



MARICOPA COUNTY
AIR QUALITY DEPARTMENT
PLANNING & ANALYSIS DIVISION

RULE REVISIONS RE: NEW SOURCE REVIEW
FOR PUBLIC WORKSHOP #1 – NOVEMBER 20, 2008

Rule 100	General Provisions and Definitions
Rule 200	Permit Requirements
Rule 210	Title V Permit Provisions
Rule 220	Non-Title V Permit Provisions
Rule 240	Permit Requirements for New Major Sources and Major Modifications to Existing Major Sources
Rule 240.01	Plantwide Applicability Limitation (PAL)
Rule 241	Permits for New Sources and Modifications to Existing Sources

Section By Section Explanation Of Changes:

Rule 100-General Provisions and Definitions For Public Workshop #1 - November 20, 2008

Section 110. Deleted “Suite 400” and “602.506.6010.”

Section 111. Deleted “Suite 400” and “602.506.6010.”

Section 112. Deleted “Suite 400” and “or call 602.506.6010 for information.”

Section 200.3(c). Deleted the text “other than an electric steam generating unit described in Section 200.3(e) of this rule.”

Section 200.3(e). Added the text “This definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL. Instead, projected actual emissions and baseline actual emissions shall apply for those purposes” and deleted the text “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 five 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.”

Section 200.23. Deleted the text “In general.” Added the text “With respect to a change in method of operation this term refers to those on-site activities, other than preparatory activities, which mark the initiation of change.”

Section 200.23(a). Added the text “For purposes of title I, parts C and D and section 112 of the Act, and for purposes of permits containing limits designed to avoid the application of title I, parts C and D and section 112 of the Act.” Deleted the word “such” and added the word “these”.

Section 200.23(b). Added the text “For purposes other than those identified in Section 200.23(a) of this rule, these activities do not include installation of building supports and foundations, laying of underground pipework and construction of permanent storage structures.” Deleted the text “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 change.”

New Section 200.27. Added the text “Categorical Source – The following classes of sources: Coal cleaning plants with thermal dryers; Kraft pulp mills; Portland cement plants; Primary zinc smelters; Iron and steel mills; Primary

**Rule 100 Section By Section Explanation Of Changes
For Public Workshop #1 - November 20, 2008**

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 using the 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 British thermal units (BTU) per hour heat input; Petroleum storage and transfer units with a storage capacity more than 300,000 barrels; Taconite preprocessing plants; Glass fiber processing plants; Charcoal production plants; Fossil fuel-fired steam electric plants and combined cycle gas turbines of more than 250 million BTU per hour rated heat input.”

Re-Numbered Section 200.40. Modified the format and the text to match the definition of dust-generating operation in Rule 310.

Re-Numbered Section 200.60. Deleted the text “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.” Added the text “A major modification is defined as follows.”

New Section 200.60(a). Added the text “Any physical change or change in the method of operation of a stationary source.”

New Section 200.60(a)(1). Modified text to read “That would result in both a significant increase of any regulated NSR pollutant and a significant net emissions increase of that pollutant from the stationary source; and.” Deleted the text “any regulated air pollutant.”

New Section 200.60(a)(2). Added the text “That occurs at either a major source or a stationary source that becomes a major source as defined in Rule 240, Section 212 of these rules as a result of the change.”

Re-Numbered Section 200.60(b). Added the text “Any emissions increase or net emissions increase that is significant for nitrogen oxides or VOCs shall be considered significant for ozone.”

Deleted Section 200.60(b). Deleted the text “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.”

Deleted Section 200.60(c)(8). Deleted the text “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.”

**Rule 100 Section By Section Explanation Of Changes
For Public Workshop #1 - November 20, 2008**

Deleted Section 200.60(c)(8)(a). Deleted the text “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.”

Deleted Section 200.60(c)(8)(b). Deleted the text “The Control Officer determines that the increase will cause or contribute to a violation of any national ambient air quality standard, prevention of significant deterioration (PSD) increment, or visibility limitation.”

New Section 200.60(d). Added the text “This definition shall not apply with respect to a particular regulated NSR pollutant when the major source is complying with the requirements of Rule 240.01 of these rules for a PAL for that regulated NSR pollutant. Instead, the definition of PAL major modification shall apply.”

Re-Numbered Section 200.61(c). Deleted the text “belongs to.” Added the text “is either a categorical source or belongs to any other category of stationary sources which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Act.” Deleted “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 preprocessing 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.” Deleted the text “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.”

New Section 200.66. Added the text “Minor NSR Modification - Any of the following changes that do not qualify as a major source or major modification: (a) Any physical change in or change in the method of operation of an emission unit or a stationary source that increases the potential to emit of a regulated minor NSR pollutant, or results in emissions of a regulated minor NSR pollutant not previously emitted by such emission unit or stationary source, by an amount greater than the default permit exemption thresholds defined in Rule 200, Section 303.3(c)(7)(j) of these rules. To determine if there is an increase in the potential to emit, the Control Officer shall compare the pounds per hour emissions rate at maximum capacity before and after the physical or operational change; (b) Construction of one (1) or more new emissions units that have the potential to emit regulated minor NSR pollutants at an amount greater than the default permit exemption thresholds defined in Rule 200, Section 303(c)(7)(j) of these rules, unless

**Rule 100 Section By Section Explanation Of Changes
For Public Workshop #1 - November 20, 2008**

the new unit is a replacement for an existing unit and will have a capacity equal to or less than the capacity of the existing unit; (c) A change covered by Section 200.66(a) or Section 200.66(b) of this rule constitutes a minor NSR modification regardless of whether other changes will result in decreases in the potential to emit of other emission units at the same stationary source; (d) Notwithstanding the provision of Section 200.66(a) and Section 200.66(b) of this rule; (1) The construction, or change to an emissions unit or stationary source qualifying as categorically exempt activity shall not be considered a minor NSR modification; (2) For a source that required to obtain a Non-Title V permit under Rule 220 of these rules and that is subject to source-wide emissions caps under Rule 201 of these rules, the construction or change is not considered a minor NSR modification if the owner or operator will continue to comply with the existing emissions cap for that regulated minor NSR pollutant.”

Re-Numbered Section 200.68(a)(1). Replaced the word “Any” with the word “The”. Added the text “as calculated pursuant to Rule 240, Section 227 of these rules.”

New Section 200.68(a)(3). Added the text “For purposes of calculating increases and decreases in actual emissions under Section 200.68(a)(2) of this rule, baseline actual emissions prior to the contemporaneous project shall be determined as provided in Rule 240, Section 202 of these rules, except that Rule 240, Section 202.1(c) of these rules shall not apply.”

New Section 200.68(a)(4). Added the text “For purposes of calculating increases in actual emissions under Section 200.68(a)(2) of this rule, actual emissions after the contemporaneous project shall be determined as provided in the definition of actual emissions, except as provided in Section 200.68(a)(5) of this rule.”

New Section 200.68(a)(5). Added the text “For purposes of calculating increases in actual emissions under Section 200.68(a)(2) of this rule, if the Control Officer determines that there is no sufficiently representative time period of actual emissions after a contemporaneous project, pursuant to Section 200.3(a) of this rule, actual emissions after the contemporaneous project shall be determined as provided in the definition of projected actual emissions under Rule 240, Section 216 of these rules.”

New Section 200.68(a)(6). Added the text “For purposes of calculating decreases in actual emissions under Section 200.68(a)(2) of this rule, actual emissions after the contemporaneous project shall be determined as provided in the definition of actual emissions.”

Re-Numbered Section 200.68(c). Deleted the text “in nonattainment areas”. Deleted the text “shall be considered in determining net emissions increase due to modifications.” Added the text “is creditable.” Deleted the text “State” and replaced with the text “Control Officer.”

**Rule 100 Section By Section Explanation Of Changes
For Public Workshop #1 - November 20, 2008**

Re-Numbered Section 200.68(g). Added the text “or any emissions unit that replaces an existing emission unit that requires shakedown.”

Deleted Section 200.83. Deleted “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.”

Re-Numbered Section 200.86. Deleted the text “federally”. Added the text “as a practical matter”.

New Section 200.87. Added the text “Predictive Emission Monitoring Systems (PEMS) - The total equipment, required under the emission monitoring provisions in these rules, to monitor process and control device operational parameters and other information, and calculate and record the mass emissions rate on a continuous basis.”

Re-Numbered Section 200.89. Added the text “or Title V permit revision.”

Re-Numbered Section 200.92. Deleted the text “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”. Added the text “Devices, systems, process modifications, or other apparatus or techniques that are reasonably available taking into account.”

New Section 200.92(a). Added the text “The necessity of imposing such controls in order to attain and maintain a national ambient air quality standard; and.”

**Rule 100 Section By Section Explanation Of Changes
For Public Workshop #1 - November 20, 2008**

New Section 200.92b. Added the text “The social, environmental, and economic impact of such controls.”

Re-Numbered Section 200.93. Added the text “40 CFR 51, Appendix M.”

Deleted Section 200.96. Deleted the text “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.”

New Section 200.95. Added the text “Regulated Minor NSR Air Pollutant - Any pollutant for which a national ambient air quality standard has been promulgated and the following precursors for such pollutants.”

New Section 200.95(a). Added the text “VOC and nitrogen oxides are precursors to ozone.”

New Section 200.95(b). Added the text “Nitrogen oxides and sulfur dioxide are precursors to PM_{2.5}.”

New Section 200.96. Added the text “Regulated NSR Air Pollutant.”

New Section 200.96(a). Added the text “Any pollutant for which a national ambient air quality standard has been promulgated and the following precursors for such pollutants.”

New Section 200.96(a)(1). Added the text “VOC and nitrogen oxides are precursors to ozone.”

New Section 200.96(a)(2). Added the text “Nitrogen oxides and sulfur dioxide are precursors to PM_{2.5}.”

New Section 200.96(b). Added the text “Any pollutant that is subject to any standard promulgated under Section 111 of the Act.”

**Rule 100 Section By Section Explanation Of Changes
For Public Workshop #1 - November 20, 2008**

New Section 200.96(c). Added the text “Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or.”

New Section 200.96(d). Added the text “Any pollutant that otherwise is subject to regulation under the Act.”

New Section 200.96(e). Added the text “The following pollutants are not regulated NSR pollutants unless the listed pollutant is also regulated as a constituent or precursor of a general pollutant listed under Section 108 of the Act.”

New Section 200.96(e)(1). Added the text “Any or all hazardous air pollutants either listed in Section 112(b)(1) of the Act or added to the list pursuant to Section 112(b)(2) of the Act, and not delisted pursuant to Section 112(b)(3) of the Act; and.”

New Section 200.96(e)(2). Added the text “Any or all substances listed pursuant to Section 112(r)(3) of the Act.”

Re-Numbered Section 200.102. Added the text “In reference to a significant emissions increase, a net emissions increase or a stationary source’s potential to emit a regulated NSR pollutant.”

Re-Numbered Section 200.102(a). Deleted the text “In reference to a net emissions increase or the potential of a source to emit any of the following pollutants.” Added the pollutant “PM_{2.5}” and the emission rate of “10” tpy to the list of significant emission rates.

Re-Numbered Section 200.102(b). Added the text “nitrogen oxides and.”

New Section 200.102(c). Added the text “In a carbon monoxide nonattainment area classified as serious, a rate of emissions that would equal or exceed 50 tons per year, if the Administrator has determined that stationary sources contribute significantly to carbon monoxide levels in that area.”

Re-Numbered Section 200.102(d). Deleted the text “In reference to.” Added the text “For a.” Deleted the text “air”. Added the text “NSR”. Deleted the text “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 Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.”

Re-Numbered Section 200.102(e). Deleted the text “amount” and added the text “rates”.

New Section 200.103. Added the text “ Significant Emissions Increase – For a regulated NSR pollutant, an increase in emissions that is significant for that pollutant.”

**Rule 100 Section By Section Explanation Of Changes
For Public Workshop #1 - November 20, 2008**

Re-Numbered Section 200.111. Deleted the text “SIP” and added the text “applicable implementation plan.”

Re-Numbered Section 200.115. Deleted the text “Title V permit applications and from Non-Title V permit Applications.”

REGULATION I - GENERAL PROVISIONS
RULE 100
GENERAL PROVISIONS AND DEFINITIONS
INDEX

SECTION 100 - GENERAL

- 101 DECLARATION OF INTENT
- 102 LEGAL AUTHORITY
- 103 VALIDITY
- 104 CIRCUMVENTION
- 105 RIGHT OF INSPECTION OF PREMISES
- 106 RIGHT OF INSPECTION OF RECORDS
- 107 ADVISORY COUNCIL
- 108 HEARING BOARD
- 109 ANTI-DEGRADATION
- 110 AVAILABILITY OF POLLUTION INFORMATION
- 111 ANNUAL REASONABLE FURTHER PROGRESS (RFP) REPORT
- 112 AVAILABILITY OF INFORMATION

SECTION 200 - DEFINITIONS

- 200.1 AAC
- 200.2 ACT
- 200.3 ACTUAL EMISSIONS
- 200.4 ADMINISTRATOR
- 200.5 ADVISORY COUNCIL
- 200.6 AFFECTED FACILITY
- 200.7 AFFECTED SOURCE
- 200.8 AFFECTED STATE
- 200.9 AIR CONTAMINANT
- 200.10 AIR POLLUTION

- 200.11 AIR POLLUTION CONTROL EQUIPMENT
- 200.12 ALLOWABLE EMISSIONS
- 200.13 AMBIENT AIR
- 200.14 AP-42
- 200.15 APPLICABLE IMPLEMENTATION PLAN
- 200.16 APPLICABLE REQUIREMENT
- 200.17 APPROVED
- 200.18 AREA SOURCE
- 200.19 ARS
- 200.20 ASME
- 200.21 ASTM
- 200.22 ATTAINMENT AREA
- 200.23 BEGIN ACTUAL CONSTRUCTION
- 200.24 BEST AVAILABLE CONTROL TECHNOLOGY (BACT)
- 200.25 BRITISH THERMAL UNIT (BTU)
- 200.26 BUILDING, STRUCTURE, FACILITY, OR INSTALLATION
- 200.27 CATEGORICAL SOURCE
- 200.27~~8~~ CFR
- 200.28~~9~~ CIRCUMSTANCES OUTSIDE THE CONTROL OF THE SOURCE
- 200.29~~30~~ CLEAN COAL TECHNOLOGY
- 200.30~~1~~ CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT
- 200.31~~2~~ COMMENCE
- 200.32~~3~~ COMPLETE
- 200.33~~4~~ CONSTRUCTION
- 200.34~~5~~ CONTROL OFFICER
- 200.35~~6~~ DEPARTMENT
- 200.36~~7~~ DIRECTOR
- 200.37~~8~~ DISCHARGE
- 200.38~~9~~ DIVISION
- 200.39~~40~~ DUST-GENERATING OPERATION

200.40 <u>1</u>	EFFLUENT
200.41 <u>2</u>	ELECTRIC UTILITY STEAM GENERATING UNIT
200.42 <u>3</u>	EMISSION STANDARD
200.43 <u>4</u>	EMISSIONS UNIT
200.44 <u>5</u>	EPA
200.45 <u>6</u>	EQUIVALENT METHOD
200.46 <u>7</u>	EXCESS EMISSIONS
200.47 <u>8</u>	EXISTING SOURCE
200.48 <u>9</u>	FACILITY
200.49 <u>50</u>	FEDERAL APPLICABLE REQUIREMENT
200.50 <u>1</u>	FEDERAL LAND MANAGER
200.51 <u>2</u>	FEDERALLY ENFORCEABLE
200.52 <u>3</u>	FINAL PERMIT
200.53 <u>4</u>	FUEL OIL
200.54 <u>5</u>	FUGITIVE EMISSION
200.55 <u>6</u>	HAZARDOUS AIR POLLUTANT REASONABLY AVAILABLE CONTROL TECHNOLOGY (HAPRACT)
200.56 <u>7</u>	INDIAN GOVERNING BODY
200.57 <u>8</u>	INDIAN RESERVATION
200.58 <u>9</u>	INSIGNIFICANT ACTIVITY
200.59 <u>60</u>	MAJOR MODIFICATION
200.60 <u>1</u>	MAJOR SOURCE
200.61 <u>2</u>	MAJOR SOURCE THRESHOLD
200.62 <u>3</u>	MALFUNCTION
200.63 <u>4</u>	MATERIAL PERMIT CONDITION
200.64 <u>5</u>	METHOD OF OPERATION
<u>200.66</u>	<u>MINOR NSR MODIFICATION</u>
200.65 <u>7</u>	MODIFICATION
200.66 <u>8</u>	NET EMISSIONS INCREASE
200.67 <u>9</u>	NEW SOURCE

200.68 <u>70</u>	NITROGEN OXIDES (NO _x)
200.69 <u>71</u>	NONATTAINMENT AREA
200.70 <u>2</u>	NON-PRECURSOR ORGANIC COMPOUND
200.71 <u>3</u>	OPEN OUTDOOR FIRE
200.72 <u>4</u>	OPERATION
200.73 <u>5</u>	ORGANIC COMPOUND
200.74 <u>6</u>	ORGANIC LIQUID
200.75 <u>7</u>	OWNER AND/OR OPERATOR
200.76 <u>8</u>	PARTICULATE MATTER
200.77 <u>9</u>	PERMITTING AUTHORITY
200.78 <u>80</u>	PERSON
200.79 <u>81</u>	PHYSICAL CHANGE
200.80 <u>82</u>	PM _{2.5}
200.81 <u>83</u>	PM ₁₀
200.82 <u>84</u>	POLLUTANT
200.83	POLLUTION CONTROL PROJECT
200.84 <u>5</u>	PORTABLE SOURCE
200.85 <u>6</u>	POTENTIAL TO EMIT
200.87	<u>PREDICTIVE EMISSIONS MONITORING SYSTEM (PEMS)</u>
200.86 <u>8</u>	PROPOSED PERMIT
200.87 <u>9</u>	PROPOSED FINAL PERMIT
200.88 <u>90</u>	QUANTIFIABLE
200.89 <u>91</u>	REACTIVATION OF A VERY CLEAN COAL-FIRED ELECTRIC UTILITY STEAM GENERATING UNIT
200.90 <u>2</u>	REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)
200.91 <u>3</u>	REFERENCE METHOD
200.92 <u>4</u>	REGULATED AIR POLLUTANT
200.95	<u>REGULATED MINOR NSR POLLUTANT</u>
200.96	<u>REGULATED NSR POLLUTANT</u>
200.93 <u>7</u>	REGULATORY REQUIREMENTS

Draft Rule 100 for Public Workshop On November 20, 2008
1001 North Central Avenue Room #560 At 9:00 Am
Contact Mike Perkins At 602.372.2041 or mperkins@mail.maricopa.gov

200.94 8	REPLICABLE
200.95 9	REPOWERING
200.96	REPRESENTATIVE ACTUAL ANNUAL EMISSIONS
200.97 100	RESPONSIBLE OFFICIAL
200.98 101	SCHEDULED MAINTENANCE
200.99 102	SIGNIFICANT
<u>200.103</u>	<u>SIGNIFICANT EMISSIONS INCREASE</u>
200.100 4	SOLVENT-BORNE COATING MATERIAL
200.101 5	SOURCE
200.102 6	SPECIAL INSPECTION WARRANT
200.103 7	STANDARD CONDITIONS
200.104 08	STATE IMPLEMENTATION PLAN (SIP)
200.105 09	STATIONARY SOURCE
200.106 10	SYNTHETIC MINOR
200.107 11	TEMPORARY CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT
200.108 12	TITLE V
200.109 13	TOTAL REDUCED SULFUR (TRS)
200.110 4	TRADE SECRETS
200.111 5	TRIVIAL ACTIVITY
200.112 6	UNCLASSIFIED AREA
200.113 7	VOLATILE ORGANIC COMPOUND (VOC)

SECTION 300 - STANDARDS

- 301 AIR POLLUTION PROHIBITED
- 302 APPLICABILITY OF MULTIPLE RULES

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

- 401 CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS
- 402 CONFIDENTIALITY OF INFORMATION

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Contact Mike Perkins At 602.372.2041 or mperkins@mail.maricopa.gov

SECTION 500 - MONITORING AND RECORDS

- 501 REPORTING REQUIREMENTS
- 502 DATA REPORTING
- 503 EMISSION STATEMENTS REQUIRED AS STATED IN THE ACT
- 504 RETENTION OF RECORDS
- 505 ANNUAL EMISSIONS INVENTORY REPORT

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Revised 05/20/98
Revised 07/26/00
Revised 03/07/01
Revised 08/22/01
Revised 11/06/02
Revised 03/15/06
Revised 06/06/07

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 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 three 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 three years.
- 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 three 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 Air Quality Index (AQI) and a written copy of such information shall be made available at the office of the Maricopa County Air Quality Department, 1001 North Central Avenue, ~~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 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 Maricopa County Air Quality Department, 1001 North Central Avenue, ~~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 North 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 Section 200.3(a) through Section 200.3(e) of this rule:

- 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 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. This definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL. Instead, projected actual emissions and baseline actual emissions shall apply for those purposes. ~~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 five 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 State Implementation Plan (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 of these rules.
- 200.15 APPLICABLE IMPLEMENTATION PLAN** - Those provisions of the State Implementation Plan (SIP) approved by the Administrator 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 200.51 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; Penalties; Definition
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; Definition; Exceptions; Fine
ARS §49-511	The Environment, Air Quality, County Air Pollution Control, Violations, Order Of Abatement
ARS §49-514	The Environment, Air Quality, County Air Pollution Control, Violation; Classification; Definition

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, 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~~ Initiation of physical on-site construction activities on an emissions unit, which are of a permanent nature. With respect to a change in method of operation this term refers to those on-site activities, other than preparatory activities, which mark the initiation of change.

a. For purposes of title I, parts C and D and section 112 of the Act, and for purposes of permits containing limits designed to avoid the application of title I, parts C and D and section 112 of the Act, ~~Such~~ these activities include installation of building supports and foundations, laying of underground pipe work, and construction of permanent storage structures.

b. For purposes other than those identified in Section 200.23(a) of this rule, these activities do not 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 State Implementation Plan (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 one pound of water one 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 CATEGORICAL SOURCE** – The following classes of sources:
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;

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1001 North Central Avenue Room #560 At 9:00 Am
Contact Mike Perkins At 602.372.2041 or mperkins@mail.maricopa.gov

Coke oven batteries;
Sulfur recovery plants;
Carbon black plants using the furnace process;
Primary lead smelters;
Fuel conversion plants;
Sintering plants;
Secondary metal production plants;
Chemical process plants;
Fossil-fuel boilers, or combinations thereof, totaling more than 250 million British thermal units (BTU) per hour heat input;
Petroleum storage and transfer units with a total storage capacity more than 300,000 barrels;
Taconite preprocessing plants;
Glass fiber processing plants;
Charcoal production plants;
Fossil fuel-fired steam electric plants and combined cycle gas turbines of more than 250 million BTU per hour rated heat input.

200.278 **CFR** - The United States Code of Federal Regulations.

200.289 **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.

200.2930 **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.

200.301 **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.

200.312 **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.

200.323 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.

200.334 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.

200.345 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.

200.356 DEPARTMENT - The Maricopa County Air Quality Department.

200.367 DIRECTOR - The director of the Arizona Department Of Environmental Quality (ADEQ).

200.378 DISCHARGE - The release or escape of an effluent into the atmosphere from a source.

200.389 DIVISION - The Division no longer exists; consequently, all references in these rules to Division refer to Department.

200.3940 DUST GENERATING OPERATION - Any activity capable of generating fugitive dust, including but not limited to, the following activities: 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.

- a. Land clearing, maintenance, and land cleanup using mechanized equipment.
- b. Earthmoving.
- c. Weed abatement by discing or blading.
- d. Excavating.

- e. Construction.
- f. Demolition.
- g. Bulk material handling (e.g., bulk material hauling and/or transporting, bulk material stacking, loading, and unloading operations).
- h. Storage and/or transporting operations (e.g., open storage piles).
- i. Operation of any outdoor equipment.
- j. Operation of motorized machinery.
- k. Establishing and/or using staging areas, parking areas, material storage areas, or access routes to and from a site.
- l. Establishing and/or using unpaved haul/access roads to, from, and within a site.
- m. Disturbed surface areas associated with a site.
- n. Installing initial landscapes using mechanized equipment.

200.401 **EFFLUENT** - Any air contaminant which is emitted and subsequently escapes into the atmosphere.

200.412 **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.

200.423 **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 or the Director or the Control Officer.

200.434 **EMISSIONS UNIT** - Any part of a stationary source which emits or would have the potential to emit any regulated air pollutant.

200.445 **EPA** - The United States Environmental Protection Agency.

200.456 **EQUIVALENT METHOD** - Any method of sampling and analyzing for an air pollutant, which has been demonstrated to the Administrator's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

200.467 **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.

200.478 **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-New Source Performance Standards of these rules.

200.489 **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.

200.4950 **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 the 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 the 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 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-Acid Rain of these rules.

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1001 North Central Avenue Room #560 At 9:00 Am
Contact Mike Perkins At 602.372.2041 or mperkins@mail.maricopa.gov

- 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 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.

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

200.542 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, 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, 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 for inclusion in the State Implementation Plan (SIP);
- e. The requirements of any federal regulation promulgated by the Administrator as part of the State Implementation Plan (SIP); and
- f. The requirements of State and County operating permit programs, other than Title V programs, which have been approved by the Administrator and incorporated into the applicable State Implementation Plan (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.

200.523 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.

200.534 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.

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

200.556 HAZARDOUS AIR POLLUTANT REASONABLY AVAILABLE CONTROL TECHNOLOGY (HAPRACT) - An emissions standard for hazardous air pollutants which the Control Officer, acting pursuant to §49-480.04(C), determines is reasonably available for a source. In making the foregoing determination, the Control Officer shall take into consideration the estimated actual air quality impact of the standard, the cost of complying with the standard, the demonstrated reliability and widespread use of the technology required to meet the standard, and any non-air quality health and environmental impacts and energy requirements. For purposes of this definition, an emissions standard may be expressed as a numeric emissions limitation or as a design, equipment, work practice, or operational standard.

200.567 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.

200.578 INDIAN RESERVATION - Any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act Of Congress.

200.5859 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 two 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-Permit Requirements of these rules. Source-specific applicable requirements include requirements for which emissions unit-specific information is needed to determine applicability.

200.5960 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 major modification is defined as follows:

- a. Any physical change in or change in the method of operation of a stationary source:
 - (1) That would result in both a significant increase of any regulated NSR pollutant and a significant net emissions increase of any regulated air pollutant that pollutant from the stationary source; and
 - (2) That occurs at either a major source or a stationary source that becomes a major source as defined in Rule 240 Section 212 of these rules as a result of the change.
- a. **b.** Any emissions increase or net emissions increase that is significant for nitrogen oxides or 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 Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources, Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules; or
 - (b) The source is approved to use under any permit issued under 40 CFR 52.21, or under Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources, Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests 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 Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources, Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests 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, prevention of significant deterioration (PSD) increment, or visibility limitation;~~

~~(9)~~ **(8)** The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, if the project complies with:

(a) The State Implementation Plan (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)~~ **(9)** 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)~~ **(10)** 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.

d. This definition shall not apply with respect to a particular regulated NSR pollutant when the major source is complying with the requirements of Rule 240.01 of these rules for a PAL for that regulated NSR pollutant. Instead, the definition of PAL major modification shall apply.

200.601 MAJOR SOURCE -

a. A major source as defined in Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources 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 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~~ is either a categorical source or belongs to any other category of stationary sources which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act. ~~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.~~

200.612 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~~ Section 200.61-Definition Of Major Source of this rule.

200.623 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.

200.634 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 Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.

- (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 ~~Sections 200.63(a)(3)(c), (d), and (e)~~ Sections 200.64(a)(3)(i), (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.

200.645 **METHOD OF OPERATION** - The definition of method of operation is included in ~~Section 200.72~~ Section 200.74-Definition Of Operation of this rule.

