

NOTICE OF FINAL RULEMAKING
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
REGULATION I
RULE 100 – GENERAL PROVISIONS AND DEFINITIONS
APPENDICES
APPENDIX G - INCORPORATED MATERIALS

PREAMBLE

<u>1. Sections Affected</u>	<u>Rulemaking Action</u>
Rule 100 § Index	Amend
Rule 100 § 100	Amend
Rule 100 § 200	Amend
Rule 100 § 400	Amend
Rule 100 § 500	Amend
Appendix G - Incorporated Materials	New Appendix

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rule is implementing (specific):

Authorizing statutes: Arizona Revised Statutes (ARS) § 49-112(A), § 49-476.01(A), §49-476.01(B) and § 49-479
Implementing Statute: Arizona Revised Statutes (ARS) § 49-479

3. The effective date of the rules:

Date of adoption by the Board of Supervisors: March 15, 2006

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

- a. Notice of Rulemaking Docket Opening: 11 A.A.R. 4394, November 4, 2005
- b. Notice of Proposed Rulemaking: 11 A.A.R. 4797, November 14, 2005

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

Name: Hilary R Hartline or Jo Crumbaker, Maricopa County Air Quality Dept.
Address: 1001 North Central Avenue, Suite # 695, Phoenix, AZ 85004
Telephone Number: 602-506-3476 or 602-506-6705
Fax Number: 602-506-6179
E-Mail Address: hhartline@mail.maricopa.gov or jcrumbak@mail.maricopa.gov

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

Background

Maricopa County is required to incorporate changes promulgated by the Environmental Protection Agency (EPA) in 40 Code of Federal Regulations (CFR) into the Maricopa County Air Pollution Control Regulations. Maricopa County initiated this rulemaking in response to recent notices published by the EPA in the Federal Register (FR).

Summary

Maricopa County is amending Rule 100, General Provisions and Definitions. Rule 100 includes definitions, administrative requirements, requirement for emissions statements and data reporting and other general information. Maricopa County is adding a new Appendix G, Incorporated Materials.

On November 29, 2004, the EPA published two final rules in the Federal Register. The first final rule, 69 FR 69298 - 69304, exempted t-butyl acetate from volatile organic compound (VOC) emissions limitations and content requirements. In the second final rule, 69 FR 69290 - 69298, the EPA added four compounds to the list of compounds excluded from the definition of VOC at 40 CFR 51.100(s)(1), and also made nomenclature changes to two previously exempted compounds. Maricopa County is incorporating these changes into Rule 100, as required by the EPA. With this action, Maricopa County is also responding to a petition by an interested party to incorporate the changes to t-butyl acetate into Rule 100. In 62 FR 38652 - 38760 (7/18/97), the EPA promulgated final rules implementing the National Ambient Air Quality Standards (NAAQS) for PM_{2.5}. Maricopa County is adding the definition for PM_{2.5} to Rule 100 and adding "40 CFR 50, Appendix L" to the Reference Method definition.

In this rulemaking, Maricopa County also amended Rule 100 by making several technical corrections. Maricopa County removed the terms "Bureau", "Division", "Division of Air Pollution Control" and "Maricopa County Environmental Services Department" and replaced, where applicable, with "Maricopa County Air Quality Department" or "Department" in order to reflect the creation of the Maricopa County Air Quality Department on November 17, 2004. Maricopa County also updated the suite number and telephone number for the Air Quality Department. Maricopa County updated references to the ARS in several definitions to be consistent with the text currently used in the ARS. Several definitions in Rule 100 reference other sections of the Maricopa County Air Pollution Control Regulations. Maricopa County revised these references, where needed, due to the deletion and addition of definitions in Rule 100. Maricopa County also changed the term "subsection" to "section" when addressing sections of the Maricopa County Air Pollution Control Regulations in order to ensure consistency throughout the rules. Finally, Maricopa County added a new Appendix G, Incorporated Materials. The intent of several of the revisions to Rule 100 is for Maricopa County's rule to be

consistent with 40 CFR and the AAC. These and other substantive revisions to Rule 100 are discussed in the Section by Section Explanation of Changes.

Note: Numerical references to the ADEQ rules at Title 18, Chapter 2, Section 101, Definitions are subject to change due to the addition or deletion of definitions by ADEQ in subsequent rulemakings.

Section by Section Explanation of Changes:

Section 110	This revision changes the text "Pollution Standard Index (PSI)" to "Air Quality Index (AQI)". The EPA changed the name of this index in 64 FR 42530 - 42549, 8/4/99.
Section 112	This revision adds a new Section 112 "Availability of Information" to indicate where incorporated materials are available.
Section 200.14	This revision modifies the definition of AP-42, because AP-42 is now incorporated by reference in Appendix G.
Section 200.38	This revision removes the outdated text "The Division of Air Pollution Control within the Maricopa County Environmental Management and Transportation Agency."
Section 200.39	This revision adds the definition for "Dust Generating Operation". This definition is currently used in Maricopa County Air Pollution Control Regulations Rules 310 and Rules 316.
Section 200.40	This revision removes the definition for "Earthmoving Operation". This definition is currently only used in Maricopa County Air Pollution Control Regulation Rule 310.
Section 200.49(b)	This revision changes the word "unitary" to "preconstruction" in the definition for "Federal Applicable Requirement" to reflect the language used in 40 CFR 70.2 and the Arizona Administrative Code (AAC) R18-2-101(42)(b).
Section 200.67	This revision adds a definition for "Nitrogen Oxides (NO _x)". The term "Nitrogen Oxides" is used in multiple Maricopa County Air Pollution Control Regulations. The term is defined as in 40 CFR 60.2 and AAC R18-2-101(76).
Section 200.69	On November 29, 2004, the EPA published two final rules in the Federal Register. The first final rule, 69 FR 69298 - 69304, exempted t-butyl acetate (also known as tertiary butyl acetate, TBAC, or TBAC) from VOC emissions limitations and content requirements. EPA codified this change at 40 CFR 51.100(s)(5). T-butyl acetate will continue to be a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to VOCs. EPA has made this determination on the reactivity of t-butyl acetate because of the "closeness" of t-butyl acetate to EPA's reactivity exemption line. In the second final rule, 69 FR 69290 - 69298, the EPA added four compounds to the list of compounds excluded from the definition of VOC at 40 CFR 51.100(s)(1), and also

made nomenclature changes to two previously exempted compounds. The four compounds are: 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane ($n\text{-C}_3\text{F}_7\text{OCH}_3$, or HFE-7000), 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (or HFE-7500, HFE-s702, T-7145, or L-15381), 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea), and methyl formate (HCOOCH_3). EPA based this ruling on its determination that the four compounds make a negligible contribution to tropospheric ozone formation. EPA also made nomenclature changes to two previously exempted compounds: the addition of "HFE-7100" to the definition of 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($\text{C}_4\text{F}_9\text{OCH}_3$), and the addition of "HFE-7200" to the definition of 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($\text{C}_4\text{F}_9\text{OC}_2\text{H}_5$). With this revision, Maricopa County is incorporating the EPA's rulings into Rule 100 in the definition of "non-precursor organic compound".

- Section 200.79 In 62 FR 38652 - 38760 (7/18/97), the EPA promulgated final rules implementing the NAAQS for $\text{PM}_{2.5}$. Maricopa County is adding the definition for $\text{PM}_{2.5}$ to Rule 100. Maricopa County will revise Rule 510, NAAQS in a separate rulemaking.
- Section 200.80 This revision moves the word "nominal" before the text "10 microns" and changes the term "smaller than" to "less than" to keep the definition for PM_{10} consistent with the language used in AAC R18-2-101(85) and 40 CFR 51.100(qq).
- Section 200.90 This revision adds 40 CFR 50, Appendix L as a Reference Method. Appendix L, "Reference Method for the Determination of Particulate Matter as $\text{PM}_{2.5}$ in the Atmosphere" was added to 40 CFR by EPA with 62 FR 38652 - 38760, 7/18/97.
- Section 200.102 This revision removes the text "A gas temperature of 60 degrees Fahrenheit ($^{\circ}\text{F}$) and a gas pressure of 14.7 pounds per square inch absolute (psia)" and adds the text "A temperature of 293K (68 degrees Fahrenheit or 20 degrees Celsius) and a pressure of 101.3 kilopascals (29.92 in. Hg or 1013.25 mb)" to be consistent with the language used in AAC R18-2-701(34) and 40 CFR 60.2.
- Section 200.108 This revision adds a definition for "Total Reduced Sulfur (TRS)". The term "Total Reduced Sulfur (TRS)" is used in Maricopa County Air Pollution Control Regulations Rule 100 and Rule 240. The definition added is consistent with the definition for "Total Reduced Sulfur (TRS)" used by the ADEQ in AAC R18-2-101(116).
- Section 503 With this revision, Maricopa County is removing the outdated reference to "AFP-644", and replacing it with a reference to "the Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A, July 1, 2004", published at 67 FR 39602 - 39616, 6/10/02. In the Consolidated Emission Reporting Rule final rulemaking, EPA simplified and consolidated emission inventory reporting requirements to a single location within the CFR. With this rule revision, Maricopa County is just removing the outdated reference to AFP-644, and replacing it with a

reference to Table 2A of the Consolidation Emissions Reporting Rule. Sources subject to Section 503 that emit NO_x or VOC must submit emission statements that contain all of the information required by Table 2A of 40 CFR 51, Subpart A, Appendix A. Maricopa County also revised Section 503 by removing the outdated text "The first statement will cover 1992 emissions and shall be submitted to the Division by April 30, 1993" and replaced it with "Statements shall be submitted annually to the Department".

Appendix G, Incorporated Materials

Maricopa County has added a new appendix that incorporates by reference EPA test methods, protocols, federal regulations, and documents that are approved for use by Maricopa County. The test methods, protocols, and documents are currently referenced or incorporated by reference in various sections of the Maricopa County Air Pollution Control Regulations. Maricopa County is also incorporating by reference 40 CFR 51, Subpart A, Appendix A, Table 2A in Appendix G. The incorporation by reference of these test methods, protocols, documents, and regulations in one appendix of the Maricopa County Air Pollution Control Regulations will simplify future updates. This Appendix is equivalent to Title 18, Chapter 2, Appendix 2 in the AAC. The documents are also incorporated by reference by ADEQ in the AAC, R18-2-102 and R18-2-327(C)(3). The document "Guidelines for Determining Capture Efficiency" is not incorporated by reference by ADEQ, but is used in multiple Maricopa County rules.

