Pima County Township and Ranges as follows: T11-12S, R12-14E; T13-15S, R11-16E; and T16S, R12-16E Gila and Salt River Baseline and Meridian excluding portions of the Saguaro National Monument and the Coronado National Forest.</u>	<u>July 10, 2000</u>	<u>Attainment</u>		

(Ord. 2004- § __, Ord. 1993-128 § 2, 1993; Ord. 1986-227 § 1 (part), 1986; Ord. 1985-183 (part), 1985; Ord. 1983-196 (part), 1983)

17.08.130 Ajo nonattainment area.

A. ~~An area encompassing Ajo and its immediate surroundings shall be a nonattainment area for SO₂, defined by the following township/range/section coordinates:~~

~~T11S-R6W, T11S-R5W;
T12S-R6W, T12S-R5W;
T13S-R6W.~~

A. An area defined by the following Township/Range/Section coordinates, as listed in 40 CFR 81.303, shall be an attainment area for SO₂:

<u>Designated Area</u>	<u>Does not meet primary standards</u>	<u>Does not meet secondary standards</u>	<u>Cannot be classified</u>	<u>Better than nations standards</u>
<u>Ajo (T11-13S, R5W-R6W)</u>	--	--	--	<u>X</u>

(Ord. 2004- §, Ord. 1993-128 § 2, 1993; Ord. 1985-183 (part), 1985; Ord. 1983-196 (part), 1983)

SECTION 3. Chapter 17.12 is hereby amended by amending Sections 17.12.060, 17.12.070, 17.12.140, 17.12.160, 17.12.170, 17.12.180, 17.12.210 and 17.12.540 to read as follows:

**Chapter 17.12
PERMITS AND PERMIT REVISIONS**

17.12.060 Existing source emission monitoring.

- A. Every source subject to an existing source performance standard as specified in this title shall install, calibrate, operate, and maintain all monitoring equipment necessary for continuously monitoring the pollutants and other gases specified in this Section for the applicable source category.
1. Applicability.
 - a. Fossil fuel-fired steam generators as specified in ~~subdivision 1~~ of subsection ~~€ (C)(1)~~ of this Section, shall be monitored for opacity, nitrogen oxides emissions, sulfur dioxide emissions, and oxygen or carbon dioxide.
 - b. Fluid bed catalytic cracking unit catalyst regenerators, as specified in ~~subdivision 4~~ of subsection ~~€ (C)(4)~~ of this Section, shall be monitored for opacity.
 - c. Sulfuric acid plants, as specified in ~~subdivision 3~~ of subsection ~~€ (C)(3)~~ of this Section, shall be monitored for sulfur dioxide emissions.
 - d. Nitric acid plants, as specified in ~~subdivision 2~~ of subsection ~~€ (C)(2)~~ of this Section, shall be monitored for nitrogen oxides emissions.
 2. ~~Exemptions.~~
 - a. Emission monitoring shall not be required when the source of emissions is not operating.
 3. Variations.
 - a. Unless otherwise prohibited by the Act, the control officer may approve, on a case-by-case basis, alternative monitoring requirements different from the provisions of this Section if the installation of a

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

continuous emission monitoring system cannot be implemented by a source due to physical plant limitations or extreme economic reasons. Alternative monitoring procedures shall be specified by the control officer on a case-by-case basis and shall include as a minimum, annual manual stack tests for the pollutants identified for each type of source in this Section. Extreme economic reasons shall mean that the requirements of this Section would cause the source to be unable to continue in business.

(Ord. 2004- § __, Ord. 1994-83 § 6, 1994: Ord. 1993-128 § 3 (part), 1993)

17.12.070 Quality assurance.

Facilities subject to permit requirements of this chapter shall submit a quality assurance plan to the control officer that meets the requirements of 17.12.040(D)(3) within twelve months of the effective date of this section. Facilities subject to the requirements of 17.12.060 shall submit a quality assurance plan as specified in the permit. (Ord. 2004- § __, Ord. 1995-87 § 10, 1995: Ord. 1994-83 § 7, 1994: Ord. 1993-128 § 3 (part), 1993)

17.12.140 Applicability; classes of permits.

B. There shall be two classes of permits as follows:

1. A Class I permit shall be required for a person to commence construction of or operate any of the following:
 - a. Any major source.
 - b. Solid waste incineration units required to obtain a permit pursuant to section 129 (e) of the Act (Solid Waste Combustion).
 - c. An affected source.
 - d. Any source in a source category designated by the Administrator pursuant to 40 CFR 70.3 and adopted by the control officer by rule.
2. Unless a Class I permit is required, a Class II permit shall be required for:
 - a. A person to commence construction of or modify either of the following:
 - (i) ~~A source that emits with controls, or has the potential to emit with controls, ten (10) tons per year or more of any hazardous air pollutant listed under A.R.S. § 49-426.04 (A)(1) or twenty-five (25) tons per year of any combination of hazardous air pollutants.~~
 - (ii) ~~A source that is within a category designated pursuant to A.R.S. 49-426.05 and that emits, or has the potential to emit, with controls one (1) ton per year or more of a hazardous air pollutant or two and one-half (2½) tons per year of any combination of hazardous air pollutants.~~
 - b. ~~A person to commence construction of or operate any of the following:~~
 - (i) Any source, including an area source, subject to a standard, limitation, or other requirement under section 111 of the Act (Standards of Performance for New Stationary Sources).
 - (ii) Any source, including an area source, subject to a standard or other requirement under section 112 of the Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of the Act.
 - (iii) Any source that emits, or has the potential to emit, without controls, significant quantities of regulated air pollutants.
 - (iv) Stationary rotating machinery of greater than 325 brake horsepower.

- (v) Fuel-burning equipment which, at a location or property other than a one or two family residence, are fired at a sustained rate of more than one million BTU per hour for more than an eight hour period.
- e ~~A person to make a modification to a source which would cause it to emit, or have the potential to emit, quantities of regulated air pollutants greater than those specified in items i and ii of paragraph a and item iii of paragraph b of this subdivision.~~
- b. A person to modify a source which would cause it to emit, or have the potential to emit, quantities of regulated air pollutants greater than or equal to those specified in subsection (B)(2)(a)(iii).

- D. No person may construct or reconstruct any major source of hazardous air pollutants unless the control officer determines that maximum achievable control technology emission limitation (MACT) for new sources under section 112 of the Act will be met. ~~Where~~ If MACT has not been established by the Administrator, such determination shall be made on a case-by-case basis pursuant to 40 CFR 63.40 through 63.44, as incorporated by reference in 17.16.530.B. For purposes of this subsection, construction and reconstructing a major source shall have the meanings prescribed in 40 CFR 63.41. (Ord. 2004- § __, Ord. 1998-27 § 3, 1998; Ord. 1995-87 § 11, 1995; Ord. 1994-83 § 11, 1994; Ord. 1993-128 § 3 (part), 1993)

17.12.160 Permit application processing procedures.

- C. Unless otherwise required by 17.12.150 ~~B. through F.~~, a timely application is:

1. For a source, other than a major source, applying for a permit for the first time, one that is submitted within 12 months after the source becomes subject to the permit program.
2. For purposes of permit renewal, a timely application is one that is submitted at least 6 months, but not greater than 18 months prior to the date of permit expiration.
3. For initial phase II acid rain permits under Title IV of the Act and regulations incorporated pursuant to section 17.12.365, one that is submitted to the control officer by January 1, 1996, for sulfur dioxide, and by January 1, 1998, for nitrogen oxides.
4. Any existing source which becomes subject to a standard promulgated by the Administrator pursuant to section 112(d) of the Act (Hazardous Air Pollutants) shall, within twelve 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.