200.66 **MINOR NSR MODIFICATION** - Any of the following changes that do not qualify as a major source or major modification:

- a.** Any physical change in or change in the method of operation of an emission unit or a stationary source that increases the potential to emit of a regulated minor NSR pollutant, or results in emissions of a regulated minor NSR pollutant not previously emitted by such emission unit or stationary source, by an amount greater than the default permit exemption thresholds defined in Rule 200, Section 303(c)(7)(j) of these rules. To determine if there is an increase in the potential to emit, the Control Officer shall compare the pounds per hour emissions rate at maximum capacity before and after the physical or operational change.
- b.** Construction of one (1) or more new emissions units that have the potential to emit regulated minor NSR pollutants at an amount greater than the default permit exemption thresholds defined in Rule 200, Section 303(c)(7)(j) of these rules, unless the new unit is a replacement for an existing unit and will have a capacity equal to or less than the capacity of the existing unit.
- c.** A change covered by Section 200.66(a) or Section 200.66(b) of this rule constitutes a minor NSR modification regardless of whether other changes will

result in decreases in the potential to emit of other emission units at the same stationary source.

d. Notwithstanding the provisions of Sections 200.66(a) and 200.66(b) of this rule:

(1) The construction, or change to an emissions unit or stationary source qualifying as categorically exempt activity shall not be considered a minor NSR modification.

(2) For a source that required to obtain a Non-Title V permit under Rule 220 of these rules and that is subject to source-wide emissions caps under Rule 201 of these rules, the construction or change is not considered a minor NSR modification if the owner or operator will continue to comply with the existing emissions cap for that regulated minor NSR pollutant.

200.657 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 de minimis amount, or which results in the emission of any regulated air pollutant not previously emitted by more than such de minimis amount.

200.668 NET EMISSIONS INCREASE -

a. The amount by which the sum of Section 200.668(a)(1) and Section 200.668(a)(2) below exceed zero:

(1) ~~Any~~ The increase in actual emissions from a particular physical change or change in the method of operation at a stationary source as calculated pursuant to Rule 240, Section 227 of these rules; and

(2) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(3) For purposes of calculating increases and decreases in actual emissions under Section 200.68(a)(2) of this rule, baseline actual emissions prior to the contemporaneous project shall be determined as provided in Rule 240, Section 202 of these rules, except that Rule 240, Section 202.1(c) of these rules shall not apply.

(4) For purposes of calculating increases in actual emissions under Section 200.68(a)(2) of this rule, actual emissions after the contemporaneous project shall be determined as provided in the definition of actual emissions, except as provided in Section 200.68(a)(5) of this rule.

- (5)** For purposes of calculating increases in actual emissions under Section 200.68(a)(2) of this definition, if the Control Officer determines that there is no sufficiently representative time period of actual emissions after a contemporaneous project, pursuant to Section 200.3(a) of this rule, actual emissions after the contemporaneous project shall be determined as provided in the definition of projected actual emissions under Rule 240, Section 216 of these rules.
- (6)** For purposes of calculating decreases in actual emissions under Section 200.68(a)(2) of this rule, actual emissions after the contemporaneous project shall be determined as provided in the definition of actual emissions.
- 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 five 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~~ is creditable only if the State Control Officer 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-Attainment Area Classification 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, or any emissions unit that replaces an existing emissions unit that requires shakedown, becomes operational only after a reasonable shakedown period, not to exceed 180 days.

200.679 NEW SOURCE - Any source that is not an existing source.

200.6870 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.

200.6971 NONATTAINMENT AREA - An area so designated by the Administrator, 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.

200.702 NON-PRECURSOR ORGANIC COMPOUND -

- a. Any of the following organic compounds that have been designated by the 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); |
| 6-14-2 | 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114); |
| 6-15-3 | Chloropentafluoroethane (CFC-115); |
| 5-46-7 | Trifluoromethane (HFC-23); |
| 06-83-2 | 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); |
| 837-89-0 | 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); |
| 717-00-6 | 1,1-dichloro-1-fluoroethane (HCFC-141b); |
| 5-68-3 | 1-chloro-1,1-difluoroethane (HCFC-142b); |

- 34-33-6 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);
163702-07-6 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃)
(HFE-7100);
2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane
(CF₃)₂CF₂OCH₃);
163702-05-41 -ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅)
(HFE-7200);
2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane
(CF₃)₂CF₂OC₂H₅);
79-20-9 methyl acetate;
cyclic, branched, or linear completely methylated siloxanes;
375-03-1 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propan (n-C₃F₇OCH₃,HFE-
7000);
431-89-0 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);
107-31-3 methyl formate (HCOOCH₃);
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).

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

200.724 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.

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

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

200.757 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.

200.768 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.

200.779 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.

200.7880 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.

200.7981 PHYSICAL CHANGE - Any replacement, addition, or alteration of equipment that is not already allowed under the terms of the source's permit.

200.802 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.

- 200.813** **PM₁₀** - Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 microns (micrometers), as measured by the applicable State and Federal Reference Test Methods.
- 200.824** **POLLUTANT** – An air contaminant the emissions or ambient concentration of which is regulated under these rules.
- ~~200.83~~ ~~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.~~
- 200.845** **PORTABLE SOURCE** – Any stationary source that is capable of being transported and operated in more than one county of this state.
- 200.856** **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 as a practical matter.
- 200.87** **PREDICTIVE EMISSIONS MONITORING SYSTEMS (PEMS)** - The total equipment, required under the emission monitoring provisions in this Chapter, to monitor process and control device operational parameters and other information, and calculate and record the mass emissions rate on a continuous basis.

200.868 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.

200.879 PROPOSED FINAL PERMIT - The version of a Title V permit or Title V permit revision that the Control Officer proposes to issue and forwards to the Administrator for review, in compliance with Rule 210-Title V Permit Provisions of these rules.

200.8890 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.

200.8991 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.

200.902 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. Devices, systems, process modifications, or other apparatus or techniques that are reasonably available taking into account:~~

- a. The necessity of imposing such controls in order to attain and maintain a national ambient air quality standard; and
- b. The social, environmental, and economic impact of such controls.

200.913 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 L; 40 CFR 51, Appendix M, 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C, as incorporated by reference in Appendix 2 of Title 18, Chapter 2.

200.924 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 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 Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.
- 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.

200.95 REGULATED MINOR NSR AIR POLLUTANT – Any pollutant for which a national ambient air quality standard has been promulgated and the following precursors for such pollutants:

- a. VOC and nitrogen oxides are precursors to ozone.
- b. Nitrogen oxides and sulfur dioxide are precursors to PM_{2.5}.

200.96 REGULATED NSR POLLUTANT –

- a.** Any pollutant for which a national ambient air quality standard has been promulgated and the following precursors for such pollutants:
 - (1)** VOC and nitrogen oxides are precursors to ozone.
 - (2)** Nitrogen oxides and sulfur dioxide are precursors to PM_{2.5}.
- b.** Any pollutant that is subject to any standard promulgated under Section 111 of the Act;
- c.** Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or
- d.** Any pollutant that otherwise is subject to regulation under the Act;
- e.** The following pollutants are not regulated NSR pollutants unless the listed pollutant is also regulated as a constituent or precursor of a general pollutant listed under Section 108 of the Act:
 - (1)** Any or all hazardous air pollutants either listed in Section 112(b)(1) of the Act or added to the list pursuant to Section 112(b)(2) of the Act, and not delisted pursuant to Section 112(b)(3) of the Act; and
 - (2)** Any or all substances listed pursuant to Section 112(r)(3) of the Act.

200.937 REGULATORY REQUIREMENTS - All applicable requirements, Department rules, and all State requirements pertaining to the regulation of air contaminants.

200.948 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.

200.959 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, 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.

~~200.96 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.~~

200.97100 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); 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.

200.98101 SCHEDULED MAINTENANCE - Preventive maintenance undertaken in order to avoid a potential breakdown or upset of air pollution control equipment.

200.99102 SIGNIFICANT – In reference to a significant emissions increase, a net emissions increase or a stationary source’s potential to emit a regulated NSR pollutant:

- a. ~~In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a~~ 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
<u>PM_{2.5}</u>	<u>10</u>
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) 3.5×10^{-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 nitrogen oxides and 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 a carbon monoxide nonattainment area classified as serious, a rate of emissions that would equal or exceed 50 tons per year, if the Administrator has determined that stationary sources contribute significantly to carbon monoxide levels in that area.
- ~~e.~~ **d.** ~~In reference to~~ For a regulated air NSR pollutant that is not listed in Section 200.99102(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 Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules,~~ any emissions rate.
- ~~d.~~ **e.** Notwithstanding the emission ~~amount~~ rates listed in Section 200.99102(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).

200.103 SIGNIFICANT EMISSIONS INCREASE – For a regulated NSR pollutant, an increase in emissions that is significant for that pollutant.

200.1004 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.

200.1045 SOURCE - Any building, structure, facility, or installation that may cause or contribute to air pollution.

200.1026 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.

200.1037 STANDARD CONDITIONS - 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.

200.1048 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 under the Act.

200.1059 STATIONARY SOURCE - Any source that operates at a fixed location and that emits or generates regulated air pollutants.

200.10610 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.

200.10711 TEMPORARY CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT - A clean coal technology demonstration project operated for five years or less and that complies with the SIP applicable implementation plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated.

200.10812 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.

200.10913 **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.

200.1104 **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.

200.1115 **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 a permit application. ~~Title V permit applications and from Non-Title V permit applications.~~

200.1126 **UNCLASSIFIED AREA** - An area which the Administrator, 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.

200.1137 **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 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 200.110~~ Section 200.114 of this rule.
- 402.3** Within 30 days of receipt of a notice of confidentiality that complies with 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 200.110~~ Section 200.114 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 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 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 of these rules. 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. Statements shall be submitted annually 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.

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 five 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 five 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 Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.

Section By Section Explanation Of Changes:

Rule 200-Permit Requirements For Public Workshop #1 - November 20, 2008

Section 302. Deleted the text “commence.” Added the text “begin actual.”

Section 303.2. Deleted the text “commence,” Added the text “begin actual.”

Section 303.3(c)(7)(j). Added the text “annual.” Deleted the text “three pounds (1.4 kg).” Added the text “0.5 tons.” Deleted the text “during any day.” Deleted the text “5.5 pounds (2.5 kg).” Added the text “1 ton.” The text of this section will now read “A source whose aggregate of all miscellaneous equipment, processes or production lines not otherwise identified in this section has total uncontrolled annual emissions of less than 0.5 tons VOC or PM₁₀ and less than 1 ton of any regulated air pollutant.”

REGULATION II – PERMITS AND FEES

RULE 200 PERMIT REQUIREMENTS

INDEX

SECTION 100 – GENERAL

101 PURPOSE

SECTION 200 – DEFINITIONS (NOT APPLICABLE)

SECTION 300 – STANDARDS

301 PERMITS REQUIRED
302 TITLE V PERMIT
303 NON-TITLE V PERMIT
304 GENERAL PERMIT
305 DUST CONTROL PERMIT
306 SUBCONTRACTOR REGISTRATION
307 PERMIT TO BURN
308 EXEMPTIONS
309 STANDARDS FOR APPLICATIONS
310 PERMIT CONDITIONS
311 PROHIBITION-PERMIT MODIFICATION
312 PERMIT POSTING REQUIRED
313 TRANSITION FROM INSTALLATION AND OPERATING PERMIT
PROGRAM TO UNITARY PERMIT PROGRAM
314 ACCELERATED PERMITTING

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

401 APPROVAL OR DENIAL OF PERMIT OR PERMIT REVISION
402 PERMIT REOPENINGS; REVOCATION AND REISSUANCE;
TERMINATION
403 PERMIT RENEWAL AND EXPIRATION
404 PERMIT TRANSFERS

Draft Rule 200 for Public Workshop On November 20, 2008
1001 North Central Avenue Room #560 At 9:00 Am
Contact Mike Perkins At 602.372.2041 or mperkins@mail.maricopa.gov

- 405 PERMITS CONTAINING THE TERMS AND CONDITIONS OF FEDERAL
DELAYED COMPLIANCE ORDERS (DCO) OR CONSENT DECREES
- 406 APPEAL
- 407 AIR QUALITY IMPACT MODELS
- 408 TESTING PROCEDURES
- 409 PERMIT FEES
- 410 PORTABLE SOURCES
- 411 PUBLIC RECORDS; CONFIDENTIALITY

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

Revised 07/13/88
Repealed and Adopted 11/15/93
Revised 02/15/95
Revised 06/19/96
Revised 05/20/98
Revised 08/22/01
Revised 03/26/08

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

RULE 200
PERMIT REQUIREMENTS

SECTION 100 – GENERAL

101 PURPOSE: To provide an orderly procedure for the review of new sources of air pollution and for the modification and operation of existing sources through the issuance of permits.

SECTION 200 – DEFINITIONS (NOT APPLICABLE) See Rule 100 (General Provisions and Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule.

SECTION 300 – STANDARDS

301 PERMITS REQUIRED: Except as otherwise provided in these rules, no person shall commence construction of, operate, or make a modification to any source subject to regulation under these rules, without first obtaining a permit or permit revision from the Control Officer. The Maricopa County Air Quality Department issues the following permits: Title V permits, Non-Title V permits, General permits, Dust Control permits, and Permits to Burn. The standards and/or requirements for these permits are described in Section 302 through Section 305 and Section 307 of this rule. Additional standards, administrative requirements, and monitoring and records requirements for some of these permits are described in individual rules of these rules, as applicable/as specified in Section 302 through Section 305 and Section 307 of this rule.

302 TITLE V PERMIT: A Title V permit or, in the case of an existing permitted source, a permit revision shall be required for a person to ~~commence~~ begin actual construction of, to operate, or to modify any of the following:

302.1 Any major source as defined in Rule 100 of these rules.

- 302.2** Any solid waste incineration unit required to obtain a permit pursuant to Section 129(e) of the Act.
- 302.3** Any affected source as defined in Rule 100 of these rules.
- 302.4** Any source in a source category designated by the Administrator pursuant to 40 CFR 70.3 and adopted by the Board of Supervisors by rule.
- 303 NON-TITLE V PERMIT:** Unless a Title V permit or a permit revision is required, a Non-Title V permit or permit revision shall be required for:
- 303.1** A person to make a modification to a source which would cause it to emit or to have the potential to emit quantities of regulated air pollutants greater than those specified in subsections 303.2 and 303.3(c) of this rule.
- 303.2** A person to ~~commence~~ begin actual construction of or to modify either of the following after rules adopted pursuant to A.R.S. § 49-480.04 are effective:
- a.** A source that emits or has the potential to emit with controls ten tons per year or more of a hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants designated by the Director pursuant to Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program) of these rules and not listed in Section 112(b) of the Act.
 - b.** A source that is within a category designated by the Director pursuant to Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program) of these rules and that emits or has the potential to emit with controls at least one ton, but less than ten tons per year of a hazardous air pollutant or at least 2.5 tons, but less than 25 tons per year of any combination of hazardous air pollutants.
- 303.3** A person to commence construction of, to operate, or to modify any of the following:
- a.** Any source other than a major source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the Act.
 - b.** Any source other than a major source, including an area source, subject to a standard or other requirement pursuant to Section 112 of the Act. However, a source is not required to obtain a permit solely because it is subject to regulation or requirements pursuant to Section 112(r) of the Act.
 - c.** Any source that emits or has the potential to emit, without control, regulated air pollutants, except the following sources to the extent which the described limits are not exceeded. However, any source that is exempt from obtaining a

Non-Title V permit according to this section shall still comply with all other applicable requirements of these rules.

(1) General Combustion Equipment:

- (a) Any source with an aggregated input capacity of less than 2,000,000 BTU per hour calculated by adding only those pieces of equipment over 300,000 BTU per hour with respect to fuel burning equipment fired with natural gas or liquefied petroleum gas.
- (b) Any oil fueled heating equipment with a maximum rated input capacity or an aggregated input capacity of less than 500,000 BTU (527,200 kilojoules) per hour.

(2) Liquid Storage Tanks:

- (a) Stationary storage tanks with a capacity of 250 gallons (946 liters) or less used for storing organic liquids.
- (b) Stationary storage tanks used for storing organic liquids with a true vapor pressure of 1.5 psia (77.5 mm Hg) or less.
- (c) Pressure tanks and pressurized vessels used exclusively for the storage of liquefied gases.

(3) Surface Coating and Printing Equipment:

- (a) The aggregate of all surface coating operations of a source in which no coated product is heat cured and a combined total of one gallon per day or less of all coating materials and solvents are used.
- (b) Application equipment for architectural surface coatings is used for commercial and residential applications.
- (c) Any coating operation, which employs only hand-held aerosol cans, where VOC emissions do not exceed three pounds on any single day.
- (d) Any printing operation which employs a combination of printing presses with a maximum of 500 square inches (3226 cm²) of impression area and a maximum of two units per printing press. For the purposes of this rule, "units" means the number of printing surfaces.

(4) Solvent Cleaning Equipment: Unheated, non-conveyorized, cleaning or coating equipment that does not include control enclosures:

- (a) With an open surface area of one square meter (10.8 square feet) or less and an internal volume of 350 liters (92.5 gallons) or less, having an organic solvent loss of three gallons per day or less, or
- (b) Using only organic solvents with an initial boiling point of 302°F (150°C) or greater and having an organic solvent loss of three gallons per day or less, or
- (c) Using materials with a VOC content of two percent or less by volume (20 cubic centimeters per liter).

(5) Internal Combustion Equipment:

- (a) Internal combustion engines with a manufacturer's maximum continuous rating of 50 horsepower or less or a maximum accumulative rating of 250 horsepower or less for engines used in the same process at one source.
- (b) Internal combustion engines used solely as a source of unlimited standby power or emergency purposes and operated at or below 500 hours per year for routine testing and emergency standby operation for each internal combustion engine and provided such source demonstrates that the potential emissions at 500 hours of operation each of all internal combustion engines do not exceed 4,000 pounds of nitrogen oxides or carbon monoxide per year as evidenced by an installed hour meter or written usage records maintained by the operator; and
 - (i) Are only used for power when normal power line service fails; or
 - (ii) Are only used for the emergency pumping of water.
 - (iii) This exemption does not apply to internal combustion engines used as standby power due to a voluntary reduction in power by the power company.
- (c) Engines used to propel motorized vehicles.
- (d) Gas turbines with a maximum heat input at ISO Standard Day Conditions of less than 3,000,000 BTU (3,162,000 kilojoules) per hour fired exclusively with natural gas and/or liquefied petroleum gas.

- (e) Portable internal combustion engines used on a temporary basis of no more than 30 days per calendar year at any one facility.

(6) Food Equipment:

- (a) Equipment, excluding boilers, used in eating establishments or other retail establishments for the purpose of preparing food for human consumption.

(b) Bakeries:

- (i) Mixers and blenders used in bakeries where the products are edible and intended for human consumption.
- (ii) Ovens at bakeries whose total production is less than 10,000 pounds (4,535 kg) per operating day.

(7) Miscellaneous:

- (a) Diesel contaminated soil remediation projects, where no heat is applied.
- (b) Self-contained, enclosed blast and shot peen equipment where the total internal volume of the blast section is 50 cubic feet or less and where any venting is done via pollution control equipment.
- (c) Those laboratory acids which have both a pH above 1.5 and an aggregate daily emission to ambient air of vapor/mists from all such acids not exceeding three pounds on any single day.
- (d) Brazing or welding equipment.
- (e) Hand soldering equipment.
- (f) A source whose aggregate of all wood working equipment totals 50 horsepower or less.
- (g) Equipment used for buffing, carving, cutting, drilling, surface grinding, machining, planing, routing, sanding, sawing, shredding, or turning of ceramic artwork, precision parts, leather, metals, plastics, rubber, fiberboard, masonry, carbon, graphite or glass.
- (h) Refrigerant recovery equipment.
- (i) Building maintenance or janitorial activities.

- (j) A source whose aggregate of all miscellaneous equipment, processes or production lines not otherwise identified in this section has total uncontrolled annual emissions of less than ~~three pounds (1.4 kg)~~ 0.5 tons VOC or PM₁₀ ~~during any day~~ and less than ~~5.5 pounds (2.5 kg)~~ 1 ton of any other regulated air pollutant ~~during any day~~.
- (k) A person to begin actual construction of a source subject to Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program) of these rules.
- (l) A person to make a modification to a source subject to Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program) of these rules.

304 GENERAL PERMIT: A General permit shall be required for a person to commence construction of, to operate, or to modify a source that is a member of a facility class for which a General permit has been developed pursuant to Rule 230 of these rules. The provisions of Rule 230 of these rules shall apply to General permits, except as otherwise provided in Rule 230 of these rules.

305 DUST CONTROL PERMIT: A Dust Control permit shall be required before a person, including but not limited to, the property owner, lessee, developer, responsible official, Dust Control permit applicant (who may also be the responsible party contracting to do the work), general contractor, prime contractor, supervisor, management company, or any person who owns, leases, operates, controls, or supervises a dust-generating operation subject to the requirements of Rule 310 of these rules, causes, commences, suffers, allows, or engages in any dust-generating operation that disturbs a total surface area of 0.10 acre (4,356 square feet) or more. The provisions of Rule 310 of these rules shall apply to Dust Control permits, except as otherwise provided in Rule 310 of these rules.

306 SUBCONTRACTOR REGISTRATION:

306.1 A subcontractor who is engaged in dust-generating operations at a site that is subject to a permit that is issued by a Control Officer and that requires control of PM₁₀ emissions from dust-generating operations shall register with the Control Officer by submitting information in the manner prescribed by the Control Officer. The Control Officer shall issue a registration number after payment of the fee. The Control Officer may establish and assess a fee for the registration based on the total cost of processing the registration and issuance of a registration number.

306.2 The subcontractor shall have its registration number readily accessible on-site while conducting any dust-generating operations. The subcontractor's registration number must be visible and readable by the public without having to be asked by

the public (e.g., included/posted in a sign that is visible on the subcontractor's vehicle or equipment, included/posted on a sign that is visible in the window of the subcontractor's vehicle or equipment, or included/posted on a sign where the subcontractor is working on the site).

- 307 PERMIT TO BURN:** A permit is required for any open outdoor fire authorized under the exceptions in A.R.S. 49-501 or Rule 314 of these rules.
- 308 EXEMPTIONS:** Notwithstanding Sections 301, 302, and 303 of this rule, the following sources shall not require a permit, unless the source is a major source, or unless operation without a permit would result in a violation of the Act:
- 308.1** Sources subject to 40 CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters.
- 308.2** Sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR 61.145.
- 308.3** Agricultural equipment used in normal farm operations. Agricultural equipment used in normal farm operations, for the purposes of this rule, does not include equipment that would be classified as a source that would require a permit under Title V of the Act, or would be subject to a standard under 40 CFR parts 60 or 61.
- 309 STANDARDS FOR APPLICATIONS:** All permit applications shall be filed in the manner and form prescribed by the Control Officer. The application shall contain all the information necessary to enable the Control Officer to make the determination to grant or to deny a permit or permit revision, which shall contain such terms and conditions as the Control Officer deems necessary to assure a source's compliance with the requirements of these rules. The issuance of any permit or permit revision shall not relieve the owner or operator from compliance with any federal laws, Arizona laws, or these rules, nor does any other law, regulation or permit relieve the owner or operator from obtaining a permit or permit revision required under these rules.
- 309.1 Insignificant Activities:**
- a. Rather than supplying detailed information, a Title V source may, in its permit application, list and generally group insignificant activities, which are defined in Rule 100 – General Provisions and Definitions of these rules and which are listed in Appendix D-List of Insignificant Activities of these rules.
 - b. A Non-Title V source is not required to list nor to describe, in a permit application, insignificant activities, which are defined in Rule 100 – General Provisions and Definitions of these rules and which are listed in Appendix D-List of Insignificant Activities of these rules. If a Non-Title V source's emissions are approaching an applicable requirement, including but not

limited to best available control technology (BACT) requirements or major source status, then such Non-Title V source may be required by Maricopa County to include, in a permit application, a description of its insignificant activities and emissions calculations for such insignificant activities.

- c. An activity, process, or emissions unit that is not included in Appendix D-List of Insignificant Activities of these rules may be considered an insignificant activity if it meets the definition of insignificant activity in Rule 100 – General Provisions and Definitions of these rules and is approved by the Control Officer and the Administrator of the Environmental Protection Agency (EPA). A source may request approval for the classification of an activity as insignificant by including such a request in its permit application, along with justification that such activity meets the definition of insignificant activity in Rule 100 – General Provisions and Definitions of these rules.
- d. An application may not omit information regarding insignificant activities that is needed to determine: (1) the applicability of or to impose any applicable requirement; (2) whether the source is in compliance with applicable requirements; or (3) the fee amount required under these rules. In such cases, emissions calculations or other necessary information shall be included in the application.

309.2 Trivial Activities:

- a. A Title V source is not required, in a permit application, to list trivial activities, to describe trivial activities, nor to include the emissions from trivial activities, which are defined in Rule 100 – General Provisions and Definitions of these rules and which are listed in Appendix E-List of Trivial Activities of these rules.
- b. A Non-Title V source is not required, in a permit application, to list trivial activities, to describe trivial activities, nor to include the emissions from trivial activities, which are defined in Rule 100 – General Provisions and Definitions of these rules and which are listed in Appendix E-List of Trivial Activities of these rules.
- c. An activity that is not included in Appendix E-List of Trivial Activities of these rules may be considered a trivial activity, if such activity meets the definition of trivial activity in Rule 100 – General Provisions and Definitions of these rules.

310 PERMIT CONDITIONS: The Control Officer may impose any permit conditions that are necessary to ensure compliance with federal laws, Arizona laws, or these rules.

- 310.1** The Control Officer may require, as specified in Section 310.2 and Section 310.3 of this rule, any source of regulated air pollutants to monitor, sample, or perform other studies to quantify emissions of regulated air pollutants or levels of air pollution that may reasonably be attributable to that source, if the Control Officer:
- a. Determines that monitoring, sampling, or other studies are necessary to determine the effects of the source on levels of air pollution; or
 - b. Has reasonable cause to believe a violation of this rule, rules adopted pursuant to this rule, or a permit issued pursuant to this rule has been committed; or
 - c. Determines that those studies or data are necessary to accomplish the purposes of this rule and that the monitoring, sampling, or other studies by the source are necessary in order to assess the impact of the source on the emission of regulated air contaminants.
- 310.2** The Control Officer may require a source of air contaminants, by permit or order, to perform monitoring, sampling, or other quantification of its emissions or air pollution that may reasonably be attributed to such a source. Before requiring such monitoring, sampling, or other quantification by permit or order, the Control Officer shall consider the relative cost and accuracy of any alternatives which may be reasonable under the circumstances such as emission factors, modeling, mass balance analyses, or emissions projections. The Control Officer may require such monitoring, sampling, or other quantification by permit or order if the Control Officer determines in writing that all of the following conditions are met:
- a. The actual or potential emissions of air pollution may adversely affect public health or the environment.
 - b. An adequate scientific basis for the monitoring, sampling, or quantification method exists.
 - c. The monitoring, sampling, or quantification method is technically feasible for the subject contaminant and the source.
 - d. The monitoring, sampling, or quantification method is reasonably accurate.
 - e. The cost of the method is reasonable in light of the use to be made of the data.
- 310.3** Orders issued or permit conditions imposed pursuant to this rule shall be appealable to the hearing board in the same manner as that prescribed for orders of abatement in A.R.S. § 49-489 and A.R.S. § 49-490 and for permit conditions in A.R.S. § 49-482.

311 PROHIBITION – PERMIT MODIFICATION: A person shall not willfully deface, alter, forge, counterfeit, or falsify any permit issued under the provisions of these rules.

312 PERMIT POSTING REQUIRED: Any person who has been granted a permit shall keep a complete permit clearly visible and accessible on the site where the equipment is installed. All equipment covered by the permit shall be listed in the permit by a serial number or other equipment identification symbol and shall be identified on a plant diagram.

313 TRANSITION FROM INSTALLATION AND OPERATING PERMIT PROGRAM TO UNITARY PERMIT PROGRAM:

313.1 Sources With a Valid Installation, Operating, or Conditional Permit: A valid installation permit or operating permit issued by the Control Officer or a valid conditional permit issued by the hearing board before September 1, 1993, and the authority to operate as provided in Laws 1992, Chapter 299, Section 65, continue in effect until any of the following occurs:

- a. The Control Officer revokes an installation permit.
- b. The Control Officer issues or denies a Title V permit or a Non-Title V permit to the source.
- c. The hearing board revokes or modifies a conditional permit or the conditional permit expires. A source operating under a valid conditional permit may continue to operate in accordance with the terms and conditions of such permit after the expiration of the conditional permit if, at least 30 days prior to the expiration of the conditional permit, the source submits an application to the Control Officer for a Title V permit as described in Section 313.2 of this rule or for a Non-Title V permit as described in Section 313.3 of this rule.

