

Arizona Administrative REGISTER

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From the Publisher

ABOUT THIS PUBLICATION

The paper copy of the *Administrative Register* (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the *Arizona Administrative Register* or *Code*. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the *Register*. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C.) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The printed *Code* is the official publication of a rule in the A.A.C. is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a copy.

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ADMINISTRATIVE CODE
A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact us at (602) 364-3223.

PUBLICATION DEADLINES
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

CONTACT US
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Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

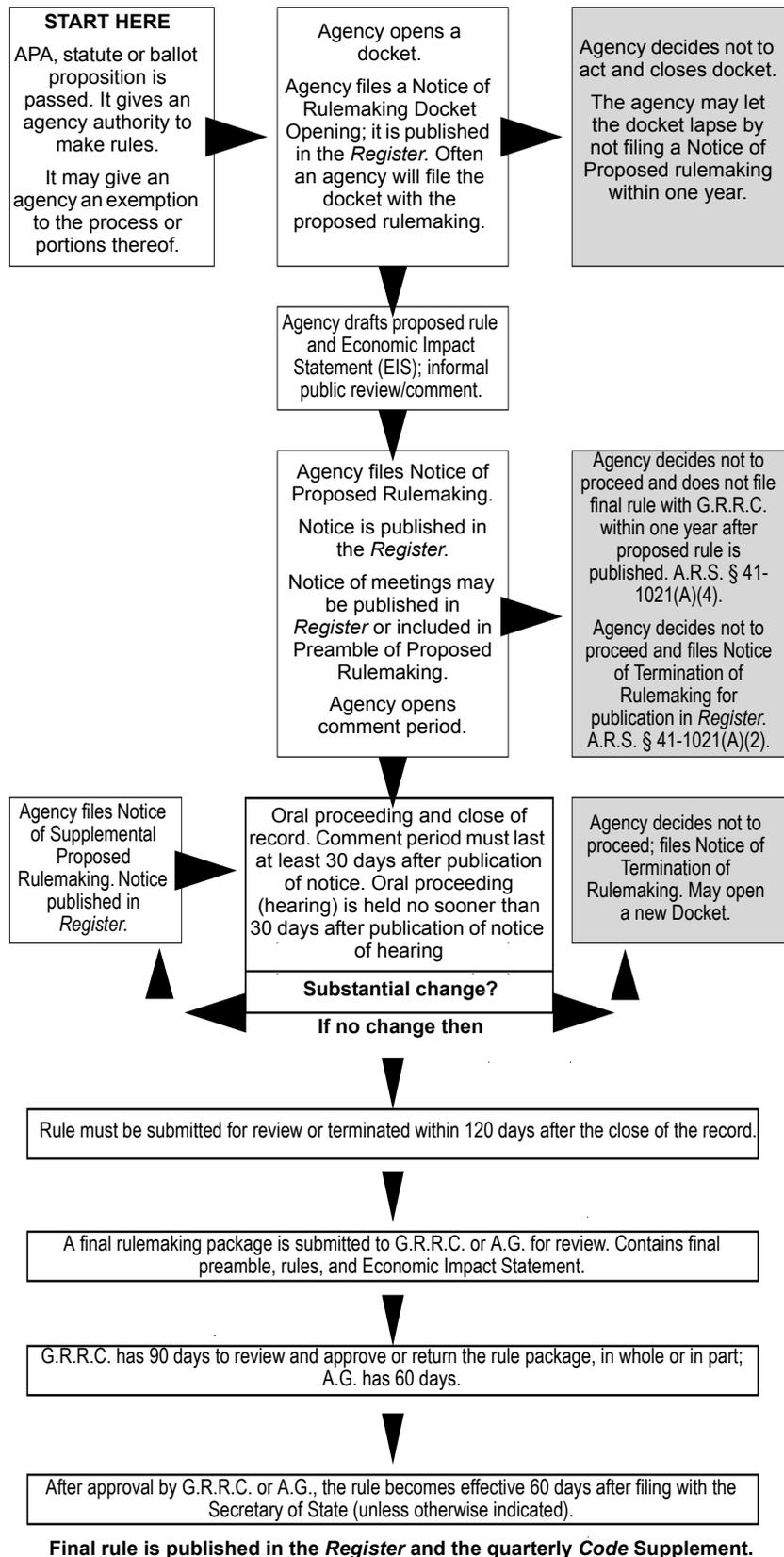
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process



Definitions

Arizona Administrative Code (A.A.C.): Official rules codified and published by the Secretary of State's Office. Available online at www.azsos.gov.

Arizona Administrative Register (A.A.R.): The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The "§" symbol simply means "section." Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor's Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or "Laws": When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word "Laws" is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation "Ch.," and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor's Regulatory Review Council*

U.S.C. – *United States Code*

About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.



NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemakings.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

[R16-133]

PREAMBLE

- | | |
|---|---------------------------------|
| <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R2-8-704 | Amend |
| R2-8-706 | Amend |
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 38-714(E)(4)
 Implementing statutes: A.R.S. §§ 38-711, 38-738, 38-783
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rules:**
 Notice of Rulemaking Docket Opening: 22 A.A.R. 1064, May 6, 2016
- 4. The agency’s contact person who can answer questions about the rulemaking:**
 Name: Jessica A. Ross, Rule Writer
 Address: State Retirement System
 3300 N. Central Ave., Suite 1400
 Phoenix, AZ 85012-0250
 Telephone: (602) 240-2039
 E-mail: JessicaR@azasrs.gov
- 5. An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
 The ASRS needs to amend approximately two rules in Article 7. The rules need to reflect that Contributions Not Withheld (CNW) payments are not due to the ASRS when the employer remits an Alternate Contribution Rate (ACR) payment pursuant to A.R.S. § 38-766 or when contributions are made to another Arizona retirement system. This amendment will prevent the employer from overpaying contributions during the same time period and will clarify that members are not entitled to receive service credit for the same hours worked in more than one state retirement system. The rules also need to reflect that the employer representative is not required to initial each statement of understanding on the Verification of Contributions Not Withheld form; and that gross salary and hours worked are reported by pay period within each fiscal year.
- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material.**
 None



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

Not applicable

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

There is little to no economic, small business, or consumer impact, other than the minimal cost to the ASRS to prepare the rule package. The rules will have minimal economic impact, if any, because the rulemaking simply clarifies statutory requirements that already exist. Reflecting that an ACR is not required, and no CNW situation arises, when a retired member returns to work for an Employer of another state retirement plan will clarify the CNW process, thereby reducing the regulatory burden imposed on the public. This rulemaking will ensure that ASRS employers have notice about how CNW situations will be handled. Thus, the economic impact is minimized.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Jessica A. Ross, Rules Writer
Address: State Retirement System
3300 N. Central Ave., Suite 1400
Phoenix, AZ 85012-0250
Telephone: (602) 240-2039
E-mail: JessicaR@azasrs.gov

10. The time, place, and nature of the proceedings for to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request and oral proceedings on the proposed rule:

An oral proceeding regarding the proposed rule will be held as follows:

Date: September 14, 2016
Time: 9:00 a.m.
Location: Arizona State Retirement System
10th Floor Board Room
3300 N. Central Ave.
Phoenix, AZ 85012-0250

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

None of the rules requires a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law, and if so, citation to the statutory authority to exceed the requirements of federal law:

Federal law applies to retirement programs, but no federal law specifically applies to this rulemaking.

c. Whether a person submitted an analysis to the agency that compares the rule's impact on the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

ARTICLE 7. CONTRIBUTIONS NOT WITHHELD

- Section R2-8-704. Member's Discovery of Error
- R2-8-706. Determination of Contributions Not Withheld

ARTICLE 7. CONTRIBUTIONS NOT WITHHELD

R2-8-704. Member's Discovery of Error

~~A.~~ If a member believes that an ~~ASRS employer~~Employer has not withheld contributions for the member for a period of eligible service, the member shall:

~~1-A.~~ Provide the ~~ASRS employer~~Employer with documentation of the member's claim and request that the ~~ASRS employer~~



Employer provide a letter that includes the information in the Verification of Contributions Not Withheld form or complete a Verification of Contributions Not Withheld form that includes:

- ~~a-1.~~ The member's full name;
 - ~~b-2.~~ Other names used by the member;
 - ~~e-3.~~ The member's Social Security number;
 - ~~d-4.~~ Whether the position was covered under the ~~ASRS employer's~~ Employer's 218 agreement prior to July 24, 2014;
 - ~~e-5.~~ The position title the member held at the time the contributions should have been withheld;
 - ~~f-6.~~ The eligibility of the member at the time the contributions should have been withheld;
 - ~~g-7.~~ The following statements of understanding and agreements ~~to be initialed~~ certified by the authorized ~~employer rep-~~ representative filling out the form Employer representative's signature indicating:
 - ~~i-a.~~ I understand it is my responsibility to verify the accuracy of the information I am providing on this form. I understand any individual who knowingly makes a false statement, or who falsifies or permits to be falsified any record of the ASRS with an intent to defraud the ASRS, is guilty of a Class 6 felony pursuant to A.R.S. § 38-793; and
 - ~~ii-b.~~ I understand that, based on the information provided on this form, the ASRS may determine that contributions are owed on behalf of the member listed on this form, and the ~~ASRS employer~~ Employer may incur a substantial financial obligation; I understand that I may receive an invoice for the member contributions I owe.
 - ~~h-8.~~ The following information ~~months worked, the hours per week worked, and the compensation earned by the member,~~ by fiscal year:
 - a. All pay period end dates;
 - b. The hours per week worked within each pay period; and
 - c. The compensation earned by the member within each pay period.
 - ~~i-9.~~ The name of the ~~ASRS employer~~ Employer;
 - ~~j-10.~~ The printed name and signature of the authorized ~~employer~~ Employer representative;
 - ~~k-11.~~ The daytime telephone number of the authorized ~~employer~~ Employer representative;
 - ~~l-12.~~ The title of the authorized ~~employer~~ Employer representative; and
 - ~~m-13.~~ The date the authorized ~~employer~~ Employer representative signed the form;
- ~~2-B.~~ Provide the ASRS with the completed Verification of Contributions Not Withheld form; and
- ~~3-C.~~ If the ~~ASRS employer~~ Employer refuses to fill out the Verification of Contributions Not Withheld form, or if the member disputes the information the ~~ASRS employer~~ Employer completes on the form, the member shall provide the ASRS with the documentation the member believes supports the allegation that contributions should have been withheld, that includes proof:
- ~~a-1.~~ That the employee was covered under the ~~ASRS employer's~~ Employer's 218 agreement prior to July 24, 2014,
 - ~~b-2.~~ Of the number of hours worked,
 - ~~e-3.~~ Of the length of time the member was employed by the ~~ASRS employer~~ Employer, and
 - ~~d-4.~~ Of the compensation paid to the member by the ~~ASRS employer~~ Employer.

R2-8-706. Determination of Contributions Not Withheld

- A.** Upon receipt of the information listed in R2-8-703, R2-8-704, or R2-8-705, the ASRS shall review the information to determine whether or not member contributions should have been withheld by the ~~ASRS employer~~ Employer, the length of time those contributions should have been withheld, and the amount of contributions that should have been withheld.
- B.** Except for a member who met active membership requirements while simultaneously contributing to another retirement plan listed in subsection (B)(2), for purposes of this Article, the ASRS shall determine that contributions should not have been withheld for the period of service in question if:
 1. An Employer remits an accurate ACR amount pursuant to R2-8-116; or
 2. The employee participates in:
 - a. Another Arizona retirement plan listed in A.R.S. Title 38, Chapter 5, Articles 3, 4, or 6; or
 - b. In an optional retirement plan listed in A.R.S. Title 15, Chapter 12, Article 3 or A.R.S. Title 15, Chapter 13, Article 2.
- ~~B-C.~~ Except for returning to work under A.R.S. § 38-766.01(D), the presence of a contract between a member and the ~~ASRS employer~~ Employer does not alter the contribution requirements of A.R.S. §§ 38-736 and 38-737.
- C-D.** If there is any discrepancy between the documentation provided by the ~~ASRS employer~~ Employer and the documentation provided by the member, a document used in the usual course of business prepared at the time in question is controlling.
- D-E.** The ASRS shall provide to the ~~ASRS employer~~ Employer and the member a written statement that includes:
 1. The dates of eligible service for which contributions were not withheld,
 2. The dollar amount of contributions that should have been made,
 3. The dollar amount of the contributions to be paid by the ~~ASRS employer~~ Employer,
 4. The interest on the ~~ASRS employer~~ Employer contributions and member contributions to be paid by the ~~ASRS employer~~ Employer,
 5. The dollar amount of contributions to be paid by the member, and
 6. ~~To the member, the~~ The various payment options that may apply to the member, as specified in R2-8-512 through R2-8-519.



NOTICES OF RULEMAKING DOCKET OPENING

This section of the Arizona Administrative Register contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an "announcement" that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING

STATE RETIREMENT SYSTEM BOARD

[R16-134]

- 1. Title and its heading: 2, Administration
Chapter and its heading: 8, State Retirement System Board
Article and its heading: 8, Recovery of Overpayments
Section number: R2-8-801 through R2-8-805 (Sections may be added, deleted, or further modified as necessary.)

2. The subject matter of the proposed rule:

The ASRS needs to adopt new rules to clarify various aspects of how the ASRS recovers overpayments made to or on behalf of members and beneficiaries. A.R.S. § 38-765 requires the ASRS to collect any overpayments made to a member or beneficiary. That statute states the ASRS shall collect any overpayments by reducing any benefit that is otherwise payable by the ASRS or the Long-Term Disability Program administered by the ASRS. These rules will better clarify how the ASRS shall reduce certain benefits in order to recover an overpayment amount. These rules will increase understandability of how the ASRS collects overpayments in certain situations, but the rules do not impose any additional requirements or burdens on members.

A.R.S. § 38-723 allows the ASRS to recover the cost of collecting overpayments by placing a levy on property, including wages and salary. Establishing rules related to overpayments will ensure the public is aware of the various mechanisms the ASRS may use in order to collect an overpayment. Such clarity will increase understanding of how ASRS collection processes may affect various aspects of income.

3. A citation to all published notices relating to the proceeding:

None

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

Name: Jessica A. Ross, Rule Writer
Address: Arizona State Retirement System
3300 N. Central Ave., Suite 1400
Phoenix, AZ 85012-0250
Telephone: (602) 240-2039
E-mail: JessicaR@azasrs.gov

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

The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

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

To be determined.



NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ECONOMIC SECURITY

[R16-135]

- 1. Title and its heading:** 6, Economic Security
- Chapter and its heading:** 1, Department of Economic Security
- Article and its heading:** 1, Public Participation in Rulemaking
2, Debt Setoff
- Section numbers:** R6-1-101 through R6-1-107, R6-1-201, R6-1-202 (*Sections may be added, deleted, or modified as necessary.*)
- 2. The subject matter of the proposed rule:**
 This rulemaking is in response to a Five-year Review Report approved by the Governor's Regulatory Review Council on February 4, 2014.
 The rules in Title 6, Chapter 1 are rules of general applicability to all Department of Economic Security (Department) programs. Article 1 describes procedures for public participation in the rulemaking process. Article 2 implements A.R.S. §§ 5-575 and 42-1122, which allow the Department to offset debts owed to the Department from a debtor's lottery winnings and state tax refund.
 The proposed rulemaking will make the Department's requirements for public participation in rulemaking and debt set-off more clear, concise, and understandable. Proposed amendments to Article 1 update the rules to conform to current statutory provisions and procedures. Proposed amendments to Article 2 update statutory citations, update the rules to conform to current statutory provisions and procedures, and streamline the debt set-off review process.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
 Name: Robert Hobbs
 Address: Department of Economic Security
 P.O. Box 6123, Mail Drop 1292
 Phoenix, AZ 85005
 or
 Department of Economic Security
 1789 W. Jefferson St., Mail Drop 1292
 Phoenix, AZ 85007
 Telephone: (602) 542-6555
 Fax: (602) 542-6000
 E-mail: rhobbs@azdes.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
 The Department will accept public comments for at least 30 days following the publication of the Notice of Proposed Rulemaking in the Arizona Administrative Register. Written comments may be submitted to the individual named in item 4. The Department has not scheduled any oral proceedings at this time.
- 6. A timetable for agency decisions or action on the proceeding, if known:**
None



NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ECONOMIC SECURITY
UNEMPLOYMENT INSURANCE

[R16-136]

- 1. Title and its heading: 6, Economic Security
Chapter and its heading: 3, Department of Economic Security – Unemployment Insurance
Article and its heading: 51, Discharge Benefit Policy
52, Able and Available Benefit Policy
55, Total and Partial Unemployment Benefit Policy
Section numbers: R6-3-51140, R6-3-5205, R6-3-5240, R6-3-52235, R6-3-55460
(Sections may be added, deleted, or modified as necessary.)

- 2. The subject matter of the proposed rule: The rules contain requirements relating to misappropriation of funds and falsification of employment records; ability to and availability for work; attendance at school or training course; health or physical condition; and type of compensation. The rules will be updated to reflect statutory changes and to enhance clarity, thereby benefiting administrative law judges, employers, and unemployment insurance claimants.

- 3. A citation to all published notices relating to the proceeding: None

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

Name: Rodney K. Huenemann
Address: Department of Economic Security
P.O. Box 6123, Mail Drop 1292
Phoenix, AZ 85005
or
Department of Economic Security
1789 W. Jefferson St., Mail Drop 1292
Phoenix, AZ 85007
Telephone: (602) 542-6159
Fax: (602) 542-6000
E-mail: rhuenemann@azdes.gov

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

The Department will accept public comments for at least 30 days following the publication of the Notice of Proposed Rulemaking in the Arizona Administrative Register. Written comments may be submitted to the individual named in question 4. The Department has not scheduled any oral proceedings at this time.

- 6. A timetable for agency decisions or action on the proceedings, if known: None

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ECONOMIC SECURITY
SOCIAL SERVICES

[R16-137]

- 1. Title and its heading: 6, Economic Security
Chapter and its heading: 5, Department of Economic Security - Social Services
Article and its heading: 49, Child Care Assistance
Section numbers: R6-5-4901, R6-5-4904 through R6-5-4921, R6-5-4923 through R6-5-4925, Appendix A, Appendix B (Sections may be added, deleted, or modified as necessary.)

- 2. The subject matter of the proposed rule: This rulemaking is in response to a Five-year Review Report approved by the Governor’s Regulatory Review Council on July 10, 2012.



The Rules in Title 6, Chapter 5, Article 49 specify the requirements for a statewide program to assist eligible families with child care costs, enabling parents to participate in employment and specific education and training activities related to employment, or in certain other circumstances when parents are unable to provide care. These rules specify the procedures for this program, including the application process guidelines, eligibility guidelines, and termination of assistance guidelines.

The proposed rulemaking will bring the rules into alignment with current laws including changes resulting from the 2014 reauthorization of the Child Care and Development Block Grant and ensuing federal regulations, as well as changes made in state statutes including provisions relative to child care assistance coverage for certain individuals engaged in educational activities. The proposed rulemaking will also strengthen criteria to prevent fraud, waste, and abuse and facilitate and establish a process for the Department to adjust eligibility consistent with available appropriations.

3. A citation to all published notices relating to the proceeding:

None

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

Name: Rodney K. Huenemann
 Address: Department of Economic Security
 P.O. Box 6123, Mail Drop 1292
 Phoenix, AZ 85005
 or
 Department of Economic Security
 1789 W. Jefferson St., Mail Drop 1292
 Phoenix, AZ 85007
 Telephone: (602) 542-6159
 Fax: (602) 542-6000
 E-mail: rhuenemann@azdes.gov

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

The Department will accept public comments for at least 30 days following the publication of the Notice of Proposed Rulemaking in the Arizona Administrative Register. Written comments may be submitted to the individual named in question 4. The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or action on the proceedings, if known:

None

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF ECONOMIC SECURITY
 DEVELOPMENTAL DISABILITIES**

[R16-138]

1. Title and its heading:

6, Economic Security

Chapter and its heading:

6, Department of Economic Security - Developmental Disabilities

Article and its heading:

3, Eligibility for Developmental Disabilities Services
 5, Admission/Redetermination/Termination
 9, Managing Inappropriate Behaviors
 10, Child Developmental Foster Home License
 11, Adult Developmental Home License
 15, Standards for Certification of Home and Community-Based Service (HCBS) Providers
 18, Administrative Review
 21, Division Procurement and Rate Setting - Qualified Vendors

Section Numbers:

R6-6-301 through R6-6-303, R6-6-501 through R6-6-505, R6-6-901 through R6-6-909, R6-6-1001 through R6-6-1019, R6-6-1101 through R6-6-1119, R6-6-1501 through R6-6-1533, R6-6-1801 through R6-6-1805, R6-6-2101 through R6-6-2112, R6-6-2114 through R6-6-2119 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

This rulemaking is in response to a Five-year Review Report approved by the Governor’s Regulatory Review



Council on December 1, 2015.

The rules in Title 6, Chapter 6 cover programs administered by the Division of Developmental Disabilities. Article 3 provides eligibility criteria and contains guidelines for making developmental disabilities determinations. Article 5 describes the criteria for admission, re-determination, termination of services, and service continuation. Article 9 addresses the Department’s requirements for managing inappropriate behaviors. Article 10 describes the process for obtaining a child developmental foster home license. Article 11 describes the process for obtaining an adult developmental home license. Article 15 describes standards for certification of home and community-based service (HCBS) providers. Article 18 provides a method for review of Department decisions. Article 21 describes the procurement process and rate setting for Qualified Vendors.

The proposed rulemaking will eliminate archaic rules, add a definition section to clarify the terminologies, streamline and bring the rules into alignment with current laws and practice, improve the standard of care for vulnerable populations, enhance existing safeguards, and reduce the risk to the health and safety of individuals with developmental disabilities.

3. A citation to all published notices relating to the proceeding:

None

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

Name: Robert Hobbs
Address: Department of Economic Security
P.O. Box 6123, Mail Drop 1292
Phoenix, AZ 85005
or
Department of Economic Security
1789 W. Jefferson St., Mail Drop 1292
Phoenix, AZ 85007
Telephone: (602) 542-6555
Fax: (602) 542-6000
E-mail: rhobbs@azdes.gov

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

The Department will accept public comments for at least 30 days following the publication of the Notice of Proposed Rulemaking in the Arizona Administrative Register. Written comments may be submitted to the individual named in item 4. The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or action on the proceeding, if known:

None

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF ECONOMIC SECURITY
THE JOBS PROGRAM**

[R16-139]

1. Title and its heading:

6, Economic Security

Chapter and its heading:

10, Department of Economic Security - The JOBS Program

Article and its heading:

1, Jobs: General Provisions
3, Job Displacement Grievance Procedures

Section numbers:

R6-10-101 through R6-10-117, R6-10-119 through R6-10-124;
R6-10-301 through R6-10-303 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

This rulemaking is in response to a Five-year Review Report, approved by the Governor’s Regulatory Review Council on April 5, 2016.

The Rules in Title 6, Chapter 10 govern the Jobs Program, which is the employment and training component of the Temporary Assistance for Needy Families (TANF) program. The rules will be updated to reflect federal and state statutory changes that have occurred since the rules were adopted. The changes will ensure alignment with corresponding statutes; reduce potential incidences of program fraud and abuse; and enhance clarity, thereby benefiting program participants and program administrators.



3. A citation to all published notices relating to the proceeding:

None

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Rodney K. Huenemann
 Address: Department of Economic Security
 P.O. Box 6123, Mail Drop 1292
 Phoenix, AZ 85005
 or
 Department of Economic Security
 1789 W. Jefferson St., Mail Drop 1292
 Phoenix, AZ 85007
 Telephone: (602) 542-6159
 Fax: (602) 542-6000
 E-mail: rhuenemann@azdes.gov

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

The Department will accept public comments for at least 30 days following the publication of the Notice of Proposed Rulemaking in the Arizona Administrative Register. Written comments may be submitted to the individual named in question 4. The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or action on the proceedings, if known:

None

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF ECONOMIC SECURITY
 CASH ASSISTANCE PROGRAM**

[R16-140]

1. Title and its heading:

6, Economic Security

Chapter and its heading:

12, Department of Economic Security - Cash Assistance Program

Article and its heading:

- 1, General Provisions
- 2, Application Process and Procedures
- 3, Non-financial Eligibility Criteria
- 4, Financial Eligibility; Resources
- 5, Financial Eligibility; Income
- 6, Special CA Circumstances
- 7, Determining Eligibility and Benefit Payment Amount
- 8, Payments
- 9, Changes; Adverse Action
- 10, Appeals
- 11, Overpayments
- 12, Intentional Program Violation
- 13, Jobstart
- 14, Grant Diversion

Section numbers:

R6-12-101 through R6-12-104, R6-12-201 through R6-12-211, R6-12-301 through R6-12-321, R6-12-401 through R6-12-406, R6-12-501 through R6-12-509, R6-12-601 through R6-12-607, R6-12-701 through R6-12-706, R6-12-801, R6-12-803, R6-12-806 through R6-12-808, R6-12-901 through R6-12-908, R6-12-1001 through R6-12-1015, R6-12-1101 through R6-12-1103, R6-12-1201 through R6-12-1206, R6-12-1301 through R6-12-1306, R6-12-1401 through R6-12-1404 (*Sections may be added, deleted, or modified as necessary.*)

2. The subject matter of the proposed rule:

This rulemaking is in response to a Five-year Review Report, approved by the Governor’s Regulatory Review Council on June 5, 2012.

The rules in Title 6, Chapter 12 govern the Temporary Assistance for Needy Families (TANF) Cash Assistance (CA) program. The CA program provides temporary cash benefits and supportive services to the neediest of Arizona’s children and their families. The program helps these families meet their basic needs for well-being and safety



and serves as their bridge back to self-sufficiency.