(Ord. 2004- § __, Ord. 1998-27 § 4, 1998; Ord. 1997-79 § 4, 1997; Ord. 1995-87 § 12, 1995; Ord. 1994-83 § 13, 1994; Ord. 1993-128 § 3 (part), 1993)

17.12.170 Public records; confidentiality.

- B. Any records, reports or information obtained from any person under this title, including records, reports or information obtained or prepared by the control officer or a county employee, shall be available to the public, except that the information or any part of the information shall be considered confidential on either of the following:
1. A showing, satisfactory to the control officer, by any person that the information or a part of the information if made public would divulge the trade secrets of the person. A request for confidentiality shall:

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

- a. Precisely identify the information in the documents submitted which is considered confidential.
 - b. Contain sufficient supporting information to allow the control officer to evaluate whether such information satisfies the requirements related to trade secrets or, if applicable, how the information, if disclosed, is likely to cause substantial harm to the person's competitive position.
2. A determination by the county attorney that disclosure of the information or a particular part of the information would be detrimental to an ongoing criminal investigation or to an ongoing or contemplated civil enforcement action under this chapter in superior court.

(Ord. 2004-__§__, Ord. 1994-83 § 14, 1994: Ord.1993-128 § 3 (part), 1993)

17.12.180 Permit contents.

- A. Each permit issued shall include the following elements:

3. Each permit shall contain the following requirements with respect to monitoring:
- a. ~~All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to sections 114(a)(3) or 504(b) of the Act (Inspections, Monitoring and Entry or Permit Requirements and Conditions), and including any monitoring and analysis procedures or test methods required pursuant to section 17.12.220;~~
 - b. ~~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 pursuant to subdivision A.4 of this section. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement, and as otherwise required pursuant to section 17.12.220. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph; and~~
 - e. ~~As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.~~
- a. All monitoring and analysis procedures or test methods required under applicable monitoring and testing requirements, including:
 - (i) Monitoring and analysis procedures or test methods under 40 CFR 64;
 - (ii) Other procedures and methods promulgated under sections 114(a)(3) or 504(b) of the Act; and
 - (iii) Monitoring and analysis procedures or test methods required under 17.12.220.
 - b. 40 CFR 64 as codified July 1, 2004, is incorporated by reference and on file with the control officer. This incorporation by reference contains no future editions or amendments. If more than one monitoring or testing requirement applies, the permit may specify a streamlined set of monitoring or testing provisions if the specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements not included in the permit as a result of such streamlining;
 - c. If the applicable requirement does not require periodic testing or instrumental or noninstrumental 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 (A)(4). The monitoring requirements shall ensure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement, and as otherwise required under 17.12.220. Recordkeeping provisions may be sufficient to meet the requirements of this subsection; and
 - d. As necessary, requirements concerning the use, maintenance, and, if appropriate, installation of monitoring equipment or methods.

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

B. Federally Enforceable Requirements

1. The following permit conditions shall be enforceable by the Administrator and citizens under the Act:
 - a. Except as provided in paragraph (B)(2) of this subsection, all terms and conditions in a Class I permit, including any provisions designed to limit a source's potential to emit.
 - b. Terms or conditions in a Class II permit setting forth federal applicable requirements,
 - c. Terms and conditions in any permit which are entered into voluntarily pursuant to section 17.12.220, as follows:
 - (i) Emissions limitations, controls or other requirements.
 - (ii) Monitoring, recordkeeping and reporting requirements associated with the emissions limitations, controls or other requirements in ~~subdivision (i) of this subparagraph~~ subsection (B)(1)(c)(i)
2. Notwithstanding ~~subparagraph subsection (B)(1)(a) of this subsection~~, the control officer shall specifically designate as not being federally enforceable under the Act any terms and conditions included in a Class I permit that are not required under the Act or under any of its applicable requirements.

E. Emergency provision.

1. An "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation and that causes the sources to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emission attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.
2. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of ~~subdivision 3 of this subsection~~ (E)(3) are met.
3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. The permittee submitted notice of the emergency to the control officer by certified mail or hand delivery within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective action taken.
4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

(Ord. 2004- §, Ord. 1998-27 § 5, 1998; Ord. 1995-87 § 13, 1995; Ord. 1994-83 § 15, 1994; Ord. 1993-128 § 3 (part), 1993)

17.12.210 Compliance plan; certification.

A. All permits shall contain the following elements with respect to compliance:

1. The elements required by 17.12.180(A)(3), (4), and (5).

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

2. Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:
- a. The frequency for submissions of compliance certifications, which shall not be less than annually;
 - b. The means to monitor the compliance of the source with its emissions limitations, standards, and work practices;
 - c. A requirement that the compliance certification include the following:
 - (i) ~~The identification of each term or condition of the permit that is the basis of the certification;~~
 - (ii) ~~The compliance status;~~
 - (iii) ~~Whether compliance was continuous or intermittent;~~
 - (iv) ~~The method(s) used for determining the compliance status of the source, currently and over the reporting period; and~~
 - (v) ~~Other facts as the control officer may require to determine the compliance status of the source:~~
 - i. The identification of each term or condition of the permit that is the basis of the certification;
 - ii. The identification of the methods or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period. The methods and other means under 17.12.180(A)(3). If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Act, which prohibits knowingly making false certification or omitting material information;
 - iii. The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the methods or means designated in subsection (2)(c)(ii). The certification shall identify each deviation and take it into account for consideration in the compliance certification. For emission units subject to 40 CFR 64, the certification shall also identify as possible exceptions to compliance any period during which compliance is required and in which an excursion or exceedance defined under 40 CFR 64 occurred; and
 - iv. Other facts the control officer may require to determine the compliance status of the source.
 - d. A requirement that permittees submit all compliance certifications ~~be submitted~~ to the control officer, ~~and for Class I permits, permittees shall also submit compliance certifications to the Administrator as well.~~
 - e. Such additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the Act (Inspections, Monitoring and Entry or Permit Requirements and Conditions) or pursuant to section 17.12.220.

(Ord. 2004- § __, Ord. 1998-27 § 7, 1998; Ord. 1995-87 § 14, 1995; Ord. 1994-83 § 17, 1994; Ord. 1993-128 § 3 (part), 1993)

17.12.365 Acid Rain

- A. The following subparts of 40 CFR Part 72, Permits Regulation, and all accompanying appendices, adopted as of July 1, ~~1996~~2004, are incorporated by reference. These standards are on file with the Office of the Secretary of State and with the Department, and shall be applied by the Department.
- C. If the provisions or requirements of the regulations incorporated pursuant to this section conflict with any of the remaining portions of the Title, the regulations incorporated pursuant to this section shall apply and take precedence.
(Ord. 2004- § __; Ord. 1997-79 § 7, 1997; Ord. 1995-87 § 19, 1995)

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

17.12.480 Open burning permits.

- A. ~~A person who plans to ignite, allow, or maintain any outdoor fire except as specifically exempted herein shall obtain an open burning permit from the control officer before commencing the burning.~~
- B. ~~Specific types of open outdoor fires which require open burning permits, as well as those types of fires which do not require permits, are identified in Table 17.12.480. Any open burning not listed in Table 17.12.480 is prohibited.~~