313.2 Title V Sources With an Installation, Operating, or Conditional Permit: Following November 29, 1996, the effective date of the Environmental Protection Agency's (EPA's) final interim approval of Maricopa County's Title V permit program, a source becomes subject to the requirements of the Title V permit program, when the source meets the applicability requirements as provided in this rule. Sources which hold a valid installation, operating, or conditional permit and require a Title V permit shall comply with the following provisions:

- a. The owner or operator of the source shall submit a permit application within 180 days of receipt of written notice from the Control Officer that an application is required or 12 months after the source becomes subject to the requirements of Title V of the Act and the permit requirements of these rules, whichever is earlier.

- b. Any source, which has not yet submitted a Title V permit application, that wishes to make any source change not requiring a permit, an administrative permit revision, a minor permit revision, or a significant permit revision shall comply with the applicable provisions of Rule 210 of these rules.

313.3 Non-Title V Sources With an Installation, Operating, or Conditional Permit:

Sources requiring a Non-Title V permit in existence on the date these rules become effective which hold a valid installation, operating, or conditional permit shall comply with the following provisions:

- a. All sources shall submit a permit application to the Control Officer within 90 days of receipt of written notice from the Control Officer that an application is required.
- b. Any source that wishes to make any source change not requiring a permit, an administrative permit revision, a minor permit revision, or a non-minor permit revision shall comply with the applicable provisions of Rule 220 of these rules.

313.4 Written Notice: For purposes of this subsection, written notice shall include, but not be limited to, a written warning, Notice of Violation, or order issued by the Control Officer for constructing or operating an emission source without a permit. Such a source shall be considered to be in violation of these rules on each day of operation or each day during which construction continues, until a permit is granted.

313.5 Sources Not Under Permit:

- a. All sources not in existence prior to the effective date of these rules shall first submit to the Control Officer an air quality permit application for the entire source and shall have been issued an air quality permit before commencing construction of such source.
- b. All sources in existence on the date these rules become effective and not holding a valid installation permit and/or a valid operating permit issued by the Control Officer, which have not applied for a Non-Title V permit pursuant to these rules, shall submit to the Control Officer a permit application for the entire source.
- c. All sources in existence on the date these rules become effective and not holding a valid installation permit and/or a valid operating permit issued by the Control Officer, which have not applied for a Title V permit pursuant to these rules, shall submit to the Control Officer a Title V permit application no more than 12 months after becoming subject to Title V permit requirements.

313.6 Sources Which Currently Have an Installation or Operating Permit:

- a. For sources in existence on the date these rules become effective holding a valid installation permit and/or a valid operating permit issued by the Control Officer, the Control Officer may establish a phased schedule for acting on permit applications received within the first full year after the source becomes subject to obtaining a Title V or a Non-Title V permit under these rules. The schedule shall assure that at least one-third of such applications will be acted on annually over a period not to exceed three years after such effective date. Based on this schedule, the Control Officer shall review a completed application in accordance with the provisions of these rules and shall issue or deny the applicable permit within 18 months after the receipt of the completed application.
- b. Any application for an installation permit or an operating permit that is determined to be complete prior to the effective date of these rules but for which no permit has been issued shall be considered complete for the purposes of this section. In issuing a permit pursuant to such an application, the Control Officer shall include in the permit all elements addressed in the application and a schedule of compliance for submitting an application for a permit revision to address the elements required to be in the permit that were not included in the operating permit application or in the installation permit application. No later than six months after the effective date of these rules, the Control Officer shall take final action on an operating permit application or on an installation permit application determined to be complete prior to the effective date of these rules.

314 ACCELERATED PERMITTING:

- 314.1** Notwithstanding any other provisions of these rules, the following qualify a source for a request-submittal for accelerated processing: an application for a Title V permit or for a Non-Title V permit; any permit revision; and any coverage under a general permit. Such a request-submittal shall be submitted in writing to the Control Officer at least 30 days in advance of filing the application and shall be accompanied by fees as described in Rule 280 of these rules.
- 314.2** When an applicant has requested accelerated permit processing, the Control Officer may, to the extent practicable, undertake to process the permit or permit revision in accordance with the following schedule:
- a. For applications for initial Title V and Non-Title V permits under Rules 210 and 220 of these rules, for significant permit revisions under Rule 210 of these rules, or for non-minor permit revisions under Rule 220 of these rules, final action on the permit or on the permit revision shall be taken within 90 days or after the Control Officer determines that the application is complete for a

Non-Title V source and within 120 days after the Control Officer determines that the application is complete for a Title V source. Except for a new major source or a major modification subject to the requirements of Rule 240 of these rules, an application for a new permit, a significant permit revision, or a permit renewal shall be deemed to be complete unless the Control Officer notifies the applicant by certified mail within 30 days of receipt of the application that the application is not complete.

- b. For applications for coverage under a general permit under Rule 230 of these rules, final action shall be taken within 30 days after receipt of the application.
- c. For minor permit revisions governed by Rule 210 of these rules and Rule 220 of these rules, the permit revision shall be issued within 60 days after receipt of the application.

314.3 Before issuing a permit or permit revision pursuant to this section, the applicant shall pay to the Control Officer all fees due as described in Rule 280 of these rules. Nothing in this section shall affect the public participation requirements of Rules 210 or 220 of these rules, or EPA and affected state review as required under Rule 210 of these rules.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

401 APPROVAL OR DENIAL OF PERMIT OR PERMIT REVISION:

- 401.1** The Control Officer shall deny a permit or revision if the applicant does not demonstrate that every such source for which a permit or permit revision is sought is so designed, controlled, or equipped with such air pollution control equipment that the source may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of these rules.
- 401.2** Prior to acting on an application for a permit, the Control Officer may require the applicant to provide and to maintain such devices and procedures as are necessary for sampling and for testing purposes in order to secure information that will disclose the nature, extent, quantity, or degree of air contaminants discharged into the atmosphere from the source described in the application. In the event of such a requirement, the Control Officer shall notify the applicant in writing of the type and characteristics of such devices and procedures.
- 401.3** In acting upon an application for a permit renewal, if the Control Officer finds that such source has not been constructed in accordance with any prior permit or revision issued pursuant to A.R.S. § 49-480.01, the Control Officer shall require the permittee to obtain a permit revision or shall deny the permit renewal. The Control Officer shall not accept any further application for a permit for such source so constructed until the Control Officer finds that such source has been

reconstructed in accordance with a prior permit or a revision, or until a revision to the permit has been obtained. The Control Officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.

401.4 After a decision on a permit or on a permit revision, the Control Officer shall notify the applicant and any person who filed a comment on the permit pursuant to A.R.S. § 49-480 or on the permit revision pursuant to A.R.S. § 49-480.01 in writing of the decision, and if the permit is denied, the reasons for such denial. Service of this notification may be made in person or by first class mail. The Control Officer shall not accept a further application unless the applicant has corrected the circumstances giving rise to the objections as specified by the Control Officer as reasons for such denial.

402 PERMIT REOPENINGS; REVOCATION AND REISSUANCE; TERMINATION:

402.1 Reopening for Cause:

- a.** Each issued permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances:
 - (1)** Additional applicable requirements under the Act become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to Section 403.2 of this rule. Any permit revision required pursuant to this rule shall comply with Section 403 of this rule for a permit renewal and shall reset the five year permit term.
 - (2)** Additional requirements, including excess emissions requirements, become applicable to an affected source under the Acid Rain Program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the Title V permit.
 - (3)** The Control Officer or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

- (4) The Control Officer or the Administrator determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- b. Proceedings to reopen and issue a permit, including appeal of any final action relating to a permit reopening, shall follow the same procedures as apply to initial permit issuance and shall, except for reopenings under Section 402.1a(1) of this rule, affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as is practicable.
- c. Action to reopen a permit under this section shall not be initiated before a notice of such intent is provided to the source by the Control Officer at least 30 days in advance of the date that the permit is to be reopened, except that the Control Officer may provide a shorter time period in the case of an emergency.
- d. When a permit is reopened and revised pursuant to this rule, the Control Officer may make appropriate revisions to the permit shield established pursuant to Rule 210 of these rules.

402.2 Reopening for Cause by the Administrator:

- a. If the Administrator finds that cause exists to terminate, modify, or revoke and reissue a permit pursuant to Section 402.1 of this rule, the Administrator may notify the Control Officer and the permittee of such finding in writing. Within ten days of receipt of notice from the Administrator that cause exists to reopen a Title V permit, the Control Officer shall notify the source.
- b. Within 90 days of receipt of notice from the Administrator that cause exists to reopen a permit, the Control Officer shall forward to the Administrator a proposed determination of termination, modification, or revocation and reissuance of the permit. The Control Officer may request a 90-day extension of this limit if it is necessary to request a new or revised permit application or additional information from the applicant for, or holder of, a Title V permit.
- c. The Control Officer shall have 90 days from receipt of an objection by the Administrator to attempt to resolve the objection.

403 PERMIT RENEWAL AND EXPIRATION:

- 403.1** Prior to renewing a permit issued under these rules, the Control Officer shall provide notice in the same manner and form as provided in Rule 210 of these rules.

403.2 The Control Officer shall not renew a permit issued under these rules unless the permittee applies for a permit renewal prior to the expiration of a permit in the manner required by Rule 210 of these rules. If a timely and complete application for a permit renewal is submitted, but the Control Officer has failed to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the renewal permit has been issued or denied. Any testing that is required for a renewal shall be completed before the proposed permit renewal is issued by the Control Officer.

403.3 The Control Officer shall publish notice of a permit renewal decision in the same manner as that provided in Rule 210 of these rules for a Title V permit and as that provided in Rule 220 of these rules for a Non-Title V permit.

404 PERMIT TRANSFERS:

404.1 Except as provided in A.R.S. § 49-429 and Section 404.2 of this rule, a Title V permit, a Non-Title V permit, or a General permit may be transferred to another person. Before the proposed transfer, the person who holds a valid Non-Title V permit or a valid General permit shall comply with the administrative permit revision procedures pursuant to Rule 220, Section 405.1 of these rules. At least 30 days before the proposed transfer, the person who holds a valid Title V permit shall give notice to the Control Officer in writing and shall comply with the administrative permit amendment procedures pursuant to Rule 210, Section 404 of these rules. Permit transfer notice shall contain the following:

- a.** The permit number and expiration date.
- b.** The name, address and telephone number of the current permit holder.
- c.** The name, address and telephone number of the person to receive the permit.
- d.** The name and title of the individual within the organization who is accepting responsibility for the permit along with a signed statement by that person indicating such acceptance.
- e.** A description of the equipment to be transferred.
- f.** A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee.
- g.** Provisions for the payment of any fees pursuant to Rule 280 of these rules that will be due and payable before the effective date of transfer.

h. Sufficient information about the source's technical and financial capabilities of operating the source to allow the Control Officer to make the decision in Section 404.2 of this rule including:

- (1) The qualifications of each person principally responsible for the operation of the source.
- (2) A statement by the chief financial officer of the new permittee that it is financially capable of operating the source in compliance with the law, and the information that provides the basis for that statement.
- (3) A brief description of any action for the enforcement of any federal or state law, rule or regulation, or any county, city or local government ordinance relating to the protection of the environment, instituted against any person employed by the new permittee and principally responsible for operating the source during the five years preceding the date of application. In lieu of this description, the new permittee may submit a copy of the certificate of disclosure or 10-K form required under A.R.S. § 49-109, or a statement that this information has been filed in compliance with A.R.S. § 49-109.

404.2 The Control Officer shall deny the transfer if the Control Officer determines that the organization receiving the permit is not capable of operating the source in compliance with Article 3, Chapter 3, Title 49, Arizona Revised Statutes, the provisions of these rules, or the provisions of the permit. Notice of the denial stating the reason for the denial shall be sent to the original permit holder by certified mail stating the reason for the denial within ten working days of the Control Officer's receipt of the application. If the transfer is not denied within ten working days after receipt of the notice, the Control Officer shall approve such permit transfer.

404.3 To appeal the transfer denial:

- a. Both the transferor and transferee shall petition the hearing board in writing for a public hearing; and
- b. The appeal process for a permit shall be followed.

405 PERMITS CONTAINING THE TERMS AND CONDITIONS OF FEDERAL DELAYED COMPLIANCE ORDERS (DCO) OR CONSENT DECREES:

405.1 The terms and conditions of either a DCO or consent decree shall be incorporated into a permit through a permit revision. In the event the permit expires prior to the expiration of the DCO or consent decree, the DCO or consent decree shall be incorporated into any permit renewal.

- 405.2** The owner or operator of a source subject to a DCO or consent decree shall submit to the Control Officer a quarterly report of the status of the source and construction progress and copies of any reports to the Administrator required under the order or decree. The Control Officer may require additional reporting requirements and conditions in permits issued under this rule.
- 405.3** For the purpose of this rule, sources subject to a consent decree issued by a federal court shall meet the same requirements as those subject to a DCO.
- 406** **APPEAL:** Denial or revocation of a permit shall be stayed by the permittee's written petition for a hearing, filed in accordance with Rule 400 of these rules.
- 407** **AIR QUALITY IMPACT MODELS:**
- 407.1** Where the Control Officer requires a person to perform air quality impact modeling, the modeling shall be performed in a manner consistent with 40 CFR 51, Appendix W, "Guideline On Air Quality Models", as of July 1, 2004 (and no future amendments or additions), which shall be referred to hereinafter as "Guideline", and is adopted by reference.
- 407.2** **Model Substitution:** Where the person can demonstrate that an air quality impact model specified in the guideline is inappropriate, the model may be modified or another model substituted. However, before such modification or substitution can occur, the Control Officer must make a written finding that:
- a. No model in the guideline is appropriate; or
 - b. The data base required for the appropriate model in the guideline is not available; and
 - c. A model proposed as a substitute or modification is likely to produce results equal or superior to those obtained by models in the guideline.
- 408** **TESTING PROCEDURES:** Except as otherwise specified, the applicable testing procedures contained in the Arizona Testing Manual for Air Pollutant Emissions shall be used to determine compliance with standards or permit conditions established pursuant to these rules.
- 409** **PERMIT FEES:** A fee shall be charged for each facility. No permit is valid until the applicable permit fee has been received and until the permit is issued by the Control Officer.
- 410** **PORTABLE SOURCES:**

- 410.1** An owner or operator of a portable source which will operate for the duration of its permit solely in Maricopa County shall obtain a permit from the Control Officer for Maricopa County and is subject to Sections 410.2, 410.3, and 410.4 of this rule. A portable source with a current State of Arizona permit need not obtain a Maricopa County permit but is subject to Sections 410.3, 410.4, and 410.5 of this rule. Any permit for a portable source shall contain conditions that will assure compliance with all applicable requirements at all authorized locations.
- 410.2** An owner or operator of a portable source which has a Maricopa County permit but proposes to operate outside of Maricopa County, shall obtain a permit from the Director. A portable source that has a permit issued by a county and obtains a permit issued by the director shall request that the county terminate the permit. Upon issuance of a permit by the Director, ~~the Control Officer shall terminate the Maricopa County permit for that source~~ is no longer valid. If the owner or operator relocates the portable source in Maricopa County, the owner or operator shall notify the Control Officer as required by Section 410.4 of this rule of the relocation of the portable source. Whenever the owner or operator of a portable source operates a portable source in Maricopa County, such owner or operator shall comply with all regulatory requirements in these rules.
- 410.3** An owner of a portable source which requires a permit under this rule, shall obtain the permit prior to renting or leasing said portable source. This permit shall be provided by the owner to the renter or lessee, and the renter or lessee shall be bound by the permit provisions. In the event a copy of the permit is not provided to the renter or lessee, both the owner and the renter or lessee shall be responsible for the operation of the portable source in compliance with the permit conditions and any violations thereof.
- 410.4** A portable source may be transported from one location to another within or across Maricopa County boundaries provided the owner or operator of such portable source notifies the Director and any Control Officer who has jurisdiction over the geographic area that includes the new location of the portable source by certified mail at least ten working days before the portable source is transported to the new location. The notification required under this rule shall include:
- a.** A description of the portable source to be transported including the Maricopa County permit number or the State of Arizona permit number for such portable source;
 - b.** A description of the present location;
 - c.** A description of the location to which the portable source is to be transported, including the availability of all utilities, such as water and electricity, necessary for the proper operation of all control equipment;

- d. The date on which the portable source is to be moved;
- e. The date on which operation of the portable source will begin at the new location; and
- f. The duration of operation at the new location.

410.5 An owner or operator of a portable source with a current State of Arizona permit that moves such portable source into Maricopa County shall notify the Control Officer that such portable source is being transported to a new location and shall include in such notification a copy of the State of Arizona permit and a copy of any conditions imposed by the State of Arizona permit. The source shall be subject to all regulatory requirements of these rules.

411 PUBLIC RECORDS; CONFIDENTIALITY:

411.1 The Control Officer shall make all permits, including all elements required to be in the permit pursuant to Rule 210 of these rules and Rule 220 of these rules available to the public.

411.2 A notice of confidentiality pursuant to A.R.S. § 49-487(c) shall:

- a. Precisely identify the information in the application documents, which is considered confidential.
- b. Contain sufficient supporting information to allow the Control Officer to evaluate whether such information satisfies the requirements related to trade secrets or, if applicable, how the information, if disclosed, could cause substantial harm to the person's competitive position.

411.3 Within 30 days of receipt of a notice of confidentiality that complies with Section 411.2 of this rule, the Control Officer shall make a determination as to whether the information satisfies the requirements for trade secret or competitive position pursuant to A.R.S. § 49-487(C)(1) 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.

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

Section By Section Explanation Of Changes:

Rule 210-Title V Permit Provisions For Public Workshop #1 - November 20, 2008

New Section 301.4(c). Added the text “An application for a new permit or permit revision shall contain an assessment of the applicability of the requirements of Minor New Source Review requirements in Rule 241, Section 304 of these rules. If the applicant determines that the proposed new source is subject to Rule 241, Section 304 of these rules, or the proposed permit revision constitutes a Minor NSR Modification, then the application shall comply with all applicable requirements of Rule 241, Section 304 of these rules.”

Section 403.1(f). Added the text “The changes do not constitute a minor NSR modification as defined in Rule 100, Section 200.67 of these rules.”

Section 405.1(g). Deleted the text “The increase in the Title V source's potential to emit for any regulated air pollutant is not significant as defined in Rule 100-General Provisions And Definitions of these rules.” Added the text “Are not minor NSR modifications subject to Rule 241, Section 304 of these rules.”

Section 408.7. Added the text “Grounds for comment are limited to whether the proposed permit meets the criteria for issuance prescribed in the rule.” This text is consistent with Arizona Revised Statutes (A.R.S.) § 49-426(D).

REGULATION II - PERMITS AND FEES

RULE 210

TITLE V PERMIT PROVISIONS

INDEX

SECTION 100 - GENERAL

- 101 PURPOSE
- 102 APPLICABILITY

SECTION 200 - DEFINITIONS

- 201 EMISSIONS ALLOWABLE UNDER THE PERMIT

SECTION 300 - STANDARDS

- 301 PERMIT APPLICATION PROCESSING PROCEDURES
- 302 PERMIT CONTENTS
- 303 PERMIT REVIEW BY THE ENVIRONMENTAL PROTECTION AGENCY
(EPA) AND AFFECTED STATES
- 304 EMISSION STANDARDS AND LIMITATIONS
- 305 COMPLIANCE PLAN; CERTIFICATION

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

- 401 FEES REQUIRED
- 402 PERMIT TERM
- 403 SOURCE CHANGES ALLOWED WITHOUT PERMIT REVISIONS
- 404 ADMINISTRATIVE PERMIT AMENDMENTS
- 405 MINOR PERMIT REVISIONS
- 406 SIGNIFICANT PERMIT REVISIONS
- 407 PERMIT SHIELDS
- 408 PUBLIC PARTICIPATION

Draft Rule 210 for Public Workshop On November 20, 2008
1001 North Central Avenue Room #560 At 9:00 Am
Contact Mike Perkins At 602.372.2041 or mperkins@mail.maricopa.gov

SECTION 500 - MONITORING AND RECORDS (NOT APPLICABLE)

Draft Rule 210 for Public Workshop On November 20, 2008
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MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II - PERMITS AND FEES
RULE 210
TITLE V PERMIT PROVISIONS

SECTION 100 - GENERAL

- 101 PURPOSE:** To provide an orderly procedure for the review of new Title V sources of air pollution and of the modification and operation of existing Title V sources through the issuance of Title V permits.
- 102 APPLICABILITY:** Unless otherwise noted, this rule applies to each source requiring a Title V permit or permit revision.

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

- 201 EMISSIONS ALLOWABLE UNDER THE PERMIT -** An enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or an enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

SECTION 300 - STANDARDS

301 PERMIT APPLICATION PROCESSING PROCEDURES:

- 301.1 Standard Application Form And Required Information:** To apply for any permit under this rule, applicants shall complete the "Standard Permit Application Form" and shall supply all information required by the "Filing Instructions" as shown in Appendix B of these rules.

301.2 Unless otherwise required by Rule 200-Permit Requirements of these rules, a timely application is:

- a.** For purposes of permit renewal, a timely application is one that is submitted at least six months, but not more than 18 months, prior to the date of permit expiration.
- b.** For the initial Phase II acid rain requirement under Rule 371-Acid Rain of these rules of a Title V permit, one that is submitted to the Control Officer by January 1, 1996, for sulfur dioxide, and by January 1, 1998, for nitrogen oxides.
- c.** Any existing source which becomes subject to a standard promulgated by the Administrator under Section 112(d) of the Act shall, within 12 months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard.

301.3 If, at the time an application for a permit required by these rules is submitted, an applicable implementation plan allows the determination of an alternate emission limit, a source may, in its application, propose an emission limit that is equivalent to the emission limit otherwise applicable to the source under the applicable implementation plan. The source shall also demonstrate that the equivalent limit is quantifiable, accountable, enforceable, and subject to replicable compliance determination procedures.

301.4 A complete application is one that satisfies all of the following:

- a.** To be complete, an application shall provide all information required by Section 301.1-Standard Application Form And Required Information of this rule. An application for permit revision only need supply information related to the proposed change, unless the source's proposed permit revision will change the permit from a Non-Title V Permit to a Title V Permit. A responsible official shall certify the submitted information consistent with Section 301.7-Certification Of Truth, Accuracy, And Completeness of this rule.
- b.** An application for a new permit or permit revision shall contain an assessment of the applicability of the requirements of Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources and Rule 241-Permits For New Sources And Modifications To Existing Sources of these rules. If the proposed new source is a major source, as defined in Rule 240-Permit Requirements For New Major Sources And Major

Modifications To Existing Major Sources of these rules, or the proposed permit revision constitutes a major modification as defined in Rule 100-General Provisions And Definitions of these rules, then the application shall comply with all applicable requirements of Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources of these rules.

- c.** An application for a new permit or permit revision shall contain an assessment of the applicability of the requirements of Minor New Source Review requirements in Rule 241, Section 304 of these rules. If the applicant determines that the proposed new source is subject to Rule 241, Section 304 of these rules, or the proposed permit revision constitutes a Minor NSR Modification, then the application shall comply with all applicable requirements of Rule 241, Section 304 of these rules.
- e. **d.** An application for a new permit or permit revision shall contain an assessment of the applicability of the requirements established under Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules. If the proposed new source permit or permit revision is subject to the requirements of Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules, the application shall comply with all applicable requirements of Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.
- d. **e.** An application to construct or reconstruct any major source of hazardous air pollutants shall contain a determination that maximum achievable control technology (MACT) for new sources under Section 112 of the Act will be met. Where MACT has not been established by the Administrator, such determination shall be made on a case-by-case basis under 40 C.F.R. 63.40 through 63.44, as incorporated by reference in Rule 370-Federal Hazardous Air Pollutant Program of these rules. For purposes of this section of this rule, constructing or reconstructing a major source shall have the meaning prescribed in 40 C.F.R. 63.41, as incorporated by reference in Rule 370-Federal Hazardous Air Pollutant Program of these rules.
- e. **f.** An application for a new permit, a permit revision, or a permit renewal shall be deemed to be complete, unless the Control Officer notifies the applicant by certified mail within 60 days of receipt of the application that the application is not complete. For a proposed new major source or a major modification subject to the requirements of Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources of

these rules, the permit application shall be deemed to be submitted on the date that the completeness determination is made under Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources of these rules.

- ~~f.~~ **g.** If, while processing an application that has been determined or deemed to be complete, the Control Officer determines that additional information is necessary to evaluate or to take final action on that application, the Control Officer may request such information in writing and may set a reasonable deadline for a response. Except for minor permit revisions as set forth in Section 405 of this rule, a source's ability to continue operating without a permit, as set forth in this rule, shall be in effect from the date the application is determined to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the Control Officer. The Control Officer may, after one submittal by the applicant under this rule, reject an application that is still determined to be incomplete and shall notify the applicant of the decision by certified mail.
- ~~g.~~ **h.** The completeness determination shall not apply to revisions processed through the minor permit revision process.
- ~~h.~~ **i.** To be complete, an application for a new permit or an application for a permit revision shall list and generally group activities, if applicable, which are insignificant as defined in Rule 100-General Provisions And Definitions of these rules and which are listed in Appendix D-List Of Insignificant Activities of these rules. The application need not provide emissions data regarding insignificant activities. If the Control Officer determines that an activity listed as insignificant does not meet the requirements of insignificant as defined in Rule 100-General Provisions And Definitions of these rules and as listed in Appendix D-List Of Insignificant Activities of these rules (i.e., if emissions estimates are needed for another purpose, such as determining the amount of permit fees), then the Control Officer shall notify the applicant in writing and shall specify additional information required.
- ~~i.~~ **j.** If a permit applicant requests terms and conditions allowing for the trading of emission increases and decreases in the permitted source solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements, the permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable.

- j- **k.** The Control Officer agrees with a notice of confidentiality submitted under A.R.S. §49-487.

301.5 A source that has submitted information with an application under a claim of confidentiality under A.R.S. §49-487 and Rule 200-Permit Requirements of these rules shall submit a copy of such information directly to the Administrator.

301.6 Duty To Supplement Or Correct Application: Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a proposed permit.

301.7 Certification Of Truth, Accuracy, And Completeness: Any application form, report, or compliance certification submitted under these rules shall contain certification by a responsible official of truth, accuracy, and completeness of the application as of the time of submittal. This certification and any other certification required under this rule shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

301.8 Action On Application:

- a. The Control Officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.
- b. In addition, the Control Officer may issue, revise, or renew a permit only if all of the following conditions have been met:
 - (1) The permit application received must be complete according to Section 301.4 of this rule.
 - (2) Except for revisions qualifying as administrative or minor under Sections 404 and 405 of this rule, all of the requirements for public notice and participation under Section 408 of this rule must have been met.

- (3) The Control Officer shall have complied with the requirements of Section 303 of this rule for notifying and responding to affected states and if applicable, other notification requirements of Rule 240, Section 304.2-Action On Application And Notification Requirements and Rule 240, Section 511.3(b)-Visibility Protection of these rules.
 - (4) The conditions of the permit shall require compliance with all applicable requirements.
 - (5) For permits for which an application is required to be submitted to the Administrator under Section 303.1 of this rule, and to which the Administrator has properly objected to its issuance in writing within 45 days of receipt of the proposed final permit and all necessary supporting information from the Department, the Control Officer has revised and submitted a proposed final permit in response to the objection and the Administrator has not objected to this proposed final permit.
 - (6) For permits to which the Administrator has objected to issuance under a petition filed under 40 C.F.R. 70.8(d), the Administrator's objection has been resolved.
- c.** The Control Officer may issue a notice of revocation of a permit issued under this rule if:
- (1) The Control Officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.
 - (2) The person applying for the permit failed to disclose a material fact required by the permit application form or the regulation applicable to the permit, of which the applicant had or should have had knowledge at the time the application was submitted.
 - (3) The terms and conditions of the permit have been or are being violated and the violation has not been corrected within a reasonable period of time as specified by the Control Officer.
- d.** If the Control Officer issues a notice of denial or revocation of a permit under this rule, the notice shall be served on the applicant or permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the denial or revocation

and explaining that the permit applicant or permittee is entitled to a hearing under A.R.S. §49-482.

- e. The Control Officer shall provide a statement that sets forth the legal and factual basis for the proposed permit conditions including references to the applicable statutory or regulatory provisions. The Control Officer shall send this statement to the Administrator and to any other person who requests it.
- f. Except as provided in 40 C.F.R. 70.4(b)(11), Rule 200-Permit Requirements of these rules and Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources of these rules, regulations promulgated under Title IV or Title V of the Act, or the permitting of affected sources under the acid rain program, the Control Officer shall take final action on each permit application (and request for revision or renewal) within 18 months after receiving a complete application.
- g. Priority shall be given by the Control Officer to taking action on applications for construction or modification submitted under Title I, Parts C-Prevention Of Significant Deterioration and D-New Source Review of the Act.
- h. A proposed permit decision shall be published within nine months of receipt of a complete application and any additional information requested under Section 301.4(e) of this rule to process the application. The Control Officer shall provide notice of the decision as provided in Section 408 of this rule and any public hearing shall be scheduled as expeditiously as possible.