The proposed rulemaking will make numerous changes to Title 6, Chapter 12. The changes are necessitated either by recent changes in federal law or to conform to the provisions in state statute or in the current Arizona TANF State Plan as required by federal regulation. The changes will bring consistency with current and proposed policies and procedures in the Cash Assistance program and enhance clarity to the benefit of the public.

3. A citation to all published notices relating to the proceeding:

None

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

Name: Rodney K. Huenemann
Address: Department of Economic Security
P.O. Box 6123, Mail Drop 1292
Phoenix, AZ 85005
or
Department of Economic Security
1789 W. Jefferson St., Mail Drop 1292
Phoenix, AZ 85007
Telephone: (602) 542-6159
Fax: (602) 542-6000
E-mail: rhuenemann@azdes.gov

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

The Department will accept public comments for at least 30 days following the publication of the Notice of Proposed Rulemaking in the *Arizona Administrative Register*. Written comments may be submitted to the individual named in question 4. The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or action on the proceedings, if known:

None

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES**

[R16-142]

1. Title and its heading:

17, Transportation

Chapter and its heading:

4, Department of Transportation – Title, Registration, and Driver Licenses

Article and its heading:

5, Safety
7, Hazardous Materials Endorsement

Section numbers:

R17-4-501, R17-4-507, R17-4-508, R17-4-701, R17-4-702, R17-4-705 through R17-4-707, R17-4-709, R17-4-710, and R17-7-712 (*Sections may be added, deleted, or modified as necessary.*)

2. The subject matter of the proposed rules:

The Department, in partnership with the Arizona Department of Public Safety, is engaged in rulemaking to incorporate parts of the 2015 edition of the *Code of Federal Regulations* relating to the Federal Motor Carrier Safety Regulations. These regulations include the physical qualifications of commercial driver license holders and the issuance of the hazardous materials endorsement. This rulemaking will update the federal references; ensure information is consistent; repeal R17-4-507, Driver License Identification Number, since it is an unnecessary rule; and make additional grammatical and technical changes as needed.

3. A citation to all published notices relating to the proceeding:

None

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

Name: Candace Olson, Rules Analyst
Address: Government Relations and Policy Development Office
Department of Transportation
206 S. 17th Ave., Mail Drop 140A



Phoenix, AZ 85007

Telephone: (602) 712-4534

E-mail: COlson2@azdot.gov

Please visit the ADOT web site to track the progress of this rule and any other agency rulemaking matters at <http://www.azdot.gov/about/GovernmentRelations>

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

Written comments may be submitted at any time. All comments should be directed to the person listed under item 4. The date, time, and location of any oral proceeding scheduled for this rulemaking will be included in the Notice of Proposed Rulemaking.

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

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS**

[R16-143]

1. Title and its heading:

17, Transportation

Chapter and its heading:

5, Department of Transportation – Commercial Programs

Article and its heading:

2, Motor Carriers

Section numbers:

R17-5-202, R17-5-203, R17-5-205, R17-5-206, R17-5-208, R17-5-209, and R17-5-212 (*Sections may be added, deleted, or modified as necessary.*)

2. The subject matter of the proposed rules:

The Arizona Department of Transportation (ADOT), in partnership with the Arizona Department of Public Safety (DPS), engages in this rulemaking to incorporate parts of the 2015 edition of the *Code of Federal Regulations*. The Federal Motor Carrier Safety Administration of the U.S. Department of Transportation requires that each state adopt certain Federal Motor Carrier Safety Regulations to ensure eligibility for federal enforcement grants. Both ADOT and DPS rely on these federal monies to fund numerous enforcement positions especially at Arizona’s southern ports of entry.

3. A citation to all published notices relating to the proceeding:

None

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

Name: Candace Olson, Rules Analyst

Address: Government Relations and Policy Development Office
Department of Transportation
206 S. 17th Ave., Mail Drop 140A
Phoenix, AZ 85007

Telephone: (602) 712-4534

E-mail: COlson2@azdot.gov

Please visit the ADOT web site to track the progress of this rule and any other agency rulemaking matters at <http://www.azdot.gov/about/GovernmentRelations>

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

Written comments may be submitted at any time. All comments should be directed to the person listed under item 4. The date, time, and location of any oral proceeding scheduled for this rulemaking will be included in the Notice of Proposed Rulemaking.

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

To be determined



NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS

[R16-144]

- 1. Title and its heading:** 17, Transportation
- Chapter and its heading:** 5, Department of Transportation - Commercial Programs
- Article and its heading:** 9, Transportation Network Companies
10, Vehicle For Hire
- Section numbers:** R17-5-901 through R17-5-906 and R17-5-1001 through R17-5-1009
(Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:

The proposed rules contain the requirements for a transportation network company to obtain a transportation network company permit from the Arizona Department of Transportation (ADOT) to operate in this state. This rulemaking implements state legislation approved in 2015 on transportation network companies. The Department filed exempt rules on transportation network companies in a rulemaking that became effective on August 21, 2015. Approval of this rulemaking will ensure that ADOT will continue to have authority to collect the transportation network company application fee.

The proposed rules also include the requirements for a taxi, limousine, or livery vehicle company to obtain a permit from ADOT to operate in Arizona. Legislation approved in 2015 transferred regulatory oversight of taxis, limousines, and livery vehicles from the Department of Weights and Measures to ADOT beginning July 1, 2016. Additional legislative changes regarding taxis, limousines, and livery vehicles were made in 2016. These rules implement the 2015 and 2016 legislative changes and establish new rules for ADOT's oversight of taxis, limousines, and livery vehicle companies.

3. A citation to all published notices relating to the proceeding:

Notice of Final Exempt Rulemaking: 21 A.A.R. 1825, September 11, 2015

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

Name: Jane McVay
 Address: Arizona Department of Transportation
 206 S. 17th Ave., MD 140A
 Phoenix, AZ 85007
 Telephone: (602) 712-4279
 E-mail: jmcvay@azdot.gov

Please visit the ADOT web site to track the progress of this rule and any other agency rulemaking matters at <http://www.azdot.gov/docs/default-source/libraries/current-rulemaking-activity.pdf?sfvrsn=10>.

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

Written comments may be submitted at any time prior to the close of the public record. Oral comments may be made during regular business hours. All comments should be directed to the agency representative listed in item 4. The date, time, and location of any oral proceeding on the rulemaking will be included in the Notice of Proposed Rulemaking.

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

To be determined



NOTICES OF SUBSTANTIVE POLICY STATEMENT

The Administrative Procedure Act (APA) requires the publication of Notices of Substantive Policy Statement issued by agencies (A.R.S. § 41-1013(B)(14)).

Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice.

Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal

procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF ENVIRONMENTAL QUALITY

[M16-195]

1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:

UST Release Confirmation

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

Issued: July 21, 2016
Effective: Sept. 1, 2016

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

This policy statement explains ADEQ's method of confirming and "opening" a release at an underground storage tank (UST) system using concentrations of petroleum related chemicals of concern in soil or groundwater.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 49-1001, A.A.C. R18-12-101

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

New

6. The agency contact person who can answer questions about the substantive policy statement:

Name: Debi Goodwin
Address: ADEQ, 1110 W. Washington St., Phoenix, AZ 85007
Telephone: (602) 771-4453
Fax: (602) 771-4272
E-mail: goodwin.deborah@azdeq.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

This policy is available on the Department's website, currently http://legacy.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4380. Cost is \$0.25 per page.



NOTICES OF AGENCY OMBUDSMAN

The Administrative Procedure Act requires the publication of Notices of Agency Ombudsman. Agencies shall publish annually in the *Register* the name or names of those employees who are designated by the agency to

assist members of the public or regulated community in seeking information or assistance from the agency. (A.R.S. § 41-1006)

NOTICE OF AGENCY OMBUDSMAN

[M16-194]

1. **The agency name:** Department of Public Safety
2. **The ombudsman's:**
 - a. **Name:** Ms. Anni Foster
 - b. **Title:** Executive Officer/General Counsel, Ombudsman
 - c. **Agency Division:** Office of the Director
3. **The ombudsman's office address to include city, state, and zip code:**

Physical Address: 2102 W. Encanto Blvd.
Phoenix, AZ 85009

Mailing Address: P.O. Box 6638
Mail Drop 1000
Phoenix, AZ 85005-6638
4. **The ombudsman's area code and telephone number, fax number and e-mail address, if available:**

Telephone: (602) 223-2265

Fax: (602) 223-2917

E-mail: afoster@azdps.gov



GOVERNOR EXECUTIVE ORDERS

The Administrative Procedure Act (APA) requires the full-text publication of Governor Executive Orders.

With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

In addition, the Register shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed.

EXECUTIVE ORDER 2016-03

Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2016, as a notice to the public regarding state agencies' rulemaking activities.

[M16-29]

WHEREAS, Arizona is poised to lead the nation in job growth;

WHEREAS, burdensome regulations inhibit job growth and economic development;

WHEREAS, small businesses and startups are especially hurt by regulations;

WHEREAS, each agency of the State of Arizona should promote customer-service-oriented principles for the people that it serves;

WHEREAS, each State agency should undertake a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay, and legal uncertainty associated with government regulation;

WHEREAS, overly burdensome, antiquated, contradictory, redundant, and nonessential regulations should be repealed;

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor;

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

- 1. A State agency subject to this Order, shall not conduct any rulemaking except as permitted by this Order.
2. A State agency subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
c. To prevent a significant threat to the public health, peace, or safety.
d. To avoid violating a court order or federal law that would result in sanctions by a court or the federal government against an agency for failure to conduct the rulemaking action.
e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
f. To comply with a state statutory requirement.
g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
j. To eliminates rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government.
3. For the purposes of this Order, the term "State agencies," includes without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those State agencies, boards and commissions excluded



from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.

4. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, “person,” “rule,” and “rulemaking” have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.
5. This Executive Order expires on December 31, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this Eighth day of February in the Year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Thirty-Fourth.

ATTEST:

Michele Reagan
Secretary of State



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

This section of the Arizona Administrative Register contains County Notices (according to A.R.S. § 49-112).

Each county writes rules and regulations in its own unique style. Although these notices are published in the Register, they do not conform to the standards specified in

the Arizona Rulemaking Manual. With the exception of minor formatting changes, County Notices (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

NOTICE OF PROPOSED RULEMAKING

MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

REGULATION II - PERMITS AND FEES

RULE 280: FEES

[M16-196]

PREAMBLE

- 1. Rule affected: Rule 280: Fees; Rulemaking action: Amend
2. Statutory authority for the rulemaking: Authorizing statutes: A.R.S. §§ 49-402, 49-473, 49-476.01, 49-479, 11-251.08(A); Implementing Statute: A.R.S. § 49-480, 49-112, 11-251.08(B)
3. List of public notices addressing the rulemaking: Notice of Briefing To Maricopa County Manager: March 2016; Notice of Stakeholder Workshop: June 23, 2016
4. Name and address of department personnel with whom persons may communicate regarding the rulemaking: Name: Greg Verkamp or Hether Krause; Maricopa County Air Quality Department; Planning and Analysis Division; Address: 1001 N Central Avenue, Suite 125; Phoenix, Arizona 85004; Telephone: (602) 506-6010; Fax: (602) 506-6179; E-mail: aqplanning@mail.maricopa.gov

5. Explanation of the rule, including the department's reasons for initiating the rulemaking:

Summary:

Rule 280 establishes the fees charged to owners and operators of sources of air pollution. The Maricopa County Air Quality Department (department) is largely funded by a fee for service model by charging permit application fees, annual administrative fees, hourly fees for staff time to process Title V and Non-Title V permit applications and emission based fees. Revenues generated from fees cover the operating costs of several programs within the department. Currently, revenues generated by fees exceed the expenses of the fee funded programs within the department, resulting in a yearly positive balance in the department's fee fund. The department is proposing to reduce a limited number of fees in Rule 280 in order to balance the fee revenues with the expenses of the department's fee funded programs. In addition, the department is proposing to make several other revisions to update and improve Rule 280.

Background:

The department receives funding from three major sources: The Maricopa County General Fund, grants, and fees collected from owners and operators of sources of air pollution. Funds from each source cover the operating costs of specific programs within the department. Funds received from the Maricopa County General Fund cover a significant portion of the operating costs of the Air Monitoring Program. Funds from grants also cover operating costs of the Air Monitoring Program, a portion of the operating costs of the Compliance Program and all the operating costs of the Travel Reduction Program. Funds generated from fee collection cover the operating costs of the Dust Control Program, Small Source Program, Title V Program, Training Program and Enforcement Program.



In recent years, the department has observed that revenues generated through fee collection have exceeded the expenses of the fee funded programs. As a result, the department initiated revisions to Rule 280 to address the excess fee revenues. An evaluation of the department's fee fund determined the majority of the excess fee revenues were coming from the Dust Control Program. Based on the analysis, the fees for the dust control permit fees categories of "0.1 to less than one acre" and of "One acre to less than 10 acres" should be reduced. Reduced fee amounts were calculated for these categories and the newly proposed amounts are listed below.

The department is also proposing several revisions to the rule. The proposed revisions are listed below.

Detailed Description of the Major Proposed Amendments:

- **Dust Control Permit Fee Reductions**

Reduce permit fees in the dust control permit fee category of "0.1 to less than one acre" from \$795 to \$530 and reduce permit fees in the dust control permit fee category of "One acre to less than 10 acres" from \$1,325 to \$1,060. These fee reductions are expected to affect approximately 2,500 permits annually based on recent data.

- **Accelerated Permit Processing for Dust Control Applications**

Add an option for accelerated permit processing for dust control applications. Under the proposed revision, an applicant would be able to request accelerated permit processing for a dust control application by submitting a completed application with a fee two times the fee amount listed in the dust control permit fee schedule. Applications submitted with the accelerated permit processing fee would be processed by the end of the next business day.

- **Expanded General Permit Options**

Offer three new general permits for the following sources: Crematories, Wastewater Treatment Plants and Asphalt Day Tankers/Tar Kettles. These new categories would provide fee reductions of \$320 and \$330 a year for sources that qualify. Approximately 70 sources are expected to qualify for these new general permits.

- **Refunds of Asbestos Notification Fees**

Offer renovation and demolition fee refunds, less a \$350 nonrefundable fee, upon cancellation of a notification. A refund would be offered if the cancellation is received before renovation and/or demolition operations have commenced and if no revisions have been made to the notification from the date it was initially submitted.

- **Changes to the Delinquency Fees**

Add language to the delinquency fees section which would provide the possibility of increased delinquency fees for those applicants or permittees who fail to pay required fees on time. Currently, the rule language states an applicant or permittee will be required to pay a \$50 fee if payment is received 30 days after the invoice date or a \$100 fee if the payment is received 60 days after the invoice date. The department is proposing to add language stating an applicant or permittee will be required to pay a \$50 fee, "or 5% of the amount due, whichever is greater" if the payment is received 30 days after the invoice date or a \$100 fee, "or 10% of the amount due, whichever is greater" if the payment is received 60 days after the invoice date.

- **Changes to the Annual Adjustment of Fees**

Provide the option to annually adjust the following fees based on the Consumer Price Index: Non-Title V Annual Administrative Fees, General Permit Application Fees, General Permit Annual Administrative Fees, Burn Permit Fees, Dust Control Fees and Asbestos Notification and Plan Review Fees. Currently, Rule 280 requires the Title V Billable Permit Action Fees, Annual Administrative Fees, and Annual Emissions-Based Fees along with the Non-Title V Billable Permit Action Fees, Annual Administrative Fees and General Permit Fees be adjusted annually. The Title V Billable Permit Action Fees, Annual Administrative Fees, Annual Emissions-Based Fees and the Non-Title V Billable Permit Action Fees would continue to be adjusted annually.

- **Modifications to the Fee Tables**

Make several modifications to the fee tables to improve clarity and usability. The fee rule was last revised in 2010 and fees have been adjusted annually thereafter per CPI. The department is unable to revise the fee rule annually but instead makes fee adjustments per CPI and includes them in an annual fee schedule. The fee schedule is posted annually on the department's website. First, the department is proposing to update all of the Title V, Non-Title V and General Permit fees to the 2016 Air Quality Fee Schedule; these fees appear higher than in the current rule, but the department is not increasing these fees; these fees have been in effect since the CPI adjustment in early 2016. These fees will be adjusted again in draft Rule 280 after August 31, 2016 to reflect the most current CPI. Second, the department is proposing to add numbers and titles to all of the tables in the rule. Third, the department is proposing to delete, add and revise several source categories in the Non-Title V source category fee tables and combine the Non-Title V source category fee tables with the Non-Title V annual administrative fee table. Finally, the department is



proposing to create a new General Permit Fee Table combining the General Permit Application Fee Table and the General Permit Annual Administrative Fee Table. This table will list the existing nine general permit types along with the three newly proposed general permit types.

Issues Raised and Discussed During this Rulemaking Process:

On June 23, 2016 the department held a stakeholder workshop and discussed the proposed revisions to Rule 280. During the workshop stakeholders raised concerns about the Stationary Dust-Generating Source General Permit. First, stakeholders were concerned the draft rule did not clearly specify that the permit covered landscaping using mechanized equipment. The department clarified that only landscaping that utilized mechanized equipment, e.g., bobcats, that disturb 0.10 acre or more would require permit coverage. Stakeholders proposed inserting “Landscaping with Mechanized Equipment” as an activity under the Stationary Dust-Generating Source category in the General Permit Fee table. The department considered the proposal and inserted the activity into the General Permit Fee table in the draft rule. Second, stakeholders were concerned that construction of pools and other small structures such as barbeque pits and shade canopies were not activities eligible for coverage under the Stationary Dust-Generating Permit category and proposed including them as eligible activities. The department considered their proposal and instead of including these activities under the Stationary Dust-Generating Source General Permit will continue to require pool builders (disturbing a total surface area of 0.10 acre or more) to obtain a Dust Control Permit. The construction of pools and other small structures are construction projects with finite timelines and the Stationary Dust-Generating Source General Permit excludes construction projects with finite timelines. Currently, pool builders must obtain a dust control permit for any project disturbing a total surface area of 0.10 acre or more. However, the dust permit fee for disturbing less than 1 acre is proposed to be reduced from \$795 to \$530. The department believes the construction of most small structures such as barbeque pits and shade canopies will not require a permit because the activities will not disturb enough acreage (0.10 acre or more) to require a dust control permit.

General Description of All Proposed Amendments:

Propose in Section 100 (General):

- To revise the language in Section 101 “Purpose” and Section 102 “Applicability” to be more consistent with the language in Rule 100
- To add Section 103 “Annual Fee Adjustments” to clarify the fees listed in the rule may not reflect the current fee schedule and to provide the location of the most current fee schedule

Propose in Section 200 (Definitions):

- To add a definition of “Consumer Price Index” for clarification purposes; definition taken from the United States Department of Labor Bureau of Labor Statistics website
- To remove the definitions of “Existing Source” and “Regulated Air Pollutant” because both of the definitions are defined in Rule 100
- To remove the definition of “Sources Required To Have A Title V Permit” because this term is not used in the rule language and because Rule 200, Section 302 already identifies sources required to have a Title V permit

Propose in Section 300 (Standards):

- To add a reference to Rule 200 in Section 301 to provide a connection between Rule 280 and Rule 200
- To add a table number and a title to all of the tables in the rule
- To revise the language referencing the tables in the rule to reference the newly proposed table numbers
- To update all of the Title V, Non-Title V and General Permit fees to the current fee schedule; these fees will be adjusted in draft Rule 280 after August 31, 2016 to reflect the 2017 Air Quality Fee Schedule
- To change rule section number 304 referencing the annual adjustment of fees to the newly proposed rule section number of 313
- To revise the language in Section 301.1(c) to match the language in 302.1(c)
- To remove the “Air Curtain Destructors” category from the Title V Source Category fee table under Section 301.2 and add it to the proposed General Permit fee table under Section 303
- To remove “Cement Plants”, “Lime Plants”, “Copper and Nickel Mines”, “Gold Mines” and “Copper Smelters” from the Title V Source Category fee table under Section 301.2



- To add the term “Sources” to the last two categories in the Title V Source Category fee table
- To change rule section number 305 referenced in Section 301.2(b) to match the newly proposed rule section number of 304
- To remove the language “Section 303” from the Rule 200 reference in Section 302 to be a more general rule reference
- To combine the fee table and rule language under Section 302.2 with the fee tables and rule language under Section 403 for clarity purposes
- To add “Biofuel Manufacturing Operations Greater than 1,000,000 Gallons per Year” to Fee Table A
- To add “Paper Mills” to Fee Table A
- To add “(Active)” at the end-of “Solid Waste Landfill” in Fee Table A
- To add “(Subject to Source Testing)” as the end-of “Bakery with Oven of Greater than or Equal to 25 Tons per Year of Potential Uncontrolled VOC Emissions or Facility With Controls” in Fee Table B
- To add “Concrete Batch Plant That Meets the Definition of an ‘Infrequent Operation’ under Rule 316 of These Rules” to Fee Table B to create a lower fee for smaller concrete batch plant operations
- To add “Crushing Facility That Meets the Definition of an ‘Infrequent Operation’ under Rule 316 of These Rules” to Fee Table B to create a lower fee for smaller crushing facility operations
- To revise “Solvent Degreasing/Cleaning System, Solvent Use Greater than 3 Gallons per Day” to “Solvent Degreasing/Cleaning System, Solvent Use Greater than or Equal to 2 Tons per Year Potential Uncontrolled VOC Emissions” in Fee Table B
- To revise “Stage I Vapor Recovery, Bulk Plants with Loading Racks” to “Petroleum Bulk Plants and Organic Liquid Bulk Plants (Non-Petroleum)” in Fee Table B
- To add “Sources Not Otherwise Classified with Potential Uncontrolled Emissions of All Regulated Pollutants Greater than 5, but Less than 25, Tons per Year” to Fee Table B to provide a general category for Fee Table B
- To revise “Bulk Plant Loading Facilities as Defined by Rule 351, Section 305.1” to “Petroleum Bulk Plants and Organic Liquid Bulk Plants (Non-Petroleum) Less Than 120,000 Gallons per Month Built Before 1978” in Fee Table C
- To revise “Non-Halogenated Solvent Cleaning, Less than 3 Gallons per Day” to “Non-Halogenated Solvent Cleaning Less than 2 Tons per Year Potential Uncontrolled VOC Emissions” in Fee Table C
- To add “Sources Not Otherwise Classified with Potential Uncontrolled Emissions of All Regulated Pollutants Less than or Equal to 5 Tons per Year” to Fee Table C to provide a general category for Fee Table C
- To include a list of dust-generating activities to Fee Table D
- To add a reference to Rule 200 in Section 303 to provide a connection between Rule 280 and Rule 200
- To combine the General Permit application fee table under Section 303.1 and the General Permit annual administrative fee table under Section 303.2 into one table and remove references to the fee tables in Section 403
- To remove several rows in the newly combined General Permit fee table and to insert the nine General Permit types currently offered by the department into the table along with three newly proposed General Permit types “Crematories”, “Wastewater Treatment Plants”, and “Asphalt Day Tankers/Tar Kettles”
- To add “Crematories” and “Wastewater Treatment Plants” to Table 280-4 (General Permit Fees); they were originally in Fee Table B; the fee will be less – it was \$3,250 and it now will be \$1,400
- To add Section 303.3 to clarify the Control Officer may issue other General Permits not listed in the General Permit fee table and to provide the location of fees
- To add Section 303.4 to clarify which dust-generating activities qualify for coverage under the Stationary Dust-Generating Sources General Permit
- To move Section 304 “Annual Adjustment of Fees” to Section 313 and revise it to provide the option of adjusting Non-Title V Annual Administrative Fees, General Permit Application Fees, General Permit Annual Administrative Fees, Burn Permit Fees, Dust Control Permit Fees and Asbestos Notification and Plan Review Filing Fees annually



- To change rule section number 305 referenced in Sections 305.1(b) and (c) to match the newly proposed rule section number of 304
- To change the title of Section 308 from “Gasoline Delivery Vessel Decal Fee” to “Maricopa County Vapor Tightness Certification Decal Fee” and to change the term “delivery vessel” to “cargo tank” in Section 308 so the section title and language more closely correspond to the proposed language in Rule 352 which is currently in the rulemaking process
- To add two new categories, “Watershed Rehabilitation” and “Indigenous Scrub Vegetation”, to the Burn Permit fee schedule under Section 309.1 to correspond more closely with the fire categories listed in Rule 314
- To alphabetize the fire categories in the Burn Permit fee schedule
- To add a reference in Section 310 to Rule 310 to provide a connection between Rule 280 and Rule 310
- To decrease the annual fee amount for a dust control permit in the category of “0.1 to less than one acre” from \$795 to \$530
- To decrease the annual fee amount for a dust control permit in the category of “One acre to less than 10 acres” from \$1,325 to \$1,060
- To add Section 309.3 “Accelerated Dust Control Permit Processing Fee” for dust control permit applications
- To add a dust control training class fee table under Section 311 for clarity
- To change the minimum number of class participants required for a request for dust control training under Section 311.3 to 50 participants and to remove the requirement of a maximum number of class participants required for the training
- To remove the language under Section 311.3 addressing a discounted fee for the issuance of training cards at third party provider dust control training classes
- To add refund policy language to Section 311.3
- To remove Section 311.4 “Train the Trainer Class Fee”
- To remove the language “Section 306” from the Rule 200 reference in Section 312 to be a more general rule reference
- To add Section 312.9 to clarify any person removing less than 260 linear feet, 160 square feet or 35 cubic feet of regulated asbestos containing material is not required to file a notification
- To add Sections 312.2, 312.4 and 312.6 providing for partial refunds of asbestos notification and plan review filing fees under Section 313
- To revise the delinquency fee language under Section 315 to provide for the possibility of higher delinquency fees for those applicants or permittees who fail to pay required fees on time
- To remove Section 316 because they can be found on the department’s website and records
- To remove the language “Section 313” from the Rule 200 reference in Section 317.1 to be a more general rule reference
- To add Section 316.5 to clarify accelerated permit processing for dust control permits can be found in Section 309.3
- To remove Section 320 “Hazardous Air Pollutants Tier 4 Risk Management Analysis Fee”
- To remove Section 321 “Air Quality Awareness Flag Program Fee”

