

# 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

[M05-21]

### PREAMBLE

**1. Sections Affected**

Pima County Code (PCC) 17.04.340  
PCC 17.04.410

**Rulemaking Action**

Amend  
Amend

**2. Statutory authority for the rulemaking:**

Arizona Revised Statutes (A.R.S.) § 49-112 – County Regulations; standards  
A.R.S. Title 49, Chapter 3, Article 3. County Air Pollution Control  
A.R.S. § 49.471.08 – Expedited Rulemaking  
A.R.S. § 49.479 – Rules; hearing

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

Notice of Rulemaking Docket Opening: 10 A.A.R. 3899, September 24, 2004

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

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.pima.gov

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

**17.04.340 Summary:** In this rulemaking, the Pima Department of Environmental Quality (PDEQ) has amended the definition of “major source” by deleting the phrase “but only with respect to those air pollutants that have been regulated for that category” in Pima County Code (PCC) Chapter 17.04.340 (125) (c) (xxvii). This change will ensure that the definition of “major source” fully meets 40 CFR 70 and Title V of the Clean Air Act. The amended definition will be submitted to the Environmental Protection Agency (EPA) as a revision to Arizona’s Title V Program, as explained in EPA’s approval of PDEQ’s Title V Program (66 FR 63177, December 5, 2001).

Additional typographical and grammatical corrections to other definitions were included in this rulemaking to conform to, and directly reflect federal and state rule or law. In addition, new definitions are included to conform PDEQ’s words and phrases to ADEQ’s list of definitions. The list of definitions was renumbered to reflect the addition of the new words or phrases. The definitions that were changed include the following:

Actual emissions	Amend
Adverse impact on visibility	Amend
Alternative method	Amend

Billable permit action	New
Categorical sources	Amend
CEM	New
Coal	Amend
Clean coal technology	New
Clean coal technology demonstration project	New
Temporary clean coal technology demonstration project	New
Dispersion technique	Amend
Effluent	Amend
Electric utility steam generating unit	New
Emissions unit	Amend
Enforceable	Amend
Equivalent method	Amend
Fuel	Amend
Fuel oil	New
Fugitive emission	Amend
Itemized bill	New
Land stripping	Amend
Lime kiln	Amend
Lime plant	Amend
Lowest achievable emission rate	Amend
Major modification	Amend
Major source	Amend
Major source threshold	New
Material permit condition	Amend
Maximum achievable control technology	Amend
Miscellaneous metal parts and products	Amend
NAICS	New
Net emissions increase	Amend
Nonpoint source	Amend
Particulate matter emissions	Amend
Permit processing time	New
PM <sub>2.5</sub>	New
PM <sub>10</sub> emissions	Amend
Pollution control project	Amend
Portable source	Amend
Primary ambient air quality standards	Amend
Process source	Amend
Proposed final permit	Amend
Reactivation of very clean coal-fired electric utility	New
Re-powering	New
Representative actual annual emissions	New
Resource recovery project	Amend
Responsible official	Amend
Secondary emissions	Amend
Significance levels	Amend
Small source	Amend
Stack in existence	Amend
Stationary source	Amend
Synthetic minor	New
Temporary source	Amend
Trivial activities	New
Vapor recovery/disposal system	Amend
Visibility impairment	Amend
Volatile organic compounds	Amend
Wood waste burner	Amend

Section by Section Analysis

PCC 17.04.340	Amend	Updates definitions to conform to ADEQ and EPA changes
PCC 17.04.410	Amend	Updates reference to A.R.S. §§49-471.06 through 49-471.12

§17.04.340 (Words, Phrases, and Terms) Summary: PDEQ has amended the definition of “major source” by deleting the phrase “but only with respect to those air pollutants that have been regulated for that category.” This change will ensure that the definition of “major source” fully meets 40 CFR Part 70. The amended definition will be submitted to EPA as a revision to Pima County’s Title V Program, as explained in EPA’s full approval of PDEQ’s Title V Program (66 FR 63175, December 5, 2001).

The other definitions listed above are added or revised to conform to changes that ADEQ has finalized. The list of definitions was renumbered due to the addition of new words or phrases. The adopted definitions are identical in wording and grammar to the ADEQ definitions. The revised or additional phrases for this rulemaking do not alter the sense, meaning, or effect of the federal or state rule.

§17.04.410 (Public Participation in Rulemaking) Summary: The provisions in 17.04.410 (Public Participation in Rulemaking) have been updated to incorporate the revisions to the Arizona Revised Statutes Title 49, Chapter 3, Article 3, and Section 471, which became effective on January 1, 2002.

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 2004.

**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 is proposing to adopt 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:**

PDEQ believes that the change to the “major source” definition in 17.04.340 (125) could have an economic effect on some sources by causing them to be classified as major sources when they would not otherwise be. Certain facilities may need to re-estimate their release of fugitive emissions for non-hazardous air pollutants to determine if they are subject to Title V operating requirements. These rules impose no additional costs on the regulated community, small businesses, political subdivisions, or members of the public. Costs to PDEQ are those that may accrue for implementation and enforcement of the new rules. Although there were some small incremental costs due to this expedited rulemaking, PDEQ does not intend to hire any additional employees to implement or enforce these rules. 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 and EPA. These revisions should not have an economic impact on Pima County businesses beyond that already incurred by reason of State and/or Federal 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.pima.gov

**12. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules and or ordi-**

**nance:**

Written comments will be accepted if received between the date of this publication and **March 28, 2005 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:**

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 state statutes: Arizona Revised Statutes, Title 49, Chapter 3 are available at the PDEQ office or at: <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp>

The federal regulations: Part 70 – State Operating Permit Programs are available at the PDEQ office or 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 30 days after Board adoption. The rule or ordinance will be scheduled for a public hearing/oral proceeding before the Board on:

Time: **April 19, 2005 at or after 09:00 a.m.**

Place: Pima County Board of Supervisors Public Hearing Room  
130 W. Congress St., First Floor  
Tucson, AZ 85701

**16. The full text of the rule follows:**

**Title 17 of the Pima County Code**

**Title 17 – Air Quality Control**

**Chapter 17.04 General Provisions**

**Sections:**

**Article I. Preamble.**

**17.04.010 Declaration of policy.**

**17.04.020 Purpose.**

**17.04.030 Authority.**

**Article II. Jurisdiction.**

**17.04.040 General applicability.**

**17.04.050 State and/or ~~county~~ County.**

**17.04.060 Limitations.**

**Article III. Incorporated Materials.**

**17.04.070 Incorporated Materials.**

**Article IV. Administration.**

**17.04.080 Air ~~quality control district~~ Quality Control District.**

**17.04.090 Executive head.**

**17.04.100 Governing body.**

**Article V. Advisory Council.**

**17.04.110 Establishment.**

**17.04.120 Composition.**

**17.04.130 Terms - Nominations.**

**17.04.140 Function.**

**17.04.150 Officers - Procedures.**

**17.04.160 Meetings - Special studies - Hearings.**

**17.04.170 Compensation - Absences.**

**Article VI. Hearing Board.**

**17.04.180 Establishment.**

- 17.04.190 Composition.
- 17.04.200 Terms - Nominations.
- 17.04.210 Functions.
- 17.04.220 Officers - Procedures.
- 17.04.230 Meetings - Hearings.
- 17.04.240 Compensation - Absences.
- 17.04.250 Decisions of hearing board; subpoenas; effective date.
- 17.04.260 Judicial review.
  - Article VII. Legal Severability.
- 17.04.270 Severability clause.
  - Article VIII. Interpretations.
- 17.04.280 Format.
- 17.04.290 Heading and special type.
- 17.04.300 Use of number and gender.
- 17.04.310 Copies.
- 17.04.320 Effective date.
- 0.0.330 Adoptions by reference.
  - Article IX. Definitions and Meanings.
- 17.04.340 Words, phrases, and terms.
- 17.04.350 Meanings of mathematical symbols.
- 17.04.360 Chemical symbols and abbreviations.
- 17.04.370 Scientific units.
- 17.04.380 Acronyms.
  - Article X. Procedures for Amending.
- 17.04.390 Legal authority.
- 17.04.400 General procedures.
- 17.04.410 Public participation in rulemaking.
- 17.04.420 Applicable implementation plan; savings.
  - Article I. Preamble.
- 17.04.010 Declaration of policy.  
No Change
  
- 17.04.020 Purpose.  
No Change
  
- 17.04.030 Authority.  
No Change
  - Article II. Jurisdiction.
- 17.04.040 General applicability.  
No Change
  
- 17.04.050 State and/or ~~county~~ County.  
No Change
  
- 17.04.060 Limitations.  
No Change
  - Article III. Incorporated Materials.
- 17.04.070 Incorporated Materials.  
No Change
  - Article IV. Administration.

**17.04.080 Air quality control district.**

No Change

**17.04.090 Executive head.**

No Change

**17.04.100 Governing body.**

No Change

**Article V. Advisory Council.**

**17.04.110 Establishment.**

No Change

**17.04.120 Composition.**

No Change

**17.04.130 Terms - Nominations.**

No Change

**17.04.140 Function.**

No Change

**17.04.160 Meetings - Special studies - Hearings.**

No Change

**17.04.170 Compensation - Absences.**

No Change

**Article VI. Hearing Board.**

**17.04.180 Establishment.**

No Change

**17.04.190 Composition.**

No Change

**17.04.200 Terms - Nominations.**

No Change

**17.04.210 Functions.**

No Change

**17.04.220 Officers - Procedures.**

No Change

**17.04.230 Meetings - Hearings.**

No Change

**17.04.240 Compensation - Absences.**

No Change

**17.04.250 Decisions of hearing board; subpoenas; effective date.**

No Change

**17.04.260 Judicial review.**

No Change

**Article VII. Legal Severability.**

**17.04.270 Severability clause.**

No Change

**Article VIII. Interpretations.**

**17.04.280 Format.**

No Change

**17.04.290 Heading and special type.**

No Change

**17.04.300 Use of number and gender.**

No Change

**17.04.310 Copies.**

No Change

**17.04.320 Effective date.**

No Change

**17.04.330 Adoptions by reference.**

No Change

**Article IX. Definitions and Meanings.**

**17.04.340 Words, phrases, and terms.**

Words, phrases, and terms used in this Title shall have the following meanings except where any narrative portion specifically indicates otherwise:

A. Definitions.

1. "Acid mist" - No Change
2. "Act" - No Change
3. "Activity" – No Change
4. "Actual emissions" means the actual rate of emissions of an air pollutant from an emissions unit, as determined in accordance with paragraphs a through c.
  - a. In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period ~~which that~~ precedes the particular date and which is representative of normal source operation. The control officer may allow the use of a different time period upon a demonstration that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored or combusted during the selected time period.
  - b. If there is inadequate information to determine actual historic emissions (e.g., the source has only been operating for 6 months), the control officer may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.
  - c. For any emissions unit at a Class I source, other than an electric utility steam generating unit in subsection (e), which that has not begun normal operations on the particular date, actual emissions shall equal the unit's potential to emit of the unit on that date.
  - d. For any emissions unit at a Class II source that has not begun normal operations on the particular date, actual emissions shall be based on applicable control requirements and projected conditions of operation.

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- e. For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit. If the source owner or operator maintains and submits to the Control Officer, on an annual basis for a period of 5 years from the date the unit resumes regular operations, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the Control Officer if the Control Officer determines the longer period to be more representative of normal source post-change operations.
5. "ADEQ" - No Change
  6. "ADHS" - No Change
  7. "Administrator" - No Change
  8. "Adverse effects to human health" - No Change
  9. "Adverse environmental effects" - No Change.
  10. "Adverse impact on visibility" means visibility impairment ~~which~~ that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a Class I area, as determined according to section 17.16.630.
  11. "Affected facility" - No Change
  12. "Affected source" - No Change.
  13. "Affected state: - No Change
  14. "Affected unit" - No Change
  15. "Afterburner" No Change
  16. "Air contaminant" - No Change
  17. "Air curtain destructor" - No Change
  18. "Air pollution" - No Change
  19. "Air pollution control equipment" - No Change
  20. "Air quality control region" - No Change
  21. "Allowable emissions: - No Change
  22. "Alternative method" means any method of sampling and analyzing for an air pollutant ~~which~~ that is not a reference or equivalent method but which has been demonstrated to produce results adequate for the control officer's determination of compliance in accordance with subsection ~~17.12.040(D)~~ 17.12.045.D.
  23. "Ambient air" - No Change
  24. "Applicable implementation plan" - No Change
  25. "Applicable requirement" - No Change
  26. "Approved" - No Change
  27. "AQCD" - No Change
  28. "Architectural coating" - No Change
  29. "A.R.S." - No Change
  30. "Arizona Testing Manual" - No Change
  31. "Asphalt concrete plant" - No Change
  32. "ASTM" - No Change
  33. "Attainment area" - No Change
  34. "Begin actual construction" - No Change
  35. "Best available control technology" - No Change
  36. "Billable permit action" means a breakdown of the permit processing time into the categories of pre-application activities (training, management interface, telephone requests, tracking, developing and revising program materials, and database management) completeness review, substance review, and public involvement activities, and within each category, a further breakdown by employee name.
  367. "Black liquor" – means waste liquor from the brown stock washer and spent cooking liquor ~~which~~ that have been concentrated in the multiple-effect evaporator system.
  378. "Btu" – No change
  3940. "Calcine" – No Change.



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401. "Capacity factor" – No Change
442. "Categorical sources" means the following classes of sources:
- a. Coal cleaning plants with thermal dryers;
  - b. Kraft pulp mills;
  - c. Portland cement plants;
  - d. Primary zinc smelters;
  - e. Iron and steel mills;
  - f. Primary aluminum ore reduction plants;
  - g. Primary copper smelters;
  - h. Municipal incinerators capable of charging more than 50 tons of refuse per day;
  - i. Hydrofluoric, sulfuric, or nitric acid plants;
  - j. Petroleum refineries;
  - k. Lime plants;
  - l. Phosphate rock processing plants;
  - m. Coke oven batteries;
  - n. Sulfur recovery plants;
  - o. Carbon black plants using the furnace process;
  - p. Primary lead smelters;
  - q. Fuel conversion plants;
  - r. Sintering plants;
  - s. Secondary metal production plants;
  - t. Chemical process plants;
  - u. Fossil-fuel boilers, or ~~combination~~ combination combinations thereof, totaling more than 250 million Btu's per hour heat input;
  - v. Petroleum storage and transfer units with a total storage capacity ~~exceeding more than~~ 300,000 barrels;
  - w. Taconite preprocessing plants;
  - x. Glass fiber processing plants;
  - y. Charcoal production plants;
  - z. Fossil fuel-fired steam electric plants and combined cycle gas turbines of more than 250 million Btu's per hour heat input.
423. "Cause" – No Change
44. "CEM" means a continuous emissions monitoring system or continuous monitoring system that is the total equipment required under the emission monitoring provisions in this Title, used to sample and, if applicable, to condition, to analyze, and to provide, on a continuous basis, a permanent record of emission or process parameters.
435. "CFR"- No change"
446. "Charge" – No Change
457. "Coal" means all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM D-388-91, (Classification of Coals by Rank).
- a. "Clean Coal Technology" means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility that will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam, that was not in widespread use as of November 15, 1990.
  - b. "Clean coal technology demonstration project:" means a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology," up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology or similar projects funded through appropriations from the Environmental Protection Agency. The federal contribution for a qualifying project shall be at least 20% of the total cost of the demonstration project.
  - c. "Temporary clean coal technology demonstration project" means a clean coal technology demonstration project operated for 5 years or less, and that complies with the SIP and other requirements necessary to

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attain and maintain the national ambient air quality standards during the project and after the project is terminated.

468. "Combustion" – No Change
479. "Commence" – No Change
4850. "Complete" – No change
4951. "Concentrate" – No Change
502. "Concentrate dryer" – No Change
513. "Concentrate roaster" – No Change
524. "Condensate stripper system" – No Change
535. "Construction" – No Change
546. "Continuous monitoring system" – No Change
557. "Control" – No Change
568. "Control device" – No Change
579. "Control officer" – No Change
5860. "Controlled atmosphere incinerator" – No Change
5961. "Conventional" or "criteria" air pollutant – No Change
602. "Converter" - No Change
613. "County" – No Change
624. "Delivery vessels" - No Change
635. "Designated representative" – No Change
646. "Director" – No Change
657. "Discharge" – No Change
668. "Dispersion technique" means any technique ~~which~~ that attempts to affect the concentration of a pollutant in the ambient air by any of the following:
- a. Using that portion of a stack ~~which~~ that exceeds good engineering practice stack height;
  - b. Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or
  - c. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This shall not include any of the following:
    - (~~i~~)i. The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream.
    - (~~ii~~)ii. The merging of exhaust gas streams under any of the following conditions:
      - (~~a~~)(1) The source owner or operator demonstrates that the facility was originally designed and constructed with ~~such~~ the merged gas streams;
      - (~~b~~)(2)~~Such~~ The merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant, applying only to the emission limitation for that pollutant; or
    - (~~iii~~)iii. Smoke management in agricultural or silvicultural prescribed burning programs.
    - (~~iv~~)iv. Episodic restrictions on residential woodburning and open burning.
    - (~~v~~)v. Techniques ~~which~~ that increase final exhaust gas plume rise ~~where~~ if the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.

6769. "Dust" or "Dust emissions" – No Change

6870. "Dust suppressant" – No Change

71. "Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than 1/3 of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the

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- purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.
- ~~6972.~~“Effluent” means any air contaminant ~~which that~~ is emitted and subsequently escapes into the atmosphere.
- ~~7073.~~“Emergency” – No Change
- ~~7174.~~“Emission” – No Change
- ~~7275.~~“Emissions allowable under the permit” – No Change
- ~~7376.~~“Emissions unit” means any part of a stationary source ~~which that~~ emits or would have the potential to emit any regulated air pollutant.
- ~~7477.~~“Emission standard” – No Change
- ~~7578.~~“Enforceable” means all limitations and conditions ~~which that~~ are enforceable by the Administrator.
- ~~7679.~~“Environmental Protection Agency (EPA)” – No Change
- ~~7780.~~“Equivalent method” means any method of sampling and analyzing for an air pollutant ~~which that~~ has been demonstrated pursuant to section ~~17.12.040~~ 17.12.045 (Test Methods and Procedures) to have a consistent and quantitatively known relationship to the reference method, under specified conditions.
- ~~781.~~ “Excess emissions” or “emissions in excess of an emission limitation” – No Change
- ~~7982.~~ “Existing source” – No Change
- ~~803.~~ “Federal applicable requirement” – No Change
- ~~814.~~ “Federal Land Manager” – No Change
- ~~825.~~ “Federally enforceable” - No Change
- ~~836.~~ “Federally listed hazardous air pollutant” – No Change
- ~~847.~~ “Final permit” – No Change
- ~~858.~~ “Fixed capital cost” – No Change
- ~~869.~~ “Floating roof” – No Change
- ~~8790.~~ “Fossil fuel-fired steam generator” – No Change
- ~~8891.~~ “Fuel” means any material ~~which that~~ is burned for the purpose of producing energy.
- ~~8992.~~ “Fuel burning equipment” – No Change
- ~~93.~~ “Fuel oil” means Number 2 through Number 6 fuel oils as specified in ASTM D-396-90a (Specification for Fuel Oils), gas turbine fuel oils Numbers 2-GT through 4-GT as specified in ASTM D-2880-90a (Specification for Gas Turbine Fuel Oils), or diesel fuel oils Numbers 2-D and 4-D as specified in ASTM D-975-90a (Specification for Diesel Fuel Oils).
- ~~904.~~“Fugitive dust” – No Change
- ~~915.~~“Fugitive emissions” means those emissions ~~which that~~ could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.
- ~~926.~~“Fume” – No Change
- ~~937.~~“Fume incinerator” – No Change
- ~~948.~~“General permit” – means a permit issued by ADEQ pursuant to A.A.C Title 18, Chapter 2, Article 5 and administered, inspected and enforced by the department pursuant to this title.
- ~~959.~~“Good engineering practice (GEP) stack height” – No Change
- ~~96100~~ “Haul road” – No Change
- ~~97101~~“Hazardous air pollutant” (HAP) – No Change
- ~~98102.~~“Hazardous air pollutant reasonably available control technology” (HAPRACT) – No Change
- ~~99103.~~“Hazardous Waste” – No Change
- ~~1004.~~“Hazardous Waste Fuel” – No Change
- ~~1015.~~“Heat input” – No Change
- ~~1026.~~“Herein” – No Change.
- ~~1037.~~“High sulfur oil” – No Change
- ~~1048.~~“High terrain” – No Change
- ~~1059.~~“Incinerator” – No Change
- ~~10610.~~“Indian governing body” – No Change
- ~~10711.~~“Indian reservation” – No Change

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10813. "Innovative control technology" – No Change
10912. "Insignificant activity" – No Change
113. "Itemized bill" means a breakdown of the permit processing time into the categories of pre-application activities (teleconferences, accelerated processing meetings, permit regulatory discussions, etc.), completeness review, substantive review, and public involvement activities, and within each category, a further breakdown by employee name.
1104. "Kraft pulp mill" – No Change.
1145. "Land stripping" or "land stripping activity" means removal of all or any portion of existing vegetation from parcels of land with equipment, which plows or scrapes the ground surface.
1126. "Lead" – No Change
1137. "Lime hydrator"- No Change
1148. "Lime kiln" means a unit used to calcined lime rock or kraft pulp mill lime mud ~~which that~~ consists primarily of calcium carbonate, into quicklime, which is calcium oxide.
1459. "Lime plant" includes any plant, which produces a lime product from limestone by calcination. Hydration of the lime product is also considered to be part of the source.
11620. "Lime product" – No Change
11721. "Loading facility" – No Change
14822. "Low sulfur oil" – No Change.
14923. "Low terrain" - No Change
12024. "Lowest achievable emission rate" (LAER) – means, for any source, the more stringent rate of emissions based on one of the following:
- a. The most stringent emissions limitation ~~which~~ that is contained in the SIP of any state for ~~such~~ the class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that ~~such~~ the limitations are not achievable; or,
  - b. The most stringent emissions limitation ~~which~~ that is achieved in practice by ~~such~~ the class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable standards of performance ~~as contained~~ in Chapter 17.16 Articles VI and VII.
1245. "Major modification" means any physical change or change in the method of operation of a major source that would result in a significant net emissions increase of any regulated air pollutant.
- a. Any net emissions increase that is significant for volatile organic compounds ~~shall be~~ is considered significant for ozone.
  - b. Any net emissions increase that is significant for oxides of nitrogen ~~shall be~~ is considered significant for ozone Nonattainment areas classified as marginal, moderate, serious or severe.
  - c. For the purposes of this definition the following ~~shall are not be considered~~ a physical change or change in the method of operation:
    - (~~i~~) i. ~~Maintenance~~ Routine maintenance, repair and replacement ~~which the control officer determines to be routine;~~
    - (~~ii~~) ii. Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. § 792, or by reason of a natural gas curtailment plan ~~pursuant to~~ under the Federal Power Act, 16 U.S.C. §§ 792 - 825r;
    - (~~iii~~) iii. Use of an alternative fuel by reason of an order or rule under Section 125 of the Act (Measures to Prevent Economic Disruption or Unemployment);
    - (~~iv~~) iv. Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
    - (~~v~~) v. Use of an alternative fuel or raw material by a stationary source ~~which that~~ either:
      - (a) The source was capable of accommodating before December 12, 1976, unless ~~such the~~ change would be prohibited under any federally enforceable permit condition ~~which was~~ established

after December 12, 1976, pursuant to under 40 CFR 52.21, or under the permitting provisions of this Title; or

(b) The source is approved to use under any permit issued under 40 CFR 52.21, or under the permitting provisions of this Title.