A. In addition to the definitions contained in A.R.S. § 49-501, in this Section:

1. “Agricultural Burning” means burning of vegetative materials related to the production and harvesting of crops and raising of animals for the purpose of marketing for profit, or providing a livelihood, but not including the burning of household waste or prohibited materials. Burning may be conducted in fields, piles, ditch banks, fence rows, or canal laterals for purposes such as weed control, disease and pest prevention, or site preparation.
2. “Air Curtain Destructor” means an incineration device designed and used to secure, by means of a fan-generated air curtain, controlled combustion of only wood waste and slash materials in an earthen trench or refractory-lined pit or bin.
3. “Approved waste burner” means an incinerator constructed of fire resistant material with a cover or screen that is closed when in use, and has openings in the sides or top no greater than one inch in diameter.
4. “Class I Area” means any one of the Arizona mandatory federal Class I areas defined in A.R.S. § 49-401.01.
5. “Construction burning” means burning wood or vegetative material from land clearing, site preparation, or fabrication, erection, installation, demolition, or modification of any buildings or other land improvements, but does not include burning household waste or prohibited material.
6. “Dangerous material” means any substance or combination of substances that is capable of causing bodily harm or property loss unless neutralized, consumed, or otherwise disposed of in a controlled and safe manner.
7. “Emission reduction techniques” means methods for controlling emissions from open outdoor fires to minimize the amount of emissions output per unit of area burned.
8. “Flue,” as used in this Section, means any duct or passage for air or combustion gases, such as a stack or chimney.
9. “Household waste” means any solid waste including garbage, rubbish, and sanitary waste from a septic tank that is generated from households including single and multiple family residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas, but does not include construction debris, landscaping rubble, demolition debris or prohibited materials.
10. “Independent authority to permit fires” means the authority of a county to permit fires by a rule adopted under Arizona Revised Statutes, Title 49, Chapter 3, Article 3, and includes only Maricopa, Pima, and Pinal counties.
11. “Open outdoor fire or open burning” means the combustion of material of any type, outdoors and in the open, where the products of combustion are not directed through a flue. Open outdoor fires include agricultural, residential, prescribed, and construction burning, and fires using air curtain destructors.
12. “Prescribed burning” means the controlled application of fire to wildland fuels that are in either a natural or modified state, under certain burn and smoke management prescription conditions that have been specified by the land manager in charge of or assisting the burn, to attain planned resource management objectives. Prescribed burning does not include a fire set or permitted by a public officer to provide instruction in fire fighting methods, or construction or residential burning.
13. “Prohibited materials” means nonpaper garbage from the processing, storage, service, or consumption of food; chemically treated wood; lead-painted wood; linoleum flooring, and composite counter-tops; tires; explosives or ammunition; oleanders; asphalt shingles; tar paper; plastic and rubber products, including bottles for household chemicals; plastic grocery and retail bags; waste petroleum products, such as waste crankcase oil, transmission oil, and oil filters; transformer oils; asbestos; batteries; anti-freeze; aerosol spray cans; electrical wire insulation; thermal insulation; polyester products; hazardous waste products such as paints, pesticides, cleaners and solvents, stains and varnishes, and other flammable liquids; plastic pesticide bags and containers; and hazardous material containers including those that contained lead, cadmium, mercury, or arsenic compounds.
14. “Residential burning” means open burning of vegetative materials conducted by or for the occupants of residential dwellings, but does not include burning household waste or prohibited material.

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

- B. Unlawful open burning. Notwithstanding any other rule in this Chapter, a person shall not ignite, cause to be ignited, permit to be ignited, allow, or maintain any open outdoor fire in a county without independent authority to permit fires except as provided in A.R.S. § 49-501 and this Section.
- C. Open outdoor fires exempt from a permit. The following fires do not require an open burning permit from the control officer or a delegated authority:
1. Fires used only for:
 - a. Cooking of food.
 - b. Providing warmth for human beings.
 - c. Recreational purposes.
 - d. Branding of animals.
 - e. Orchard heaters for the purpose of frost protection in farming or nursery operations, and
 - f. The proper disposal of flags under 4 U.S.C. 1, § 8.
 2. Any fire set or permitted by any public officer in the performance of official duty, if the fire is set or permission given for the following purpose:
 - a. Control of an active wildfire; or
 - b. Instruction in the method of fighting fires, except that the person setting these fires must comply with the reporting requirements of subsection (D)(3)(f).
 3. Fire set by or permitted by the control officer of Department of Agriculture for the purpose of disease and pest prevention in an organized, area-wide control of an epidemic or infestation affecting livestock or crops.
 4. Prescribed burns set by or assisted by the federal government or any of its departments, agencies, or agents, or the state or any of its agencies, departments, or political subdivisions.
- D. Open outdoor fires requiring a permit.
1. The following open outdoor fires are allowed with an open burning permit from the control officer or a delegated authority:
 - a. Construction burning;
 - b. Agricultural burning;
 - c. Residential burning;
 - d. Prescribed burns conducted on private lands without the assistance of a federal or state land manager as defined under;
 - e. Any fire set or permitted by a public officer in the performance of official duty, if the fire is set or permission given for the purpose of weed abatement, or the prevention of a fire hazard, unless the fire is exempt from the permit requirement under subsection (C)(3);
 - f. Open outdoor fires of dangerous material under subsection (E);
 - g. Open outdoor fires of household waste under subsection (F); and
 - h. Open outdoor fires that use an air curtain destructor, as defined in 17.12.480 (A)(2).
 2. A person conducting an open outdoor fire in a county with independent authority to permit fires shall obtain a permit from the control officer or a delegated authority unless exempted under subsection (C). Permits may be issued for a period not to exceed one year. A person shall obtain a permit by completing an PDEQ-approved application form.
 3. Open outdoor fire permits issued under this Section shall include:
 - a. A list of the materials that the permittee may burn under the permit;
 - b. A means of contacting the permittee authorized by the permit to set an open fire in the event that an order to extinguish the open outdoor fire is issued by the control officer or the delegated authority;
 - c. A requirement that burns be conducted during the following periods, unless otherwise waived or directed by the control officer on a specific day basis:
 - i. Year-round: ignite fire no earlier than one hour after sunrise; and
 - ii. Year-round: extinguish fire no later than two hours before sunset;
 - d. A requirement that the permittee conduct all open burning only during atmospheric conditions that:
 - i. Prevent dispersion of smoke into populated areas;
 - ii. Prevent visibility impairment on traveled roads or at airports that result in a safety hazard;
 - iii. Do not create a public nuisance or adversely affect public safety;
 - iv. Do not cause an adverse impact to visibility in a Class I area; and
 - v. Do not cause uncontrollable spreading of the fire;
 - e. A list of the types of emission reduction techniques that the permittee shall use to minimize fire emissions.;
 - f. A reporting requirement that the permittee shall meet by providing the following information in a format provided by the control officer for each date open burning occurred, on either a daily basis on the day of the fire, or an annual basis in a report to the control officer or delegated authority due on February 1 for the previous calendar year:
 - i. The date of each burn;
 - ii. The type and quantity of fuel burned for each date open burning occurred;

- 4. Burning may not be conducted on public land or on other land not owned or leased by the permittee without written permission from the owner or land manager;
- 5. Fire must be dead out when left; and
- 6. The burning of materials other than those specified by the permit is prohibited. (Ord. 1979-93 (part), 1979)

17.12.540 Activity Permit Fees

Table 17.12.540			
ACTIVITY PERMIT FEES SCHEDULE (effective until July 1, 2003)			
S.S. [†]	ACTIVITY	RATE COMPONENTS	EXEMPTIONS
A	Landstripping and/or Earthmoving	1 to 5 acres \$89.28 plus \$8.93 per each additional acre or fraction thereof	< 1 acre
B	Trenching	300 feet of aggregate trenching \$17.86 base plus \$0.036 per each additional ft.	< 300 ft; trenching for landscaping
C	Road Construction	50 ft. of aggregate road construction \$17.86 base plus \$0.09 per each additional ft.	< 50 ft
D	Activity permit for NESHAP facilities	\$420.00	See Exemption Note
E	Blasting	\$18.00 plus \$3.53 per day of blasting	None

Exemption Note:

- <260 linear feet on pipes;
- <160 square feet on other facility components;
- <35 cubic feet off facility components

Example Permit Fee Calculations

1. Permit for clearing 4 acres: \$89.28

2. Permit for earthmoving on 9 acres:

_____	First five acres = \$89.28
_____	Remaining four acres = $\$8.93 \times 4 = \35.72
_____	Total = \$125.00

3. Permit for trenching 500 feet:

_____	Base fee for the first 300 feet = \$17.86
_____	Remaining 200 feet = $200 \times 0.036 = \$7.20$
_____	Total = \$25.06

¹Sub-schedule for identification only.