7. Demonstration of compliance with ARS §49-112:

Under ARS §49-479(C), a county may not adopt or amend a rule that is more stringent than the rules adopted by the director of the ADEQ for similar sources unless it demonstrates compliance with the requirements of ARS §49-112.

ARS § 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 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 regulations.

Section 182(a)(3)(B) of the Clean Air Act requires stationary sources of air pollution in ozone nonattainment areas to prepare and submit emission statement data each year to the local governing agency, showing actual emissions of VOCs and NO_x. The requirements apply to facilities which emit VOC or NO_x in amounts of 25 tons per year or more (plant-wide basis). Under 40 CFR 81.303, Maricopa County is classified as nonattainment as for the 8-hour ozone standard. Maricopa County and parts of Pinal County are the only 8-hour ozone nonattainment areas in the state of Arizona. Maricopa County has revised Rule 100, Section 503, Emission Statements Required as Stated in the Act, to address a peculiar local condition: the designation of Maricopa County as a nonattainment area for the 8-hour ozone standard. Maricopa County has also made this revision because the preparation and submittal of emission statement data is required under Section 182(a)(3)(B) of the Clean Air Act. Therefore, this revision is in compliance with ARS §49-112(A).

ARS § 49-112(B)

The ARS § 49-112(B) demonstration does not apply because these particular rules are in that portion of Maricopa County's air quality program that is administered under direct statutory authority. Therefore, these rules are not being adopted or revised in lieu of a state program.

8. A reference to any study relevant to the rule that the department reviewed and either relied on or did 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.

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

Not applicable.

10. The economic, small business, and consumer impact:

1. Final rule making

In this rulemaking, Maricopa County is amending Rule 100, General Provisions and Definitions. Rule 100 includes definitions, administrative requirements, requirement for emissions statements and data reporting, and other general information. In this rulemaking, Maricopa County responds to recent notices published by the EPA in the Federal Register. Maricopa County is also making several technical corrections in this rulemaking, several revisions to be consistent with text used in 40 CFR and the AAC, and adding a new Appendix G.

Maricopa County is required to incorporate changes to Title 40 of the Code of Federal Regulations into the Maricopa County Air Pollution Control Regulations.

Changes to address recent FR notices

Maricopa County is revising the definition of "Non-Precursor Organic Compound" to incorporate two final rulemakings promulgated by EPA on 11/29/04. In 69 FR 69298 - 69304, the EPA exempted t-butyl acetate (also known as tertiary butyl acetate, TBAC, or TBAC) from volatile organic compound (VOC) emissions limitations and content requirements at 40 CFR 51.100(s)(5). T-butyl acetate will continue to be a volatile organic compound for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to volatile organic compounds. In the second final rule, 69 FR 69290 - 69298, the EPA added four compounds to the list of compounds excluded from the definition of VOC at 40 CFR 51.100(s)(1), and also made nomenclature changes to two previously exempted compounds. The four compounds are: 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane ($n\text{-C}_3\text{F}_7\text{OCH}_3$, or HFE-7000), 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (or HFE-7500, HFE-s702, T-7145, or L-15381), 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea), and methyl formate (HCOOCH_3). EPA also made nomenclature changes to two previously exempted compounds: the addition of "HFE-7100" to 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($\text{C}_4\text{F}_9\text{OCH}_3$), and the addition of "HFE-7200" to 1-ethoxy-1,1,2,2,3,3,3,4,4-nonafluorobutane ($\text{C}_4\text{F}_9\text{OC}_2\text{H}_5$).

In 62 FR 38652 - 38760 (7/18/97), the EPA promulgated final rules implementing the National Ambient Air Quality Standards (NAAQS) for $\text{PM}_{2.5}$. Maricopa County is adding the definition for $\text{PM}_{2.5}$ to Rule 100, and adding 40 CFR 50, Appendix L, "Reference Method for the Determination of Particulate Matter as $\text{PM}_{2.5}$ in the Atmosphere", to the definition of Reference Method, in order to address this Federal Register notice.

Technical corrections

In this rulemaking, Maricopa County is making several technical corrections to Rule 100. Maricopa County is removing the terms "Bureau", "Division", "Division of Air Pollution Control" and "Maricopa County Environmental Services Department" and replacing, where applicable, with "Maricopa County Air Quality Department" or "Department" in order to reflect the creation of the Maricopa County Air Quality Department on November 17, 2004. Maricopa County is also updating references to the ARS in several definitions to be consistent with the text currently used in the ARS. Several definitions in Rule 100 reference other sections of the Maricopa County Air Pollution Control Regulations. Maricopa County is revising these references, where needed, due to the deletion and addition of definitions in Rule 100. Maricopa County is also changing the term "subsection" to "section" when addressing sections of the Maricopa County Air Pollution Control Regulations in order to ensure consistency throughout the rules. Maricopa County is updating the definition of AP-42 to reference Appendix G. The definition for "Dust Generating Operation" is currently used in Maricopa County Air Pollution Control Regulations Rules 310 and Rules 316. Maricopa County is adding this definition to Rule

100. Maricopa County is also removing the definition for "Earthmoving Operation". This definition is currently only used in Maricopa County Air Pollution Control Regulation Rule 310.

Other revisions

Maricopa County is making other revisions to Rule 100 to be consistent with the text used in 40 CFR and the AAC, and for consistency throughout the Maricopa County Air Pollution Control Regulations. Maricopa County is changing the word "unitary" to "preconstruction" in the definition for "Federal Applicable Requirement" to reflect the language used in 40 CFR 70.2 and in R18-2-101(42)(b). Maricopa County is adding a definition for "Nitrogen Oxides (NO_x)", as defined in 40 CFR 60.2 and R18-2-101(76). The term "Nitrogen Oxides" is used in multiple Maricopa County Air Pollution Control Regulations. Maricopa County is revising the definition for PM₁₀ to be consistent with the language used in R18-2-101(85) and 40 CFR 51.100(qq). Maricopa County is also adding a definition for "Total Reduced Sulfur (TRS)" as defined in R18-2-101(116), because the term "Total Reduced Sulfur (TRS)" is used in several Maricopa County Air Pollution Control Regulations. Maricopa County is revising the definition for "Standard Conditions" to be consistent with the language used in R18-2-701(34) and 40 CFR 60.2. Maricopa County is removing the outdated reference to "AFP-644", and replacing it with an incorporation by reference of "the Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A", published at 67 FR 39602 - 39616, 6/10/02. Maricopa County is adding a new Section 112, "Availability of Information", to indicate where this incorporated material is available. Finally, Maricopa County is adding a new Appendix G, Incorporated Materials. In Appendix G, Incorporated Materials, Maricopa County is adding a new appendix that incorporates by reference the EPA test methods, protocols, regulations, and documents that are approved for use by Maricopa County. The intent of this new appendix is to consolidate materials incorporated by reference into one central location.

2. Persons who are affected, bear costs or directly benefit

Cost bearers

There should be no costs associated with this rulemaking.

Beneficiaries

There are benefits to the implementing agency, regulated community, small businesses, political subdivisions of the state and members of the public. There are health benefits to all parties involved. There are benefits to the regulated community and small businesses in being regulated by a nearer government agency than by the EPA.

3. Cost/benefit analysis/summary

Probable costs and benefits to the implementing agencies, political subdivision, and businesses

The "technical corrections" and "other revisions" impose no economic impacts. The "technical corrections" are non-substantive changes. The "other revisions" are mainly changes made to reflect the text currently used in 40 CFR and the AAC. The revision updating the outdated reference to AFP-644, and replacing it with a reference to "the Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A" will have no

economic impact. This final rule was promulgated by EPA in 67 FR 39602 - 39616, 6/10/02, and was effective on August 9, 2002, and consolidates emission inventory reporting requirements to a single location within the CFR. Also, the regulated community is already required to comply with Rule 100, Section 503, "Emission Statements Required As Stated in the Act". This revision only updates a reference to an outdated document.

Also, the addition of the definition for PM_{2.5} and revision of the definition of "Reference Method" reflects the EPA's actions in 62 FR 38652 - 38760, 7/18/97. Both of these changes are mandated by 40 CFR, NAAQS rule. Finally, the addition of Appendix G will have no economic impact. This new Appendix consolidates incorporated by reference material into one central location in the Maricopa County Air Pollution Control Regulations.

The revision of the definition of "Non-Precursor Organic Compound" to incorporate two final rulemakings promulgated by EPA on 11/29/04 will reduce the economic burden on businesses. The exemption of t-butyl acetate (also known as tertiary butyl acetate, TBAC, or TBac) from VOC emissions limitations and content requirements will result in reduced costs to businesses. Although t-butyl acetate will continue to be a volatile organic compound for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to volatile organic compounds, businesses will no longer be required to include t-butyl acetate when determining VOC emissions limitations and content requirements. The exemption of 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃, or HFE-7000), 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (or HFE-7500, HFE-s702, T-7145, or L-15381), 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea), and methyl formate (HCOOCH₃) from the definition of VOC at 40 CFR 51.100(s)(1), will reduce the economic burden on businesses. Businesses will no longer be required to include these four compounds as a VOC in determining whether they meet regulatory obligations for limiting VOC use, limiting VOC emissions, or otherwise controlling VOCs. The minor nomenclature changes to two previously exempted compounds will also have no economic impact. The four compounds excluded from the definition of VOC all have potential for use as refrigerants, fire suppressants, aerosol propellants, or blowing agents. In addition, all four compounds may be used as an alternative to ozone-depleting substances. Three of the compounds are approved by EPA's Significant New Alternatives Policy program as acceptable substitutes for ozone-depleting compounds.

Costs to Maricopa County are those that may accrue for implementation and enforcement of the standards as county law. Since this rulemaking includes updates, definitions, and technical corrections, it is not expected to have any effect on department revenues or personnel.

Benefits accrue to the regulated community when a county agency incorporates a federal regulation in order to become the primary implementer of the regulation, because the county agency is closer to those being regulated and, therefore, is generally easier to contact and to work with to resolve differences, compared with the EPA,

whose regional office for Arizona is in San Francisco. Local implementation also reduces travel and communication costs.

Health benefits accrue to the general public whenever enforcement of environmental laws takes place. Adverse health effects from air pollution result in a number of economic and social consequences, including:

1. **Medical Costs.** These include personal out-of-pocket expenses of the affected individual (or family), plus costs paid by insurance or Medicare, for example. Also included are reduced emergency room visits and hospital admissions.
2. **Work Loss.** This includes lost personal income, plus lost productivity whether the individual is compensated for the time or not. For example, some individuals may perceive no income loss because they receive sick pay, but sick pay is a cost of business and reflects lost productivity.
3. **Increased costs for chores and care giving.** These include special care giving and services that are not reflected in medical costs. These costs may occur because some health effects reduce the affected individual's ability to undertake some or all normal chores, and he or she may require extra care.
4. **Other social and economic costs.** These include restrictions on or reduced enjoyment of leisure activities, discomfort or inconvenience, pain and suffering, anxiety about the future, and concern and inconvenience to family members and others.