~~(vi)~~vi. An increase in the hours of operation or in the production rate, unless ~~such~~ the change would be prohibited under any federally enforceable permit condition ~~which was~~ established after December 12, 1976, pursuant to under 40 CFR 52.21, or under the permitting provisions of this Title;

~~(vii)~~vii. Any change in ownership at a stationary source;

viii. The addition, replacement, or use of a pollution control project at an existing electric utility steam generating unit, unless the Director determines that the addition, replacement, or use renders the unit less environmentally beneficial, or except:

(1) When the Director has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent Title I air quality impact analysis in the area, if any, and

(2) The Director determines that the increase will cause or contribute to a violation of any national ambient air quality standard or PSD increment, or visibility limitation;

ix. The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, if the project complies with:

(1) The SIP and

(2) Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated;

x. For electric utility steam generating units located in attainment and unclassifiable areas only, the installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, if the project does not result in an increase in the potential to emit any regulated pollutant emitted by the unit. This exemption applies on a pollutant-by-pollutant basis; and

xi. For electric utility steam generating units located in attainment and unclassifiable areas only, the reactivation of a very clean coal-fired electric utility steam generating unit.

1226. "Major source" means:

a. No Change

b. A major source under section 112 of the Act:

~~(i)~~i. For pollutants other than radionuclides, any stationary source that emits or has the potential to emit, in the aggregate, including fugitive emissions, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to Section 112(b) of the Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as described in Article 11 of AAC Chapter 2. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

~~(ii)~~ii. For radionuclides, "major source" shall have the meaning specified by the administrator by rule.

c. A major stationary source, as defined in Section 302 of the Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant, including any major source of fugitive emissions of such pollutant. The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:

~~(i)~~i. Coal cleaning plants (with thermal dryers);

~~(ii)~~ii. Kraft pulp mills;

~~(iii)~~iii. Portland cement plants;

~~(iv)~~iv. Primary zinc smelters;

~~(v)~~v. Iron and steel mills;

~~(vi)~~vi. Primary aluminum ore reduction plants;

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- (vii)vii. Primary copper smelters;
- (viii)viii. Municipal incinerators capable of charging more than 50 tons of refuse per day;
- (ix)ix. Hydrofluoric, sulfuric, or nitric acid plants;
- (x)x. Petroleum refineries;
- (xi)xi. Lime plants;
- (xii)xii. Phosphate rock processing plants;
- (xiii)xiii. Coke oven batteries;
- (xiv)xiv. Sulfur recovery plants;
- (xv)xv. Carbon black plants (furnace process);
- (xvi)xvi. Primary lead smelters;
- (xvii)xvii. Fuel conversion plants;
- (xviii)xviii. Sintering plants;
- (xix)xix. Secondary metal production plants;
- (xx)xx. Chemical process plants;
- (xxi)xxi. Fossil-fuel boilers ~~(or combination thereof)~~ or combinations thereof totaling more than 250 million British thermal units per hour heat input;
- (xxii)xxii. Petroleum storage and transfer units with a total storage capacity ~~exceeding~~ more than 300,000 barrels;
- (xxiii)xxiii. Taconite ore processing plants;
- (xxiv)xxiv. Glass fiber processing plants;
- (xxv)xxv. Charcoal production plants;
- (xxvi)xxvi. Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input.
- (xxvii)xxvii. ~~All~~ Any other stationary source categories category ~~regulated by a standard promulgated which as of August 7, 1980, is being regulated under section 111 or 112 of the Act, but only with respect to those air pollutants that have been regulated for that category.~~

127. Major source threshold” means the lowest applicable emissions rate for a pollutant that would cause the source to be a major source at the particular time and location, under 17.04.340.126.

1238. “Malfunction” means any sudden and unavoidable failure of air pollution control equipment, process equipment or a process to operate in a normal manner, but does not include failures that are caused by poor maintenance, careless operations or any other upset condition or equipment breakdown ~~which that~~ could have been prevented by the exercise of reasonable care.

1249. “Material permit condition” shall mean a condition ~~which that~~ satisfies all of the following:

- a. No Change
- b. No Change
- c. The condition is one of the following:
  - (i)i. An enforceable emission standard imposed to avoid classification as a major modification or major source or to avoid triggering any other applicable requirement.
  - (ii)ii. A requirement to install, operate or maintain a maximum achievable control technology or hazardous air pollutant reasonably available control technology required pursuant to the requirements of A.R.S. § 49-426.06.
  - (iii)iii. A requirement for the installation or certification of a monitoring device.
  - (iv)iv. A requirement for the installation of air pollution control equipment.
  - (v)v. A requirement for the operation of air pollution control equipment.
  - (vi)vi. Any opacity standard required by section 111 (Standards of Performance for New Stationary Sources) or Title I, part C or D (Air Pollution Prevention and Control) of the Act.
- d. No Change

12530. “Matte” No Change

12631. “Maximum achievable control technology” (MACT) means an emission standard that requires the maximum degree of reduction in emissions of the hazardous air pollutants subject to this Title, including a prohibition on

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such emissions where achievable, that the control officer, after considering the cost of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements, determines to be achievable by a source to which such standard applies, through application of measures, processes, methods, systems or techniques including measures which:

- a. reduce the volume of, or eliminate emissions of, such pollutants through process changes, substitution of materials or other modifications;
- b. ~~Enclose~~ enclose systems or processes to eliminate emissions;
- c. collect, capture or treat such pollutants when released from a process, stack, storage or fugitive emissions point;
- d. are design, equipment, work practice, or operational standards, including requirements for operator training or certification;or
- e. are a combination of the above.

~~12732.~~ "Minor source" – No Change

~~12833.~~ "Minor source baseline area" – No Change

~~12934.~~ "Miscellaneous metal parts and products" for purposes of industrial coating include all of the following:

- a. No Change
- b. No Change
- c. No Change
- d. No Change
- e. No Change
- f. No Change
- g. Any other industrial category which coats metal parts or products under the Code in the "Standard Industrial Classification Manual, 1987" of Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (non-electric machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), and Major Group 39 (miscellaneous manufacturing industries), except all of the following:
  - ~~(i)~~ i. Automobiles and light-duty trucks.
  - ~~(ii)~~ ii. Metal cans.
  - ~~(iii)~~ iii. Flat metal sheets and strips in the form of rolls or coils.
  - ~~(iv)~~ iv. Magnet wire for use in electrical machinery.
  - ~~(v)~~ v. Metal furniture.
  - ~~(vi)~~ vi. Large appliances.
  - ~~(vii)~~ vii. Exterior of airplanes.
  - ~~(viii)~~ viii. Automobile refinishing.
  - ~~(ix)~~ ix. Customized top coating of automobiles and trucks, if production is less than 35 vehicles per day.
  - ~~(x)~~ x. Exterior of marine vessels.

~~1305.~~ "Mobile source"- No Change

~~1346.~~ "Modification" or "modify" – No Change

~~1327.~~ "Monitoring device" – No Change

~~1338.~~ "Motor vehicle" – No Change

~~1349.~~ "Multiple chamber incinerator" – No Change

~~13540.~~ "Multiple-effect evaporator system" – No Change

~~13641.~~ "NAAQS" – No Change

~~13742.~~ "National ambient air quality standard" – No Change

143. "NAICS" means the 5 or 6-digit North American Industry Classification System-United States, 1997, number for industries used by the U.S Department of Commerce.

~~13844.~~ "Necessary preconstruction approvals or permits" – No Change

~~13945.~~ "NESHAP" – No Change

~~1406.~~ "Net emissions increase" means:

- a. The amount by which the sum of subparagraphs (i) and (ii) exceeds zero:

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- (~~+~~)i. Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and
  - (~~+~~)ii. Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.
  - b. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:
    - (~~+~~)i. The date five years before construction on the particular change commences; and
    - (~~+~~)ii. The date that the increase from the particular change occurs.
  - c. No Change
  - d. An increase or decrease in actual emissions of sulfur dioxide, nitrogen oxides, or particulate matter ~~which~~ that occurs before the applicable baseline date, as described in section 17.08.150, is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.
  - e. No Change
  - f. A decrease in actual emissions is creditable only to the extent that:
    - (~~+~~)i. The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
    - (~~+~~)ii. It is federally enforceable at and after the time that actual construction on the particular change begins; and,
    - (~~+~~)iii. It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
    - (~~+~~)iv. The emissions unit was actually operated and emitted the specific pollutant.
  - g. No Change
1417. "Neutral sulfite semichemical pulping" - No Change
1428. "New source" - No Change
1439. "Nitric acid plant" - No Change
14450. "Nitrogen oxides" - No Change
14551. "Nonattainment area" - No Change
14652. "Nonattainment area plan" - No Change
14753. "Nonpoint source" means a source of air contaminants ~~which that~~ lacks an identifiable plume or emission point.
14854. "NSPS" - No Change
14955. "Opacity" - No Change
1506. "Open outdoor fire" or "open burning" - No Change
1517. "Operation" - No Change
1527. "Owner or operator" - No Change
1538. "Particulate matter" - No Change
1549. "Particulate matter emissions" means all finely divided solid or liquid materials other than uncombined water, emitted to the ambient air as measured by applicable test methods and procedures described in section ~~17.12.040~~ 17.12.045 (Test Methods and Procedures).
15560. "PDEQ" or "Department" means the Pima County Department of Environmental Quality.
15661. "Permitting authority" means the department or a county department or agency that is charged with enforcing a permit program adopted pursuant to A.R.S. § 49-480, subsection A.
162. "Permit processing time" means all time spent by PDEQ staff or consultants on tasks specifically related to the processing of an application for the issuance or renewal of a particular permit or permit revision, including time spent processing an application that is denied.
15763. "Person" includes any public or private corporation, company, partnership, firm, trust, association or society of persons, the federal government and any of its departments or agencies, the state and any of its agencies, departments or political subdivisions, as well as a natural person.
15864. "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Number 2 through Number 6 fuel oils as specified in ASTM D-396-90a



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- (Specification for Fuel Oils), gas turbine fuel oils Numbers 2-GT through 4-GT as specified in ASTM D-2880-90a (Specification for Gas Turbine Fuel Oils), or diesel fuel oils Numbers 2-D and 4-D as specified in ASTM D-975-90 (Specification for Diesel Fuel Oils).
- ~~15965~~. “Planning agency” means the organization designated by the governor pursuant to 42 United States Code Section 7504 as having the authority and responsibility of preparing nonattainment area plans.
- ~~1606~~. “Plume” means visible effluent.
- ~~167~~. “PM<sub>2.5</sub>” means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR 50 Appendix L, or by an equivalent method designated in accordance with 40 CFR 53.
- ~~1648~~. “PM<sub>10</sub>” – No Change
- ~~1629~~. “PM<sub>10</sub> emissions” means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal ten micrometers emitted to the ambient air as measured by applicable test methods and procedures described in section ~~17.12.040~~ 17.12.045.
- ~~170~~. “Pollution control project” means any activity or project undertaken at an existing electric utility steam-generating unit to reduce emissions from the unit. The activities or project are limited to:  
The installation of conventional or innovative pollution control technology, including advance flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls, and electrostatic precipitators:
- a. An activity or project to accommodate switching to a fuel less polluting than the fuel used before the activity or project, including natural gas or coal re-burning, or the co-firing of natural gas and other fuels for the purpose of controlling emissions:
  - b. A permanent clean coal technology demonstration project conducted under Title 11, section 101 (d) of the Further Continuing Appropriations Act of 1985 (42 U.S.C. 5903 (d)), or subsequent appropriations, up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency, or
  - c. A permanent clean coal technology demonstration project that constitutes a re-powering project.
- ~~16371~~. “Portable source” means any building, structure, facility or installation subject to regulation pursuant to A.R.S. §49-426 ~~which that~~ emits or may emit any air pollutant and is capable of being operated at more than one location.
- ~~16472~~. “Potential to emit” or “potential emission rate” – No Change
- ~~16573~~. “Primary ambient air quality standards” means the ambient air quality standards ~~which that~~ define levels of air quality necessary, with an adequate margin of safety, to protect the public health, as specified in Chapter 17.08, Article I.
- ~~16674~~. “Primary standard attainment date” – No Change
- ~~16775~~. “Private driveway” – No Change
- ~~16876~~. “Private residence” means a one or two family dwelling unit.
- ~~16977~~. “Process” – No Change
- ~~1708~~. “Process source” means the last operation or process ~~which that~~ produces an air contaminant resulting from either:
- a. No Change
  - b. No Change
- ~~1749~~. “Process weight” – No Change
- ~~17280~~. “Process weight rate” – No Change
- ~~17381~~. “Proposed permit” – No Change
- ~~17482~~. “Proposed final permit” – means the version of a Class I permit that the Department proposes to issue and forwards to the Administrator for review in compliance with subsection A of section ~~17.12.190~~ 17.12.200.
- ~~17583~~. “Quantifiable” – No Change
- ~~17684~~. “RACT (reasonably available control technology)” – No Change
- ~~185~~. “Reactivation of very clean coal-fired electric utility steam generating unit:” means any physical change or change in the method of operation associated with commencing commercial operations by a coal-fired utility unit after a period of discontinued operation if the unit:

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- a. Has not been in operation for the 2-year period before enactment of the Clean Air Act Amendments of 1990, and the emissions from the unit continue to be carried in the Control Officer's emissions inventory at the time of enactment;
  - b. Was equipped before shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85% and a removal efficiency for particulates of no less than 98%;
  - c. Is equipped with low-NOx burners before commencement of operations following reactivation; and
  - d. Is otherwise in compliance with the Act.
17786. "Reasonable further progress" – No Change
17887. "Reclaiming machinery" – No Change
17988. "Reconstruction" o- No. Change
1809. "Recovery furnace" – No Change
18490. "Reference method" – No Change
18291. "Regulated air pollutant" – No Change
18392. "Reid vapor pressure" – No Change
18493. "Replicable" – No Change
194. "Re-powering" means:
- a. Replacing an existing coal-fired boiler with one of the following clean coal technologies:
    - i. Atmospheric or pressurized fluidized bed combustion;
    - ii. Integrated gasification combined cycle;
    - iii. Magnetohydrodynamics;
    - iv. Direct and indirect coal-fired turbines;
    - v. Integrated gasification fuel cells; or
    - vi. As determined by the Administrator, in consultation with the United States Secretary of Energy, a derivative of one or more of the above technologies; and
    - vii. Any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.
  - b. Repowering also includes any oil, gas, or oil and gas-fired unit that has been awarded clean cost technology demonstration funding as of January 1, 1991, by the United States Department of Energy.
  - c. The Control Officer shall give expedited consideration to permit applications for any source that satisfies the requirements of this subsection and is granted an extension under section 409 of the Act.
195. "Representative actual annual emissions" means the average rate, in tons per year, at which a source is projected to emit a pollutant for the 2-year period after a physical change or change in the method of operation of a unit, (or a different consecutive 2-year period within 10 years after that change, if the Director determines that the different period is more representative of source operations), considering the effect the change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions the Director shall:
- a. Consider all relevant information, including historical operational data, the company's representations, filings with Arizona or federal regulatory authorities, and compliance plans under Title IV of the Act; and
  - b. Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.
18596. "Resource recovery project" means any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse. Only energy conversion facilities that utilize solid waste ~~which~~ that provides more than 50 percent of the heat input shall be considered a resource recovery project under this Article.
18697. "Responsible official" means one of the following:

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- a. No Change
  - (+)i. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
  - (+)ii. The delegation of authority to such representatives is approved in advance by the permitting authority;
- b. No Change
- c. No Change
- d. For affected sources:
  - (+)i. The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Act (Acid Deposition Control) or the regulations promulgated thereunder are concerned; and
  - (+)ii. The designated representative for any other purposes under 40 CFR part 70.

18798. "Reverberatory smelting furnace" – No Change

18899. "Road" – No Change

189200. "Road construction" – No Change

190201. "Rotary lime kiln" – No Change

191202. "Rules and regulations" – No Change

192203. "Run" – No Change

193204. "Secondary ambient air quality standards" – No Change

194205. "Secondary emissions" means emissions ~~which that~~ are specific, well defined, quantifiable, occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility ~~which that~~ would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions ~~which that~~ come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

195206. "Service road" – No Change

196207. "Shutdown" – No Change

197208. "Significance levels" means the following ambient concentrations for the enumerated pollutants:

Pollutant	Averaging Time				
	Annual	24 Hour	8 Hour	3 Hour	1 Hour
SO <sub>2</sub>	1 g/m <sup>3</sup>	5 g/m <sup>3</sup>		25 g/m <sup>3</sup>	
NO <sub>2</sub>	1 g/m <sup>3</sup>				
CO			0.5 mg/m <sup>3</sup>		2 mg/m <sup>3</sup>
PM <sub>10</sub>	1 g/m <sup>3</sup>	5 g/m <sup>3</sup>			

Except for the annual pollutant concentrations, exceedance of significance levels shall be deemed to occur when the ambient concentrations of the above pollutants is exceeded more than once per year at any one location. If ~~such~~ the concentrations occur at a specific location and at a time when Arizona ambient air quality standards for ~~such~~ the pollutant ~~is~~ are not violated, then the significance level does not apply.

198209. "Significant" – No Change

199210. "Slag" – No Change

211. "Small source" means a source with a potential to emit, without controls, less than the rate defined as significant in 17.04.340.208, but required to obtain a permit solely because it is subject to a standard under 40 CFR 63.

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20012. "Smelt dissolving tank" – No Change
20413. "Smelter feed" – No Change
20214. "Smelting" – No Change
20315. "Smelting furnace" – No Change
20416. "Smoke" – No Change
20517. "Solvent degreasing" – No Change
20618. "Solvent degreasing unit" - No Change
20719. "Source" – No Change
20820. "Stack" – No Change
20921. "Stack in existence" means that the owner or operator had either: No Change
21022. "Standard conditions" – No Change
21123. "Start-up" – No Change
21224. "State" – No Change
21325. "State implementation plan" (SIP) – No Change
21426. "Stationary rotating machinery" – No Change.
21527. "Stationary source" means any building, structure, facility or installation subject to regulation ~~which~~ that emits or may emit any air pollutant.
21628. "Submerged fill pipe" – No Change
21729. "Sulfuric acid plant" – No Change
21830. "Supplementary control system" (SCS) – No Change
231. "Synthetic minor" means a source with a permit that contains voluntarily accepted emissions limitations, controls, or other requirements (for example, a cap on production rates or house of operation, or limits on the type of fuel) under section 17.12.220 to reduce the potential to emit to a level below the major source threshold.
21932. "Temporary source" No Change
22033. "Total reduced sulfur" (TRS) – No Change
22134. "Total suspended particulate" (TSP) – No Change
235. "Trivial activities" means activities and emissions units, such as the following, that may be omitted from a Class I or Class II permit application. Certain of the following listed activities include qualifying statements intended to exclude similar activities:
- a. Combustion emissions from propulsion of mobile sources;
  - b. Air-conditioning units used for human comfort that do not have applicable requirements under title VI of the Act;
  - c. Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing, industrial or commercial process;
  - d. Non-commercial food preparation;
  - e. Janitorial services and consumer use of janitorial products;
  - f. Internal combustion engines used for landscaping purposes;
  - g. Laundry activities, except for dry-cleaning and steam boilers;
  - h. Bathroom and toilet vent emissions;
  - i. Emergency or backup electrical generators at residential locations;
  - j. Tobacco smoking rooms and areas;
  - k. Blacksmith forges;
  - l. Plant maintenance and upkeep activities, including grounds-keeping, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, installing insulation, and paving parking lots, if these activities are not conducted as part of a manufacturing process, are not related to the source's primary business activity, and do not otherwise trigger a permit revision. Cleaning and painting activities qualify as trivial activities if they are not subject to VOC or hazardous air pollutant (HAP) control requirements;
  - m. Repair or maintenance shop activities not related to the source's primary business activity, not including emissions from surface coating, de-greasing, or solvent metal cleaning activities, and not otherwise triggering a permit revision;

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- n. Portable electrical generators that can be moved by hand from one location to another. "Moved by hand" means capable of being moved without the assistance of any motorized or non-motorized vehicle, conveyance, or device;
- o. Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic;
- p. Brazing, soldering, and welding equipment, and cutting torches related to manufacturing and construction activities that do not result in emission of HAP metals. Brazing, soldering, and welding equipment, and cutting torches related to manufacturing and construction activities that emit HAP metals are insignificant activities based on size or production level thresholds. Brazing, soldering, and welding equipment, and cutting torches directly related to plant maintenance and upkeep and repair or maintenance shop activities that emit HAP metals are treated as trivial and listed separately in this definition;
- q. Air compressors and pneumatically operated equipment, including hand tools;
- r. Batteries and battery charging stations, except at battery manufacturing plants;
- s. Storage tanks, vessels, and containers holding or storing liquid substances that will not emit any VOC or HAP;
- t. Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, if appropriate lids and covers are used;
- u. Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, if appropriate lids and covers are used;
- v. Drop hammers or hydraulic presses for forging or metalworking;
- w. Equipment used exclusively to slaughter animals, not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;
- x. Vents from continuous emissions monitors and other analyzers;
- y. Natural gas pressure regulator vents, excluding venting at oil and gas production facilities;
- z. Hand-held applicator equipment for hot melt adhesives with no VOC in the adhesive formulation;
- aa. Equipment used for surface coating, painting, dipping, or spraying operations, except those that will emit VOC or HAP;
- bb. CO(2) lasers used only on metals and other materials that do not emit HAP in the process;
- cc. Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam;
- dd. Salt baths using nonvolatile salts that do not result in emissions of any regulated air pollutants;
- ee. Laser trimmers using dust collection to prevent fugitive emissions;
- ff. Bench-scale laboratory equipment used for physical or chemical analysis, but not laboratory fume hoods or vents;
- gg. Routine calibration and maintenance of laboratory equipment or other analytical instruments;
- hh. Equipment used for quality control, quality assurance, or inspection purposes, including sampling equipment used to withdraw materials for analysis;
- ii. Hydraulic and hydrostatic testing equipment;
- jj. Environmental chambers not using HAP gases;
- kk. Shock chambers;
- ll. Humidity chambers;
- mm. Solar simulators;
- nn. Fugitive emissions related to movement of passenger vehicles, if the emissions are not counted for applicability purposes under R18-2-101(64)(c) and any required fugitive dust control plan or its equivalent is submitted with the application;
- oo. Process water filtration systems and demineralizers;
- pp. Demineralized water tanks and demineralizer vents;
- qq. Oxygen scavenging or de-aeration of water;
- rr. Ozone generators;
- ss. Fire suppression systems;
- tt. Emergency road flares;
- uu. Steam vents and safety relief valves;
- ww. Steam leaks; and
- xx. Steam cleaning operations and steam sterilizers

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22236. "Unclassified area" – No Change

22337. "Uncombined water" – No Change

22438. "Unpaved road" – No Change

22539. "Urban or suburban open area" – No Change

22640. "Used Oil" – No Change

22741. "Used Oil Fuel" – No Change

22842. "Vacant lot" – No Change

22943. "Vapor" – No Change

23044. "Vapor pressure" – No Change

23145. "Vapor recovery/disposal system" means a system ~~which~~ that consists of one of the following:

- a. A system ~~which~~ that processes the displaced vapors and either recovers or disposes of the vapors being processed so as to prevent an emission rate greater than 0.29 pounds per one thousand gallons (thirty-five grams per one thousand liters) into the atmosphere.
- b. A vapor handling system ~~which~~ that directs at least ninety-five percent by weight of the displaced vapors to a vapor capture and/or recovery system.
- c. No Change

23246. "Visibility impairment" means any humanly perceptible change in visibility (light extinction, visual range, contrast, and coloration) from that which would have existed under natural conditions.