301.9 Requirement For A Permit: Except as noted under the provisions in Sections 403 and 405 of this rule, no source may operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued under this rule. However, if a source submits a timely and complete application for permit issuance, revision, or renewal, the source's failure to have a permit is not a violation of these rules until the Control Officer takes final action on the application. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the Control Officer, any additional information identified as being needed to process the application. If a source submits a timely and complete application for a permit renewal, but the Control Officer has failed to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the permit renewal has been issued or denied.

302 PERMIT CONTENTS:

302.1 Each permit issued under this rule shall include the following elements:

- a.** The date of issuance, the permit term, and the deadline by which the permittee must renew the permit.
- b.** Enforceable emission limitations and standards including those operational requirements and limitations that assures compliance with all applicable requirements at the time of issuance.
 - (1)** The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.
 - (2)** The permit shall state that, where an applicable requirement of the Act is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act and incorporated under Rule 371-Acid Rain of these rules, both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.
 - (3)** Any permit containing an equivalency demonstration for an alternative emission limit submitted under Section 301.3 of this rule shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.
 - (4)** The permit shall specify applicable requirements for fugitive emission limitations, regardless of whether the source category in question is included in the list of sources contained in the definition of major source in Rule 100-General Provisions And Definitions of these rules.
- c.** As necessary, the following requirements with respect to monitoring:
 - (1)** Requirements, including stipulated requirements, concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods;

for continuous monitoring instrumentation, and copies of all reports required by the permit.

- e. With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:
 - (1) Submittal of reports of any required monitoring at least every six months. All instances of deviations from permit requirements shall be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with Section 301.7 and Section 305.1(e) of this rule.
 - (2) Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The Control Officer shall define "prompt" in relation to the degree and type of deviation likely to occur and the applicable requirements.

- f. A permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Act or the regulations promulgated thereunder and incorporated under Rule 371-Acid Rain of these rules.
 - (1) No permit revision shall be required for increases in emissions that are authorized by allowances acquired under the acid rain program and incorporated under Rule 371-Acid Rain of these rules, provided that such increases do not require a permit revision under any other applicable requirement.
 - (2) No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to non-compliance with any other applicable requirement.
 - (3) Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Act.
 - (4) Any permit issued under the requirements of this rule and Title V of the Act to a unit subject to the provisions of Title IV of the Act and incorporated under Rule 371-Acid Rain of

these rules shall include conditions prohibiting all of the following:

- (a) Annual emissions of sulfur dioxide in excess of the number of allowances to emit sulfur dioxide held by the owners or operators of the unit or the designated representative of the owners or operators.
 - (b) Exceedances of applicable emission rates.
 - (c) The use of any allowance prior to the year for which it was allocated.
 - (d) Violation of any other provision of the permit.
- g. A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.
- h. Provisions stating the following:
 - (1) That the permittee shall comply with all conditions of the permit including all applicable requirements of Arizona air quality statutes and the air quality rules. Compliance with permit terms and conditions does not relieve, modify, or otherwise affect the permittee's duty to comply with all applicable requirements of Arizona air quality statutes and the Maricopa County Air Pollution Control Regulations. Any permit non-compliance is grounds for enforcement action; for a permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application. Non-compliance with any federally enforceable requirement in a permit constitutes a violation of the Act.
 - (2) That the permittee shall halt or reduce the permitted activity in order to maintain compliance with applicable requirements of Federal laws, Arizona laws, these rules, or other conditions of the permit.
 - (3) That the permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by a permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

- (4) That the permit does not convey any property rights nor exclusive privilege, of any sort.
- (5) That the permittee shall furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for revising, revoking and reissuing the permit, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Control Officer copies of records required to be kept by the permit. For information claimed to be confidential, the permittee shall furnish a copy of such records directly to the Administrator along with a claim of confidentiality.
- (6) For any major source operating in a nonattainment area for any pollutant(s) for which the source is classified as a major source, the source shall comply with reasonably available control technology (RACT) as defined in Rule 100-General Provisions And Definitions of these rules.
- (7) For any major source operating in a nonattainment area designated as serious for PM_{10} , for which the source is classified as a major source for PM_{10} , the source shall comply with the best available control technology (BACT), as defined in Rule 100-General Provisions And Definitions of these rules, for PM_{10} .
 - i. A provision to ensure that a source pays fees to the Control Officer under A.R.S. §49-480(D) and Rule 280-Fees of these rules.
 - j. A provision stating that no permit revision shall be required under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit.
 - k. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Control Officer. Such terms and conditions:
 - (1) Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted source a record of the scenario under which it is operating;

- (2) Shall extend the permit shield described in Section 407 of this rule to all terms and conditions under each such operating scenario; and
 - (3) Must ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of this rule.
 - l.** Terms and conditions, if the permit applicant requests them, as approved by the Control Officer, for the trading of emissions increases and decreases in the permitted source, to the extent that the applicable requirements provide for trading increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:
 - (1) Shall include all terms required under Section 302.1 and Section 302.3 of this rule to determine compliance;
 - (2) May extend the permit shield described in Section 302.4 of this rule to all terms and conditions that allow such increases and decreases in emissions; and
 - (3) Shall meet all applicable requirements and requirements of this rule.
 - m.** Terms and conditions, if the permit applicant requests them and they are approved by the Control Officer, setting forth intermittent operating scenarios including potential periods of downtime. If such terms and conditions are included, the county's emissions inventory shall not reflect the zero emissions associated with the downtime.
 - n.** If a permit applicant requests it, the Control Officer shall issue permits that contain terms and conditions allowing for the trading of emission increases and decreases in the permitted source solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The Control Officer shall not be required to include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements. Changes made under this section of this rule shall not include modifications under any

provision of Title I of the Act and may not exceed emissions allowable under the permit. The terms and conditions shall include notice that (1) conforms to Section 403.4 and Section 403.5 of this rule and (2) describes how the increases or decreases in emissions will comply with the terms and conditions of the permit.

- o.** Such terms and conditions as are consistent with the requirements of this rule, of Rule 100-General Provisions And Definitions of these rules and of the Clean Air Act and are found by the Control Officer to be necessary.

302.2 Federally Enforceable Requirements: All terms and conditions in a Title V Permit shall be enforceable by the Administrator and citizens under the Act, including any provisions designed to limit a source's potential to emit. However, the Control Officer shall specifically designate as not being federally enforceable under the Act any terms and conditions included in the Title V Permit that are not required under the Act or under any of its applicable requirements.

302.3 All applications for a permit required by this rule shall include a compliance plan meeting the requirements of Section 503 of the Act.

302.4 Each permit shall include the applicable permit shield provisions set forth in Section 407 of this rule.

302.5 A Title V permit issued to a major source shall require that revisions be made under Rule 200-Permit Requirements of these rules to incorporate additional applicable requirements adopted by the Administrator under the Act that become applicable to a source with a permit with a remaining permit term of three or more years. No revision shall be required if the effective date of the applicable requirements is after the expiration of the permit. The revisions shall be made as expeditiously as practicable, but not later than 18 months after the promulgation of such standards and regulations. Any permit revision required under this section of this rule shall comply with provisions in Rule 200-Permit Requirements of these rules for permit renewal and shall reset the five year permit term.

303 PERMIT REVIEW BY THE EPA AND AFFECTED STATES:

303.1 Except as provided in Section 301.5 of this rule and as waived by the Administrator, for each Title V permit, a copy of each of the following shall be provided to the Administrator as follows:

- a.** The applicant shall provide a complete copy of the application, including any attachments, compliance plans, and other information

required by Section 301.4 of this rule at the time of submittal of the application to the Control Officer.

- b. The Control Officer shall provide the proposed final permit after public and affected State review.
- c. The Control Officer shall provide the final permit at the time of issuance.

303.2 The Control Officer may require the application information to be submitted in a computer-readable format compatible with the Administrator's national database management system.

303.3 The Control Officer shall keep all records associated with all permits including those records containing the calculations and rationale supporting the Control Officer's decision to issue a permit for a minimum of five years from permit issuance.

303.4 No permit for which an application is required to be submitted to the Administrator under Section 303.1 of this rule shall be issued if the Administrator properly objects to its issuance in writing within 45 days of receipt of the proposed final permit from the Control Officer and all necessary supporting information.

303.5 Review By Affected States:

- a. For each Title V permit, the Control Officer shall provide notice of each proposed permit to any affected State on or before the time that the Control Officer provides this notice to the public as required under Section 408 of this rule except to the extent Section 405 of this rule requires the timing of the notice to be different.
- b. If the Control Officer refuses to accept a recommendation of any affected State submitted during the public or affected State review period, the Control Officer shall notify the Administrator and the affected State in writing. The notification shall include the Control Officer's reasons for not accepting any such recommendation and shall be provided to the Administrator as part of the submittal of the proposed final permit. The Control Officer shall not be required to accept recommendations that are not based on federal applicable requirements or requirements of state law.

303.6 Any person who petitions the Administrator under 40 C.F.R. 70.8(d) shall notify the Control Officer by certified mail of such petition as soon as possible, but in no case more than 10 days following such petition. Such

notice shall include the grounds for objection and whether such objections were raised during the public comment period. A petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day administrative review period and prior to the Administrator's objection.

303.7 If the Control Officer has issued a permit prior to receipt of the Administrator's objection under this rule, and the Administrator indicates that a permit should be revised or revoked and reissued, the Control Officer shall respond consistent with Rule 200-Permit Requirements of these rules and may thereafter issue only a revised permit that satisfies the Administrator's objection. In any case, the source shall not be in violation of the requirement to have submitted a timely and complete application.

303.8 Prohibition On Default Issuance:

- a. No Title V permit including a permit renewal or revision shall be issued until affected States and the Administrator have had an opportunity to review the proposed permit.
- b. No permit or renewal shall be issued unless the Control Officer has acted on the application.

304 EMISSION STANDARDS AND LIMITATIONS: Wherever applicable requirements apply different standards or limitations to a source for the same item, all applicable requirements shall be included in the permit.

305 COMPLIANCE PLAN; CERTIFICATION:

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

- a. The following monitoring requirements sufficient to assure compliance with the terms and conditions of the permit:
 - (1) Any emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated under Section 114(a)(3) or 504(b) of the Act;
 - (2) Where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported under

- (4) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements; and
 - (5) To record any inspection by use of written, electronic, magnetic, and photographic media.
- g.** A compliance plan that contains all of the following:
- (1) A description of the compliance status of the source with respect to all applicable requirements.
 - (2) A description as follows:
 - (a) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
 - (b) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.
 - (c) For requirements with which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.
 - (3) A compliance schedule as follows:
 - (a) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
 - (b) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this rule, unless a more detailed schedule is expressly required by the applicable requirement.
 - (c) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall

include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirement for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

- (4) A schedule for submission of certified progress reports no less frequently than every six months for sources required to have a schedule of compliance to remedy a violation. Such schedule shall contain:
 - (a) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
 - (b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
 - (5) The compliance plan content requirements specified in Section 305.1(g) of this rule shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act and incorporated under Rule 371-Acid Rain of these rules with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.
- h.** If there is a Federal Implementation Plan (FIP) applicable to the source, a provision that compliance with the FIP is required.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

- 401 FEES REQUIRED:** Persons subject to this rule shall pay the fees required, as set forth in Rule 280-Fees of these rules.
- 402 PERMIT TERM:** A Title V Permit shall remain in effect for no more than five years.

403 SOURCE CHANGES ALLOWED WITHOUT PERMIT REVISIONS:

- 403.1** A source with a Title V permit may make changes without a permit revision if all of the following apply:
- a.** The changes are not modifications under any provision of Title I of the Act or under A.R.S. §49-401.01(24) or as defined in Rule 100-General Provisions And Definitions of these rules.
 - b.** The changes do not result in emissions that exceed the emissions allowable under the permit whether expressed therein as a rate of emissions or in terms of total emissions.
 - c.** The changes do not violate any applicable requirements or trigger any additional applicable requirements.
 - d.** The changes meet all requirements for processing as a minor permit revision under Section 405 of this rule.
 - e.** The changes do not violate federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
 - f.** The changes do not constitute a minor NSR modification as defined in Rule 100, Section 200.67 of these rules.
- 403.2** The substitution of an item of process or pollution control equipment for an identical or substantially similar item of process or pollution control equipment shall qualify as a change that does not require a permit revision, if it meets all of the requirements of Sections 403.1, 403.4, and 403.5 of this rule.
- 403.3** Except for sources with authority to operate under general permits, permitted sources may trade increases and decreases in emissions within the permitted source, as established in the permit under Section 302.1(l) of this rule, where an applicable implementation plan provides for such emissions trades, without applying for a permit revision and based on the seven working days notice prescribed in Section 403.4 of this rule. This provision is available in those cases where the permit does not already provide for such emissions trading, and shall not include any emissions units for which emissions are not quantifiable nor for which there are no replicable procedures to enforce the emissions trades.

- 403.4** For each such change under Sections 403.1 and 403.3 of this rule, a written notice either by hand delivery or by certified mail shall be received by the Control Officer and the Administrator, a minimum of seven working days in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided less than seven working days in advance of the change but must be provided as far in advance of the change, or if advance notification is not practicable, as soon after the change as possible.
- 403.5** Each notification shall include:
- a.** When the proposed change will occur.
 - b.** A description of each such change.
 - c.** Any change in emissions of regulated air pollutants.
 - d.** The pollutants emitted subject to the emissions trade, if any.
 - e.** The provisions in the implementation plan that provide for the emissions trade with which the source will comply and any other information as may be required by the provisions in the implementation plan authorizing the trade.
 - f.** If the emissions trading provisions of the implementation plan are invoked, then the permit requirements with which the source will comply.
 - g.** Any permit term or condition that is no longer applicable as a result of the change.
- 403.6** The permit shield described in Section 407 of this rule shall not apply to any change made under Section 403.1 through Section 403.3 of this rule. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the implementation plan authorizing the emissions trade.
- 403.7** Except as otherwise provided for in the permit, making a change from one alternative operating scenario to another, as provided in Section 302.1(k) of this rule, shall not require any prior notice under this rule.
- 403.8** Notwithstanding any other part of this rule, the Control Officer may require a permit to be revised for any change that, when considered together with any other changes submitted by the same source under this rule over the term of the permit, does not satisfy Section 403.1 of this rule.

403.9 The Control Officer shall make available to the public monthly summaries of all notices received under this rule.

404 ADMINISTRATIVE PERMIT AMENDMENTS:

404.1 Except for provisions to Title IV of the Act, an administrative permit amendment is a permit revision that does any of the following:

- a.** Corrects typographical errors;
- b.** Identifies a change in the name, address, or phone number of any person identified in the permit or provides a similar minor administrative change at the source;
- c.** Requires more frequent monitoring or reporting by the permittee; or
- d.** Allows for a change in ownership or operational control of a source under Rule 200-Permit Provisions of these rules, where the Control Officer determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the Control Officer.

404.2 Administrative permit amendments to Title IV provisions of the permit shall be governed by regulations promulgated by the Administrator under Title IV of the Act or incorporated under Rule 371-Acid Rain of these rules.

404.3 The Control Officer shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request. Title V permits may incorporate such changes without providing notice to the public or affected States provided that such permits designate that such permit revisions have been made under this rule.

404.4 The Control Officer shall submit a copy of Title V permits revised under this rule to the Administrator.

404.5 Source's Ability To Make A Change: Except for permit transfers described in Rule 200-Permit Provisions of these rules, the source may implement the changes addressed in the request for an administrative permit amendment immediately upon submittal of the request.

405 MINOR PERMIT REVISIONS:

- 405.1** Minor permit revision procedures may be used only for those changes at a Title V source that satisfy all of the following:
- a.** Do not violate any applicable requirement;
 - b.** Do not involve substantive changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
 - c.** Do not require or change:
 - (1)** A case-by-case determination of an emission limitation or other standard,
 - (2)** A source specific determination of ambient impacts, or
 - (3)** A visibility or increment analysis.
 - d.** Do not seek to establish nor to change a Title V permit term or condition for which there is no corresponding underlying applicable requirement and that the Title V source has assumed in order to avoid an applicable requirement to which the Title V source would otherwise be subject. Such terms and conditions include:
 - (1)** A federally enforceable emissions cap which the Title V source would assume to avoid classification as a modification under any provision of Title I of the Act; and
 - (2)** An alternative emissions limit approved under regulations promulgated under the Section 112(i)(5) of the Act.
 - e.** Are not modifications under any provision of Title I of the Act or Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.
 - f.** Are not changes in fuels not represented in the permit application or provided for in the Title V permit.
 - g.** ~~The increase in the Title V source's potential to emit for any regulated air pollutant is not significant as defined in Rule 100-General Provisions And Definitions of these rules.~~ Are not minor NSR modifications subject to Rule 241, Section 304 of these rules.
 - h.** Are not required to be processed as a significant permit revision under Section 406 of this rule.

Draft Rule 210 for Public Workshop On November 20, 2008
1001 North Central Avenue Room #560 At 9:00 Am
Contact Mike Perkins At 602.372.2041 or mperkins@mail.maricopa.gov

- 405.2** As approved by the Control Officer, minor permit revision procedures may be used for Title V permit revisions involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit revision procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by the Administrator.
- 405.3** To request a minor permit revision, a source shall complete the “Standard Permit Application Form” and shall include the following information:
- a.** A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
 - b.** For any source that is making the change immediately after it files the application, the Title V source's suggested draft permit; and
 - c.** Certification by a responsible official, that the proposed revision meets the criteria for use of minor permit revision procedures and a request that such procedures be used.
- 405.4 EPA And Affected State Notification:** Within five working days of the Control Officer’s receipt of an application for a minor permit revision, the Control Officer shall notify the Administrator and affected States of the requested permit revision in accordance with Section 303 of this rule.
- 405.5** The Control Officer shall not issue a final permit revision until after the Administrator’s 45-day review period or until the Administrator has notified the Control Officer that the Administrator will not object to issuance of the permit revision, whichever is first. Although, the Control Officer may approve the permit revision prior to that time. Within 90 days of the Control Officer's receipt of an application under minor permit revision procedures, or 15 days after the end of the Administrator’s 45-day review period, whichever is later, the Control Officer shall do one or more of the following:
- a.** Issue the permit revision as proposed;
 - b.** Deny the permit revision application;
 - c.** Determine that the proposed permit revision does not meet the minor permit revision criteria and should be reviewed under the significant permit revision procedures; and/or

- d. Revise the proposed permit revision and transmit to the Administrator the new proposed permit revision as required in Section 303 of this rule.

405.6 Source's Ability To Make Change: The source may make the change proposed in its minor permit revision application immediately after it files the application. After the source makes the change allowed by the preceding sentence, and until the Control Officer takes any of the actions specified in Section 405.5 of this rule, the source shall comply with both the applicable requirements governing the change and the proposed revised permit terms and conditions. During this time period, the Title V source need not comply with the existing permit terms and conditions it seeks to modify. However, if the Title V source fails to comply with its proposed permit terms and conditions during this time period, the Control Officer may enforce existing permit terms and conditions, which the Title V source seeks to revise.

405.7 Permit Shield: The permit shield under Section 407 of this rule shall not extend to minor permit revisions.

405.8 Notwithstanding any other part of this rule, the Control Officer may require a permit to be revised under Section 406 of this rule for any change that, when considered together with any other changes submitted by the same source under this rule or under Section 404 of this rule over the life of the permit, do not satisfy Section 405.1 of this rule.

405.9 The Control Officer shall make available to the public monthly summaries of all applications for minor permit revisions.

406 SIGNIFICANT PERMIT REVISIONS:

406.1 A significant permit revision shall be used for an application requesting a permit revision that does not qualify as a minor permit revision nor as an administrative permit amendment.

406.2 A significant permit revision that is only required because of a change described in Section 405.1(f) or Section 405.1(g) of this rule shall not be considered a significant permit revision under Part 70 for the purposes of 40 C.F.R. 64.5(a)(2). Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions shall follow significant permit revision procedures.

406.3 Any modification to a major source of federally listed hazardous air pollutants, and any reconstruction of a source, or a process or production unit, under Section 112(g) of the Act and regulations promulgated

thereunder, shall follow significant permit revision procedures and Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.

- 406.4** All modifications to sources subject to Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules shall follow significant permit revision procedures.
- 406.5** Significant permit revisions shall meet all requirements of this rule for applications, public participation, review by affected States, and review by the Administrator, that apply to permit issuance and renewal.
- 406.6** The Control Officer shall process the majority of significant permit revision applications received each calendar year within nine months of receipt of a complete permit application but in no case longer than 18 months. Applications for which the Control Officer undertakes the accelerated permitting process, under Rule 200, Section 312 of these rules, shall not be included in this requirement. Section 406.7 of this rule does not change any time-frame requirements in Section 301 of this rule.

407 PERMIT SHIELDS:

- 407.1** Each Title V permit issued under this rule shall specifically identify all federal, state, and local air pollution control requirements applicable to the Title V source at the time the Title V permit is issued. The Title V permit shall state that compliance with the conditions of the Title V permit shall be deemed compliance with any applicable requirement as of the date of Title V permit issuance, provided that such applicable requirements are included and expressly identified in the Title V permit. The Control Officer may include in a Title V permit determination that other requirements specifically identified are not applicable. Any Title V permit issued under this rule that does not expressly state that a permit shield exists shall not provide such a shield.
- 407.2** Nothing in this rule or in any permit shall alter or affect the following:
- a.** The provisions of Section 303 of the Act-Emergency Orders, including the authority of the Administrator under that section.
 - b.** The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance.
 - c.** The applicable requirements of the acid rain program, consistent with Section 408(a) of the Act.

- d. The ability of the Administrator or of the Control Officer to obtain information from a source under Section 114 of the Act, or any provision of State law.
- e. The authority of the Control Officer to require compliance with new applicable requirements adopted after the permit is issued.

407.3 In addition to the provisions of Rule 200-Permit Requirements of these rules, a permit shall be reopened by the Control Officer and the permit shield revised, when it is determined that standards or conditions in the permit are based on incorrect information provided by the applicant.

408 PUBLIC PARTICIPATION:

408.1 The Control Officer shall provide public notice, an opportunity for public comment, and an opportunity for a hearing before taking any of the following actions for a source required to obtain a permit under Title V of the Clean Air Act:

- a. Issuing or renewing a permit.
- b. Issuing a significant permit revision.
- c. Revoking and reissuing or reopening a permit.
- d. Issuing a conditional order under Rule 120-Conditional Orders of these rules.
- e. Granting a variance from a general permit under Rule 230-General Permits of these rules and Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.

408.2 The Control Officer shall provide public notice of receipt of complete applications for major sources by publishing a notice in a newspaper of general circulation in Maricopa County.

408.3 The Control Officer shall provide the notice required under Section 408.1 of this rule as follows:

- a. The Control Officer shall publish the notice once each week for two consecutive weeks in two newspapers of general circulation in the county where the source is or will be located.
- b. The Control Officer shall mail a copy of the notice to persons on a mailing list developed by the Control Officer consisting of those

persons who have requested in writing to be placed on such a mailing list.

- c. The Control Officer shall give notice by other means if necessary to assure adequate notice to the affected public.

408.4 The notice required by Section 408.3 of this rule shall include the following:

- a. Identification of the affected facility;
- b. Name and address of the permittee or applicant;
- c. Name and address of the permitting authority processing the permit action;
- d. The activity or activities involved in the permit action;
- e. The emissions change involved in any permit revision;
- f. The air contaminants to be emitted;
- g. A statement that any person may submit written comments, or a written request for a public hearing, or both, on the proposed permit action along with the deadline for such requests or comments;
- h. The name, address, and telephone number of a person from the Department from whom additional information may be obtained;
- i. Locations where copies of the permit or permit revision application, the proposed permit, and all other materials available to the Control Officer that are relevant to the permit decision may be reviewed, including the closest Department office, and the times at which such materials shall be available for public inspection;
- j. A summary of any notice of confidentiality filed under Rule 100-General Provisions And Definitions of these rules; and
- k. If applicable, a statement that the source has submitted a risk management analysis (RMA) under Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.
- l. A statement in the public record if the permit or permit revision would result in the generation of emission reduction credits under A.A.C. R18-2-1204-Title 18, Chapter 2, Article 12 or the utilization

of emission reduction credits under A.A.C. R18-2-1206-Title 18,
Chapter 2, Article 12.

- 408.5** The Control Officer shall hold a public hearing to receive comments on petitions for conditional orders, which would vary from requirements of the applicable implementation plan. For all other actions involving a proposed permit, the Control Officer shall hold a public hearing only upon written request. If a public hearing is requested, the Control Officer shall schedule the hearing and publish notice as described in A.R.S. §49-498 and in Section 408.4 of this rule. The Control Officer shall give notice of any public hearing at least 30 days in advance of the hearing.
- 408.6** At the time the Control Officer publishes the first notice under Section 408.3(a) of this rule, the applicant shall post a notice containing the information required in Section 408.4 of this rule at the site where the source is or may be located. Consistent with federal, State, and local law, the posting shall be prominently placed at a location under the applicant's legal control, adjacent to the nearest public roadway, and visible to the public using the public roadway. If a public hearing is to be held, the applicant shall place an additional posting providing notice of the hearing. Any posting shall be maintained until the public comment period is closed.
- 408.7** The Control Officer shall provide at least 30 days from the date of the first notice for public comment. Grounds for comment are limited to whether the proposed permit meets the criteria for issuance prescribed in the rule. The Control Officer shall keep a record of the commenters and of the issues raised during the public participation process and shall prepare written responses to all comments received. At the time a final decision is made, the record and copies of the Control Officer's responses shall be made available to the applicant and to all commenters.

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

Section By Section Explanation Of Changes:

Rule 220-Non-Title V Permit Provisions For Public Workshop #1 - November 20, 2008

New Section 301.4(c). Added the text “An application for a new permit or permit revision shall contain an assessment of the applicability of the requirements of Minor New Source Review requirements in Rule 241, Section 304 of these rules. If the applicant determines that the proposed new source is subject to Rule 241, Section 304 of these rules, or the proposed permit revision constitutes a Minor NSR Modification, then the application shall comply with all applicable requirements of Rule 241, Section 304 of these rules.”

Section 403.2(k). Added the text “The changes do not constitute a minor NSR modification as defined in Rule 100, Section 200.66 of these rules.”

Section 405.2(a)(1). Deleted the text “For emissions units not subject to an emissions cap, the net emissions increase is less than the significance level defined in Rule 100-General Provisions And Definitions of these rules”. Added the text “The change is not a minor NSR modification subject to Rule 241, Section 304.”

Section 405.3(c). Deleted the text “A change to, or an addition of, an emissions unit not subject to an emissions cap that will result in a net emissions increase of a pollutant greater than the significance level defined in Rule 100-General Provisions And Definitions of these rules”. Added the text “A change that does not constitute a minor NSR modification subject to Rule 241, Section 304.”

Section 407.1(a). Added the text “Section 403.6-Table F Sources, Section 403.7-Table G Sources, and Section 403.8-Table H Sources.”

Section 407.1(b). Added the text “Section 403.6-Table F Sources, Section 403.7-Table G Sources, and Section 403.8-Table H Sources.”

Section 407.1(c). Deleted the text “403.1-Table A Sources, Section 403.2-Table B Sources, and Section 403.3-Table C Sources.” Added the text “Section 403 – Tables A through H of these rules”.

Section 407.1(d). Deleted the text “403.1-Table A Sources, Section 403.2-Table B Sources, and Section 403.3-Table C Sources.” Added the text “Section 403 – Tables A through H of these rules.”

Section 407.6. Added the text “Grounds for comment are limited to whether the proposed permit meets the criteria for issuance prescribed in the rule.” This text is consistent with Arizona Revised Statutes (A.R.S.) § 49-426(D).