4. Private and public employment impact

This rule is expected to have no impact on private and public employment.

5. Rule impact reduction on small businesses.

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

There are no increased costs for small businesses subject to the rulemaking.

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

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

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

ARS § 41-1035 requires Maricopa County to reduce the impact of a rule on small businesses by using certain methods when they are legal and feasible in meeting the statutory objectives of the rulemaking.

The five listed methods are:

1. Establish less stringent compliance or reporting requirements in the final rule for small businesses.
2. Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses.
3. Consolidate or simplify the rule's compliance or reporting requirements for small businesses.
4. Establish performance standards for small businesses to replace design or operational standards in the rule.
5. Exempt small businesses from any or all requirements of the rule.

A small business is defined in ARS § 41-1001 as a "concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than four million dollars in its last fiscal year. For purposes of a specific rule, an agency may define small business to include more persons if it finds that such a definition is necessary to adapt the rule to the needs and problems of small businesses and organizations."

Maricopa County has determined that there is a beneficial impact on small businesses in transferring implementation of these rules to Maricopa County. In addition, Maricopa County is required to adopt the federal rules without reducing stringency. Maricopa County, therefore, has found that it is not legal or feasible to adopt any of the five listed methods in ways that reduce both the impact of these rules on small businesses. Finally, where federal rules impact small businesses, EPA is required by both the Regulatory Flexibility Act and the Small Business Regulatory Enforcement and Fairness Act to make certain adjustments in its own rulemakings. Information related to such may be found in the individual rules described in Section 6 of the Notice of Final Rulemaking.

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

Private persons or consumers will not be directly affected by the rulemaking, with the exception of the expected health benefits.

6. Probable effect on state revenues

There should be no effect on state revenues.

7. Less intrusive or costly alternative methods of achieving the rulemaking.

None. Maricopa County is required to adopt the federal and state rules without reducing stringency.

Conclusions

In conclusion, costs associated with this rule are generally low, while the air quality benefits are generally high. Costs to Maricopa County are those that may accrue for implementation and enforcement of the standards as county law. In addition, there are benefits to industry from being regulated by a geographically nearer government entity. There are no adverse economic impacts on political subdivisions. There are no adverse economic impacts on private businesses (the regulated community), their revenues, or expenditures. The fact that no new employment is expected to occur has been discussed above, in the context of the impact on county agencies. There are no adverse economic impacts on small businesses, although some regulatory benefits will accrue to them. There are no economic impacts for consumers; benefits to private persons as members of the general public are discussed above in terms of enforcement. There will be no direct impact on county revenues. There are no other, less costly alternatives for achieving the goals of this rulemaking.

11. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Maricopa County has made some minor revisions to the preamble, including: removing references to the word "propose"; minor language changes for clarity, including those in the Section-by-Section explanation of Sections 200.69 and 503; and, revising the "economic, small business, and consumer impact" in #10 of this notice to match the format specified in ARS § 41-1055(B). Maricopa County has also removed the *Federal Register* notices, as studies relied on in this rulemaking, from #8 of this Notice of Final Rulemaking.

Rule 100, Section 200.98(c) Maricopa County has changed the ARS reference in this Section to § 49-401.01(16). In the 1992 version of the ARS, the definition of "hazardous air pollutant" is located at ARS § 49-401.01(11). The ARS was subsequently revised, and the definition for "hazardous air pollutant" was moved to ARS § 49-401.01(16). Maricopa County is revising the definition of "Significant" to refer to the correct ARS statute for the definition of "hazardous air pollutant", § 49-401.01(16).

Appendix G, Section (3)(b) Maricopa County has added "40 CFR 75". 40 CFR 75 is already incorporated by reference in Rule 371, Acid Rain and Rule 280, Fees. Maricopa County plans to revise Rule 280 in a separate rulemaking in order to refer to the new Appendix G when incorporating by reference 40 CFR 75 and its appendices. Maricopa County is adding the incorporation by reference of 40 CFR 75 to Appendix G to facilitate this reference.

12. A summary of the comments made regarding the rule and the department response to them:

No comments were received on the Notice of Proposed Rulemaking.

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

None.

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

<u>Incorporation by reference:</u>	<u>Location</u>
Consolidated Emissions Reporting Rule, 40 CFR 51, Subpart A, Appendix A, Table 2A, July 1, 2004;	Appendix G
40 CFR 50, July 1, 2004;	Appendix G
40 CFR 50, Appendices A through N, July 1, 2004;	Appendix G
40 CFR 51, Appendix M, Appendix S, Section IV, and Appendix W, July 1, 2004;	Appendix G
40 CFR 52, Appendices D and E, July 1, 2004;	Appendix G
40 CFR 53, July 1, 2004;	Appendix G

40 CFR 58, July 1, 2004;	Appendix G
40 CFR 58, all appendices, July 1, 2004;	Appendix G
40 CFR 60, all appendices, July 1, 2004;	Appendix G
40 CFR 61, all appendices, July 1, 2004;	Appendix G
40 CFR 63, all appendices, July 1, 2004;	Appendix G
40 CFR 75, July 1, 2004;	Appendix G
40 CFR 75, all appendices, July 1, 2004;	Appendix G
ADEQ's "Arizona Testing Manual for Air Pollutant Emissions," amended as of March 1992;	Appendix G
American Society for Testing and Materials (ASTM) test methods referenced in the Maricopa County Air Pollution Control Rules and Regulations as of the year specified in the reference;	Appendix G
The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987";	Appendix G
EPA Publication No. AP-42, 1995, "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, Fifth Edition, including Supplements A, B, C, D, E, F, and Updates 2001, 2002, 2003, and 2004;	Appendix G
EPA guidance document "Guidelines for Determining Capture Efficiency", January 9, 1995.	Appendix G
2002 US NAICS Manual, "North American Industry Classification System - United States", National Technical Information Service, US Census Bureau, 2002.	Appendix G

15. Was this rule previously made as an emergency rule?

No.

16. The full text of the rules follows:

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RULE 100

GENERAL PROVISIONS AND DEFINITIONS

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Revised 04/03/96

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Revised 03/04/98

Revised 05/20/98

Revised 07/26/00

Revised 03/07/01

Revised 08/22/01

Revised 11/06/02

Revised 03/15/06

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS**

REGULATION I - GENERAL PROVISIONS

**RULE 100
GENERAL PROVISIONS AND DEFINITIONS**

SECTION 100 - GENERAL

- 101 DECLARATION OF INTENT:** The Maricopa County Air Pollution Control Regulations prevent, reduce, control, correct, or remove regulated air pollutants originating within the territorial limits of Maricopa County and carry out the mandates of Arizona Revised Statutes (ARS), Title 49 (The Environment).

- 102 LEGAL AUTHORITY:** These rules are adopted under the authority granted by ARS §49-479.
- 103 VALIDITY:** If any section, subsection, clause, phrase, or provision of these rules is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion.
- 104 CIRCUMVENTION:** A person shall not build, erect, install, or use any article, machine, equipment, condition, or any contrivance, the use of which, without resulting in a reduction in the total release of regulated air pollutants to the atmosphere, conceals or dilutes an emission which would otherwise constitute a violation of these rules. No person shall circumvent these rules to dilute regulated air pollutants by using more emission openings than is considered normal practice by the industry or activity in question.
- 105 RIGHT OF INSPECTION OF PREMISES:** The Control Officer, during reasonable hours, for the purpose of enforcing and administering these rules or any provision of ARS relating to the emission or control prescribed pursuant thereto, may enter every building, premises, or other place, except the interior of structures used as private residences. In the event that consent to enter for inspection purposes has been refused or circumstances justify the failure to seek such consent, special inspection warrants may be issued by a magistrate. Every person is guilty of a petty offense under ARS §49-488 who in any way denies, obstructs, or hampers such entrance or inspection that is lawfully authorized by warrant.
- 106 RIGHT OF INSPECTION OF RECORDS:** When the Control Officer has reasonable cause to believe that any person has violated or is in violation of any provision of this rule, any rule adopted under this rule, or any requirement of a permit issued under this rule, the Control Officer may request, in writing, that such person produce all existing books, records, and other documents evidencing tests, inspections, or studies which may reasonably relate to compliance or non-compliance with rules adopted under this rule. No person shall fail nor refuse to produce all existing documents required in such written request by the Control Officer.
- 107 ADVISORY COUNCIL:** An Advisory Council appointed by the Board of Supervisors may advise and consult with the Board of Supervisors, the ~~Division of Air Pollution Control~~ Maricopa County Air Quality Department, and the Control Officer in effecting the mandates of ARS Title 49.
- 108 HEARING BOARD:** The Board of Supervisors shall appoint a 5-member hearing board knowledgeable in the field of air pollution. At least 3 members shall not have a substantial interest,

as defined in ARS §38-502(11), in any person required to obtain an air pollution permit. Each member shall serve a term of 3 years (ARS §49-478).

- 109 ANTI-DEGRADATION:** The standards in these rules shall not be construed as permitting the preventable degradation of air quality in any area of Maricopa County.
- 110 AVAILABILITY OF POLLUTION INFORMATION:** The public shall be informed on a daily basis of average daily concentration of 3 pollutants: particulates, carbon monoxide, and ozone. This information shall be disseminated through the use of newspapers, radio, and television. The levels of each pollutant shall be expressed through the use of the ~~Pollution Standard Index (PSI)~~ Air Quality Index (AQI) and a written copy of such information shall be made available at the office of the Maricopa County ~~Environmental Services~~ Air Quality Department, 1001 North Central Avenue, ~~#201 Suite 400~~, Phoenix, Arizona, 85004, 602-506-6010.
- 111 ANNUAL REASONABLE FURTHER PROGRESS (RFP) REPORT:** A report on the progress in implementation of nonattainment area plans shall be produced by the ~~Division~~ Department each year. The primary function of the report is to review the implementation schedules for control measures and emission reduction forecasts in the nonattainment area plans. The annual report will be made available to the public at the offices of the Maricopa County ~~Environmental Services~~ Air Quality Department, 1001 North Central Avenue, ~~#201 Suite 400~~, Phoenix, Arizona, 85004, 602-506-6010.
- 112 AVAILABILITY OF INFORMATION:** Copies of 40 CFR 51, Subpart A, Appendix A, Table 2A, are available at 1001 N. Central Avenue, Suite 695, Phoenix, Arizona, 85004, or call (602) 506-6010 for information.