23346. "Visible emissions" – No Change

23447. "Volatile organic compounds (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any such organic compound other than the following:

- a. No Change
- b. No Change
- c. No Change
- d. No Change
- e. No Change
- f. No Change
- g. No Change
- h. No Change
- i. No Change
- j. No Change
- k. No Change
- l. No Change
- m. No Change
- n. No Change
- o. No Change
- p. No Change
- q. No Change
- r. No Change
- s. No Change
- t. No Change
- u. No Change
- v. No Change
- w. No Change
- x. No Change
- y. 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
- z. 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
- aa. 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
- bb. Difluoromethane (HFC-32);

- cc. Ethylfluoride (HFC-161);
- dd. 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
- ee. 1,1,2,2,3-pentafluoropropane (HFC-245ca);
- ff. 1,1,2,3,3-pentafluoropropane (HFC-245ea);
- gg. 1,1,1,2,3-pentafluoropropane (HFC-245eb);
- hh. 1,1,1,3,3-pentafluoropropane (HFC-245fa);
- ii. 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
- jj. 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
- kk. Chlorofluoromethane (HCFC-31);
- ll. 1 chloro-1-fluoroethane (HCFC-151a);
- mm. 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
- nn. 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub>);
- oo. 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CF<sub>2</sub>OCH<sub>3</sub>);
- pp. 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>);
- qq. 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>);
- rr. Methyl acetate; and
- yss. Perfluorocarbon compounds that fall into these classes:
  - ~~(i)~~i. Cyclic, branched, or linear, completely fluorinated alkanes;
  - ~~(ii)~~ii. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
  - ~~(iii)~~iii. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; ~~and or~~
  - ~~(iv)~~iv. Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- tt. T-Butyl Acetate (TBAC)

23548. "Wood waste burner" means an incinerator designed and used exclusively for the burning of wood wastes consisting of wood slabs, scraps, shavings, barks, sawdust or other wood material, including those that generate steam as a by-product. (Ord. 2005- § 1, 2005; 1998; Ord. 1998-27 § 2, 1998; Ord. 1997-79 § 2, 1997; Ord. 1996-50 § 1, 1996; Ord. 1995-87 § 3, 1995; Ord. 1994-83 § 2, 1994; Ord. 1993-128 § 1 (part), 1993; Ord. 1991-136 § 2, 1991; Ord. 1990-113 § 1, 1990; Ord. 1989-165 § 9, 1989; Ord. 1987-175 § 1, 1987; Ord. 1986-227 § 1 (part), 1986; Ord. 1983-196 (part), 1983; Ord. 1982-91 (part), 1982; Ord. 1981-12 (part), 1981; Ord. 1979-93 (part), 1979)

**17.04.350 Meanings of mathematical symbols.**

No Change:

**17.04.360 Chemical symbols and abbreviations.**

No Change

**17.04.370 Scientific units.**

No Change

**17.04.380 Acronyms.**

No Change

**Article X. Procedures for Amending.**

**17.04.390 Legal authority.**

No Change

**17.04.400 General procedures.**

No Change

**17.04.410 Public participation in rulemaking.**

**A.R.S. §§ 49-471.06 through 49-471.12 (as Added by Laws 2000, Ch. 194, § 3, effective January 1, 2002) is hereby adopted in its entirety and is incorporated herein by this reference.**

- A. The control officer shall encourage the public to provide input to the rulemaking process.
- B. Extensive publicity, including prominently displayed advertisements in newspapers of wide circulation and notification by mail to interested public and private organizations, shall be given to all public hearings conducted by the air quality advisory council, the air quality hearing board, and the board of supervisors concerning proposed amendments to this Title.
- C. The control officer shall consider public comment on methods to improve this Title, or to improve air quality in Pima County. For example, informal comments received from interested citizens may be filed and referred to when amending this document. (Ord.2005 - § 1, 2005, Ord. 1979-93 (part),1979)

**17.04.420 Applicable implementation plan; savings**

No Change

**NOTICE OF EXPEDITED RULEMAKING  
Pima County Air Quality Control Regulations**

**Pima County Code**

**Title 17 – Air Quality Control**

**Chapter 12 Permits And Permit Revisions**

[M05-22]

**PREAMBLE**

<b><u>1. Sections Affected</u></b>	<b><u>Rulemaking Action</u></b>
Pima County Code (PCC) 17.12.035	New
PCC 17.12.040	New
PCC 17.12.045	Amend
PCC 17.12.050	Amend
PCC 17.12.060	Amend
PCC 17.12.070	Amend
PCC 17.12.180	Amend
PCC 17.12.190	ReNUMBER
PCC 17.12.195	New
PCC 17.12.200	ReNUMBER
PCC 17.12.210	Amend and ReNUMBER
PCC 17.12. 220	Amend
PCC 17.12.230	Amend
PCC 17.12.235	New
PCC 17.12.240	New
PCC 17.12.245	ReNUMBER
PCC 17.12.250	New



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PCC 17.12.255	Amend and Renumber
PCC 17.12.260	Amend
PCC 17.12.365	Amend
Table 17.12.480	Repealed
Table 17.12.530	Amend

**2. Statutory authority for the rulemaking:**

Arizona Revised Statutes (A.R.S.) § 49-112 – County Regulations; standards  
A.R.S. Title 49, Chapter 3, Article 3. County Air Pollution Control  
A.R.S. § 49.471.08 – Expedited Rulemaking  
A.R.S. § 49.479 – Rules; hearing

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

Notice of Rulemaking Docket Opening: 10 A.A.R. 3899, September 24, 2004

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

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.pima.gov

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

Section	Action	Section by Section Analysis
PCC 17.12.035	New	Conform with ADEQ (R18-2-310, 7 AAR 1164, 03/09/01)
PCC 17.12.040	New	Conform with ADEQ (R18-2-310.01, 7 AAR 1164, 03/09/01)
PCC 17.12.045	Amend	Conform with EPA (40 CFR 50-52, 58, 60- 61, 63, 75; 07/01/04)
PCC 17.12.050	Amend	Conform with EPA (40 CFR 52, 60-61; 07/01/04)
PCC 17.12.060	Amend	Conform with ADEQ (R18-2-313, 7 AAR 1164, 03/09/01)
PCC 17.12.070	Amend	Reference change for section number within text due to renumbering
PCC 17.12.180	Amend	Conform with ADEQ (R18-2-306, 6 A.A.R. 343, 01/14/00; 5 A.A.R. 4074, 10/20/99)
PCC 17.12.190	Renumber	
PCC 17.12.195	New	Conform with ADEQ (R18-2-306.02, 5 AAR 4074; 10/29/99)
PCC 17.12.200	Renumber	
PCC 17.12.210	Amend & Renumber	– Reference change for section number within text
PCC 17.12.220	Amend	Conform with ADEQ (R18-2-309, 10 AAR 2833, 07/09/04)
PCC 17.12.230	Amend	Conform with ADEQ (R18-2-317, 5 AAR 4074; 10/29/99)
PCC 17.12.235	New	Conform with ADEQ (R18-2-317.01, 5 AAR 4074; 10/29/99)
PCC 17.12.240	New	Conform with ADEQ (R18-2-317.02, 5 AAR 4074; 10/29/99)
PCC 17.12.245	Renumber	
PCC 17.12.250	New	Conform with ADEQ (R18-2-318.01, 5 AAR 4074; 10/29/99)
PCC 17.12.255	Amend	Conform with ADEQ (R18-2-319, 5 AAR 4074; 10/29/99)
PCC 17.12.260	Amend	Conform with ADEQ (R18-2-320, 6 AAR 343, 01/14/00)
PCC 17.12.365	Amend	Conform with ADEQ (R18-2-333, 10 AAR 1348, 04/09/04)
Table 17.12.480	Repealed to conform to ADEQ	(R18-2-602, 10 AAR 388, 02/06/04)
Table 17.12.530	Amend	Conform with ADEQ (R18-2-602, 10 AAR 388, 02/06/04)

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§17.12.035 (Affirmative Defenses for Excess Emissions Due to Malfunctions, Startup, and Shutdown) Summary: This rule (ADEQ Rule 18-2-310) was adopted by the Pima County Board of Supervisors on October 19, 2004 by reference in Chapter 17.28, and is being repealed from that Chapter and included in its entirety in Chapter 17.12. §17.12.035 clarifies those conditions under which a source may obtain an affirmative defense if the source exceeds applicable emission limitations due to malfunction, startup, and shutdown. This rule specifies that an affirmative defense is available in any civil or administrative proceeding (other than one for injunctive relief) upon the owner or operator demonstrating and agreeing to specific conditions (affirmative defense in criminal proceedings are contained in A.R.S. §§49-464 (P), (Q), and (R) and 49-514 (O), (P), and (Q). This rule requires that before owners and operators are granted an affirmative defense they must demonstrate that the source's equipment and operations during startup, shutdown, and malfunction provided maximum protection to public health and to ambient air quality. In this rule, the majority of conditions for an affirmative defense relating to malfunction, startup, and shutdown are identical. The rule, while recognizing the inevitability of these events, requires owners or operators to maximize their planning efforts and anticipate their responses whether the event is a malfunction, startup, or shutdown.

§17.12.040 (Reporting Requirements) Summary: This rule (ADEQ Rule 18-2-310.01) was adopted by the Pima County Board of Supervisors on October 19, 2004 by reference in Chapter 17.28, and is being repealed from that Chapter and included in its entirety in Chapter 17.12. This rule requires a two-part reporting requirement for an owner or operator following an excess emissions event. The first requires notification by phone or fax within 24 hours of the event and the second requires a written report within 72 hours to the Control Officer. The reporting requirements allow PDEQ to record and track such events as part of permitting and compliance efforts.

§17.12.045 (Test Methods and Procedures) Summary: This rule is being updated to include the recent codification of Title 40 of the Code of Federal Regulations (CFR) as of July 1, 2004.

§17.12.050 (Performance Tests) Summary: This rule is being updated to include the recent codification of Title 40 of the CFR, as of July 1, 2004.

§17.12.060 (Existing Source Emission Monitoring) Summary: This rule was amended to correct a section number referenced within the text.

§17.12.070 (Quality Assurance) Summary: This rule was amended to correct a section number referenced within the text.

§17.12.180 (Permit Contents) Summary: This rule (ADEQ Rule 18-2-306) was amended to conform to ADEQ's rule, which was changed to mirror the changes EPA made to 40 CFR Part 70 in the federal Compliance Assurance Monitoring (CAM) rule.

§17.12.190 (Permits Containing Voluntarily Accepted Emission Limitations and Standards) Summary: This rule was renumbered from §17.12.220 due to the reorganization of the section numbers to coincide with the order of appearance in ADEQ's rules.

§17.12.195 (Establishment of an Emissions Cap) Summary: This new rule (ADEQ Rule 18-2-306.02) was created to conform to ADEQ's rule, which provides a special category of emission caps. Maximum limits for caps at Class II sources and requirements for averaging periods are established in this rule.

§17.12.200 (Permit Review by the EPA and Affected States) Summary: This rule was renumbered from §17.12.190 due to the addition of new rules.

§17.12.210 (Emission Standards and Limitations) Summary: This rule was renumbered from §17.12.200 and amended to correct a section number referenced within the text.

§17.12.220 (Compliance Plan; Certification) Summary: This rule (ADEQ Rule 18-2-309) was revised to conform to ADEQ's rule and as required by recent revisions to 40 CFR Part 70. This federal regulation requires responsible officials (ROs) of major sources of air pollutants to certify compliance with the Clean Air Act. Specifically, ROs needed to identify in their certification whether the status of compliance with the Act was continuous or intermittent during the period covered by the ongoing certification. In its 1997 Compliance Assurance Monitoring (CAM) rule, EPA amended the compliance certification provisions for the Operating Permits Program, 40 CFR Part 70 (62 FR 54900, October 22, 1997). The 1997 amendments replaced the existing certification requirement with a requirement to indicate whether the certification was based on "methods" that provide continuous or intermittent "data" and whether deviations, excursions, or exceedances occurred. In 2000, ADEQ amended R18-2-309 to mirror the 1997 changes made to part 70 by EPA (6 AAR, 343, January 14, 2000). In 1999, the Natural Resources Defense Council, Inc. (NRDC) filed a petition with the U.S. Court of Appeals for the D.C. Circuit challenging this and other aspects of the 1997 amendments. NRDC claimed that the 1997 amendments were directly inconsistent with the explicit requirement of the Act that compliance certifications identify whether "compliance" is continuous or intermittent. The Court agreed with NRDC that the 1997 amendments were contrary to the statute, which requires that certification include whether compliance, not just data, is continuous or intermittent, and remanded the regulations to EPA for revision in accordance with the Court's opinion (194 F.3d 130, October 29, 1999).

On June 27, 2003, EPA published final amendments to the compliance certification provisions for the Operating Permits Program (part 70) (68 FR 38518). Specifically, the regulations now require, as ordered by the Court, that the compliance certification include whether the facility or source has been in continuous or intermittent compliance.

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EPA removed the language of the 1997 amendments that referred to continuous or intermittent data. State, local, and tribal governments that implement Part 70 operating permits programs were directed to revise their existing compliance certification requirements to make them consistent with the 2003 amendments to Part 70.

The revisions to §17.12.220 will put the rule back in compliance with 40 CFR Part 70, by again making the language mirror that of the revisions EPA made to the regulation in accordance with the Court's remand, and the revisions by ADEQ to Rule 18-2-309. The revisions require Class I sources to certify that compliance with their permit provisions was continuous. Additionally, §17.12.220 applies to both Class I and Class II sources; Class II sources will also be required to certify continuous compliance with the terms and conditions of their permits.

§17.12.230 (Facility Changes Allowed Without Permit Revisions – Class I) Summary: This rule (ADEQ Rule 18-2-317) was amended to conform to changes by ADEQ to correct grammatical changes and delete unnecessary and redundant wording.

§17.12.235 (Facility Changes that Require a Permit Revision – Class II) Summary: This new rule (ADEQ Rule 18-2-317.01) was created to conform to ADEQ's new rule that streamlines the permitting process and achieves operational cycle time reductions in key permitting processes, thus reducing the costs to the permittee.

§17.12.240 (Procedures for Certain Changes that do not Require a Permit Revision – Class II) Summary: This new rule (ADEQ Rule 18-2-317.02) was created to conform to ADEQ's new rule that streamlines the permitting process and achieves operational cycle time reductions in key permitting processes, thus reducing the costs to the permittee.

§17.12.245 (Administrative Permit Amendments) Summary: This rule was renumbered due to the addition of new rules.

§17.12.250 (Annual Summary Permit Amendments for Class II Permits) Summary: This new rule (ADEQ Rule 18-2-318.01) was created to conform to ADEQ's new rule that requires public access to any amendment to a Class II permit that incorporate changes reflected in logs or notices filed under §17.12.240.

§17.12.255 (Minor Permit Revisions) Summary: This rule (ADEQ Rule 18-2-319) was amended to reflect changes in the ADEQ rule that included procedures for minor permit revisions for Class II sources and correct grammatical errors.

§17.12.260 (Significant Permit Revisions) Summary: This rule (ADEQ Rule 18-2-320) was amended to conform to changes in the ADEQ rule and to clarify the public participation requirements for specific changes to Class II permits. In addition, sectional references were corrected, and grammatical errors were revised.

§17.12.365 (Acid Rain) Summary: This rule (ADEQ Rule 18-2-333) was amended to incorporate federal regulations by reference from 40 CFR Part 72, 74, 75, and 76 and updated to the recent codification of July 1, 2004. PDEQ is obligated under state and federal law to incorporate federal acid rain requirements in the air quality permits issued by PDEQ.

Table 17.12.480 (Open Burning Permit/Non-Permit Requirements) Summary: This table is "repealed" since it no longer conforms to §17.12.480 (Open Burning Permits) or ADEQ Rule 18-2-602.

Table 17.12.530 (Open Burning Permit Fee Schedules) Summary: This table is amended to conform to the terminology of §17.12.480 (Open Burning Permits) and ADEQ Rule 18-2-602.

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 2004.

**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 is proposing to adopt 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:**

These rules impose no additional costs on the regulated community, small businesses, political subdivisions, or members of the public. Costs to PDEQ are those that may accrue for implementation and enforcement of the new rules. Although there were some small incremental costs due to this expedited rulemaking, PDEQ does not intend to hire any additional employees to implement or enforce these rules. 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 and EPA. These revisions should have not have an economic impact on Pima County businesses beyond that already incurred by reason of State and/or Federal 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.pima.gov

**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 **March 28, 2005 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:**

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 state statutes: Arizona Revised Statutes, Title 49, Chapter 3 are available at the PDEQ office or at: <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp>

The federal regulations are available at the PDEQ office or 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 30 days after Board adoption. The rule or ordinance will be scheduled for a public hearing/oral proceeding before the Board on:

Time: **April 19, 2005 at or after 09:00 a.m.**  
Place: Pima County Board of Supervisors Public Hearing Room  
130 W. Congress Street, First Floor  
Tucson, AZ 85701

**16. The full text of the rule follows:**

**Pima County Code**

**Title 17 – Air Quality Control**

**Chapter 17.12 Permits And Permit Revisions**

**Sections:**

Article I. General Provisions.

- 17.12.010 Statutory authority.
- 17.12.020 Planning, constructing, or operating without a permit.
- 17.12.030 Sampling, testing, and analysis requirements.
- 17.12.035 Affirmative Defenses for Excess Emissions Due to Malfunctions, Startup, and Shutdown.
- 17.12.040 Reporting Requirements.
- ~~17.12.040~~ 17.12.045 Test methods and procedures.
- 17.12.050 Performance tests.
- 17.12.060 Existing source emission monitoring.
- 17.12.070 Quality assurance.
- 17.12.080 Permit display or posting.
- 17.12.085 Notice by building permit agencies.
- 17.12.090 (Reserved)
- 17.12.100 Permits for state delegated emission sources.
- 17.12.110 Grant or denial of applications.
- 17.12.120 Appeals of permit actions.
- 17.12.130 Assistance to Small Business.

Article II. Individual Source Permits.

- 17.12.140 Applicability; classes of permit.
- 17.12.150 Transition from installation and operating permit program to unitary permit program.
- 8.0.160 Permit application processing procedures.
- 17.12.170 Public records; confidentiality.
- 8.0.180 Permit contents.
- ~~17.12.200~~ 17.12.190 Permits containing voluntarily accepted emission limitations and standards.
- 17.12.195 Establishment of an Emissions Cap
- ~~17.12.190~~ 17.12.200 Permit review by the EPA and affected states.
- ~~17.12.200~~ 17.12.210 Emission standards and limitations.
- ~~17.12.210~~ 17.12.220 Compliance plan; certification.
- 8.0.230 Facility changes allowed without permit revisions – **Class I.**
- 17.12.235 Facility changes that require a permit revision – Class II
- 17.12.240 Procedures for certain changes that do not require a permit revision – Class II.
- ~~17.12.240~~ 17.12.245 Administrative permit amendments.
- 17.12.250 Annual summary permit amendments for Class II permits.
- ~~17.12.250~~ 17.12.255 Minor permit revisions.
- 17.12.260 Significant permit revisions.
- 17.12.270 Permit reopenings; revocation and reissuance; termination.
- 17.12.280 Permit renewal and expiration.
- 17.12.290 Permit transfers.
- 17.12.300 Portable sources.
- 17.12.310 Permit shields.
- 17.12.320 Annual emissions inventory questionnaire.
- 17.12.330 Permits containing the terms and conditions of federal delayed compliance orders (DCO) or consent decrees.
- 17.12.340 Public participation.
- 17.12.350 Material permit condition.
- 17.12.360 Stack height limitation.
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Article III. General Permits for Individual Sources.

- 17.12.370 General permit enforcement.
- 17.12.380 (Reserved).

**17.12.390 Application for coverage under general permit.**

**17.12.400 Fees related to general permits.**

**17.12.410 (Reserved).**

**17.12.420 (Reserved).**

**17.12.430 (Reserved).**

**17.12.440 (Reserved).**

**17.12.450 (Reserved).**

**17.12.460 (Reserved).**

**Article IV. Activity Permits.**

**17.12.470 Activity permits.**

**Article V. Open Burning Permits.**

**17.12.480 Open burning permits.**

**17.12.490 Standard Permit Requirements.**

**Article VI. Fees.**

**17.12.500 General provisions.**

**17.12.510 Fees related to individual permits.**

**17.12.520 (Reserved)**

**17.12.525 (Reserved)**

**17.12.530 Open burning permit fees.**

**17.12.540 Activity permit fees.**

**17.12.545 (Reserved)**

**17.12.550 (Reserved)**

**17.12.560 (Reserved)**

**17.12.570 (Reserved)**

**17.12.580 (Reserved)**

**17.12.590 (Reserved)**

**17.12.600 (Reserved)**

**17.12.610 (Reserved)**

**17.12.620 Refund of permit fees.**

**17.12.630 (Reserved)**

**17.12.640 (Reserved)**

**17.12.650 (Reserved)**

**Article I. General Provisions.**

**17.12.010 Statutory authority.**

- A. Statutory provisions relating to the control officer's jurisdiction over permit requirements and authority for permit fees are contained in the Arizona Revised Statutes, A.R.S. Sections 49-402, 49-471, and 49-401, et seq.
- B. No Change
- C. No Change
- D. Issuance of an air permit shall not relieve the permittee from compliance with all local, county, state, and federal laws, statutes, and codes. (Ord. 2005 - §3, 2005; Ord. 1993-128 § 3, 1993; Ord. 1989-165 § 11, 1989; Ord. 1987-175 § 2, 1987; Ord 1979-93 (part), 1979)

**17.12.020 Planning, constructing, or operating without a permit.**

No Change

**17.12.030 Sampling, testing, and analysis requirements.**

No Change

**17.12.035 Affirmative Defenses for Excess Emissions Due to Malfunctions, Startup, and Shutdown**

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**A.** Applicability

This rule establishes affirmative defenses for certain emissions in excess of an emission standard or limitation and applies to all emission standards or limitations except for standards or limitations:

1. Promulgated pursuant to Sections 111 or 112 of the Act.
2. Promulgated pursuant to Titles IV or VI of the Clean Air Act.
3. Contained in any Prevention of Significant Deterioration (PSD) or New Source Review (NSR) permit issued by the U.S. E.P.A.,
4. Contained in section 17.12.280 (F), or
5. Included in a permit to meet the requirements of section 17.12.590 (A)(5).

**B.** Affirmative Defense for Malfunctions

Emissions in excess of an applicable emission limitation due to malfunction shall constitute a violation. The owner or operator of a source with emissions in excess of an applicable emission limitation due to malfunction has an affirmative defense to a civil or administrative enforcement proceeding based on that violation, other than a judicial action seeking injunctive relief, if the owner or operator of the source has complied with the reporting requirements of section 17.12.065 and

has demonstrated all of the following:

1. The excess emissions resulted from a sudden and unavoidable breakdown of process equipment or air pollution control equipment beyond the reasonable control of the operator;
2. The air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;
3. If repairs were required, the repairs were made in an expeditious fashion when the applicable emission limitations were being exceeded. Off-shift labor and overtime were utilized where practicable to insure that the repairs were made as expeditiously as possible. If off-shift labor and overtime were not utilized, the owner or operator satisfactorily demonstrated that the measures were impracticable;
4. The amount and duration of the excess emissions (including any bypass operation) were minimized to the maximum extent practicable during periods of such emissions;
5. All reasonable steps were taken to minimize the impact of the excess emissions on ambient air quality;
6. The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;
7. During the period of excess emissions there were no exceedances of the relevant ambient air quality standards established in Article 2 of this Chapter that could be attributed to the emitting source;
8. The excess emissions did not stem from any activity or event that could have been foreseen and avoided, or planned, and could not have been avoided by better operations and maintenance practices;
9. All emissions monitoring systems were kept in operation if at all practicable; and
10. The owner or operator's actions in response to the excess emissions were documented by contemporaneous records.