REGULATION II - PERMITS AND FEES

RULE 220

NON-TITLE V PERMIT PROVISIONS

INDEX

SECTION 100 - GENERAL

- 101 PURPOSE
- 102 APPLICABILITY

SECTION 200 – DEFINITIONS (NOT APPLICABLE)

SECTION 300 - STANDARDS

- 301 PERMIT APPLICATION PROCESSING PROCEDURES
- 302 PERMIT CONTENTS
- 303 COMPLIANCE PLANS
- 304 PERMITS CONTAINING VOLUNTARILY ACCEPTED EMISSIONS LIMITATIONS, CONTROLS, OR OTHER REQUIREMENTS (SYNTHETIC MINOR)

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

- 401 FEES REQUIRED
- 402 PERMIT TERM
- 403 SOURCE CHANGES THAT REQUIRE NON-TITLE V PERMIT REVISIONS
- 404 PROCEDURES FOR CERTAIN CHANGES THAT DO NOT REQUIRE A NON-TITLE V PERMIT REVISION
- 405 PERMIT REVISIONS
- 406 PERMIT REVISIONS PROCEDURES
- 407 PUBLIC PARTICIPATION
- 408 AMENDMENTS TO A PERMIT

SECTION 500 - MONITORING AND RECORDS

- 501 LOG RETENTION REQUIREMENT
- 502 LOG FORMAT SPECIFICATIONS
- 503 LOG FILING

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Revised 02/15/95
Revised 06/19/96
Revised 03/04/98
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**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II - PERMITS AND FEES
RULE 220
NON-TITLE V PERMIT PROVISIONS**

SECTION 100 - GENERAL

- 101 PURPOSE:** To provide an orderly procedure for the review of Non-Title V sources of air pollution through the issuance of Non-Title V permits.
- 102 APPLICABILITY:** This rule applies to each source requiring a Non-Title V permit or permit revision.

SECTION 200 - DEFINITIONS (NOT APPLICABLE) See Rule 100-General Provisions And Definitions of these rules for definitions of terms that are used but not specifically defined in this rule.

SECTION 300 - STANDARDS

301 PERMIT APPLICATION PROCESSING PROCEDURES:

301.1 Standard Application Form And Required Information: To apply for a permit under this rule, applicants shall complete a permit application filed in the manner and form prescribed by the Control Officer. The Control Officer, either upon the Control Officer's own initiative or upon the request of a permit applicant, may waive the requirement that specific information or data for a particular source or category of sources be submitted in the Non-Title V permit application. However, the Control Officer must determine that the information or data would be unnecessary to determine all of the following:

- a. The applicable requirements to which the source may be subject;
- b. The design and control of the air pollution control equipment such that the source may be expected to operate without emitting or without causing to be emitted air contaminants in violation of these rules;

- c. The fees to which the source may be subject under Rule 280-Fees of these rules; and
- d. A proposed emission limitation, control, or other requirement that meets the requirements of Section 304 of this rule.

301.2 Permit Application And A Compliance Plan:

- a. A permit application, required by this rule, shall include a compliance plan, if applicable, which meets the requirements of Section 303 of this rule when a notice of violation has been issued and not resolved at the time the permit application is filed.
- b. A permit application, required by this rule, can include a compliance plan, if applicable, which meets the requirements of Section 303 of this rule when the following circumstances occur:
 - (1) When a source is not in compliance with these rules but has not been issued a notice of violation,
 - (2) Under other circumstances determined by the Control Officer.

301.3 A Timely Permit Application:

- a. Unless otherwise required by Rule 200-Permit Requirements of these rules and for purposes of permit renewal, a timely application is one that is submitted at least six months, but not more than 18 months, prior to the date of permit expiration.
- b. Unless otherwise required by Rule 200-Permit Requirements of these rules and for any existing source which becomes subject to a standard promulgated by the Administrator under Section 112(d) of the Act-Hazardous Air Pollutants-Emission Standards, a timely application is a permit revision application that is submitted within 12 months of the date on which the standard is promulgated. Such permit revision application shall be subject to Rule 210-Title V Permit Provisions of these rules.

301.4 A complete application is one that satisfies all of the following:

- a. To be complete, an application shall provide all information required under Section 301.1 of this rule, except that notifications of permit revision need supply such information only if it is related to

the proposed change. A responsible official shall certify the submitted information, consistent with Section 301.6 of this rule.

- b.** To be complete, an application for a new permit or a notification of a permit revision shall contain an assessment of the applicability of the requirements of Rule 241-Permits For New Sources And Modifications To Existing Sources of these rules and shall comply with all applicable requirements of Rule 241-Permits For New Sources And Modifications To Existing Sources of these rules.
- c.** An application for a new permit or permit revision shall contain an assessment of the applicability of the requirements of Minor New Source Review requirements in Rule 241, Section 304 of these rules. If the applicant determines that the proposed new source is subject to Rule 241, Section 304, or the proposed permit revision constitutes a Minor NSR Modification, then the application shall comply with all applicable requirements of Rule 241, Section 304 of these rules.
- de.** To be complete, an application for a new permit or a notification of a permit revision shall contain an assessment of the applicability of the requirements established under Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules. If the proposed new source permit or the proposed permit revision is subject to the requirements of Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules, the application shall comply with all applicable requirements of Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.
- ed.** An application for a new permit, a notification of a permit revision, or a permit renewal shall be deemed to be complete unless the Control Officer notifies the applicant by certified mail within 60 days of receipt of the application that the application is not complete and specifies what additional information is necessary for the application to be complete.
- fe.** If, while processing an application that has been determined or deemed to be complete, the Control Officer determines that additional information is necessary to evaluate or to take final action on that application, the Control Officer may request such information in writing and may set a reasonable deadline for a response. Except for minor permit revisions procedures as set forth in Section 406 of this rule, a source's ability to continue operating without a permit, as set forth in this rule, shall be in effect from the date the application is determined to be complete until the final permit is issued, provided that the applicant submits any requested

additional information by the deadline specified by the Control Officer. The Control Officer may, after one submittal by the applicant under this rule, reject an application that is still determined to be incomplete and shall notify the applicant of the decision by certified mail.

gf. The completeness determination shall not apply to revisions processed through the minor permit revision process.

hg. The Control Officer agrees with the notice of confidentiality submitted under A.R.S. §49-487.

ih. Any emission source or equipment item listed in Rule 200-Permit Requirements of these rules shall be included in the application. The application need not provide emissions data regarding the activities listed in Rule 200-Permit Requirements of these rules. If the Control Officer determines that a source or an activity listed on the application does not meet the requirements of Rule 200-Permit Requirements of these rules, the Control Officer shall notify the applicant in writing and specify additional information required, which may include emissions data and supporting documents.

ji. If a source wishes to voluntarily enter into an emissions limitation, control, or other requirement pursuant to Section 304 of this rule, a source shall describe that emissions limitation, control, or other requirement in its application, along with proposed associated monitoring, recordkeeping, and reporting requirements necessary to demonstrate that the emissions limitation, control, or other requirement is permanent, quantifiable, and otherwise enforceable as a practical matter.

301.5 Duty To Supplement Or Correct Application: Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a proposed permit.

301.6 Action On Application:

a. The Control Officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.

- b.** For Non-Title V permits that contain voluntary emission limits, controls, or other requirements established under Section 304 of this rule, the Control Officer shall have complied with the requirement of Section 304.4 of this rule to provide the Administrator with a copy of each such proposed permit. In addition, the Control Officer may issue, revise, or renew a permit only if all of the following conditions have been met:
- (1)** The permit application received must be complete according to Section 301.4 of this rule.
 - (2)** Except for revisions qualifying as administrative or minor under Sections 405.1 and 405.2 of this rule, all of the requirements for public notice and participation under Section 407 of this rule must have been met.
 - (3)** The conditions of the permit shall require compliance with all applicable requirements.
 - (4)** For permits for which an application is required to be submitted to the Administrator under Section 304 of this rule, and to which the Administrator has properly objected to its issuance in writing within 45 days of receipt of the proposed final permit and all necessary supporting information from the Control Officer, the Control Officer has revised and submitted a proposed final permit in response to the objection and the Administrator has not objected to this proposed final permit.
- c.** The Control Officer may issue a notice of revocation of a permit issued under this rule if:
- (1)** The Control Officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.
 - (2)** The person applying for the permit failed to disclose a material fact required by the permit application form or the regulation applicable to the permit, of which the applicant had or should have had knowledge at the time the application was submitted.
 - (3)** The terms and conditions of the permit have been or are being violated and the violation has not been corrected within a reasonable period of time as specified by the Control Officer.

- d. If the Control Officer issues a notice of denial or revocation of a permit under this rule, the notice shall be served on the applicant or permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the denial or revocation and explaining that the permit applicant or permittee is entitled to a hearing under A.R.S. §49-482.
- e. Except as provided in Rule 200-Permit Requirements of these rules, the Control Officer shall take final action on each permit application (and request for revision or renewal) within 90 days of receipt of a complete application, unless a finding is made that more time is needed, but in no case longer than nine months after receiving a complete application.

301.7 Except as noted under the provisions in Section 404 of this rule, no source may operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued under this rule. However, if a source submits a timely and complete application for permit issuance, revision, or renewal, the source's failure to have a permit is not a violation of these rules until the Control Officer takes final action on the application. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the Control Officer, any additional information identified as being needed to process the application. If a source submits a timely and complete application for a permit renewal, but the Control Officer fails to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the permit renewal has been issued or denied.

302 PERMIT CONTENTS: Each permit issued under this rule shall include the following elements:

302.1 The date of issuance and the permit term.

302.2 Enforceable emission limitations and standards, including those operational requirements and limitations that ensure compliance with all applicable requirements at the time of issuance, and operational requirements and limitations that have been voluntarily accepted under Section 304 of this rule, or that have been voluntarily accepted under Rule 201-Emissions Caps of these 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.

- 302.3** A compliance plan, if applicable, which meets the requirements of Section 303 of this rule.
- 302.4** As necessary, requirements concerning the use, maintenance, and if applicable, installation of monitoring equipment or methods.
- 302.5** Periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, if the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring). The monitoring requirements shall ensure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement and as otherwise required under Section 304 of this rule. Recordkeeping provisions may be sufficient to meet the requirements of this rule.
- 302.6** All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated under Section 114(a)(3) of the Act and including any monitoring and analysis procedures or test methods required under Section 304 of this rule.
- 302.7** All recordkeeping requirements, including recordkeeping requirements established under Section 304 of this rule, if applicable, for the retention of records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
- 302.8** All applicable reporting requirements and require the submittal of any required monitoring reports at least annually. Upon request, such reporting requirements shall require prompt reporting of deviations from permit requirements, including those deviations attributable to upset conditions, as defined in the permit. Reports of deviations shall include the probable cause of the deviations and any corrective actions or preventative measures taken. For the purposes of this Section, reporting shall be considered prompt when such reporting is made in accordance with Rule 130-Emergency Provisions of these rules.
- 302.9** A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portion of the permit.
- 302.10** Provisions stating that it shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the

permitted activity in order to maintain compliance with the conditions of the permit.

- 302.11** Provisions stating that the permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated non-compliance does not stay any permit condition.
- 302.12** Provisions stating that the permit does not convey any property rights nor does it convey exclusive privileges of any sort.
- 302.13** Provisions stating that the permittee shall furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for revising, revoking and reissuing the permit, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish, to the Control Officer copies of records required to be kept by the permit.
- 302.14** Provisions stating that any document required to be submitted by a permit, including reports, shall contain certification by a responsible official of truth, accuracy, and completeness under Rule 100-General Provisions And Definitions of these rules.
- 302.15** A provision to ensure that a source pays fees to the Control Officer under A.R.S. §49-480(D) and Rule 280-Fees of these rules.
- 302.16** Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Control Officer. Such terms and conditions shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted source a record of the scenario under which it is operating. The terms and conditions of each such alternative scenario must meet all applicable requirements and the requirements of this rule.
- 302.17** Inspection and entry provisions which require the permittee to allow the Control Officer, upon presentation of proper credentials, to enter upon the permittee's premises, where a source is located or where emission-related activity is conducted, or where records are required to be kept, under the conditions of the permit.
- 302.18** Inspection and entry provisions which require the permittee to allow the Control Officer, upon presentation of proper credentials, to have access to and to copy, at reasonable times, any records that are required to be kept under the conditions of the permit.

- 302.19** Inspection and entry provisions which require the permittee to allow the Control Officer, upon presentation of proper credentials, to inspect, at reasonable times, any source's equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
- 302.20** Inspection and entry provisions which require the permittee to allow the Control Officer, upon presentation of proper credentials, to sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements.
- 302.21** Inspection and entry provisions which require the permittee to allow the Control Officer, upon presentation of proper credentials, to record any inspection by use of written, electronic, magnetic, and photographic media.
- 302.22** Provisions specifying the conditions under which the permit will be reopened prior to the expiration date of the permit.
- 302.23** **Federally Enforceable Requirements:** Designated terms and conditions contained in Non-Title V permits issued under Rule 220-Non-Title V Permit Provisions of these rules will be considered federally enforceable, provided that the County's Permit Program is approved by the Administrator and incorporated into the applicable State Implementation Plan (SIP) under Section 110 of the Act, and the permit meets the requirements set forth in Section 304 of this rule:
- a.** Terms or conditions designated as federally enforceable in a Non-Title V permit, including but not limited to those that are entered into voluntarily under Section 304 of this rule and which have been submitted to the Administrator for review, include:
 - (1)** Emissions limitations, controls, or other requirements; and
 - (2)** Monitoring, recordkeeping, and reporting requirements associated with the emissions limitations, controls, or other requirements.
 - b.** The Control Officer shall specifically designate as not being federally enforceable under the Act any terms and conditions included in a Non-Title V permit that are not required under the Act, or under any such applicable requirements, or that are not entered into voluntarily under Section 304 of this rule.

303 COMPLIANCE PLANS: Each compliance plan shall contain the following elements:

303.1 A description of the compliance status of the source with respect to applicable requirements that will become effective during the permit term or for which the source is not in compliance at the time of permit issuance.

303.2 A description as follows:

- a.** For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.
- b.** For requirements with which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.
- c.** For additional requirements as may be specified under Section 304 of this rule.

303.3 A compliance schedule as follows:

- a.** For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this rule, unless a more detailed schedule is expressly required by the applicable requirement.
- b.** A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirement for which the source will be in non-compliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction non-compliance with, the applicable requirements on which it is based.

303.4 A schedule for submission of certified progress reports no less frequently than every six months for sources required to have a schedule of compliance to remedy a violation. Such schedule shall contain:

- a.** Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones, or compliance were achieved; and
- b.** An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

303.5 If there is a Federal Implementation Plan (FIP) applicable to the source, a provision that compliance with the FIP is required.

303.6 The Control Officer may develop special guidance documents and forms to assist certain sources in completing the compliance plan.

304 PERMITS CONTAINING VOLUNTARILY ACCEPTED EMISSIONS LIMITATIONS, CONTROLS, OR OTHER REQUIREMENTS (SYNTHETIC MINOR):

304.1 A source may voluntarily propose in its application, and accept in its permit, emissions limitations, controls, or other requirements that are permanent, quantifiable, and otherwise enforceable as a practical matter in order to avoid classification as a source that requires a Title V permit, or to avoid one or more other applicable requirements. For the purposes of this rule, "enforceable as a practical matter" means that specific means to assess compliance with an emissions limitation, control, or other requirement are provided for in the permit in a manner that allows compliance with the limit standard or trade provision to be readily determined by an inspection of the source records or reports. In addition, for the purposes of this rule, "enforceable as a practical matter" shall include the following criteria:

- a.** The permit conditions are permanent and quantifiable;
- b.** The permit includes a legally enforceable obligation to comply;
- c.** The permit limits impose an objective and quantifiable operational or production limit, or require the use of in-place air pollution control equipment;
- d.** The permit limits have short-term averaging times consistent with the averaging times of the applicable requirement;

- e. The permit conditions are enforceable and are independent of any other applicable limitations; and
- f. The permit conditions for monitoring, recordkeeping, and reporting requirements are sufficient to comply with Rule 220-Non-Title V Permit Provisions, Sections 302.3, 302.4, 302.5, 302.6, and 302.7 of these rules.

304.2 In order for a source to obtain a permit containing voluntarily accepted emissions limitations, controls, or other requirements, the source shall demonstrate all of the following in its permit application:

- a. The emissions limitations, controls, or other requirements to be imposed for the purpose of avoiding an applicable requirement are at least as stringent as the emissions limitations, controls, or other requirements that would otherwise be applicable to that source, including those that originate in an applicable implementation plan; and
- b. All voluntarily accepted emissions limitations, controls, or other requirements will be permanent, quantifiable, and otherwise enforceable as a practical matter.

304.3 The Control Officer shall not issue a permit that waives nor makes less stringent any limitations or requirements contained in or issued under an applicable implementation plan or that are otherwise federally enforceable.

304.4 At the same time as notice of proposed issuance is first published under A.R.S. §49-426(D), the Control Officer shall send a copy of any Non-Title V permit proposed to be issued under Section 304 of this rule to the Administrator review during the comment period described in the notice under Section 407 of this rule.

304.5 The Control Officer shall send a copy of each final permit issued under Section 304 of this rule to the Administrator.

304.6 For all permits containing voluntarily accepted emission limitations, controls, or other requirements established under this section, the Control Officer shall provide an opportunity for public participation as provided for in Section 407 of this rule.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 FEES REQUIRED: Persons subject to this rule shall pay the fees required, as set forth in Rule 280-Fees of these rules.

402 PERMIT TERM: A Non-Title V permit shall remain in effect for no more than five years.

403 SOURCE CHANGES THAT REQUIRE NON-TITLE V PERMIT REVISIONS:

403.1 A source with a Non-Title V permit may make any physical change or change in the method of operation without revising the source's permit, unless the change is specifically prohibited in the source's permit or is a change described in the following subsections. A change that does not require a permit revision may still be subject to requirements in Section 404 of this rule.

403.2 The following changes at a source with a Non-Title V permit shall require a permit revision:

- a.** A change that triggers a new applicable requirement or violates an existing applicable requirement;
- b.** Establishment of, or change in, an emissions cap;
- c.** A change that will require a case-by-case determination of an emissions limitation or other standard, or a source specific determination of ambient impacts, or a visibility or increment analysis;
- d.** A change that results in emissions which are subject to monitoring, recordkeeping, or reporting under Sections 302.6, 302.7, and 302.8 of this rule, if the emissions cannot be measured or otherwise adequately quantified by monitoring, recordkeeping, or reporting requirements already in the permit;
- e.** A change that will authorize the burning of used oil, used oil fuel, hazardous waste or hazardous waste fuel, or any other fuel not currently authorized by the permit;
- f.** A change that requires the source to obtain a Title V permit under Rule 210-Title V Permit Provisions of these rules;
- g.** Replacement of an item of air pollution control equipment listed in the permit with one that does not have the same or better pollutant removal efficiency;
- h.** Establishment or revision of an emissions limit under Section 304 of this rule;

- i. Increasing operating hours or rates of production above the permitted level; and
- j. Making a change that relaxes monitoring, recordkeeping, or reporting requirements, except when the change results:
 - (1) From removing equipment that results in a permanent decrease in actual emissions, if the source keeps on-site records of the change in a log that satisfies Section 500 of this rule and if the requirements that are relaxed are present in the permit solely for the equipment that was removed; or
 - (2) From a change in an applicable requirement.
- k. The changes do not constitute a minor NSR modification as defined in Rule 100, Section 200.66 of these rules.

404 PROCEDURES FOR CERTAIN CHANGES THAT DO NOT REQUIRE A NON-TITLE V PERMIT REVISION:

404.1 Except for a physical change or change in the method of operation at a Non-Title V source requiring a permit revision under Section 403 of this rule or a change subject to logging or notice requirements in Section 404.2 of this rule or Section 404.3 of this rule, a change at a Non-Title V source shall not be subject to revision, notice, or logging requirements under these rules.

404.2 Except as otherwise provided in the conditions applicable to an emissions cap created under Rule 201-Emissions Caps of these rules, the following changes may be made if the source keeps on-site records of the changes according to Section 500 of this rule:

- a. Implementing an alternative operating scenario, including raw material changes;
- b. Changing process equipment, operating procedures, or making any other physical change if the permit requires the change to be logged;
- c. Engaging in any new exempted activity listed in Rule 200-Permit Requirements, Section 303.3(c) of these rules, but not listed in the permit;
- d. Replacing an item of air pollution control equipment listed in the permit with an identical (same model, different serial number) item. The Control Officer may require verification of efficiency of the new equipment by performance tests; and

- e. Making a change that results in a decrease in actual emissions, if the source wants to claim credit for the decrease in determining whether the source has a net emissions increase for any purpose. The logged information shall include a description of the change that will produce the decrease in actual emissions. A decrease that has not been logged is creditable only if the decrease is quantifiable, enforceable, and otherwise qualifies as a creditable decrease.

404.3 Except as otherwise provided in the conditions applicable to an emissions cap created under Rule 201-Emissions Caps of these rules, the following changes may be made if the source provides written notice to the Control Officer in advance of the change as provided below:

- a. Replacing an item of air pollution control equipment listed in the permit with one that is not identical but that is substantially similar and has the same or better pollutant removal efficiency: 7 days. The Control Officer may require verification of efficiency of the new equipment by performance tests;
- b. Making a physical change or change in the method of operation that increases actual emissions more than 10% of the major source threshold for any conventional air pollutant but does not require a permit revision: 7 days;
- c. Replacing an item of air pollution control equipment listed in the permit with one that is not substantially similar but that has the same or better efficiency: 30 days. The Control Officer may require verification of efficiency of the new equipment by performance tests;
- d. Making any change that would trigger an applicable requirement that already exists in the permit: 30 days, unless otherwise required by the applicable requirement;
- e. Making a change that amounts to reconstruction of the source or an affected facility: 7 days. For purposes of this section reconstruction of a source or an affected facility shall be presumed if the fixed capital cost of the new components exceed 50% of the fixed capital cost of a comparable entirely new source or affected facility and the changes to the components have occurred over the 12 consecutive months beginning with commencement of construction; and
- f. Making a change that will result in the emissions of a new regulated air pollutant above an applicable regulatory threshold, but that does not trigger a new applicable requirement for that source category: 30 days. For purposes of this requirement, an applicable regulatory

threshold for a conventional air pollutant shall be 10% of the applicable major source threshold for that pollutant.

404.4 For each change under Section 404.3 of this rule, the written notice shall be by certified mail or hand delivery and shall be received by the Control Officer the minimum amount of time in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided with less than required notice, but must be provided as far in advance of the change, or if advance notification is not practicable, as soon after the change, as possible.

404.5 The written notice shall include:

- a. When the proposed change will occur;
- b. A description of the change;
- c. Any change in emissions of regulated air pollutants; and
- d. Any permit term or condition that is no longer applicable as a result of the change.

404.6 Notwithstanding any other part of this section of this rule, the Control Officer may require a permit to be revised for any change that, when considered together with any other changes submitted by the same source under this section of this rule over the term of the permit, constitutes a change under Section 403.2 of this rule.

404.7 If a source change is described under both Section 404.2 of this rule and Section 404.3 of this rule, the source shall comply with Section 404.3 of this rule.

404.8 If a source change is described under both Section 404.3 of this rule and Section 403.1 of this rule, the source shall comply with Section 403.1 of this rule.

404.9 A source may implement any change under Section 404.3 of this rule without the required notice by applying for a minor permit revision under Section 405.2 of this rule and complying with Section 406.1 of this rule.

405 PERMIT REVISIONS:

405.1 Administrative Permit Revisions:

- a. An administrative permit revision is required to correct typographical errors in a Non-Title V Permit.
- b. An administrative permit revision is required to change the name, address, or phone number of any person identified in the Non-Title V permit.
- c. An administrative permit revision is required to change ownership or operational control of a source with a Non-Title V permit, where the Control Officer determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for the change of permit responsibility and liability between the current and new permittee has been submitted to the Control Officer.
- d. Incorporates any other type of change which the Control Officer has determined to be similar to those changes described in this subsection.

405.2 Minor Permit Revisions:

- a. Minor permit revision procedures shall be used for a change that triggers a new applicable requirement, if all of the following apply:
 - (1) ~~For emissions units not subject to an emissions cap, the net emissions increase is less than the significance level defined in Rule 100 General Provisions And Definitions of these rules~~ The change is not a minor NSR modification subject to Rule 241, Section 304 of these rules;
 - (2) A case-by-case determination of an emissions limitation or other standard is not required; and
 - (3) The change does not require the source to obtain a Title V permit under Rule 210-Title V Permit Provisions of these rules.
- b. Minor permit revision procedures shall be used for a change that increases operating hours or rates of production above the permitted level, unless the increase otherwise creates a condition that requires a non-minor permit revision;
- c. Minor permit revision procedures shall be used for a change in fuel from fuel oil or coal to natural gas or propane, if not authorized in the permit;

- d. Minor permit revision procedures shall be used for a change that results in emissions subject to monitoring, recordkeeping, or reporting under Sections 302.6, 302.7, or 302.8 of this rule and that cannot be measured or otherwise adequately quantified by monitoring, recordkeeping, or reporting requirements already in the permit;
- e. Minor permit revision procedures shall be used for a change that decreases emissions permitted under an emissions cap under Rule 201-Emissions Caps of these rules, unless the decrease requires a change in the conditions required to enforce the emissions cap or to ensure that emissions trades conducted under the emissions cap are quantifiable and enforceable; and
- f. Minor permit revision procedures shall be used for a change that replaces an item of air pollution control equipment listed in the permit with one that does not have the same or better efficiency.

405.3 Non-Minor Permit Revisions: A source with a Non-Title V permit shall make the following changes only after its permit is revised following the public participation requirements of Section 407 of this rule:

- a. Establishing or revising a voluntarily accepted emission limitation or standard described in Section 304 of this rule, or an emissions cap described in Rule 201-Emissions Caps of these rules, except a decrease in the limitation authorized by Section 405.2(e) of this rule;
- b. Making any change in fuel not authorized by the Non-Title V permit and that is not fuel oil or coal to natural gas or propane;
- c. ~~A change to, or an addition of, an emissions unit not subject to an emissions cap that will result in a net emissions increase of a pollutant greater than the significance level defined in Rule 100-General Provisions And Definitions of these rules~~ A change that does not constitute a minor NSR modification subject to Rule 241, Section 304 of these rules;
- d. A change that relaxes monitoring, recordkeeping, or reporting requirements, except when the change results:
 - (1) From removing equipment that results in a permanent decrease in actual emissions, if the source keeps on-site records of the change in a log that satisfies Section 500 of this rule and if the requirements that are relaxed are present in the permit solely for the equipment that was removed; or

- (2) From a change in an applicable requirement.
- e. A change that will cause the source to violate an existing applicable requirement, including the conditions establishing an emissions cap;
- f. A change that will require any of the following:
 - (1) A case-by-case determination of an emission limitation or other standard;
 - (2) A source-specific determination of ambient impacts or a visibility or increment analysis; or
 - (3) A case-by-case determination of a monitoring, recordkeeping, and reporting requirement.
- g. A change that requires the source to obtain a Title V permit under Rule 210-Title V Permit Provisions of these rules.

406 PERMIT REVISIONS PROCEDURES:

406.1 The Source's Responsibility For A Notification Of A Permit Revision:

A source shall submit to the Control Officer a notification of a Non-Title V permit revision, in a form and manner as prescribed by the Control Officer, with the appropriate fee as required by Rule 280-Fees of these rules. In a notification of a Non-Title V permit revision, a source must supply information that is related to the proposed change. If the source's proposed Non-Title V permit revision will revise its Non-Title V permit from a Non-Title V permit to a Title V permit, then the source must submit a Title V permit application in accordance with Rule 210-Title V Permit Provisions of these rules. The Control Officer shall issue the entire Title V permit, and not just the portion of the Non-Title V permit being revised, in accordance with Title V permit content and issuance requirements, including requirements for public, affected state, and EPA review contained in Rule 210-Title V Permit Provisions of these rules.

406.2 The Control Officer's Responsibility For Action On A Notification Of A Permit Revision:

- a. Administrative Permit Revision: The Control Officer shall take final action within 60 days of receipt of a notification of an administrative permit revision.
- b. Minor Permit Revision: The Control Officer shall do one or more of the following within 60 days of receipt of a notification of a minor permit revision:

- (1) Issue the minor permit revision as proposed;
 - (2) Deny the minor permit revision application; or
 - (3) Determine that the minor permit revision does not meet the minor permit revision criteria and should be reviewed under the non-minor permit revision procedures.
- c. Non-Minor Permit Revision: The Control Officer shall take final action on the majority of the notifications of non-minor permit revisions within 90 days of receipt. In no case shall the final action take longer than nine months.