Propose in Section 400 (Administrative Requirements):

- To update the effective dates of the fees in Section 401
- To change the title of Section 402.2 from “Gasoline Delivery Vessel Decal Fee” to “Maricopa County Vapor Tightness Certification Decal Fee” and to change the term “Gasoline delivery vessel” to “The Maricopa County Vapor Tightness Certification” in Section 402.2 so the section title and language correspond more closely to the proposed language in Rule 352 which is currently in the rulemaking process
- To combine the fee tables and rule language in Section 403 with the fee table and rule language in Section 302.2 for clarity purposes



- To revise “Ethylene Oxide Sterilization” under Fee Table A by creating two new categories “Ethylene Oxide Sterilization, Commercial” and “Ethylene Oxide Sterilization, Medical Facilities” and placing the proposed categories into separate fee tables, Fee Table A and Fee Table C, respectively
- To revise “Insulation Manufacturing” to “Fiberglass Insulation Manufacturing” under Fee Table A to clarify the type of insulation manufacturing
- To remove “Source Subject to a MACT, NESHAP or NSPS Standard under CAA Section 111 or 112 Unless Otherwise Identified in another Fee Table” from Fee Table A
- To revise “Aerospace Products Manufacturing and Rework not Subject to MACT” to “Aerospace Products Manufacturing and Rework not Subject to MACT GG” under Fee Table B to improve specificity
- To revise “Plating Tanks, Electrolytic or Electrowinning (Includes Decorative Chrome and Hard Chrome Operations Less than or Equal to 60 Million Amp/Hrs per Year Subject to Area Source MACT)” to “Plating Tanks (Includes Hard Chrome or Decorative Chrome Plating Operations)” under Fee Table B
- To revise “Soil Treatment/Remediation” to “Soil/Groundwater Remediation” under Fee Table B to include groundwater remediation
- To remove “Soil Solvent Extraction System with Package Thermal/Catalytic Oxidizer/Carbon Adsorption” from Fee Table B to remove redundancy in the fee tables
- To revise “Source with 3 or More Fee Table C Processes” to “Source with 3 or More Fee Table C/D Processes” under Fee Table B
- To combine “Abrasive Blasting” and “Spray Coating” under Fee Table C into one category “Surface Coating and/or Abrasive Blasting Operations” to match the category titles with the associated General Permit title
- To revise “Dry Cleaning (Includes Perchloroethylene Dry Cleaning Facilities Subject to Area Source MACT)” to “Dry Cleaning Facilities” under Fee Table C to match the category title with the associated General Permit title
- To revise “Emergency Internal Combustion Engine” to “Facilities Operating Stationary Emergency Internal Combustion Engines” under Fee Table C to match the category title with the associated General Permit title
- To move “Landscape and Decorative Rock, Gravel, and Sand Distribution” under Fee Table C to Fee Table D
- To revise “Petroleum Storage, Non-Retail Dispensing Operations Exempted from Stage I vapor Recovery by Rule 353” to “Gasoline Dispensing Operations” under Fee Table C to match the category title with the associated General Permit title
- To revise “Plating, Electroless” to “Electroless Plating or Plating Subject to MACT Subpart WWWW” under Fee Table C for clarity purposes
- To revise “Printing Facilities Less than 25 Tons per Year of Potential Uncontrolled VOC Emissions” to “Graphic Arts Operations” under Fee Table C to match the category title with the associated General Permit title
- To remove “Stripping Operation, Liquid Chemical Groundwater/Wastewater Remediation” from Fee Table C to remove redundancy in the fee tables
- To revise “Vehicle Refinishing” to “Vehicle and Mobile Equipment Refinishing Operations” under Fee Table C to match the category title with the associated General Permit title
- To remove “Water Reclamation” from Fee Table C
- To revise “Drinking Water Plant” to “Drinking Water Treatment Facility” under Fee Table C for clarity purposes
- To revise “Wood Furniture/Millwork/Small Sources Less than 10 Tons per Year VOC” to “Wood Furniture, Fixture and Millwork Operations” under Fee Table C to match the category title with the associated General Permit title
- To incorporate “Yard/Stockpiling” under Fee Table C into “Landscape and Decorative Rock, Gravel and Sand Distribution” and “Bulk Material Handling” and to move it to Fee Table D
- To revise “Service Station and Non-Resale Dispensing Operations Greater than 120,000 Gallons per Year” under Fee Table D to “Gasoline Dispensing Operations” to match the category title with the associated General Permit title and to move it to Fee Table C



- To revise “Fuel Burning Equipment” to “Fuel Burning Operations” under Fee Table E to match the category title with the associated General Permit title

In addition, the proposed amendments 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 these changes do not alter the sense, meaning, or effect of the rules, they are not described in detail here, but can be readily discerned in the “underline/ strikeout” version of the rules contained in Item 14 of this notice.

6. Demonstration of compliance with A.R.S. §49-112:

Under A.R.S. § 49-479(C), a county may not adopt a rule or ordinance that is more stringent than the rules adopted by the Director of the Arizona Department of Environmental Quality (ADEQ) for similar sources unless it demonstrates compliance with the applicable requirements of A.R.S. §49-112.

§ 49-112 County regulation; standards

§ 49-112(A)

When authorized by law, a county may adopt a rule, ordinance or other regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all of the following conditions are met:

1. The rule, ordinance or other regulation is necessary to address a peculiar local condition.
2. There is credible evidence that the rule, ordinance or other regulation is either;
 - (a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible.
 - (b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or other regulation is equivalent to federal statutes or regulation.
3. Any fee or tax adopted under the rule, ordinance or other regulation will not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

§ 49-112(B)

When authorized by law, a county may adopt rules, ordinances or other regulations in lieu of a state program that are as stringent as a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if the county demonstrates that the cost of obtaining permits or other approvals from the county will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under this title or any rule adopted pursuant to this title. If the state has not adopted a fee or tax for similar permits or approvals, the county may adopt a fee when authorized by law in the rule, ordinance or other regulation that does not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

The department is in compliance with A.R.S. §§ 49-112(A) and (B).

7. Documents and/or studies referenced and/or reviewed for this rulemaking:

Not applicable

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

Not applicable

9. Preliminary summary of the economic, small business, and consumer impact:

The following discussion addresses each of the elements required for an economic, small business and consumer impact statement under A.R.S. § 41-1055.

An identification of the rulemaking.

This rulemaking is proposing to revise Rule 280 (Fees).

An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the rulemaking.

The persons affected by this rulemaking will be all owners and operators of sources of air pollution subject to Maricopa County Air Pollution Control Regulations. This rulemaking will result in a decrease in fees for owners and operators of



dust generating sources required to obtain dust control permits for projects 10 acres or less. It will also result in a decrease in fees for owners and operators of crematories, wastewater treatment plants and an asphalt day tankers/tar kettles that qualify for one of the newly proposed general permits. This rulemaking will provide accelerated permit processing for dust control permit applicants and it will provide refund options for owners and operators of asbestos renovation and demolition projects.

A cost benefit analysis of the following:

(a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the rulemaking.

Because this rulemaking will lead to a decrease in fee collection, the department anticipates revenues generated by fees will decrease. The decrease in fee revenues is not expected to negatively affect the department since the revenues generated by fees currently exceed department expenses, creating a yearly positive balance. The decrease in fees is anticipated to balance department fee revenues with department expenses. The department does not anticipate the decrease in fee collection will have any effect on any other agencies.

(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the rulemaking

This rulemaking will directly benefit political subdivisions that own and/or operate sources of air pollution which will see a fee reduction under the rulemaking. Specifically, political subdivisions required to obtain dust control permits for a projects 10 acres or less will see a fee reduction as well as political subdivisions operating wastewater treatment plants or asphalt day tankers/tar kettles that qualify for one of the newly proposed general permits. In addition, political divisions may benefit from the proposed accelerated dust permit application processing as well as from the proposed refund options for asbestos renovation and demolition notifications.

(c) The probable costs and benefits to businesses directly affected by the rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the rulemaking.

This rulemaking will directly benefit businesses that own and/or operate a source of air pollution which will see a fee reduction under the rulemaking. Specifically, businesses required to obtain dust control permits for projects 10 acres or less will see fee reductions as well as businesses operating crematories, wastewater treatment plants or asphalt day tankers/tar kettles that qualify for one of the newly proposed general permits. In addition, businesses may benefit from the proposed accelerated dust permit application processing as well as from the proposed refund options for asbestos renovation and demolition notifications.

A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the rulemaking.

The rulemaking will directly benefit those businesses, agencies and political subdivisions that own and/or operate a source of air pollution which will see a fee reduction under the rulemaking.

A statement of the probable impact of the rulemaking on small businesses.

The rulemaking will directly benefit those small businesses that own and/or operate a source of air pollution which will see a fee reduction under the rulemaking.

(a) An identification of the small businesses subject to the rulemaking.

All small businesses that own and/or operate a source of air pollution subject to Maricopa County Air Pollution Control Regulations are subject to this rulemaking.

(b) The administrative and other costs required for compliance with the rulemaking.

There are no administrative and other costs required for compliance with this rulemaking.

(c) A description of the methods that the agency may use to reduce the impact on small businesses.

The impacts of this rulemaking on small business should be beneficial as the rulemaking includes fee reductions, accelerated permit processing and new refund possibilities.

(i) Establishing less costly compliance requirements in the rulemaking for small businesses.

This rulemaking reduces fees for many small businesses and thereby establishes less costly compliance requirements.

(ii) Establishing less costly schedules or less stringent deadlines for compliance in the rulemaking.

This rulemaking does not create any new compliance schedules or deadlines.

(iii) Exempting small businesses from any or all requirements of the rulemaking.

All sources of air pollution subject to the Maricopa Air Pollution Control Regulations must pay fees and cannot be exempted from this rulemaking.



- (d) **The probable cost and benefit to private persons and consumers who are directly affected by the rulemaking.**
Because this rulemaking results in a fee reduction for many businesses, private persons and consumers may see a direct benefit from the rulemaking.

A statement of the probable effect on state revenues.

The rule revisions will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated. Without costs to pass through to customers, there is no projected change in consumer purchase patterns and, thus, no impact on state revenues from sales taxes.

A description of any less intrusive or less costly alternative methods of achieving the purpose of the rulemaking.

The purpose of this rulemaking is to decrease fee collection so revenues generated by fees match expenses for department fee funded programs.

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

Name: Greg Verkamp or Hether Krause
 Maricopa County Air Quality Department
 Planning and Analysis Division

Address: 1001 N. Central Avenue, Suite 125
 Phoenix, AZ 85004

Telephone: (602) 506-6010
 Fax: (602) 506-6179
 E-mail: aqplanning@mail.maricopa.gov

11. Time, place, and nature of the proceedings for the rulemaking:

Written oral proceeding requests or written comments or both will be accepted until the record is closed on September 19, 2016, 5:00 p.m. Written oral proceeding requests or written comments or both may be mailed, e-mailed, or hand delivered to the department (see Item #4 of this notice). An oral proceeding will be scheduled only upon receipt of a written request before the record is closed on September 19, 2016, 5:00 p.m. Written comments received during the comment period and before the record is closed on September 19, 2016, 5:00 p.m. will be considered formal comments to the Notice of Proposed Rulemaking and will be responded to in the Notice of Final Rulemaking.

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

Not applicable

13. Incorporations by reference and their location in the rule:

Not applicable

14. Full text of the rule follows:

REGULATION II – PERMITS AND FEES

**RULE 280
FEES**

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Revised 07/13/88
 Revised 08/05/91
 Revised 11/15/93
 Revised 08/19/98
 Revised 03/15/00
 Revised 05/21/03
 Revised 04/07/04
 Revised 05/18/05
 Revised 07/12/06
 Revised 03/26/08
 Revised 05/26/10

Revised 07/13/1988; Revised 08/05/1991; Revised 11/15/1993; Revised 08/19/1998; Revised 03/15/2000; Revised 05/21/2003;
 Revised 04/07/2004; Revised 05/18/2005; Revised 07/12/2006; Revised 03/26/2008; Revised 05/26/2010; **Revised xx/xx/xxxx**

**MARICOPA COUNTY
 AIR POLLUTION CONTROL REGULATIONS
 REGULATION II – PERMITS AND FEES**

**RULE 280
 FEES**

SECTION 100 – GENERAL

- 101 **PURPOSE:** To establish fees to be charged to ~~owners and operators~~ an owner or operator of sources ~~a source~~ of air pollution subject to these rules.
- 102 **APPLICABILITY:** Every ~~person owning/operating equipment or~~ owner or operator of a source engaged in activities that may cause or contribute to air pollution is subject to the prescribed fees in this rule.



103 ANNUAL FEE ADJUSTMENTS: All Title V fees and the Non-Title V hourly rate will be adjusted annually on January 1 in accordance with Section 313 of this rule. Non-Title V Annual Administrative Fees, General Permit Application Fees, General Permit Annual Administrative Fees, Burn Permit Fees, Dust Control Permit Fees and Asbestos Notification and Plan Review Filing Fees may be adjusted annually on January 1 in accordance with Section 313 of this rule. The fee schedule can be found on the department’s website at: <http://www.maricopa.gov/aq/>

SECTION 200 – DEFINITIONS: For the purpose of this rule, the following definitions apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definitions in this rule take precedence.

201 **ANNUAL ADMINISTRATIVE FEE:** ~~Paid~~ A fee paid annually by a source to recover the average cost of services required to administer the permit and conduct inspections. For a Non-Title V permitted source, the annual administrative fee also covers the cost of renewing the Non-Title V permit. For a General permitted source, the annual administrative fee also covers the cost of reapplying for authorization to operate under a General Permit.

202 **BILLABLE PERMIT ACTION:** The review, issuance or denial of a new permit, significant permit revision, or minor permit revision, or the renewal of an existing permit.

203 **CONSUMER PRICE INDEX (CPI):** A measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services.

203 **EXISTING SOURCE:** ~~source that has commenced construction and has been issued a permit pursuant to A.R.S. § 49-480 after September 1, 1993.~~

204 **ITEMIZED INVOICE:** A breakdown of the permit processing time into the categories of pre-application activities, completeness review, substantive (technical) review, and public involvement activities, and within each category, a further breakdown by employee name.

205 **NON-MAJOR TITLE V SOURCE:** A source required to obtain a Non-Title V permit under Rule 200 to which both of the following apply:

205.1 The source is classified as a Synthetic Minor Source, and

205.2 The source has a permit that contains allowable emissions greater than or equal to 50% of the major source threshold.

206 **REGULATED AIR POLLUTANT:** ~~For the purposes of Section 305 of this rule, regulated air pollutant consists of the following air pollutants:~~

206.1 Any conventional air pollutant as defined in A.R.S. § 49-401.01, which means any pollutant for which the Administrator of EPA has promulgated a primary or a secondary National Ambient Air Quality Standard (NAAQS) except carbon monoxide (i.e., for nitrogen oxides [NO_x], lead, sulfur oxides [SO_x] measured as sulfur dioxide [SO₂], ozone, and particulates).

206.2 Nitrogen oxides (NO_x) and volatile organic compounds (VOCs).

206.3 Any air contaminant that is subject to a standard contained in Rule 360 (New Source Performance Standards) of these rules or promulgated under Section 111 (Standards of Performance for New Stationary Sources) of the Act.

206.4 Any hazardous air pollutant (HAP) as defined in A.R.S. § 49-401.01 or listed in Section 112(b) (Hazardous Air Pollutants; List of Pollutants) of the Act.

206.5 Any Class I or II substance listed in Section 602 (Stratospheric Ozone Protection; Listing of Class I and Class II Substances) of the Act.



~~207 SOURCES REQUIRED TO HAVE A TITLE V PERMIT: The following sources shall be considered sources required to have a Title V permit:~~

~~207.1 Any source required to have a Title V permit under Rule 200, Section 302 of these rules;~~

~~207.2 Any source that qualifies for a Non Title V permit but that elects to have a Title V permit under Rule 200, Section 302 of these rules.~~

SECTION 300 – STANDARDS

301 TITLE V PERMIT FEES: The owner or operator of a source required to have a Title V permit under Rule 200 of these rules shall pay fees according to the following provisions:

301.1 Fees for Billable Permit Actions: The owner or operator of a Title V source shall pay to the Control Officer ~~\$133.50~~\$150.00 per hour, adjusted annually under Section ~~304~~313 of this rule, for all permit processing time required for a billable permit action. The owner or operator of a Title V source shall also pay the Control Officer the actual costs incurred by the Control Officer to meet the public participation requirements of Rule 210 of these rules. Costs incurred to meet the public participation requirements of Rule 210 of these rules may include, but are not limited to, costs incurred by the Control Officer to publish public notice of a public hearing or draft permit, to hire a hearing officer, to hire transcription or court reporting services, to rent meeting room space, and to perform permit processing activities associated with a public hearing, such as time spent by a permit engineer(s) to participate in the public hearing and to prepare responses to comments. Permit processing activities associated with a public hearing shall be charged at the rate of ~~\$133.50~~\$150.00 per hour, adjusted annually under Section ~~304~~313 of this rule. The fees shall be paid as follows:

- a. An application shall be submitted with the applicable fee from ~~the table below~~ Table 280-1:

TABLE 280-1

<u>TITLE V PERMIT APPLICATION FEES</u>	
Type of Application	Application Fee
New permit application	\$7,000
Significant permit revision application that is a result of a major modification	\$7,000
Other significant permit revision applications	\$1,000
Minor permit revision application	\$150
Permit renewal application	\$3,500

- b. At any time after submittal of the application, the Control Officer may request additional application fees based on the cost to date of reviewing and acting on the application, minus all fees previously submitted for the application.
- c. When permit processing is completed ~~for a facility~~ and final costs are greater than the fee submitted with the application under Section 301.1(a) of this rule, the Control Officer shall send an itemized invoice. The invoice shall indicate the total actual cost of reviewing and acting upon the application, the actual costs incurred by the Control Officer to meet the public participation requirements of Rule 210 of these rules, minus all fees previously submitted, and the balance due.
- d. The Control Officer shall not issue a permit, permit revision, or permit renewal until the balance due on the itemized invoice is paid in full. The Control Officer may deny a permit, a permit revision, or a permit renewal in accordance with Rule 200 of these rules if the applicant does not pay fees required for billable permit actions within 90 days of the invoice date.

301.2 Annual Fees: The owner or operator of a Title V source shall pay an annual administrative fee plus an emissions-based fee as follows:



- a. The applicable annual administrative fee from the table below Table 280-2, as adjusted annually under Section 304313 of this rule. The fee is due on the first anniversary date of the initial permit covering construction and startup of operations and annually thereafter on that date.

TABLE 280-2

TITLE V PERMIT ANNUAL ADMINISTRATIVE FEES	
Title V Source Category	Annual Administrative Fee
Aerospace	\$18,320\$20,300
Air Curtain Destructors	\$840
Cement Plants	\$68,590
Combustion/Boilers	\$16,680\$18,490
Compressor Stations	\$13,630\$15,110
Expandable Foam	\$14,800\$16,400
Landfills	\$18,140\$20,110
Lime Plants	\$64,790
Copper and Nickel Mines	\$16,150
Gold Mines	\$16,150
Paper Mills	\$22,060\$24,450
Petroleum Products Terminal Facilities	\$25,800\$28,600
Polymeric Fabric Coaters	\$18,140\$20,110
Reinforced Plastics	\$13,630\$15,110
Semiconductor Fabrication	\$29,010\$32,150
Copper Smelters	\$68,590
Utilities-Primary Fuel Natural Gas	\$9,500\$10,530+ \$16,480\$18,270 per turbine installed/modified after May 10, 1996 and subject to annual source testing or CEM RATA* certifications
Utilities-Fossil Fuel Except Natural Gas	\$35,080\$38,880
Vitamin/Pharmaceutical Manufacturing	\$17,020\$18,860
Wood Furniture	\$15,010\$16,640
Others Other Sources	\$18,130\$20,090
Others Other Sources with Continuous Emissions Monitoring	\$22,070\$24,460

* Continuous Emissions Monitoring Relative Accuracy Test Audit (CEM RATA)

- b. An emissions-based fee of \$38.25\$42.39 per ton of actual emissions of all regulated pollutants emitted during the previous calendar year as determined by Section 305304 of this rule. The fee is shall be adjusted annually under Section 304313 of this rule.

302 NON-TITLE V PERMIT FEES: The owner or operator of a source required to have a Non-Title V permit under Rule 200, Section 303 of these rules shall pay fees according to the following provisions:

302.1 Fees for Billable Permit Actions: The owner or operator of a Non-Title V source shall pay to the Control Officer \$133.50\$150.00 per hour, adjusted annually under Section 304313 of this rule, for all permit processing time required for a billable permit action, except for the renewal of an existing permit. In addition, the owner or operator of a Non-Title V source shall pay the Control Officer the actual costs incurred by the Control Officer to meet the public participation requirements of Rule 220 of these rules, including costs incurred to meet the public participation requirements for the renewal of an existing permit. Costs incurred to meet the public participation requirements of Rule 220 of these rules may include, but are not limited to, costs incurred by the Control Officer to publish public notice of a public hearing or draft permit, to hire a hearing officer, to hire transcription or court reporting services, to rent meeting room space, and to perform permit processing activities associated with a public hearing, such as time spent by a permit engineer(s) to participate in the public hearing and to prepare responses to comments. Permit processing activities associated with a public hearing shall be charged at the rate



of ~~\$133.50~~\$150.00 per hour, adjusted annually under Section ~~304~~313 of this rule. The minimum fee due shall be \$200.00. The fees shall be paid as follows:

- a. An application shall be submitted with an application fee of \$200.00.
- b. At any time after the submittal of an application the Control Officer may request an additional application fee based on the cost to date of reviewing and acting on the application, minus all fees previously submitted for the application.
- c. When permit processing is completed and final costs are greater than the fee submitted with the application under Section 302.1(a) of this rule, the Control Officer shall send an itemized invoice. The invoice shall indicate the total cost of reviewing and acting upon the application, the actual costs incurred by the Control Officer to meet the public participation requirements of Rule 220 of these rules, minus all fees previously submitted, and the balance due.
- d. The maximum fee for processing permit applications listed in Section 302.1 of this rule is \$25,000.00.
- e. The Control Officer shall not issue a permit or permit revision until the balance due on the itemized invoice is paid in full. The Control Officer may deny a permit or a permit revision in accordance with Rule 200 of these rules if the applicant does not pay fees required for billable permit actions within 90 days of the invoice date.

302.2 Annual Administrative Fees: The owner or operator of an existing Non-Title V source shall pay the applicable annual administrative fee from ~~the table below~~ Table 280-3, as adjusted annually under Section ~~304~~313 of this rule. The fee is due on the first anniversary date of the initial permit covering construction and startup of operations and annually thereafter on that date. Sources reclassified to a higher fee table due to the receipt of three complaints on different dates during a one-year period from different individuals resulting in violations resolved by an order of abatement by consent or judicial action shall remain in that fee table until two calendar years pass without complaints against the facility resulting in violations resolved by an order of abatement by consent or judicial action.