**C.** Affirmative Defense for Startup and Shutdown

1. Except as provided in subsection (C)(2), and unless otherwise provided for in the applicable requirement, emissions in excess of an applicable emission limitation due to startup and shutdown shall constitute a violation. The owner or operator of a source with emissions in excess of an applicable emission limitation due to startup and shutdown has an affirmative defense to a civil or administrative enforcement proceeding based on that violation, other than a judicial action seeking injunctive relief, if the owner or operator of the source has complied with the reporting requirements of section 17.12.065 and has demonstrated all of the following:

- a. The excess emissions could not have been prevented through careful and prudent planning and design;
- b. If the excess emissions were the result of a bypass of control equipment, the bypass was unavoidable to prevent loss of life, personal injury, or severe damage to air pollution control equipment, production equipment, or other property;
- c. The source's air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;

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- d. The amount and duration of the excess emissions (including any bypass operation) were minimized to the maximum extent practicable during periods of such emissions;
  - e. All reasonable steps were taken to minimize the impact of the excess emissions on ambient air quality;
  - f. During the period of excess emissions there were no exceedances of the relevant ambient air quality standards established in Article I of this Chapter that could be attributed to the emitting source;
  - g. All emissions monitoring systems were kept in operation if at all practicable; and
  - h. The owner or operator's actions in response to the excess emissions were documented by contemporaneous records.
2. If excess emissions occur due to a malfunction during routine startup and shutdown, then those instances shall be treated as other malfunctions subject to subsection (B).

D. Affirmative Defense for Malfunctions During Scheduled Maintenance

If excess emissions occur due to a malfunction during scheduled maintenance, then those instances will be treated as other malfunctions subject to subsection (B).

E. Demonstration of Reasonable and Practicable Measures

For an affirmative defense under subsection (B) or (C), the owner or operator of the source shall demonstrate, through submission of the data and information required by this Section and Section 17.12.040, that all reasonable and practicable measures within the owner or operator's control were implemented to prevent the occurrence of the excess emissions. (Ord. 2005- § 3,2005)

17.12.040 Reporting Requirements

A. The owner or operator of any source shall report to the Control Officer any emissions in excess of the limits established by this Chapter or the applicable permit. The report shall be in 2 parts as specified below:

- 1. Notification by telephone or facsimile within 24 hours of the time the owner or operator first learned of the occurrence of excess emissions that includes all available information from subsection (B).
- 2. Detailed written notification by submission of an excess emissions report within 72 hours of the notification under subsection (1).

B. The excess emissions report shall contain the following information:

- 1. The identity of each stack or other emission point where the excess emissions occurred;
- 2. The magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;
- 3. The time and duration or expected duration of the excess emissions;
- 4. The identity of the equipment from which the excess emissions emanated;
- 5. The nature and cause of the emissions;
- 6. The steps taken, if the excess emissions were the result of a malfunction, to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunctions;
- 7. The steps that were or are being taken to limit the excess emissions; and
- 8. If the source's permit contains procedures governing source operation during periods of startup or malfunction and the excess emissions resulted from startup or malfunction, a list of the steps taken to comply with the permit procedures.

C. In the case of continuous or recurring excess emissions, the notification requirements of this Section shall be satisfied if the source provides the required notification after excess emissions are first detected and includes in the notification an estimate of the time the excess emissions will continue. Excess emissions occurring after the estimated time period or changes in the nature of the emissions as originally reported shall require additional notification pursuant to subsections (A) and (B). (Ord. 2005 - § 3, 2005)

**17.12.040. 17.12.045 Test methods and procedures.**

A. Except as otherwise specified in this Chapter, the applicable procedures and testing methods contained in the Arizona Testing Manual; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C shall be used to determine compliance with the requirements established in this Title or contained in permits issued pursuant to this Title



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The following test methods and protocols are approved for use as directed by PDEQ under this Chapter. These standards are incorporated by reference as of July 1, 2004 (and no future editions or amendments). These standards are on file with PDEQ and are also available from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.

1. 40 CFR 50;
  2. 40 CFR 50, Appendices A through K;
  3. 40 CFR Part 51, Appendix M, Appendix s, Section IV, Appendix W;
  4. 40 CFR 52, Appendices D and E;
  5. 40 CFR 58;
  6. 40 CFR 58, all appendices;
  7. 40 CFR 60, all appendices;
  8. 40 CFR 61, all appendices;
  9. 40 CFR 63, all appendices;
  10. 40 CFR 75, all appendices.
- B. Except as otherwise provided in this subsection the opacity of visible emissions shall be determined by Reference Method 9 of the Arizona Testing Manual or Appendix A in 40 CFR 60. A permit may specify a method, other than Method 9, for determining the opacity of emissions from a particular emissions unit, if the method has been promulgated by the Administrator in 40 CFR 60, Appendix A.
- C. No Change
- D. Except for ambient air monitoring and emissions testing required under Chapter 17.16, Articles VI and VII, alternative and equivalent test methods in any test plan submitted to the control officer may be approved by the control officer for the duration of that plan provided that the following three criteria are met:
1. The alternative or equivalent test method measures the same chemical and physical characteristics as the test method it is intended to replace.
  2. The alternative or equivalent test method has substantially the same or better reliability, accuracy, and precision as the test method it is intended to replace.
  3. Applicable quality assurance procedures are followed in accordance with the Arizona Testing Manual, 40 CFR 60 or other methods approved by the control officer. (Ord. 2005 - §3, 2005; Ord. 1993-128 § 3, 1993)

**17.12.050 Performance tests.**

- A. No Change
- B. Performance tests shall be conducted and data reduced in accordance with the test method and procedures contained in the Arizona Testing Manual, 40 CFR 52; Appendices D and E, 40 CFR 60; Appendices A through F; and 40 CFR 61, Appendices B and C. (These standards are incorporated by reference as of July 1, 2004 and no future editions or amendments. These standards are on file with PDEQ and are also available from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328). ~~Unless~~ Unless the control officer:
1. No Change
  2. No Change
  3. No Change
  4. No Change
  5. No Change
- C. No Change
- D. No Change
- E. No Change
- F. No Change
- G. No Change
- H. No Change
- I. Nothing in this Section shall be so construed as to prevent the utilization of measurements from emissions monitoring devices or techniques not designated as performance tests as evidence of compliance with applicable good maintenance and operating requirements. (Ord. 2005 - § 3, 2005; Ord. 1994-83 § 5, 1994; Ord. 1993-128 § 3 (part), 1993)

**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. No Change.
  - 2. No Change
  - 3. No Change
  - 4. No Change
- B. No Change
- C. Minimum monitoring requirements:
  - 1. No Change
    - a. A continuous monitoring system for the measurement of opacity which meets the performance specifications of this Section shall be installed, calibrated, maintained, and operated in accordance with the procedures of this Section by the owner or operator of any such steam generator of greater than 250 million Btu per hour heat input except where:
      - ~~(i)~~ i. Gaseous fuel is the only fuel burned, or
      - ~~(ii)~~ ii. Oil or a mixture of gas and oil are the only fuels burned and the source is able to comply with the applicable particulate matter and opacity rules without utilization of particulate matter collection equipment, and where the source has never been found to be in violation through any administrative or judicial proceedings, or accepted responsibility for any violation of any visible emission standard.
    - b. No Change.
    - c. No Change
    - d. No Change
  - 2. No Change
  - 3. No Change
  - 4. No Change
- D. No Change.
  - 1. No Change
  - 2. No Change
  - 3. No Change
  - 4. Monitor location: All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions of process parameter (i.e., oxygen, or carbon dioxide) from the affected facility are obtained. Additional guidance for location of continuous monitoring systems to obtain representative samples ~~are~~ is contained in the applicable performance specifications of Appendix B of 40 CFR 60.
  - 5. No Change
  - 6. No Change
  - 7. No Change
- E. Minimum data requirement.

The following paragraphs set forth the minimum data reporting requirements for sources employing continuous monitoring equipment as specified in this Section. These periodic reports do not relieve the source operator from the reporting requirements of section 17.12.180 and section 17.12.040.

  - 1. No Change
  - 2. No Change
  - 3. No Change
  - 4. No Change
  - 5. No Change
  - 6. No Change
- F. No Change

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1. For fossil-fuel fired steam generators the following procedures shall be used to convert gaseous emission monitoring data in parts per million to g/million cal (lb/million Btu) where necessary.
  - a. When the owner or operator of a fossil-fuel fired steam generator elects under paragraph d of subdivision 1 of subsection C of this section to measure oxygen in the flue gases, the measurements of the pollutant concentration and oxygen concentration shall each be on a consistent basis (wet or dry).
    - (i) When measurements are on a wet basis, except where wet scrubbers are employed or where moisture is otherwise added to stack gases, the following conversion procedure shall be used:

$$E_Q = C_{ws} F_w \frac{20.9}{20.9(1 - B_{wa}) - \% O_{2ws}}$$


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(ii) When measurements are on a wet basis and the water vapor content of the stack gas is determined at least once every fifteen minutes the following conversion procedure shall be used:

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$$E_Q = C_{ws} F \frac{20.9}{20.9(1 - B_{wa}) - \% O_{2ws}}$$


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Note: Use of this equation is contingent upon demonstrating the ability to accurately determine B(ws) such that any absolute error in B(ws) will not cause an error of more than ±1.5 percent in the term.

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$$\frac{20.9}{20.9(1 - B_{wa}) - \% O_{2ws}}$$


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(iii) When measurements are on a dry basis, the following conversion procedure shall be used:

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$$E_Q = CF \frac{20.9}{20.9 - \% O_{2ws}}$$


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- b. When the owner or operator elects under C.1.d. of this Section to measure carbon dioxide in the flue gases, the measurement of the pollutant concentration and the carbon dioxide concentration shall each be on a consistent basis (wet or dry) and the following conversion procedure used;

$$E_Q = CF_c \frac{100}{\% CO_2}$$


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- c. The values used in the equations under F.1. of this section are derived as follows:

$E_Q$  = pollutant emission, g/million cal (lb/million Btu)

$C$  = pollutant concentration, g/dscm (lb/dscf), determined by multiplying the average concentration (ppm) for each hourly period by  $4.16 \times 10^{-5}$  M g/dscm per ppm ( $2.64 \times 10^{-9}$  M lb/dscf per ppm) where  $M$  = pollutant molecular weight, g/g-mole (lb/lb-mole),  $M = 64$  for sulfur dioxide and  $46$  for oxides of nitrogen.

$C_{ws}$  = pollutant concentrations at stack conditions, g/wscm (lb/wscf), determined by multiplying the average concentration (ppm) for each one-hour period by  $4.15 \times 10^{-5}$  M lb/wscm per ppm ( $2.59 \times 10^{-5}$  M lb/wscf per ppm) where  $M$  = pollutant molecular weight, g/g mole (lb/lb mole).  $M = 64$  for sulfur dioxide and  $46$  for nitrogen oxides.

$\%O_2$ ,  $\%CO_2$  = Oxygen or carbon dioxide volume (expressed as percent) determined with equipment specified under D.1.d. of this Section.

$F$ ,  $F_c$  = A factor representing a ratio of the volume of dry flue gases generated to the calorific value of the fuel combusted ( $F$ ), a factor representing a ratio of the volume of carbon dioxide generated to the calorific value of the fuel combusted ( $F_c$ ), respectively. Values of  $F$  and  $F_c$  are given in § 60.45(f) of Part 60, Chapter 1, Title 40, Code of Federal Regulations.

$F_w$  = A factor representing a ratio of the volume of wet flue gases generated to the caloric value of the fuel combusted. Values of  $F_w$  are given in Reference Method 19 of the Arizona Testing Manual and in Appendix A-7, Method 19 of 40 CFR 60.

$B_{wa}$  = Proportion by volume of water vapor in the ambient air. Approval may be given for determination of  $B_{wa}$  by onsite instrumental measurement provided that the absolute accuracy of the measurement technique can be demonstrated to be within  $\pm 0.7$  percent water vapor. Estimation methods for  $B_{wa}$  are given in Reference Method 19 of the Arizona Testing Manual and in Appendix A-7, Method 19 of 40 CFR 60.

$B_{ws}$  = Proportion by volume of water vapor in the stack gas.

2. No Change
3. No Change
4. No Change

**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)~~ 17.12.045(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. 2005- § 3, 2005;~~ Ord. 2004-97 § 3, Ord. 1995-87 § 10, 1995;. Ord. 1994-83 § 7, 1994; Ord. 1993-128 § 3 (part), 1993)

**17.12.080 Permit display or posting.**

No Change

**17.12.085 Notice by building permit agencies**

No Change

**17.12.090 (Reserved).**

No Change

**17.12.100 Permits for state delegated emission sources.**

No Change

**17.12.110 Grant or denial of applications.**

No Change

**17.12.120 Appeals of permit actions.**

No Change

**17.12.130 Assistance to Small Business.**

No Change

**Article II. Individual Source Permits.**

**17.12.140 Applicability; classes of permits.**

No Change

**17.12.150 Transition from installation and operating permit program to unitary permit program.**

No Change

**17.12.160 Permit application processing procedures.**

No Change

**17.12.170 Public records; confidentiality.**

No Change

**17.12.170 Public records; confidentiality.**

No Change

**17.12.180 Permit contents for Class I or II permits.**

- A. Each permit issued shall include the following elements:
1. No Change
  2. Enforceable emission limitations and standards, including ~~those~~ operational requirements and limitations that ~~assure~~ ensure compliance with all applicable requirements at the time of issuance and operational requirements and limitations that have been voluntarily accepted pursuant to ~~under 17.12.220~~ under 17.12.210
    - a. The permit shall specify and reference the origin of and authority for each term or condition and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.
    - b. The permit shall state that, ~~where~~ if an applicable requirement of the Act is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act, both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.
    - c. Any permit containing an equivalency demonstration for an alternative emission limit submitted ~~pursuant to~~ under 17.12.160.D shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.
    - d. The permit shall specify applicable requirements for fugitive emission limitations, regardless of whether the source category in question is included in the list of sources contained in the definition of major source in 17.04.340.
  3. No Change
  4. No Change

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5. ~~With respect to reporting, the~~ The permit shall incorporate all applicable reporting requirements, including reporting requirements established ~~pursuant to under~~ section ~~17.12.220~~ 17.12.190 and section 17.12.040, and require the following:
  - a. Submittal of reports of any required monitoring at least every 6 months. All instances of deviations from permit requirements shall be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with 17.12.160.H and ~~17.12.210.A.5~~ 17.12.220.A.5.
  - b. No Change
6. A permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Act (Acid Deposition Control) or the regulations promulgated thereunder.
  - a. ~~No permit revision shall be~~ A permit revision is not required for increases in emissions that are authorized by allowances acquired ~~pursuant to under~~ the acid rain program, ~~provided that such~~ if the increases do not require a permit revision under any other applicable requirement.
  - b. ~~No~~ A limit shall ~~not~~ be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to non-compliance with any other applicable requirement.
  - c. Any ~~such~~ allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Act (Acid Deposition Control).
  - d. Any permit issued ~~pursuant to under~~ the requirements of this Chapter and Title V of the Act (Permits) to a unit subject to the provisions of Title IV of the Act (Acid Deposition Control) shall include conditions prohibiting all of the following:
    - i. Annual emissions of sulfur dioxide in excess of the number of allowances to emit sulfur dioxide held by the owners or operators of the unit or the designated representative of the owners or operators.
    - ii. Exceedances of applicable emission rates.
    - iii. ~~The use~~ Use of any allowance prior to the year for which it was allocated.
- iv. Contravention of any other provision of the permit.
7. A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any ~~portions~~ portion of the permit.
8. Provisions stating the following:
  - a. The permittee shall comply with all conditions of the permit including ~~The permit shall contain~~ all applicable requirements of ~~federal and~~ Arizona air quality statutes A.R.S. Title 49, Chapter 3, and ~~federal, state and Pima County~~ air quality rules. Any permit noncompliance is grounds for enforcement action; for a permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application. Noncompliance with any federally enforceable requirement in a permit ~~constitutes~~ is a violation of the Act.
  - b. ~~Need to halt or reduce activity not a defense.~~ It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
  - c. The permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
  - d. The permit does not convey any property rights of any sort, or any exclusive privilege to the permit holder.
  - e. The permittee shall furnish to the control officer, within a reasonable time, any information that the control officer may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon the control officer's request, the permittee shall also furnish to the control officer copies of records required to be kept by the permit. For information claimed to be confidential, the permittee shall furnish a copy of such records directly to the Administrator along with a claim of confidentiality.
  - f. For any major source operating in a non-attainment area for ~~any pollutant(s)~~ all pollutants for which the source is classified as a major source, the source shall comply with reasonably available control technology.
9. No Change
10. No Change

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11. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the control officer. Such terms and conditions shall:
    - a. ~~Shall require~~ Require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;
    - b. ~~Shall extend~~ Extend the permit shield described in 17.12.310 to all terms and conditions under each such operating scenario; and
    - c. ~~Shall ensure~~ Ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of this title
  12. Terms and conditions, if the permit applicant requests them, as approved by the control officer, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:
    - a. Shall include all terms required under subsections A and C of this section to determine compliance;
    - b. May extend the permit shield described in subsection D of this section to all terms and conditions that allow such increases and decreases in emissions;
    - c. Shall not include trading ~~involving~~ that involves emission units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emission trades; and
    - d. Shall meet all applicable requirements and requirements of this title.
  13. No Change
  14. ~~If a~~ Upon request of a permit applicant ~~requests it,~~ the control officer shall issue ~~permits~~ a permit that ~~contains~~ contains terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap ~~that is~~ established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The control officer shall not ~~be required to~~ include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements. Changes made under this paragraph ~~(44)~~ shall not include modifications under any provision of Title I of the Act and may not exceed emissions allowable under the permit. The terms and conditions shall provide for Class I sources, for notice that conforms to 17.12.230 (D) and (E) and for Class II sources, for logging that conforms to 17.12.240 (B) (5) In addition, the notices for Class I and Class II sources shall describe and that describes how the increases and decreases in emissions will comply with the terms and conditions of the permit.
  15. ~~Such other~~ Other terms and conditions as are required by the Act, A.R.S. Title 49, Chapter 3, Articles 1, 2 and 3 and the rules adopted ~~pursuant thereto~~ in Title 17.
- B. Federally Enforceable Requirements
1. No Change
    - a. Except as provided in paragraph (B)(2) of this subsection, all terms and conditions in a Class I permit, including any ~~provisions~~ provision designed to limit a source's potential to emit;
    - b. Terms or conditions in a Class II permit setting forth federal applicable requirements; and;
    - c. Terms and conditions in any permit ~~which are~~ entered into voluntarily pursuant to section 17.12.220, as follows:
      - ~~(i)~~ i. Emissions limitations, controls or other requirements; and
      - ~~(ii)~~ ii. Monitoring, recordkeeping and reporting requirements associated with the emissions limitations, controls or other requirements in subdivision (i) of this subparagraph.
  2. No Change
- C. ~~All permits~~ Each permit shall contain a compliance plan that meets the requirements of ~~17.12.210~~; 17.12.220.
- D. No Change
- 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~~ that requires immediate corrective action to restore normal

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- 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~~ the technology-based emission limitations if the conditions of 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)~~ cause or causes of the emergency;
    - b. At the time of the emergency, the ~~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.
  - F. A class I permit issued to a major source shall require that revisions be made ~~pursuant to~~ under 17.12.270 to incorporate additional applicable requirements adopted by the Administrator ~~pursuant to~~ under the Act that become applicable to a source with a permit with a remaining permit term of three or more years. No reopening shall be required if the effective date of the applicable requirement is after the expiration of the permit. The revisions shall be made as expeditiously as practicable, but not later than eighteen months after the promulgation of such standards and regulations. Any permit revision required pursuant to this subsection shall comply with provisions in 17.12.280 for permit renewal and shall reset the five year permit term. (Ord.2005- § 3, 2005; Ord. 1998-27 § 5, 1998; Ord. 1995-87 § 13, 1995; Ord. 1994-83 § 15, 1994; Ord. 1993-128 § 3 (part), 1993)

~~17.12.220~~ **17.12.190 Permits containing voluntarily accepted emission limitations and standards.**

No Change

**17.12.195 Establishment of an Emissions Cap**

- A. An applicant may, in its application for a new permit, renewal of an existing permit, or as a significant permit revision, request an emissions cap for a particular pollutant expressed in tons per year as determined on a 12-month rolling average, or any shorter averaging time necessary to enforce any applicable requirement, for any emissions unit, combination of emissions units, or an entire source to allow operating flexibility including emissions trading for the purpose of complying with the cap. This Section shall not apply to sources that hold an authority to operate under a general permit pursuant to Article 5 of this Chapter.
- B. An emissions cap for a Class II source that limits the emissions of a particular pollutant for the entire source shall not exceed any of the following:
  1. The applicable requirement for the pollutant if expressed in tons per year;
  2. The source's actual emissions plus the applicable significance level for the pollutant established in 17.04.340 (208);
  3. The applicable major source threshold for the pollutant; or
  4. A sourcewide emission limitation for the pollutant voluntarily agreed to by the source under 17.12.220.
- C. In order to incorporate an emissions cap in a permit the applicant must demonstrate to the Control Officer that terms and conditions in the permit will:
  1. Ensure compliance with all applicable requirements for the pollutant;
  2. Contain replicable procedures to ensure that the emissions cap is enforceable as a practical matter and emissions trading conducted under it is quantifiable and enforceable as a practical matter. For the purposes of this Section, "enforceable as a practical matter" shall include the following criteria:



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- a. The permit conditions are permanent and quantifiable;
- b. The permit includes a legally enforceable obligation to comply;
- c. The limits impose an objective and quantifiable operational or production limit or require the use of in-place air pollution control equipment;
- d. The permit limits have short-term averaging times consistent with the averaging times of the applicable requirement;
- e. The permit conditions are enforceable and are independent of any other applicable limitations; and
- f. The permit conditions for monitoring, recordkeeping, and reporting requirements are sufficient to comply with 17.12.180 (A)(3),(4), and (5).

3. For a Class I permit, include all terms required under 17.12.180 (A) and 17.12.210.

D. Class I sources shall log an increase or decrease in actual emissions authorized as a trade under an emissions cap unless an applicable requirement requires notice to the Control Officer. The log shall contain the information required by the permit including, at a minimum, when the proposed emissions increase or decrease occurred, a description of the physical change or change in method of operation that produced the increase or decrease, the change in emissions from the physical change or change in method of operation, and how the increase or decrease in emissions complies with the permit. Class II sources shall comply with 17.12.240 (B)(5).

E. The Control Officer shall not include in an emissions cap or emissions trading allowed under a cap any emissions unit for which the emissions are not quantifiable or for which there are no replicable procedures or practical means to enforce emissions trades. (Ord. 2005- § 3, 2005).