SECTION 200 - DEFINITIONS: To aid in the understanding of these rules, the following general definitions are provided. Additional definitions, as necessary, can be found in each rule of the Maricopa County Air Pollution Control Regulations.

- 200.1 AAC** - Arizona Administrative Code.
- 200.2 ACT** - The Clean Air Act of 1963 (P.L. 88-206; 42 United States Code sections 7401 through 7671), as amended by the Clean Air Act Amendments of 1990 (P.L.101-549).
- 200.3 ACTUAL EMISSIONS** - The actual rate of emissions of a pollutant from an emissions unit, as determined in ~~subsections~~ Sections 200.3(a) through 200.3(e):

- a. In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a 2-year period that precedes the particular date and that is representative of normal source operation. The Control Officer may allow the use of a different time period upon a demonstration that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
- b. If there is inadequate information to determine actual historical emissions, then the Control Officer may presume that source-specific allowable emissions for the emissions unit are equivalent to the actual emissions of the emissions unit.
- c. For any emissions unit at a Title V source, other than an electric utility steam generating unit described in ~~subsection~~ Section 200.3(e) of this rule, that has not begun normal operations on the particular date, actual emissions shall equal the unit's potential to emit on that date.
- d. For any emissions unit at a Non-Title V source that has not begun normal operations on the particular date, actual emissions shall be based on applicable control equipment requirements and projected conditions of operation.
- e. For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit), actual emissions of the unit, following the physical or operational change, shall equal the representative actual annual emissions of the unit, if the source owner and/or operator maintains and submits to the Control Officer on an annual basis, for a period of 5 years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the Control Officer, if the Control Officer determines the longer period to be more representative of normal source post-change operations.

200.4 ADMINISTRATOR - The Administrator of the United States Environmental Protection Agency.

200.5 ADVISORY COUNCIL - The Maricopa County Air Pollution Control Advisory Council appointed by the Maricopa County Board of Supervisors.

- 200.6 AFFECTED FACILITY** - With reference to a stationary source, any apparatus to which a standard is applicable.
- 200.7 AFFECTED SOURCE** - 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.
- 200.8 AFFECTED STATE** - Any State whose air quality may be affected and that is contiguous to Arizona or that is within 50 miles of the permitted source.
- 200.9 AIR CONTAMINANT** - Includes smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, noxious chemicals, or any other material in the outdoor atmosphere.
- 200.10 AIR POLLUTION** - The presence in the outdoor atmosphere of one or more air contaminants, or combinations thereof, in sufficient quantities, which either alone or in connection with other substances, by reason of their concentration and duration, are or tend to be injurious to human, plant, or animal life, or causes damage to property, or unreasonably interferes with the comfortable enjoyment of life or property of a substantial part of a community, or obscures visibility, or which in any way degrades the quality of the ambient air below the standards established by the Board of Supervisors.
- 200.11 AIR POLLUTION CONTROL EQUIPMENT** - Equipment used to eliminate, reduce, or control the emission of air pollutants into the ambient air.
- 200.12 ALLOWABLE EMISSIONS** - The emission rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate or hours of operation or both) and the most stringent of the following:
- a. The applicable New Source Performance Standards as described in Rule 360 of these rules or the Federal Hazardous Air Pollutant Program as described in Rule 370 of these rules; or
 - b. The applicable existing source performance standard as approved for the SIP; or
 - c. The emissions rate specified in any federally promulgated rule or federally enforceable permit condition.

200.13 AMBIENT AIR - That portion of the atmosphere, external to buildings, to which the general public has access.

200.14 AP-42 - The EPA document "Compilation of Air Pollutant Emission Factors," as incorporated by reference in Appendix G September 1985, and all supplements thereto.

200.15 APPLICABLE IMPLEMENTATION PLAN - Those provisions of the SIP approved by the Administrator of EPA or a Federal Implementation Plan (FIP) promulgated under Title I (Air Pollution Prevention And Control) of the Act.

200.16 APPLICABLE REQUIREMENT - Applicable requirement means any of the following:

- a. Any federal applicable requirement as defined in Section ~~200.50~~ 200.49 of this rule.
- b. Any other requirement established under the Maricopa County Air Pollution Control Regulations or ARS Title 49, Chapter 3, Articles 1, 3, 7, and 8.

200.17 APPROVED - Approved in writing by the Maricopa County Air Pollution Control Officer.

200.18 AREA SOURCE - Any stationary source that is not a major source. For purposes of these rules, the term "area source" shall not include motor vehicles or nonroad vehicles subject to regulation under Title II (Emission Standards For Moving Sources) of the Act.

200.19 ARS - The Arizona Revised Statutes. The titles of the most frequently used ARS references in these rules are listed below:

ARS §38-502(11)	Public Officers And Employees, Conduct Of Office, Conflict Of Interest Of Officers And Employees, Definitions, Substantial Interest
ARS Title 49	The Environment
ARS Title 49, Chapter 3	The Environment, Air Quality
ARS Title 49, Chapter 4	The Environment, Solid Waste Management
ARS §49-109	The Environment, General Provisions, Department Of Environmental Quality, Certificate Of Disclosure Of Violations; Definition; Remedies
ARS §49-401	The Environment, Air Quality, General Provisions, Declaration Of Policy
ARS §49-426	The Environment, Air Quality, State Air Pollution Control, Permits; Duties Of Director; Exceptions; Applications; Objections; Fees

ARS §49-426.04	The Environment, Air Quality, State Air Pollution Control, State List Of Hazardous Air Pollutants
ARS §49-426.05	The Environment, Air Quality, State Air Pollution Control, Designation Of Sources Of Hazardous Air Pollutants
ARS §49-429	The Environment, Air Quality, State Air Pollution Control, Permit Transfers; Notice; Appeal
ARS §49-464	The Environment, Air Quality, State Air Pollution Control, Violation; Classification; Definitions <u>Penalties; Definition</u>
ARS §49-473	The Environment, Air Quality, County Air Pollution Control, Board Of Supervisors
ARS §49-476.01	The Environment, Air Quality, County Air Pollution Control, Monitoring
ARS §49-478	The Environment, Air Quality, County Air Pollution Control, Hearing Board
ARS §49-480	The Environment, Air Quality, County Air Pollution Control, Permits; Fees
ARS §49-480.03	The Environment, Air Quality, County Air Pollution Control, Federal Hazardous Air Pollutant Program; Date Specified By Administrator; Prohibition
ARS §49-480.04	The Environment, Air Quality, County Air Pollution Control, County Program For Control Of Hazardous Air Pollutants
ARS §49-482	The Environment, Air Quality, County Air Pollution Control, Appeals To Hearing Board
ARS §49-483	The Environment, Air Quality, County Air Pollution Control, Permit Transfers; Notice; Appeal
ARS §49-487	The Environment, Air Quality, County Air Pollution Control, Classification And Reporting; Confidentiality Of Records
ARS §49-488	The Environment, Air Quality, County Air Pollution Control, Special Inspection Warrant
ARS §49-490	The Environment, Air Quality, County Air Pollution Control, Hearings On Orders Of Abatement
ARS §49-498	The Environment, Air Quality, County Air Pollution Control, Notice Of Hearing; Publication; Service
ARS §49-501	The Environment, Air Quality, County Air Pollution Control, Unlawful Open Burning; <u>Definition</u> ; Exceptions; Violation; Classification <u>Fine</u>
ARS §49-511	The Environment, Air Quality, County Air Pollution Control, Violations, Order Of Abatement

- 200.20 ASME** - The American Society of Mechanical Engineers.
- 200.21 ASTM** - The American Society for Testing and Materials.
- 200.22 ATTAINMENT AREA** - An area so designated by the Administrator of EPA, acting under Section 107 (Air Quality Control Regions) of the Act, as having ambient air pollutant concentrations equal to or less than national primary or secondary ambient air quality standards for a particular pollutant or pollutants.
- 200.23 BEGIN ACTUAL CONSTRUCTION** - In general, initiation of physical on-site construction activities on an emissions unit, which are of a permanent nature. Such activities include installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation, “begin actual construction” refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.
- 200.24 BEST AVAILABLE CONTROL TECHNOLOGY (BACT)** - An emissions limitation, based on the maximum degree of reduction for each pollutant, subject to regulation under the Act, which would be emitted from any proposed stationary source or modification, which the Control Officer, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant. Under no circumstances shall BACT be determined to be less stringent than the emission control required by an applicable provision of these rules or of any State or Federal Laws (“Federal laws” include the EPA approved SIP). If the Control Officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

- 200.25 BRITISH THERMAL UNIT (BTU)** - The quantity of heat required to raise the temperature of 1 pound of water 1 degree Fahrenheit (°F) at 39.1°F.
- 200.26 BUILDING, STRUCTURE, FACILITY, OR INSTALLATION** - All the pollutant-emitting equipment and activities that belong to the same industrial grouping, that are located on one or more contiguous or adjacent properties, and that are under the control of the same person or persons under common control, except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" as described in the "Standard Industrial Classification Manual, 1987".
- ~~**200.27 BUREAU** - The Division of Air Pollution Control within the Maricopa County Environmental Quality and Community Services Agency. The "Bureau" no longer exists; consequently, all references to "Bureau" in these rules refer to "Department".~~
- ~~**200.28**~~ **200.27 CFR** - The United States Code of Federal Regulations.
- ~~**200.29**~~ **200.28 CIRCUMSTANCES OUTSIDE THE CONTROL OF THE SOURCE** - Shall include, but not be limited to, circumstances where a violation resulted from a sudden and unavoidable breakdown of the process or the control equipment, resulted from unavoidable conditions during a startup or shutdown, or resulted from upset of operations.
- ~~**200.30**~~ **200.29 CLEAN COAL TECHNOLOGY** - Any technology, including technologies applied at the pre-combustion, combustion, or post-combustion stage, at a new or existing facility that will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity or process steam that was not in widespread use as of November 15, 1990.
- ~~**200.31**~~ **200.30 CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT** - A project using funds appropriated under the heading "Department Of Energy-Clean Coal Technology", up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology or similar projects, funded through appropriations for the Environmental Protection Agency. The Federal contribution for a qualifying project shall be at least 20% of the total cost of the demonstration project.
- ~~**200.32**~~ **200.31 COMMENCE** - As applied to construction of a major source or a major modification, that the owner and/or operator has all necessary preconstruction approvals or permits and has either:

- a. Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
- b. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner and/or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

~~200.33~~ **200.32** **COMPLETE** - In reference to an application for a permit, “complete” means that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the Control Officer from requesting nor from accepting any additional information.