TABLE 280-3

NON-TITLE V PERMIT ANNUAL ADMINISTRATIVE FEES		
Fee Table <u>Non-Title V Source Category</u> Source categories designated as Fee Tables A-I are listed in Sections 403.1-403.9 of this rule		Annual Administrative Fee
Fee Table A		
<u>Sources listed in Fee Table A (see Section 403.1)</u> <u>Aircraft Manufacturing</u> <u>Biofuel Manufacturing Operations Greater than 1,000,000 Gallons per Year</u> <u>Chemical Manufacturing, Dry</u> <u>Chemical Manufacturing, Liquid</u> <u>Circuit Board Manufacturing Greater than or Equal to 5 Tons per Year Potential Uncontrolled VOC</u> <u>Coating Line, Can/Coil/Fabric/Film/Glass/Paper</u> <u>Ethylene Oxide Sterilization, Commercial</u> <u>Fiberglass Insulation Manufacturing</u> <u>Gypsum, Calcining</u> <u>Incinerator, Hazardous Material</u> <u>Incinerator, Medical Waste</u> <u>Jet or Auxiliary Engine Manufacturing</u> <u>Non-Major Title V Source</u> <u>Paper Mills</u> <u>Pesticide/Herbicide Production</u> <u>Petroleum Loading Racks and Storage Tanks at Bulk Terminals</u>	<u>Pharmaceutical Manufacturing</u> <u>Polymeric Foam Products Greater than or Equal to 25 Tons per Year Potential Uncontrolled VOC Emissions or Facility with Controls Subject to Source Testing</u> <u>Power Plant Greater than or Equal to 25 Tons per Year Potential Uncontrolled NO_x Emissions</u> <u>Printing Facilities Greater than or Equal to 25 Tons per Year Potential Uncontrolled VOC Emissions or Facility with Controls Subject to Source Testing</u> <u>Rendering</u> <u>Rubber Products Manufacturing</u> <u>Semiconductor Manufacturing Less than 25 Tons per Year of Potential Uncontrolled VOC Emissions</u> <u>Solid Waste Landfill (Active)</u> <u>Source Subject to BACT Determination</u> <u>Source with 3 or More Fee Table B Processes</u> <u>Vegetable Oil Extraction</u>	\$5,980 \$6,630



Sources listed in Fee Table B (see Section 403.2)

Fee Table B

<p><u>Aerospace Products Manufacturing and Rework</u> <u>Aggregate Screening</u> <u>Animal Feed Processing</u> <u>Auto Body Shredding</u> <u>Bakery with Oven of Greater than or Equal to 25 Tons per Year of Potential Uncontrolled VOC Emissions or Facility with Controls (Subject To Source Testing)</u> <u>Boiler, Gas-Fired or with Emergency Fuel Capabilities (Each Unit Greater than or Equal to 10 MMbtu/hr)</u> <u>Cement Terminal</u> <u>Chemical/Fertilizer Storage, Mixing, Packaging and Handling</u> <u>Concrete Batch Plant That Meets the Definition of an 'Infrequent Operation' under Rule 316 of these Rules</u> <u>Concrete Product Manufacturing</u> <u>Cotton Gin</u> <u>Cotton Seed Processing</u> <u>Crematory</u> <u>Crushing Facility That Meets the Definition of an 'Infrequent Operation' under Rule 316 of these Rules</u> <u>Cultured Marble</u> <u>Fiberglass Product Manufacturing</u> <u>Flour Milling</u> <u>Foundry</u> <u>Furnace, Burn-Off</u> <u>Furnace, Electric Arc</u> <u>Furnace, Metals</u> <u>Furnace, Other</u> <u>Gas Turbine, Non-Utility (Utility in Fee Table A)</u> <u>Grain Cleaning/Processing</u> <u>Grain Storage</u> <u>Incinerator, Non-Hazardous Material</u> <u>Internal Combustion Engine, Other than Emergency</u> <u>Metal Recovery/Reclamation</u> <u>Petroleum Bulk Plants and Organic Liquid Bulk Plants (Non-Petroleum)</u> <u>Pipeline Transmission Facility</u> <u>Plating Tanks (Includes Hard Chrome or Decorative Chrome Plating Operations)</u></p>	<p><u>Polymeric Foam Products Less than 25 Tons per Year Potential Uncontrolled VOC Emissions</u> <u>Power Plant Less than 25 Tons per Year Potential Uncontrolled NO_x Emissions</u> <u>Reinforced Plastics</u> <u>Rubber Products Manufacturing with Only Molding</u> <u>Soil/Groundwater Remediation</u> <u>Solvent Degreasing/Cleaning System, Solvent Use Greater Than or Equal To 2 Tons Per Year Potential Uncontrolled VOC Emissions</u> <u>Solvent Reclaiming</u> <u>Source with 3 or More Fee Table C/D Processes</u> <u>Sources Not Otherwise Classified with Potential Uncontrolled Emissions of All Regulated Pollutants Greater than 5, but Less than 25, Tons per Year</u> <u>Stripping Operation, Equipment or Furniture Refurbishment</u> <u>Tire Shredding/Retreading</u> <u>Wastewater Treatment Plant</u> <u>Wood Coating Operation Subject to RACT Including Furniture/Millwork Sources Larger than 10 Tons per Year Potential Uncontrolled VOC Emissions</u> <u>Any Fee Table A, F, or G Source whose Aggregate of All Equipment, Processes or Production Lines Has Enforceable Permit Limits of Less than 2.0 Tons per Year Potential Uncontrolled VOC or NO_x Emissions, and Less than 1.0 Ton per Year Potential Uncontrolled PM₁₀ Emissions</u> <u>Any Fee Table C Source that Receives 3 Complaints on Different Dates During a One-Year Period from Different Individuals Resulting in Violations Resolved by an Order of Abatement by Consent or Judicial Action</u> <u>Sources listed in Fee Tables Fee Table C - D (see Sections 403.3 and 403.4)</u></p>	<p>\$1,550\$1,720</p>
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Fee Table C		
<u>Asphalt Day Tanker/Tar Kettle</u> <u>Cement Products Packaging/Distribution</u> <u>Circuit Board Assembly</u> <u>Circuit Board Manufacturing Less than 5 Tons per Year of Potential Uncontrolled VOC</u> <u>Drinking Water Treatment Facility</u> <u>Dry Cleaning Facilities</u> <u>Electroless Plating or Plating Subject to MACT Subpart WWWW</u> <u>Engine Testing</u> <u>Ethylene Oxide Sterilization, Medical Facilities</u> <u>Facilities Operating Stationary Emergency Internal Combustion Engines</u> <u>Food Processing</u> <u>Gasoline Dispensing Operations</u> <u>Graphic Arts Operations</u> <u>Incinerator, Paper and Cardboard Products</u> <u>Injection Molding</u> <u>Laundry, Other than Dry Cleaning</u> <u>Miscellaneous Acid/Solvent Use</u> <u>Non-Halogenated Solvent Cleaning, Less than 2 Tons per Year Potential Uncontrolled VOC Emissions</u>	<u>Packaging, Mixing and Handling, Granular or Powdered Material Other than Cement or Grain</u> <u>Petroleum Bulk Plants and Organic Liquid Bulk Plants (Non-Petroleum) Less than 120,000 Gallons per Month and Built Before 1978</u> <u>Plastic or Metal Extrusion</u> <u>Powder Coating</u> <u>Semiconductor Lab/Testing/Services</u> <u>Sewage Lift Pump Station</u> <u>Solvent Storage/Handling</u> <u>Sources Not Otherwise Classified with Potential Uncontrolled Emissions of All Regulated Pollutants Less than or Equal to 5 Tons per Year Storage Tank, Non-Petroleum Volatile Organic Compounds</u> <u>Surface Coating and/or Abrasive Blasting Operations</u> <u>Vehicle and Mobile Equipment Refinishing Operations</u> <u>Waste Transfer Facility</u> <u>Wood Furniture, Fixture and Millwork Operations</u>	<p>\$610\$680</p>

Fee Table D		
<u>Bulk Material Handling (Not Related to Construction Projects with Finite Timeframes)</u> <u>Hauling, Transporting, Stacking, Loading Operations, Unloading Operations and Storage Piles</u> <u>Composting, Mulching, Green Waste</u> <u>Inert Landfill</u> <u>Landfill (Closed) General Maintenance</u> <u>Landscape and Decorative Rock, Gravel and Sand Distribution</u>		<p>\$610\$680</p>
<p>Sources listed in Fee Table E (see Section 403.5)</p> <p style="text-align: center;">Fee Table E</p> <u>Fuel Burning Operations</u>		<p>\$320\$350</p>
<p>Sources listed in Fee Table F (see Section 403.6)</p> <p style="text-align: center;">Fee Table F</p> <u>Aggregate Production/Crushing Subject to an NSPS under CAA Section 111</u> <u>Hot Mix Asphalt Plants</u>		<p>\$7,940\$8,800</p>
<p>Sources listed in Fee Table G (see Section 403.7)</p> <p style="text-align: center;">Fee Table G</p> <u>Aggregate Production/Crushing not Subject to NSPS under CAA Section 111</u> <u>Concrete Batch Plant</u>		<p>\$4,790\$5,310</p>

<p>Sources listed in Fee Table H (see Section 403.8)</p> <p style="text-align: center;">Fee Table H</p> <u>Semiconductor Manufacturing Greater than or Equal to 25 Tons per Year Potential Uncontrolled VOC Emissions or Facility with Controls Subject to Source Testing</u> <u>Any Fee Table A or G Source that Receives 3 Complaints on Different Dates During a One-Year Period from Different Individuals Resulting in Violations Resolved by an Order of Abatement by Consent or Judicial Action</u>		<p>\$7,940\$8,800</p>
<p>Sources listed in Fee Table I (see Section 403.9)</p> <p style="text-align: center;">Fee Table I</p> <u>Any Fee Table B Source that Receives 3 Complaints on Different Dates During a One-Year Period from</u>		<p>\$4,790\$5,310</p>



Different Individuals Resulting in Violations Resolved by an Order of Abatement by Consent or Judicial Action	
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303 GENERAL PERMIT FEES: The owner or operator of a source required to obtain a permit pursuant to these rules who elects to be covered by a General Permit under Rule 200 of these rules shall pay fees according to the following provisions:

303.1 Fees Due with an Application Fee: The owner or operator of a source initially applying for authorization to operate under a General Permit shall pay the applicable application fee from ~~the table below~~ Table 280-4 with the submittal of the application as adjusted annually under Section 313 of this rule.

303.2 Annual Administrative Fee: The owner or operator of a source with an authorization to operate under a General Permit shall pay the applicable annual administrative fee from Table 280-4, as adjusted annually under Section 313 of this rule. The fee is due on the first anniversary date of the initial approval to operate under a General Permit and annually thereafter on that date.

TABLE 280-4

GENERAL PERMIT FEES	
<u>Fee Table General Permit Source Category</u> Source categories designated as Fee Tables A-I are listed in Sections 403.1-403.9 of this rule	<u>Application Fee And Annual Administrative Fee</u>
<u>Title V General Permits except Air Curtain Destructors</u>	<u>Fee from Section 301.1(a) table for Title V source category</u>
<u>Air Curtain Destructors</u>	<u>\$840 \$930</u>
<u>Sources listed in Fee Table A (see Section 403.1)</u>	<u>\$4,870</u>
<u>Sources listed in Fee Table B (see Section 403.2)</u> <u>Crematories</u> <u>Wastewater Treatment Plants</u>	<u>\$3,250 \$1,400</u>
<u>Sources listed in Fee Tables C-D (see Sections 403.3 and 403.4)</u> <u>Asphalt Day Tankers/Tar Kettles</u> <u>Dry Cleaning Facilities</u> <u>Gasoline Dispensing Operations</u> <u>Graphics Arts Operations</u> <u>Facilities Operating Stationary Emergency Internal Combustion Engines</u> <u>Stationary Dust-Generating Sources > 0.10 Acre</u> <u>Bulk Material Handling</u> <u>Hauling, Transporting, Stacking, Loading Operations, Unloading Operations and Storage Piles</u> <u>Composting, Mulching, Green Waste</u> <u>Inert Landfill</u> <u>Land Clearing Using Mechanized Equipment</u> <u>Landfill (Closed) General Maintenance</u> <u>Landscape and Decorative Rock, Gravel and Sand Distribution</u> <u>Landscaping with Mechanized Equipment</u> <u>Weed Abatement By Discing or Blading</u>	<u>\$320 \$350</u>
<u>Surface Coating and/or Abrasive Blasting Operations</u> <u>Vehicle and Mobile Equipment Refinishing Operations</u> <u>Wood Furniture, Fixture and Millwork Operations</u>	<u>\$320 \$350</u>
<u>Sources listed in Fee Table E (see Section 403.5)</u> <u>Fuel Burning Operations</u>	<u>\$240 \$270</u>
<u>Sources listed in Fee Table F (see Section 403.6)</u>	<u>\$6,970</u>
<u>Sources listed in Fee Table G (see Section 403.7)</u>	<u>\$4,170</u>
<u>Sources listed in Fee Table H (see Section 403.8)</u>	<u>\$6,970</u>



GENERAL PERMIT FEES	
Fee Table General Permit Source Category Source categories designated as Fee Tables A – I are listed in Sections 403.1 – 403.9 of this rule	Application Fee And Annual Administrative Fee
Sources listed in Fee Table I (see Section 403.9)	\$4,170

303.3 The Control Officer may issue a General Permit that is not listed in Table 280-4 on his or her own initiative or in response to a petition. The application and annual administrative fees for any General Permit category not listed in Table 280-4 will be listed in the fee schedule on the department’s website at: www.maricopa.gov/aq/

303.4 The Stationary Dust-Generating Source General Permit covers sources subject to Rule 310 of these rules that are not engaged in construction projects with finite timeframes including, but not limited to, the following:

- a.** Businesses with routine dust-generating activities disturbing 0.10 acre or more that are not engaged in any other regulated activities.
- b.** Residential property with dust-generating activities disturbing 0.10 acre up to 10 acres, excluding construction projects.

303.2 Annual Administrative Fee: The owner or operator of a source with an authorization to operate under a General Permit shall pay the applicable annual administrative fee from the table below, as adjusted annually under Section 304 of this rule. The fee is due on the first anniversary date of the initial approval to operate under a General Permit and annually thereafter on that date.

Fee Table Source categories designated as Fee Tables A – I are listed in Sections 403.1 – 403.9 of this rule	Annual Administrative Fee
Title V General Permits	Fee from Section 301.2(a) table for Title V source category
Sources listed in Fee Table A (see Section 403.1)	\$4,870
Sources listed in Fee Table B (see Section 403.2)	\$3,250
Sources listed in Fee Tables C – D (see Sections 403.3 and 403.4)	\$320
Sources listed in Fee Table E (see Section 403.5)	\$240
Sources listed in Fee Table F (see Section 403.6)	\$6,970
Sources listed in Fee Table G (see Section 403.7)	\$4,170
Sources listed in Fee Table H (see Section 403.8)	\$6,970
Sources listed in Fee Table I (see Section 403.9)	\$4,170

304 ANNUAL ADJUSTMENT OF FEES: Fees shall be increased yearly by the percentage, if any, by which the Consumer Price Index for the most recent year exceeds the base year Consumer Price Index as set forth in the following manner:

304.1 The Control Officer shall adjust the hourly rate every January 1, to the nearest 10 cents per hour, beginning on January 1, 2009. The Control Officer will multiply \$133.50 by the Consumer Price Index (CPI) for the most recent year as described in Section 304.4 of this rule, and then divide by the CPI for the year 2008.

304.2 The Control Officer shall adjust the administrative or permit processing fees listed in Sections 301 – 303 of this rule every January 1, to the nearest \$10, beginning on January 1, 2009. The Control Officer will multiply the administrative or permit processing fee by the Consumer Price Index (CPI) for the most recent year as described in Section 304.4 of this rule, and then divide by the CPI for the year 2008.

304.3 The Control Officer shall adjust the rate for emissions based fees every January 1, beginning on January 1, 2009. The Control Officer will multiply \$38.25 by the Consumer Price Index (CPI) for the most recent year as described in Section 304.4, and then divide by the CPI for the year 2008.



~~304.4~~ The Consumer Price Index (CPI) for any year is the average of the monthly CPI for all urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year.

~~305~~ **304** CALCULATION AND PAYMENT OF EMISSIONS-BASED FEES:

~~305.1~~ **304.1** For purposes of this section, actual emissions means the actual quantity of regulated air pollutants emitted over the preceding calendar year or any other period determined by the Control Officer to be representative of normal source operations, determined as follows:

- a. Emissions quantities, including fugitive emissions, reported under Rule 100, Section 500 of these rules shall be used for purposes of calculating the emissions-based fee.
- b. Actual emissions quantities calculated under Rule 100, Section 500 of these rules shall be determined using the following methods:
 - (1) Whenever available, emissions estimates shall be calculated from continuous emissions monitors certified under 40 CFR Part 75, Subpart C and referenced appendices, or data quality-assured pursuant to Appendix F of 40 CFR, Part 60 which are incorporated by reference in Appendix G of these rules.
 - (2) When sufficient data obtained using the methods described in Section ~~305-304.1~~(b)(1) of this rule is not available, emissions estimates shall be calculated from source performance tests conducted pursuant to Rule 270 of these rules.
 - (3) When sufficient data obtained using the methods described in Sections ~~305~~ 304.1(b)(1) or (2) of this rule is not available, emissions estimates shall be calculated from material balance using engineering knowledge of process.
 - (4) When sufficient data obtained using the methods described in Sections ~~305~~ 304.1(b)(1) through (3) of this rule is not available, emissions estimates shall be calculated using emissions factors from EPA Publication No. AP-42 "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, which is incorporated by reference in Appendix G of these rules.
 - (5) When sufficient data obtained using the methods described in Sections ~~305~~ 304.1(b)(1) through (4) of this rule is not available, emissions estimates shall be calculated by equivalent methods approved by the Control Officer. The Control Officer shall only approve methods that are demonstrated as accurate and reliable as the applicable methods in Sections ~~305~~304.1(b)(1) through (4) of this rule.
- c. Actual emissions quantities calculated under Section ~~305~~304.1(b) of this rule shall be determined for each source on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored, or combusted.

~~305.2~~ **304.2** The following emissions of regulated air pollutants shall be excluded from a source's actual emissions for purposes of this section:

- a. Emissions of a regulated air pollutant from the source in excess of 4,000 tons per year.
- b. Emissions of any regulated air pollutants that are already included in the fee calculation for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM₁₀.
- c. Emissions from insignificant activities excluded from the permit for the source under Rule 210 of these rules.
- d. Fugitive emissions of PM₁₀ from activities other than crushing, belt transfers, screening, or stacking.



e. Fugitive emissions of VOC from solution-extraction units.

~~305.3~~ **304.3** A notice to pay the fee specified in Section 301.2(b) of this rule, a declaration of emissions form and the annual emission inventory questionnaire will be mailed annually to the owner or operator of a source to which this applies. The emission fee is due and payable by April 30 each year or no later than 90 days following the date of notice, whichever is later.

~~306~~ **305 HEARING BOARD FILING FEE:** A person filing a petition with the Hearing Board under Rule 400 of these rules shall pay a fee of \$100.00. This fee may be refunded by a majority vote of the Hearing Board upon a showing of undue hardship.

~~307~~ **306 CONDITIONAL ORDER FEE:** Any person applying for a conditional order pursuant to Rule 120 of these rules shall pay a conditional order fee. The amount of a conditional order fee shall be equal to the amount of the applicable permit fee as specified in this rule.

~~308~~ **307 GASOLINE DELIVERY VESSEL MARICOPA COUNTY VAPOR TIGHTNESS CERTIFICATION DECAL FEE:** A person ~~wishing to obtain~~obtaining a decal for each gasoline ~~delivery vessel~~cargo tank that passes the required annual test under Rule 352 of these rules shall pay a fee of \$280.00. A person ~~wishing to obtain~~obtaining a replacement decal shall pay a fee of \$80.00.

~~309~~ **308 OPEN BURN FEE:**

~~309.1~~ **308.1 Burn Permit Fee:** A person applying for a Burn Permit shall pay a fee as set forth in ~~the following fee schedule~~Table 280-5.

TABLE 280-5

BURN PERMIT FEES		
Fire Category	Permit Period	Fee
Disease/Pest Prevention	30 days	\$100.00
Ditch Bank/Fence Row	1 year	\$100.00
Fire Fighting Instruction	1 year	\$100.00
Fire Hazard	30 days	\$100.00
<u>Indigenous Scrub Vegetation</u>	<u>30 days</u>	<u>\$100.00</u>
Land Clearance Less than 5.0 Acres	30 days	\$150.00
Land Clearance 5.0 Acres or Greater	30 days	\$350.00
Tumbleweeds	30 days	\$100.00
<u>Watershed Rehabilitation</u>	<u>30 days</u>	<u>\$100.00</u>

~~309.2~~ **308.2 Air Curtain Destructor Burn Plan Review and Inspection Fee:** Any person required to file an air curtain destructor Burn Plan under the provisions of Rule 314 of these rules shall pay a fee of \$350.00.

~~340~~ **309 DUST CONTROL PERMIT FEE:**

~~340.1~~ **309.1** A person applying for a Dust Control Permit under the provisions of Rule 310 of these rules shall pay an annual fee as set forth in ~~the following fee schedule~~Table 280-6, based on the total surface area that is disturbed.

TABLE 280-6

DUST CONTROL PERMIT FEES	
Total Surface Area Disturbed	Fee
Annual Block Permit	\$2,000
0.1 to less than one acre	\$795 <u>\$530</u>
One acre to less than 10 acres	\$1,325 <u>\$1,060</u>
10 acres to less than 50 acres	\$3,855



DUST CONTROL PERMIT FEES	
Total Surface Area Disturbed	Fee
50 acres to less than 100 acres	\$6,425
100 acres to less than 500 acres	\$9,635
500 acres or greater	\$15,415

~~310.2~~ **309.2 Dust Control Permit Fee Refunds:**

- a. **Refunds Prior to Project Start Date and Prior to Commencement of Dust-Generating Operations:** If a Dust Control Permit is cancelled by the permittee prior to the project start date and before commencing any dust-generating operations, the Control Officer shall refund the Dust Control Permit fee, less a \$150.00 nonrefundable processing fee.
- b. **Refunds after Project Start Date and Prior to Commencement of Dust-Generating Operations:** If a Dust Control Permit is cancelled by the permittee after the project start date and before commencing any dust-generating operations, the Control Officer shall refund the Dust Control Permit fee, less a \$350.00 nonrefundable processing and initial inspection fee.
- c. No Dust Control Permit refund shall be given for a Dust Control Permit cancelled by the permittee after commencing any dust-generating operations.

309.3 Accelerated Dust Control Permit Processing Fee: An applicant for a dust control permit may request accelerated permit processing of a dust control permit application. The applicant shall pay the Control Officer a fee two times the fee amount listed in Table 280-6 for accelerated permit processing. Applications submitted with an accelerated permit fee will be processed by the end of the next business day.

~~311~~ **310 DUST CONTROL TRAINING CLASS FEE:**

310.1 A person required to complete a dust control training class shall pay a training class fee as set forth in Table 280-7.

TABLE 280-7

DUST CONTROL TRAINING CLASS FEES	
Training Class Fee Type	Amount
Basic Dust Control Training Class Fee	\$50.00
Comprehensive Dust Control Training Class Fee	\$125.00

~~311.1 Basic Dust Control Training Class Fee: A person required to complete basic dust control training shall pay a training class fee of \$50.00.~~

~~311.2 Comprehensive Dust Control Training Class Fee: A person required to complete comprehensive dust control training shall pay a training class fee of \$125.00.~~

~~311.3~~ **310.2 Requests for Dust Control Training:** A person may request that the Control Officer conduct a dust control training class within Maricopa County. A minimum of ~~10~~50 and a maximum of 30 class participants shall be required and meeting room space shall be provided by the person making the request. The fee for such a training class shall be \$35.00 per person for basic dust control training or \$100.00 per person for comprehensive dust control training. A discounted fee of \$30.00 per person shall be required for issuance of training cards at third-party provider dust control training classes. No refunds will be issued if less than 50 participants attend the training.

~~311.4~~ **“Train the Trainer” Class Fee:** A person taking a “train the trainer” class offered by the Control Officer shall pay a training class fee of \$125.00.



~~312~~ **311** **SUBCONTRACTOR REGISTRATION FEE:** A person required to register with the Control Officer under Rule 200 Section 306 of these rules ~~and wishing to obtain a registration number~~ shall pay an annual fee of \$50.00 to obtain a registration number.

~~313~~ **312** **ASBESTOS NOTIFICATION AND PLAN REVIEW FILING FEES:** Any person required to file notification under the provisions of Rule 370 of these rules shall pay fees according to the provisions in Sections ~~313.1 through 313.5~~ 312.1, 312.3, 312.5, 312.7 and 312.8 below.

~~313.1~~ **312.1** **Renovation:** Any person filing notification of a project to renovate regulated asbestos-containing materials (RACM) shall pay a ~~nonrefundable~~ notification and plan review filing fee based on the amount of regulated asbestos-containing materials removed as shown in ~~the table below~~ Table 280-8:

TABLE 280-8

ASBESTOS RENOVATION FEES			
Amount of Regulated Asbestos-Containing Materials (RACM) Removed			
Linear Feet	Square Feet	Cubic Feet	Fee*
0-259	0-159	0-34	\$0
260-499	160-499	35-109	\$600
500 or more	500 or more	110 or more	\$1,770

* If materials are reported on the notification in more than one category, the higher fee will apply.

312.2 **Renovation Fee Refund:** If a renovation notification is cancelled by the person who filed the notification prior to commencing renovation operations and no revisions to the notification were made from the date it was initially submitted, the Control Officer shall refund the notification and plan review filing fee, less a \$350.00 nonrefundable fee.

~~313.2~~ **312.3** **Demolition:** Any person filing notification of a project to demolish a facility (as defined in 40 CFR 61, Subpart M) shall pay a ~~nonrefundable~~ notification and plan review filing fee of \$600.00.

312.4 **Demolition Fee Refund:** If a demolition notification is cancelled by the person who filed the notification prior to commencing demolition operations and no revisions to the notification were made from the date it was initially submitted, the Control Officer shall refund the notification and plan review filing fee, less a \$350.00 nonrefundable fee.

~~313.3~~ **312.5** For projects involving both renovation and demolition activities in a single notification, separate fees for each activity will apply according to Sections ~~313.1-312.1 and 313.2-312.3~~ of this rule.

312.6 **Renovation and Demolition Fee Refund:** If a renovation and demolition notification is cancelled by the person who filed the notification prior to commencing renovation and demolition operations and no revisions to the notification were made from the date it was initially submitted, the Control Officer shall refund the notification and plan review filing fee, less a \$350.00 nonrefundable fee.

~~313.4~~ **312.7** When a revision to a notification involves an increase in the RACM, the difference between the fee for the original RACM and the revised RACM shall be paid.

~~313.5~~ **312.8** **Annual Operation and Maintenance:** Any person filing an annual notification of planned renovation operations involving individual nonscheduled operations to renovate ~~regulated asbestos-containing materials~~ RACM shall pay a nonrefundable notification and plan review filing fee of \$1,250.00.

312.9 Any person removing less than 260 linear feet, 160 square feet or 35 cubic feet of RACM is not required to file a notification under the provisions of Rule 370 of these rules.



313 ANNUAL ADJUSTMENT OF FEES:

313.1 Title V Fee Adjustments:

- a. The Control Officer shall adjust the Title V hourly rate for billable permit actions every January 1, to the nearest 10 cents per hour, beginning on January 1, 2018. The Control Officer will multiply \$150.00 by the CPI for the most recent year and then divide by the CPI for the year 2016.
- b. The Control Officer shall adjust the Title V annual administrative fees every January 1, to the nearest \$10, beginning on January 1, 2018. The Control Officer will multiply the administrative fee by the CPI for the most recent year and then divide by the CPI for the year 2016.
- c. The Control Officer shall adjust the rate for emissions-based fees every January 1, beginning on January 1, 2018. The Control Officer will multiply \$42.39 by the CPI for the most recent year and then divide by the CPI for the year 2016.
- d. The CPI for any year is the average of the monthly CPI for all urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year.