**~~17.12.190~~ 17.12.200 Permit review by the EPA and affected states.**

- A. No Change
- B. No Change
- C. No Change
- D. Review by Affected States
  - 1. For each Class I permit, the control officer shall provide notice of each proposed permit to any affected state on or before the time that the control officer provides this notice to the public as required under 17.12.340 except to the extent ~~17.12.250~~ 17.12.255 (Minor Permit Revisions) requires the timing of the notice to be different.
  - 2. If the control officer refuses to accept a recommendation of any affected state submitted during the public or affected state review period, the control officer shall notify the Administrator and the affected state in writing. The notification shall include the control officer's reasons for not accepting any such recommendation, and shall be provided to the Administrator as part of the submittal of the proposed final permit. The control officer shall not be required to accept recommendations that are not based on federal applicable requirements or requirements of state law.
- E. No Change
- F. No Change
- G. Prohibition on Default Issuance
  - 1. No Class I permit including a permit renewal or revision shall be issued until affected states and the Administrator have had an opportunity to review the proposed permit.
  - 2. No permit or renewal shall be issued unless the control officer has acted on the application. (Ord. 2005- § 3, 2005; Ord. 1998-27 § 6, 1998; Ord. 1994-83 § 16, 1994; Ord. 1993-128 § 3 (part), 1993)

**~~17.12.200~~ 17.12.210 Emission standards and limitations.**

**No Change**

**~~17.12.210~~ 17.12.220 Compliance plan; certification.**

- A. All Class I and II permits shall contain the following elements with respect to compliance:
  - 1. No Change

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2. Requirements for ~~compliance certification~~ certifications of compliance with terms and conditions contained in the a Class I or II permit, including ~~emission~~ emissions limitations, standards, ~~or~~ and work practices. Permits shall include each of the following:
  - a. The frequency ~~for~~ of submissions of compliance certifications, which shall not be less than annually;
  - b. No Change
  - c. A requirement that the compliance certification include all of the following (the identification of applicable information may cross-reference the permit or previous reports, as applicable):
    - ~~(i)~~ i. No Change
    - ~~(ii)~~ 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)~~ 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~~  
The methods and other means shall include, at a minimum, the methods, and means required 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 a false certification or omitting material information;
    - ~~(iv)~~ 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. No Change
  - d. A requirement that permittees submit all compliance certifications ~~be submitted~~ to the control officer. Class I permittees shall also submit compliance certifications to the Administrator ~~as well~~.
  - e. ~~Such additional~~ Additional requirements ~~as may be specified pursuant to~~ in 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~~ 17.12.190.
3. A requirement for any document required to be submitted by a ~~permit~~ permittee, including reports, to contain a certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this Chapter shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
4. Inspection and entry provisions ~~which~~ that require that upon presentation of proper credentials, the permittee shall allow the control officer to:
  - a. Enter upon the permittee's premises where a source is located, ~~or~~ emissions-related activity is conducted, or ~~where~~ records are required to be kept under the conditions of the permit;
  - b. No Change
  - c. No Change
  - d. No Change
  - e. Record any inspection by use of written, electronic, magnetic ~~and~~ or photographic media.
5. A compliance plan that contains all the following:

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- a. A description of the compliance status of the source with respect to all applicable requirements;
  - b. A description as follows:
    - (i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with ~~such~~ requirements;
    - (ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet ~~such~~ the requirements on a timely basis; ~~and~~
    - (iii) For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements;
  - c. A compliance schedule as follows:
    - (i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with ~~such~~ the requirements;
    - (ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement;
    - (iii) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. ~~Such a~~ The schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirement for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. ~~Any such~~ The schedule of compliance shall ~~be supplemental to~~ supplement, and shall not sanction noncompliance with, the applicable requirements on which it is based.
  - d. A schedule for submission of certified progress reports no less frequently than every 6 months for sources required to have a schedule of compliance to remedy a violation. ~~Certified~~ The progress reports shall contain:
    - (i) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
    - (ii) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measures adopted.
- e-6. The compliance plan content requirements specified in ~~this~~ subdivision (5) shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act (Acid Deposition Control) and incorporated ~~pursuant to~~ under section 17.12.365 with regard to the schedule and ~~method(s)~~ each method the source will use to achieve compliance with the acid rain emissions limitations.
67. If there is a Federal Implementation Plan (FIP) applicable to the source, a provision that compliance with the FIP is required. (Ord. 2005- § 3, 2005; Ord. 1998-27 § 7, 1998; Ord. 1995-87 § 14, 1995; Ord. 1994-83 § 17, 1994; Ord. 1993-128 § 3 (part), 1993)

**17.12.230 Facility changes allowed without permit revisions – Class I.**

- A. A facility with a Class I permit may make changes without a permit revision if all of the following apply:
  - 1. The changes are not modifications under any provision of Title I of the Act (Air Pollution Prevention and Control) or under A.R.S. 49-401.01(17);
  - 2. The changes do not exceed the emissions allowable under the permit whether expressed therein as a rate of emissions or in terms of total emissions;
  - 3. The changes do not violate any applicable requirements or trigger any additional applicable requirements;
  - 4. The changes satisfy all requirements for a minor permit revision under ~~17.12.250~~ 17.12.255; ~~and~~
  - 5. The changes do not contravene federally enforceable permit terms and conditions that are monitoring (including test methods), record keeping, reporting, or compliance certification requirements.

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- B. The substitution of an item of process or pollution control equipment for an identical or substantially similar item of process or pollution control equipment shall qualify as a change that does not require a permit revision, if ~~it~~ the substitution meets all of the requirements of subsections A, D and E ~~of this Section~~.
- C. Except for sources with authority to operate under general permits, permitted sources may trade increases and decreases in emissions within the permitted facility, as established in the permit ~~pursuant to~~ under 17.12.180(A)(12), ~~where if~~ an applicable implementation plan provides for ~~such the~~ emissions trades; without applying for a permit revision and based on the seven working days notice prescribed in subsection D of this section. This provision is available ~~in those cases where if~~ the permit does not ~~already~~ provide for ~~such the~~ emissions trading as a minor permit revision.
- D. For each change under subsections A through C ~~of this section~~, a written notice, by certified mail or hand delivery, shall be received by the control officer and; ~~for Class I permits~~, the Administrator a minimum of seven (7) working days in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided less than 7 working days in advance of the change but must be provided as far in advance of the change, or if advance notification is not practicable as soon after the change as possible.
- E. Each notification shall include:
1. When the proposed change will occur;
  2. A description of ~~each such the~~ change;
  3. Any change in emissions of regulated air pollutants;
  4. The pollutants emitted subject to the emissions trade, if any;
  5. The provisions in the implementation plan that provide for the emissions trade with which the source will comply and any other information as may be required by the provisions in the implementation plan authorizing the trade;
  6. If the emissions trading provisions of the implementation plan are invoked, then the permit requirements with which the source will comply; and
  7. Any permit term or condition that is no longer applicable as a result of the change.
- F. The permit shield described in 17.12.310 shall not apply to any change made ~~pursuant to~~ under subsections A through C ~~of this section~~. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the implementation plan authorizing the emissions trade.
- G. Except as otherwise provided for in the permit, making a change from one alternative operating scenario to another as provided under 17.12.180.A.11 shall not require any prior notice under this Section.
- H. Notwithstanding any other part of this Section, the control officer may require a permit to be revised for any change that when considered together with any other changes submitted by the same source under this section over the term of the permit, do not satisfy subsection A of this section.
- I. The control officer shall make available to the public monthly summaries of all notices received under this section. ((Ord. 2005- § 3, 2005, Ord. 1998-27 § 8, 1998; Ord. 1997-79 § 5, 1997; Ord. 1995-87 § 16, 1995; Ord. 1994-83 § 19, 1994; Ord. 1993-128 § 3 (part), 1993)

**17.12.235 Facility Changes that Require a Permit Revision – Class II**

- A. The following changes at a source with a Class II permit shall require a permit revision:
1. A change that triggers a new applicable requirement or violates an existing applicable requirement.
  2. Establishment of, or change in, an emissions cap.
  3. A change that will require a case-by-case determination of an emission limitation or other standard, or a source-specific determination of ambient impacts, or a visibility or increment analysis;
  4. A change that results in emissions that are subject to monitoring, recordkeeping or reporting under 17.12.180 (A)(3),(4), or (5) if the emissions cannot be measured or otherwise adequately quantified by monitoring, recordkeeping, or reporting requirements already in the permit;
  5. A change that will authorize the burning of used oil, used oil fuel, hazardous waste, or hazardous waste fuel, or any other fuel not currently authorized by the permit;
  6. A change that requires the source to obtain a Class I permit;
  7. Replacement of an item of air pollution control equipment listed in the permit with one that does not have the same or better pollutant removal efficiency;
  8. Establishment or revision of a limit under 17.12.190;

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9. Increasing operating hours or rates of production above the permitted level; and
  10. A change that relaxes monitoring, recordkeeping, or reporting requirements, except when the change results:
    - a. From removing equipment that results in a permanent decrease in actual emissions, if the source keeps on-site records of the change in a log that satisfies Appendix 3 of this Chapter and if the requirements that are relaxed are present in the permit solely for the equipment that was removed; or
    - b. From a change in an applicable requirement.
- B. A source with a Class II permit may make any physical change or change in the method of operation without revising the source's permit unless the change is specifically prohibited in the source's permit or is a change described in subsection (A). A change that does not require a permit revision may still be subject to requirements in 17.12.245. (Ord. 2005- § 3, 2005)

**17.12.240 Procedures for Certain Changes that do not Require a Permit Revision - Class II**

- A. Except for a physical change or change in the method of operation at a Class II source requiring a permit revision under 17.12.235, or a change subject to logging or notice requirements in subsection (B) or (C), a change at a Class II source shall not be subject to revision, notice, or logging requirements under this Chapter.
- B. Except as otherwise provided in the conditions applicable to an emissions cap created under 17.12.195, the following changes may be made if the source keeps onsite records of the changes according to subsection (I) below:
1. Implementing an alternative operating scenario, including raw material changes;
  2. Changing process equipment, operating procedures, or making any other physical change if the permit requires the change to be logged;
  3. Engaging in any new insignificant activity listed in 17.04.340 (111)(a) through (i) but not listed in the permit;
  4. Replacing an item of air pollution control equipment listed in the permit with an identical (same model, different serial number) item. The Control Officer may require verification of efficiency of the new equipment by performance tests; and
  5. A change that results in a decrease in actual emissions if the source wants to claim credit for the decrease in determining whether the source has a net emissions increase for any purpose. The logged information shall include a description of the change that will produce the decrease in actual emissions. A decrease that has not been logged is creditable only if the decrease is quantifiable, enforceable, and otherwise qualifies as a creditable decrease.
- C. Except as provided in the conditions applicable to an emissions cap created under 17.12.195, the following changes may be made if the source provides written notice to the Department in advance of the change as provided below:
1. Replacing an item of air pollution control equipment listed in the permit with one that is not identical but that is substantially similar and has the same or better pollutant removal efficiency: seven days. The Control Officer may require verification of efficiency of the new equipment by performance tests;
  2. A physical change or change in the method of operation that increases actual emissions more than 10% of the major source threshold for any conventional pollutant but does not require a permit revision: seven days;
  3. Replacing an item of air pollution control equipment listed in the permit with one that is not substantially similar but that has the same or better efficiency: 30 days. The Control Officer may require verification of efficiency of the new equipment by performance tests;
  4. A change that would trigger an applicable requirement that already exists in the permit: 30 days unless otherwise required by the applicable requirement;
  5. A change that amounts to reconstruction of the source or an affected facility: seven days. For purposes of this subsection, reconstruction of a source or an affected facility shall be presumed if the fixed capital cost of the new components exceeds 50% of the fixed capital cost of a comparable entirely new source or affected facility and the changes to the components have occurred over the 12 consecutive months beginning with commencement of construction; and
  6. A change that will result in the emissions of a new regulated air pollutant above an applicable regulatory threshold but that does not trigger a new applicable requirement for that source category: 30 days. For purposes of this requirement, an applicable regulatory threshold for a conventional air pollutant shall be 10% of the applicable major source threshold for that pollutant.
- D. For each change under subsection (C), the written notice shall be by certified mail or hand delivery and shall be received by the Control Officer the minimum amount of time in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided with less than

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required notice, but must be provided as far in advance of the change, or if advance notification is not practicable, as soon after the change as possible. The written notice shall include:

1. When the proposed change will occur.
  2. A description of the change.
  3. Any change in emissions of regulated air pollutants, and
  4. Any permit term or condition that is no longer applicable as a result of the change.
- E. A source may implement any change in subsection (C) without the required notice by applying for a minor permit revision under 17.12.255 and complying with 17.12.255 (D)(2) and (G).
- F. The permit shield described in 17.12.310 shall not apply to any change made under this Section, other than implementation of an alternate operating scenario under subsection (B)(1).
- G. Notwithstanding any other part of this Section, the Control Officer may require a permit to be revised for any change that, when considered together with any other changes submitted by the same source under this Section over the term of the permit, constitutes a change under 17.12.235(A).
- H. If a source change is described under both subsections (B) and (C), the source shall comply with subsection (C). If a source change is described under both subsections (C) and 17.12.235(B), the source shall comply with 17.12.235(B).
- I. A copy of all logs required under subsection (B) shall be filed with the Control Officer within 30 days after each anniversary of the permit issue date. If no changes were made at the source requiring logging, a statement to that effect shall be filed instead.
1. Each log entry required by a change under 17-12-240 (B) shall include at least the following information:
    - a. A description of the change, including:
      - i. A description of any process change.
      - ii. A description of any equipment change, including both old and new equipment descriptions, model numbers and serial numbers, or any other unique equipment number.
      - iii. A description of any process material change.
    - b. The date and time that the change occurred.
    - c. The provision of 17.12.240(B) that authorizes the change to be made with logging.
    - d. The date the entry was made and the first and last name of the person making the entry.
  2. Logs shall be kept for five years from the date created. Logging shall be performed in indelible ink in a bound log book with sequentially numbered pages, or in any other form, including electronic format, approved by the Control Officer. (Ord. 2005- § 3, 2005)

**~~17.12.240~~ 17.12.245 Administrative permit amendments.**

- A. Except for provisions pursuant to Title IV of the Act (Acid Deposition Control), an administrative permit amendment is a permit revision that does any of the following:
1. Corrects typographical errors;
  2. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
  3. Requires more frequent monitoring or reporting by the permittee; and
  4. Allows for a change in ownership or operational control of a source as approved under 17.12.290 where the control officer determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility coverage, and liability between the current and new permittee has been submitted to the control officer.
- B. Administrative permit amendments to Title IV provisions of the permit shall be governed by regulations promulgated by the Administrator under Title IV of the Act (Acid Deposition Control).
- C. The control officer shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request, and for Class I permits may incorporate such changes without providing notice to the public or affected States provided that it designates any such permit revisions as having been made pursuant to this Section.
- D. The control officer shall submit a copy of Class I permits revised under this Section to the Administrator.
- E. Except for administrative permit amendments involving a transfer under 17.12.290, the source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request. (Ord.

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2005- §3, 2005; Ord. 1998-27 § 9, 1998; Ord. 1995-87 § 17, 1995; Ord. 1994-83 § 20, 1994; Ord. 1993-128 § 3 (part), 1993)

**17.12.250 Annual summary permit amendments for Class II permits.**

The Control Officer may amend any Class II permit annually without following 17.12.270 in order to incorporate changes reflected in logs or notices filed under 17.12.240. The amendment shall be effective to the anniversary date of the permit. The Control Officer shall make available to the public for any source:

1. A complete record of logs and notices sent to the Department under 17.12.240; and
2. Any amendments or revisions to the source's permit. (Ord.2005- §2)

**17.12.250 17.12.255 Minor permit revisions.**

A. Minor permit revision procedures may be used only for those ~~permit revisions~~ changes at a Class I source that satisfy all of the following:

1. Do not violate any applicable requirement;
2. Do not involve substantive changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
3. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source specific determination of ambient impacts, or a visibility or increment analysis;
4. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed in order to avoid an applicable requirement to which the source would otherwise be subject. ~~Such~~ The terms and conditions include:
  - a. A federally enforceable emissions cap ~~which that~~ the source would assume to avoid classification as a modification under any provision of Title I of the Act (Air Pollution Prevention and Control);
  - b. An alternative emissions limit approved ~~pursuant to~~ under regulations promulgated under the section 112(i)(5) of the Act (Hazardous Air Pollutants).
5. Are not modifications under any provision of Title I of the Act (Air Pollution Prevention and Control), ~~or regulations promulgated pursuant to A.R.S. § 49-426.06;~~
6. Are not changes in fuels not represented in the permit application or provided for in the permit;
7. The increase in the source's potential to emit any regulated air pollutant is not significant as defined in section 17.04.340; ~~and~~
8. Are not required to be processed as a significant revision under 17.12.260.

B. Minor permit provision procedures shall be used for the following changes at a Class II source:

1. A change that triggers a new applicable requirement if all of the following apply:
  - a. For emissions units not subject to an emissions cap, the net emissions increase is less than the significant level defined in 17.04.340;
  - b. A case-by-case determination of an emission limitation or other standard is not required; and
  - c. The change does not require the source to obtain a Class I permit;
2. Increasing operating hours or rates of production above the permitted level unless the increase otherwise creates a condition that requires a significant permit revision;
3. A change in fuel from fuel oil or coal, to natural gas or propane, if not authorized in the permit;
4. A change that results in emissions subject to monitoring, recordkeeping, or reporting under 17.12.180(A)(3),(4), or (5) and that cannot be measured or otherwise adequately quantified by monitoring, recordkeeping, or reporting requirements already in the permit;
5. A decrease in the emissions permitted under an emissions cap unless the decrease requires a change in the conditions required to enforce the cap or to ensure that emissions trades conducted under the cap are quantifiable and enforceable; and
6. Replacement of an item of air pollution control equipment listed in the permit with one that does not have the same or better efficiency.

~~BC.~~ As approved by the control officer, minor permit revision procedures may be used for permit revisions involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that ~~such~~ the

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minor permit revision procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by the Administrator.

- ED.** An application for minor permit revision shall be on the standard application form contained in Title 18, Chapter 2, Appendix 1 of the A.A.C. and include the following:
1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
  2. For Class I sources, and any source that is making the change immediately after it files the application, the source's suggested proposed permit;
  3. Certification by a responsible official, consistent with standard permit application requirements, that the proposed revision meets the criteria for use of minor permit revision procedures and a request that ~~such~~ the procedures be used;
- EE.** EPA and affected State notification. For Class I permits, within 5 working days of receipt of an application for a minor permit revision, the control officer shall notify the Administrator and affected states of the requested permit revision in accordance with ~~17.12.190~~ 17.12.200.
- EF.** The control officer shall follow the following timetable for action on an application for a minor permit revision:
1. For Class I permits, the control officer shall not issue a final permit revision until after the Administrator's 45-day review period or until the Administrator has notified the control officer that the Administrator will not object to issuance of the permit revision, whichever is first, although the control officer may approve the permit revision ~~prior to~~ before that time. Within 90 days of the control officer's receipt of an application under minor permit revision procedures, or 15 days after the end of the Administrator's 45-day review period, whichever is later, the control officer shall do one or more of the following:
    - a. Issue the permit revision as proposed;
    - b. Deny the permit revision application;
    - c. Determine that the proposed permit revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures in 17.12.260; or
    - d. Revise the proposed permit revision and transmit to the Administrator the new proposed permit revision as required in ~~17.12.190~~ 17.12.200.
  2. Within ~~90~~ 60 days of the control officer's receipt of an application for a revision of a Class II permit under this Section, the control officer shall do one or more of the following:
    - a. Issue the permit revision as proposed;
    - b. Deny the permit revision application;
    - c. Determine that the permit revision does not meet the minor permit revision criteria and should be reviewed under the significant revision procedures pursuant to 17.12.260; or
    - d. Revise and issue the proposed permit revision.
- EG.** ~~Source's ability to make change.~~ The source may make the change proposed in its minor permit revision application immediately after it files the application. After the source makes the change allowed by the preceding sentence, and until the control officer takes any of the actions specified in subsection ~~E (F) of this Section~~, the source shall comply with both the applicable requirements governing the change and the proposed revised permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to revise may be enforced against it.
- EH.** The permit shield under 17.12.310 shall not extend to minor permit revisions.
- HI.** Notwithstanding any other part of this section, the control officer may require a permit to be revised under 17.12.260 for any change that, when considered together with any other changes submitted by the same source under this section or ~~17.12.230~~ 17.12.240 over the life of the permit, do not satisfy subsection ~~A of this section~~ (A) for Class I sources or subsection (B) for Class II sources.
- I. The control officer shall make available to the public monthly summaries of all applications for minor revisions. (Ord. 2005-§ 3, 2005; Ord. 1998-27 § 10, 1998; Ord. 1994-83 § 21, 1994; Ord. 1993-128 § 3 (part), 1993)

**17.12.260 Significant permit revisions.**



- A. ~~For Class I sources, a Significant~~ significant revision ~~procedures~~ shall be used for ~~applicants an application~~ requesting a permit ~~revisions revision~~ that ~~do~~ does not qualify as a minor ~~revisions permit revision~~ or as an administrative ~~amendments amendment~~. A significant revision that is only required because of a change described in section 17.12.255 (A) (6) or (7) shall not be considered a significant permit revision under Part 70 for the purposes of 40 CFR 64.5(a)(2). Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or record keeping permit terms or conditions shall follow significant revision procedures.
- B. ~~All modifications to major sources of federally listed hazardous air pollutants, and any reconstruction of a source, or a process or production unit, under section 112(g) of the Act and regulations promulgated thereunder, shall follow significant revision procedures and any rules adopted pursuant to A.R.S. 49-426.03 and 49-480.03.~~
- B. A source with a Class II permit shall make the following changes only after the permit is revised following the public participation requirements of 17.12.340:
1. Establishing or revising a voluntarily accepted emission limitation or standard as described by 17.12.190 or 17.195, except a decrease in the limitation authorized by 17.12.255;
  2. Making any change in fuel not authorized by the permit and that is not fuel oil or coal, to natural gas or propane;
  3. A change to or addition of an emissions unit not subject to an emissions cap that will result in a net emission increase of a pollutant greater than the significance level in 17.04.340 (203);
  4. A change that relaxes monitoring, recordkeeping, or reporting requirements, except when the change results from:
    - a. Removing equipment that results in a permanent decrease in actual emissions, if the source keeps on-site records of the change in a log that satisfies Appendix 3 of this Chapter and if the requirements that are relaxed are present in the permit solely for the equipment that was removed; or
    - b. A change in an applicable requirement.
  5. A change that will cause the source to violate an existing applicable requirement including the conditions establishing an emissions cap;
  6. A change that will require any of the following:
    - a. A case-by-case determination of an emission limitation or other standard;
    - b. A source-specific determination of ambient impacts, or a visibility or increment analysis; or
    - c. A case-by-case determination of a monitoring, recordkeeping, and reporting requirement.
  7. A change that requires the source to obtain a Class I permit.
- BC. ~~All~~ Any modifications to major sources of federally listed hazardous air pollutants, and any reconstruction of a source, or a process or production unit, under section 112(g) of the Act and regulations promulgated thereunder, shall follow significant revision procedures and any rules adopted ~~pursuant to under~~ under A.R.S. 49-426.03 and 49-480.03.
- C. ~~All modifications to sources subject to rules promulgated pursuant to A.R.S. 49-426.06 and 49-480.04 shall follow the revision procedures provided in those rules.~~
- D. Significant permit revisions shall meet all requirements of this Article for applications, public participation, review by affected States, and review by the Administrator ~~as they that~~ that apply to permit issuance and renewal.
- E. Notwithstanding 17.12.160.E.1., when an existing source applies for a significant permit revision to revise its permit from a Class II permit to a Class I permit, it shall submit a Class I permit application for the entire source in accordance with 17.12.160.B. The control officer shall issue the entire permit, and not just the portion being revised, in accordance with Class I permit ~~application~~, content; and issuance requirements, including requirements for public, affected state, and EPA review, contained in sections ~~17.12.190~~ 17.12.200 and 17.12.340.
- F. The control officer shall process the majority of significant permit revision applications received each calendar year within 9 months of receipt of a complete permit application but in no case longer than 18 months. Applications for which the Control Officer undertakes accelerated processing under section 17.12.510 shall not be included in this requirement. (Ord. 2005- § 3, 2005; Ord. 1998-27 § 11, 1998; Ord. 1997-79 § 6, 1997; Ord. 1994-83 § 22, 1994; Ord. 1993-128 § 3 (part), 1993)

**17.12.270 Permit reopenings; revocation and reissuance; termination.**

No Change

**17.12.280 Permit renewal and expiration.**

No Change

**17.12.290 Permit transfers.**

No Change

**17.12.300 Portable sources.**

No Change

**17.12.310 Permit shields.**

No Change

**17.12.320 Annual emissions inventory questionnaire.**

No Change

**17.12.330 Permits containing the terms and conditions of federal delayed compliance orders (DCO) or consent decrees.**

No Change

**17.12.340 Public participation.**

No Change

**17.12.345 Public notification.**

No Change

**17.12.350 Material permit condition.**

- A. For the purposes of A.R.S. 49-464(G) and 49-514(G), a “material permit condition” shall mean a condition ~~which~~ that satisfies all of the following:
1. The condition is in a permit or permit revision issued by the Control Officer or the control officer after the effective date of this section.
  2. The condition is identified within the permit as a material permit condition.
  3. The condition is one of the following:
    - a. An enforceable emission standard imposed to avoid classification as a major modification or major source or to avoid triggering any other applicable requirement.
    - b. A requirement to install, operate or maintain a maximum achievable control technology or hazardous air pollutant reasonably available control technology required pursuant to the requirements of A.R.S. § 49-426.06.
    - c. A requirement for the installation or certification of a monitoring device.
    - d. A requirement for the installation of air pollution control equipment.
    - e. A requirement for the operation of air pollution control equipment.
    - f. ~~Any~~ An opacity standard required by section 111 (Standards of Performance for New Stationary Sources) or Title I, part C or D (Air Pollution Prevention and Control) of the Act.
  4. Violation of the condition is not covered by subsections ~~A (A)~~ through ~~F (F)~~, or ~~H (H)~~ through ~~J (J)~~ of A.R.S. 49-464 or subsections ~~A (A)~~ through ~~F (F)~~, or ~~H (H)~~ through ~~J (J)~~ of A.R.S. 49-514 (A) through (F), or (H) through (J).
- B. For the purposes of paragraphs A.3.c, d and e of this section, a permit condition shall not be material ~~only~~ where the failure to comply resulted from circumstances ~~which~~ that were outside the control of the source. As used in this section, “circumstances outside the control of the source” shall mean circumstances where the violation resulted from a sudden and unavoidable breakdown of the process or the control equipment, resulted from unavoidable conditions during a start up or shut down or resulted from upset of operations.
- C. For purposes of this section, the term “emission standard” shall have the meaning ~~set forth at subsection T of~~ specified in A.R.S. §§ 49-514 (T) and 49-464 (U). (Ord. 2005- § 3, 2005, Ord. 1998-27 § 14, 1998; Ord. 1994-83 § 29, 1994; Ord. 1993-128 § 3 (part), 1993)

**17.12.360 Stack height limitation.**

No Change

**17.12.365 Acid Rain**

A. ~~The following subparts of 40 CFR Part 72, 74, 75 and 76 Permits Regulation~~, and all accompanying appendices, adopted as of July 1, 2004, ~~(and no future amendments)~~ 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—Acid Rain Program General Provisions.~~
- ~~2. Subpart B—Designated Representative.~~
- ~~3. Subpart C—Acid Rain Applications.~~
- ~~4. Subpart D—Acid Rain Compliance Plan and Compliance Options.~~
- ~~5. Subpart E—Acid Rain Permit Contents.~~
- ~~6. Subpart F—Federal Acid Rain Permit Issuance Procedures.~~
- ~~7. Subpart G—Acid Rain Phase II Implementation.~~
- ~~8. Subpart H—Permit Revisions.~~
- ~~9. Subpart I—Compliance Certification.~~

B. When used in 40 CFR Part 72, 74, 75 and 76 “Permitting Authority” means the Pima County Department of Environmental Quality and “Administrator” means the Administrator of the United States Environmental Protection Agency.