(Ord. 1995-87 §26, 1995; Ord. 1994-83 §44, 1994; Ord. 1993-128 §3 (part), 1993; Ord. 1990-113 §16, 1990; Ord. 1989-165 §17 (part), 1989; Ord. 1987-175 §18, 1987)

SECTION 4. Chapter 17.16, Sections 17.16.130, 17.16.165, 17.16.430, 17.16.430, and 17.16.700 are hereby amended to read:

Chapter 17.16
EMISSION LIMITING STANDARDS

17.16.130 Applicability.

- A. This article shall apply only to emissions which enter the atmosphere by passing through a vent, stack, flue, or other similar containing or restrictive device, or which by reasonable modification of the emissions source the emissions can be directed through such a device for testing purposes. a source that is all of the following:
 - 1. An existing source, as defined in 17.04.340;
 - 2. A point source. For the purposes of this Section, "point source" means a source of air contaminants that has an identifiable plume or emissions point; and
 - 3. A stationary source, as defined in 17.04.340.
- B. ~~Where the nature of a process, operation, or activity allows more than one interpretation of a requirement in this Chapter, the more restrictive or most restrictive interpretation shall apply.~~
- CB. Except as otherwise provided in this Chapter relating to specific types of sources, the opacity of any plume or effluent, ~~from a source described in subsection (a), as determined by Reference Method 9 in 40 CFR 60, Appendix A, shall not be:~~

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

1. ~~Shall not be greater than 40 percent, and~~
 1. Greater than 20% in an area that is nonattainment or maintenance for any particulate matter standard, unless an alternative opacity limit is approved by the control officer as provided in subsection (D) and (E), after the effective date of this rule.
 2. ~~Shall be determined by reference Method 9 of the Arizona Testing Manual.~~
 2. Greater than 40% in an area that is attainment or unclassifiable for each particulate matter standard; and
 3. After April 23, 2006, greater than 20% in any area that is attainment or unclassifiable for each particulate matter standard except as provided in subsections (D) and (E).
- DC. ~~Where~~ If the presence of uncombined water is the only reason for ~~the~~ an exceedance of any visible emissions requirement in this Article, ~~such~~ the exceedance shall not constitute a violation of the applicable opacity limit.
- ED. A person owning or operating ~~an air pollution~~ a source may ~~ask~~ petition the control officer for ~~a determination on meeting the requirements of~~ an alternative applicable opacity standard limit. The petition shall be submitted to PDEQ within three months after the effective date of this rule.
1. ~~The owner or operator shall submit the written reports of the results of the performance tests, the opacity observation results, and observer certification.~~
 1. The petition shall contain:
 - a. Documentation that the affected facility and any associated air pollution control equipment are incapable of being adjusted or operated to meet the applicable opacity standard. This includes:
 - i. Relevant information on the process operating conditions and the control devices operating conditions during the opacity or stack tests;
 - ii. A detailed statement or report demonstrating that the source investigated all practicable means of reducing opacity and utilized control technology that is reasonably available considering technical and economic feasibility; and
 - iii. An explanation why the source cannot meet the present opacity limit although it is in compliance with the applicable particulate mass emission rule.
 - b. If there is an opacity monitor, any certification and audit reports required by all applicable subparts in 40 CFR 60 and in Appendix B, Performance Specification 1.
 - c. A verification by a responsible official of the source of the truth, accuracy, and completeness of the petition. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
 2. ~~If the control officer finds that the facility is in compliance with all applicable standards for the performance test and still fails to meet the applicable opacity standard, he shall notify the owner or operator of the finding.~~
 2. If the unit for which the alternative opacity standard is being applied is subject to a stack test, the petition shall also include:
 - a. Documentation that the source conducted concurrent EPA Reference Method stack testing and visible emissions readings or is utilizing a continuous opacity monitor. The particulate mass emission test results shall clearly demonstrate compliance with the applicable particulate mass emission limitation by being at least 10% below that limit. For multiple units that are normally operated together and whose emissions vent through a single stack, the source shall conduct simultaneous particulate testing of each unit. Each control device shall be in good operating condition and operated consistent with good practices for minimizing emissions.
 - b. Evidence that the source conducted the stack tests according to 17.12.050, and that they were witnessed by the control officer or the control officer's agent or representative.
 - c. Evidence that the affected facility and any associated air pollution control equipment were operated and maintained to the maximum extent practicable to minimize the opacity of emissions during the stack tests.
 3. ~~The owner or operator may petition the control officer within ten days of receipt of notification, asking the control officer to make an appropriate adjustment to the opacity standard for the facility.~~
 3. If the source for which the alternative opacity standard is being applied is located in a nonattainment area, the petitioner shall include all the information listed in subsections (D)(1) and (D)(2), and in addition:

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

- a. In subsection (D)(1)(a)(ii), the detailed statement or report shall demonstrate that the alternative opacity limit fulfills the Clean Air Act requirement for reasonably available control technology; and
- b. In subsection (D)(2)(b), the stack tests shall be conducted with an opportunity for the Administrator or the Administrator's agent or representative to be present.
- 4. ~~The control officer may grant the petition after public notice and opportunity for public hearing takes place, and upon a demonstration by the owner or operator that:
 - a. ~~The affected facility and the associated air pollution control equipment were operated and maintained in a manner to minimize the opacity of emissions during the performance test.~~
 - b. ~~The performance tests were performed under the conditions established by the control officer.~~
 - e. ~~The affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the opacity requirement.~~~~
- 5. ~~The control officer may establish an opacity standard for the affected facility based on the determination made in subdivision 4 of this subsection. The opacity standard shall be set at a level indicated by the performance and opacity tests, providing that the source will be able to meet the mass or concentration standard and the opacity standard at all times. Such opacity standard shall be incorporated as a condition of the permit for the affected facility.~~
- 6. ~~The control officer shall publish the opacity standard once in one or more newspapers of general circulation in the county.~~
- F. ~~The process weight rate utilized in this Article shall be determined as follows:
 - 1. ~~For continuous or long runs, steady state process sources, the process weight rate shall be the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.~~
 - 2. ~~For cyclical or batch process sources, the process weight rate shall be the total process weight for a period which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such period.~~~~
- E. If the control officer receives a petition under subsection (D) the control officer shall approve or deny the petition as provided below by October 15, 2004:
 - 1. If the petition is approved under subsection (D)(1) or (D)(2), the control officer shall include an alternative opacity limit in a proposed significant permit revision for the source under 17.12.260 and 17.12.340. The proposed alternative opacity limit shall be set at a value that has been demonstrated during, and not extrapolated from, testing, except that an alternative opacity limit under this Section shall not be greater than 40%. For multiple units that are normally operated together and whose emissions vent through a single stack, any new alternative opacity limit shall reflect the opacity level at the common stack exit, and not individual in-duct opacity levels.
 - 2. If the petition is approved under subsection (D)(3), the control officer shall include an alternative opacity limit in a proposed revision to the applicable implementation plan, and submit the proposed revision to EPA for review and approval. The proposed alternative opacity limit shall be set at a value that has been demonstrated during, and not extrapolated from, testing, except that the alternative opacity limit shall not be greater than 40%.
 - 3. If the petition is denied, the source shall either comply with the 20% opacity limit or apply for a significant permit revision to incorporate a compliance schedule under 17.12.210(5)(c)(iii) by April 23, 2006.
 - 4. A source does not have to petition for an alternative opacity limit under subsection (D) to enter into a revised compliance schedule under 17.12.210(5)(c).
- E. The control officer, Administrator, source owner or operator, inspector or other interested party shall determine the process weight rate, as used in this Article, as follows:

1. For continuous or long run, steady-state process sources, the process weight rate is the total process weight for the entire period of continuous operation, or for a typical portion of that period, divided by the number of hours of the period, or portion of hours of that period.
2. For cyclical or batch process sources, the process weight rate is the total process weight for a period which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during the period. (Ord. 2004- § __, Ord. 1979-93 (part), 1979)

17.16.165 Standards of performance for fossil-fuel fired industrial and commercial equipment.

- B. For purposes of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. The heat content of solid fuel shall be determined in accordance with ~~17.12.220-17.12.040~~. Compliance tests shall be conducted during operation at the nominal rated capacity of each unit. The total heat input of all fuel-burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

(Ord. 2004- § __, Ord. 1994-83 § 54, 1994: Ord. 1993-128 § 4 (part), 1993)

17.16.430 Standards of performance for unclassified sources.

- G. Where a stack, vent or other outlet is at such a level that fumes, gas, mist, odor, smoke, vapor or any combination thereof constituting air pollution are discharged to adjoining property, the control officer may require the installation of abatement equipment or the alteration of such stack, vent or other outlet by the owner or operator thereof to a degree that will adequately dilute, reduce or eliminate the discharge of air pollution to adjoining property.

(Ord. 2004- § __, Ord. 1994-83 § 58, 1994: Ord. 1993-128 § 4 (part), 1993)

17.16.490 Standards of performance for new stationary sources (NSPS).

- A. Except as provided in subsections B, C and D of this section, and 17.16.500 through 17.16.520, the following subparts of 40 CFR Part 60, and accompanying appendices, the federal standards of performance for new stationary sources, adopted as of July 1, ~~1996~~2004 and no future editions are incorporated herein by reference. These standards are on file with the Office of the Secretary of State and with the Department and shall be applied by the Department.

1. Subpart A - General Provisions. (Section 60.1 – Section 60.19)
2. Subpart B – Excluded
3. Subpart C – Excluded
4. Subpart Ca - Reserved
5. Subpart Cb – Excluded
6. Subpart Cc – Excluded
7. Subpart Cd – Excluded

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

8. Subpart Ce – Excluded
- ~~29.~~ Subpart D - Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971. (Section 60.40 – 60.46)
- ~~310.~~ Subpart Da - Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978. (Section 60.40a – 60.49a)
- ~~411.~~ Subpart Db - Industrial-Commercial-Institutional Steam Generating Units. (Section 60.40b – 60.49b)
- ~~512.~~ Subpart Dc - Small Industrial-Commercial-Institutional Steam Generating Units. (Section 60.40c – 60.48c)
- ~~613.~~ Subpart E - Incinerators. (Section 60.50 – 60.54)
- ~~714.~~ Subpart Ea - Municipal Waste Combustors for which Construction is Commenced after December 20, 1989, and on or before September 20, 1994. (Section 60.50a – 60.59a)
- ~~815.~~ Subpart Eb - Municipal Waste Combustors for which Construction is Commenced after September 20, 1994. (Section 60.50b – 60.59b)
- ~~16.~~ Subpart Ec – Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996 (Section 60.50c – 60.58c & Tables)
- ~~917.~~ Subpart F - Portland Cement Plants. (Section 60.60 – 60.66)
- ~~1018.~~ Subpart G - Nitric Acid Plants. (Section 60.70 – 60.74)
- ~~1119.~~ Subpart H - Sulfuric Acid Plants. (Section 60.80 – 60.85)
- ~~1220.~~ Subpart I - Hot Mix Asphalt Facilities. (Section 60.90 – 60.93)
- ~~1321.~~ Subpart J - Petroleum Refineries. (Section 60.100 – 60.109)
- ~~1422.~~ Subpart K - Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978. (Section 60.110 – 60.113)
- ~~1523.~~ Subpart Ka - Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984. (Section 60.110a – 60.115a)
- ~~1624.~~ Subpart Kb - Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984. (Section 60.110b – 60.117b)
- ~~1725.~~ Subpart L - Secondary Lead Smelters. (Section 60.120 – 60.123)
- ~~1826.~~ Subpart M - Secondary Brass and Bronze Ingot Production Plants. (Section 60.130 – 60.133)
- ~~1927.~~ Subpart N - Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973. (Section 60.140 – 60.144)
- ~~2028.~~ Subpart Na - Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983. (Section 60.140a – 60.145a)
- ~~2129.~~ Subpart O - Sewage Treatment Plants. (Section 60.150 – 60.156)
- ~~2230.~~ Subpart P - Primary Copper Smelters. (Section 60.160 – 60.166)
- ~~2331.~~ Subpart Q - Primary Zinc Smelters. (Section 60.170 – 60.176)
- ~~2432.~~ Subpart R - Primary Lead Smelters. (Section 60.180 – 60.186)
- ~~2533.~~ Subpart S - Primary Aluminum Reduction Plants. (Section 60.190 – 60.195)
- ~~2634.~~ Subpart T - Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants. (Section 60.200 – 60.204)
- ~~2735.~~ Subpart U - Phosphate Fertilizer Industry: Superphosphoric Acid Plants. (Section 60.210 – 60.214)
- ~~2836.~~ Subpart V - Phosphate Fertilizer Industry: Diammonium Phosphate Plants. (Section 60.220 – 60.224)
- ~~2937.~~ Subpart W - Phosphate Fertilizer Industry: Triple Superphosphate Plants. (Section 60.230 – 60.234)
- ~~3038.~~ Subpart X - Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities. (Section 60.240 – 60.244)
- ~~3139.~~ Subpart Y - Coal Preparation Plants. (Section 60.250 – 60.254)
- ~~3240.~~ Subpart Z - Ferroalloy Production Facilities. (Section 60.260 – 60.266)
- ~~3341.~~ Subpart AA - Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983. (Section 60.270 – 60.276)
- ~~3442.~~ Subpart AAa - Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983. (Section 60.270a – 60.276a)
- ~~3543.~~ Subpart BB - Kraft Pulp Mills. (Section 60.280 – 60.285)
- ~~3644.~~ Subpart CC - Glass Manufacturing Plants. (Section 60.290 – 60.296)