~~200.34~~ **200.33** **CONSTRUCTION** - Any physical change or change in the method of operation, including fabrication, erection, or installation, demolition, or modification of an emissions unit, which would result in a change in actual emissions.

~~200.35~~ **200.34** **CONTROL OFFICER** - The executive head of the department authorized or designated to enforce air pollution regulations, the executive head of an air pollution control district established under ARS §49-473, or the designated agent.

~~200.36~~ **200.35** **DEPARTMENT** - The Maricopa County ~~Environmental Services~~ Air Quality Department.

~~200.37~~ **200.36** **DIRECTOR** - The director of the Arizona Department of Environmental Quality (ADEQ).

~~200.38~~ **200.37** **DISCHARGE** - The release or escape of an effluent into the atmosphere from a source.

~~200.39~~ **200.38** **DIVISION** - ~~The Division of Air Pollution Control within the Maricopa County Environmental Management and Transportation Agency.~~ The Division no longer exists; consequently, all references in these rules to Division refer to Department.

200.39 **DUST GENERATING OPERATION** - Any activity capable of generating fugitive dust, including but not limited to, land clearing, earthmoving, weed abatement by discing or blading, excavating, construction, demolition, bulk material handling, storage and/or transporting operations, vehicle use and movement, the operation of any outdoor equipment, or unpaved parking lots. For the purpose of this rule, landscape maintenance and playing on or maintaining a field used for non-motorized sports shall not be considered a dust generating operation. However, landscape maintenance shall not include

grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.

- ~~200.40~~ ~~**EARTHMOVING OPERATION**~~ - The use of any equipment for an activity which may generate fugitive dust, such as, but not limited to, cutting and filling, grading, leveling, excavating, trenching, loading or unloading of bulk materials, demolishing, blasting, drilling, adding to or removing bulk materials from open storage piles, back filling, soil mulching, landfill operations, or weed abatement by discing or blading.
- ~~200.41~~ 200.40 **EFFLUENT** - Any air contaminant which is emitted and subsequently escapes into the atmosphere.
- ~~200.42~~ 200.41 **ELECTRIC UTILITY STEAM GENERATING UNIT** - Any steam electric generating unit that is constructed for the purpose of supplying more than 1/3 of its potential electric output capacity and more than 25 MW electric output to any utility power distribution system for sale. Any steam supplied to a steam distribution system, for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale, is also considered in determining the electrical energy output capacity of the affected facility.
- ~~200.43~~ 200.42 **EMISSION STANDARD** - The definition of emission standard, as summarized from ARS §49-514(T) and ARS §49-464(V), is: A numeric limitation on the volume or concentration of air pollutants in emissions from a source or a specific design, equipment, or work practice standard, the purpose of which is to eliminate or reduce the volume or concentration of pollutants emitted by a source. The term emission standard does not include opacity standards. Violations of emission standards shall be determined in the manner prescribed by the applicable regulations issued by the Administrator of EPA or the Director or the Control Officer.
- ~~200.44~~ 200.43 **EMISSIONS UNIT** - Any part of a stationary source which emits or would have the potential to emit any regulated air pollutant.
- ~~200.45~~ 200.44 **EPA** - The United States Environmental Protection Agency.
- ~~200.46~~ 200.45 **EQUIVALENT METHOD** - Any method of sampling and analyzing for an air pollutant, which has been demonstrated to the EPA Administrator's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.
- ~~200.47~~ 200.46 **EXCESS EMISSIONS** - Emissions of an air pollutant in excess of an emission standard, as measured by the compliance test method applicable to such emission standard.

~~200.48~~ 200.47 **EXISTING SOURCE** -

- a. A source in operation prior to the effective date of this rule, or a source on which the construction or modification has commenced and for which the Control Officer has granted a permit prior to the effective date of this rule; or
- b. When used in conjunction with a source subject to new source performance standards (NSPS), any source which does not have an applicable NSPS under Rule 360 of these rules.

~~200.49~~ 200.48 **FACILITY** - The definition of facility is included in Section 200.6 (Definition Of Affected Facility) of this rule and in Section 200.26 (Definition Of Building, Structure, Facility Or Installation) of this rule.

~~200.50~~ 200.49 **FEDERAL APPLICABLE REQUIREMENT** - Any of the following as they apply to emissions units covered by a Title V permit or a Non-Title V permit (including requirements that have been promulgated or approved by EPA through rulemaking at the time of issuance but have future effective compliance dates):

- a. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I (Air Pollution Prevention And Control) of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR 52.
- b. Any term or condition of any ~~unitary~~ preconstruction permits issued under regulations approved or promulgated through rulemaking under Title I (Air Pollution Prevention And Control), including Parts C or D, of the Act.
- c. Any standard or other requirement under Section 111 (Standards Of Performance For New Stationary Sources) of the Act, includes Section 111(d).
- d. Any standard or other requirement under Section 112 (National Emission Standards For Hazardous Air Pollutants) of the Act, including any requirement concerning accident prevention under Section 112(r)(7) of the Act.

- e. Any standard or other requirement of the acid rain program under Title IV (Acid Deposition Control) of the Act or the regulations promulgated thereunder and incorporated under Rule 371 of these rules.
- f. Any requirements established under Section 504(b) (Permit Requirements And Conditions) or Section 114(a)(3) (Inspections, Monitoring, And Entry) of the Act.
- g. Any standard or other requirement governing solid waste incineration under Section 129 (Solid Waste Combustion) of the Act.
- h. Any standard or other requirement for consumer and commercial products pursuant to Section 183(e) (Federal Ozone Measures) of the Act.
- i. Any standard or other requirement for tank vessels pursuant to Section 183(f) (Federal Ozone Measures) of the Act.
- j. Any standard or other requirement of the program to control air pollution from outer continental shelf sources under Section 328 (Air Pollution From Outer Continental Shelf Activities) of the Act.
- k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI (Stratospheric Ozone Protection) of the Act, unless the Administrator of EPA has determined that such requirements need not be contained in a Title V permit; and
- l. Any national ambient air quality standard or increment or visibility requirement under Part C (Prevention Of Significant Deterioration Of Air Quality) of Title I (Air Pollution Prevention And Control) of the Act, but only as it would apply to temporary sources permitted under Section 504(e) (Permit Requirements And Conditions) of the Act.

~~200.51~~ 200.50 **FEDERAL LAND MANAGER** - With respect to any lands in the United States, the Secretary Of The Department with authority over such lands.

~~200.52~~ 200.51 **FEDERALLY ENFORCEABLE** -

- a. All terms and conditions contained in a Title V permit, except those terms and conditions which have been specifically designated as not federally enforceable;

- b. The requirements of operating permit programs and permits issued under such permit programs which have been approved by the Administrator of EPA, including the requirements of State and County operating permit programs approved under Title V (Permits) of the Act or under any new source review permit program;
- c. All limitations and conditions which are enforceable by the Administrator of EPA, including the requirements of the New Source Performance Standards (NSPS) and the National Emissions Standards for Hazardous Air Pollutants (NESHAPs) contained in these rules;
- d. The requirements of such other State or County rules or regulations approved by the Administrator of EPA for inclusion in the SIP;
- e. The requirements of any federal regulation promulgated by the Administrator of EPA as part of the SIP; and
- f. The requirements of State and County operating permit programs, other than Title V programs, which have been approved by the Administrator of EPA and incorporated into the applicable SIP under the criteria for federally enforceable State operating permit programs set forth in 54, Federal Register 27274, dated June 28, 1989. Such requirements include permit terms and conditions which have been entered into voluntarily by a source under this rule and/or under Rule 220 (Non-Title V Permit Provisions) of these rules.

~~200.53~~ 200.52 **FINAL PERMIT** - The version of a permit issued by the Control Officer after completion of all review required by Maricopa County Air Pollution Control Regulations.

~~200.54~~ 200.53 **FUEL OIL** - Number 2 through Number 6 fuel oils as specified in ASTM D-396-90a (Specification For Fuel Oils), gas turbine fuel oils Numbers 2-GT through 4-GT as specified in ASTM D-2880-90a (Specification For Gas Turbine Fuel Oils), or diesel fuel oils Numbers 2-D and 4-D as specified in ASTM D-975-90a (Specification For Diesel Fuel Oils).

~~200.55~~ 200.54 **FUGITIVE EMISSION** - Any emission which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

~~200.56~~ 200.55 **INDIAN GOVERNING BODY** - The governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

~~200.57~~ 200.56 **INDIAN RESERVATION** - Any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

~~200.58~~ 200.57 **INSIGNIFICANT ACTIVITY** – For the purpose of this rule, an insignificant activity shall be any activity, process, or emissions unit that is not subject to a source-specific applicable requirement, that emits no more than 0.5 ton per year of hazardous air pollutants (HAPs) and no more than 2 tons per year of a regulated air pollutant, and that is either included in Appendix D (List of Insignificant Activities) of these rules or is approved as an insignificant activity under Rule 200 of these rules. Source-specific applicable requirements include requirements for which emissions unit-specific information is needed to determine applicability.

~~200.59~~ 200.58 **MAJOR MODIFICATION** - Any physical change or change in the method of operation of a major source that would result in a significant net emissions increase of any regulated air pollutant.

- a. Any net emissions increase that is significant for VOCs shall be considered significant for ozone.
- b. Any net emissions increase that is significant for oxides of nitrogen shall be considered significant for ozone nonattainment areas classified as marginal, moderate, serious, or severe.
- c. For the purposes of this definition, the following shall not be considered a physical change or a change in the method of operation:
 - (1) Routine maintenance, repair, and replacement;
 - (2) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. §792, or by reason of a natural gas curtailment plan under the Federal Power Act, 16 U.S.C. §792 - 825r;
 - (3) Use of an alternative fuel by reason of an order or rule under Section 125 (Measures To Prevent Economic Disruption Or Unemployment) of the Act;

- (4) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
- (5) Use of an alternative fuel or raw material by a stationary source that either:

 - (a) The source was capable of accommodating before December 12, 1976, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Rules 200, 210, 240, 245, and 270 of these rules; or
 - (b) The source is approved to use under any permit issued under 40 CFR 52.21, or under Rules 200, 210, 240, 245, and 270 of these rules;
- (6) An increase in the hours of operation or in the production rate, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Rules 200, 210, 240, 245, and 270 of these rules;
- (7) Any change in ownership at a stationary source;
- (8) The addition, replacement, or use of a pollution control project at an existing electric utility steam generating unit, unless the Control Officer determines that the addition, replacement, or use renders the unit less environmentally beneficial, or except:

 - (a) When the Control Officer has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent Title I air quality impact analysis in the area, if any, and
 - (b) The Control Officer determines that the increase will cause or contribute to a violation of any national ambient air quality standard, PSD increment, or visibility limitation;

- (9) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, if the project complies with:
 - (a) The SIP; and
 - (b) Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated;
- (10) For electric utility steam generating units located in attainment and unclassified areas only, the installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, if the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis; and
- (11) For electric utility steam generating units located in attainment and unclassified areas only, the reactivation of a very clean coal-fired electric utility steam generating unit.