313.2 Non-Title V Fee Adjustments:

- a. The Control Officer shall adjust the Non-Title V hourly rate for billable permit actions every January 1, to the nearest 10 cents per hour, beginning on January 1, 2018. The Control Officer will multiply \$150.00 by the CPI for the most recent year and then divide by the CPI for the year 2016.
- b. The Control Officer may adjust the Non-Title V Annual Administrative Fees, General Permit Application Fees, General Permit Annual Administrative Fees, Burn Permit Fees, Dust Control Permit Fees and Asbestos Notification and Plan Review Filing Fees every January 1, to the nearest \$10, beginning on January 1, 2018. The Control Officer will multiply the administrative fee by the CPI for the most recent year and then divide by the CPI for the year 2016. Fees may be increased if the Control Officer determines the fee fund expenditures exceed the fee fund revenue.
- c. The CPI for any year is the average of the monthly CPI for all urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year.

314 LATE FEE: The Control Officer shall assess the following fees in addition to all other applicable fees:

314.1 Title V, Non-Title V, or General Permit: An owner/operator of a source requiring a permit who has received a Notice of Violation for constructing or operating without such permit shall pay a late fee of \$100.00.

314.2 Dust Control Permit: Any person who is engaging in dust-generating operations without a Dust Control Permit and has received a Notice of Violation for engaging in dust-generating operations without a Dust Control Permit shall pay a late fee of \$100.00.

315 DELINQUENCY FEE: An applicant or permittee who fails to pay any required fee(s) by 30 days after the invoice due date shall pay a delinquency fee of \$50.00, or 5% of the amount due, whichever is greater, ~~or a delinquency fee of \$100.00 if delinquent over 60 days from the invoice due date.~~ An applicant or permittee who fails to pay any required fee(s) by 60 days after the invoice date shall pay a delinquency fee of \$100.00, or 10% of the amount due, whichever is greater. Applicants and permittees will be notified by mail of any permit delinquency fees that are due and payable.

~~316 SUBSCRIPTION FEE FOR RULE REVISIONS: A person requesting to be placed on a mailing list to receive copies of new and revised rules shall pay to the Control Officer an annual subscription fee of \$35.00.~~

317 316 ACCELERATED PERMIT PROCESSING FEE: An applicant requesting accelerated permit processing shall pay fees to the Control Officer according to the following provisions:



- ~~317.1~~ **316.1** Such a request shall be accompanied by an initial fee of \$15,000. The fee is nonrefundable to the extent of the Control Officer's costs for accelerating the processing if the Control Officer undertakes to provide accelerated processing as described in Rule 200, ~~Section 313~~ of these rules.
- ~~317.2~~ **316.2** At any time after an applicant has requested accelerated permit processing, the Control Officer may request an additional advance payment fee based on the most recent estimated cost of accelerating the processing of the application.
- ~~317.3~~ **316.3** Upon completion of permit processing activities but before issuing or denying a permit or permit revision, the Control Officer shall send notice of the decision to the applicant along with a final invoice. The final invoice shall include all regular permit processing and other fees due, as well as the difference between the actual cost of accelerating the permit application, including any costs incurred by the Control Officer in contracting for, hiring, or supervising the work of outside consultants, and all advance payments submitted for accelerated processing. In the event all payments made exceed actual accelerated permit costs, the Control Officer shall refund the excess advance payments.
- ~~317.4~~ **316.4** Any additional costs incurred as a result of accelerated permit processing shall not be applied toward any applicable maximum fee described in this rule.

316.5 Accelerated permit processing for dust control permit applicants will be processed in accordance with Section 309.3 of this rule.

~~318~~ **317** **FAILURE TO PAY REQUIRED FEES:** Nonpayment of fees required by this rule constitutes a violation as provided in A.R.S. §§ 49-502, 49-511 and 49-513.

~~319~~ **318** **INFORMAL REVIEW OF PERMIT PROCESSING HOURS:**

- ~~319.1~~ **318.1** Any person who receives a final itemized invoice from the Control Officer under Section 301.1 or 302.1 of this rule for a billable permit action may request an informal review of the permit processing hours billed and may pay the invoice under protest as provided below. If the invoice is paid under protest, the Control Officer shall issue the permit.
- ~~319.2~~ **318.2** The request for an informal review of the permit processing hours billed shall be made in writing, and received by the Control Officer within 30 days of the invoice date. Unless the Control Officer and person agree otherwise, the informal review shall take place within 30 days after the Control Officer's receipt of the request. The Control Officer shall arrange the date and location of the informal review with the person at least 10 business days before the informal review. The Control Officer shall review whether the amounts of time billed are correct and reasonable for the tasks involved. The Control Officer shall mail his or her decision on the informal review to the person within 10 business days after the informal review date. The Control Officer's decision after the informal review shall be final.

~~320~~ **HAZARDOUS AIR POLLUTANTS TIER 4 RISK MANAGEMENT ANALYSIS FEE:** ~~If an applicant uses the Tier 4 method for conducting a risk management analysis (RMA) according to Rule 372 of these rules, the applicant shall pay any costs incurred by the Control Officer in contracting for, hiring or supervising work of outside consultants.~~

~~321~~ **AIR QUALITY AWARENESS FLAG PROGRAM FEE:** ~~A person who elects to participate in the air quality awareness flag program may obtain program materials from the Control Officer for a fee of \$200.00.~~

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

~~401~~ **EFFECTIVE DATE OF FEES:** ~~The fees in this rule became effective May 1, 2008, except for the emissions based fee, the air curtain destructor application fee, the Dust Control Permit fee, the "train the trainer" class fee, the air quality awareness flag program fee, and the asbestos notification and plan review filing fees. The emissions based fee became effective January 1, 2009, beginning with the emissions reported for calendar year 2008. The air curtain destructor application fee,~~



~~the Dust Control Permit fee, the “train the trainer” class fee, the air quality awareness flag program fee, and the asbestos notification and plan review filing fees become effective July 1, 2010.~~

401 **EFFECTIVE DATE OF FEES:** The fees, except for the emissions-based fee, in this rule become effective [Date of Adoption]. The revised emissions-based fee becomes effective [One Year After the Date of Adoption], beginning with the emissions reported for calendar year 2017.

402 **PAYMENT OF FEES:** All fees required by this rule are payable to Maricopa County Air Quality Department.

402.1 Annual Administrative Fees:

- a. Title V and Non-Title V Permits:** The Control Officer shall mail the owner or operator of a Title V or Non-Title V source an invoice for the annual administrative fee due under Sections 301.2 and 302.2 of this rule at least 30 days prior to the anniversary date of the permit.
- b. General Permits:** The Control Officer shall mail the owner or operator of a source authorized to operate under a General Permit an invoice for the annual administrative fee due under Section 303.2 of this rule at least 30 days prior to the anniversary date of the authorization to operate.

402.2 ~~Gasoline Delivery Vessel~~**Maricopa County Vapor Tightness Certification Decal Fee:** ~~Gasoline delivery vessel~~The Maricopa County Vapor Tightness Certification decal fee shall be paid at the time the application is submitted showing satisfactory test results and prior to the issuance of the decal required in the provisions of Rule 352 of these rules.

402.3 Asbestos Removal Notification and Plan Review Filing Fee: The asbestos notification and plan review filing fee shall be paid at the time the notification is submitted. The notification is not considered filed until the appropriate filing fee is paid.

402.4 Other Fees: Other fees shall be paid in the manner and at the time required by the Control Officer.

402.5 Fees in Effect: All fees charged as a result of this rule shall be paid at the rate or in the amount that is in effect on the date the fee is charged.

402.6 Payment Applied to Delinquent Penalties and Fees: All monies paid to the Control Officer shall first be applied to any delinquent penalties and fees owed by the owner or operator of a source before being applied to current charges.

403 ~~FEE TABLE A, B, C, D, E, F, G, H, AND I SOURCES:~~ Fee Tables A – I list processes and equipment subject to the fees outlined in Sections 302.2, 303.1, and 303.2 of this rule. For processes and equipment not listed below, the Control Officer will designate Fee Table A, B, C, D, E, F, G, H or I, as applicable. Sources reclassified to a higher fee table due to the receipt of three complaints on different dates during a one year period from different individuals resulting in violations resolved by an order of abatement by consent or judicial action shall remain in that fee table until two calendar years pass without complaints against the facility resulting in violations resolved by an order of abatement by consent or judicial action.

- 403.1 Fee Table A Sources:**
- Aircraft Manufacturing
 - Chemical Manufacturing, Dry
 - Chemical Manufacturing, Liquid
 - Circuit Board Manufacturing Greater than or Equal to 5 Tons per Year VOC
 - Coating Line, Can/Coil/Fabric/Film/Glass/Paper
 - Ethylene Oxide Sterilization
 - Gypsum, Calcining
 - Incinerator, Medical Waste
 - Incinerator, Hazardous Material



Insulation Manufacturing
 Jet or Auxiliary Engine Manufacturing
 Non-Major Title V Source
 Pesticide/Herbicide Production
 Petroleum Loading Racks and Storage Tanks at Bulk Terminals
 Pharmaceutical Manufacturing
 Polymeric Foam Products Greater than or Equal to 25 Tons per Year Potential Uncontrolled VOC Emissions or Facility with Controls Subject to Source Testing
 Power Plant Greater than or Equal to 25 Tons per Year Potential Uncontrolled NO_x Emissions
 Printing Facilities Greater than or Equal to 25 Tons per Year Potential Uncontrolled VOC Emissions or Facility with Controls Subject to Source Testing
 Rendering
 Rubber Products Manufacturing
 Semiconductor Manufacturing Less than 25 Tons per Year of Potential Uncontrolled VOC Emissions
 Solid Waste Landfill
 Source Subject to BACT Determination
 Source Subject to a MACT, NESHAP or NSPS Standard under CAA Section 111 or 112 Unless Otherwise Identified in another Fee Table
 Source with 3 or More Fee Table B Processes
 Vegetable Oil Extraction

403.2

Fee Table B Sources:
 Aerospace Products Manufacturing and Rework not Subject to MACT
 Aggregate Screening
 Animal Feed Processing
 Auto Body Shredding
 Bakery with Oven of Greater than or Equal to 25 Tons per Year of Potential Uncontrolled VOC Emissions or Facility with Controls
 Boiler, Gas-Fired or with Emergency Fuel Capabilities (Each Unit Greater than or Equal to 10 MMBtu/hr)
 Chemical/Fertilizer Storage, Mixing, Packaging and Handling
 Concrete Product Manufacturing
 Cement Terminal
 Cotton Gin
 Cotton Seed Processing
 Crematory
 Cultured Marble
 Fiberglass Product Manufacturing
 Flour Milling
 Foundry
 Furnace, Metals
 Furnace, Burn-Off
 Furnace, Electric Arc
 Furnace, Other
 Gas Turbine, Non-Utility (Utility in Fee Table A)
 Grain Cleaning/Processing
 Grain Storage
 Incinerator, Non-Hazardous Material
 Internal Combustion Engine, Other than Emergency
 Metal Recovery/Reclamation
 Pipeline Transmission Facility
 Plating Tanks, Electrolytic or Electrowinning (Includes Decorative Chrome and Hard Chrome Operations Less than or Equal to 60 Million Amp/Hrs per Year Subject to Area Source MACT)
 Polymeric Foam Products Less than 25 Tons per Year Potential Uncontrolled VOC Emissions
 Power Plant Less than 25 Tons per Year Potential Uncontrolled NO_x Emissions
 Reinforced Plastics
 Rubber Products Manufacturing with Only Molding



Soil Treatment/Remediation
 Soil Solvent Extraction System with Package Thermal/Catalytic Oxidizer/Carbon Adsorption
 Solvent Degreasing/Cleaning System, Solvent Use Greater than 3 Gallons per Day
 Solvent Reclaiming
 Source with 3 or More Fee Table C Processes
 Stage I Vapor Recovery, Bulk Plants with Loading Racks
 Stripping Operation, Equipment or Furniture Refurbishment
 Tire Shredding/Retreading
 Wastewater Treatment Plant
 Wood Coating Operation Subject to RACT Including Furniture/Millwork Sources Larger than 10 Tons per Year VOC
 Any Fee Table A, F, or G Source whose Aggregate of All Equipment, Processes or Production Lines Has Enforceable Permit Limits of Less than 2.0 Tons per Year VOC or NO_x, and Less than 1.0 Ton per Year PM₁₀
 Any Fee Table C Source that Receives 3 Complaints on Different Dates During a One Year Period from Different Individuals Resulting in Violations Resolved by an Order of Abatement by Consent or Judicial Action

403.3 Fee Table C Sources:

Abrasive Blasting
 Asphalt Day Tanker/Kettle
 Cement Products Packaging/Distribution
 Circuit Board Assembly
 Circuit Board Manufacturing Less than 5 Tons per Year of VOC
 Dry Cleaning (Includes Perchloroethylene Dry Cleaning Facilities Subject to Area Source MACT)
 Emergency Internal Combustion Engine
 Engine Testing
 Food Processing
 Incinerator, Paper and Cardboard Products
 Injection Molding
 Landscape and Decorative Rock, Gravel, and Sand Distribution
 Laundry, Other than Dry Cleaning
 Miscellaneous Acid/Solvent Use
 Packaging, Mixing and Handling, Granular or Powdered Material Other than Cement or Grain
 Petroleum Storage, Non-Retail Dispensing Operations Exempted from Stage I Vapor Recovery by Rule 353
 Plastic or Metal Extrusion
 Plating, Electroless
 Powder Coating
 Printing Facilities Less than 25 Tons per Year of Potential Uncontrolled VOC Emissions
 Semiconductor Lab/Testing/Services
 Non-Halogenated Solvent Cleaning, Less than 3 Gallons per Day
 Solvent Storage/Handling
 Spray Coating
 Bulk Plant Loading Facilities as Defined by Rule 351, Section 305.1
 Storage Tank, Non-Petroleum Volatile Organic Compounds
 Stripping Operation, Liquid Chemical Groundwater/Wastewater Remediation
 Vehicle Refinishing
 Waste Transfer Facility
 Water Reclamation
 Sewage Lift Pump Station
 Drinking Water Plant
 Wood Furniture/Millwork/Small Source Less than 10 Tons per Year VOC
 Yard/Stockpiling

403.4 Fee Table D Sources:

Service Station and Non-Resale Dispensing Operations Greater than 120,000 Gallons per Year

403.5 Fee Table E Sources:



Fuel Burning Equipment

403.6 Fee Table F Sources: Aggregate Production/Crushing Subject to an NSPS under CAA Section 111 Hot Mix Asphalt Plants

403.7 Fee Table G Sources: Aggregate Production/Crushing not Subject to NSPS under CAA Section 111 Concrete Batch Plant

403.8 Fee Table H Sources: Semiconductor Manufacturing Greater than or Equal to 25 Tons per Year Potential Uncontrolled VOC Emissions or Facility with Controls Subject to Source Testing Any Fee Table A or G Source that Receives 3 Complaints on Different Dates During a One Year Period from Different Individuals Resulting in Violations Resolved by an Order of Abatement by Consent or Judicial Action

403.9 Fee Table I Sources: Any Fee Table B Source that Receives 3 Complaints on Different Dates During a One Year Period from Different Individuals Resulting in Violations Resolved by an Order of Abatement by Consent or Judicial Action

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

NOTICE OF PROPOSED RULEMAKING

MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

REGULATION II - PERMITS AND FEES

RULE 372: MARICOPA COUNTY HAZARDOUS AIR POLLUTANTS (HAPS) PROGRAM

[M16-197]

PREAMBLE

- 1. Rule affected: Rule 372: Maricopa County Hazardous Air Pollutants (HAPs) Program Appendix H: Procedures for Determining Ambient Air Concentrations for Hazardous Air Pollutants. Rulemaking action: Rescind.
2. Statutory authority for the rulemaking: Authorizing statutes: A.R.S. §§ 49-474, 49-479, and 49-480 Implementing Statute: A.R.S. § 49-112
3. List of public notices addressing the rulemaking: Notice of Briefing to Maricopa County Manager: June 2016 Notice of Stakeholder Workshop: June 30, 2016
4. Name and address of department personnel with whom persons may communicate regarding the rulemaking: Name: Johanna M. Kuspert or Hether Krause Maricopa County Air Quality Department Planning and Analysis Division Address: 1001 N Central Avenue, Suite 125 Phoenix, Arizona 85004 Telephone: (602) 506-6010 Fax: (602) 506-6179 E-mail: aqplanning@mail.maricopa.gov
5. Explanation of the rule, including the department's reasons for initiating the rulemaking: The Maricopa County Air Quality Department (department) is proposing to rescind Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program) and associated Appendix H (Procedures for Determining Ambient Air Concentrations for Hazardous Air Pollutants). Rule 372 and Appendix H were adopted on June 6, 2007 as required by Arizona Revised



Statutes (A.R.S.) §49-480.04 (County Program for Control of Hazardous Air Pollutants). The rules apply to new sources of HAPs or modified sources of HAPs, when such existing sources increase the emissions of a HAP by more than a de minimis amount. These rules regulate HAPs that are on the federal list of HAPs - Section 112(b) of the Clean Air Act and:

- List de minimis levels for Maricopa County HAPs in Rule 372, Table 2-Maricopa County HAPs De Minimis Levels
- List 24 minor source categories subject to the program in Rule 372, Table 1-Maricopa County HAPs Minor Source Categories

The rules are similar to and no more stringent than the Arizona Department of Environmental Quality’s (ADEQ’s) Arizona program for the regulation of HAPs. ADEQ’s Arizona program for the regulation of HAPs was intended to replace the Arizona Ambient Air Quality Guidelines (AAAQG), which are health-based guidelines/acceptable concentration levels for hazardous air pollutants that are regulated by the State Of Arizona. The AAAQGs are not standards but residential screening values that help agencies make sound environmental risk management decisions to protect human health.

On March 20, 2008 as a result of the final judgment of the Maricopa County Superior Court in Oak Canyon Manufacturing et al. v. Arizona State Department of Environmental Quality, CV 2006-018439, ADEQ’s Arizona program for the regulation of HAPs is unenforceable. The superior court held that ADEQ does not have authority to adopt de minimis amounts of federal HAPs. Since Maricopa County’s HAPs program (Rule 372 and Appendix H) is similar to and no more stringent than ADEQ’s Arizona program for the regulation of HAPs and the superior court held that ADEQ does not have authority to adopt de minimis amounts of federal HAPs, the department is proposing to rescind Rule 372 and Appendix H.

The federal HAPs standards at 40 Code of Federal Regulations Part 61 and Part 63, which are incorporated by reference in Maricopa County Air Pollution Control Regulations Rule 370 (Federal Hazardous Air Pollutant Program), are separate and independent from Maricopa County’s HAPs program (Rule 372 and Appendix H) and remain fully enforceable. Sources of federal HAPs in Maricopa County remain obligated to comply with any applicable requirements of the federal program.

6. Demonstration of compliance with A.R.S. §49-112:

Under A.R.S. § 49-479(C), a county may not adopt a rule or ordinance that is more stringent than the rules adopted by the Director of the Arizona Department of Environmental Quality (ADEQ) for similar sources unless it demonstrates compliance with the applicable requirements of A.R.S. §49-112.

§ 49-112 County regulation; standards

§ 49-112(A)

When authorized by law, a county may adopt a rule, ordinance or other regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all of the following conditions are met:

1. The rule, ordinance or other regulation is necessary to address a peculiar local condition.
2. There is credible evidence that the rule, ordinance or other regulation is either;
 - (a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible.
 - (b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or other regulation is equivalent to federal statutes or regulation.
3. Any fee or tax adopted under the rule, ordinance or other regulation will not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

§ 49-112(B)

When authorized by law, a county may adopt rules, ordinances or other regulations in lieu of a state program that are as stringent as a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if the county demonstrates that the cost of obtaining permits or other approvals from the county will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under this title or any rule adopted pursuant to this title. If the state has not adopted a fee or tax for similar permits or approvals, the county may adopt



a fee when authorized by law in the rule, ordinance or other regulation that does not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

The department is in compliance with A.R.S. §§ 49-112(A) and (B). The department is proposing to rescind Rule 372 and Appendix H.

7. Documents and/or studies referenced and/or reviewed for this rulemaking:

Not applicable

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

Not applicable

9. Preliminary summary of the economic, small business, and consumer impact:

The following discussion addresses each of the elements required for an economic, small business and consumer impact statement under A.R.S. § 41-1055.

An identification of the rulemaking.

This rulemaking is proposing to rescind Rule 372 and Appendix H.

An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the rulemaking.

This rulemaking is proposing to rescind Rule 372 and Appendix H. The persons who will be directly affected by and bear the costs of this rulemaking will be new sources of HAPs or modified sources of HAPs, when such existing sources increase the emissions of a HAP by more than a de minimis amount. The federal HAPs standards at 40 Code of Federal Regulations Part 61 and Part 63, which are incorporated by reference in Maricopa County Air Pollution Control Regulations Rule 370 (Federal Hazardous Air Pollutant Program), are separate and independent from Maricopa County's HAPs program (Rule 372 and Appendix H) and remain fully enforceable. Sources of federal HAPs in Maricopa County remain obligated to comply with any applicable requirements of the federal program.

A cost benefit analysis of the following:

(a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the rulemaking.

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department deemed that none of the revisions have potentially significant economic impacts on permitted sources. In addition, the rulemaking will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated.

(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the rulemaking

This rulemaking will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated.

(c) The probable costs and benefits to businesses directly affected by the rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the rulemaking.

The department does not anticipate that this rulemaking will have a significant impact on a person's income, revenue, or employment in this state related to this activity. This rulemaking will not impose increased monetary or regulatory costs on individuals so regulated.

A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the rulemaking.

The rulemaking will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated.

A statement of the probable impact of the rulemaking on small businesses.

This rulemaking will not impose increased monetary or regulatory costs on any permitted business, persons, or individuals so regulated.

(a) An identification of the small businesses subject to the rulemaking.

This rulemaking is proposing to rescind Rule 372 and Appendix H. Small businesses subject to this rulemaking include new sources of HAPs or modified sources of HAPs, when such existing sources increase the emissions of a HAP by more than a de minimis amount. The federal HAPs standards at 40 Code of Federal Regulations Part 61 and Part 63, which are incorporated by reference in Maricopa County Air Pollution Control Regulations Rule 370 (Federal



Hazardous Air Pollutant Program), are separate and independent from Maricopa County’s HAPs program (Rule 372 and Appendix H) and remain fully enforceable. Sources of federal HAPs in Maricopa County remain obligated to comply with any applicable requirements of the federal program.

(b) The administrative and other costs required for compliance with the rulemaking.

This rulemaking is proposing to rescind Rule 372 and Appendix H. The federal HAPs standards at 40 Code of Federal Regulations Part 61 and Part 63, which are incorporated by reference in Maricopa County Air Pollution Control Regulations Rule 370 (Federal Hazardous Air Pollutant Program), are separate and independent from Maricopa County’s HAPs program (Rule 372 and Appendix H) and remain fully enforceable. Sources of federal HAPs in Maricopa County remain obligated to comply with any applicable requirements of the federal program.

(c) A description of the methods that the agency may use to reduce the impact on small businesses.

(i) Establishing less costly compliance requirements in the rulemaking for small businesses.

This rulemaking is proposing to rescind Rule 372 and Appendix H. The federal HAPs standards at 40 Code of Federal Regulations Part 61 and Part 63, which are incorporated by reference in Maricopa County Air Pollution Control Regulations Rule 370 (Federal Hazardous Air Pollutant Program), are separate and independent from Maricopa County’s HAPs program (Rule 372 and Appendix H) and remain fully enforceable. Sources of federal HAPs in Maricopa County remain obligated to comply with any applicable requirements of the federal program.

(ii) Establishing less costly schedules or less stringent deadlines for compliance in the rulemaking.

This rulemaking is proposing to rescind Rule 372 and Appendix H. The federal HAPs standards at 40 Code of Federal Regulations Part 61 and Part 63, which are incorporated by reference in Maricopa County Air Pollution Control Regulations Rule 370 (Federal Hazardous Air Pollutant Program), are separate and independent from Maricopa County’s HAPs program (Rule 372 and Appendix H) and remain fully enforceable. Sources of federal HAPs in Maricopa County remain obligated to comply with any applicable requirements of the federal program.

(iii) Exempting small businesses from any or all requirements of the rulemaking.

This rulemaking is proposing to rescind Rule 372 and Appendix H. The federal HAPs standards at 40 Code of Federal Regulations Part 61 and Part 63, which are incorporated by reference in Maricopa County Air Pollution Control Regulations Rule 370 (Federal Hazardous Air Pollutant Program), are separate and independent from Maricopa County’s HAPs program (Rule 372 and Appendix H) and remain fully enforceable. Sources of federal HAPs in Maricopa County remain obligated to comply with any applicable requirements of the federal program.

(d) The probable cost and benefit to private persons and consumers who are directly affected by the rulemaking.

This rulemaking does not impose any new compliance burdens on regulated entities that are permitted or introduce additional regulatory requirements and will not impose increased monetary or regulatory costs on any permitted business, persons, or individuals so regulated. As such, there are no costs to pass through to consumers, which means there are no impacts on consumers.

A statement of the probable effect on state revenues.

The rulemaking will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated. Without costs to pass through to customers, there is no projected change in consumer purchase patterns and, thus, no impact on state revenues from sales taxes.

A description of any less intrusive or less costly alternative methods of achieving the purpose of the rulemaking.

This rulemaking is proposing to rescind Rule 372 and Appendix H. The federal HAPs standards at 40 Code of Federal Regulations Part 61 and Part 63, which are incorporated by reference in Maricopa County Air Pollution Control Regulations Rule 370 (Federal Hazardous Air Pollutant Program), are separate and independent from Maricopa County’s HAPs program (Rule 372 and Appendix H) and remain fully enforceable. Sources of federal HAPs in Maricopa County remain obligated to comply with any applicable requirements of the federal program.