3745. Subpart DD - Grain Elevators. (Section 60.300 – 60.304)
3846. Subpart EE - Surface Coating of Metal Furniture. (Section 60.310 – 60.316)
47. Subpart FF - Reserved
3948. Subpart GG - Stationary Gas Turbines. (Section 60.330 – 60.335)
4049. Subpart HH - Lime Manufacturing Plants. (Section 60.340 – 60.344)
4150. Subpart KK - Lead-Acid Battery Manufacturing Plants. (Section 60.370 – 60.374)
4251. Subpart LL - Metallic Mineral Processing Plants. (Section 60.380 – 60.388)
4352. Subpart MM - Automobile and Light Duty Truck Surface Coating Operations. (Section 60.390 – 60.398)
4453. Subpart NN - Phosphate Rock Plants. (Section 60.400 – 60.404)
4554. Subpart PP - Ammonium Sulfate Manufacture. (Section 60.420 – 60.424)
4655. Subpart QQ - Graphic Arts Industry: Publication Rotogravure Printing. (Section 60.430 – 60.435)
4756. Subpart RR - Pressure Sensitive Tape and Label Surface Coating Operations. (Section 60.440 – 60.447)
4857. Subpart SS - Industrial Surface Coating: Large Appliances. (Section 60.450 – 60.456)
4958. Subpart TT - Metal Coil Surface Coating. (Section 60.460 – 60.466)
5059. Subpart UU - Asphalt Processing and Asphalt Roofing Manufacture. (Section 60.470 – 60.474)
5160. Subpart VV - Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry. (Section 60.480 – 60.489)
5261. Subpart WW - Beverage Can Surface Coating Industry. (Section 60.490 – 60.496)
5362. Subpart XX - Bulk Gasoline Terminals. (Section 60.500 – 60.506)
5463. Subpart AAA - New Residential Wood Heaters. (Section 60.530 – 60.539b)
5564. Subpart BBB - Rubber Tire Manufacturing Industry. (Section 60.540 – 60.548)
65. Subpart CCC – Reserved
5666. Subpart DDD - Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry. (Section 60.560 – 60.566)
67. Subpart EEE - Reserved
5768. Subpart FFF - Flexible Vinyl and Urethane Coating and Printing. (Section 60.580 – 60.585)
5869. Subpart GGG - Equipment Leaks of VOC in Petroleum Refineries. (Section 60.590 – 60.593)
5970. Subpart HHH - Synthetic Fiber Production Facilities. (Section 60.600 – 60.604)
6071. Subpart III - Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes. (Section 60.610 – 60.618)
6172. Subpart JJJ - Petroleum Dry Cleaners. (Section 60.620 – 60.625)
6273. Subpart KKK - Equipment Leaks of VOC from Onshore Natural Gas Processing Plants. (Section 60.630 – 60.636)
6374. Subpart LLL - Onshore Natural Gas Processing; SO₂ Emissions. (Section 60.640 – 60.648)
75. Subpart MMM - Reserved
6476. Subpart NNN - Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations. (Section 60.660 – 60.668)
6577. Subpart OOO - Nonmetallic Mineral Processing Plants. (Section 60.670 – 60.676)
6678. Subpart PPP - Wool Fiberglass Insulation Manufacturing Plants. (Section 60.680 – 60.685)
6779. Subpart QQQ - VOC Emissions From Petroleum Refinery Wastewater Systems. (Section 60.690 – 60.699)
6880. Subpart RRR - Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical manufacturing Industry (SOCMI) Reactor Processes. (Section 60.700 – 60.708)
6981. Subpart SSS - Magnetic Tape Coating Facilities. (Section 60.710 – 60.718)
7082. Subpart TTT - Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines. (Section 60.720 – 60.726)
7183. Subpart UUU - Calcines and Dryers in Mineral Industries. (Section 60.730 – 60.737)
7284. Subpart VVV - Polymeric Coating of Supporting Substrates Facilities. (Section 60.740 – 60.747)
7385. Subpart WWW - Municipal Solid Waste Landfills. (Section 60.750 – 60.759)
86. Subpart AAAA – Small Municipal Waste Combustion Unites for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001. (Section 60.1000 – 60.1465 & Tables)

- 87. Subpart BBBB – Excluded
 - 88. Subpart CCCC – Commercial and Industrial Solid Waste Incineration for Which Construction is Commenced after November 30, 1999, or for which Modification or Reconstruction is Commenced on or after June 1, 2001.
 - 89. Subpart DDDD – Excluded
- B. As used in 40 CFR Part 60: “Administrator” means the control officer, except that the control officer shall not be empowered to approve alternate or equivalent test methods nor to deal with equivalency determinations or innovative technology waivers.
- C. From the general standards identified in subsection A, delete the following:
- 1. 40 CFR 60.4. All requests, reports, applications, submittals and other communication to the control officer pursuant to this article shall be submitted to the Pima County Department of Environmental Quality, 1350 W. Congress, Tucson, AZ 85701.
 - 2. 40 CFR 60.5, and 60.6.
- D. The control officer shall not be delegated authority to deal with equivalency determinations or innovative technology waivers as covered in sections 111(h)(3) and 111(j) of the Act. (Ord. 2004- § __, Ord. 1997-79 § 9, 1997; Ord. 1994-83 § 59, 1994; Ord. 1993-128 § 4 (part), 1993); Ord. 1991-136 § 15, 1991; Ord. 1990-113 § 6, 1990; Ord. 1989-165 § 21, 1989; Ord. 1988-117 § 2, 1988; Ord. 1986-227 § 1 (part), 1986; Ord. 1985-126 (part), 1985; Ord. 1983-196 (part), 1983)

Article VII. National Emission Standards for Hazardous Air Pollutants

17.16.530 National Emissions Standards for Hazardous Air Pollutants (NESHAP)

- A. Except as provided in subsections B, C, and D of this section, the following subparts of 40 CFR Part 61 (NESHAPs) and all accompanying appendices, adopted as of July 1, 2004 and no future editions are incorporated by reference. These standards are on file with the Office of the Secretary of State and the Department and shall be applied by the Department.
- 1. Subpart A - General Provisions. (Section 61.01 – 61.19)
 - 2. Subpart B – Excluded
 - 23. Subpart C - Beryllium. (Section 61.20 – 61.26)
 - 34. Subpart D - Beryllium Rocket Motor Firing. (Section 61.40 – 61.44)
 - 45. Subpart E - Mercury. (Section 61.50 – 61.56)
 - 56. Subpart F - Vinyl Chloride. (Section 61.60 – 61.71)
 - 7. Subpart G - Reserved
 - 8. Subpart H – Excluded
 - 9. Subpart I – Excluded
 - 69. Subpart J - Equipment Leaks (Fugitive Emission Sources) of Benzene. (Section 61.110 – 61.112)
 - 10. Subpart K – Excluded
 - 71. Subpart L - Benzene Emissions from Coke By-Product Recovery Plants. (Section 61.130 – 61.139)
 - 81. Subpart M - Asbestos. (Section 61.140 – 61.157 & Appendix A)
 - 91. Subpart N - Inorganic Arsenic Emissions from Glass Manufacturing Plants. (Section 61.160 – 61.165)
 - 101. Subpart O - Inorganic Arsenic Emissions from Primary Copper Smelters. (Section 61.170 – 61.177)
 - 111. Subpart P - Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production. (Section 61.180 – 61.186)
 - 16. Subpart Q - Excluded
 - 17. Subpart R - Excluded
 - 18. Subpart S - Reserved
 - 19. Subpart T - Excluded

- ~~20.~~ Subpart U - Reserved
 - ~~21.~~ Subpart V - Equipment Leaks (Fugitive Emission Sources). (Section 61.240 – 61.247 & Tables)
 - ~~22.~~ Subpart W – Excluded
 - ~~23.~~ Subpart X - Reserved
 - ~~24.~~ Subpart Y - Benzene Emissions From Benzene Storage Vessels. (Section 61.270 – 61.277)
 - ~~25.~~ Subpart Z - Reserved
 - ~~26.~~ Subpart AA - Reserved
 - ~~27.~~ Subpart BB - Benzene Emissions from Benzene Transfer Operations. (Section 61.300 – 61.306)
 - ~~28.~~ Subpart CC - Reserved
 - ~~29.~~ Subpart DD - Reserved
 - ~~30.~~ Subpart EE - Reserved
 - ~~31.~~ Subpart FF - Benzene Waste Operations. (Section 61.340 – 61.359 & Appendices)
- B. Except as provided in subsection A, the following subparts of 40 CFR Part 63, NESHAPs for Source Categories and all accompanying appendices, adopted as of July 1, 2004 and no future editions are incorporated by reference. These standards are on file with the Office of the Secretary of State and with the Department and shall be applied by the Department.
- 1. Subpart A - General Provisions (Section 63.1 - 63.15)
 - 2. Subpart B - Requirements for Control Technology Determinations for major Sources in Accordance with Clean Air Act Sections 112(g) and 112(j) (Section 63.40 - 63.56)
 - 3. Subpart C - Excluded
 - ~~4.~~ Subpart D - Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants. (Section 63.70 - 63.81)
 - ~~5.~~ Subpart E - Excluded
 - ~~6.~~ Subpart F - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry (Section 63.100 - 63.107 & Tables)
 - ~~7.~~ Subpart G - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (Section 63.110 - 63.152 & Appendix)
 - ~~8.~~ Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks (Section 63.160 - 63.182 & Tables)
 - ~~9.~~ Subpart I - National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks (Section 63.190 - 63.193)
 - ~~10.~~ Subpart J – Reserved
 - ~~11.~~ Subpart K – Reserved
 - ~~12.~~ Subpart L - National Emission Standards for Coke Oven Batteries. (Section 63.300 - 63.313 & Appendix)
 - ~~13.~~ Subpart M - National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities. (Section 63.320 - 63.325)
 - ~~14.~~ Subpart N - National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks. (Section 63.340 - 63.347 & Table)
 - ~~15.~~ Subpart O - Ethylene Oxide Emissions Standards for Sterilization Facilities (Section 63.360 - 63.367)
 - ~~16.~~ Subpart P - Reserved
 - ~~17.~~ Subpart Q - National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers (Section 63.400 - 63.406 & Table)
 - ~~18.~~ Subpart R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations). (Section 63.420 - 63.429 & Table)
 - ~~19.~~ Subpart S - National Emission Standards for Pulp and Paper (Section 63.440 - 63.459 & Table)
 - ~~20.~~ Subpart T - National Emission Standards for Halogenated Solvent Cleaning. (Section 63.460 - 63.470 & Appendices)

