

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

Because each county writes rules and regulations in its own unique style, County Notices published in the *Register* do not conform to the standards of the *Arizona Rulemaking Manual*. With the exception of minor formatting changes, the rules (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT**  
**MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS**  
**REGULATION III – CONTROL OF AIR CONTAMINANTS**  
**RULE 310 – FUGITIVE DUST FROM DUST-GENERATING OPERATIONS**

[M09-180]

**1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referred:**

The subject of the substantive policy statement is the Dust Control Permit Application Package (the “Application”) which was formerly two documents called the Application For Dust Control Permit and Guidance For Application For Dust Control Permit. The substantive policy statement does not have a number, but rather refers to the Dust Control Permit Application Package.

**2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**

The substantive policy statement was issued and became effective on December 17, 2008.

**3. Summary of the contents of the substantive policy statement:**

The Application more clearly requests and explains all the information necessary to enable the Control Officer to make the determination to grant or to deny a permit. With the information provided up front in the Application, the MCAQD expects to be able to approve or disapprove the Dust Control Plan section of an Application based on whether specified control measures will be effective at each unique site.

The changes in the Application: (1) update the existing Application For Dust Control Permit and Guidance For Application For Dust Control Permit to reflect changes to Rule 310 enacted in March, 2008 and (2) incorporate comments from users, both within and outside the Department, that enhance the document’s clarity and utility. While the Application appears different from the former two documents it replaces, due to format changes, the content has remained largely unchanged. The most significant changes are listed below:

- The Application For Dust Control Permit has been combined with the Guidance For Application For Dust Control Permit. The result is one package that is made up of three distinct but connected parts: Instructions, Permit Application Form, and Dust Control Plan. The guidance section was streamlined and added to the Instructions.
- Repeat users of the Application have a quick glance on page three at recent changes to rules and fees while first time users can use the new list of Frequently Asked Questions (FAQs) on page four and simple checklist on page 23 as they begin working on the Application.
- Some lengthy technical passages (e.g., the sections on dust suppressants and caliche) have been consolidated into an appendix to improve readability of the Application. Additional information on these subjects is available online in the Dust Compliance section of the MCAQD web site: <http://www.maricopa.gov/aq/divisions/compliance/dust/resources.aspx>.
- Check boxes have replaced circling of items for clarity and also in anticipation of the document being available as a PDF that can be filled in on a computer in addition to doing so by hand.

**4. A statement as to whether the substantive policy statement is a new statement or a revision:**

The policy statement is a revision of a previous statement (11 A.A.R. 2984, August 5, 2005).

**5. The name and address of the person to whom questions and comments about the substantive policy statement may be directed:**

Name: Lucinda Swann  
Address: Maricopa County Air Quality Department, Director’s Office  
1001 N. Central Ave., #900  
Phoenix, AZ 85004  
Telephone: (602) 506-1842  
Fax: (602) 372-6440  
E-mail: LSwann@mail.maricopa.gov

**6. Information about where a person may obtain a copy of the substantive policy statement and the cost for obtaining the policy statement:**

The application package can be obtained, free of charge, in person at either the One Stop Shop at 501 N. 44th St., Suite 200 in Phoenix, AZ or the MCAQD Dust Compliance Division offices at 1001 N. Central Ave., Suite 900 in Phoenix as well as by downloading it from <http://www.maricopa.gov/qa/divisions/compliance/dust/resources.aspx>.

**NOTICE OF RULEMAKING DOCKET OPENING**

**MARICOPA COUNTY  
AIR QUALITY DEPARTMENT**

[M09-181]

**1. Title and its heading:**

Maricopa County Air Pollution Control Regulations

**Regulations and their headings:**

Regulation III, Control of Air Contaminants

**Rules and their headings:**

Rule 317, Hospital/Medical/Infectious Waste Incinerators; Rule 321, Municipal Solid Waste Landfills; Rule 360, New Source Performance Standards; Rule 370, Federal Hazardous Air Pollutant Program; Rule 371, Acid Rain; Appendix G, Incorporated Materials

**2. The subject matter of the proposed rules:**

The Maricopa County Air Quality Department (department) is proposing to incorporate by reference various federal regulations and documents promulgated by the U.S. Environmental Protection Agency (EPA) and published in the Federal Register, including actions related to New Source Performance Standard (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain and other parts of Title 40 of the Code of Federal Regulations (CFR). This incorporation by reference is necessary before requesting the EPA's delegation of authority to enforce the federal rules documented in the Maricopa County Air Pollution Control Regulations Rules 317, 321, 360, 370, 371, and Appendix G. These rules implement federal requirements according to each federal program identified or applicable source type subject to these regulations.

In addition, the proposed amendments will also correct typographical or other clerical errors; make minor grammatical changes to improve readability or clarity; modify the format, numbering, order, capitalization, punctuation, or syntax of certain text to increase standardization within and among rules; or make various other minor changes of a purely editorial nature. As part of this rulemaking, the department may add, delete, or modify additional rules as necessary.

**3. A citation to all published notices relating to this proceeding:**

None

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

Name: Cheri Dale or Jo Crumbaker

Address: Maricopa County Air Quality Department  
Planning and Analysis Division  
1001 N. Central Ave., Suite 595  
Phoenix, AZ 85004

Telephone: (602) 506-0169

Fax: (602) 506-6179

E-mail: [cheridale@mail.maricopa.gov](mailto:cheridale@mail.maricopa.gov) or [jcrumbak@mail.maricopa.gov](mailto:jcrumbak@mail.maricopa.gov)

**5. The time during which the department will accept written comments and the time and place where oral comments may be made:**

To be announced in the Notice of Proposed Rulemaking

**6. A timetable for department decisions or other action on the proceeding, if known:**

To be announced in the Notice of Proposed Rulemaking