406.3 The Source's Ability To Make Changes Requested In A Notification Of A Permit Revision:

- a. Administrative Permit Revision Or Minor Permit Revision:
- (1) A source may implement the changes addressed in the administrative permit revision application or in a minor permit revision application after it files the application.
 - (2) A source shall still comply with any Federal laws, Arizona laws, or these rules, and a source shall comply with the "new" permit conditions that the source proposes in its notification of a minor permit revision. The Control Officer may enforce the existing permit conditions if the Control Officer determines that the source is not complying with the "new" permit conditions.
- b. Non-Minor Permit Revision: A source may implement the changes addressed in the notification for a non-minor permit revision upon the Control Officer's revising the permit.

407 PUBLIC PARTICIPATION:

407.1 The Control Officer shall provide public notice and an opportunity for public comment before taking any of the following actions:

- a. Issuing or renewing a permit to a Non-Title V source listed in Rule 280-Fees, Section 403.1-Table A Sources, Section 403.6-Table F Sources, Section 403.7-Table G Sources, and Section 403.8-Table H Sources of these rules;

- b. Issuing a non-minor permit revision to a Non-Title V source listed in Rule 280-Fees, Section 403.1-Table A Sources, Section 403.6-Table F Sources, Section 403.7-Table G Sources, and Section 403.8-Table H Sources of these rules;
- c. Revoking and reissuing or reopening a permit to a Non-Title V source listed in Rule 280-Fees, Section 403.1 ~~Table A Sources, Section 403.2 Table B Sources, and Section 403.3 Table C Sources~~ - Tables A through H of these rules; or
- d. Issuing a conditional permit under Rule 120-Conditional Orders of these rules to a Non-Title V source listed in Rule 280-Fees, Section 403.1 ~~Table A Sources, Section 403.2 Table B Sources, and Section 403.3 Table C Sources~~ - Tables A through H of these rules.

407.2 For sources listed in Rule 280-Fees, Section 403.1-Table A Sources, Section 403.2-Table B Sources, and Section 403.3-Table C Sources of these rules, the Control Officer shall publish, once each week, a list of all permit applications received. The list will be available to the public at the Department's main office and on the Internet. The list shall include the following information:

- a. Name and address of the affected facility(ies).
- b. The activity(ies) involved in each permit action.
- c. A statement that any person may submit written comments on a proposed permit action no later than the deadline for submitting such comments.
- d. The deadline for submitting written comments.
- e. Name, address, and phone number of a person from the Department from whom additional information may be obtained.
- f. The location where copies of the permit or permit revision application, the proposed permit, and all other materials available to the Control Officer that are relevant to the permit decision may be reviewed and the times during which such materials will be available for public inspection.
- g. A statement if the permit or permit revision would result in the generation of emission reduction credits under A.A.C. R18-2-1204-Title 18, Chapter 2, Article 12 or the utilization of emission reduction credits under A.A.C. R18-2-1206 Title 18, Chapter 2, Article 12.

407.3 For sources listed in Rule 280-Fees, Section 403.1-Table A Sources, Section 403.2-Table B Sources, and Section 403.3-Table C Sources of these rules, the Control Officer shall publish in a newspaper, once each month, a list of all permits issued.

407.4 Public Hearing: The Control Officer shall hold a public hearing to receive comments on petitions for conditional orders, which would vary from requirements of the applicable implementation plan. For all other actions involving a proposed permit, the Control Officer shall hold a public hearing only upon written request. If a public hearing is requested, the Control Officer shall schedule the public hearing and publish a notice once each week for two consecutive weeks in two newspapers of general circulation in the county where the source is or will be located and by other means if necessary to assure adequate notice to the affected public. The Control Officer shall give notice of any public hearing at least 30 days in advance of the public hearing.

407.5 At the time the Control Officer publishes the first notice under Section 407.1 of this rule, the applicant shall post a notice containing the information required in Section 407.2 of this rule at the site where the source is or may be located. Consistent with Federal, State, and local law, the posting shall be prominently placed at a location under the applicant's legal control, adjacent to the nearest public roadway, and visible to the public using the public roadway. If a public hearing is to be held, the applicant shall place an additional posting providing notice of the public hearing. Any posting shall be maintained until the public comment period is closed.

407.6 The Control Officer shall provide at least 30 days from the date of its first notice for public comment. Grounds for comment are limited to whether the proposed permit meets the criteria for issuance prescribed in the rule. The Control Officer shall keep a record of the commenters and the issues raised during the public participation process and shall prepare written responses to all comments received. At the time a final decision is made, the record and copies of the Control Officer's responses shall be made available to the applicant and to all commenters.

408 AMENDMENTS TO A PERMIT: The Control Officer may amend any Non-Title V permit annually without following Rule 200-Permit Requirements, Section 402-Permit Reopenings; Revocation And Reissuance; Termination of these rules in order to incorporate changes reflected in logs or notices filed under Section 404 of this rule. The amendment shall be effective to the anniversary date of the permit. The Control Officer shall make available to the public for any source:

408.1 A complete record of logs and notices sent to the Control Officer under Section 404 of this rule; and

408.2 Any amendments or revisions to the source's permit.

SECTION 500 - MONITORING AND RECORDS

501 LOG RETENTION REQUIREMENT: If a source makes a change that requires logging, then the source shall keep such log for five years from the date the source creates such log.

502 LOG FORMAT SPECIFICATIONS: If a source makes a change that requires logging, then the source shall perform such logging in indelible ink in a bound log book with sequentially numbered pages, or in any other form, including electronic format, if approved by the Control Officer. Each log entry shall include at least the following information:

502.1 A description of the change including:

- a.** A description of any process change.
- b.** A description of any equipment change, including both old and new equipment descriptions, model numbers, and serial numbers, or any other unique equipment number.
- c.** A description of any process material change.

502.2 The date and time that the change occurred.

502.3 The provision of Section 404.2 of this rule that authorizes the change to be made with logging.

502.4 The date the log entry was made and the first and last name of the person making the log entry.

503 LOG FILING: A copy of all logs required under Section 404.2 of this rule shall be filed with the Control Officer within 30 days after each anniversary of the permit issue date. If no changes were made at the source requiring logging, a statement to that effect shall be filed instead.

Section By Section Explanation Of Changes:

**Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources
For Public Workshop #1 - November 20, 2008**

Section 102. Deleted the text “The provisions of this rule do not apply to new sources and modifications to existing sources subject to the requirements of Rule 241-Permits For New Sources And Modifications To Existing Sources of these rules.”

Section 202. Deleted the definition of a categorical source from Rule 240 and moved to Rule 100.

New Section 202. Added the definition of baseline actual emissions.

New Section 203. Added the definition of basic design parameter.

New Section 206. Added the definition of existing emission unit.

Re-Numbered Section 211.1. Deleted “the State implementation Plan (SIP)” and replaced with “any implementation plan approved or promulgated under sections 110 or 172 of the Act.”

Re-Numbered Section 212.1. Deleted “conventional air” and replaced with “regulated NSR”. Deleted “with stationary sources as more than 25% of source inventory” from table listing serious and severe nonattainment area major source thresholds and replaced with “if stationary sources contribute significantly to CO levels in the area as determined under rules issued by the Administrator.”

Previously Numbered Section 210.3. Deleted “Any change to a minor source, except for VOC or NO_x emission increases at minor sources in serious or severe ozone nonattainment areas, that would increase its emissions to the qualifying levels in Section 210.1 or Section 210.2 of this rule.”

Previously Numbered Section 210.4. Deleted “Any change in VOC or NO_x at a minor source in serious or severe ozone nonattainment areas that would be significant as described in Section 307.2 of this rule and that would increase its emissions to the qualifying levels in Section 210.1 of this rule.”

Previously Numbered Section 210.6. Deleted “Any source classified as major undergoing modification that meets the definition of reconstruction.”

Previously Numbered Section 210.8. Deleted “A major source that is major for oxides of nitrogen shall be considered major for ozone in nonattainment areas classified as marginal, moderate, serious or severe.”

New Section 213. Added definition of new emissions unit.

New Section 214. Added definition of plantwide applicability limitation (PAL).

**Rule 240 Section By Section Explanation Of Changes
For Public Workshop #1 - November 20, 2008**

New Section 215. Added definition of PAL allowable emissions.

New Section 216. Added definition of PAL effective date.

New Section 217. Added definition of PAL effective period.

New Section 218. Added definition of PAL major modification.

New Section 219. Added definition of PAL permit.

New Section 220. Added definition of PAL pollutant.

New Section 221. Added definition of project.

New Section 222. Added definition of projected actual emissions.

New Section 224. Added definition of replacement unit.

New Section 227. Added definition of significant emission unit.

Re-Numbered Section 228. Corrected table of significant ambient concentrations from milligrams per cubic meter to micrograms per cubic meter.

New Section 229. Added definition of small emissions unit.

New Section 302. Added text regarding projects at major sources.

New Section 303. Added text regarding PAL compliance requirements - any major source with a PAL for a regulated NSR pollutant shall comply with Rule 240.01 of these rules.

New Section 304. Added text regarding projects occurring at an existing emissions unit.

Re-Numbered Section 305. Added the text "other than a PAL permit according to Rule 240.01 of these rules."

Previously Numbered Section 304.1. Deleted the text "Within 60 days after receipt of an application for a permit, of a permit revision subject to this rule, or of any addition to such application, the Control Officer shall advise the applicant of any deficiency in the application. The date of receipt of the application shall be, for the purpose of this rule, the date on which the Control Officer received all required information. The permit application shall not be deemed complete solely because the Control Officer failed to meet the requirements of this section."

**Rule 240 Section By Section Explanation Of Changes
For Public Workshop #1 - November 20, 2008**

Previously Numbered Section 304.3. Deleted the following text: “The Control Officer shall take final action on the application within one year of the proper filing of the complete application. The Control Officer shall notify the applicant in writing of his approval or of his denial.”

Previously Numbered Section 304.4. Deleted the following text: “The Control Officer shall terminate”. Added text for the section to read as follows: “The authority to construct and operate a new major source or modification under a permit or permit revision issued under this rule shall terminate if the owner or operator does not commence the proposed construction or major modification is not begun within 18 months of issuance, or if during the construction or major modification, the owner or operator suspends work for more than 18 months. The Control Officer may extend the 18-month period upon a satisfactory showing that an extension is justified. The provision does not apply to the time period between the construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.”

Re-Numbered Section 308.1(a). Deleted the phrase “specific pollutants” and replaced with the text “regulated NSR pollutant”. Deleted the text “In determining LAER for a reconstructed stationary source, the provisions of 40 C.F.R. 60.15(f)(4) shall be taken into account in assessing whether the stationary source has been reconstructed and whether a new source performance standard is applicable to such stationary source.”

Re-Numbered Section 308.5. Added the word “major” to the first sentence to read “A permit to construct a new major source or major modification shall be denied,...” Modified the second sentence to read “However, these conditions shall not apply to a new major source or major modification that would be a major source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the source or modification, and the source is neither a categorical source nor a source belonging to the any other category of stationary sources which, as of August 7, 1980, is being regulated under Section 111 and 112 of the Act.” Deleted the text “...for which New Source Performance Standards (NSPS) under 40 C.F.R. Part 60 or National Emission Standards For Hazardous Air Pollutants (NESHAPS) under 40 C.F.R. Part 61 promulgated by the Administrator prior to August 7, 1980.”

Re-Numbered Section 308.6. Deleted the word “sources” and deleted the text “sources which are only temporarily located in”. Added text to read “The requirements of Section 308.1(c) of this rule shall not apply to temporary emissions units, such as pilot plants, portable facilities that will be relocated outside of the nonattainment area after a short period of time and the construction phase of a new source, if those units are otherwise regulated by a permit, and are in compliance with the conditions of that permit.” The change to this section attempts to address EPA concerns by incorporating Appendix S examples of temporary sources. The change switches from portable source which is defined in the state rules (ADEQ’s rules) to include facilities that are not temporary, to the term “portable facilities” used in Appendix S.

Re-Numbered Section 309.1. Deleted the text “under Section 301 through Section 305 of this rule, or.” Added the text “or to avoid the requirements of this rule” and “and is.” The MCAQD agrees with both ADEQ’s and EPA’s

**Rule 240 Section By Section Explanation Of Changes
For Public Workshop #1 - November 20, 2008**

position that emissions reductions imposed in any NSR permit or to “net out” of any NSR permit should not be creditable as offsets. The amended language is designed to clarify the intent of this provision.

Re-Numbered Section 309.3. Requirements of this section now defined in Sections 309.3(a) through 309.3(c). Added the text “For major sources of VOC, or nitrogen oxides in ozone nonattainment areas subject to subpart 2, part D, Title I of the Act, an offset required by Section 309.1 of this rule shall not be sufficient unless it meets the following requirements.”

Re-Numbered Section 309.3(a). Added the text “reductions in” and changed text “oxides of nitrogen” to “nitrogen oxides”. Deleted the text “from other sources.”

Re-Numbered Section 309.3(b). Added the text “reductions in” and changed text “oxides of nitrogen” to “nitrogen oxides”. Deleted the text “from other sources.”

Re-Numbered Section 309.3(c). Added the text “In ozone nonattainment areas classified as serious or severe” and deleted the text “in serious and severe nonattainment areas.”

Re-Numbered Section 309.4. Added the text “Except as provided in Section 309.14 of this rule.” Changed “oxides of nitrogen” to “nitrogen oxides.”

Re-Numbered Section 309.7(a). Added the text “The actual emissions shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the baseline period.” Deleted the text “In addition, the baseline of total emissions shall consist of all emission limitations included as conditions on federally enforceable permits, except that the offset baseline shall be the actual emissions of the source from which offset credit is obtained if.”

Re-Numbered Section 309.7(a)(1). Deleted the text “No emission limitations are applicable to a source from which offsets are being sought; or.”

Re-Numbered Section 309.7(a)(2). Deleted the text “The demonstration of reasonable further progress (RFP) and attainment of ambient air quality standards is based upon the actual emissions of sources located within a designated nonattainment area.”

Re-Numbered Section 309.7(b). Deleted the text “If the emission limitations for a particular pollutant allow greater emissions than the potential emission rate of the source for that pollutant, the baseline shall be the potential emission rate at the time application for the permit or permit revision under this rule is filed, and emissions offset credit shall be allowed only for control below the potential emission rate.”

Re-Numbered Section 309.8. Changed the word “allowable” to “actual”. Deleted the text “under the regulations or permit conditions applicable to the source.”

**Rule 240 Section By Section Explanation Of Changes
For Public Workshop #1 - November 20, 2008**

Re-Numbered Section 309.9. Deleted the text “either a pounds per hour, pounds per day, pounds per quarter, tons per quarter, or.” Deleted the text “whichever is applicable, when all sources involved in the emission offset calculations are operating at their maximum expected or allowed production rate.” Deleted the text “are not expected to operate throughout the entire year.” Added the text “operates on a seasonal basis.”

Re-Numbered Section 309.10. Added section heading “Source Shutdowns And Curtailments.” Moved the text from re-numbered Section 309.10 to new Section 309.10(a).

New Section 309.10(a). Added the word “generally”. Deleted the text “if the work force to be affected has been notified of the proposed shutdown or curtailment No offset credits for shutdowns or curtailments shall be provided for emissions reductions that are necessary to bring a source into compliance with reasonably available control technology (RACT) or any other standard under an applicable implementation plan.” Added the text “for offsets if they meet the following requirements.”

New Section 309.10(a)(1). Added the text “Such reductions are surplus, permanent, quantifiable, and federally enforceable.”

New Section 309.10(a)(2). Added the text “The shutdown or curtailment occurred after the last day of the base year for the SIP planning process. For purposes of this Section, the Control Officer may choose to consider a prior shutdown or curtailment to have occurred after the last day of the base year if the projected emissions inventory used to develop the attainment demonstration explicitly includes the emissions from such previously shutdown or curtailed emission units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.”

New Section 309.10(b). Added the text “Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours and that do not meet the requirements of Section 309.10(a)(2) generally may be credited only if:”

New Section 309.10(b)(1). Added the text “The shutdown or curtailment occurred on or after the date the construction permit application is filed; or.”

New Section 309.10(b)(2). Added the text “The applicant can establish that the proposed new emissions unit is a replacement for the shutdown or curtailed emissions unit, and the emissions reductions achieved by the shutdown or curtailment met the requirements of Section 309.10(a)(1) of this rule.”

Re-Numbered Section 309.11. Added the text “determined as follows.” Deleted the text “the geographical area in which the sources are located whose emissions are being sought to offset emissions from a new major source or major modification. For the pollutants sulfur dioxide, PM₁₀, and carbon monoxide, the allowable offset area shall be determined by atmospheric dispersion modeling. If the emission offsets are obtained from a source on the same premises or in the immediate vicinity of the new major source or major modification, and the pollutants disperse

**Rule 240 Section By Section Explanation Of Changes
For Public Workshop #1 - November 20, 2008**

from substantially the same effective stack height, atmospheric dispersion modeling shall not be required. The allowable offset area for all other pollutants shall be the nonattainment areas for those pollutants within which the new major source or major modification is to be located.”

New Section 309.11(a). Added the text “Except as provided in Section 309.11(b) of this rule, the allowable offset area shall be within the nonattainment area within which the new major source or major modification is to be located.”

New Section 309.11(b). Added the text “The allowable offset area may include locations within in another nonattainment area if the conditions in Sections 309.11(b)(1) and 309.11(b)(2) are met.”

New Section 309.11(b)(1). Added the text “The other area has an equal or higher nonattainment classification than the area in which the new major source or major modification is to be located.”

New Section 309.11(b)(2). Added the text “Emissions from such other area contribute to a violation of the national ambient air quality standard in the nonattainment area in which the new major source or major modification is to be located.”

New Section 309.11(c). Added the text “For the pollutants sulfur dioxide, PM₁₀, and carbon monoxide, the allowable offset area shall be determined by atmospheric dispersion modeling. If the emission offsets are obtained from a source on the same premises or in the immediate vicinity of the new major source or major modification, and the pollutants disperse from substantially the same effective stack height, atmospheric dispersion modeling shall not be required.”

Re-Numbered Section 309.12(a). Added “or.”

New Section 309.14. Added the text “In PM_{2.5} nonattainment areas, interpollutant emission offsets for direct PM_{2.5} emissions and emission of PM_{2.5} precursors may be used to satisfy the requirements of Section 309.1 of this rule as follows.”

New Section 309.14(a). Added the text “NO_x to SO₂ and SO₂ to NO_x: No interpollutant trading allowed.”

New Section 309.14(b). Added the text “PM_{2.5} to NO_x: 1 ton direct PM_{2.5} emissions to 100 tons NO_x emissions.”

New Section 309.14(c). Added the text “NO_x to PM_{2.5}: 100 tons NO_x to 1 ton direct PM_{2.5} emissions.”

New Section 309.14(d). Added the text “PM_{2.5} to SO₂: 1 ton direct PM_{2.5} emissions to 40 tons SO₂ emissions.”

New Section 309.14(e). Added the text “SO₂ to PM_{2.5}: 40 tons SO₂ emissions to 1 ton direct PM_{2.5} emissions.”

Re-Numbered Section 310. Changed text “oxides of nitrogen” to “nitrogen oxides”. Sections 310.1 through 310.6 - changed text “oxides of nitrogen” to “nitrogen oxides”. Section 310.6 – deleted the text “If the State Implementation Plan (SIP) requires all existing major sources of these pollutants in the nonattainment area to apply best available control technology (BACT), then the offset ratio shall be 1.2:1. These offsets shall be made in accordance with the provisions of Section 306 of this rule.”

**Rule 240 Section By Section Explanation Of Changes
For Public Workshop #1 - November 20, 2008**

Re-Numbered Section 311.1. Added the text “regulated NSR”. Text was added to clarify pollutants applicable under this rule.

Re-Numbered Section 311.1(a). Deleted text “listed in Rule 100 General Provisions and Definitions of these rules” added the text “regulated NSR.” Text was changed to clarify pollutants applicable under this rule.

Re-Numbered Section 311.1(b). Deleted text “listed in Rule 100 General Provisions and Definitions of these rules” added the text “regulated NSR.” Text was changed to clarify pollutants applicable under this rule.

Re-Numbered Section 311.1(e)(2). Changed text “oxides of nitrogen” to “nitrogen oxides.”

Re-Numbered Section 311.3. Deleted the text “of a source.” Added the text “Rule 100, Section 200.27 of these rules” and deleted the text “of this rule.” Added the text “any other” and deleted the term “the.” Added the term “stationary.” Deleted the term “for.” Added the text “as of August 7, 1980, is being regulated under Section 11 or 112 of the Act” and deleted the text “New Source Performance Standards (NSPS) under 40 C.F.R. Part 60 or National Emission Standards for Hazardous Air Pollutants (NESHAPS) under 40 C.F.R. Part 61, promulgated by the Administrator prior to August 7, 1980.”

Section 507.1. Corrected table of significant monitoring concentrations from milligrams per cubic meter to micrograms per cubic meter.

REGULATION II - PERMITS AND FEES

RULE 240

**PERMIT REQUIREMENTS FOR NEW MAJOR SOURCES AND
MAJOR MODIFICATIONS TO EXISTING MAJOR SOURCES**

INDEX

SECTION 100 - GENERAL

- 101 PURPOSE
- 102 APPLICABILITY

SECTION 200 - DEFINITIONS

- 201 ADVERSE IMPACT ON VISIBILITY
- ~~202~~ CATEGORICAL SOURCES
- ~~202~~ BASELINE ACTUAL EMISSIONS
- ~~203~~ BASIC DESIGN PARAMETER
- ~~2034~~ CONVENTIONAL AIR POLLUTANT
- ~~2045~~ DISPERSION TECHNIQUE
- ~~206~~ EXISTING EMISSION UNIT
- ~~2057~~ GOOD ENGINEERING PRACTICE (GEP) STACK HEIGHT
- ~~2068~~ HIGH TERRAIN
- ~~2079~~ INNOVATIVE CONTROL TECHNOLOGY
- ~~20810~~ LOW TERRAIN
- ~~20911~~ LOWEST ACHIEVABLE EMISSION RATE (LAER)
- ~~21012~~ MAJOR SOURCE
- ~~213~~ NEW EMISSION UNIT
- ~~214~~ PLANTWIDE APPLICABILITY LIMITATION (PAL)
- ~~215~~ PAL ALLOWABLE EMISSIONS
- ~~216~~ PAL EFFECTIVE DATE
- ~~217~~ PAL EFFECTIVE PERIOD

- 218 PAL MAJOR MODIFICATION
- 219 PAL PERMIT
- 220 PAL POLLUTANT
- 221 PROJECT
- 222 PROJECTED ACTUAL EMISSIONS
- ~~244~~23 RECONSTRUCTION
- 224 REPLACEMENT UNIT
- ~~242~~25 RESOURCE RECOVERY PROJECT
- ~~243~~26 SECONDARY EMISSIONS
- 227 SIGNIFICANT EMISSION UNIT
- ~~244~~28 SIGNIFICANCE LEVELS
- 229 SMALL EMISSION UNIT

SECTION 300 - STANDARDS

- 301 PERMIT OR PERMIT REVISION REQUIRED
- 302 PROJECTS AT MAJOR SOURCES
- 303 PAL COMPLIANCE REQUIREMENTS
- 304 PROJECTS OCCURRING AT AN EXISTING EMISSIONS UNIT
- 3025 APPLICATION COMPLETENESS
- 3036 AIR IMPACT ANALYSIS FOR ANY GEOGRAPHICAL AREA
- 3047 ACTION ON APPLICATION AND NOTIFICATION REQUIREMENTS
- 3058 PERMIT REQUIREMENTS FOR SOURCES LOCATED IN
NONATTAINMENT AREAS
- 3069 OFFSET AND NET AIR QUALITY BENEFIT STANDARDS
- ~~307~~10 SPECIAL REQUIREMENTS FOR MAJOR SOURCES OF VOC OR OXIDES
OF NITROGEN IN OZONE NONATTAINMENT AREAS CLASSIFIED AS
SERIOUS OR SEVERE
- ~~308~~11 PERMIT REQUIREMENTS FOR SOURCES LOCATED IN ATTAINMENT
AND UNCLASSIFIABLE AREAS
- ~~309~~12 STACK HEIGHT LIMITATION

SECTION 400 - ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 - MONITORING AND RECORDS

- 501 POLLUTANTS TO BE INCLUDED IN ANALYSIS OF AMBIENT AIR QUALITY
- 502 PRECONSTRUCTION AIR QUALITY MONITORING DATA
- 503 COMPLETE APPLICATION AIR QUALITY MONITORING DATA
- 504 POST-APPROVAL AIR QUALITY MONITORING DATA FOR OZONE
- 505 POST-CONSTRUCTION AIR QUALITY MONITORING DATA
- 506 OPERATIONS OF MONITORING STATIONS
- 507 EXCEPTIONS TO MONITORING FOR A PARTICULAR POLLUTANT
- 508 VISIBILITY AND AIR QUALITY IMPACT ANALYSIS
- 509 INNOVATIVE CONTROL TECHNOLOGY
- 510 AIR QUALITY MODELS
- 511 VISIBILITY PROTECTION

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1001 North Central Avenue Room #560 At 9:00 Am
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MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II - PERMITS AND FEES
RULE 240
PERMIT REQUIREMENTS FOR NEW MAJOR SOURCES AND
MAJOR MODIFICATIONS TO EXISTING MAJOR SOURCES

SECTION 100 - GENERAL

- 101 PURPOSE:** To provide an orderly procedure for the review of new major sources of conventional air pollutants and of major modifications to existing major sources of conventional air pollutants requiring permits or permit revisions.
- 102 APPLICABILITY:** The provisions of this rule apply to new major sources of conventional air pollutants and major modifications to existing major sources of conventional air pollutants. ~~The provisions of this rule do not apply to new sources and modifications to existing sources subject to the requirements of Rule 241-Permits For New Sources And Modifications To Existing Sources of these rules.~~

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

- 201 ADVERSE IMPACT ON VISIBILITY -** Visibility impairment that interferes with the management, protection, preservation, or enjoyment of visual experience of a Class I area, as determined by Rule 500-Air Quality Standards of these rules.
- 202 BASELINE ACTUAL EMISSIONS -** The rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with Sections 202.1 through 202.3 of this definition.
- 202.1** For any existing emissions unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Control Officer for a permit required under these Regulations, whichever is earlier. The Control Officer shall allow the use of

a different consecutive 24-month period within the 10-year period immediately preceding when the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Control Officer for a permit required under these Regulations, whichever is earlier, upon a determination that such period is more representative of normal source operation.

- a.** The consecutive 24-month period shall not include any period earlier than November 15, 1990.
- b.** When a project involves multiple regulated NSR pollutants, only one consecutive 24-month period must be used to determine the baseline actual emissions for all regulated NSR pollutants emitted by existing emissions units affected by the project.
- c.** For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units affected by the project.
- d.** The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by this definition.
- e.** The average rate shall include fugitive emissions to the extent quantifiable.
- f.** The average rate shall include emissions associated with startups and shutdowns. The provision does not apply to excess emissions from a shutdown associated with a malfunction: those emissions shall be adjusted as provided in Section 202.1(g) of this rule.
- g.** The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period. The provision applies to excess emissions associated with a malfunction.
- h.** The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major source must comply as of the particular date, had such major source been required to comply with such limitations during the consecutive 24-month period. For the purposes of determining baseline actual emissions for contemporaneous changes

pursuant to Section 202.1(c) of this rule defining net emissions increase, the particular date is the date on which the particular change occurred. However, if an emission limitation is part of a maximum achievable control technology standard that the Administrator proposed or promulgated under 40 CFR part 63, the baseline actual emissions need only be adjusted if the State of Arizona has taken credit for such emissions reductions in an attainment demonstration or maintenance plan submitted to the administrator pursuant to section 110(a)(1) of the act.

202.2 For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit.

202.3 For a PAL for a stationary source, the baseline actual emissions shall be calculated for existing emissions units in accordance with the procedures contained in Section 202.1 of this rule and for new emissions units in accordance with the procedures contained in Section 202.2 of this rule.

203 **BASIC DESIGN PARAMETER** -

203.1 Except as provided in Section 203.3 of this rule, for a process unit at a steam electric generating facility, the owner or operator may select as its basic design parameters either maximum hourly heat input and maximum hourly fuel consumption rate or maximum hourly electric output rate and maximum steam flow rate. When establishing fuel consumption specifications in terms of weight or volume, the minimum fuel quality based on Btu content shall be used for determining the basic design parameters for a coal-fired electric utility steam generating unit.

203.2 Except as provided in Section 203.3 of this rule, the basic design parameters for any process unit that is not at a steam electric generating facility are maximum rate of fuel or heat input, maximum rate of material input, or maximum rate of product output. Combustion process units will typically use maximum rate of fuel input. For sources having multiple end products and raw materials, the owner or operator should consider the primary product or primary raw material when selecting a basic design parameter.