~~200.60~~ 200.59 MAJOR SOURCE -

- a. A major source as defined in Rule 240 of these rules;
- b. A major source under Section 112 (National Emission Standards For Hazardous Air Pollutants) of the Act:
 - (1) For pollutants other than radionuclides, any stationary source that emits or has the potential to emit, in the aggregate, including fugitive emissions, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed under Section 112(b) of the Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as described in Title 18 (Environmental Quality), Chapter 2 (Department Of Environmental Quality Air Pollution Control), Article 11 (Federal Hazardous Air Pollutants) of the Arizona Administrative Code. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(2) For radionuclides, major source shall have the meaning specified by the Administrator of EPA by rule.

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

Coal cleaning plants (with thermal dryers).

Kraft pulp mills.

Portland cement plants.

Primary zinc smelters.

Iron and steel mills.

Primary aluminum ore reduction plants.

Primary copper smelters.

Municipal incinerators capable of charging more than 50 tons of refuse per day.

Hydrofluoric, sulfuric, or nitric acid plants.

Petroleum refineries.

Lime plants.

Phosphate rock processing plants.

Coke oven batteries.

Sulfur recovery plants.

Carbon black plants (furnace process).

Primary lead smelters.

Fuel conversion plants.

Sintering plants.

Secondary metal production plants.

Chemical process plants.

Fossil-fuel boilers (or combination thereof) totaling more than 250 million BTU per hour heat input.

Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.

Taconite ore processing plants.

Glass fiber processing plants.

Charcoal production plants.

Fossil fuel-fired steam electric plants of more than 250 million BTU per hour rated heat input.

Any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 (Standards Of Performance For New Stationary Sources) of the Act or under Section 112 (National Emission Standards For Hazardous Air Pollutants) of the Act.

~~200.61~~ **200.60** **MAJOR SOURCE THRESHOLD** – The lowest applicable emissions rate for a pollutant that would cause the source to be a major source, at the particular time and location, under Section ~~200.60~~ 200.59 (Definition Of Major Source) of this rule.

~~200.62~~ **200.61** **MALFUNCTION** - Any sudden and unavoidable failure of air pollution control equipment, process, or process equipment to operate in a normal and usual manner. Failures that are caused by poor maintenance, careless operation, or any other upset condition or equipment breakdown which could have been prevented by the exercise of reasonable care shall not be considered malfunctions.

~~200.63~~ **200.62** **MATERIAL PERMIT CONDITION** -

a. For the purposes of ARS §49-464(G) and ARS §49-514(G), a material permit condition shall mean a condition which satisfies all of the following:

(1) The condition is in a permit or permit revision issued by the Control Officer or by the Director after the effective date of this rule.

(2) The condition is identified within the permit as a material permit condition.

(3) The condition is one of the following:

(a) An enforceable emission standard imposed to avoid classification as a major modification or major source or to avoid triggering any other applicable requirement.

(b) A requirement to install, operate, or maintain a maximum achievable control technology or hazardous air pollutant reasonably available control technology required under the requirements of ARS §49-426.06.

(c) A requirement for the installation or certification of a monitoring device.

- (d) A requirement for the installation of air pollution control equipment.
- (e) A requirement for the operation of air pollution control equipment.
- (f) An opacity standard required by Section 111 (Standards Of Performance For New Stationary Sources) of the Act or Title I (Air Pollution Prevention And Control), Part C or D, of the Act.

(4) Violation of the condition is not covered by Subsections (A) through (F) or (H) through (J) of ARS §49-464 or Subsections (A) through (F) or (H) through (J) of ARS §49-514.

b. For the purposes of ~~subsections 200.63(a)(3)(e)~~, Sections 200.62(a)(3)(c), (d), and (e) of this rule, a permit condition shall not be material where the failure to comply resulted from circumstances which were outside the control of the source.

~~200.64~~ 200.63 **METHOD OF OPERATION** - The definition of method of operation is included in Section 200.71 (Definition Of Operation) of this rule.

~~200.65~~ 200.64 **MODIFICATION** - A physical change in or a change in the method of operation of a source which increases the actual emissions of any regulated air pollutant emitted by such source by more than any relevant deminimis amount, or which results in the emission of any regulated air pollutant not previously emitted by more than such deminimis amount.

~~200.66~~ 200.65 **NET EMISSIONS INCREASE** -

a. The amount by which the sum of ~~subsection 200.66(a)(1)~~ Section 200.65(a)(1) and ~~subsection 200.66(a)(2)~~ Section 200.65(a)(2) below exceed zero:

- (1) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and
- (2) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

- b.** An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:

 - (1) The date 5 years before construction on the particular change commences; and
 - (2) The date that the increase from the particular change occurs.

- c.** An increase or decrease in actual emissions is creditable only if the Control Officer has not relied on it in issuing a permit, which is in effect when the increase in actual emissions from the particular change occurs. In addition, in nonattainment areas, a decrease in actual emissions shall be considered in determining net emissions increase due to modifications only if the State has not relied on it in demonstrating attainment or reasonable further progress.

- d.** An increase or decrease in actual emissions of sulfur dioxide, nitrogen oxides, or particulate matter which occurs before the applicable baseline date, as described in Rule 500 of these rules, is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

- e.** An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

- f.** A decrease in actual emissions is creditable only to the extent that:

 - (1) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
 - (2) The emissions unit was actually operated and emitted the specific pollutant;
 - (3) It is federally enforceable at and after the time that actual construction on the particular change begins; and
 - (4) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

- g.** An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular

pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

~~200.67~~ **200.66** **NEW SOURCE** - Any source that is not an existing source.

200.67 **NITROGEN OXIDES (NO_x)** - All oxides of nitrogen except nitrous oxide, as measured by test methods set forth in the Appendices to 40 CFR 60.

200.68 **NONATTAINMENT AREA** - An area so designated by the Administrator of EPA, acting under Section 107 (Air Quality Control Regions) of the Act, as exceeding national primary or secondary ambient air standards for a particular pollutant or pollutants.

200.69 **NON-PRECURSOR ORGANIC COMPOUND** - ~~Any of the following organic compounds that have been designated by EPA as having negligible photo-chemical reactivity:~~

a. Any of the following organic compounds that have been designated by EPA as having negligible photo-chemical reactivity:

67-64-1	Acetone;
74-82-8	Methane;
74-84-0	Ethane;
75-09-2	Methylene chloride (dichloromethane);
71-55-6	1,1,1-trichloroethane (methyl chloroform);
75-69-4	Trichlorofluoromethane (CFC-11);
75-71-8	Dichlorodifluoromethane (CFC-12);
75-45-6	Chlorodifluoromethane (HCFC-22);
76-13-1	1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
76-14-2	1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
76-15-3	Chloropentafluoroethane (CFC-115);
75-46-7	Trifluoromethane (HFC-23);
306-83-2	1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
2837-89-0	2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
1717-00-6	1,1-dichloro-1-fluoroethane (HCFC-141b);
75-68-3	1-chloro-1,1-difluoroethane (HCFC-142b);
354-33-6	Pentafluoroethane (HFC-125);
354-25-6	1,1,2,2-tetrafluoroethane (HFC-134);
811-97-2	1,1,1,2-tetrafluoroethane (HFC-134a);
420-46-2	1,1,1-trifluoroethane (HFC-143a);
75-37-6	1,1-difluoroethane (HFC-152a);

98-56-6	Parachlorobenzotrifluoride (PCBTf);
127-18-4	Perchloroethylene (tetrachloroethylene);
422-56-0	3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
507-55-1	1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
75-10-5	Difluoromethane (HFC-32);
353-36-6	Ethylfluoride (HFC-161);
690-39-1	1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
678-86-7	1,1,2,2,3-pentafluoropropane (HFC-245ca);
460-73-1	1,1,2,3,3-pentafluoropropane (HFC-245ea);
431-31-2	1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa);
431-63-0	1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
593-70-4	Chlorofluoromethane (HCFC-31);
1615-75-4	1-chloro-1-fluoroethane (HCFC-151a);
354-23-4	1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
<u>163702-07-6</u>	1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C ₄ F ₉ OCH ₃) (HFE-7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane (CF ₃) ₂ CF ₂ OCH ₃);
<u>163702-05-4</u>	1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C ₄ F ₉ OC ₂ H ₅) (HFE-7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane (CF ₃) ₂ CF ₂ OC ₂ H ₅);
79-20-9	methyl acetate; cyclic, branched, or linear completely methylated siloxanes;
<u>375-03-1</u>	<u>1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃, HFE-7000);</u>
<u>297730-93-9</u>	<u>3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane</u> (HFE-7500);
<u>431-89-0</u>	<u>1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);</u>
<u>107-31-3</u>	<u>methyl formate (HCOOCH₃);</u>

And perfluorocarbon compounds that fall into these classes:

Cyclic, branched, or linear, completely fluorinated alkanes;

Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

b. The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate (540-88-5).

200.70 OPEN OUTDOOR FIRE - Any combustion of material of any type outdoors, where the products of combustion are not directed through a flue.

200.71 OPERATION - Any physical action resulting in a change in the location, form, or physical properties of a material, or any chemical action resulting in a change in the chemical composition or properties of a material.

200.72 ORGANIC COMPOUND - Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

200.73 ORGANIC LIQUID - Any organic compound which exists as a liquid under any actual conditions of use, transport, or storage.

200.74 OWNER AND/OR OPERATOR - Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.

200.75 PARTICULATE MATTER - Any material, except condensed water containing no more than analytical trace amounts of other chemical elements or compounds, which has a nominal aerodynamic diameter smaller than 100 microns (micrometers), and which exists in a finely divided form as a liquid or solid at actual conditions.

200.76 PERMITTING AUTHORITY - The department or a County department or agency that is charged with enforcing a permit program adopted under ARS §49-480, Subsection A.

200.77 PERSON - Any individual, public or private corporation, company, partnership, firm, association or society of persons, the Federal Government and any of its departments or agencies, or the State and any of its agencies, departments or political subdivisions.