C. If the provisions or requirements of the regulations incorporated ~~pursuant to~~ in 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. 2005- § 3, 2005, Ord. 2004-97 § 3, Ord. 1997-79 § 7, 1997; Ord. 1995-87 § 19, 1995)

**Article III. General Permits for Individual Sources.**

**17.12.370 General Permit Enforcement**

**No Change**

**17.12.380 (Reserved)** (Ord. 1994-83 § 32, 1994; Ord. 1993-128 § 3 (part), 1993)

**No Change**

**17.12.390 Application for coverage under general permit.**

**No Change**

**17.12.400 Fees Related to General Permits**

**No Change**

**17.12.410 (Reserved)** (Ord. 1994-83 § 35, 1994; Ord. 1993-128 § 3 (part), 1993)

**No Change**

**17.12.420 (Reserved)** (Ord. 1994-83 § 36, 1994; Ord. 1993-128 § 3 (part), 1993)

**No Change**

**17.12.430 (Reserved)** (Ord. 1994-83 § 37, 1994; Ord. 1993-128 § 3 (part), 1993)

**No Change**

**17.12.440 (Reserved)** (Ord. 1994-83 § 38, 1994; Ord. 1993-128 § 3 (part), 1993)

**No Change**

**17.12.450 (Reserved)** (Ord. 1994-83 § 39, 1994; Ord. 1993-128 § 3 (part), 1993)

**No Change**

**17.12.460 (Reserved)** (Ord. 1994-83 § 40, 1994; Ord. 1993-128 § 3 (part), 1993)

**No Change**

**17.12.480 Open burning permits.**

**No Change**

**17.12.490 Standard Permit Requirements.**

**No Change**

**Article VI. Fees.**

**No Change**

Table 17.12.480 - Repealed

<b>Table 17.12.480</b>	
<b>OPEN BURNING PERMIT/NON-PERMIT REQUIREMENTS</b>	
<b><del>Types of Outdoor Fires Which Require Temporary Open Burning Permits</del></b>	
<del>1. The burning of tumbleweeds where there is no reasonable alternate method of disposal.</del>	
<del>2. The simulation of historical or fictional events.</del>	
<del>3. The burning of wood or vegetative material from on-site construction activities.</del>	
<del>4. _____</del>	
<del>The burning of vegetative materials generated on-site, and conducted by or for residential occupants.</del>	
<del>5. The burning of household waste generated on-site at farms or ranches of 40 acres or more, or at a residence, where no household waste collection is available, and the nearest dwelling is 500 feet away.</del>	
<b><del>Types of Outdoor Fires Which Require Extended Open Burning Permits</del></b>	
<del>1. The burning of vegetation from agricultural ditch banks, fence rows, or canal laterals, using high temperature mechanical burners, where no reasonable alternate method or removal is available.</del>	
<del>2. The burning of Sacaton grass in remote non-urban areas for the purpose of vegetative rehabilitation.</del>	
<b><del>Types of Outdoor Fires Which Do Not Require Open Burning Permits If Set or Supervised by a Public Official in the Performance of Official Duty<sup>1</sup></del></b>	
<del>1. Burning for the purpose of weed abatement.</del>	
<del>2. Burning for the prevention of a fire hazard.</del>	
<del>3. Burning for the training of firefighters.</del>	
<del>4. Burning for the purpose of watershed rehabilitation or control through vegetation manipulation.</del>	
<del>5. Burning for the purpose of disease and pest prevention.</del>	
<del>6. Burning for the disposal of dangerous materials where there is no safe alternate method of disposal.</del>	
<del>7. Fires which are necessary for the training of governmental officials in criminal enforcement or national-defense activities.</del>	
<del>8. Burning for the purpose of controlling an active wildfire.</del>	
<del>9. Prescribed burning of wildland fuels that are either in a natural or modified state.</del>	
<b><del>Types of Outdoor Fires Which Do Not Require Open Burning Permit<sup>2</sup></del></b>	
<del>1. The domestic cooking of food.</del>	
<del>2. The providing of warmth for human beings.</del>	
<del>3. Fires for recreational purposes.</del>	
<del>4. Fires used for the branding of animals.</del>	
<del>5. Flares used for public safety purposes during emergencies.</del>	
<del>6. Fires for religious or patriotic purposes.</del>	
<del>7. Orchard heaters for the purpose of frost protection in farming or nursery operations.</del>	
<del>8. The proper disposal of flags under 4 U.S.C. 1, §8.</del>	

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<sup>1</sup>The control officer must be informed in writing prior to the setting of the fire and the official must conduct the burning in a manner and at times approved by the control officer. (The control officer shall not specify times and conditions which would defeat the purpose of the intended burning.) The public official must comply with the reporting requirements of 17.12.480.D.3.f.

<sup>2</sup>City or town jurisdictions may require permits for these types of fires.

(Ord. 1987-175 § 13, 1987; Ord. 1979-93 (part), 1979)

Table 17.12.530 OPEN BURNING PERMIT FEE SCHEDULES			
S.S. <sup>1</sup>	Permit Activity	Rate Components	Minimum Fee
A	<del>Temporary Open-Burning</del> Residential Burning	\$16.13 base, plus \$3.53 per day of burning	\$19.66
B	<del>Extended Open-Burning</del> Commercial/Agricultural Burning	\$26.50 base, plus \$5.00 per day of burning	\$31.50

<sup>1</sup>Sub-schedule for identification only.

(Ord. 2005- § 3, 2005; Ord. 1993-128 § 3, 1993; Ord. 1990-113 § 13, 1990; Ord. 1989-165 § 17 (part), 1989; Ord. 1979-93 (part), 1979)

**NOTICE OF EXPEDITED RULEMAKING  
Pima County Air Quality Control Regulations**

**Pima County Code**

**Title 17 – Air Quality Control**

**Chapter 16 Emission Limiting Standards**

[M05-23]

**PREAMBLE**

**1. Sections Affected**

Pima County Code (PCC) 17.16.130  
PCC 17.16.160  
PCC 17.16.165  
PCC 17.16.180  
PCC 17.16.180  
PCC 17.16.220  
PCC 17.16.280  
PCC 17.16.290

**Rulemaking Action**

Amend  
Amend  
Amend  
Repealed  
New  
Repealed  
Repealed  
Repealed

PCC 17.16.300 Repealed  
PCC 17.16.530 Amend

**2. Statutory authority for the rulemaking:**

Arizona Revised Statutes (A.R.S.) § 49-112 – County Regulations; standards  
A.R.S. Title 49, Chapter 3, Article 3. County Air Pollution Control  
A.R.S. § 49.471.08 – Expedited Rulemaking  
A.R.S. § 49.479 – Rules; hearing

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

Notice of Rulemaking Docket Opening: 10 A.A.R. 4852, December 3, 2004

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

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.pima.gov

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

Section	Action	Section by Section Analysis
PCC 17.16.130	Amend	Correct section references within text
PCC 17.16.160	Amend	Correct section references within text
PCC 17.16.165	Amend	Correct section references within text
PCC 17.16.180	Repealed	No original jurisdiction
PCC 17.16.180	New	Conform to ADEQ's Rule 18-2-732
PCC 17.16.220	Repealed	No original jurisdiction
PCC 17.16.280	Repealed	No original jurisdiction
PCC 17.16.290	Repealed	No original jurisdiction
PCC 17.16.300	Repealed	No original jurisdiction
PCC 17.16.530	Amend	Conform to 40 CFR Part 63

§17.16.130 (Applicability) Summary: This rule was corrected to reflect changes to Chapter 17.12. The referenced sections were in error due to the new rules included in Chapter 17.12 to conform to Arizona Department of Environmental Quality (ADEQ) rule changes. New sections were added in Chapter 17.12 and the sectional numbering system was reorganized.

§17.16.160 (Standards of Performance for Fossil-Fuel Fired Steam Generators and General Fuel Burning Equipment) Summary: This rule was corrected to reflect changes to Chapter 17.12. The referenced sections were in error due to the new rules included in Chapter 17.12 to conform to ADEQ rule changes. New sections were added in Chapter 17.12 and the sectional numbering system was reorganized.

§17.16.165 (Standards of Performance for Fossil-Fuel Fired Industrial and Commercial Equipment) Summary: This rule was corrected to reflect changes to Chapter 17.12. The referenced sections were in error due to the new rules included in Chapter 17.12 to conform to ADEQ rule changes. New sections were added in Chapter 17.12 and the sectional numbering system was reorganized.

§17.16.180 (Standards of Performance for Portland Cement Plants) Summary: PDEQ is repealing this section because the original jurisdiction remains with ADEQ under A.R.S. §49-402.

§17.16.180 (Standards of Performance for Existing Hospital/Medical/Infections Waste Incinerators) Summary: A new section is created for §17.16.180 to conform to ADEQ's Rule 18-2-732 (5 AAR 3058, 09/10/99) and federal standards. This rule is the result of federal requirements imposed by the Clean Air Act Amendments of 1990 (CAAA). Section 129 of the CAAA directed the Environmental Protection Agency (EPA) to promulgate rules regulating various categories of waste incinerators, including hospital/medical/infectious waste incinerators (HMIWI). In the September 15, 1997, Federal Register, EPA published new source performance standards (NSPS) and emission guidelines (EG) to reduce air emissions from HMIWI (62 FR 48348). These standards and guidelines are based on the CAAA requirements, EPA research, and public comment. Specifically, EPA added subpart Ec, NSPS for new HMIWI (40 CFR 50C, et al.), and subpart Ce, EG for existing HMIWI (40 CFR 60.30c, et al.), to 40 CFR 60. The standards and guidelines apply to units whose primary purpose is the incineration of hospital/medical/infectious waste. This rulemaking is authorized by A.R.S. §49-479, which requires the Board of Supervisors to adopt rules that

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are necessary and feasible to reduce the release into the atmosphere of air contaminants within the territorial limits of the county.

§17.16.220 (Standards of Performance for Petroleum Refineries) Summary: PDEQ is repealing this section, because the original jurisdiction remains with ADEQ under A.R.S. §49-402.

§17.16.280 (Standards of Performance for Primary Copper Smelters; Site Specific Requirements) Summary: PDEQ is repealing this section, because the original jurisdiction remains with ADEQ under A.R.S. §49-402.

§17.16.290 (Standards of Performance for Primary Copper Smelters; Compliance and Monitoring) Summary: PDEQ is repealing this section, because the original jurisdiction remains with ADEQ under A.R.S. §49-402.

§17.16.300 (Standards of Performance for Primary Copper Smelters; Fugitive Emissions) Summary:  
PDEQ is repealing this section, because the original jurisdiction remains with ADEQ under A.R.S. §49-402.

§17.16.530 (National Emission Standards for Hazardous Air Pollutants) Summary: This section is amended by adding two new subparts from 40 CFR Part 63, as codified on July 1, 2004; 40 CFR 63, Subpart III – National Emission Standards for Hazardous Air Pollutants (NESHAP): Surface Coating of Automobiles and Light-Duty Trucks; and Subpart PPP – NESHAP for Surface Coating of Plastic Parts and Products. These incorporations by reference of the NESHAP subparts assure the continued delegation of authority from EPA to PDEQ to enforce the federal standards. Additional grammatical and typographical errors were corrected in this Section to conform to 40 CFR Part 63.

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 2004.

**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 is proposing to adopt 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:**

This rulemaking action imposes no additional costs on the regulated community, small businesses, political subdivisions, or members of the public. Costs to PDEQ are those that may accrue for implementation and enforcement of the new rules. Although there were some small incremental costs due to this expedited rulemaking, PDEQ does not intend to hire any additional employees to implement or enforce these rules. 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 and EPA. These revisions should have not have an economic impact on Pima County businesses beyond that already incurred by reason of State and/or Federal 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.pima.gov

**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 **March 28, 2005 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:**

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 state statutes: Arizona Revised Statutes, Title 49, Chapter 3 are available at the PDEQ office or at: <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp>

The federal regulations: are available at the PDEQ office or 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: **April 19, 2005 at or after 09:00 a.m.**  
Place: Pima County Board of Supervisors Public Hearing Room  
130 W. Congress Street, First Floor  
Tucson, AZ 85701

**16. The full text of the rule follows:**

**Title 17 of the Pima County Code**

**Title 17 – Air Quality Control**

**Chapter 17.16 Emission Limiting Standards**

**Sections:**

**Article I. General Provisions**

- 17.16.010 Local rules and standards; applicability of more than one standard.**
- 17.16.020 Noncompliance with applicable standards.**
- 17.16.030 Odor Limiting Standards.**

**Article II. Visible Emission Standards.**

- 17.16.040 Standards and applicability (Includes NESHAP).**
- 17.16.050 Visibility limiting standard.**

**Article III. Emissions from Existing and New Nonpoint Sources.**

- 17.16.055 General.**
- 17.16.060 Fugitive dust producing activities.**
- 17.16.070 Fugitive dust emissions standards for motor vehicle operation.**
- 17.16.080 Vacant lots and open spaces.**
- 17.16.090 Roads and streets.**
- 17.16.100 Particulate materials.**
- 17.16.110 Storage piles.**
- 17.16.120 Mineral tailings.**

**Article IV. New and Existing Stationary Source Performance Standards.**

- 17.16.130 Applicability.**
- 17.16.140 Compilation of mass rates and concentrations.**

- 17.16.150 Hazardous Waste, Hazardous Waste Fuel, Used Oil, and Used Oil Fuel Burning Equipment.
- 17.16.160 Standards of performance for fossil-fuel fired steam generators and general fuel burning equipment.
- 17.16.165 Standards of performance for fossil-fuel fired industrial and commercial equipment.
- 17.16.170 Incinerators.
- 17.16.180 ~~Standards of performance for portland cement plants.~~ Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators
- 17.16.190 Standards of performance for nitric acid plants.
- 17.16.200 Standards of performance for sulfuric acid plants.
- 17.16.210 Standards of performance for asphalt concrete plants.
- ~~17.16.220 Standards of performance for petroleum refineries.~~ RESERVED
- 17.16.230 Standards of performance for storage vessels for petroleum liquids.
- 17.16.240 Standards of performance for secondary lead smelters.
- 17.16.250 Standards of performance for secondary brass and bronze ingot production plants.
- 17.16.260 Standards of performance for iron and steel plants.
- 17.16.270 Standards of performance for sewage treatment plants.
- ~~17.16.280 Standards of performance for primary copper smelters; site specific requirements.~~ RESERVED
- ~~17.16.290 Standards of performance for primary copper smelters; compliance and monitoring.~~ RESERVED
- ~~17.16.300 Standards of performance for primary copper smelters; fugitive emissions.~~ RESERVED
- 17.16.310 Standards of performance for coal preparation plants.
- 17.16.320 Standards of performance for steel plants: electric arc furnaces (EAF).
- 17.16.330 Standards of performance for kraft pulp mills.
- 17.16.340 Standards of performance for stationary rotating machinery.
- 17.16.350 Standards of performance for lime manufacturing plants.
- 17.16.360 Standards of performance for nonferrous metals industry sources.
- 17.16.370 Standards of performance for gravel or crushed stone processing plants.
- 17.16.380 Standards of performance for concrete batch plants.
- 17.16.390 Standards of performance for existing municipal solid waste landfills.
- 17.16.400 Organic solvents and other organic materials.
- 17.16.410 Standards of performance for cotton gins.
- 17.16.420 Standards of performance for ammonium sulfide manufacturing plants.
- 17.16.430 Standards of performance for unclassified sources.
- Article V. Emissions from New and Existing Portable Sources.
- 17.16.440 (Reserved)
- 17.16.450 Off-road machinery.
- 17.16.460 Heater-planer units.
- 17.16.470 Roadway and site cleaning machinery.
- 17.16.480 Asphalt or tar kettles.
- Article VI. New Source Performance Standards.
- 17.16.490 Standards of performance for new stationary sources (NSPS).
- 17.16.500 Standards of performance for fossil-fuel fired steam generators.
- 17.16.510 Standards of performance for incinerators.
- 17.16.520 Standards of performance for storage vessels for petroleum liquids.
- Article VII. National Emission Standards for Hazardous Air Pollutants.
- 17.16.530 National Emissions Standards for Hazardous Air Pollutants (NESHAP).
- 17.16.540 (Reserved)
- Article VIII. New Major Sources and Major Modifications to Existing Major Sources.
- 17.16.550 General.
- 17.16.560 Permits for sources located in nonattainment areas.
- 17.16.570 Offset and net air quality benefit standards.

**17.16.580 Special rule for sources of VOC or oxides of nitrogen in ozone nonattainment areas classified as serious or severe.**

**17.16.590 Permit requirements for sources located in attainment and unclassifiable areas.**

**17.16.600 Air quality impact analysis and monitoring requirements.**

**17.16.610 Innovative control technology.**

**17.16.620 Air quality models.**

**17.16.630 Visibility protection.**

**17.16.640 Special rule for non-operating sources of sulfur dioxide in sulfur dioxide nonattainment areas.**

**Article IX. Emissions of Hazardous Air Pollutants (HAPS).**

**17.16.645 Effective date.**

**17.16.650 Definitions.**

**17.16.660 Federal list of hazardous air pollutants.**

**17.16.670 Standards of performance for hazardous air pollutants.**

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**17.16.700 Alternative emission limitations.**

**Article X. Ozone depleting substances.**

**17.16.710 Sale and use of refrigerant substitutes.**

**Article I. General Provisions.**

**17.16.010 Local rules and standards; Applicability of more than one standard.**

No Change

**17.16.020 Noncompliance with applicable standards.**

No Change

**17.16.030 Odor Limiting Standards.**

No Change

**Article II. Visible Emission Standards.**

**17.16.040 Standards and applicability (Includes NESHAP).**

No Change

**17.16.050 Visibility limiting standard.**

No Change

**Article III. Emissions from Existing and New Nonpoint Sources.**

**17.16.055 General.**

No Change

**17.16.060 Fugitive dust producing activities.**

No Change

**17.16.070 Fugitive dust emissions standards for motor vehicle operation.**

No Change

**17.16.080 Vacant lots and open spaces.**

No Change

**17.16.090 Roads and streets.**

No Change

**17.16.100 Particulate materials.**

No Change

**17.16.110 Storage piles.**

No Change

**17.16.120 Mineral tailings.**

No Change

**Article IV. New and Existing Stationary Source Performance Standards.**

**17.16.130 Applicability.**

- A. No Change
- B. No Change
- C. No Change
- D. No Change
- 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)(e)(iii)~~ 17.12.220 (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)(e)~~ 17.12.220 (5) (c).
- F. 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. 2005- § 4, 2005; Ord. 2004-97 § 4, Ord. 1979-93 (part), 1979)

**17.16.140 Compilation of mass rates and concentrations.**

No Change

**17.16.150 Hazardous Waste, Hazardous Waste Fuel, Used Oil, and Used Oil Fuel Burning Equipment.**

No Change

**17.16.160 Standards of performance for fossil-fuel fired steam generators and general fuel burning equipment.**

- A. No Change

- 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 ~~17.12.040~~17.12.045. Compliance tests shall be conducted during operation at the nominal rated capacity of each unit.
- C. No Change
- D. No Change
- E. No Change
- F. No Change
- G. No Change
- H. No Change
- I. No Change
- J. The applicable reference methods given in the Appendices to 40 CFR 60 shall be used to determine compliance with the standards as prescribed in subsections C through G and I of this Section. All tests shall be run at the heat input calculated under subsection (B) of this Section. (Ord. 2005- § 4, 2005; Ord. 1994-83 § 53, 1994; Ord. 1993-128 § 4 (part), 1993)

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

- A. No Change
- 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 ~~17.12.040~~17.12.045. 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~~ that may be emitted.
- C. No Change
- D. No Change
- E. No Change
- F. No Change
- G. No Change
- H. No Change
- I. The owner or operator subject to the provisions of this Section shall install, calibrate, maintain and operate a continuous monitoring system for measurement of the opacity of emissions discharged into the atmosphere from the control device.
- ~~J.~~ L. For the purpose of reports required under excess emissions reporting required by 17.12.180, 17.12.035, and 17.12.040, the owner or operator shall report all six-minute periods in which the opacity of any plume or effluent exceeds 15 percent.
  - 2. The format for the excess emissions report shall comply with the requirements of 17.12.040.B.
- ~~K.~~ J. The test methods and procedures required by this Section are as follows:
  - 1. No Change
  - 2. No Change
  - 3. No Change
  - 4. No Change
  - 5. Gross calorific value shall be determined in accordance with the applicable ASTM methods: D-2015-91 (Test for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter) for solid fuels, D-240-87 (Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter) for liquid fuels, and D-1826-88 (Test Method for Calorific Value of Gases in Natural Gas Range by Continuous Recording Calorimeter) for gaseous fuels. The rate of fuels burned during each testing period shall be determined by suitable methods and shall be confirmed by a material balance over the fossil-fuel fired system. (Ord. 2005- § 4, 2005; Ord. 2004-97 § 4, Ord. 1994-83 § 54, 1994; Ord. 1993-128 § 4 (part), 1993)