203.3 If the owner or operator believes the basic design parameters in Sections 203.1 and 203.2 of this rule are not appropriate for a specific industry or type of process unit, the owner or operator may propose to the Control Officer an alternative basic design parameters for the source's process unit. If the Control Officer approves of the use of an alternative basic design parameters, the Control Officer shall issue a permit that is legally

enforceable that records such basic design parameters and requires the owner or operator to comply with such parameters.

203.4 The owner or operator shall use credible information, such as results of historic maximum capability tests, design information from the manufacturer, or engineering calculations, in establishing the magnitude of the basic design parameters specified in Sections 203.1 and 203.2 of this rule.

203.5 If design information is not available for a process unit, then the owner or operator shall determine the process unit's basic design parameters using the maximum value achieved by the process unit in the 5-year period immediately preceding the planned activity.

203.6 Efficiency of a process unit is not a basic design parameter.

203.7 The replacement activity shall not cause the process unit to exceed any emission limitation, or operational limitation that has the effect of constraining emissions, that applies to the process unit and that is legally enforceable.

202 CATEGORICAL SOURCES - The following classes of sources:

~~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 using the furnace process;
Primary lead smelters;
Fuel conversion plants;
Sintering plants;
Secondary metal production plants;
Chemical process plants;
Fossil fuel boilers, or combinations thereof, totaling more than 250 million British thermal units (BTU) per hour heat input;~~

~~Petroleum storage and transfer units with a total storage capacity more than 300,000 barrels;~~

~~Taconite preprocessing plants;~~

~~Glass fiber processing plants;~~

~~Charcoal production plants;~~

~~Fossil fuel fired steam electric plants and combined cycle gas turbines of more than 250 million BTU per hour rated heat input.~~

~~203~~ **204** **CONVENTIONAL AIR POLLUTANT** - Any pollutant for which the Administrator has promulgated a primary or secondary national ambient air quality standard.

~~204~~ **205** **DISPERSION TECHNIQUE** - Any technique that attempts to affect the concentration of a pollutant in the ambient air by any of the following:

~~204.1~~ **205.1** Using that portion of a stack that exceeds good engineering practice stack height;

~~204.2~~ **205.2** Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or

~~204.3~~ **205.3** Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This shall not include any of the following:

a. The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the source generating the gas stream.

b. The merging of exhaust gas streams under any of the following conditions:

(1) The source owner or operator demonstrates that the source was originally designed and constructed with the merged gas streams;

(2) After July 8, 1995, such merging is part of a change in operation at the source that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant, applying only to the emission limitation for that pollutant; or

(3) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the Control Officer shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source, owner or operator, that merging was not significantly motivated by such intent, the Control Officer shall deny credit for the effects of such merging in calculating the allowable emissions for the source.

- c. Smoke management in agricultural or silvicultural prescribed burning programs.
- d. Episodic restrictions on residential woodburning and open burning.
- e. Techniques that increase final exhaust gas plume rise if the resulting allowable emissions of sulfur dioxide from the source do not exceed 5,000 tons per year.

206 **EXISTING EMISSION UNIT** – Any emissions unit that is currently in existence and that is not a new emissions unit. A replacement unit is an existing emissions unit.

~~205~~ **207** **GOOD ENGINEERING PRACTICE (GEP) STACK HEIGHT-** A stack height meeting the requirements described in ~~Section 309~~ Section 312 of this rule.

~~206~~ **208** **HIGH TERRAIN** - Any area having an elevation of 900 feet or more above the base of the stack of a source.

~~207~~ **209** **INNOVATIVE CONTROL TECHNOLOGY** - Any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental impacts.

~~208~~ **210** **LOW TERRAIN** - Any area other than high terrain.

~~209~~ **211** **LOWEST ACHIEVABLE EMISSION RATE (LAER)** - For any source, the more stringent rate of emissions based on one of the following:

~~209.1~~ **211.1** The most stringent emissions limitation that is contained in ~~the State Implementation Plan (SIP)~~ any implementation plan approved or promulgated under sections 110 or 172 of the Act, as defined in Rule 100-General Provisions And Definitions of these rules, for the class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that the limitations ~~are~~ is not achievable; or

~~209.2~~ **211.2** The most stringent emissions limitation that is achieved in practice by the class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under the applicable standards of performance in Rule 360-New Source Performance Standards of these rules and in 40 C.F.R. 60 and 40 C.F.R. 61.

~~210~~ **212 MAJOR SOURCE -**

~~210.1~~ **212.1** Any stationary source located in a nonattainment area that emits, or has the potential to emit, 100 tons per year or more of any ~~conventional air~~ regulated NSR pollutant, except as follows:

Pollutant Emitted	Nonattainment Pollutant And Classification	Quantity Threshold Tons/Year Or More
Carbon Monoxide (CO)	CO, Serious, with stationary sources as more than 25% of source inventory if stationary sources contribute significantly to CO levels in the area as determined under rules issued by the Administrator	50
Volatile Organic Compounds (VOC)	Ozone, Serious	50
VOC	Ozone, Severe	25
PM ₁₀	PM ₁₀ , Serious	70
NO _x	Ozone, Serious	50
NO _x	Ozone, Severe	25

or

- ~~210.2~~ **212.2** Any stationary source located in an attainment or unclassifiable area that emits, or has the potential to emit, 100 tons per year or more of any conventional air pollutant if the source is classified as a Categorical Source, or 250 tons per year or more of any pollutant subject to regulation under the Act if the source is not classified as a Categorical Source; or
- ~~210.3~~ ~~Any change to a minor source, except for VOC or NO_x emission increases at minor sources in serious or severe ozone nonattainment areas, that would increase its emissions to the qualifying levels in Section 210.1 or Section 210.2 of this rule;~~
- ~~210.4~~ ~~Any change in VOC or NO_x at a minor source in serious or severe ozone nonattainment areas that would be significant as described in Section 307.2 of this rule and that would increase its emissions to the qualifying levels in Section 210.1 of this rule;~~
- ~~210.3~~ **212.3** Any stationary source that emits, or has the potential to emit, five or more tons of lead per year;
- ~~210.6~~ ~~Any source classified as major undergoing modification that meets the definition of reconstruction;~~
- ~~210.4~~ **212.4** A major source that is major for VOCs shall be considered major for ozone;
or
- ~~210.8~~ ~~A major source that is major for oxides of nitrogen shall be considered major for ozone in nonattainment areas classified as marginal, moderate, serious or severe.~~
- 213** **NEW EMISSIONS UNIT** – Any emissions unit which is (or will be) newly constructed and which has existed for less than 2 years from the date such emissions unit first operated.
- 214** **PLANTWIDE APPLICABILITY LIMITATION (PAL)** – An emission limitation that is based on the baseline actual emissions of all emissions units at the stationary source that emit or have the potential to emit the PAL pollutant, expressed in tons per year, for a pollutant at a major source, that is enforceable as a practical matter and established source-wide in accordance with this section.
- 215** **PAL ALLOWABLE EMISSIONS** – “Allowable emissions” as defined in Rule 100 of these rules, except that the allowable emissions for any emissions unit shall

be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.

216 **PAL EFFECTIVE DATE** – Generally means the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

217 **PAL EFFECTIVE PERIOD** – The period beginning with the PAL effective date and ending 10 years later.

218 **PAL MAJOR MODIFICATION** – Any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

219 **PAL PERMIT** – The permit issued by the Control Officer that establishes a PAL for a major source.

220 **PAL POLLUTANT** – The pollutant for which a PAL is established at a major source.

221 **PROJECT** – A physical change in, or change in the method of operation of, an existing major source. In addition, projects occurring at the same major source that are dependent on each other to be economically or technically viable are considered a single project. For the purposes of this definition, the activities in Rule 100, Section 200.60(c) of these rules are not physical changes or changes in the method of operation.

222 **PROJECTED ACTUAL EMISSIONS** –

222.1 The maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant during any 12-month period in the 60 calendar months following the date the unit resumes regular operation after the project, or in any 12-month period in the 120 calendar months following that date if the project involves increasing the design capacity or potential to emit of any emissions unit for that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major source.

222.2 In determining the projected actual emissions (before beginning actual construction), the owner or operator of the major source:

a. Shall consider all relevant information, including but not limited to, historical operational data, the company's own representations, the

company's expected business activity and the company's highest projections of business activity, the company's filings with the County, State or Federal regulatory authorities, and compliance plans under these Regulations; and

- b.** Shall include fugitive emissions to the extent quantifiable;
- c.** Shall include emissions associated with startups and shutdowns, except emissions from a shutdown associated with a malfunction; and
- d.** Shall exclude, only for calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or
- e.** In lieu of using the method set out in Sections 222.2(a) through 222.2(d) of this rule, may elect to use the emissions unit's potential to emit, in tons per year.

~~211~~ **223** **RECONSTRUCTION** - Of sources located in nonattainment areas, reconstruction shall be presumed to have taken place if the fixed capital cost of the new components exceeds 50% of the fixed capital cost of a comparable entirely new stationary source, as determined in accordance with the provisions of 40 C.F.R. 60.15(f)(1) through (3).

224 **REPLACEMENT UNIT** – An emissions unit for which all the criteria listed in Sections 224.1 through 224.4 of this definition are met. No creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced.

224.1 The emissions unit is a reconstructed unit within the meaning of 40 CFR § 60.15(b)(1), or the emissions unit completely takes the place of an existing emissions unit.

224.2 The emissions unit is identical to or functionally equivalent to the replaced emissions unit.

224.3 The replacement does not alter the basic design parameters of the process unit.

224.4 The replaced emissions unit is permanently removed from the major source, otherwise permanently disabled, or permanently barred from operation by a

permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.

~~212~~ **225** **RESOURCE RECOVERY PROJECT** - Any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse. For the purpose of this rule, only energy conversion facilities that utilize solid waste that provides more than 50% of the heat input shall be considered a resource recovery project.

~~213~~ **226** **SECONDARY EMISSIONS** - Emissions which are specific, well defined, quantifiable, occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support source which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

227 **SIGNIFICANT EMISSION UNIT** - An emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit.

~~214~~ **228** **SIGNIFICANCE LEVELS** - The following ambient concentrations for the enumerated pollutants:

Pollutant	Averaging Time				
	Annual	24-Hour	8-Hour	3-Hour	1-Hour
SO ₂	1 µg µg/m ³	5 µg µg/m ³		25 µg µg/m ³	
NO ₂	1 µg µg/m ³				
CO			500 µg µg/m ³		2000 µg µg/m ³
PM ₁₀	1 µg µg/m ³	5 µg µg/m ³			

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

229 **SMALL EMISSIONS UNIT** - An emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant.

SECTION 300 - STANDARDS

- 301 PERMIT OR PERMIT REVISION REQUIRED:** No person shall commence construction of a new major source nor commence major modification of a major source without first obtaining a permit or a permit revision from the Control Officer.
- 302 PROJECTS AT MAJOR SOURCES:** The requirements of this rule apply to projects at major sources in accordance with the following principles.
- 302.1** Except as otherwise provided in Section 303 of this rule, a project is a major modification for a regulated NSR pollutant if it causes both a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.
- 302.2** The procedure for calculating before beginning actual construction whether a significant emissions increase will occur depends upon the types of emissions units the emissions of which could be affected by the project under Sections 302.3 through 302.6 of this rule. The procedure for calculating before beginning actual construction whether a significant net emissions increase will occur at the major source is set forth in the definition of net emissions increase in Rule 100 of these rules. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.
- 302.3 Identification Of Affected Emissions Units:** The determination of whether a significant emissions increase will occur as a result of the project, as determined in accordance with Sections 302.4 through 302.6 of this rule, shall consider all new and existing emissions units with emissions of a regulated NSR pollutant that could be affected by the project. A new emissions unit shall be included if, before beginning actual construction of the project, the owner or operator has all necessary preconstruction approvals or permits for such emissions unit.
- 302.4 Actual-To-Projected-Actual Applicability Test For Projects That Only Involve Existing Emissions Units:** A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, for each existing emissions unit, equals or exceeds the significant amount for that pollutant.

302.5 Actual-To-Potential Applicability Test For Projects That Only Involve New Emissions Units: A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.

302.6 Hybrid Applicability Test For Projects That Involve Both New Emissions Units And Existing Emissions Units: A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in Sections 302.4 or 302.5 of this rule, as applicable with respect to each emissions unit, equals or exceeds the significant amount for that pollutant.

303 PAL COMPLIANCE REQUIREMENTS: Any major source with a PAL for a regulated NSR pollutant shall comply with Rule 240.01 of these rules.

304 PROJECTS OCCURRING AT AN EXISTING EMISSIONS UNIT: This section applies when a project occurs at an existing emissions unit at a major source, other than a source with a PAL, the project is not a part of a major modification, the project may affect emissions, and the owner or operator elects to use the method specified in Sections 222.2(a) through 222.2(d) of this rule.

304.1 Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

- a.** A description of the project;
- b.** Identification of the emissions unit(s) with emissions of a regulated NSR pollutant that could be affected by the project, as determined under Section 302.3 of this rule;
- c.** A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including, for each affected emissions unit, the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under Section 222.2(c) of this rule, and an explanation for why such amount was excluded;
- d.** Any netting calculations, if applicable; and
- e.** The total projected post-project emissions, calculated as the sum of the projected actual emissions from each existing emissions unit and the potential to emit of each new emissions unit.

- ~~302~~ **305** **APPLICATION COMPLETENESS:** An application for a permit or a permit revision under this rule, other than a PAL permit according to Rule 240.01 of these rules, shall not be considered complete unless the application demonstrates that:
- ~~302.1~~ **305.1** The requirements in ~~Section 303~~ Section 306 of this rule are met;
- ~~302.2~~ **305.2** The more stringent of the applicable new source performance standards (NSPS) in Rule 360-New Source Performance Standards of these rules or the existing source performance standards in Regulation III-Control Of Air Contaminants of these rules are applied to the proposed new major source or major modification of a major source;
- ~~302.3~~ **305.3** The new major source or major modification will not have an adverse impact on visibility as determined by Section 511 of this rule and will satisfy all the visibility requirements contained in Section 511 of this rule. A demonstration of the impact on visibility shall be made according to Section 508 of this rule and shall be included with the application;
- ~~302.4~~ **305.4** All applicable provisions of Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources, Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules are met;
- ~~302.5~~ **305.5** The new major source or major modification will be in compliance with whatever emission limitation, design, equipment, work practice or operational standard, or combination thereof is applicable to the source or modification. The degree of emission limitation required for control of any pollutant under this rule shall not be affected in any manner by:
- a. Stack height in excess of GEP stack height except as provided in ~~Section 309~~ Section 312 of this rule; or
 - b. Any other dispersion technique, unless implemented prior to December 31, 1970.
- ~~302.6~~ **305.6** The new major source or major modification will not exceed the applicable standards for hazardous air pollutants contained in Rule 370-Federal Hazardous Air Pollutant Program of these rules and/or Rule 372-Maricopa County Hazardous Air Pollutants (HAPS) Program of these rules.
- ~~302.7~~ **305.7** The new major source or major modification will not exceed the limitations, if applicable, on emission from fugitive sources contained in Rule 310-Fugitive Dust, Rule 311-Particulate Matter From Process Industries, and Rule 316-Nonmetallic Mineral Processing of these rules.

~~302.8~~ **305.8** A stationary source that will emit 5 or more tons of lead per year will not violate the ambient air quality standards for lead contained in Rule 510-Air Quality Standards of these rules.

~~303~~ **306** **AIR IMPACT ANALYSIS FOR ANY GEOGRAPHICAL AREA:** Except for assessing air quality impacts within Class I areas, the air impact analysis required to be conducted as part of a permit application shall initially consider only the geographical area located within a 50 kilometer (31 mile) radius from the point of greatest emissions for the new major source or major modification. The Control Officer, on his own initiative or upon receipt of written notice from any person, shall have the right at any time to request an enlargement of the geographical area for which an air quality impact analysis is to be performed by giving the person applying for the permit or permit revision written notice thereof, specifying the enlarged radius to be so considered. In performing an air impact analysis for any geographical area with a radius of more than 50 kilometers (31 miles), the person applying for the permit or permit revision may use monitoring or modeling data obtained from major sources having comparable emissions or having emissions which are capable of being accurately used in such demonstration and which are subjected to terrain and atmospheric stability conditions which are comparable or which may be extrapolated with reasonable accuracy for use in such demonstration.

~~304~~ **307** **ACTION ON APPLICATION AND NOTIFICATION REQUIREMENTS:** Unless the requirement has been satisfied under these rules, the Control Officer shall comply with the following requirements:

~~304.1~~ ~~Within 60 days after receipt of an application for a permit, of a permit revision subject to this rule, or of any addition to such application, the Control Officer shall advise the applicant of any deficiency in the application. The date of receipt of the application shall be, for the purpose of this rule, the date on which the Control Officer received all required information. The permit application shall not be deemed complete solely because the Control Officer failed to meet the requirements of this section.~~

~~304.2~~ **307.1** In addition to Section 511 of this rule, a copy of any notice required by Section 511 of this rule shall be sent to the permit applicant, to the Administrator, and to the following officials and agencies having cognizance of the location where the proposed major source or major modification would occur:

- a. The Control Officer for the county wherein the proposed or existing source that is the subject of the permit or permit revision application is located;

- b. The Board Of Supervisors for the county wherein the proposed or existing source that is the subject of the permit or permit revision application is located;
- c. The city or town managers of the city or town which contains, and any city or town the boundaries of which are within five miles of the location of the proposed or existing source that is the subject of the permit or permit revision application;
- d. Any regional land use planning agency with authority for land use planning in the area where the proposed or existing source that is the subject of the permit or permit revision application is located; and
- e. Any State, Federal Land Manager, or Indian governing body whose lands may be affected by emissions from the proposed source or modification.

~~304.3 The Control Officer shall take final action on the application within one year of the proper filing of the complete application. The Control Officer shall notify the applicant in writing of his approval or of his denial.~~

304.4 **307.2** ~~The Control Officer shall terminate~~ The authority to construct and operate a new major source or modification under a permit or permit revision issued under this rule shall terminate if the owner or operator does not commence the proposed construction or major modification is not begun within 18 months of issuance, or if during the construction or major modification, the owner or operator suspends work is suspended for more than 18 months. The Control Officer may extend the 18-month period upon a satisfactory showing that an extension is justified. The provision does not apply to the time period between the construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

304.5 **307.3** Within 30 days of the issuance of any permit under this rule, the Control Officer shall submit control technology information from the permit to the Administrator for the purposes listed in Section 173(d) of the Act.

305 **308** **PERMIT REQUIREMENTS FOR SOURCES LOCATED IN NONATTAINMENT AREAS:**

305.1 **308.1** Except as provided in ~~Section 305.3~~ Section 308.3 through ~~Section 305.7~~ Section 308.7 of this rule, no permit or permit revision shall be issued under this rule to a person proposing to construct a new major source or proposing to make a major modification to a source located in any nonattainment area

for the pollutant(s) for which the source is classified as a major source or the modification is classified as a major modification unless:

- a. The person demonstrates that the new major source or the major modification will meet an emission limitation which is the lowest achievable emission rate (LAER) for that source for that ~~specific pollutant(s)~~ regulated NSR pollutant. ~~In determining LAER for a reconstructed stationary source, the provisions of 40 C.F.R. 60.15(f)(4) shall be taken into account in assessing whether the stationary source has been reconstructed and whether a new source performance standard is applicable to such stationary source.~~
- b. The person demonstrates that all existing major sources owned or operated by that person (or any entity controlling, controlled by, or under common control with that person) in the State are in compliance with, or are on a schedule of compliance for, all conditions contained in permits of each of the sources and all other applicable emission limitations and standards under the Act and in this rule.
- c. The person demonstrates that emission reductions for the specific pollutant(s) from source(s) in existence in the allowable offset area of the new major source or major modification (whether or not under the same ownership) meet the offset and net air quality benefit requirements of ~~Section 306~~ Section 309 of this rule.

~~305.2~~

308.2 No permit or permit revision under this rule shall be issued to a person proposing to construct a new major source or proposing to make a major modification to a major source located in a nonattainment area unless:

- a. The person performs an analysis of alternative sites, sizes, production processes and environmental control techniques for such new major source or major modification; and
- b. The Control Officer determines that the analysis demonstrates that the benefits of the new major source or major modification significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

~~305.3~~

308.3 At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this rule shall

apply to the source or modification as though construction had not yet commenced on the source or modification.

- 305.4 **308.4** Secondary emissions shall not be considered in determining the potential to emit of a new source or modification and therefore whether the new source or modification is major. However, if a new source or modification is subject to this rule on the basis of its direct emissions, a permit or a permit revision, under this rule to construct the new source or modification, shall be denied, unless the conditions specified in ~~Section 305.1(a) and Section 305.1(b)~~ requirements of Sections 308.1(c) and 309 of this rule are met, for reasonably quantifiable secondary emissions caused by the new source or modification.
- 305.5 **308.5** A permit to construct a new major source or major modification shall be denied, unless the conditions specified in ~~Section 305.1(a)~~ Section 308.1(a), ~~Section 305.1(b)~~ Section 308.1(b), and ~~Section 305.1(e)~~ Section 308.1(c) of this rule are met for fugitive emissions caused by the new source or modification. However, these conditions shall not apply to a new major source or major modification that would be a major source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the source or modification, and the source is neither a categorical source nor a source belonging to ~~the~~ any other category of stationary sources which, as of August 7, 1980, is being regulated under Section 111 and 112 of the Act. for which New Source Performance Standards (NSPS) under 40 C.F.R. Part 60 or National Emission Standards For Hazardous Air Pollutants (NESHAPS) under 40 C.F.R. Part 61 promulgated by the Administrator prior to August 7, 1980.
- 305.6 **308.6** The requirements of ~~Section 305.1(e)~~ Section 308.1(c) of this rule shall not apply to temporary ~~sources~~ emissions units, such as pilot plants, ~~and portable facilities that will be relocated outside of sources, which are only temporarily located in~~ the nonattainment area after a short period of time and the construction phase of a new source, if those units are otherwise regulated by a permit, and are in compliance with the conditions of that permit.
- 305.7 **308.7** A decrease in actual emissions shall be considered in determining the potential of a new source or modification to emit only to the extent that the Control Officer has not relied on it in issuing any permit or permit revision under these rules, or the State has not relied on it in demonstrating attainment or reasonable further progress (RFP).
- 305.8 **308.8** The issuance of a permit or permit revision under this rule shall not relieve the owner and/or operator of the responsibility to comply fully with

applicable provisions of the State Implementation Plan (SIP) and any other requirements pursuant to local, State, or Federal law.

~~305.9~~ **308.9** Within 30 days of the issuance of any permit under this section, the Control Officer shall submit control technology information from the permit to the Administrator for the purposes listed in Section 173(d) of the Act.

~~306~~ **309** **OFFSET AND NET AIR QUALITY BENEFIT STANDARDS:**

~~306.1~~ **309.1** Increased emissions by a major source or major modification subject to this rule shall be offset by reductions in the emissions of each pollutant for which the area has been designated as nonattainment and for which the source or modification is classified as major. The offset may be obtained by reductions in emissions from the source or modification, or from any other source within the allowable offset area. Credit for an emissions offset can be used only if it has not been relied upon in demonstrating attainment or in demonstrating reasonable further progress (RFP), and if it has not been relied upon previously in issuing a permit or permit revision under this rule or to avoid the requirements of this rule, under Section 301 through Section 305 of this rule, or and is not otherwise required under this rule or under any provision of the State Implementation Plan (SIP).

~~306.2~~ **309.2** An offset required by Section 309.1 of this rule shall not be sufficient unless reductions of total emissions for the particular pollutant for which the offset is required will be:

- a. Obtained from sources within the allowable offset area;
- b. A surplus emission, which is an emission reduction not required by current regulations in the State Implementation Plan (SIP); not already relied upon for SIP planning purposes; and not used by the source to meet any other regulatory requirement, including, at the time emission reduction credits (ERCs) are used, reasonably available control technology (RACT), reasonable further progress (RFP), or milestones thereof, or demonstration of attainment;
- c. Contemporaneous with the operation, the new major source, or major modification;
- d. An emission enforceable by the Administrator;
- e. A quantifiable emission. Quantification may be based on emission factors, stack tests, monitored values, operating rates and averaging times, process or production inputs, modeling or other reasonable measurement practices. Quantification methods shall be credible,

workable, and replicable. The method for calculating emissions should be used to measure the emissions both before and after the changes in emission levels, both at the generator and at the user of the emission reduction credits (ERCs); and

- f. Sufficient to satisfy the Control Officer that emissions from the new major source or major modification, together with the offset, will result in reasonable further progress (RFP) for that pollutant.

~~306.3~~ **309.3** For major sources of VOC or nitrogen oxides in ozone nonattainment areas subject to subpart 2, part D, title I of the Act, an offset required by Section 309.1 of this rule shall not be sufficient unless it meets the following requirements:

a. In ozone nonattainment areas classified as marginal, total reductions in emissions of VOC and or nitrogen oxides of nitrogen from other sources shall offset those proposed or permitted from the major source or major modification by a ratio of at least 1.10:1.

b. In ozone nonattainment areas classified as moderate, total reductions in emissions of VOC and or nitrogen oxides of nitrogen from other sources shall offset those proposed or permitted from the major source or major modification by a ratio of at least 1.15:1.

c. In ozone nonattainment areas classified as serious or severe, New new major sources and major modifications in serious and severe ozone nonattainment areas shall comply with this section and with ~~Section 307~~ Section 310 of this rule.

~~306.4~~ **309.4** Except as provided in Section 309.14 of this rule, ~~Only~~ only intrapollutant emission offsets shall be allowed. Intrapollutant emission offsets for VOCs shall only include offset reductions in emissions of VOCs. Intrapollutant emission offsets for nitrogen oxides of ~~nitrogen~~ shall only include offset reductions in emissions of ~~oxides of~~ nitrogen oxides.

~~306.5~~ **309.5** For purpose of this rule, reasonable further progress (RFP) shall mean compliance with the schedule of annual incremental reductions in emissions of the applicable air pollutant prescribed by the Control Officer based on air quality modeling under Section 510 of this rule, to provide for attainment of the applicable air quality standards by the deadlines set under Part D of Title I of the Act, or in an applicable implementation plan.

~~306.6~~ **309.6** For the purpose of this rule, net air quality benefit shall mean that during similar time periods either ~~Section 306.6(a)~~ Section 309.6(a) or ~~Section 306.6(b)~~ Section 309.6(b) of this rule is applicable:

- a. A reduction in the number of violations of the applicable Arizona ambient air quality standard within the allowable offset area has occurred and the following mathematical expression is satisfied:

$$\sum_{i=1}^N \frac{X_i - C}{N} \leq \sum_{j=1}^K \frac{X_j - C}{K}$$

when:

- C = The applicable Arizona ambient air quality standard.
X_i = The concentration level of the violation at the ith receptor for the pollutant after offsets.
N = The number of violations for the pollutant after offsets (N ≤ K).
X_j = The concentration level of the violation at the jth receptor from the pollutant before offsets.
K = The number of violations for the pollutant before offsets.

- b. The average of the ambient concentrations within the allowable offset area after the implementation of the contemplated offsets will be less than the average of the ambient concentrations within the allowable offset area without the offsets.

~~306.7~~

309.7 For the purpose of this rule, baseline shall be defined as:

- a. The baseline of total emissions from any sources in existence or sources that have obtained a permit or permit revision under this rule, regardless of whether or not the sources are in actual operation at the time of application for the permit or permit revision, shall be the total actual emissions at the time the application is filed. The actual emissions shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the baseline period. ~~In addition, the baseline of total emissions shall consist of all emission limitations included as conditions on federally enforceable permits, except that the offset baseline shall be the actual emissions of the source from which offset credit is obtained if:~~
- ~~(1) No emission limitations are applicable to a source from which offsets are being sought; or~~
 - ~~(2) The demonstration of reasonable further progress (RFP) and attainment of ambient air quality standards is based upon the~~

~~actual emissions of sources located within a designated nonattainment area.~~

- ~~b. If the emission limitations for a particular pollutant allow greater emissions than the potential emission rate of the source for that pollutant, the baseline shall be the potential emission rate at the time application for the permit or permit revision under this rule is filed, and emissions offset credit shall be allowed only for control below the potential emission rate.~~

~~306.8~~ **309.8** For an existing fuel combustion source, offset credit shall be based on the allowable actual emissions under the regulations or permit conditions ~~applicable to the source~~ for the type of fuel being burned at the time the application for the permit or permit revision under this rule is filed. If an existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the actual emissions for the fuels involved shall not be acceptable unless:

- a. The permit or permit revision under this rule for the source specifically requires the use of a specified alternative control measure that would achieve the same degree of emissions reduction if the source switches back to a dirtier fuel at some later date; and
- b. The source demonstrates to the satisfaction of the Control Officer that it has secured an adequate long-term supply of the cleaner fuel.