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

- ~~15~~19. Subpart U - Group I Polymers and Resins (Section 63.480 - 63.506 & Tables)
- 20. Subpart V - Reserved
- ~~15~~21. Subpart W - National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production. (Section 63.520 - 63.528 & Table)
- ~~16~~22. Subpart X - National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting (Section 63.541 - 63.550)
- 23. Subpart Y - Excluded
- 24. Subpart Z - Reserved
- 25. Subpart AA – National Emission Standards for Hazardous Air Pollutants for Phosphoric Acid Manufacturing Plants (Section 63.600 - 63.610 & Appendix)
- 26. Subpart BB – National Emission Standards for Hazardous Air Pollutant for Phosphate Fertilizers Production Plants (Section 63.620 - 63.631 & Appendix)
- ~~17~~27. Subpart CC - National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries (Section 63.640 - 63.679 & Appendix)
- 28. Subpart DD - National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations (Section 63.680 - 63.698 & Tables)
- ~~18~~29. Subpart EE - National Emission Standards for Magnetic Tape Manufacturing Operations. (Section 63.701 - 63.708 & Table)
- 30. Subpart FF - Reserved
- ~~19~~31. Subpart GG - National Emission Standards for Aerospace Manufacturing and Rework Facilities (Section 63.741 - 63.759 & Table & Appendix)
- 32. Subpart HH – National Emission Standards for Oil and Natural Gas Production Facilities (Section 63.760 - 63.779 & Appendix)
- 33. Subpart II - Excluded
- ~~20~~34. Subpart JJ - National Emission Standards for Wood Furniture Manufacturing Operations (Section 63.800 - 63.819 & Tables)
- ~~21~~35. Subpart KK - National Emission Standards for the Printing and Publishing Industry (Section 63.820 - 63.839 & Tables)
- 36. Subpart LL - National Emission Standards for Primary Aluminum Reduction Plants (Section 63.840 - 63.859 & Tables & Appendix)
- 37. Subpart MM - Excluded
- 38. Subpart OO - National Emission Standards for Tanks- Level 1 (Section 63.900 - 63.907)
- 39. Subpart PP - National Emission Standards for Containers (Section 63.920 - 63.928)
- 40. Subpart QQ - National Emission Standards for Surface Impoundments (Section 63.940 - 63.948)
- 41. Subpart RR - National Emission Standards for Individual Drain Systems (Section 63.960 - 63.966)
- 42. Subpart SS - National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process (Section 63.980 - 63.999)
- 43. Subpart TT - National Emission Standards for Equipment Leaks -Control Level 1 (Section 63.1000 - 63.1018)
- 44. Subpart UU - National Emission Standards for Equipment Leaks -Control Level 2 (Section 63.1019 - 63.1039 & Table)
- 45. Subpart VV - National Emission Standards for Oil-Water Separators and Organic-Water Separators (Section 63.1040 - 63.1049)
- 46. Subpart WW - National Emission Standards for Storage Vessels (Tanks) – Control Level 2 (Section 63.1060 - 63.1066)
- 47. Subpart XX - Reserved
- 48. Subpart YY - National Emission Standards for Generic MACT Standards (Section 63.1100 - 63.1113)
- 49. Subpart ZZ – Reserved
- 50. Subpart AAA – Reserved
- 51. Subpart BBB - Reserved
- 52. Subpart CCC - National Emission Standards for Steel Pickling (Section 63.1156 - 63.1174 & Table)

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

53. Subpart DDD - National Emission Standards for Mineral Wool Production (Section 63.1175 - 63.1199 & Table & Appendix)
54. Subpart EEE - National Emission Standards for Hazardous Waste Combustors (Section 63.1200 - 63.1213 & Table & Appendix)
55. Subpart FFF - Reserved
56. Subpart GGG - National Emission Standards for Pharmaceuticals Production (Section 63.1250 - 63.1261 & Tables)
57. Subpart HHH - National Emission Standards for Natural Gas Transmission and Storage Facilities (Section 63.1270 - 63.1289 & Appendix)
58. Subpart III - National Emission Standards for Flexible Polyurethane Foam Production (Section 63.1290 - 63.1309 & Appendix)
59. Subpart JJJ - National Emission Standards for Group IV Polymers and Resins (Section 63.1310 - 63.1335 & Tables)
60. Subpart KKK - Reserved
61. Subpart LLL - National Emission Standards for Portland Cement Manufacturing Industry (Section 63.1340 - 63.1359 & Table)
62. Subpart MMM - National Emission Standards for Pesticide Active Ingredient Production (Section 63.1360 - 63.1369 & Tables)
63. Subpart NNN - National Emission Standards for Wool Fiberglass Manufacturing (Section 63.1380 - 63.1399 & Table & Appendices)
64. Subpart OOO - National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins (Section 63.1400 - 63.1419 & Tables)
65. Subpart PPP - National Emission Standards for Polyether Polyols Production (Section 63.1420 - 63.1439 & Tables)
66. Subpart QQQ - National Emission Standards for Primary Copper Smelting (Section 63.1440 - 63.1459 & Table & Figure)
67. Subpart RRR - National Emission Standards for Secondary Aluminum Production (Section 63.1500 - 63.1520 & Tables)
68. Subpart SSS - Reserved
69. Subpart TTT - National Emission Standards for Primary Lead Smelting (Section 63.1541- 63.1550)
70. Subpart UUU - National Emission Standards for Petroleum Refineries: Catalytic Cracking, Catalytic Reforming, And Sulfur Plan Units (Section 63.1560 - 63.1579 & Tables)
71. Subpart VVV--National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works (Section 63.1580 - 63.1595 & Table)
72. Subpart WWW - Reserved
73. Subpart XXX - National Emission Standards for Ferroalloys Production (Section 63.1620 - 63.1679)
74. Subpart AAAA - National Emission Standards for Municipal Solid Waste Landfills (Section 63.1930 - 63.1990 & Appendix)
75. Subpart CCCC - National Emission Standards for Manufacturing of Nutritional Yeast (Section 63.2130 - 63.2192 & Appendices)
76. Subpart DDDD - Reserved
77. Subpart EEEE - National Emission Standards for Organic Liquids Distribution (Non-Gasoline) (Section 63.2330 - 63.2406 & Appendices)
78. Subpart FFFF--National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing (Section 63.2430 - 63.2550 & Appendices)
79. Subpart GGGG - National Emission Standards for Solvent Extraction for Vegetable Oil Production (Section 63.2830 - 63.2872)
80. Subpart HHHH - National Emission Standards for Wet-Formed Fiberglass Mat Production (Section 63.2980 - 63.3079 & Appendices)