**17.16.170 Incinerators.**

No Change

**17.16.180 Standards of performance for portland cement plants. RESERVED**

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- A. The provisions of this Section are applicable to the following affected facilities in portland cement plants: kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems.
- B. No person shall cause, allow or permit the discharge of particulate matter from any identifiable process source within any existing cement plant subject to the provisions of this Section which exceeds the amounts calculated by one of the following equations:
1. For process sources having a process weight rate of 33,700 pounds per hour (16.85 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:  
$$E = 4.10P^{0.67}$$
where:  
E = the maximum allowable particulate emissions rate in pounds mass per hour.  
P = the process weight rate in tons mass per hour.
  2. For process sources having a process weight rate of greater than 33,700 pounds per hour (16.85 tons per hour) but no more than 250,000 pounds per hour (125 tons per hour), the maximum allowable emissions shall be determined by the following equation:  
$$E = 17.31 P^{0.16}$$
where:  
“E” and “P” are defined as indicated in subdivision 1. of this subsection.
  3. For kilns having a process weight rate of greater than 250,000 pounds per hour (125 tons per hour), the maximum allowable emissions shall not exceed 0.30 pounds of particulate matter per ton of process weight.
  4. For clinker coolers having a process weight rate of greater than 250,000 pounds per hour (125 tons per hour), the maximum allowable emissions shall not exceed 0.10 pounds of particulate matter per ton of process weight, maximum 2-hour average.
- C. No process source within any portland cement plant shall exceed 20 percent opacity.
- D. No person shall cause, allow or permit discharge into the atmosphere of an amount in excess of six pounds of sulfur oxides, calculated as sulfur dioxide, per ton cement kiln feed from cement plants subject to the provisions of this Section.
- E. The owner or operator of any portland cement plant subject to the provisions of this Section shall record the daily production rates and the kiln feed rates.
- F. The test methods and procedures required by this Section are as follows:
1. The reference methods in 40 CFR 60, Appendix A, except as provided for in 17.12.050 shall be used to determine compliance with the standards prescribed in subsection B of this Section as follows:
    - a. Method 4 and 5 for the concentration of particulate matter and the associated moisture content;
    - b. Method 1 for sample and velocity traverses;
    - c. Method 2 for velocity and volumetric flow rate;
    - d. Method 3 for gas analysis.
  2. For Method 5, the minimum sampling time and minimum sample volume for each run except when process variables or other factors justifying otherwise to the satisfaction of the control officer, shall be as follows:
    - a. 60 minutes and 0.85 dsem (30.0 dsef) for the kiln;
    - b. 60 minutes and 1.15 dsem (40.6 dsef) for the clinker cooler.
  3. Total kiln feed rate, except fuels, expressed in metric tons per hour on a dry basis, shall be both:
    - a. Determined during each testing period by suitable methods; and
    - b. Confirmed by a material balance over the production system.
  4. For each run, particulate matter emissions, expressed in g/metric ton of kiln feed, shall be determined by dividing the emission rate in g/hr by the kiln feed rate. The emission rate shall be determined by the equation,  $g/hr = Q_s \times e$ , where  $Q_s$  = volumetric flowrate of the total effluent in dsem/hr as determined in accordance with paragraph 1.c. of this subsection, and  $e$  = particulate concentration in g/dsem as determined in accordance with paragraph 1.a. of this subsection.
- G. Pursuant to A.R.S. § 49-402(D), the provisions of subsections 17.16.010 (D) and (E) and section 17.16.150 shall be applicable to state regulated portland cement plants. (Ord. 1994-83 § 55, 1994; Ord. 1993-128 § 4 (part), 1993)

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**17.16.180 Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators**

- A. This Section applies to any hospital/medical/infectious waste incinerator (HMIWI) for which construction was commenced on or before June 20, 1996. All federal regulations cited within this Section are incorporated by reference in R18-2-901. An incinerator subject to this Section is not subject to R18-2-704. The following types of incinerators are not subject to this Section:
1. An incinerator during periods when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned, if the owner or operator of the incinerator does both of the following:
    - a. Notifies the Control Officer of an exemption claim.
    - b. Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned.
  2. Any co-fired incinerator if the owner or operator of the incinerator does all of the following:
    - a. Notifies the Control Officer of an exemption claim.
    - b. Provides an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels or wastes to be burned.
    - c. Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste burned, and the weight of all other fuels and wastes burned at the co-fired incinerator.
  3. Any incinerator required to have a permit under Section 3005 of the Solid Waste Disposal Act.
  4. Any incinerator subject to 40 CFR 60, Subparts Cb, Ea, or Eb (standards or guidelines for certain municipal waste incinerators).
  5. Any pyrolysis unit, as defined in 40 CFR 60.51c.
  6. Cement kilns firing hospital waste or medical/infectious waste.
- B. A physical or operational change made to an existing HMIWI unit solely for the purpose of complying with emission limitations under this Section is not considered a modification and does not result in an existing HMIWI unit becoming subject to the provisions of 17.16.490 (16).
- C. In addition to the definitions provided in 40 CFR 60.51c, the following definitions apply to this Section:
1. “Rural HMIWI” means any small HMIWI that is located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area and that burns less than 2,000 pounds per week of hospital waste and medical/infectious waste. The 2,000 pounds per week limitation does not apply during performance tests.
  2. “Standard Metropolitan Statistical Area” or “SMSA” means any area listed in Office of Management and Budget (OMB) Bulletin 93-17 entitled “Revised Statistical Definitions for Metropolitan Areas” dated June 30, 1993 which is incorporated by reference. This incorporation by reference does not include any later amendments or editions. A copy of the bulletin is on file with the Office of the Secretary of State and the Department.
  3. “State Plan” means the plan that 40 CFR 60 subpart Ce requires states to develop to regulate existing HMIWI built on or before June 20, 1996.
- D. Beginning September 15, 2000, an HMIWI shall operate under a Class I permit.
- E. An owner or operator of an HMIWI shall comply with the following emissions limitations:
1. The emissions limitations in Table 1 unless the HMIWI is a rural HMIWI.
  2. The emissions limitations in Table 2, if the HMIWI is a rural HMIWI.
  3. An owner or operator of an HMIWI shall not cause to be discharged into the atmosphere from the stack of that HMIWI any gases that exhibit greater than 10% opacity (6-minute block average).
  4. An owner or operator of a large existing HMIWI shall comply with the opacity requirements in 40 CFR 60.52c (c), (d), and (e).
- F. An owner or operator of an HMIWI shall comply with the operator training requirements found in 40 CFR 60.53c within one year following approval of the State Plan.
- G. An owner or operator of an HMIWI shall comply with the waste management requirements found in 40 CFR 60.55c.
- H. An owner or operator of a rural HMIWI shall comply with the following inspection requirements:
1. The owner or operator shall conduct or hire another party to conduct an initial equipment inspection within one year following approval of the State Plan.
  2. At a minimum, an inspection shall include the following:

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- a. Inspect all burners, pilot assemblies, and pilot sensing devices for proper operation. Clean pilot flame sensor, as necessary.
  - b. Inspect adjustment of primary and secondary chamber combustion air, and adjust as necessary.
  - c. Inspect hinges and door latches, and lubricate as necessary.
  - d. Inspect dampers, fans, and blowers for proper operation.
  - e. Inspect HMIWI door and door gaskets for proper sealing.
  - f. Inspect motors for proper operation.
  - g. Inspect primary chamber refractory lining. Clean and repair or replace lining as necessary.
  - h. Inspect incinerator shell for corrosion and hot spots.
  - i. Inspect secondary/tertiary chamber and stack, clean as necessary.
  - j. Inspect mechanical loader, including limit switches, for proper operation, if applicable.
  - k. Visually inspect waste bed (grates), and repair or seal, as appropriate.
  - l. For the burn cycle that follows the inspection, document that the incinerator is operating properly and make any necessary adjustments.
  - m. Inspect each air pollution control device for proper operation, if applicable.
  - n. Inspect waste heat boiler systems to ensure proper operation, if applicable.
  - o. Inspect bypass stack components.
  - p. Ensure proper calibration of thermocouples, sorbent feed systems and any other monitoring equipment.
  - q. Generally observe that the equipment is maintained in good operating condition.
  3. Within 10 operating days following an equipment inspection, the owner or operator shall complete all necessary repairs unless the owner or operator obtains written approval from the Control Officer establishing a date by which all necessary repairs of the facility shall be completed.
  4. The owner or operator of any rural HMIWI shall conduct or hire another party to conduct an equipment inspection annually (no more than 12 months following the previous annual equipment inspection), as outlined in subsections (2) and (3).
- I. An owner or operator of an HMIWI shall comply with the following compliance, performance testing, and monitoring requirements:
1. Except as provided in subsection (2), an existing HMIWI shall meet the requirements for compliance and performance testing in 40 CFR 60.56c, excluding the fugitive emissions testing requirements under 40 CFR 60.56c(b)(12) and (c)(3).
  2. A rural HMIWI shall meet the following compliance and performance testing requirements:
    - a. Conduct the performance testing requirements in 40 CFR 60.56c(a), (b)(1) through (b)(9), (b)(11) (Hg only), and (c)(1). The 2,000 lb/week limitation under 40 CFR 60.33e(b) does not apply during performance tests.
    - b. Establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limitations.
    - c. Ensure that the facility does not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as three-hour rolling averages (calculated each hour as the average of the previous three operating hours) at all times except during periods of startup, shutdown, and malfunction. Operating parameter limits do not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature is a violation of the established operating parameter.
    - d. Except as provided in subsection (I)(2)(e), operating the facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three-hour rolling average) simultaneously is a violation of the PM, CO, and dioxin/furan emission limitations.
    - e. The owner or operator may conduct a repeat performance test within 30 days after violation of any applicable operating parameter to demonstrate that the facility is not in violation of any applicable emission limit. Repeat performance tests conducted under this subsection shall be conducted using the identical operating parameters that indicated a violation under subsection (I)(2)(d).
  3. The owner or operator shall comply with the monitoring requirements listed in 40 CFR 60.57c of subpart Ec, except as provided in subsection (I)(4).
  4. A rural HMIWI shall meet the following monitoring requirements:



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- a. Install, calibrate (to manufacturer's specifications), maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation.
  - b. Install, calibrate (to manufacturer's specifications), maintain, and operate a device that automatically measures and records the date, time, and weight of each charge fed into the HMIWI.
  - c. Obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for 75% of the operating hours per day and for 90% of the operating hours per calendar quarter that the facility is incinerating hospital waste or medical/infectious waste.
- J. An owner or operator of an HMIWI shall comply with the following reporting and recordkeeping requirements:
- 1. An owner or operator of each HMIWI shall comply with the requirements listed in 40 CFR 60.58c(b), (c), (d), (e), and (f), excluding 40 CFR 60.58c(b)(2)(ii) (fugitive emissions) and (b)(7) (siting).
  - 2. An owner or operator of each rural HMIWI shall perform all the following:
    - a. Maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 days after an inspection or the time-frame established by the Control Officer.
    - b. Submit an annual report to PDEQ, Air Quality Division, 150 W. Congress Street, Tucson, Arizona 85701. The report shall contain information recorded under subsection (2)(a) and be submitted no later than 60 days following the year in which data were collected. The owner or operator shall send subsequent reports no later than 12 calendar months following the previous report (after receiving a Class I permit, the owner or operator shall submit these reports semiannually). The facility's manager shall sign the report. (Ord.2005- §3)

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**Table 1. Emission Limitations for Small, Medium, and Large HMIWI**

<u>Pollutant</u>	<u>Units (7% oxygen, dry basis)</u>	<u>Emission Limitation</u>		
		<u>Small HMIWI</u>	<u>Medium HMIWI</u>	<u>Large HMIWI</u>
Particulate matter	Milligrams per dry standard cubic meter (grains per dry standard cubic foot).	115 (0.05)	59 (0.03)	34 (0.015)
Carbon monoxide	Parts per million by volume	40	40†	40
Dioxin/furans	Nanograms per dry standard cubic meter total dioxin/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter toxic equivalent quantity (grains per billion dry standard cubic feet).	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)
Hydrogen chloride	Parts per million by volume or percent reduction.	100 or 93%	100 or 93%	100 or 93%
Sulfur dioxide	Parts per million by volume	55	55	55
Nitrogen oxides	Parts per million by volume	250	250	250
Lead	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	1.2 (0.52) or 70%	1.2 (0.52) or 70%	1.2 (0.52) or 70%
Cadmium	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.16 (0.07) or 65%	0.16 (0.07) or 65%	0.16 (0.07) or 65%
Mercury	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.55 (0.24) or 85%	0.55 (0.24) or 85%	0.55 (0.24) or 85%
	(Ord.2005- § 3)			

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**Table 2. Emissions Limitations for Rural HMIWI**

<u>Pollutant</u>	<u>Units (7% oxygen, dry basis)</u>	<u>Emission Limitation</u>
	Milligrams per dry standard cubic meter (grains per dry standard cubic foot)	197 (0.086)
Particulate matter	Parts per million by volume	40
Carbon monoxide		
Dioxin/furans	Nanograms per dry standard cubic meter total dioxin/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter toxic equivalent quantity (grains per billion dry standard cubic feet)	800 (350) or 15 (6.6)
Hydrogen chloride	Parts per million by volume	3100 (1.0)
Sulfur dioxide	Parts per million by volume	55
Nitrogen oxides	Parts per million by volume	250
Lead	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)	10 (4.4)
Cadmium	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)	4 (1.7)
Mercury	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)	7.5 (3.3)
(Ord.2005- § 3, 2005)		

**17.16.190 Standards of performance for nitric acid plants.**

No Change

**17.16.200 Standards of performance for sulfuric acid plants.**

No Change

**17.16.210 Standards of performance for asphalt concrete plants.**

No Change

**17.16.220 ~~Standards of performance for petroleum refineries.~~ RESERVED**

- A. ~~The provisions of this Section are applicable to the following affected facilities in petroleum refineries: fluid catalytic cracking unit catalyst regenerators, fluid catalytic cracking unit incinerator waste heat boilers, and fuel gas combustion devices.~~
- B. ~~Except as provided in subsection G of this Section, all petroleum refineries subject to this Section are also subject to the provisions of Chapter 17.16, Article VI.~~
- C. ~~The owner or operator of a petroleum refinery complex subject to this Section shall develop and conduct a leak monitoring program in accordance with Appendix H of the EPA Petroleum Refinery Enforcement Manual (EPA 340/1-80-008), amended as of March, 1980, which is incorporated herein by reference and on file with the Office of the Secretary of State.~~
- D. ~~Upon detection of a leaking component, which has a volatile organic compound concentration exceeding 10,000 ppm when tested in the manner described in 40 CFR 60, Appendix A, the owner shall both:~~
  - 1. ~~Include the leaking component on a written list of scheduled repairs within 24 hours; and~~
  - 2. ~~Repair and retest the component within 15 days.~~
- E. ~~Except for safety pressure relief valves, no owner or operator of a petroleum refinery shall install a valve at the end of a pipe or line containing volatile organic compounds unless the pipe or line is sealed with a second valve, a blind flange, a plug, or a cap. The sealing device may be removed only when the line is in use, as when a sample is being taken.~~
- F. ~~No owner or operator of a petroleum refinery shall operate a pipeline valve or pressure relief valve in gaseous volatile organic compound service unless it is marked in some manner that is clearly visible.~~
- G. ~~Existing petroleum refineries of a capacity of 7,000 barrels per day or less shall be exempt from the emissions monitoring requirements of 40 CFR 60.105 provided the owner or operator of such a refinery complies with all of the following:~~
  - 1. ~~All process gases or fuel gases shall be treated in an afterburner, flare or other combustion device to insure complete combustion of carbon monoxide, hydrogen sulfide, and unburned hydrocarbons.~~
  - 2. ~~Ambient concentrations of SO<sub>2</sub> in the vicinity of the refinery shall be calculated using a suitable model approved by the control officer and shall not exceed the Class II maximum allowable increases given in Table 17.08.150.~~
  - 3. ~~A continuous SO<sub>2</sub> ambient air monitor approved by the control officer shall be placed in a location selected by the control officer and shall be maintained in accordance with 17.08.080, and SO<sub>2</sub> concentrations shall not exceed Class II maximum allowable increases.~~

**17.16.230 Standards of performance for storage vessels for petroleum liquids.**

No Change

**17.16.240 Standards of performance for secondary lead smelters**

No Change

**17.16.250 Standards of performance for secondary brass and bronze ingot production plants.**

No Change

**17.16.260 Standards of performance for iron and steel plants.**

No Change

**17.16.270 Standards of performance for sewage treatment plants.**

No Change

**17.16.280 ~~Standards of performance for primary copper smelters; site specific requirements.~~ RESERVED**

- A. ~~No owner or operator of a primary copper smelter shall cause, allow or permit the discharge of particulate matter into the atmosphere from any process in total quantities in excess of the amount calculated by one of the following equations:~~
1. ~~For process sources having a process weight rate of 60,000 pounds per hour (30 tons per hour) or less, the maximum allowable emissions shall be determined by the following equation:  

$$E = 3.59P^{0.62}$$
 where:  
 E = the maximum allowable particulate emissions rate in pounds-mass per hour, and  
 P = the process weight rate in tons-mass per hour.~~
  2. ~~For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation:  

$$E = 17.31P^{0.16}$$
 where "E" and "P" are defined as indicated in subdivision 1 of this subsection.~~
- B. ~~Emission values shall be calculated from the applicable equations and rounded off to two decimal places.~~
- C. ~~For purposes of this Section, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter for that process.~~
- D. ~~The opacity of emissions subject to the provisions of this Section shall not exceed 20 percent.~~
- E. ~~The reference methods set forth in the Arizona Testing Manual and 40 CFR 60, Appendix A shall be used to determine compliance with the standards prescribed in this Section as follows:~~
1. ~~Method A1 or Reference Method 4 and 5 for concentration of particulate matter and associated moisture content.~~
  2. ~~Reference Method 1 for sample and velocity traverses.~~
  3. ~~Reference Method 2 for volumetric flow rate.~~
  4. ~~Reference method 3 for gas analysis.~~
- F. ~~Except as provided in a consent decree or a delayed compliance order, the owner or operator of the copper smelter of Phelps Dodge Corporation, New Cornelia Branch, shall not discharge or cause the discharge of sulfur dioxide into the atmosphere from any stack required to be monitored by 17.16.290.K. in excess of the following:~~
- a. ~~Annual average emissions, as calculated pursuant to 17.16.290.C. through 17.16.290.J., shall not exceed 8,900 pounds per hour.~~
  - b. ~~The number of three-hour average emissions as calculated pursuant to 17.16.290.C through 17.16.290.J. shall not exceed n cumulative occurrences in excess of E, the emission level, shown in the following table in any compliance period:~~

n	E, lb/hr.	n	E, lb/hr.
0	37,000	180	19,500
1	35,000	245	18,500
2	32,500	330	17,500
4	31,000	435	17,000
7	29,000	560	16,000
12	27,500	710	15,000
20	26,000	890	14,250
32	25,000	1100	13,500
48	23,500	1340	12,500
68	22,500	1610	12,000
94	21,500	1910	11,000
130	20,500	2240	10,500

(Ord. 1993-128 § 4, 1993)

**17.16.290 ~~Standards of performance for primary copper smelters; compliance and monitoring.~~ RESERVED**

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- A. For purposes of this section, if ADEQ delegates authority for primary copper smelters to the department, the term “director” shall mean “control officer” and “ADEQ” shall mean the “department”.
- B. ~~The cumulative occurrence and emission limits specified in 17.16.280.F. shall apply to the sum total of sulfur dioxide emissions from the smelter processing units and sulfur dioxide control and removal equipment, but not including uncaptured fugitive emissions and those emissions due solely to the use of fuel for space heating or steam generation.~~
- C. ~~Periods of malfunction, startup, shutdown or other upset conditions shall not be excluded when determining compliance with the cumulative occurrence or annual average emission limits specified in 17.16.280.F.~~
- D. ~~Compliance with the cumulative occurrence and emission limits contained in 17.16.280.F. shall be determined as follows:-~~
  - 1. ~~Annual average emissions shall be calculated at the end of each day by averaging the emissions for all hours measured during the compliance period ending on that day. An annual emissions average in excess of the allowable annual average emission limit will be considered a violation if either:-~~
    - a. ~~The annual average is larger than the annual average computed for the preceding day; or~~
    - b. ~~The annual averages computed for the five preceding days all exceed the allowable annual average emission limit.~~
  - 2. ~~Three-hour emissions averages shall be calculated at the end of each clock hour by averaging the hourly emissions for the preceding three consecutive hours whenever each such hour was measured in accordance with the requirements contained in subsection K of this Section.~~
- E. ~~For purposes of this Section, the compliance date, unless otherwise provided in a consent decree or a delayed compliance order, shall be January 14, 1986.~~
- F. ~~For purposes of subsection C. of this Section, a three-hour emissions average in excess of an emission level (E) will be considered to violate the associated cumulative occurrence limit (n) listed in 17.16.280.F. if both:~~
  - 1. ~~The number of all three-hour emissions averages measured during the compliance period in excess of that emission level exceeds the cumulative occurrence limit associated with the emission level; and~~
  - 2. ~~The average was measured during the last operating day of the compliance period being reported.~~
- G. ~~A three-hour emissions average can only violate the cumulative occurrence limit (n) of an emission level (E) in the day containing the last hour in the average.~~
- H. ~~Multiple violations of a cumulative occurrence limit in the same day and violations of different cumulative limits in the same day shall constitute a single violation of the requirements of 17.16.280.~~
- I. ~~The violation of any cumulative occurrence limit and an annual average emission limit in the same day shall constitute only a single violation of the requirements of 17.16.280.~~
- J. ~~Multiple violations of a cumulative occurrence limit by different three-hour emissions averages containing any common hour shall constitute a single violation of the requirements of 17.16.280.~~
- K. ~~For purposes of determining compliance with subsections C through I of this Section, the compliance period shall consist of the 365 calendar days immediately preceding the end of each day of the month being reported unless that period includes less than 300 operating days. In such case the number of days preceding the last day of the compliance period shall be increased until the compliance period contains 300 operating days. Any day in which sulfur containing feed is introduced into the smelting process constitutes an operating day.~~
- L. ~~For purposes of determining compliance with the cumulative occurrence and emission limits contained in 17.16.280.F., the owner or operator of any smelter subject to such limits shall install, calibrate, maintain, and operate a measurement system for continuously monitoring sulfur dioxide concentrations and stack gas volumetric flow rates in each stack which could emit five percent or more of the allowable annual average sulfur dioxide emissions from the smelter.~~
  - 1. ~~Such measurement system shall also continuously monitor sulfur dioxide concentrations and stack gas volumetric flow rates in the outlet of each piece of sulfur dioxide control equipment.~~
  - 2. ~~Captured fugitive emissions shall be continuously monitored for sulfur dioxide concentrations and stack gas volumetric flow rates, and these emissions shall be included as part of total plant emissions when determining compliance with the cumulative occurrence and emission limits contained in 17.16.280.F.~~
  - 3. ~~If the owner or operator can demonstrate to the director that measurement of stack gas volumetric flow in the outlet of any particular piece of sulfur dioxide control equipment would yield inaccurate results or would be~~

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technologically infeasible, then the director may allow measurement of the flow rate at an alternative sampling point.