- 200.78 PHYSICAL CHANGE** - Any replacement, addition, or alteration of equipment that is not already allowed under the terms of the source's permit.
- 200.79 "PM_{2.5}"** - Particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 microns (micrometers), as measured by the applicable State and Federal Reference Test Methods.
- ~~**200.79**~~ **200.80 PM₁₀** - Particulate matter with ~~a nominal~~ an aerodynamic diameter ~~smaller~~ less than or equal to a nominal 10 microns (micrometers), as measured by the applicable State and Federal Reference Test Methods.
- ~~**200.80**~~ **200.81 POLLUTANT** – An air contaminant the emissions or ambient concentration of which is regulated under these rules.
- ~~**200.81**~~ **200.82 POLLUTION CONTROL PROJECT** - Any activity or project undertaken at an existing electric utility steam generating unit to reduce emissions from the unit. The activities or projects are limited to:
- a. The installation of conventional or innovative pollution control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls, and electrostatic precipitators;
 - b. An activity or project to accommodate switching to a fuel less polluting than the fuel used before the activity or project, including but not limited to natural gas or coal reburning, or the co-firing of natural gas and other fuels for the purpose of controlling emissions;
 - c. A permanent clean coal technology demonstration project, conducted under Title II, Section 101(d) of the Further Continuing Appropriation Act of 1985 (42 U.S.C. 5903(d)) or subsequent appropriations up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the EPA; or
 - d. A permanent clean coal technology demonstration project that constitutes a repowering project.
- ~~**200.82**~~ **200.83 PORTABLE SOURCE** – Any stationary source that is capable of being transported and operated in more than one county of this state.

~~200.83~~ 200.84 **POTENTIAL TO EMIT** - The maximum capacity of a stationary source to emit pollutants, excluding secondary emissions, under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design, if the limitation or the effect it would have on emissions is federally enforceable.

~~200.84~~ 200.85 **PROPOSED PERMIT** - The version of a permit for which the Control Officer offers public participation under Rule 210 (Title V Permit Provisions) of these rules or offers affected State review under Rule 210 (Title V Permit Provisions) of these rules.

~~200.85~~ 200.86 **PROPOSED FINAL PERMIT** - The version of a Title V permit that the Control Officer proposes to issue and forwards to the Administrator of EPA for review, in compliance with Rule 210 (Title V Permit Provisions) of these rules.

~~200.86~~ 200.87 **QUANTIFIABLE** - With respect to emissions, including the emissions involved in equivalent emission limits and emission trades, capable of being measured or otherwise determined in terms of quantity and assessed in terms of character. Quantification may be based on emission factors, stack tests, monitored values, operating rates and averaging times, materials used in a process or production, modeling, or other reasonable measurement practices.

~~200.87~~ 200.88 **REACTIVATION OF A VERY CLEAN COAL-FIRED ELECTRIC UTILITY STEAM GENERATING UNIT** - Any physical change or change in the method of operation, associated with commencing commercial operations by a coal-fired utility unit after a period of discontinued operation, if the unit:

- a. Has not been in operation for the 2-year period before enactment of the Clean Air Act Amendments of 1990 and the emissions from the unit continue to be carried in the Maricopa County emissions inventory at the time of enactment;
- b. Was equipped before shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85% and a removal efficiency for particulates of no less than 98%;
- c. Is equipped with low nitrogen oxides (NO_x) burners before commencement of operations following reactivation; and

d. Is otherwise in compliance with the Act.

~~200.88~~ 200.89 REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) - For facilities subject to Regulation III (Control Of Air Contaminants) of these rules, the emissions limitation of the existing source performance standard. For facilities not subject to Regulation III (Control Of Air Contaminants) of these rules, the lowest emission limitation that a particular source is capable of achieving by the application of control technology that is reasonably available considering technological and economic feasibility. Such technology may previously have been applied to a similar, but not necessarily identical, source category. RACT for a particular facility, other than a facility subject to Regulation III (Control Of Air Contaminants) of these rules, is determined on a case-by-case basis, considering the technological feasibility and cost-effectiveness of the application of the control technology to the source category.

~~200.89~~ 200.90 REFERENCE METHOD - Any of the methods of sampling and analyzing for an air pollutant as described in the Arizona Testing Manual for Air Pollutant Emissions; 40 CFR 50, Appendices A through ~~K~~ L; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C.

~~200.90~~ 200.91 REGULATED AIR POLLUTANT - Any of the following:

- a. Any conventional air pollutant as defined in ARS §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) (i.e., for carbon monoxide (CO), nitrogen oxides (NO_x), lead, sulfur oxides (SO_x) measured as sulfur dioxides (SO₂), ozone, and particulates).
- b. Nitrogen oxides (NO_x) and volatile organic compounds (VOCs).
- c. 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.
- d. Any hazardous air pollutant (HAP) as defined in ARS §49-401.01 or listed in Section 112(b) (Hazardous Air Pollutants; List Of Pollutants) of the Act.
- e. Any Class I or II substance listed in Section 602 (Stratospheric Ozone Protection; Listing Of Class I And Class II Substances) of the Act.

~~200.91~~ 200.92 **REGULATORY REQUIREMENTS** - All applicable requirements, ~~Division~~ Department rules, and all State requirements pertaining to the regulation of air contaminants.

~~200.92~~ 200.93 **REPLICABLE** - With respect to methods or procedures sufficiently unambiguous such that the same or equivalent results would be obtained by the application of the method or procedure by different users.

~~200.93~~ 200.94 **REPOWERING** - The Control Officer shall give expedited consideration to permit applications for any source that satisfies the following criteria and that is granted an extension under Section 409 (Repowered Sources) of the Act:

- a. Repowering means replacing an existing coal-fired boiler with one of the following clean coal technologies:
 - (1) Atmospheric or pressurized fluidized bed combustion;
 - (2) Integrated gasification combined cycle;
 - (3) Magnetohydrodynamics;
 - (4) Direct and indirect coal-fired turbines;
 - (5) Integrated gasification fuel cells; or
 - (6) As determined by the Administrator of EPA, in consultation with the United States Secretary of Energy, a derivative of one or more of the above listed technologies; and
 - (7) Any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.
- b. Repowering also includes any oil, gas, or oil and gas-fired units which have been awarded clean coal technology demonstration funding as of January 1, 1991 by the United States Department of Energy.

~~200.94~~ 200.95 **REPRESENTATIVE ACTUAL ANNUAL EMISSIONS** - The average rate, in tons per year, at which the source is projected to emit a pollutant for the 2-year period after a physical change or change in the method of operation of a unit (or a different consecutive 2-year within 10 years after that change, if the Control Officer determines that the different period is more representative of source operations), considering the effect the change will have on increasing or decreasing the hourly emission rate and on projected capacity utilization. In projecting future emissions, the Control Officer shall:

- a. Consider all relevant information, including but not limited to historical operational data, the company's representations, filings with the Maricopa County, State or Federal regulatory authorities, and compliance plans under Title IV (Acid Deposition Control) of the Act; and
- b. Exclude, in calculating any increase in emissions that result from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions, following the change, that could have been accommodated during the representative baseline period and that is attributable to an increase in projected capacity utilization at the unit unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

~~200.95~~ 200.96 **RESPONSIBLE OFFICIAL** - One of the following:

- a. For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (1) The sources employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - (2) The delegation of authority to such representatives is approved in advance by the permitting authority;
- b. For a partnership or sole proprietorship: A general partner or the proprietor, respectively;

c. For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this rule, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

d. For affected sources:

(1) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV (Acid Deposition Control) of the Act or the regulations promulgated thereunder are concerned; and

(2) The designated representative for any other purposes under 40 CFR, Part 70.

~~200.96~~ 200.97 **SCHEDULED MAINTENANCE** - Preventive maintenance undertaken in order to avoid a potential breakdown or upset of air pollution control equipment.

~~200.97~~ 200.98 **SIGNIFICANT** -

a. In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any one of the following rates:

<u>Pollutant</u>	<u>Emissions Rate (TPY)</u>
Carbon Monoxide	100
Nitrogen Oxides	40
Sulfur Dioxide	40
Particulate Matter	25
PM ₁₀	15
VOC	40
Lead	0.6
Fluorides	3
Sulfuric Acid Mist	7
Hydrogen Sulfide (H ₂ S)	10
Total Reduced Sulfur	

(including hydrogen sulfide)	10
Reduced Sulfur Compounds	
(including hydrogen sulfide)	10
Municipal waste combustor organics	
(measured as total tetra-through-	
octa-chlorinated: dibenzo-p-dioxins	
and dibenzofurans)	3.5 x 10 ⁻⁶
Municipal waste combustor metals	
(measured as particulate matter)	15
Municipal waste combustor acid gases	
(measured as sulfur dioxide and hydrogen chloride)	40
Municipal solid waste landfill emissions	
(measured as nonmethane organic compounds)	50

- b.** In ozone nonattainment areas classified as serious or severe, significant emissions of VOC shall be determined under Rule 240 (Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources) of these rules.
- c.** In reference to a regulated air pollutant that is not listed in ~~subsection 200.97(a)~~ Section 200.98(a) of this rule, is not a Class I nor a Class II substance listed in Section 602 (Listing Of Class I And Class II Substances) of the Act, and is not a hazardous air pollutant according to ARS ~~§49-401.01(11)~~ §49-401.01(16), any emissions rate.
- d.** Notwithstanding the emission amount listed in ~~subsection 200.97(a)~~ Section 200.98(a) of this rule, any emissions rate or any net emissions increase associated with a major source or major modification, which would be constructed within 10 kilometers (6.2 miles) of a Class I area and which would have an impact on the ambient air quality of such area equal to or greater than 1 microgram/cubic meter (mg/m³) (24-hour average).

~~200.98~~ 200.99 SOLVENT-BORNE COATING MATERIAL - Any liquid coating-material in which the solvent is primarily or solely a VOC. For the purposes of this definition, “primarily” means that of the total solvent mass that evaporates from the coating, the VOC portion weighs more than the non-VOC portion.

~~200.99~~ 200.100 SOURCE - Any building, structure, facility, or installation that may cause or contribute to air pollution.

~~200.100~~ **200.101** **SPECIAL INSPECTION WARRANT** - An order, in writing, issued in the name of the State of Arizona, signed by a magistrate, directed to the Control Officer or his deputies authorizing him to enter into or upon public or private property for the purpose of making an inspection authorized by law.

~~200.101~~ **200.102** **STANDARD CONDITIONS** - ~~A gas temperature of 60 degrees Fahrenheit (°F) and a gas pressure of 14.7 pounds per square inch absolute (psia).~~ A temperature of 293K (68 degrees Fahrenheit or 20 degrees Celsius) and a pressure of 101.3 kilopascals (29.92 in. Hg or 1013.25 mb). When applicable, all analyses and tests shall be calculated and reported at standard gas temperatures and pressure values.