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

Name: Johanna M. Kuspert or Hether Krause
Maricopa County Air Quality Department
Planning and Analysis Division
Address: 1001 N Central Avenue, Suite 125
Phoenix, AZ 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179
E-mail: aqplanning@mail.maricopa.gov



- 11. Time, place, and nature of the proceedings for the rulemaking:**
Written oral proceeding requests or written comments or both will be accepted until the record is closed on September 19, 2016, 5:00 p.m. Written oral proceeding requests or written comments or both may be mailed, e-mailed, or hand delivered to the department (see Item #4 of this notice). An oral proceeding will be scheduled only upon receipt of a written request before the record is closed on September 19, 2016, 5:00 p.m. Written comments received during the comment period and before the record is closed on September 19, 2016, 5:00 p.m. will be considered formal comments to the Notice of Proposed Rulemaking and will be responded to in the Notice of Final Rulemaking.
- 12. Any other matters prescribed by statute that are applicable to the specific department or to any specific rule or class of rules:**
Not applicable
- 13. Incorporations by reference and their location in the rule:**
Not applicable
- 14. Full text of the rule follows:**

REGULATION III—CONTROL OF AIR CONTAMINANTS

RULE 372

MARICOPA COUNTY HAZARDOUS AIR POLLUTANTS (HAPS) PROGRAM INDEX

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Adopted 06/06/07

MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS



REGULATION III CONTROL OF AIR CONTAMINANTS

RULE 372

MARICOPA COUNTY HAZARDOUS AIR POLLUTANTS (HAPS) PROGRAM

SECTION 100 GENERAL

101 PURPOSE: To implement/establish procedures for a Maricopa County program for the regulation of federally listed hazardous air pollutants (HAPs).

102 APPLICABILITY:

102.1 Unless otherwise noted, this rule applies to:

- a. Minor sources of Maricopa County hazardous air pollutants (HAPs) that are in one of the source categories listed in Table 1 Maricopa County HAPs Minor Source Categories of this rule; and
- b. Major sources of Maricopa County hazardous air pollutants (HAPs).

Table 1 Maricopa County HAPs Minor Source Categories

Primary SIC Code	Source Category
2434	Wood Kitchen Cabinets
2451	Mobile Homes
2621	Paper Mills
2679	Converted Paper Products Not Elsewhere Classified
2851	Paints And Allied Products
2911	Petroleum Refining
3086	Plastics Foam Products
3088	Plastics Plumbing Fixtures
3089	Plastics Products Not Elsewhere Classified
3241	Cement Hydraulic
3281	Cut Stone And Stone Products
3296	Mineral Wool
3312	Blast Furnaces And Steel Mills
3331	Primary Copper
3411	Metal Cans
3444	Sheet Metal Work
3451	Screw Machine Products
3479	Metal Coating And Allied Services
3585	Refrigeration And Heating Equipment
3672	Printed Circuit Boards
3999	Manufacturing Industries Not Elsewhere Classified
4922	Natural Gas Transmission
5169	Chemicals And Allied Products Not Elsewhere Classified
5171	Petroleum Bulk Stations And Terminals

102.2 If the Clean Air Act has established provisions including specific schedules for the regulation of source categories under Section 112(e)(5) and Section 112(n) of the Act, those provisions and schedules shall apply to the regulation of those source categories.

103 EXEMPTIONS: This rule shall not apply to:

103.1 An affected source for which a standard under 40 Code Of Federal Regulations (CFR) Part 61 National Emission Standards For Hazardous Air Pollutants (NESHAPS) or 40 CFR Part 63 National Emission Standards For Hazardous Air Pollutants For Source Categories imposes an emissions limitation.

103.2 An affected source at a minor source of Maricopa County HAPs, if the minor source is in a source category for which a standard under 40 CFR Part 63 National Emission Standards For Hazardous Air Pollutants For Source Categories has been adopted and agrees to comply with the emissions limitation under Rule 220 Non-Title V Permit Provisions, Section 304 Permits Containing Voluntarily Accepted Emissions Limitations, Controls, Or Other Requirements (Synthetic Minor) of these rules.



- 103.3 Sources for which the Administrator has made one of the following findings under Section 112(n) of the Act (42 U.S.C. 7412(n)):
 - a. A finding that regulation is not appropriate or necessary, or
 - b. A finding that the source should apply alternative control strategies.
- 103.4 Any category or subcategory of facilities licensed by the Nuclear Regulatory Commission. The Control Officer shall not adopt or enforce any standard or limitation respecting emissions of radionuclides, which is more stringent than the standard or limitation adopted by the Administrator under Section 112 of the Act.

SECTION 200 – DEFINITIONS: See Rule 100 General Provisions And Definitions of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definition shall apply:

- 201 ~~ACUTE ADVERSE EFFECTS TO HUMAN HEALTH~~—Those effects described in Arizona Revised Statutes (ARS) §49-401.01(2) Air Quality General Provisions Definitions that are of short duration or rapid onset. In ARS 49-401.01(2) Air Quality General Provisions Definitions, “Adverse effects to human health” means those effects that result in or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, including adverse effects that are known to be or may reasonably be anticipated to be caused by substances that are acutely toxic, chronically toxic, carcinogenic, mutagenic, teratogenic, neurotoxic, or causative of reproductive dysfunction.
- 202 ~~ACUTE AMBIENT AIR CONCENTRATION (AAAC)~~—That concentration of a hazardous air pollutant, in the ambient air, above which the general population, including susceptible populations, could experience acute adverse effects to human health.
- 203 ~~AFFECTED SOURCE~~—Notwithstanding the definition of “affected source” as defined in Rule 100 General Provisions And Definitions of these rules (a source that includes one or more emissions units which are subject to emission reduction requirements or limitations under Title IV Acid Deposition Control of the Act), for the purpose of this rule “affected source” has the meaning of “affected source” contained in 40 CFR 63.2 National Emission Standards For Hazardous Air Pollutants For Source Categories Definitions as of July 1, 2004 (and no future amendments or editions) (the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a Section 112(e) source category or subcategory for which a Section 112(d) standard or other relevant standard is established pursuant to Section 112 of the Act. Each relevant standard will define the “affected source”, as defined in 40 CFR 63.2 National Emission Standards For Hazardous Air Pollutants For Source Categories Definitions unless a different definition is warranted based on a published justification as to why this definition would result in significant administrative, practical, or implementation problems and why the different definition would resolve those problems. The term “affected source”, as used in 40 CFR 63.2 National Emission Standards For Hazardous Air Pollutants For Source Categories Definitions, is separate and distinct from any other use of that term in these rules such as those implementing Title IV of the Act. Affected source may be defined differently for 40 CFR Part 63 National Emission Standards For Hazardous Air Pollutants For Source Categories than affected facility and stationary source in 40 CFR Part 60 Standards Of Performance For New Stationary Sources and 40 CFR Part 61 National Emission Standards For Hazardous Air Pollutants (NESHAPS), respectively. This definition of “affected source”, and the procedures for adopting an alternative definition of “affected source,” shall apply to each Section 112(d) standard for which the initial proposed rule is signed by the Administrator after June 30, 2002).
- 204 ~~AMBIENT AIR CONCENTRATION (AAC)~~—That concentration of a hazardous air pollutant in the ambient air, listed in Section 306 Risk Management Analyses of this rule or determined according to Section 306.3(b) Risk Management Analyses Health Based Ambient Air Concentrations Of Maricopa County HAPs of this rule or Section 306.3(e) Risk Management Analyses Health Based Ambient Air Concentrations Of Maricopa County HAPs of this rule, above which the general population, including susceptible populations, could experience adverse effects to human health.
- 205 ~~ARIZONA MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (AZMACT)~~—An emission standard that requires the maximum degree of reduction in emissions of hazardous air pollutants subject to these rules, including a prohibition on the emissions where achievable, and that the Control Officer, according to Section 305 Case By Case AZMACT Determination of this rule, has determined to be achievable by an affected source to which the standard applies, through application of measures, processes, methods, systems, or techniques, including measures that:
 - 205.1 Reduce the volume of, or eliminate emissions of, the pollutants through process changes, substitution of materials, or other modifications;
 - 205.2 Enclose systems or processes to eliminate emissions;
 - 205.3 Collect, capture, or treat the pollutants when released from a process, stack, storage, or fugitive emissions point;



- ~~205.4 Are design, equipment, work practice, or operational standards, including requirements for operator training or certification; or~~
- ~~205.5 Are a combination of Section 205.1 thru Section 205.4 of this rule.~~
- ~~206 CHEMICAL ABSTRACT SERVICE (CAS) NUMBER—A unique, identifying number assigned by the Chemical Abstract Service to each distinct chemical substance.~~
- ~~207 CHRONIC ADVERSE EFFECTS TO HUMAN HEALTH—Those effects described in ARS §49 401.01(2) Air Quality Generally General Provisions Definitions that are persistent, recurring, or long term in nature or that are delayed in their onset. ARS 49 401.01(2) Air Quality Generally General Provisions Definitions defines “adverse effects to human health” as those effects that result in or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, including adverse effects that are known to be or may reasonably be anticipated to be caused by substances that are acutely toxic, chronically toxic, carcinogenic, mutagenic, teratogenic, neurotoxic, or causative of reproductive dysfunction.~~
- ~~208 CHRONIC AMBIENT AIR CONCENTRATION (CAAC)—That concentration of a hazardous air pollutant, in the ambient air, above which the general population, including susceptible populations, could experience chronic adverse effects to human health.~~
- ~~209 FEDERALLY LISTED HAZARDOUS AIR POLLUTANT—Any pollutant adopted under Section 301 Maricopa County List Of Hazardous Air Pollutants of this rule.~~
- ~~210 HAZARDOUS AIR POLLUTANT—Any federally listed hazardous air pollutant.~~
- ~~211 MAJOR SOURCE OF MARICOPA COUNTY HAZARDOUS AIR POLLUTANTS (HAPs)~~
 - ~~211.1 A stationary source that emits or has the potential to emit in the aggregate, including fugitive emissions, 10 tons per year or more of any Maricopa County hazardous air pollutant or 25 tons per year or more of any combination of Maricopa County hazardous air pollutants.~~
 - ~~211.2 Any change to a minor source of hazardous air pollutants that would increase its emissions to the qualifying levels in Section 211.1 of this rule.~~
- ~~212 MARICOPA COUNTY HAZARDOUS AIR POLLUTANT (HAP)—Any federally listed hazardous air pollutant.~~
- ~~213 MINOR SOURCE OF MARICOPA COUNTY HAZARDOUS AIR POLLUTANTS (HAPs)—A stationary source that emits or has the potential to emit, including fugitive emissions, one ton or more but less than 10 tons per year of any hazardous air pollutant or two and one half tons or more but less than 25 tons per year of any combination of hazardous air pollutants.~~
- ~~214 MODIFICATION / MODIFY~~
 - ~~214.1 A physical change in, or change in the method of operation of, a source that increases the actual emissions of any Maricopa County hazardous air pollutant (HAP) emitted by the source by more than any de minimis amount listed in Table 2 Maricopa County HAPs De Minimis Levels, or which results in the emission of any HAP not previously emitted by the source by more than any de minimis amount listed in Table 2 Maricopa County HAPs De Minimis Levels.~~

Table 2 Maricopa County HAPs De Minimis Levels

Chemical	De Minimis Lb/Hour	De Minimis Lb/Year
1,1,1 Trichloroethane (Methyl Chloroform)	117	14,247
1,1,2,2 Tetrachloroethane	N/A	0.20
1,3 Butadiene	N/A	0.39
1,4 Dichlorobenzene	N/A	1.9
2,2,4 Trimethylpentane	51	N/A
2,4 Dinitrotoluene	N/A	0.13
2-Chloroacetophenone	N/A	0.19
Acetaldehyde	N/A	5.3
Acetophenone	1.4	2,261
Acrolein	0.013	0.129



Acrylonitrile	N/A	0.17
Antimony Compounds (Selected Compound: Antimony)	0.71	9.0
Arsenic Compounds (Selected Compound: Arsenic)	N/A	0.0027
Benzene	N/A	1.5
Benzyl Chloride	N/A	0.25
Beryllium Compounds (Selected Compound: Beryllium)	0.000707	0.0049
Biphenyl	2.1	1,130
bis (2-Ethylhexy) Phthalate	0.71	3.0
Bromoform	0.42	11
Cadmium Compounds (Selected Compound: Cadmium)	N/A	0.0065
Carbon Disulfide	18	4,522
Carbon Tetrachloride	N/A	0.78
Carbonyl Sulfide	1.7	N/A
Chlorobenzene	57	6,442
Chloroform	N/A	2.2
Chromium Compounds (Selected Compound: Hexavalent Chromium)	N/A	0.0010
Cobalt Compounds (Selected Compound: Cobalt)	N/A	0.0042
Cumene	53	2,583
Cyanide Compounds (Selected Compound: Hydrogen Cyanide)	0.22	19
Dibenzofurans	1.4	45
Dichloromethane (Methylene Chloride)	20	25
Dimethyl Formamide	9.3	194
Dimethyl Sulfate	0.018	N/A
Ethyl Benzene	14	6,442
Ethyl Chloride (Chloroethane)	71	64,420
Ethylene Dibromide (Dibromoethane)	N/A	0.020
Ethylene Dichloride (1,2-Dichloroethane)	N/A	0.45
Ethylene Glycol	2.8	2,583
Ethylidene Dichloride (1,1-Dichloroethane)	354	3,230
Formaldehyde	N/A	0.90
Glycol Ethers (Selected Compound: Diethylene Glycol, Monoethyl Ether)	14	19
Hexachlorobenzene	N/A	0.026
Hexane	659	13,689
Hydrochloric Acid	0.93	129
Hydrogen Fluoride (Hydrofluoric Acid)	0.56	90
Isophorone	0.71	12,946
Manganese Compounds (Selected Compound: Manganese)	0.14	0.32
Mercury Compounds (Selected Compound: Elemental Mercury)	0.058	1.9
Methanol	53	25,830
Methyl Bromide	15	32
Methyl Chloride	67	582
Methyl Hydrazine	N/A	0.0024
Methyl Isobutyl Ketone (Hexone)	28	19,388
Methyl Methacrylate	18	4,522
Methyl Tert Butyl Ether	N/A	46
N, N Dimethylaniline	1.4	45



Naphthalene	N/A	0.35
Nickel Compounds (Selected Compound: Nickel Refinery Dust)	N/A	0.049
Phenol	3.3	1,295
Polychlorinated Biphenyls (Selected Compound: Aroclor 1254)	N/A	0.12
Polycyclic Organic Matter (Selected Compound: Benzo(a)pyrene)	N/A	0.013
Propionaldehyde	N/A	5.3
Propylene Dichloride	14	26
Selenium Compounds (Selected Compound: Selenium)	0.028	113
Styrene	31	6,442
Tetrachloroethylene (Perchloroethylene)	N/A	2.0
Toluene	109	146,766
Trichloroethylene	N/A	0.10
Vinyl Acetate	22	1,295
Vinyl Chloride	N/A	1.3
Vinylidene Chloride (1,2 Dichloroethylene)	2.1	1,295
Xylene (Mixed Isomers)	98	644

214.2 A physical change in, or change in the method of operation of, a source that increases the actual emissions of any Maricopa County HAPs emitted by the source, if it results in total source emissions that exceed one ton per year (tpy) of any individual HAP or 2.5 tpy of any combination of HAPs.

- 214.3 A physical change in, or change in the method of operation of, a source is not a modification subject to this rule, if:
- a. The change, together with any other changes implemented or planned by the source, qualifies for an alternative emission limitation under Section 112(i)(5) of the Act;
 - b. The Clean Air Act Section 112(d) or Section 112(f) imposes a standard requiring the change that is implemented after the Administrator promulgates the standard;
 - c. The change is routine maintenance, repair, or replacement;
 - d. The change is the use of an alternative fuel or raw material by reason of an order under Section 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 under the Federal Power Act, 16 U.S.C. 792-825f;
 - e. The change is the use of an alternative fuel by reason of an order or rule under Section 125 of the Act;
 - f. The change is the use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
 - g. The change is an increase in the hours of operation or in the production rate, unless the change would be prohibited under an enforceable permit condition; or
 - h. The change is any change in ownership at a stationary source.

215 ~~POTENTIAL TO EMIT / POTENTIAL EMISSION RATE~~—The maximum capacity of a stationary source to emit a pollutant, excluding secondary emissions, taking into account controls that are enforceable under any federal, state, or local law, rule, or regulation or that are inherent in the design of the source.

216 ~~SIC CODE~~—The standard industrial classification code number for a source category derived from 1987 Standard Industrial Classification Manual (U.S. Office Of Management And Budget, 1987).

217 ~~TECHNOLOGY TRANSFER~~—The process by which existing control technologies that have been successfully applied in other source categories that have similar processes or emissions units are reviewed for potential use in a different source category.

SECTION 300—STANDARDS



301 ~~MARICOPA COUNTY LIST OF HAZARDOUS AIR POLLUTANTS: The following federally listed hazardous air pollutants listed in Section 112(b)(1) of the Act (42 U.S.C. 7412(b)(1)) are hazardous air pollutants (HAPs) under this rule:~~

CAS No. HAPs

75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Aerolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (Including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (Isomers and mixture)
95487	o-Cresol
108394	m-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)



91941	3,3-Dichlorobenzidene
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethylaniline (N,N-Dimethylaniline)
64675	Diethyl sulfate
119904	3,3-Dimethoxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3'-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl-phthalate
77781	Dimethyl-sulfate
534521	4,6-Dinitro o-cresol, and salts
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl chloride (Chloroethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene 1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)
123319	Hydroquinone
78591	Isophorone
58899	Lindane (All isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
60344	Methyl hydrazine
74884	Methyl iodine (Iodomethane)



108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4,4 Methylene bis(2, chloroaniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diisocyanate (MDI)
101779	4,4 Methylene dianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl aziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,1,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (Chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide



- 75014 Vinyl chloride
- 75354 Vinylidene chloride (1,1-Dichloroethylene)
- 1330207 Xylenes (Isomers and mixture)
- 95476 o-Xylenes
- 108383 m-Xylenes
- 106423 p-Xylenes
- Antimony Compounds
- Arsenic Compounds (Inorganic including arsine)
- Beryllium Compounds
- Cadmium Compounds
- Chromium Compounds
- Cobalt Compounds
- Coke Oven Emissions
- Cyanide Compounds

X'CN where X = H' or any other group where a formal dissociation may occur. For example, KCN or Ca(CN)₂

Glycol Ethers

- a. Glycol ethers include mono and di ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)_nOR' where:
 - (1) n = 1, 2, or 3;
 - (2) R = alkyl C7 or less; or
 - (3) R = phenyl or alkyl substituted phenyl;
 - (4) R' = H or alkyl C7 or less; or
 - (5) OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate
- b. Glycol ethers does not include ethylene glycol monobutyl ether

Lead Compounds

Manganese Compounds

Mercury Compounds

Fine Mineral Fibers (Including mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag or other mineral derived fibers of average diameter 1 micrometer or less)

Nickel Compounds

Polycyclic Organic Matter (Including organic compounds with more than one benzene ring and which have a boiling point greater than or equal to 100°C) Radionuclides (Including radon. Radionuclide is a type of atom which spontaneously undergoes radioactive decay)

Selenium Compounds

302 NOTICE OF TYPES AND AMOUNTS OF HAPS: An owner and/or operator of a source subject to this rule shall provide the Control Officer with notice, in a permit application, of the types and amounts of HAPs emitted by the source. The notice shall include readily available data regarding emissions from the source. The Control Officer shall not require the owner and/or operator to conduct performance tests, sampling, or monitoring in order to fulfill the requirements of this section of this rule.

303 MODIFICATIONS; PERMITS; PERMIT REVISIONS:

303.1 Any person who constructs or modifies a source that is subject to this rule must first obtain a permit or significant permit revision that complies with:

- a. Rule 210 Title V Permit Provisions of these rules or Rule 220 Non Title V Permit Provisions of these rules; and
- b. Section 303.2 of this rule or Section 303.3 of this rule.

303.2 A permit or significant permit revision that the Control Officer issues to a new or modified minor source of Maricopa County hazardous air pollutants (HAPs) that is in one of the source categories listed in Table 1 Maricopa County HAPs Minor Source Categories of this rule shall impose HAPRACT under Section 304 of this rule, unless the applicant demonstrates, with a risk management analysis (RMA) under Section 306 of this rule, that the imposition of HAPRACT is not necessary to avoid adverse effects to human health or adverse environmental effects.

303.3 A permit or significant permit revision that the Control Officer issues to a new or modified major source of Maricopa County hazardous air pollutants (HAPs) shall impose AZMACT under Section 305 of this rule, unless the applicant



~~demonstrates, with a risk management analysis (RMA) under Section 306 of this rule, that the imposition of AZMACT is not necessary to avoid adverse effects to human health or adverse environmental effects.~~

~~303.4 If the Control Officer establishes a general permit establishing HAPRACT according to Rule 230 General Permits of these rules, the following apply:~~

- ~~a. The owner and/or operator of a source covered by that general permit may obtain a variance from HAPRACT by complying with a risk management analysis (RMA) under Section 306 of this rule when the source applies for the general permit;~~
- ~~b. If the owner and/or operator makes the applicable demonstration required by a risk management analysis (RMA) under Section 306 of this rule and otherwise qualifies for the general permit, the Control Officer shall approve the application according to ARS §49-480 County Air Pollution Control Permits; Fees and issue an authorization to operate granting a variance from the specific provisions of the general permit relating to HAPRACT; and~~
- ~~e. Except as modified by a variance, the general permit governs the source.~~

~~303.5 When determining whether HAP emissions from a new source or modification exceed the thresholds prescribed in Section 211 Definition Of Major Source Of Maricopa County Hazardous Air Pollutants (HAPs) of this rule and Section 213 Minor Source Of Maricopa County Hazardous Air Pollutants (HAPs) of this rule or a de minimis amount described in Table 2 Maricopa County HAPs De Minimis Levels in Section 214.1 of this rule, the Control Officer shall exclude particulate matter emissions that consist of natural crustal material and that are produced either by natural forces, such as wind or erosion, or by anthropogenic activities, such as agricultural operations, excavation, blasting, drilling, handling, storage, earthmoving, crushing, grinding, or traffic over paved or unpaved roads, or other similar activities.~~

~~303.6 In addition to the requirements of Appendix B Standard Permit Application Form And Filing Instructions of these rules, an application for a permit or a permit revision required under this section of this rule shall include one of the following:~~

- ~~a. The applicant's proposal and documentation for HAPRACT under Section 304 of this rule;~~
- ~~b. The applicant's proposal and documentation for AZMACT under Section 305 of this rule; or~~
- ~~e. A risk management analysis (RMA) submitted under Section 306 of this rule.~~

~~303.7 Any applicant for a permit or a permit revision under this rule may request accelerated permit processing under Rule 200 Permit Requirements.~~

304 CASE BY CASE HAPRACT DETERMINATION:

~~304.1 The applicant shall include in the application sufficient documentation to show that the proposed control technology or methodology meets the requirements of ARS §49-480.04 County Air Pollution Control County Program For Control Of Hazardous Air Pollutants and of this section of this rule.~~

~~304.2 An applicant subject to Section 303.2 Modifications; Permits; Permit Revisions of this rule shall propose HAPRACT for the new source or modification, to be included in the applicant's permit or significant permit revision. The applicant shall document each of the following steps:~~

- ~~a. The applicant shall identify the range of applicable control technologies, including:

 - ~~(1) A survey of similar emission sources to determine the emission limitations currently achieved in practice in the United States;~~
 - ~~(2) Controls applied to similar source categories, emissions units, or gas streams through technology transfer; and~~
 - ~~(3) Innovative technologies that are demonstrated to be reliable, that reduce emissions for HAP under review at least to the extent achieved by the control technology that would otherwise have been proposed and that meets all the requirements of ARS §49-480.04 County Air Pollution Control County Program For Control Of Hazardous Air Pollutants and this section of this rule.~~~~



- b. ~~The applicant shall propose as HAPRACT one of the control technologies identified under Section 304.2(a) Case By Case HAPRACT Determination of this rule and shall provide:~~
 - (1) ~~The rationale for selecting the specific control technologies from the range identified in Section 304.2(a) Case By Case HAPRACT Determination;~~
 - (2) ~~Estimated control efficiency, described as percent HAP removed;~~
 - (3) ~~Expected emission rates in tons per year and pounds per hour;~~
 - (4) ~~Expected emission reduction in tons per year and pounds per hour;~~
 - (5) ~~Economic impacts and cost effectiveness of implementing the proposed control technology;~~
 - (6) ~~Other environmental impacts of the proposed control technology; and~~
 - (7) ~~Energy impact of the proposed technology.~~
- e. ~~The applicant shall identify rejected control technologies identified in Section 304.2(a) Case By Case HAPRACT Determination of this rule and shall provide for each rejected control technology:~~
 - (1) ~~The rationale for rejecting the specific control technologies identified in Section 304.2(a) Case By Case HAPRACT Determination of this rule;~~
 - (2) ~~Estimated control efficiency described as percent HAP removed;~~
 - (3) ~~Expected emission rates in tons per year and pounds per hour;~~
 - (4) ~~Expected emission reduction in tons per year and pounds per hour;~~
 - (5) ~~Economic impact and cost effectiveness of implementing the rejected control technologies;~~
 - (6) ~~Other environmental impact of the rejected control technology; and~~
 - (7) ~~Energy impact of the rejected control technologies.~~

304.3 ~~The Control Officer shall determine whether the applicant’s HAPRACT selection complies with ARS §49 480.04 County Air Pollution Control County Program For Control Of Hazardous Air Pollutants and this section of this rule based on the documentation provided in Section 304.2 Case By Case HAPRACT Determination of this rule:~~