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

81. Subpart JJJJ - National Emission Standards for Paper and Other Web Coating (Section 63.2130 - 63.2192 & Appendices)
82. Subpart KKKK--National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans (Section 63.3480 - 63.3561 & Appendices)
83. Subpart MMMM--National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products (Section 63.3880 - 63.3981 & Appendices)
84. Subpart NNNN - National Emission Standards for Large Appliances (Section 63.4080 - 63.4181 & Appendices)
85. Subpart OOOO--National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles (Section 63.4280 - 63.4371 & Appendices)
86. Subpart QQQQ - National Emission Standards for Wood Building Products (Section 63.4680 - 63.4781 & Appendices)
87. Subpart RRRR - National Emission Standards for Surface Coating of Metal Furniture (Section 63.4880 - 63.4981 & Appendices)
88. Subpart SSSS - National Emission Standards for Surface Coating of Metal Coil (Section 63.5080 - 63.5206 & Appendices)
89. Subpart TTTT - National Emission Standards for Leather Finishing Operations (Section 63.5280 - 63.5460 & Appendices)
90. Subpart UUUU - National Emission Standards for Cellulose Products Manufacturing (Section 63.5480 - 63.5610 & Appendices)
91. Subpart VVVV - National Emission Standards for Boat Manufacturing (Section 63.5680 - 63.5779 & Appendices)
92. Subpart WWWW - National Emission Standards for Reinforced Plastics Composites Production (Section 63.5780 - 63.5935 & Appendices)
93. Subpart XXXX - National Emission Standards for Tire Manufacturing (Section 63.5980 - 63.6015 & Appendices)
94. Subpart YYY Y--National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines (Section 63.6080 - 63.6175 & Appendices)
95. Subpart ZZZZ - Reserved
96. Subpart AAAAA--National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants (Section 63.7080 - 63.7143 & Appendices)
97. Subpart BBBB - National Emission Standards for Semiconductor Manufacturing (Section 63.7180 - 63.7195 & Appendices)
98. Subpart CCCC - National Emission Standards for Coke Oven: Pushing, Quenching and Battery Stacks (Section 63.7280 - 63.7352 & Appendix)
99. Subpart DDDDD - Reserved
100. Subpart EEEEE--National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries (Section 63.7680 - 63.7765 & Appendix)
101. Subpart FFFFF - National Emission Standards for Integrated Iron and Steel (Section 63.7780 - 63.7852 & Appendices)
102. Subpart GGGG--National Emission Standards for Hazardous Air Pollutants: Site Remediation (Section 63.7880 - 63.7957 & Appendices)
103. Subpart HHHHH--National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing (Section 63.7980 - 63.8105 & Appendices)
104. Subpart IIII--National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants (Section 63.8180 - 63.8266 & Appendices)
105. Subpart JJJJ - National Emission Standards for Brick and Structural Clay Products Manufacturing (Section 63.8380 - 63.8515 & Appendices)
106. Subpart KKKKK - National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing (Section 63.8530 - 63.8665 & Appendices)
107. Subpart LLLL - National Emission Standards for Asphalt Roofing and Processing (Section 63.8680 - 63.8698 & Appendices)

- 108. Subpart MMMMM - National Emission Standards for Flexible Polyurethane Foam Fabrication Operation (Section 63.8780 - 63.8830 & Appendices)
 - 109. Subpart NNNNN--National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production (Section 63.8980 - 63.9075 & Appendices)
 - 110. Subpart OOOOO - Reserved
 - 111. Subpart PPPPP - National Emission Standards for Engine Test Cells/Stands (Section 63.9280 - 63.9375 & Appendices)
 - 112. Subpart QOOQQ - National Emission Standards for Friction Products Manufacturing (Section 63.9480 - 63.9579 & Appendix)
 - 113. Subpart RRRRR--National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing (Section 63.9580 - 63.9652 & Appendices)
 - 114. Subpart SSSSS - National Emission Standards for Refractory Products Manufacturing (Section 63.9780 - 63.9824 & Appendices)
 - 115. Subpart TTTTT--National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining (Section 63.9880 - 63.9942 & Appendices)
- C. When used in 40 CFR Part 61 or part 63, “Administrator” means the control officer except that the control officer shall not be authorized to approve alternate or equivalent test methods or alternate standards/work practices.
- D. From the general standards identified in subsection A of this section delete 40 CFR 61.04. All requests, reports, applications, submittals and other communications to the control officer pursuant to this article shall be submitted to the Pima County Department of Environmental Quality, 1350 W. Congress, Tucson, AZ 85701.
- E. The control officer shall not be delegated authority to deal with equivalency determinations that are nontransferable through section 112(e)(3) of the Act. (Ord. 2004- §, Ord. 1998-27 § 15, 1998; Ord. 1997-79 § 10, 1997; Ord. 1995-87 § 49, 1995; Ord. 1994-83 § 60, 1994; Ord. 1993-128 § 4 (part), 1993; Ord. 1991-136 § 14, 1991; Ord. 1988-117 § 1, 1988; Ord 1986-227 § 1 (part), 1986; Ord. 1985-126 (part), 1985; Ord. 1983-196 (part), 1983)

17.16.700 Alternative Emission limitations.

40 CFR 63 Subpart D, “Regulations governing compliance extensions for early reductions of hazardous air pollutants” and all accompanying appendices, adopted as of July 1, ~~1996-2004~~, and no future editions is adopted by reference. (Ord. 2004- §, Ord. 1997-79 § 11, 1997)

SECTION 5. Chapter 17.28, Section 17.28.065, is hereby amended to read:

**Chapter 17.28
VIOLATIONS AND CONDITIONAL ORDERS**

17.28.065 Excess Emissions.

A.A.C. R18-2-310 and R18-2-310.01 as of February 15, 2001 ~~is~~ are hereby adopted in its entirety and ~~is~~ are incorporated herein by this reference, except that all references to the “Director” shall be to the “Control Officer”. (Ord. 2004- §, Ord. 1997-79 § 14, 1997)

Table 17.16.040
EMISSIONS-DISCHARGE OPACITY LIMITING STANDARDS

Type of Source	Instantaneous Opacity Measurements			Maximum Allowable Average Opacity, %
	Required Number (For a Set)	Excluded Number (Highest Values)	Number to Use For Averaging	
Asbestos Containing Operation ¹	25	0	25	0
Cold Diesel Engines ²	25	0	25	60
Loaded Diesel Engines ³	26	1	25	60
Incinerators	27	2	25	20
Portland Cement Plants ⁴	25	0	25	20
Other Sources ⁵	25	0	25	<u>4020</u>

¹ An asbestos mill, manufacturing or fabrication operation which uses asbestos as a raw material, or spraying operation which sprays materials containing more than 1% asbestos by weight.

² Applicable to the first 10 consecutive minutes after starting up a diesel engine.

³ Applicable to a diesel engine being accelerated under load.

⁴ Applicable to kiln, clinker cooler, and other process equipment.

⁵ Any source not otherwise specifically covered within this table, unless otherwise specifically covered in this chapter.

(Ord. 2004- § __, Ord. 1993-128 § 4, 1993; Ord. 1979-93 (part), 1979)

SECTION 6. If any of the provisions of this ordinance or the application thereof to any person or circumstance is invalid, the invalidity shall not effect other provisions or applications of this ordinance which can be given effect without the invalid provision or circumstance, and do this end the provisions of this ordinance are severable.

SECTION 7. This ordinance shall become effective 31 days from the date of adoption.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona this _____ day of _____, 2004.

**PIMA COUNTY BOARD OF
SUPERVISORS**

Chair, Board of Supervisors

Date

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

Deputy County Attorney