~~200.102~~ **200.103** **STATE IMPLEMENTATION PLAN (SIP)** - The plan adopted by the State of Arizona which provides for implementation, maintenance, and enforcement of such primary and secondary ambient air quality standards as are adopted by the Administrator of EPA under the Act.

~~200.103~~ **200.104** **STATIONARY SOURCE** - Any source that operates at a fixed location and that emits or generates regulated air pollutants.

~~200.104~~ **200.105** **SYNTHETIC MINOR** - Any source whose maximum capacity to emit a pollutant under its physical and operational design would exceed the major source threshold levels but is restricted by an enforceable emissions limitation that prevents such source from exceeding major source threshold levels.

~~200.105~~ **200.106** **TEMPORARY CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT** - A clean coal technology demonstration project operated for 5 years or less and that complies with the SIP and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated.

~~200.106~~ **200.107** **TITLE V** - Title V of the Federal Clean Air Act as amended in 1990 and the 40 CFR Part 70 EPA regulations adopted to implement the Act.

200.108 **TOTAL REDUCED SULFUR (TRS)** - The sum of the sulfur compounds, primarily hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, that are released during kraft pulping and other operations and measured by Method 16 in 40 CFR 60, Appendix A.

~~200.107~~ **200.109** **TRADE SECRETS** - Information to which all of the following apply:

- a. A person has taken reasonable measures to protect from disclosure and the person intends to continue to take such measures.
- b. The information is not, and has not been, reasonably obtainable without the person's consent by other persons, other than governmental bodies, by use of legitimate means, other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding.
- c. No statute, including ARS §49-487, specifically requires disclosure of the information to the public.
- d. The person has satisfactorily shown that disclosure of the information is likely to cause substantial harm to the business's competitive position.

~~200.108~~ **200.110 TRIVIAL ACTIVITY** – For the purpose of this rule, a trivial activity shall be any activity, process, or emissions unit that, in addition to meeting the criteria for insignificant activity, has extremely low emissions. No activity, process, or emissions unit that is conducted as part of a manufacturing process or is related to the source's primary business activity shall be considered trivial. Trivial activities are listed in Appendix E of these rules and may be omitted from Title V permit applications and from Non-Title V permit applications.

~~200.109~~ **200.111 UNCLASSIFIED AREA** - An area which the Administrator of EPA, because of lack of adequate data, is unable to classify as an attainment or nonattainment area for a specific pollutant. For purposes of these rules, unclassified areas are to be treated as attainment areas.

~~200.110~~ **200.112 VOLATILE ORGANIC COMPOUND (VOC)** - Any organic compound which participates in atmospheric photochemical reactions, except the non-precursor organic compounds.

SECTION 300 - STANDARDS

301 AIR POLLUTION PROHIBITED: No person shall discharge from any source whatever into the atmosphere regulated air pollutants which exceed in quantity or concentration that specified and allowed in these rules, the Arizona Administrative Code or ARS, or which cause damage to property, or unreasonably interfere with the comfortable enjoyment of life or property of a substantial part of a community, or obscure visibility, or which in any way degrade the quality of the ambient air below the standards established by the Board of Supervisors or the Director.

302 APPLICABILITY OF MULTIPLE RULES: Whenever more than one standard in this rule applies to any source or whenever a standard in this rule and a standard in the Maricopa County Air Pollution Control Regulations Regulation III (Control Of Air Contaminants) applies to any source, the rule or combination of rules resulting in the lowest rate or lowest concentration of regulated air pollutants released to the atmosphere shall apply, unless otherwise specifically exempted or designated.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS: Any application form or report submitted under these rules shall contain certification by a responsible official of truth, accuracy, and completeness of the application form or report as of the time of submittal. This certification and any other certification required under these rules shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

402 CONFIDENTIALITY OF INFORMATION:

402.1 The Control Officer shall make all permits, including all elements required to be in the permit under Rule 210 (Title V Permit Provisions) of these rules and Rule 220 (Non-Title V Permit Provisions) of these rules, available to the public.

402.2 Any records, reports, or information obtained from any person under these rules shall be available to the public, unless the Control Officer has notified the person in writing as specified in ~~subsection~~ Section 402.3 of this rule and unless a person:

- a.** Precisely identifies the information in the permit(s), records, or reports, which is considered confidential.
- b.** Provides sufficient supporting information to allow the Control Officer to evaluate whether such information satisfies the requirements related to trade secrets as defined in Section ~~200.107~~ 200.109 of this rule.

402.3 Within 30 days of receipt of a notice of confidentiality that complies with ~~subsection~~ Section 402.2 of this rule, the Control Officer shall make a determination as to whether the information satisfies the requirements for trade secrets as described in Section ~~200.107~~ 200.109 of this rule and so notify the applicant in writing. If the Control Officer agrees with

the applicant that the information covered by the notice of confidentiality satisfies the statutory requirements, the Control Officer shall include a notice in the administrative record of the permit application that certain information has been considered confidential.

402.4 A claim of confidentiality shall not excuse a person from providing any and all information required or requested by the Control Officer.

402.5 A claim of confidentiality shall not be a defense for failure to provide such information.

SECTION 500 - MONITORING AND RECORDS

501 REPORTING REQUIREMENTS: The owner and/or operator of any air pollution source shall maintain records of all emissions testing and monitoring, records detailing all malfunctions which may cause any applicable emission limitation to be exceeded, records detailing the implementation of approved control plans and compliance schedules, records required as a condition of any permit, records of materials used or produced, and any other records relating to the emission of air contaminants which may be requested by the Control Officer.

502 DATA REPORTING: When requested by the Control Officer, a person shall furnish to the ~~Division~~ Department information to locate and classify air contaminant sources according to type, level, duration, frequency, and other characteristics of emissions and such other information as may be necessary. This information shall be sufficient to evaluate the effect on air quality and compliance with these rules. The owner and/or operator of a source requested to submit information under Section 501 of this rule may subsequently be required to submit annually, or at such intervals specified by the Control Officer, reports detailing any changes in the nature of the source since the previous report and the total annual quantities of materials used or air contaminants emitted.

503 EMISSION STATEMENTS REQUIRED AS STATED IN THE ACT: Upon request of the Control Officer and as directed by the Control Officer, the owner and/or operator of any source which emits or may emit oxides of nitrogen (NO_x) or volatile organic compounds (VOC) shall provide the Control Officer with an emission statement, in such form as the Control Officer prescribes, showing measured actual emissions or estimated actual emissions of NO_x and VOC from that source. At a minimum, the emission statement shall contain all information ~~contained in the "Guidance on Emission Statements" document as described in the AIRS Fixed Format Report (AFP 644)~~ required by the Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A, which is incorporated by reference in Appendix G. The statement shall contain emissions for the time period specified by the Control Officer. The statement shall also contain a

certification by a responsible official of the company that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. ~~The first statement will cover 1992 emissions and shall be submitted to the Division by April 30, 1993.~~ Statements shall be submitted annually ~~thereafter~~ to the Department. The Control Officer may waive this requirement for the owner and/or operator of any source which emits less than 25 tons per year of oxides of nitrogen or volatile organic compounds with an approved emission inventory for sources based on AP-42 or other methodologies approved by the Administrator of EPA.

504 RETENTION OF RECORDS: Information and records required by applicable requirements and copies of summarizing reports recorded by the owner and/or operator and submitted to the Control Officer shall be retained by the owner and/or operator for 5 years after the date on which the information is recorded or the report is submitted. Non-Title V sources may retain such information, records, and reports for less than 5 years, if otherwise allowed by these rules.

505 ANNUAL EMISSIONS INVENTORY REPORT:

505.1 Upon request of the Control Officer and as directed by the Control Officer, the owner and/or operator of a business shall complete and shall submit to the Control Officer an annual emissions inventory report. The report is due by April 30, or 90 days after the Control Officer makes the inventory form(s) available, whichever occurs later. These requirements apply whether or not a permit has been issued and whether or not a permit application has been filed.

505.2 The annual emissions inventory report shall be in the format provided by the Control Officer.

505.3 The Control Officer may require submittal of supplemental emissions inventory information forms for air contaminants under ARS §49-476.01, ARS §49-480.03, and ARS §49-480.04.

Adopted 03/15/06

APPENDIX G

Incorporated Materials

- 1.** The following test methods and protocols located in Title 40, Code of Federal Regulations (CFR) are approved for use as directed by the Department under the Maricopa County Air Pollution Control Rules and Regulations. These standards are incorporated by reference revised as of July 1, 2004, and no future editions or amendments.

- a. 40 CFR 50;
- b. 40 CFR 50, Appendices A through N;
- c. 40 CFR 51, Appendix M, Appendix S, Section IV, and Appendix W;
- d. 40 CFR 52, Appendices D and E;
- e. 40 CFR 53;
- f. 40 CFR 58;
- g. 40 CFR 58, all appendices;
- h. 40 CFR 60, all appendices;
- i. 40 CFR 61, all appendices;
- j. 40 CFR 63, all appendices;
- k. 40 CFR 75, all appendices.

2. The following documents are incorporated by reference and are approved for use as directed by the Department under the Maricopa County Air Pollution Control Rules and Regulations. These documents are incorporated by reference as of the year specified below, and no future editions or amendments.

- a. The Arizona Department of Environmental Quality's (ADEQ) "Arizona Testing Manual for Air Pollutant Emissions," amended as of March 1992, and no future editions or amendments.
- b. All American Society for Testing and Materials (ASTM) test methods referenced in the Maricopa County Air Pollution Control Rules and Regulations as of the year specified in the reference, and no future editions or amendments.
- c. The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987", and no future editions or amendments.
- d. EPA Publication No. AP-42, 1995, "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, Fifth Edition, including Supplements A, B, C, D, E, F, and Updates 2001, 2002, 2003, and 2004 and no future editions.
- e. EPA guidance document "Guidelines for Determining Capture Efficiency", January 9, 1995, and no future editions or amendments.
- f. 2002 US NAICS Manual, "North American Industry Classification System - United States", National Technical Information Service, US Census Bureau, 2002, and no future editions or amendments.

3. The following federal regulations located in Title 40, Code of Federal Regulations (CFR) are approved for use as directed by the Department under the Maricopa County Air Pollution Control Rules and Regulations. These standards are incorporated by reference revised as of July 1, 2004, and no future editions or amendments.

- a. The Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A.
- b. 40 CFR 75

Availability of Information: Copies of these standards are on file with the Department and are available at 1001 N. Central Avenue, Suite 695, Phoenix, Arizona, 85004, or call (602) 506-6010 for information.