- a. ~~If the Control Officer finds that the applicant’s proposal complies with ARS §49 480.04 County Air Pollution Control County Program For Control Of Hazardous Air Pollutants and this section of this rule, the Control Officer shall include the applicant’s proposed HAPRACT selection in the permit or permit revision.~~
- b. ~~If the Control Officer finds that the applicant’s proposal fails to comply with ARS §49 480.04 County Air Pollution Control County Program For Control Of Hazardous Air Pollutants and this section of this rule, the Control Officer shall:~~
 - (1) ~~Notify the applicant that the proposal fails to meet requirements;~~
 - (2) ~~Specify the deficiencies in the proposal; and~~
 - (3) ~~State that the applicant shall submit a new HAPRACT proposal according to the provisions regarding permit application processing procedures in Rule 210 Title V Permit Provisions or Rule 220 Non Title V Permit Provisions of these rules.~~
- e. ~~If the applicant does not submit a new proposal, the Control Officer shall deny the application for a permit or permit revision.~~
- d. ~~If the Control Officer finds that the new proposal fails to comply with ARS §49 480.04 County Air Pollution Control County Program For Control Of Hazardous Air Pollutants and this section of this rule, the Control Officer shall deny the application for a permit or permit revision.~~

304.4 ~~If the Control Officer finds that a reliable method of measuring HAP emissions is not available, the Control Officer shall require, in the permit, the applicant to comply with a design, equipment, work practice or operational standard, or combination of these, but shall not impose a numeric emissions limitation upon the applicant.~~



~~304.5 The Control Officer shall not impose a control technology that would require the application of measures that are incompatible with measures required under Rule 370 Federal Hazardous Air Pollutant Program of these rules or 40 CFR Part 63 National Emission Standards For Hazardous Air Pollutants For Source Categories. An applicable control technology for a source or source category that is promulgated by the Administrator shall supersede control technology imposed by the Control Officer for that source or source category.~~

305 ~~CASE BY CASE AZMACT DETERMINATION:~~

~~305.1 The applicant shall include in the application sufficient documentation to show that the proposed control technology meets the requirements of ARS §49-480.04 County Air Pollution Control County Program For Control Of Hazardous Air Pollutants and of this section of this rule.~~

~~305.2 An applicant subject to Section 303.3 Modifications; Permits; Permit Revisions of this rule shall propose AZMACT for the new source or modification, to be included in the applicant's permit or permit revision. The applicant shall document each of the following steps:~~

- ~~a. The applicant shall identify all available control options, taking into consideration the measures cited in Section 205 Definition Of Arizona Maximum Achievable Control Technology (AZMACT) of this rule. The analysis shall include a survey of emission sources to determine the most stringent emission limitation currently achieved in practice in the United States. The survey may include technologies employed outside of the United States and may include controls applied through technology transfer to similar source categories and gas streams.~~
- ~~b. The applicant shall eliminate options that are technically infeasible because of source specific factors. The applicant shall clearly document the demonstration of technical infeasibility and shall base the demonstration upon physical, chemical, and engineering barriers that would preclude the successful use of each control option that the applicant has eliminated.~~
- ~~e. The applicant shall list the remaining control technologies in order of overall removal efficiency for the HAP under review, with the most effective at the top of the list. The list shall include the following information, for the control technology proposed and for any control technology that is ranked higher than the proposed technology:
 - ~~(1) Estimated control efficiency described by percent of HAP removed;~~
 - ~~(2) Expected emission rate in tons per year and pounds per hour;~~
 - ~~(3) Expected emission reduction in tons per year and pounds per hour;~~
 - ~~(4) Economic impact and cost effectiveness;~~
 - ~~(5) Other environmental impact; and~~
 - ~~(6) Energy impact.~~~~
- ~~d. The applicant shall evaluate the most effective controls, listed according to Section 305.2(c) Case By Case AZMACT Determination of this rule and document the results as follows:
 - ~~(1) For new major sources, the applicant shall consider the factors described in Section 305.2(c) Case By Case AZMACT Determination of this rule to arrive at the final control technology proposed as AZMACT.
 - ~~(a) The applicant shall discuss the beneficial and adverse economic, environmental, and energy impacts and quantify them where possible, focusing on the direct impacts of each control technology.~~
 - ~~(b) If the applicant proposes the top alternative in the list as AZMACT, the applicant shall consider whether other environmental impacts mandate the selection of an alternative control technology. If the applicant does not propose the top alternative as AZMACT, the applicant shall evaluate the next most stringent technology in the list. The applicant shall continue the evaluation process until the applicant arrives at a technology that the applicant does not eliminate because of source specific, economic, environmental, or energy impacts.~~~~
 - ~~(2) For a modification, the applicant shall evaluate the control technologies according to Section 305.2(d)(1) Case By Case AZMACT Determination of this rule. AZMACT for a modification may be less stringent than AZMACT for a new source in the same source category but shall not be less stringent than:~~~~



- ~~(a) In cases where the applicant has identified 30 or more sources, the average emission limitation achieved by the best performing 12% of the existing similar sources, which the applicant shall include in the permit application; or~~
- ~~(b) In cases where the applicant has identified fewer than 30 similar sources, the average emission limitation achieved by the best performing five sources, which the applicant shall include in the permit application.~~

e. The applicant shall propose as AZMACT for the HAP under review:

- ~~(1) The most effective control technology or methodology not eliminated in the evaluation described in Section 305.2(d) Case By Case AZMACT Determination of this rule; or~~
- ~~(2) An innovative technology that reduces emissions to the extent achieved by the control technology that the applicant otherwise would have proposed under Section 305.2(e)(1) Case By Case AZMACT Determination of this rule and that meets all the requirements of ARS §49-480.04 County Air Pollution Control County Program For Control Of Hazardous Air Pollutants and this section of this rule.~~

~~305.3 The Control Officer shall not approve a control technology or methodology less stringent than any applicable federal new source performance standard (NSPS) at 40 CFR Part 60 or national emission standard for hazardous air pollutants (NESHAP) at 40 CFR Part 61.~~

~~305.4 The Control Officer shall determine whether the applicant's AZMACT proposal complies with ARS §49-480.04 County Air Pollution Control County Program For Control Of Hazardous Air Pollutants and this section of this rule.~~

- ~~a. If the Control Officer determines that the applicant's proposal complies with ARS §49-480.04 County Air Pollution Control County Program For Control Of Hazardous Air Pollutants and this section of this rule, the Control Officer shall include the applicant's proposed AZMACT selection in the permit or permit revision.~~
- ~~b. If the Control Officer determines that the applicant's proposal does not comply with ARS §49-480.04 County Air Pollution Control County Program For Control Of Hazardous Air Pollutants and this section of this rule, the Control Officer shall:~~
 - ~~(1) Notify the applicant that the proposal does not meet the requirements;~~
 - ~~(2) Specify the deficiencies; and~~
 - ~~(3) State that the applicant shall submit a new AZMACT proposal according to permit application processing procedures in Rule 210 Title V Permit Provisions or Rule 220 Non Title V Permit Provisions of these rules.~~
- ~~e. If the applicant does not submit a new proposal, the Control Officer may deny the application for permit or permit revision.~~
- ~~d. If the Control Officer determines that the new proposal fails to comply with ARS §49-480.04 County Air Pollution Control County Program For Control Of Hazardous Air Pollutants and this section of this rule, the Control Officer shall deny the application for a permit or permit revision.~~

~~305.5 If a reliable method of measuring HAP emissions is not available, the Control Officer shall require the applicant to comply with a design, equipment, work practice, or operational standard, or combination of these, to be included in the applicant's permit, but shall not impose a numeric emissions limitation.~~

~~305.6 The Control Officer shall not impose a control technology that would require the application of measures that are incompatible with measures required under Rule 370 Federal Hazardous Air Pollutant Program of these rules or 40 CFR Part 63 National Emission Standards For Hazardous Air Pollutants For Source Categories. An applicable control technology for a source or source category that is promulgated by the Administrator shall supersede control technology imposed by the Control Officer for that source or source category.~~

306 RISK MANAGEMENT ANALYSES:

306.1 Applicability:

- a. An applicant seeking to demonstrate that HAPRACT or AZMACT is not necessary to prevent adverse effects to human health or the environment by conducting a risk management analysis (RMA) shall first apply for a permit



~~or a significant permit revision that complies with Rule 210 Title V Permit Provisions or Rule 220 Non Title V Permit Provisions of these rules.~~

- ~~b. An applicant seeking to demonstrate that HAPRACT or AZMACT is not necessary to prevent adverse effects to human health or the environment shall conduct a risk management analysis (RMA) according to this section of this rule.~~
- ~~e. The risk management analysis (RMA) for a new source shall apply to:
 - ~~(1) The source's annual total potential to emit Maricopa County HAPs for evaluation of chronic exposure; or~~
 - ~~(2) The source's hourly total potential to emit Maricopa County HAPs for evaluation of acute exposure.~~~~
- ~~d. The risk management analysis (RMA) for a modified source shall apply to:
 - ~~(1) The source's annual total potential to emit Maricopa County HAPs, after the modification, for evaluation of chronic exposure; or~~
 - ~~(2) The source's hourly total potential to emit Maricopa County HAPs, after the modification, for evaluation of acute exposure.~~~~
- ~~e. An applicant shall conduct a risk management analysis (RMA) for each Maricopa County HAP emitted by the source in greater than de minimis amounts.~~

306.2 The applicant may use any of the following methods for conducting a risk management analysis (RMA):

a. Tier 1 Equation:

- ~~(1) For emissions of a HAP included in a listed group of hazardous compounds, other than those HAPs identified in Table 3 Acute And Chronic Ambient Air Concentrations of this rule as selected compounds, the applicant shall determine a health based ambient air concentration, under Section 306.3(c) Risk Management Analyses Health Based Ambient Air Concentrations Of Maricopa County HAPs of this rule.~~
- ~~(2) The applicant shall determine the potential maximum hourly exposure resulting from emissions of the HAP by applying the following equation: $MHE = PPH * 17.68$, where:
 - ~~(a) MHE = maximum hourly exposure in milligrams per cubic meter, and~~
 - ~~(b) PPH = hourly potential to emit the HAP in pounds per hour.~~~~
- ~~(3) The applicant shall determine the potential maximum annual exposure resulting from emissions of the HAP by applying the following equation: $MAE = PPY * 1/MOH * 1.41$, where:
 - ~~(a) MAE = maximum annual exposure in milligrams per cubic meter,~~
 - ~~(b) PPY = annual potential to emit the HAP in pounds per year, and~~
 - ~~(c) MOH = maximum operating hours for the source, taking into account any enforceable operational limitations.~~~~
- ~~(4) The Control Officer shall not require compliance with HAPRACT for the HAP under Section 304 Case By Case HAPRACT Determination of this rule or with AZMACT for the HAP under Section 305 Case By Case AZMACT Determination of this rule, if both of the following are true:
 - ~~(a) The maximum hourly concentration determined under Section 306.2(a)(2) Risk Management Analyses Tier 1 Equation of this rule is less than the acute ambient air concentrations determined under Section 306.3(c) Risk Management Analyses Health Based Ambient Air Concentrations Of Maricopa County HAPs of this rule; and~~
 - ~~(b) The maximum annual concentration determined under Section 306.2(a)(3) Risk Management Analyses Tier 1 Equation of this rule is less than the chronic ambient air concentrations determined under Section 306.3(c) Risk Management Analyses Health Based Ambient Air Concentrations Of Maricopa County HAPs of this rule.~~~~
- ~~(5) If either the maximum hourly concentration determined under Section 306.2(a)(2) Risk Management Analyses Tier 1 Equation of this rule or the maximum annual concentration determined under Section~~



~~306.2(a)(3) Risk Management Analyses Tier 1 Equation is greater than or equal to the relevant ambient air concentration:~~

- ~~(a) The Control Officer shall require compliance with HAPRACT under Section 304 Case By Case HAPRACT Determination of this rule or with AZMACT under Section 305 Case By Case AZMACT Determination of this rule; or~~
- ~~(b) The applicant may use the Tier 2 SCREEN model method under Section 306.2(b) of this rule, the Tier 3 Modified SCREEN Model method under Section 306.2(c) of this rule, or the Tier 4 Modified SCREEN Model Or Refined Air Quality Model method under Section 306.2(d) of this rule for conducting a risk management analysis (RMA) under Section 306 Risk Management Analyses of this rule.~~

~~b. Tier 2-SCREEN Model:~~

- ~~(1) The applicant shall use the SCREEN model performed in a manner consistent with the Guideline specified in Rule 240 Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources, Section 308.1(f)(1) Permit Requirements For Sources Located In Attainment And Unclassifiable Areas Air Quality Models of these rules. The applicant shall compare the maximum concentration that is predicted in the ambient air with the relevant ambient air concentration determined under Section 306.3-Risk Management Analyses Health Based Ambient Air Concentrations Of Maricopa County HAPs of this rule.~~
- ~~(2) If the predicted maximum concentration is less than the relevant ambient air concentration, the Control Officer shall not require compliance with HAPRACT under Section 304 Case By Case HAPRACT Determination of this rule or AZMACT under Section 305 Case By Case AZMACT Determination of this rule.~~
- ~~(3) If the predicted maximum concentration is greater than or equal to the relevant ambient air concentration:~~
 - ~~(a) The Control Officer shall require compliance with HAPRACT under Section 304 Case By Case HAPRACT Determination of this rule or AZMACT under Section 305 Case By Case AZMACT Determination of this rule; or~~
 - ~~(b) The applicant may use the Tier 3 Modified SCREEN Model method under Section 306.2(c) of this rule or the Tier 4 Modified SCREEN Model Or Refined Air Quality Model method under Section 306.2(d) of this rule for determining maximum public exposure to Maricopa County HAPs under Section 306.2(c) Risk Management Analyses Tier 3 Modified SCREEN Model of this rule.~~

~~e. Tier 3 Modified SCREEN Model:~~

- ~~(1) The applicant shall use the SCREEN model performed in a manner consistent with the Guideline specified in Rule 240 Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources, Section 308.1(f)(1) Permit Requirements For Sources Located In Attainment And Unclassifiable Areas Air Quality Models of these rules.~~
- ~~(2) For evaluation of acute exposure, the applicant shall assume exposure in the ambient air.~~
- ~~(3) For evaluation of chronic exposure:~~
 - ~~(a) The applicant may use exposure assumptions consistent with institutional or engineering controls that are permanent and enforceable outside the permit.~~
 - ~~(b) The applicant shall notify the Control Officer of these controls. If the Control Officer does not approve of the proposed controls or if the controls are not permanent and enforceable outside of the permit, the applicant shall not use the method specified in Section 306.2(c)(3) Risk Management Analyses Tier 3-Modified SCREEN Model of this rule to determine maximum public exposure to the Maricopa County HAP.~~
- ~~(4) If the predicted maximum concentration is less than the relevant ambient air concentration, the Control Officer shall not require compliance with HAPRACT under Section 304 Case By Case HAPRACT Determination of this rule or AZMACT under Section 305 Case By Case AZMACT Determination of this rule.~~



- (5) If the predicted maximum concentration is greater than or equal to the relevant ambient air concentration:
- (a) ~~The Control Officer shall require compliance with HAPRACT under Section 304 Case By Case HAPRACT Determination of this rule or AZMACT under Section 305 Case By Case AZMACT Determination of this rule; or~~
 - (b) ~~The applicant may use the Tier 4 Modified SCREEN Model Or Refined Air Quality Model method under Section 306.2(d) of this rule for determining maximum public exposure to Maricopa County HAPs, under Section 306.2(d) of this rule.~~
- d. Tier 4 Modified SCREEN Model Or Refined Air Quality Model:
- (1) ~~The applicant shall employ either the SCREEN model or a refined air quality model performed in a manner consistent with the Guideline specified in Rule 240 Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources, Section 308.1(f)(1) Permit Requirements For Sources Located In Attainment And Unclassifiable Areas Air Quality Models of these rules.~~
 - (2) ~~For evaluation of acute exposure, the applicant shall assume exposure in the ambient air.~~
 - (3) ~~For evaluation of chronic exposure:~~
 - (a) ~~The applicant may use exposure assumptions consistent with institutional or engineering controls that are permanent and enforceable outside the permit.~~
 - (b) ~~The applicant shall notify the Control Officer of these controls. If the Control Officer does not approve of the proposed controls or if the proposed controls are not permanent and enforceable outside of the permit, the applicant shall assume chronic exposure in the ambient air.~~
 - (4) ~~The applicant may include in the Tier 4 risk management analysis (RMA) documentation of the following factors:~~
 - (a) ~~The estimated actual exposure to the HAP of persons living in the airshed of the source;~~
 - (b) ~~Available epidemiological or other health studies;~~
 - (c) ~~Risks presented by background concentrations of hazardous air pollutants;~~
 - (d) ~~Uncertainties in risk assessment methodology or other health assessment techniques;~~
 - (e) ~~Health or environmental consequences from efforts to reduce the risk; or~~
 - (f) ~~The technological and commercial availability of control methods beyond those otherwise required for the source and the cost of such methods.~~
 - (5) ~~The applicant shall submit a written protocol for conducting a risk management analysis (RMA), consistent with the requirements of Section 306.2(d) Risk Management Analyses Tier 4 Modified SCREEN Model Or Refined Air Quality Model of this rule, to the Control Officer for the Control Officer's approval. If the Control Officer does not approve the written protocol, the applicant may:~~
 - (a) ~~Submit a revised protocol to the Control Officer;~~
 - (b) ~~Propose HAPRACT under Section 304 Case By Case HAPRACT Determination of this rule or AZMACT under Section 305 Case By Case AZMACT Determination of this rule; or~~
 - (c) ~~Refuse to submit a revised protocol, in which case the Control Officer shall deny the application.~~
 - (6) ~~If the predicted maximum concentration is less than the relevant ambient air concentration or if warranted under the factors listed in Section 306.2(d)(4) Risk Management Analyses Tier 4 Modified SCREEN Model Or Refined Air Quality Model of this rule, the Control Officer shall not require compliance with HAPRACT under Section 304 Case By Case HAPRACT Determination of this rule or AZMACT under Section 305 Case By Case AZMACT Determination of this rule.~~
 - (7) ~~Except as provided in Section 306.2(d)(6) Risk Management Analyses Tier 4 Modified SCREEN Model Or Refined Air Quality Model of this rule, if the predicted maximum concentration is greater than or equal to the relevant ambient air concentration, the Control Officer shall require compliance with HAPRACT~~



~~under Section 304 Case By Case HAPRACT Determination of this rule or AZMACT under Section 305 Case By Case AZMACT Determination of this rule.~~

306.3 Health Based Ambient Air Concentrations Of Maricopa County HAPs:

- a. ~~For Maricopa County HAPs for which the Control Officer has already determined an ambient air concentration, the applicant shall use the acute and chronic values listed in Table 3-Acute And Chronic Ambient Air Concentrations of this rule.~~

Table 3 Acute And Chronic Ambient Air Concentrations

Chemical	Acute Ambient Air Concentrations (mg/m ³)	Chronic Ambient Air Concentrations (mg/m ³)
1,1,1 Trichloroethane (Methyl Chloroform)	2,075	2.30E+00
1,1,2,2 Tetrachloroethane	18	3.27E-05
1,3 Butadiene	7,514	6.32E-05
1,4 Dichlorobenzene	300	3.06E-04
2,2,4 Trimethylpentane	900	NA
2,4 Dinitrotoluene	5.0	2.13E-05
2-Chloroacetophenone	NA	3.13E-05
Acetaldehyde	306	8.62E-04
Acetophenone	25	3.65E-01
Acrolein	0.23	2.09E-05
Acrylonitrile	38	2.79E-05
Antimony Compounds (Selected Compound: Antimony)	13	1.46E-03
Arsenic Compounds (Selected Compound: Arsenic)	2.5	4.41E-07
Benzene	1,276	2.43E-04
Benzyl Chloride	26	3.96E-05
Beryllium Compounds (Selected Compound: Beryllium)	0.013	7.90E-07
Biphenyl	38	1.83E-01
bis (2 Ethylhexy) Phthalate	13	4.80E-04
Bromoform	7.5	1.72E-03
Cadmium Compounds (Selected Compound: Cadmium)	0.25	1.05E-06
Carbon Disulfide	311	7.30E-01
Carbon Tetrachloride	201	1.26E-04
Carbonyl Sulfide	30	NA
Chlorobenzene	1,000	1.04E+00
Chloroform	195	3.58E-04
Chromium Compounds (Selected Compound: Hexavalent Chromium)	0.10	1.58E-07
Cobalt Compounds (Selected Compound: Cobalt)	10	6.86E-07
Cumene	935	4.17E-01
Cyanide Compounds (Selected Compound: Hydrogen Cyanide)	3.9	3.13E-03
Dibenzofurans	25	7.30E-03
Dichloromethane (Methylene Chloride)	347	4.03E-03
Dimethyl Formamide	164	3.13E-02
Dimethyl Sulfate	0.31	NA
Ethyl Benzene	250	1.04E+00
Ethyl Chloride (Chloroethane)	1,250	1.04E+01
Ethylene Dibromide (Dibromoethane)	100	3.16E-06



Ethylene Dichloride (1,2-Dichloroethane)	405	7.29E-05
Ethylene Glycol	50	4.17E-01
Ethylidene Dichloride (1,1-Dichloroethane)	6,250	5.21E-01
Formaldehyde	17	1.46E-04
Glycol Ethers (Selected Compound: Diethylene Glycol, Monoethyl Ether)	250	3.14E-03
Hexachlorobenzene	0.50	4.12E-06
Hexane	11,649	2.21E+00
Hydrochloric Acid	16	2.09E-02
Hydrogen Fluoride (Hydrofluoric Acid)	9.8	1.46E-02
Isophorone	13	2.09E+00
Manganese Compounds (Selected Compound: Manganese)	2.5	5.21E-05
Mercury Compounds (Selected Compound: Elemental Mercury)	1.0	3.13E-04
Methanol	943	4.17E+00
Methyl Bromide	261	5.21E-03
Methyl Chloride	1,180	9.39E-02
Methyl Hydrazine	0.43	3.96E-07
Methyl Isobutyl Ketone (Hexone)	500	3.13E+00
Methyl Methacrylate	311	7.30E-01
Methyl Tert Butyl Ether	1,444	7.40E-03
N, N Dimethylaniline	25	7.30E-03
Naphthalene	75	5.58E-05
Nickel Compounds (Selected Compound: Nickel Refinery Dust)	5.0	7.90E-06
Phenol	58	2.09E-01
Polychlorinated Biphenyls (Selected Compound: Aroclor 1254)	2.5	1.90E-05
Polycyclic Organic Matter (Selected Compound: Benzo(a)pyrene)	5.0	2.02E-06
Propionaldehyde	403	8.62E-04
Propylene Dichloride	250	4.17E-03
Selenium Compounds (Selected Compound: Selenium)	0.50	1.83E-02
Styrene	554	1.04E+00
Tetrachloroethylene (Perchloroethylene)	814	3.20E-04
Toluene	1,923	5.21E+00
Trichloroethylene	1,450	1.68E-05
Vinyl Acetate	387	2.09E-01
Vinyl Chloride	2,099	2.15E-04
Vinylidene Chloride (1,2-Dichloroethylene)	38	2.09E-01
Xylene (Mixed Isomers)	1,736	1.04E-01

- b. For Maricopa County HAPs for which an ambient air concentration has not already been determined, the applicant shall determine the acute and chronic ambient air concentrations according to the process in Appendix H Procedures For Determining Ambient Air Concentrations For Hazardous Air Pollutants of these rules.
- e. For specific compounds included in Maricopa County HAPs listed as a group (e.g., arsenic compounds), the applicant may use an ambient air concentration developed according to the process in Appendix H Procedures For Determining Ambient Air Concentrations For Hazardous Air Pollutants of these rules.