4. For purposes of this subsection, continuous monitoring means the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each affected stack, outlet or other approved measurement location in each 15 minute period. An hour of smelter emissions shall be considered to have been continuously monitored if the emissions from all monitored stacks, outlets or other approved measurement locations are measured for at least 45 minutes of any hour in accordance with the requirements of this subsection.
5. The continuous monitoring system described in this subsection shall meet all of the following requirements:
  - a. No later than 18 months prior to the compliance date and at such other times as the director may specify, the stack gas volumetric flow rate measurement system installed and operated pursuant to this Section shall be demonstrated to meet the performance specifications prescribed in 40 CFR 52, Appendix E.
  - b. No later than 18 months prior to the compliance date and at such other times as the director may specify, the sulfur dioxide concentration measurement system installed and operated pursuant to this Section shall be demonstrated to meet the measurement system performance specifications prescribed in 40 CFR 52, Appendix D, except that "maximum anticipated concentration" shall be substituted for "emission standard" in "Table I -- Performance Specifications."
  - c. The demonstrations of measurement systems performance required by paragraphs a and b of this subdivision shall be conducted in accordance with the field test procedures prescribed by 40 CFR 52, Appendices D and E. The director shall be notified at least 30 days in advance of the start of the field tests.
  - d. Location of all sampling points for monitoring sulfur dioxide concentrations and stack gas volumetric flow rates shall be approved in writing by the director prior to installation and operation of measurement instruments.
  - e. The measurement system installed and used pursuant to this subsection shall be subject to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.
- M. Failure of the owner or operator of a smelter subject to this Section to measure at least 95 percent of the hours during which emissions occurred in any month shall constitute a violation of this Section.
- N. Failure of the owner or operator of a smelter subject to this Section to measure any 12 consecutive hours of emissions in accordance with the requirements of subsection K of this Section shall constitute a violation of this Section.
- O. The owner or operator of any smelter subject to this Section shall maintain on hand and ready for immediate installation sufficient spare parts or duplicate systems for the continuous monitoring equipment required by this Section to allow for the replacement within six hours of any monitoring equipment part which fails or malfunctions during operation.
- P. As a means of determining total overall emissions, the owner or operator of any smelter subject to this Section shall perform material balances for sulfur in accordance with the procedures prescribed by Appendix 8 of A.A.C., Title 8, chapter 2.
- Q. The owner or operator of any smelter subject to this Section shall maintain a record of all average hourly emissions measurements required to be measured by this Section. The record of such emissions shall be retained for at least two years following the date of measurement. All of the following measurement results shall be expressed as pounds per hour of sulfur dioxide and shall be summarized monthly and submitted to the director within 20 days after the end of each month:
  1. For all periods described in subsection C of this Section, the annual average emissions (expressed in pounds per hour) as calculated at the end of each day of the month;
  2. The total number of hourly periods during the month in which measurements were not taken and the reason for loss of measurement for each period;
  3. The number of three-hour emissions averages which exceeded each of the applicable emissions levels listed in 17.16.280.F. for the compliance periods ending on each day of the month being reported;

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4. The date on which a cumulative occurrence limit listed in 17.16.280.F. was exceeded if such exceedance occurred during the month being reported.
- R. The owner or operator of a smelter subject to this Section shall submit a proposed compliance schedule to the director which demonstrates that the emission limits of 17.16.280.F. will be achieved at the smelter as expeditiously as practicable, but no later than the compliance date.
- S. The schedule submitted pursuant to subsection R of this Section shall include increments of progress and the date for achievement of such increments. The increments of progress shall include all of the following:
1. No later than 30 months prior to the compliance date, submission to the director of a final control plan for meeting the emission limits in 17.16.280.F.;
  2. No later than 28 months prior to the compliance date, letting of contracts or issuance of purchase orders for any process or control equipment necessary to accomplish the required emission control;
  3. No later than 24 months prior to the compliance date, initiation of any necessary on-site construction or initiation of any necessary installation of emission control equipment or process modification;
  4. No later than 24 months prior to the compliance date, submission of the fugitive emissions evaluation prescribed in 17.16.300.B. through D, including a compliance plan for installation of any additional fugitive emission control equipment necessary to assure attainment and maintenance of the applicable ambient air quality standards in the vicinity of the smelter;
  5. No later than 18 months prior to the compliance date, the initiation of the demonstrations of stack gas volumetric flow rate and sulfur dioxide concentration measurement systems required by subsections L.5.a. and b.
  6. No later than three months prior to the compliance date, completion of any necessary on-site construction, or installation of emission control equipment or process modification; and
  7. No later than the compliance date, achievement of compliance with the emission limits in 17.16.280.F.
- T. The owner or operator shall certify to ADEQ, within 15 days after the deadline for completion of each increment, whether the required increment of progress has been met.
- U. At each point in the smelter facility where a means exists to bypass the sulfur removal equipment, such bypass shall be instrumented and monitored to detect and record all periods that the bypass is in operation. Each owner or operator of a copper smelter shall report to the Director, not later than the fifteenth day of each month, the information required to be recorded by this Section. Such report shall include an explanation for the necessity of the use of the bypass. (Ord. 1994-83 § 56, 1994; Ord. 1993-128 § 4 (part), 1993)

**17.16.300 Standards of performance for primary copper smelters; fugitive emissions. REPEALED**

- A. For purposes of this section:
1. If ADEQ delegates authority for primary copper smelters to the department, the term "director" shall mean "control officer" and "ADEQ" shall mean the "department"; and
  2. The compliance date, unless otherwise provided in a consent decree or a delayed compliance order, shall be January 14, 1986.
- B. Not later than 24 months before the compliance date the owner or operator of a smelter subject to 17.16.280, shall submit to the director the results of an evaluation of the fugitive emissions from the smelter. The evaluation results shall contain all of the following information:
1. A measurement or accurate estimate of total fugitive emissions from the smelter during typical operations, including planned start-up and shutdown. The measurement or estimate shall contain the amount of both average short-term (24 hours) and average long-term (monthly) fugitive emissions from the smelter. The evaluation plan shall be approved in advance by ADEQ and shall specify the method used to determine the fugitive emission amounts, including the conditions determined to be "typical operations" for the smelter.
  2. A measurement or accurate estimate of the relative proportion, expressed as a percentage, of total fugitive emissions during typical operations, including planned start-up and shutdown, produced by any of the following smelter processes:
    - a. Roaster or dryer operation;
    - b. Calcine or dried concentrate transfer;
    - c. Reverberatory furnace operations, including feeding, slag return, matte and slag tapping;
    - d. Matte transfer; and



- e. Converter operations:
  - 3. ~~The measurement technique or method of estimation used to fulfill the requirement in subdivision 2 of this subsection shall be approved in advance by ADEQ.~~
  - 4. ~~The results of at least a 6 month fugitive emission impact analysis conducted during that part of the year when fugitive emissions are expected to have the greatest ambient air quality impact. The study shall utilize sufficient measurements of fugitive emissions, meteorological conditions and ambient sulfur dioxide concentrations to associate fugitive emissions with specific measured ambient concentrations of sulfur dioxide. The study shall describe in detail the techniques used to make the required determinations. The design of the study shall be approved in advance by ADEQ.~~
- C. ~~On the basis of the results of the evaluation as well as other data and information contained in the records of ADEQ, the Director shall determine whether fugitive emissions from a particular smelter have the potential to cause or significantly contribute to violations of the ambient sulfur dioxide standards in the vicinity of the smelter. If the Director finds that fugitive emissions from a particular smelter have the potential to cause or significantly contribute to violations of ambient sulfur dioxide standards in the vicinity of a smelter, then the Director shall adopt rules specifying the emission limits and undertake other appropriate measures necessary to maintain ambient sulfur dioxide standards.~~
- D. ~~The requirements of subsection B of this Section shall not apply to a smelter subject to this Section if the owner or operator of that smelter can demonstrate to the Director both that:~~
  - 1. ~~Compliance with the applicable cumulative occurrence and emission limits listed in 17.16.280.F. will require the smelter to undergo major modifications to its physical configuration or work practices prior to the compliance date, and~~
  - 2. ~~That the modification will reduce fugitive emissions to such an extent that such emissions will not cause or significantly contribute to violations of ambient sulfur dioxide standards in the vicinity of the smelter.~~
- E. ~~In order to assess the sufficiency of the cumulative occurrence and emission limits contained in 17.16.280.F. to maintain the ambient air quality standards for sulfur dioxide set forth in 17.08.020, an owner or operator of a smelter subject to this Section shall continue to calibrate, maintain and operate any ambient sulfur dioxide monitoring equipment owned by the smelter owner or operator and in operation within the area of the smelter enclosed by a circle with ten-mile radius as calculated from a center point which shall be the point of the smelter's greatest sulfur dioxide emissions, for a period of at least three years after the compliance date.~~
  - 1. ~~Such monitors shall be operated and maintained in accordance with 40 CFR 50 and 58 and such other conditions as the Director deems necessary.~~
  - 2. ~~The location of ambient sulfur dioxide monitors and length of time such monitors remain at a location shall be determined by the Director. (Ord. 1993-128 § 4, 1993)~~

**17.16.310 Standards of performance for coal preparation plants.**

No Change

**17.16.320 Standards of performance for steel plants: electric arc furnaces (EAF).**

No Change

**17.16.330 Standards of performance for kraft pulp mills.**

No Change

**17.16.340 Standards of performance for stationary rotating machinery.**

No Change

**17.16.350 Standards of performance for lime manufacturing plants.**

No Change

**17.16.360 Standards of performance for nonferrous metals industry sources.**

No Change

**17.16.370 Standards of performance for gravel or crushed stone processing plants.**

No Change

**17.16.380 Standards of performance for concrete batch plants.**

No Change

**17.16.390 Standards of performance for existing municipal solid waste landfills.**

No Change

**17.16.400 Organic solvents and other organic materials.**

No Change

**17.16.410 Standards of performance for cotton gins.**

No Change

**17.16.420 Standards of performance for ammonium sulfide manufacturing plants.**

No Change

**17.16.430 Standards of performance for unclassified sources.**

No Change

**Article V. Emissions from New and Existing Portable Sources.**

**17.16.440 Reserved.**

No Change

**17.16.450 Off-road machinery.**

No Change

**17.16.460 Heater-planer units.**

No Change

**17.16.470 Roadway and site cleaning machinery.**

No Change

**17.16.480 Asphalt or tar kettles.**

No Change

**Article VI. New Source Performance Standards.**

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

No Change

**17.16.500 Standards of performance for fossil-fuel fired steam generators.**

No Change

**17.16.510 Standards of performance for incinerators.**

No Change

**17.16.520 Standards of performance for storage vessels for petroleum liquids.**

No Change

**Article VII. National Emission Standards for Hazardous Air Pollutants.**

**17.16.530 National Emissions Standards for Hazardous Air Pollutants (NESHAP).**

A. No Change

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)
21. Subpart U - Group I Polymers and Resins (Section 63.480 - 63.506 & Tables)
22. Subpart V - Reserved
23. Subpart W - National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production. (Section 63.520 - 63.528 & Table)
24. Subpart X - National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting (Section 63.541 - 63.550)
- 25. Subpart Y - Excluded**
26. Subpart Z - Reserved
27. Subpart AA - National Emission Standards for Hazardous Air Pollutants for Phosphoric Acid Manufacturing Plants (Section 63.600 - 63.610 & Appendix)
28. Subpart BB - National Emission Standards for Hazardous Air Pollutant for Phosphate Fertilizers Production Plants (Section 63.620 - 63.631 & Appendix)
29. Subpart CC - National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries (Section 63.640 - 63.679 & Appendix)

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30. Subpart DD - National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations (Section 63.680 - 63.698 & Tables)
31. Subpart EE - National Emission Standards for Magnetic Tape Manufacturing Operations. (Section 63.701 - 63.708 & Table)
32. Subpart FF - Reserved
33. Subpart GG - National Emission Standards for Aerospace Manufacturing and Rework Facilities (Section 63.741 - 63.759 & Table & Appendix)
34. Subpart HH – National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities (Section 63.760 - 63.779 & Appendix)
35. Subpart II - Excluded
36. Subpart JJ - National Emission Standards for Wood Furniture Manufacturing Operations (Section 63.800 - 63.819 & Tables)
37. Subpart KK - National Emission Standards for the Printing and Publishing Industry (Section 63.820 - 63.839 & Tables)
38. Subpart LL - National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants (Section 63.840 - 63.859 & Tables & Appendix)
39. Subpart MM - Excluded
40. Subpart OO - National Emission Standards for Tanks- Level 1 (Section 63.900 - 63.907)
41. Subpart PP - National Emission Standards for Containers (Section 63.920 - 63.928)
42. Subpart QQ - National Emission Standards for Surface Impoundments (Section 63.940 - 63.948)
43. Subpart RR - National Emission Standards for Individual Drain Systems (Section 63.960 - 63.966)
44. 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)
45. Subpart TT - National Emission Standards for Equipment Leaks -Control Level 1 (Section 63.1000 - 63.1018)
46. Subpart UU - National Emission Standards for Equipment Leaks -Control Level 2 (Section 63.1019 - 63.1039 & Table)
47. Subpart VV - National Emission Standards for Oil-Water Separators and Organic-Water Separators (Section 63.1040 - 63.1049)
48. Subpart WW - National Emission Standards for Storage Vessels (Tanks) – Control Level 2 (Section 63.1060 - 63.1066)
49. Subpart XX - Reserved
50. Subpart YY - National Emission Standards for Hazardous Air Pollutants for Generic ~~MACT~~ Maximum Achievable Control Technology Standards (Section 63.1100 - 63.1113)
51. Subpart ZZ – Reserved
52. Subpart AAA – Reserved
53. Subpart BBB - Reserved
54. Subpart CCC - National Emission Standards for Hazardous Air Pollutants for Steel Pickling (Section 63.1156 - 63.1174 & Table)
55. Subpart DDD - National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production (Section 63.1175 - 63.1199 & Table & Appendix)
56. Subpart EEE - National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors (Section 63.1200 - 63.1213 & Table & Appendix)
57. Subpart FFF - Reserved
58. Subpart GGG - National Emission Standards for Pharmaceuticals Production (Section 63.1250 - 63.1261 & Tables)
59. Subpart HHH - National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities (Section 63.1270 - 63.1289 & Appendix)
60. Subpart III - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production (Section 63.1290 - 63.1309 & Appendix)
61. Subpart JJJ - National Emission Standards for Hazardous Air Pollutants: Group IV Polymers and Resins (Section 63.1310 - 63.1335 & Tables)

62. Subpart KKK - Reserved
63. Subpart LLL - National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry (Section 63.1340 - 63.1359 & Table)
64. Subpart MMM - National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production (Section 63.1360 - 63.1369 & Tables)
65. Subpart NNN - National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing (Section 63.1380 - 63.1399 & Table & Appendices)
66. Subpart OOO – National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/ Phenolic Resins (Section 63.1400 - 63.1419 & Tables)
67. Subpart PPP - National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production (Section 63.1420 - 63.1439 & Tables)
68. Subpart QQQ - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting (Section 63.1440 - 63.1459 & Table & Figure)
69. Subpart RRR - National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production (Section 63.1500 - 63.1520 & Tables)
70. Subpart SSS - Reserved
71. Subpart TTT - National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting (Section 63.1541- 63.1550)
72. Subpart UUU - National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking, Catalytic Reforming, And Sulfur Plan Units (Section 63.1560 - 63.1579 & Tables)
73. Subpart VVV--National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works (Section 63.1580 - 63.1595 & Table)
74. Subpart WWW - Reserved
75. Subpart XXX - National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production (Section 63.1620 - 63.1679)
76. Subpart AAAA - National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills (Section 63.1930 - 63.1990 & Appendix)
77. Subpart CCCC - National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast (Section 63.2130 - 63.2192 & Appendices)
78. Subpart DDDD - Reserved
79. Subpart EEEE - National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) (Section 63.2330 - 63.2406 & Appendices)
80. Subpart FFFF--National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing (Section 63.2430 - 63.2550 & Appendices)
81. Subpart GGGG - National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production (Section 63.2830 - 63.2872)
82. Subpart HHHH - National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production (Section 63.2980 - 63.3079 & Appendices)
83. Subpart IIII – National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light Duty Trucks (Section 63.3080 – 63.3176 & Tables & Appendix A)
834. Subpart JJJJ - National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating (Section ~~63.2130 – 63.2192~~ 63.3280 – 63.3420 & Tables) & ~~Appendices~~
845. Subpart KKKK--National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans (Section 63.3480 - 63.3561 & ~~Appendices~~ Tables)
856. Subpart MMMM--National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products (Section 63.3880 - 63.3981 & Tables & ~~Appendices~~ Appendix A)
867. Subpart NNNN - National Emission Standards for Hazardous Air Pollutants: Large Appliances (Section 63.4080 - 63.4181 & ~~Appendices~~ Tables)
878. Subpart OOOO--National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles (Section 63.4280 - 63.4371 & ~~Appendices~~ Tables)

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

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- 89. Subpart PPPP – National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products (Section 63.4480 – 63.4581 & Tables & Appendix A)
- 8890. Subpart QQQQ - National Emission Standards for Hazardous Air Pollutants: Wood Building Products (Section 63.4680 - 63.4781 & Appendices)
- 891. Subpart RRRR - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture (Section 63.4880 - 63.4981 & Appendices)
- 902. Subpart SSSS - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil (Section 63.5080 - 63.5206 & Appendices)
- 943. Subpart TTTT - National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations (Section 63.5280 - 63.5460 & Appendices)
- 924. Subpart UUUU - National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing (Section 63.5480 - 63.5610 & Appendices)
- 935. Subpart VVVV - National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing (Section 63.5680 - 63.5779 & Appendices)
- 946. Subpart WWWW - National Emission Standards for Hazardous Air Pollutants: Reinforced Plastics Composites Production (Section 63.5780 - 63.5935 & Appendices)
- 957. Subpart XXXX - National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing (Section 63.5980 - 63.6015 & Appendices)
- 968. Subpart YYY--National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines (Section 63.6080 - 63.6175 & Appendices)
- 979. Subpart ZZZZ – ~~Reserved~~ National Emission Standards for Hazardous Air Pollutants for for Stationary Reciprocating Internal Combustion Engines (Section 63.6580 – 63.6675 & Tables)
- 98100. Subpart AAAAA--National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants (Section 63.7080 - 63.7143 & Appendices)
- 99101. Subpart BBBB - National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing (Section 63.7180 - 63.7195 & Appendices)
- 1002. Subpart CCCCC - National Emission Standards for Hazardous Air Pollutants for Coke Oven: Pushing, Quenching and Battery Stacks (Section 63.7280 - 63.7352 & ~~Appendix~~ Table 1)
- 1043. Subpart DDDDD - Reserved
- 1024. Subpart EEEEE--National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries (Section 63.7680 - 63.7765 & ~~Appendix~~)
- 1035. Subpart FFFFF - National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel (Section 63.7780 - 63.7852 & ~~Appendices~~ Tables)
- 1046. Subpart GGGG--National Emission Standards for Hazardous Air Pollutants: Site Remediation (Section 63.7880 - 63.7957 & ~~Appendices-Tables~~)
- 1057. Subpart HHHHH--National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing (Section 63.7980 - 63.8105 & ~~Appendices-Tables~~)
- 1068. Subpart IIII--National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants (Section 63.8180 - 63.8266 & ~~Appendices~~ Tables)
- 1079. Subpart JJJJ - National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing (Section 63.8380 - 63.8515 & ~~Appendices~~ Tables)
- 10810. Subpart KKKK - National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing (Section 63.8530 - 63.8665 & ~~Appendices~~ Tables)
- 10911. Subpart LLLL - National Emission Standards for Hazardous Air Pollutants for Asphalt Roofing and Processing (Section 63.8680 - 63.8698 & ~~Appendices~~ Tables)
- 1102. Subpart MMMM - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Fabrication Operation (Section 63.8780 - 63.8830 & ~~Appendices~~ Tables)
- 1143. Subpart NNNN--National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production (Section 63.8980 - 63.9075 & ~~Appendices~~ Tables)
- 1124. Subpart OOOO - Reserved

- 1135. Subpart PPPPP - National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards (Section 63.9280 - 63.9375 & ~~Appendices~~ Tables)
- 1146. Subpart QQQQQ - National Emission Standards for Hazardous Air Pollutants for Friction Products Manufacturing (Section 63.9480 - 63.9579 & ~~Appendix-Table 1~~)
- 1157. Subpart RRRRR--National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing (Section 63.9580 - 63.9652 & ~~Appendices~~ Tables)
- 1168. Subpart SSSSS - National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing (Section 63.9780 - 63.9824 & ~~Appendices~~ Tables)
- 1179. Subpart TTTTT--National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining (Section 63.9880 - 63.9942 & ~~Appendices & Tables~~)
- 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, 130 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. 2005 - § 4, 2005; Ord. 2004-97 § 4; 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)
- 17.16.540 (Reserved)** (Ord. 1995-87 § 50, 1995; Ord. 1994-83 § 61, 1994; Ord. 1993-128 § 4 (part), 1993)

No Change

**Article VIII. New Major Sources and Major Modifications to Existing Major Sources.**

No Change

**Article IX. Emissions of Hazardous Air Pollutants (HAPS).**

No Change

**Article X. Ozone depleting substances.**

No Change

**NOTICE OF EXPEDITED RULEMAKING  
Pima County Air Quality Control Regulations**

**Pima County Code**

**Title 17 – Air Quality Control**

**Chapter 28 Violations and Conditional Orders**

[M05-24]

**PREAMBLE**

- 1. Sections Affected**

Pima County Code (PCC) 17.28.065	<b><u>Rulemaking Action</u></b> Repeal
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- 2. Statutory authority for the rulemaking:**
  - Arizona Revised Statutes (A.R.S.) § 49-112 – County Regulations; standards
  - A.R.S. Title 49, Chapter 3, Article 3. County Air Pollution Control
  - A.R.S. § 49.471.08 – Expedited Rulemaking
  - A.R.S. § 49.479 – Rules; hearing
- 3. List of all previous notices appearing in the register addressing the proposed rule or ordinance and a concise explanatory statement.**
  - Notice of Rulemaking Docket Opening: 10 A.A.R. 4852, December 3, 2004.

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

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.pima.gov

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

Section	Action	Section by Section Analysis
PCC 17.28.065	Repealed	Section moved to Chapter 17.12

§17.28.065 (Excess Emissions) Summary: This rule (ADEQ Rule 18-2-310 – 310.01) was adopted by the Pima County Board of Supervisors on October 19, 2004, by reference to the Arizona Administrative Code R18-2-310 and R18-2.310.01 as of February 15, 2001. It is being repealed during this rulemaking from Chapter 17.28, and included in its entirety in Chapter 17.12.

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 2004.

**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 is proposing to adopt 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:**

This rulemaking action imposes no additional costs on the regulated community, small businesses, political subdivisions, or members of the public. Costs to PDEQ are those that may accrue for implementation and enforcement of the new rules. Although there were some small incremental costs due to this expedited rulemaking, PDEQ does not intend to hire any additional employees to implement or enforce these rules. 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 and EPA. These revisions should have not have an economic impact on Pima County businesses beyond that already incurred by reason of State and/or Federal 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.pima.gov

**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 **March 28, 2005 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:**

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 state statutes: Arizona Revised Statutes, Title 49, Chapter 3 are available at the PDEQ office or at: <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp>

The federal regulations: are available at the PDEQ office or 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: **April 19, 2005 at or after 09:00 a.m.**  
Place: Pima County Board of Supervisors Public Hearing Room  
130 W. Congress Street, First Floor  
Tucson, AZ 85701

**16. The full text of the rule follows:**

**Title 17 of the Pima County Code**

**Title 17 – Air Quality Control**

**Chapter 17.28 Violations and Conditional Orders**

**Sections:**

**Article I. Violations.**

**17.28.010 Violations and order of abatement – No Change**

**17.28.020 Production of Records – No Change**

**17.28.030 Injunctive relief – No Change**

**17.28.040 Precedence of actions – No Change**

**17.28.050 Preservation of rights – No Change**

~~**17.28.065 Excess Emissions - Repealed**~~

**17.28.070 Civil penalties. – No Change**

**17.28.080 Criminal penalties - No Change**

**17.28.090 Hearings on orders of abatement - No Change**

**Article II. Conditional Orders – No Change**

**17.28.100 Conditional orders.**

**Article III. Circumvention – No Change**

**17.28.110 Evasion of basic requirements.**

**Article I. Violations.**

**17.28.010 Violations and order of abatement.**

No Change

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

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**17.28.020 Production of records.**

No Change

**17.28.030 Injunctive relief.**

No Change

**17.28.040 Precedence of actions.**

No Change

**17.28.050 Preservation of rights.**

No change

**17.28.065 ~~Excess Emissions:~~ RESERVED**

~~A.A.C. R18-2-310 and R18-2-310.01 as of February 15, 2001 are hereby adopted in its entirety and are incorporated herein by this reference, except that all references to the "Director" shall be to the "Control Officer". (Ord. 2004-97 § 4, Ord. 1997-79 § 14, 1997)~~