306.4 As part of the risk management analysis (RMA), an applicant may voluntarily propose emissions limitations under Rule 220 Non Title V Permit Provisions, Section 304 Permits Containing Voluntarily Accepted Emissions Limitations, Controls, Or Other Requirements (Synthetic Minor) of these rules, in order to avoid being subject to



~~HAPRACT under Section 304 Case By Case HAPRACT Determination of this rule or to avoid being subject to AZMACT under Section 305 Case By Case AZMACT Determination of this rule.~~

306.5 ~~Documentation Of Risk Management Analysis (RMA): The applicant shall document each risk management analysis (RMA) performed for each Maricopa County HAP and shall include the following information:~~

- ~~a. The potential maximum public exposure of the Maricopa County HAP;~~
- ~~b. The method used to determine the potential maximum public exposure:

 - ~~(1) For Tier 1 Equation, the calculation demonstrating that the emissions of the Maricopa County HAP are less than the health based ambient air concentration, determined under Section 306.3(c) Risk Management Analyses Health Based Ambient Air Concentrations Of Maricopa County HAPs of this rule.~~
 - ~~(2) For Tier 2 SCREEN Model, the input files to and the results of the SCREEN Modeling.~~
 - ~~(3) For Tier 3 Modified SCREEN Model:~~~~

~~(a) The input files to and the results of the SCREEN Modeling; and~~

~~(b) The permanent and enforceable institutional or engineering controls approved by the Control Officer under Section 306.2(c)(3) Risk Management Analyses Tier 3 Modified SCREEN Model of this rule.~~

~~(4) For Tier 4 Modified SCREEN Model Or Refined Air Quality Model:~~

- ~~(a) The model the applicant used;~~
- ~~(b) The input files to and the results of the modeling;~~
- ~~(c) The modeling protocol approved by the Control Officer under Section 306.2(d)(3) Risk Management Analyses Tier 4 Modified SCREEN Model Or Refined Air Quality Model of this rule; and~~
- ~~(d) The permanent and enforceable institutional or engineering controls approved by the Control Officer under Section 306.2(d)(5) Risk Management Analyses Tier 4 Modified SCREEN Model Or Refined Air Quality Model of this rule;~~

~~e. The health based ambient air concentrations determined under Section 306.3 Risk Management Analyses Health Based Ambient Air Concentrations Of Maricopa County HAPs of this rule; and~~

~~d. Any voluntary emissions limitations that the applicant proposes under Section 306.4 Risk Management Analyses of this rule.~~

306.6 ~~An applicant may conduct a risk management analysis (RMA) for any alternative operating scenario, requested in the application, consistent with the requirements of Section 306.6 Risk Management Analyses of this rule. The alternative operating scenario may allow a range of operating conditions if the Control Officer concludes that the risk management analysis (RMA) demonstrates no adverse effects to human health or adverse environmental effects from operations within that range. Modifications to a source consistent with the alternative operating scenario are not subject to this rule.~~

SECTION 400 ADMINISTRATIVE REQUIREMENTS

401 ~~EFFECTIVE DATE: The provisions of this rule shall be effective June 6, 2007 and shall not apply to permits or significant permit revisions for which the Control Officer receives the first application component before the effective date of this rule.~~

402 ~~PERIODIC REVIEW:~~

402.1 ~~Within one year after the Administrator adds or deletes a pollutant to the federal list of hazardous air pollutants, under Section 112(b)(2) or Section 112(b)(3) of the Clean Air Act, the Control Officer shall adopt those revisions for the Maricopa County list of HAPs in Section 301 Maricopa County List Of Hazardous Air Pollutants of this rule, unless the Control Officer finds that there is no scientific evidence to support the revision.~~

402.2 ~~The Control Officer shall review the Maricopa County list of HAPs and the ambient air concentrations once every three years.~~

402.3 ~~Based upon the review, the Control Officer may revise:~~



- a. ~~The Maricopa County list of HAPs. The Control Officer shall add any HAP to or delete any HAP from the Maricopa County list of HAPs in Section 301 Maricopa County List Of Hazardous Air Pollutants of this rule according to Section 112(b)(1) of the Act (42 U.S.C. 7412(b)(1)).~~
- b. ~~The acute and chronic health based ambient air concentrations for Maricopa County HAPs; and~~
- e. ~~The acute and chronic de minimis levels for Maricopa County HAPs.~~
- d. ~~The list of included minor source categories in Section 102 Applicability of this rule.~~

~~SECTION 500—MONITORING AND RECORDS (NOT APPLICABLE)~~

Adopted 06/06/07

APPENDIX H

PROCEDURES FOR DETERMINING AMBIENT AIR CONCENTRATIONS
FOR HAZARDOUS AIR POLLUTANTS

INDEX

~~SECTION 1—APPLICABILITY~~

~~SECTION 2—CHRONIC AMBIENT AIR CONCENTRATIONS~~

~~SECTION 3—ACUTE AMBIENT AIR CONCENTRATIONS~~

MARICOPA COUNTY

AIR POLLUTION CONTROL REGULATIONS

APPENDIX H

PROCEDURES FOR DETERMINING AMBIENT AIR CONCENTRATIONS
FOR HAZARDOUS AIR POLLUTANTS

- 1. ~~APPLICABILITY: The procedure described in Appendix H of these rules shall be used to develop chronic ambient air concentrations (CAACs) and acute ambient air concentrations (AAACs) for hazardous air pollutants (HAPs) for the following:~~
 - a. ~~Any HAP not included in Rule 372 Maricopa County Hazardous Air Pollutants (HAPS) Program Table 3 Acute And Chronic Ambient Air Concentrations of these rules; and~~
 - b. ~~Any compound included in a group of HAPs listed in Rule 372 Maricopa County Hazardous Air Pollutants (HAPS) Program Table 3 Acute And Chronic Ambient Air Concentrations of these rules, other than those identified in the group listing as the “selected” compound.~~
- 2. ~~CHRONIC AMBIENT AIR CONCENTRATIONS:~~
 - a. ~~The applicant shall review the following data sources and, except as otherwise provided, shall give them the priority indicated in the development of chronic ambient air concentrations (CAACs):~~
 - (1) ~~Tier 1 Data Sources: Reference Concentrations (RfCs) and air Unit Risk Factors (URFs) as presented in the Integrated Risk Information System (IRIS) of the United States Environmental Protection Agency (EPA).~~
 - (2) ~~Tier 2 Data Sources:~~
 - (a) ~~Preliminary Remediation Goals (PRGs) developed by Region 9 of the EPA.~~
 - (b) ~~Risk Based Concentrations (RBCs) developed by Region 3 of the EPA.~~
 - (3) ~~Tier 3 Data Sources:~~
 - (a) ~~Minimal Risk Levels (MRLs) developed by the Agency For Toxic Substances And Disease Registry (ATSDR).~~
 - (b) ~~Reference Exposure Levels (RELs) and Unit Risk Factors (CalURFs) developed by the California Environmental Protection Agency.~~



b. Evaluation Of Tier 1 Values:

(1) Calculation Of Concentrations:

(a) Reference Concentrations (RfCs) shall be multiplied by 1.04 to reflect an assumed exposure of 350 rather than 365 days per year.

(b) Unit Risk Factors (URFs) shall be transformed into concentrations in milligrams per cubic meter (mg/m³) by applying the following equation:

$TR \times ATe / (EF \times IFA \text{ adj} \times [URF \times BW / IR])$

Where: TR = 1E-06

ATe = 25,550 days

EF = 350 days/year

IFA adj = 11m³-year/kg-day

BW = 70 kg

IR = 20 m³/day

(2) Comparison To Tier 2 And Tier 3 Concentrations:

(a) The concentration developed in accordance with Section 2(b)(1) of this appendix shall be compared to the Tier 2 and Tier 3 concentrations for the compound, if any.

(b) Unit Risk Factor (URF) based concentrations shall be compared only to concentrations based on Unit Risk Factors (CalURFs) developed by the California Environmental Protection Agency.

(c) Reference Concentrations (RfCs) based concentrations shall be compared to concentrations based on Preliminary Remediation Goals (PRGs), Risk Based Concentrations (RBCs), Minimal Risk Levels (MRLs), and Reference Exposure Levels (RELs).

(d) If there is reasonable agreement between Tier 1 concentration and the other concentrations for the compound, the Tier 1 concentration shall be selected as the chronic ambient air concentration (CAAC).

(e) If the Tier 1 concentration is not in reasonable agreement with the other concentrations and one of the other concentrations is based on more recent or relevant studies that concentration shall be selected as the chronic ambient air concentration (CAAC). Otherwise, the Tier 1 concentration shall be selected.

(3) If both a Reference Concentration (RfC) based and a Unit Risk Factor (URF) based Tier 1 concentration is selected under Section 2(b)(2) of this appendix, the more stringent of the two shall be used as the chronic ambient air concentration (CAAC).

(4) If a Tier 1 value is selected in accordance with this section of this appendix, no further evaluation of Tier 2 or Tier 3 concentrations is required.

e. Evaluation Of Tier 2 Concentrations:

(1) Selection Of Tier 2 Values For Further Evaluation:

(a) If there is only a Preliminary Remediation Goal (PRG) or Risk Based Concentrations (RBCs) for the compound, it shall be selected for further evaluation in accordance with Section 2(c)(2) of this appendix.

(b) If there is both a Preliminary Remediation Goal (PRG) and a Risk Based Concentration (RBC) for the compound, the concentrations shall be compared. If the concentrations are similar, the Preliminary Remediation Goal (PRG) shall be selected for further evaluation. If the concentrations are not similar and the Risk Based Concentration (RBC) is based on more relevant or more recent studies, it shall be selected for further evaluation. Otherwise, the Preliminary Remediation Goal (PRG) shall be selected.

(2) Comparison To Tier 3 Concentrations:



- (a) ~~The concentration developed in accordance with Section 2(c)(1) of this appendix shall be compared to the Tier 3 concentrations for the compound, if any. For purposes of this comparison, only Minimal Risk Level (MRL) based or Reference Exposure Level (REL) based concentrations shall be considered.~~
 - (b) ~~If there is reasonable agreement between the Tier 2 concentrations and the Tier 3 concentrations for the compound, the Tier 2 concentration shall be selected as the chronic ambient air concentration (CAAC).~~
 - (c) ~~If the Tier 2 concentration is not in reasonable agreement with the Tier 3 concentrations and one of the Tier 3 concentrations is based on more recent or relevant studies, that concentration shall be selected as the chronic ambient air concentration (CAAC). Otherwise, the Tier 2 concentration shall be selected.~~
 - (d) ~~If the Tier 2 concentration is selected in accordance with Section 2(c) of this appendix, no further evaluation of Tier 3 concentrations is required.~~
- d. Evaluation Of Tier 3 Values:
- (1) Calculation Of Concentrations:
 - (a) ~~Minimal Risk Levels (MRLs) and Reference Exposure Levels (RELs) shall be multiplied by 1.04 to reflect an assumed exposure of 350 rather than 365 days per year.~~
 - (b) ~~Unit Risk Factors (CalURFs) developed by the California Environmental Protection Agency shall be transformed into concentrations in milligrams per cubic meter (mg/m³) by applying the following equation:~~

$$TR \times ATc / (EF \times IFA \text{ adj} \times [CalURF \times BW / IR])$$

Where: $TR = 1E-06$
 $ATc = 25,550 \text{ days}$
 $EF = 350 \text{ days/year}$
 $IFA \text{ adj} = 11 \text{ m}^3 \text{ year/kg day}$
 $BW = 70 \text{ kg}$
 $IR = 20 \text{ m}^3 \text{ /day}$
 - (2) Selection Of Concentration:
 - (a) ~~If both a Minimal Risk Level (MRL) and a Reference Exposure Level (REL) exist for the compound, the most appropriate shall be selected after considering the relevance and timing of the studies on which the levels are based.~~
 - (b) ~~If there is both a Unit Risk Factors (CalURFs) developed by the California Environmental Protection Agency based concentration and a concentration based on a Minimal Risk Level (MRL) or a Reference Exposure Level (REL) for the compound, the more stringent of the two shall be selected.~~
- e. No Available Data: ~~If there is no data available in any of the sources identified in Section 2(a) of this appendix for the compound, the applicant must perform a Tier 4 risk management analysis (RMA) under Rule 372 Maricopa County Hazardous Air Pollutants (HAPS) Program Section 306 Risk Management Analysis (RMA) of these rules or forego the risk management analysis (RMA) option.~~

3. ACUTE AMBIENT AIR CONCENTRATIONS:

- a. Selection Of Concentration:
 - (1) ~~The first concentration identified by evaluating the following data sources in the order listed shall be adjusted, where required, and used as the acute ambient air concentration (AAAC) for the compound:~~
 - (a) ~~The level 2 four hour average Acute Exposure Guideline Level developed by the EPA Office Of Prevention Pesticides And Toxic Substances.~~
 - (b) ~~The level 2 Emergency Response Planning Guideline (ERPG) developed by the American Industrial Hygiene Association. The acute ambient air concentration (AAAC) shall be the Emergency Response Planning Guideline (ERPG) divided by two.~~



- (e) ~~The level 2 Temporary Emergency Exposure Limit (TEEL) developed by the United States Department Of Energy's Emergency Management Advisory Committee's Subcommittee On Consequence Assessment And Protective Action. The acute ambient air concentration (AAAC) shall be the Temporary Emergency Exposure Limit (TEEL) divided by two.~~

- (2) ~~No Available Data: If there is no data available in any of the sources identified in Section 3(a) of this appendix, the applicant must perform a Tier 4 risk management analysis (RMA) under Rule 372 Maricopa County Hazardous Air Pollutants (HAPS) Program Section 306 Risk Management Analysis (RMA) of these rules or forego the risk management analysis (RMA) option.~~

REGISTER INDEXES

The *Register* is published by volume in a calendar year (See “Information” in the front of each issue for a more detailed explanation).

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

PN = Proposed new Section
PM = Proposed amended Section
PR = Proposed repealed Section
P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING

SPN = Supplemental proposed new Section
SPM = Supplemental proposed amended Section
SPR = Supplemental proposed repealed Section
SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING

FN = Final new Section
FM = Final amended Section
FR = Final repealed Section
F# = Final renumbered Section

SUMMARY RULEMAKING**PROPOSED SUMMARY**

PSMN = Proposed Summary new Section
PSMM = Proposed Summary amended Section
PSMR = Proposed Summary repealed Section
PSM# = Proposed Summary renumbered Section

FINAL SUMMARY

FSMN = Final Summary new Section
FSMM = Final Summary amended Section
FSMR = Final Summary repealed Section
FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING**PROPOSED EXPEDITED**

PEN = Proposed Expedited new Section
PEM = Proposed Expedited amended Section
PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED

SPEN = Supplemental Proposed Expedited new Section
SPEM = Supplemental Proposed Expedited amended Section
SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

FEN = Final Expedited new Section
FEM = Final Expedited amended Section
FER = Final Expedited repealed Section
FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING**EXEMPT PROPOSED**

PXN = Proposed Exempt new Section
PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

SPXN = Supplemental Proposed Exempt new Section
SPXR = Supplemental Proposed Exempt repealed Section
SPXM = Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULMAKING

FXN = Final Exempt new Section
FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING

EN = Emergency new Section
EM = Emergency amended Section
ER = Emergency repealed Section
E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

TN = Terminated proposed new Sections
TM = Terminated proposed amended Section
TR = Terminated proposed repealed Section
T# = Terminated proposed renumbered Section

RULE EXPIRATIONS

EXP = Rules have expired

See also “emergency expired” under emergency rulemaking

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R9-30-212.	PM-805		FM-1675		FXN-111
R9-30-213.	PM-805	R9-26-501.	PM-177;	R7-2-302.06.	FX#-111;
R9-30-214.	PM-805		FM-1675		FXR-143
R9-30-215.	PM-805	R9-26-502.	PM-177;	R7-2-302.07.	FX#-111;
R9-30-216.	PM-805		FM-1675		FXR-143
R9-30-218.	PR-805	R9-26-503.	PM-177;	R7-2-302.08.	FX#-111;
R9-30-401.	PR-805		FM-1675		FXR-143
R9-30-402.	PR-805	R9-26-504.	PM-177;	R7-2-302.09.	FX#-111;
			FM-1675		FXR-143
Clean Elections Commission, Citizens		R9-26-505.	PM-177;	R7-2-302.10.	FX#-111;
R2-20-109.	PXM-1744;		FM-1675		FXN-111;
	PXM-1777;	R9-26-506.	PM-177;		FXM-143;
	PXM-1883		FM-1675		FXR-197
R2-20-110.	PX#-1888;	R9-26-507.	PM-177;	R7-2-607.	FXM-648
	PXM-1888		FM-1675	R7-2-614.	FXM-667
R2-20-111.	PX#-1891;	R9-26-508.	PM-177;	R7-2-615.	FXM-219;
	PXM-1891		FM-1675		FXM-227;
R2-20-114.	PX#-1893;	R9-26-509.	PM-177;		FXM-233;
	PXN-1893		FM-1675		FXM-670;
R2-20-115.	PX#-1895;	R9-26-510.	PM-177;		FXM-1912
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R2-20-702.	PXM-1897	R9-26-511.	PR-177; PN-177;	R7-2-619.	FXM-648
Corporation Commission - Fixed Utili- ties			FR-1675;	R7-2-621.	FXM-219;
R14-2-802.	PM-411;		FN-1675		FXM-227
	FM-1949	R9-26-512.	PM-177;		
Corporation Commission - Transporta- tion			FM-1675	Environmental Quality, Department of - Air Pollution Control	
R14-5-202.	EM-5; EM-1637	R9-26-515.	P#-177; PN-177;	R18-2-611.	FXM-987
R14-5-203.	EM-5; EM-1637		F#-1675;	R18-2-611.01.	FXM-987
R14-5-204.	EM-5; EM-1637	R9-26-516.	FM-1675	R18-2-709.	EXP-15
R14-5-205.	EM-5; EM-1637		P#-177; F#-1675	R18-2-711.	EXP-15
R14-5-207.	EM-5; EM-1637	R9-26-517.	PM-177;	R18-2-712.	EXP-15
			FM-1675	R18-2-713.	EXP-15
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R4-10-108.	PM-1941		FM-1675	R18-2-732.	EXP-15
Deaf and the Hard of Hearing, Commis- sion for		Dental Examiners, State Board of		Environmental Quality, Department of - Safe Drinking Water	
R9-26-101.	P#-177; F#-1675	R4-11-201.	FM-371	R18-4-102.	FM-379
R9-26-201.	P#-177; PM-177;	R4-11-202.	FM-371	R18-4-103.	FM-379
	F#-1675;	R4-11-203.	FM-371	R18-4-105.	FM-379
	FM-1675	R4-11-204.	FM-371	R18-4-121.	FM-379
R9-26-202.	P#-177; PM-177;	R4-11-301.	FM-371	R18-4-126.	FN-379
	F#-1675;	R4-11-302.	FR-371	R18-4-210.	FM-379
	FM-1675	R4-11-303.	FM-371	Environmental Quality, Department of - Water Pollution Control	
R9-26-203.	P#-177; PM-177;	R4-11-304.	FM-371	R18-9-704.	FM-1696
	F#-1675;	R4-11-305.	FM-371	Environmental Quality, Department of - Water Quality Standards	
	FM-1675			R18-11-106.	TM-343;
R9-26-204.	P#-177; PM-177;	Economic Security, Department of - Developmental Disabilities			PM-255
	F#-1675;	R6-6-1401.	EXP-14	R18-11-109.	TM-343;
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	F#-1675;		FXN-1603;		PM-255
	FM-1675		FXR-1607;	R18-11-112.	TM-343;
R9-26-206.	P#-177;		FXN-1607		PM-255
	F#-1675;	R6-5-5201.	PM-1029	R18-11-115.	TM-343;
R9-26-207.	P#-177; PN-177	R6-5-5202.	PM-1029		PM-255
	F#-1675;	R6-5-5207.	PM-1029	R18-11-121.	TM-343;
	FN-1675	R6-5-5217.	PM-1029		PM-255
R9-26-301.	PR-177; P#-177;	R6-5-5218.	PM-1029	Appendix A.	TM-343;
	PM-177;	R6-5-5219.	PM-1029		PM-255
	FR-1675;	Economic Security, Department of - The JOBS Program		Appendix B.	TM-343;
	F#-1675;	R6-10-118.	EXP-1393		PM-255
	FM-1675;	R6-10-125.	EXP-1393		
		R6-10-126.	EXP-1393		

Appendix C.	TM-343; PM-255	R9-15-206.	FXR-851; FXN-851	R9-19-206.	FXR-1782; FXN-1782
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R12-4-702.	PM-810			R9-19-209.	FXN-1782
R12-4-703.	PM-810	R9-15-208.	FXR-851; FXN-851	R9-19-210.	FXN-1782
R12-4-704.	PM-810			R9-19-211.	FXN-1782
R12-4-705.	PM-810	R9-15-209.	FXR-851; FXN-851	R9-19-212.	FXN-1782
R12-4-706.	PM-810			R9-19-301.	FXM-1782
R12-4-707.	PM-810	R9-15-210.	FXR-851; FXN-851	R9-19-302.	FX#-1782; FXN-1782
R12-4-708.	PM-810			R9-19-303.	FXR-1782; FXN-1782
R12-4-801.	FXM-951	R9-15-211.	FXR-851; FXN-851	R9-19-304.	FXR-1782; FXN-1782
R12-4-802.	FXM-951			R9-19-305.	FXR-1782; FX#-1782; FXM-1782
R12-4-803.	FXM-951	R9-15-212.	FXR-851; FXN-851	R9-19-306.	FX#-1782; FXN-1782
Health Services, Department of - Health Care Institutions: Licensing		R9-15-213.	FXR-851; FXN-851	R9-19-307.	FXR-1782; FX#-1782; FXM-1782
R9-10-101.	FXM-1035			R9-19-308.	FX#-1782; FXM-1782
R9-10-119.	PN-139; EM-420; FN-1343	R9-15-214.	FXR-851; FXN-851	R9-19-309.	FXR-1782; FX#-1782; FXM-1782
		R9-15-215.	FXR-851; FXN-851		
R9-10-707.	FXM-1035	R9-15-216.	FXR-851		
R9-10-1002.	FXM-1035	R9-15-217.	FXR-851	R9-19-310.	FX#-1782; FXM-1782
R9-10-1025.	FXM-1035	R9-15-218.	FXR-851		
R9-10-1030.	FXM-1035	R9-15-301.	FXR-851	R9-19-311.	FX#-1782; FXM-1782
R9-10-1031.	FXN-1035	R9-15-302.	FXR-851	R9-19-312.	FX#-1782; FXM-1782
Health Services, Department of - Laboratories		R9-15-303.	FXR-851	R9-19-313.	FX#-1782; FXM-1782
R9-14-601.	PM-1415	R9-15-304.	FXR-851	R9-19-314.	FX#-1782; FXN-1782
R9-14-602.	PM-1415	R9-15-305.	FXR-851		
R9-14-603.	PM-1415	R9-15-306.	FXR-851	R9-19-315.	FXN-1782
R9-14-605.	PM-1415	R9-15-307.	FXR-851	R9-19-316.	FXN-1782
R9-14-606.	PM-1415	R9-15-308.	FXR-851	R9-19-317.	FXN-1782
R9-14-607.	PM-1415	R9-15-309.	FXR-851	R9-19-402.	FXR-1782
R9-14-608.	PM-1415	R9-15-310.	FXR-851	R9-19-403.	FXR-1782
R9-14-609.	PM-1415	R9-15-311.	FXR-851	R9-19-404.	FXR-1782
R9-14-609.	PM-1415	R9-15-312.	FXR-851	R9-19-405.	FXR-1782
R9-14-610.	PM-1415	R9-15-313.	FXR-851	R9-19-406.	FXR-1782
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R9-14-612.	PM-1415	R9-15-315.	FXR-851	R9-19-412.	FXR-1782
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R9-14-615.	PM-1415	R9-15-318.	FXR-851		
R9-14-616.	PM-1415	R9-15-101.	FXR-851	Industrial Commission of Arizona	
R9-14-617.	PM-1415	R9-15-101.	FXR-851	R20-5-601.	FM-773; FM-1391
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 R19-3-567. P#-1091
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Nursing, State Board of

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2016 RULES EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

January		February		March		April		May		June	
Date Filed	Effective Date										
1/1	3/1	2/1	4/1	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/2	2/2	4/2	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/3	2/3	4/3	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/4	2/4	4/4	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/5	2/5	4/5	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/6	2/6	4/6	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/7	2/7	4/7	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/8	2/8	4/8	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/9	2/9	4/9	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/10	2/10	4/10	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/11	2/11	4/11	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/12	2/12	4/12	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/13	2/13	4/13	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/14	2/14	4/14	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/15	2/15	4/15	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/16	2/16	4/16	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/17	2/17	4/17	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/18	2/18	4/18	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/19	2/19	4/19	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/20	2/20	4/20	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/21	2/21	4/21	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/22	2/22	4/22	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/23	2/23	4/23	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/24	2/24	4/24	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/25	2/25	4/25	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/26	2/26	4/26	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/27	2/27	4/27	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/28	2/28	4/28	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/29	2/29	4/29	3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/30			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	3/31			3/31	5/30			5/31	7/30		



July		August		September		October		November		December	
Date Filed	Effective Date										
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30/13
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1/13	12/2	1/31/13
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2/13	12/3	2/1/13
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3/13	12/4	2/2/13
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4/13	12/5	2/3/13
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5/13	12/6	2/4/13
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6/13	12/7	2/5/13
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7/13	12/8	2/6/13
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8/13	12/9	2/7/13
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9/13	12/10	2/8/13
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10/13	12/11	2/9/13
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11/13	12/12	2/10/13
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12/13	12/13	2/11/13
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13/13	12/14	2/12/13
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14/13	12/15	2/13/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15/13	12/16	2/14/13
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16/13	12/17	2/15/13
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17/13	12/18	2/16/13
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18/13	12/19	2/17/13
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19/13	12/20	2/18/13
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20/13	12/21	2/19/13
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21/13	12/22	2/20/13
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22/13	12/23	2/21/13
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23/13	12/24	2/22/13
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24/13	12/25	2/23/13
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25/13	12/26	2/24/13
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26/13	12/27	2/25/13
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27/13	12/28	2/26/13
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28/13	12/29	2/27/13
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29/13	12/30	2/28/13
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1/13



REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Table with 3 columns: Deadline Date (paper only) Friday, 5:00 p.m., Register Publication Date, and Oral Proceeding may be scheduled on or after. Rows list dates from June 10, 2016 to December 30, 2016.



GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor’s Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines as a courtesy.

All rules and Five-Year Review Reports are due in the Council office by noon of the deadline date. The Council’s office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit www.grrc.state.az.us.

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2016

DEADLINE TO BE PLACED ON COUNCIL AGENDA	FINAL MATERIALS DUE FROM AGENCIES	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
November 17, 2015	December 18, 2015	December 29, 2015	January 5, 2016
December 21, 2015	January 15, 2016	January 26, 2016	February 2, 2016
January 19, 2016 (Tuesday)	February 12, 2016	February 23, 2016	March 1, 2016
February 16, 2016 (Tuesday)	March 18, 2016	March 29, 2016	April 5, 2016
March 21, 2016	April 15, 2016	April 26, 2016	May 5, 2016
April 18, 2016	May 20, 2016	June 1, 2016 (Wednesday)	June 7, 2016
May 23, 2016	June 17, 2016	June 28, 2016	July 6, 2016 (Wednesday)
June 20, 2016	July 15, 2016	July 26, 2016	August 2, 2016
July 18, 2016	August 19, 2016	August 30, 2016	September 7, 2016 (Wednesday)
August 22, 2016	September 16, 2016	September 27, 2016	October 4, 2016
September 19, 2016	October 14, 2016	October 25, 2016	November 1, 2016
October 17, 2016	November 18, 2016	November 29, 2016	December 6, 2016
November 21, 2016	December 16, 2016	December 28, 2016 (Wednesday)	January 4, 2017 (Wednesday)

*Materials must be submitted by **noon** on dates listed as a deadline for placement on a particular agenda. Placement on a