~~306.9~~ **309.9** Offsets shall be made on ~~either a pounds per hour, pounds per day, pounds per quarter, tons per quarter, or a~~ tons-per-year basis, ~~whichever is applicable, when all sources involved in the emission offset calculations are operating at their maximum expected or allowed production rate and,~~ except as otherwise provided in ~~Section 306.8~~ Section 309.8 of this rule, utilizing the type of fuel burned at the time the application for the permit or permit revision under this rule is filed. A tons-per-year basis shall not be used if the new or modified source or the source offsets ~~are not expected to operate throughout the entire year~~ operates on a seasonal basis. No emissions credit may be allowed for replacing one VOC with another VOC of lesser reactivity.

~~306.10~~ **309.10 Source Shutdowns And Curtailments:**

- a. Emissions reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels generally may be credited, ~~if the work force to be affected has been notified of the proposed shutdown or curtailment.~~ ~~No offset credits for shutdowns or curtailments shall be provided for~~

~~emissions reductions that are necessary to bring a source into compliance with reasonably available control technology (RACT) or any other standard under an applicable implementation plan. for offsets if they meet the following requirements:~~

(1) Such reductions are surplus, permanent, quantifiable, and federally enforceable.

(2) The shutdown or curtailment occurred after the last day of the base year for the SIP planning process. For purposes of this Section, the Control Officer may choose to consider a prior shutdown or curtailment to have occurred after the last day of the base year if the projected emissions inventory used to develop the attainment demonstration explicitly includes the emissions from such previously shutdown or curtailed emission units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.

b. Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours and that do not meet the requirements of Section 309.10(a)(2) generally may be credited only if:

(1) The shutdown or curtailment occurred on or after the date the construction permit application is filed; or

(2) The applicant can establish that the proposed new emissions unit is a replacement for the shutdown or curtailed emissions unit, and the emissions reductions achieved by the shutdown or curtailment met the requirements of Section 309.10(a)(1).

306.11 **309.11** ~~The allowable offset area shall be determined as follows: the geographical area in which the sources are located whose emissions are being sought to offset emissions from a new major source or major modification. For the pollutants sulfur dioxide, PM₁₀, and carbon monoxide, the allowable offset area shall be determined by atmospheric dispersion modeling. If the emission offsets are obtained from a source on the same premises or in the immediate vicinity of the new major source or major modification, and the pollutants disperse from substantially the same effective stack height, atmospheric dispersion modeling shall not be required. The allowable offset area for all other pollutants shall be the nonattainment areas for those pollutants within which the new major source or major modification is to be located.~~

- a.** Except as provided in Section 309.11(b) of this rule, the allowable offset area shall be within the nonattainment area within which the new major source or major modification is to be located.
- b.** The allowable offset area may include locations within another nonattainment area if the conditions in Sections 309.11(b)(1) and 309.11(b)(2) of this rule are met.

 - (1)** The other area has an equal or higher nonattainment classification than the area in which the new major source or major modification is to be located.
 - (2)** Emissions from such other area contribute to a violation of the national ambient air quality standard in the nonattainment area in which the new major source or major modification is to be located.
- c.** For the pollutants sulfur dioxide, PM₁₀, and carbon monoxide, the allowable offset area shall be determined by atmospheric dispersion modeling. If the emission offsets are obtained from a source on the same premises or in the immediate vicinity of the new major source or major modification, and the pollutants disperse from substantially the same effective stack height, atmospheric dispersion modeling shall not be required.

~~306.12~~ **309.12** An emission reduction may only be used to offset emissions if the reduced level of emissions will continue for the life of the new source or modification and if the reduced level of emissions is legally and federally enforceable at the time of permit issuance. It shall be considered legally enforceable, if the following conditions are met:

- a.** The emission reduction is included as a condition in the permit of the source relied upon to offset the emissions from the new major source or major modification, or in the case of reductions from sources controlled by the applicant, is included as a condition of the permit or permit revision under this rule for the new major source or major modification; or
- b.** The emission reduction is adopted as a part of this rule or comparable rules of any other governmental entity or is contractually enforceable by the Control Officer and is in effect at the time the permit is issued.

~~306.13~~ **309.13** For the purpose of this rule, the Control Officer may initiate or a source may propose a mobile source emission reduction credit (MERC) program.

“MERC Program” or “Program” means any activity undertaken by a person which generates actual mobile source emission reductions within the Maricopa County nonattainment area for purposes of establishing MERCs under this rule.

a. Applicability: A MERC Program applies to any owner, user, transferor, or transferee of a MERC for new source review (NSR) purposes, of a mobile source for which a MERC has been granted, and for any generator of a MERC.

b. Limitations:

- (1) A MERC Program can be a one-time action, a series of one-time actions, or a continuous set of actions.
- (2) A MERC generated by a MERC Program must create an actual emissions reduction.
- (3) A MERC generated by a MERC Program is subject to the written approval of the Control Officer and the Administrator.
- (4) At a minimum, a MERC, like other emission reduction credits used as NSR offsets, must meet the requirements of ~~Section 306.2~~ Section 309.2 of this rule, including being surplus, enforceable, permanent, and quantifiable.
- (5) The MERC Program shall include specifications regarding:
 - (a) Quantification of mobile source emission credit.
 - (b) Life of mobile source emission credit. The life of a MERC shall be dependent on the duration of the actual emission reductions activity. For the purpose of this section, actual emission reductions mean emission reductions which occur or are projected to occur within the Maricopa County nonattainment area and which meet the requirements of ~~Section 306.2~~ Section 309.2 of this rule.
 - (c) Evidence of disposal of original mobile source. For the purpose of this section, disposal is not limited to scrapping a mobile source but includes relocating a mobile source outside the Maricopa County nonattainment area.

(d) Recordkeeping and reporting.

c. **Inspections And Recordkeeping:**

- (1) Any owner, user, transferor, or transferee of a MERC for new source review (NSR) purposes, of a mobile source for which a MERC has been granted, or any generator of a MERC shall compile and retain, for five years beyond the credit life (if the credit has a limited life), all records reasonably necessary to verify compliance with the requirements of this rule and with any other requirements imposed under the granting or use of the MERC. The Control Officer shall determine what records are "reasonably necessary" and, prior to the MERC-generating activity taking place, shall approve a written document, which describes these requirements. Records may be maintained in an electronic format, if compatible with existing Department computer equipment, as determined by the Control Officer.
- (2) Access to and copies of all applicable records, for inspection, shall be provided to the Control Officer upon request.
- (3) Any owner, user, transferor, or transferee of a MERC for new source review (NSR) purposes, of a mobile source for which a MERC has been granted, or any generator of a MERC, is subject to random inspections by the Control Officer to verify compliance with this rule and any other requirements imposed under the granting or use of the MERC.
- (4) The Control Officer shall, upon request, have access to the premises of any owner, user, transferor, or transferee of a MERC for new source review (NSR) purposes, of any mobile source for which a MERC has been granted, or any generator of a MERC, for purposes of conducting an inspection to verify compliance with this rule and with any other requirements imposed under the granting or use of the MERC.
- (5) Inspections may include review of records, testing, or any other action to verify compliance with this rule and with any other requirements imposed under the granting or use of the MERC.

306.14 **309.14** In PM_{2.5} nonattainment areas, interpollutant emission offsets for direct PM_{2.5} emissions and emission of PM_{2.5} precursors may be used to satisfy the requirements of Section 309.1 of this rule as follows:

- a. NO_x to SO₂ and SO₂ to NO_x: No interpollutant trading allowed.
- b. PM_{2.5} to NO_x: 1 ton direct PM_{2.5} emissions to 100 tons NO_x emissions.
- c. NO_x to PM_{2.5}: 100 tons NO_x to 1 ton direct PM_{2.5} emissions.
- d. PM_{2.5} to SO₂: 1 ton direct PM_{2.5} emissions to 40 tons SO₂ emissions.
- e. SO₂ to PM_{2.5}: 40 tons SO₂ emissions to 1 ton direct PM_{2.5} emissions.

307 **310** **SPECIAL REQUIREMENTS FOR MAJOR SOURCES OF VOC OR OXIDES OF NITROGEN OXIDES IN OZONE NONATTAINMENT AREAS CLASSIFIED AS SERIOUS OR SEVERE:**

307.1 **310.1** The provisions of ~~Section 307~~ Section 310 of this rule only apply to stationary sources of VOC or ~~oxides of nitrogen~~ oxides in ozone nonattainment areas classified as serious or severe. Unless otherwise provided in this rule, all requirements of Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources, Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules apply.

307.2 **310.2** Significant means, for the purposes of a major modification of any ~~major~~ stationary source of VOC or ~~oxides of nitrogen~~ oxides or for determining whether an otherwise minor source is major under ~~Section 210~~ Section 212-Definition Of Major Source of this rule, any physical change or change in the method of operations that results in net increases in emissions of either pollutant by more than 25 tons when aggregated with all other creditable increases and decreases in emissions from the source over the previous five consecutive calendar years, including the calendar year in which the increase is proposed. For the purpose of ~~Section 307~~ Section 310 of this rule, a physical change or change in the method of operation that results in an increase of less than one ton per year of VOC or ~~oxides of nitrogen~~ oxides before netting does not trigger a 5-year aggregation exercise.

307.3 **310.3** For any major source that emits or has the potential to emit less than 100 tons VOC or ~~oxides of nitrogen~~ oxides per year, a significant increase in VOC or ~~oxides of nitrogen~~ oxides, respectively, shall constitute a major modification, except that the increase in emissions from any discrete

emissions unit, operation, or other pollutant emitting activity that is offset from other units, operations, or activities at the source at a ratio of 1.3:1 for the increase in VOC or ~~oxides of~~ nitrogen oxides, respectively, from the unit, operation, or activity shall not be considered part of the major modification. Best available control technology (BACT) shall be substituted for lowest achievable emission rate (LAER) for all major modifications under this section. Net emissions increases in VOC or ~~oxides of~~ nitrogen oxides above the internal offset described herein shall be subject to the offset requirements in ~~Section 307.5~~ Section 310.5 and ~~Section 307.6~~ Section 310.6 of this rule.

307.4 **310.4** For any stationary source that emits or has the potential to emit 100 tons or more of VOC or ~~oxides of~~ nitrogen oxides per year, any significant increase in VOC or ~~oxides of~~ nitrogen oxides, respectively, shall constitute a major modification. If the increase in emissions from the modification at any discrete emissions unit, operation, or other pollutant emitting activity is offset from other units, operations or activities at the source at a ratio of 1.3:1 for the increase in VOC ~~oxides of~~ nitrogen oxides, respectively from the unit, operation or activity, best available control technology (BACT) shall be substituted for lowest achievable emission rate (LAER) at the unit, operation, or activity. Net emissions increases in VOC or ~~oxides of~~ nitrogen oxides above the internal offset described herein shall be subject to the offset requirements in ~~Section 307.5~~ Section 310.5 and ~~Section 307.6~~ Section 310.6 of this rule.

307.5 **310.5** For any new major source or major modification that is classified major because of emissions or potential to emit VOC or ~~oxides of~~ nitrogen oxides in an ozone nonattainment area classified as serious, the increase in emissions of these pollutants from the source or modification shall be offset at a ratio of 1.2:1. The offset shall be made in accordance with the provisions of ~~Section 306~~ Section 309 of this rule.

307.6 **310.6** For any new major source or major modification that is classified as such because of emissions or potential to emit VOC or ~~oxides of~~ nitrogen oxides in an ozone nonattainment area classified as severe, the increase in emissions of these pollutants from the source or modification shall be offset at a ratio of 1.3:1. ~~If the State Implementation Plan (SIP) requires all existing major sources of these pollutants in the nonattainment area to apply best available control technology (BACT), then the offset ratio shall be 1.2:1. These offsets shall be made in accordance with the provisions of Section 306 of this rule.~~

308 **311** **PERMIT REQUIREMENTS FOR SOURCES LOCATED IN ATTAINMENT AND UNCLASSIFIABLE AREAS:**

308.1 **311.1** Except as provided in ~~Section 308.2~~ Section 311.2 through ~~Section 308.7~~ Section 311.7 and Section 509 of this rule, no permit or permit revision

under this rule shall be issued to a person proposing to construct a new major source or proposing to make a major modification to a major source that would be constructed in an area designated as attainment or unclassifiable for any regulated NSR pollutant, unless the source or modification meets the following conditions:

- a.** A new major source shall apply best available control technology (BACT) for each regulated NSR pollutant ~~listed in Rule 100-General Provisions And Definitions of these rules~~ for which the potential to emit is significant.
- b.** A major modification shall apply best available control technology (BACT) for each regulated NSR pollutant ~~listed in Rule 100-General Provisions And Definitions of these rules~~ for which the modification project would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or of a change in the method of operation in the unit.
- c.** For phased construction projects, the determination of best available control technology (BACT) shall be reviewed and modified as appropriate at the latest reasonable time which occurs no later than 18 months prior to commencement of construction of each independent phase of the project. At such time, the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of best available control technology (BACT) for the source.
- d.** Best available control technology (BACT) shall be determined on a case-by-case basis and may constitute application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment, clean fuels, or innovative fuel combustion techniques, for control of such pollutant. In no event shall such application of best available control technology (BACT) result in emissions of any pollutant which would exceed the emissions allowed by any applicable new source performance standard or national emission standard for hazardous air pollutants under Rule 360-New Source Performance Standards, Rule 370-Federal Hazardous Air Pollutant Program, and Rule 372-Maricopa County Hazardous Air Pollutants (HAPS) Program of these rules. 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 best available control technology (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.

- e. The person applying for the permit or permit revision under this rule performs an air impact analysis and monitoring as specified in Section 500 of this rule and such analysis demonstrates that allowable emission increases from the proposed new major source or major modification, in conjunction with all other applicable emission increases or reductions, including secondary emissions, for all pollutants listed in Rule 500-Attainment Area Classification of these rules, and minor and mobile sources for ~~oxides of nitrogen~~ oxides:
- (1) Would not cause nor contribute to an increase in concentrations of any pollutant by an amount in excess of any applicable maximum allowable increase over the baseline concentration in Rule 500-Attainment Area Classification of these rules for any attainment or unclassified area; or
 - (2) Would not cause nor contribute to an increase in ambient concentrations for a pollutant by an amount in excess of the significance level for such pollutant in any adjacent area in which Arizona primary or secondary ambient air quality standards for that pollutant are being violated. A new major source of volatile organic compounds (VOCs) or ~~oxides of nitrogen~~ oxides, or a major modification to a major source of VOCs or ~~oxides of nitrogen~~ oxides, shall be presumed to contribute to violations of the Arizona ambient air quality standards for ozone if it will be located within 50 kilometers (31 miles) of a nonattainment area for ozone. The presumption may be rebutted for a new major source or major modification if it can be satisfactorily demonstrated to the Control Officer that emissions of VOCs or ~~oxides of nitrogen~~ oxides from the new major source or major modification will not contribute to violations of the Arizona ambient air quality standards for ozone in adjacent nonattainment areas for ozone. Such a demonstration shall include a showing that topographical, meteorological or other physical factors in the vicinity of the new major source or major modification are such that transport of VOCs emitted

from the source are not expected to contribute to violations of the ozone standards in the adjacent nonattainment areas.

f. Air quality models:

- (1)** All estimates of ambient concentrations required under this rule shall be based on the applicable air quality models, data basis, and other requirements specified in 40 C.F.R. 51, Appendix W, "Guideline On Air Quality Models", as of July 1, 2004 (and no future amendments or additions), which shall be referred to hereinafter as "Guideline" and is adopted by reference.
- (2)** Where an air quality impact model specified in the Guideline is inappropriate, the model may be modified or another model substituted. Such a change is subject to notice and opportunity for public comment. Written approval of the Administrator shall be obtained for any modification or substitution.

~~308.2~~ **311.2** The requirements of this section shall not apply to a new major source or major modification to a source with respect to a particular pollutant if the person applying for the permit or permit revision under this rule demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment for the pollutant.

~~308.3~~ **311.3** The requirements of this section shall not apply to a new major source or a major modification ~~of a source~~ if such source or modification would be a major source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the source or modification, and the source is not either among the Categorical Sources listed in Rule 100, Section 200.27 of these rules ~~of this rule~~ or belongs to any other ~~the~~ category of stationary sources ~~for which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Act~~ New Source Performance Standards (NSPS) under 40 C.F.R. Part 60 or National Emission Standards For Hazardous Air Pollutants (NESHAPS) under 40 C.F.R. Part 61, promulgated by the Administrator prior to August 7, 1980.

~~308.4~~ **311.4** The requirements of this section shall not apply to a new major source or major modification to a source when the owner of such source is a nonprofit health or educational institution.

~~308.5~~ **311.5** The requirements of this section shall not apply to a portable source which would otherwise be a new major source or major modification to an existing source if such portable source is temporary, is under a permit or permit

revision issued under this rule, is in compliance with the conditions of that permit or permit revision under this rule, the emissions from the source will not impact a Class I area nor an area where an applicable increment is known to be violated, and reasonable notice is given to the Control Officer prior to the relocation identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the Control Officer not less than 10 calendar days in advance of the proposed relocation unless a different time duration is previously approved by the Control Officer.

308.6

311.6 Special Requirements Applicable To Federal Land Managers:

- a. Notwithstanding any other provision of this rule, a Federal Land Manager may present to the Control Officer a demonstration that the emissions attributed to such new major source or major modification to a source will have significant adverse impact on visibility or other specifically defined air quality related values of any Federal Mandatory area designated in Rule 500-Attainment Area Classification of these rules, regardless of the fact that the change in air quality resulting from emissions attributable to such new major source or major modification to a source in existence will not cause or contribute to concentrations which exceed the maximum allowable increases for a Class I area. If the Control Officer concurs with such demonstrations, the permit or permit revision under this rule shall be denied.

- b. If the owner or operator of a proposed new major source or a source for which major modification is proposed demonstrates to the Federal Land Manager that the emissions attributable to such major source or major modification will have no significant adverse impact on the visibility or other specifically defined air quality related values of such areas and the Federal Land Manager so certifies to the Control Officer, the Control Officer may issue a permit or permit revision under this rule notwithstanding the fact that the change in air quality resulting from emissions attributable to such new major source or major modification will cause or contribute to concentrations which exceed the maximum allowable increases for a Class I area. Such a permit or permit revision under this rule shall require that such new major source or major modification comply with such emission limitations as may be necessary to assure that emissions will not cause increases in ambient concentrations greater than the following maximum allowable increases over baseline concentrations for such pollutants:

Maximum Allowable Increases		
Pollutant	Averaging Time	Increase In m $\mu\text{g}/\text{m}^3$
TSP	Annual Geometric Mean	19
TSP	24-hour Maximum	37
SO ₂	Annual Arithmetic Mean	20
SO ₂	24-hour Maximum	91
SO ₂	3-hour Maximum	325
NO ₂	Annual Arithmetic Mean	25

~~308.7~~ **311.7** The issuance of a permit or permit revision under this rule in accordance with this section shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan (SIP) and any other requirements under local, State, or Federal law.

~~308.8~~ **311.8** At such time that a particular source or modification becomes a major source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this rule shall apply to the source or modification as though construction had not yet commenced on the source or modification.

~~309~~ **312** **STACK HEIGHT LIMITATION:**

~~309.1~~ **312.1** The limitations set forth herein shall not apply to stacks or dispersion techniques used by the owner or operator prior to December 31, 1970, for which the owner or operator had:

- a. Begun, or caused to begin, a continuous program of physical on-site construction of the stack;
- b. Entered into building agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time; or
- c. Coal fired steam electric generating units, subject to the provisions of Section 118 of the Act which commenced operation before July

1, 1975, with stacks constructed under a construction contract awarded before February 8, 1974.

~~309.2~~

312.2 Good engineering practice (GEP) stack height is calculated as the greater of the following four numbers:

- a. 65 meters (213.25 feet).
- b. For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable preconstruction permits or approvals required under 40 C.F.R. Parts 51 and 52 and Section 305 of this rule, $H_g = 2.5H$.
- c. For all other stacks, $H_g = H + 1.5L$, where:
H_g = good engineering practice stack height, measured from the ground-level elevation at the base of the stack;
H = height of nearby structure measured from the ground-level elevation at the base of the stack;
L = lesser dimension (height or projected width) of nearby structure;
provided that the EPA, the Director, or the Control Officer may require the use of a field study or fluid model to verify good engineering practice (GEP) stack height for the source; or
- d. The height demonstrated by a fluid model or a field study approved by the reviewing agency, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain obstacles.
- e. For a specific structure or terrain feature, "nearby" shall be:
 - (1) For purposes of applying the formulae in ~~Section 309.2(b)~~ Section 312.2(b) of this rule and ~~Section 309.2(e)~~ Section 312.2(c) of this rule, that distance up to five times the lesser of the height or the width dimension of a structure but not greater than 0.8 km (one-half mile).
 - (2) For conducting demonstrations under ~~Section 309.2(d)~~ Section 312.2(d) of this rule, means not greater than 0.8 km (one-half mile). An exception is that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum height (H₊) of the feature, not to exceed two miles if such feature achieved a

height (H+) 0.8 km from the stack. The height shall be at least 40% of the good engineering practice (GEP) stack height determined by the formula provided in ~~Section 309.2.2(e)~~ Section 312.2(c) of this rule, or 85 feet (26 meters), whichever is greater, as measured from the ground-level elevation at the base of the stack.

f. "Excessive concentrations" means, for the purpose of determining good engineering practice stack height under ~~Section 309.2(d)~~ Section 312.2(d) of this rule:

- (1) For sources seeking credit for stack height exceeding that established under ~~Sections 309.2(b) and 309.2(e)~~ Sections 312.2(b) and 312.2(c) of this rule, a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40% in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the requirements for permits or permit revisions under this rule, an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40% in excess of the maximum concentration experienced in the absence of such downwash, wakes or eddy effects and greater than the applicable maximum allowable increase contained in Rule 500-Attainment Area Classification of these rules. The allowable emission rate to be used in making demonstrations under ~~Section 309.2(d)~~ Section 312.2(d) of this rule shall be prescribed by the new source performance standard (NSPS) which is applicable to the source category, unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the Control Officer, an alternative emission rate shall be established in consultation with the source owner or operator.
- (2) For sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights

established under ~~Sections 309.2(b) and 309.2(e)~~ Sections 312.2(b) and 312.2(c) of this rule, either:

- (a) A maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects as provided in ~~Section 309.2(f)(1)~~ Section 312.2(f)(1) of this rule, except that emission rate specified by any applicable State Implementation Plan (SIP) shall be used, or
- (b) The actual presence of a local nuisance caused by the existing stack, as determined by the Control Officer; and
- (3) For sources seeking credit after January 12, 1979, for a stack height determined under ~~Sections 309.2(b) and 309.2(e)~~ Sections 312.2(b) and 312.2(c) of this rule, where the Control Officer requires the use of a field study or fluid model to verify good engineering practice (GEP) stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in ~~Sections 309.2(b) and 309.2(e)~~ Sections 312.2(b) and 312.2(c) of this rule, a maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects that is at least 40% in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

~~309.3~~ **312.3** The degree of emission limitation required of any source after the respective date given in ~~Section 309.1~~ Section 312.1 of this rule for control of any pollutant shall not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique.

~~309.4~~ **312.4** The good engineering practice (GEP) stack height for any source seeking credit because of plume impaction which results in concentrations in violation of national ambient air quality standards or applicable prevention of significant deterioration (PSD) increments can be adjusted by determining the stack height necessary to predict the same maximum air pollutant concentration on any elevated terrain feature as the maximum concentration associated with the emission limit which results from modeling the source using the good engineering practice (GEP) stack

height as determined herein and assuming the elevated terrain features to be equal in elevation to the good engineering practice (GEP) stack height. If this adjusted good engineering practice (GEP) stack height is greater than stack height the source proposes to use, the source's emission limitation and air quality impact shall be determined using the proposed stack height and the actual terrain heights.

- ~~309.5~~ **312.5** Before the Control Officer issues a permit or permit revision under this rule to a source based on a good engineering practice (GEP) stack height that exceeds the height allowed by ~~Section 309.2~~ Section 312.2 of this rule, the Control Officer shall notify the public of the availability of the demonstration study and provide opportunity for a public hearing in accordance with the requirements of Rule 210-Title V Permit Provisions of these rules.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 - MONITORING AND RECORDS

- 501 POLLUTANTS TO BE INCLUDED IN ANALYSIS OF AMBIENT AIR QUALITY:** Any application for a permit or permit revision under this rule to construct a new major source or major modification to a major source shall contain for each of the following pollutants an analysis of ambient air quality in the area that the new major source or major modification would affect:

501.1 For the new source, each pollutant that it would have the potential to emit in a significant amount.

501.2 For the modification, each pollutant for which it would result in a significant net emissions increase.

502 PRECONSTRUCTION AIR QUALITY MONITORING DATA:

502.1 With respect to any such pollutant for which no national ambient air quality standard exists, the analysis shall contain all air quality monitoring data as the Control Officer determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of the pollutant would affect.

502.2 With respect to any such pollutant, other than nonmethane hydrocarbons, for which a national ambient air quality standard does exist, the analysis shall contain continuous air quality monitoring data gathered for purposes of determining whether emissions of that pollutant would cause or contribute to a violation of such standard or of any maximum allowable increase.

502.3 In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one year and shall represent at least the year preceding receipt of the application, except that if the Control Officer determines that a complete and adequate analysis can be accomplished with continuous air quality monitoring data gathered over a period shorter than one year, but not to be less than four months, the data that is required shall have been gathered over at least that shorter period.

503 COMPLETE APPLICATION AIR QUALITY MONITORING DATA: For any application which, prior to February 9, 1982, becomes complete, except as to the requirements of Section 502.2 of this rule, the data that Section 502.2 of this rule requires shall have been gathered over at least the period from February 9, 1981, to the date the application becomes otherwise complete, except that:

503.1 If the new source or modification would have been major for that pollutant under ~~Section 308~~ Section 311 of this rule as in effect on October 2, 1979, any monitoring data shall have been gathered over at least the period required by ~~Section 308~~ Section 311 of this rule.

503.2 If the Control Officer determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than four months), the data that Section 502.2 of this rule requires shall have been gathered over that shorter period.

503.3 If the monitoring data would relate exclusively to ozone and would not have been required under Section 308 of this rule as in effect on October 2, 1979, the Control Officer may waive the otherwise applicable requirements of ~~Section 308~~ Section 311 of this rule to the extent that the applicant shows that the monitoring data would be unrepresentative of air quality over the full year.

504 POST-APPROVAL AIR QUALITY MONITORING DATA FOR OZONE: The owner or operator of a proposed stationary source or modification to a source of VOCs who satisfies all conditions of 40 C.F.R. 51, Appendix S, Section IV, may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required under Section 502 of this rule.

505 POST-CONSTRUCTION AIR QUALITY MONITORING DATA: The owner or operator of a new major source or major modification shall, after construction of the source or modification, conduct such ambient monitoring as the Control Officer determines is necessary to determine the effect emissions from the new source or modification may have, or are having, on air quality in any area.

506 OPERATIONS OF MONITORING STATIONS: The owner or operator of a new major source or major modification shall meet the requirements of 40 C.F.R. 58, Appendix B, during the operation of monitoring stations for purposes of satisfying Section 502 through Section 505 of this rule.

507 EXCEPTIONS TO MONITORING FOR A PARTICULAR POLLUTANT: The requirements of Section 502 through Section 506 of this rule shall not apply to a new major source or major modification to an existing source with respect to monitoring for a particular pollutant if:

507.1 The emissions increase of the pollutant from the new source or the net emissions increase of the pollutant from the modification would cause, in any area, air quality impacts less than the following amounts:

Pollutant	Concentration	Averaging Time
Carbon Monoxide	575 m $\mu\text{g}/\text{m}^3$	8 hour average
Nitrogen dioxide	14 m $\mu\text{g}/\text{m}^3$	annual average
PM ₁₀	10 m $\mu\text{g}/\text{m}^3$	24 hour average
Sulfur dioxide	13 m $\mu\text{g}/\text{m}^3$	24 hour average
Lead	0.1 m $\mu\text{g}/\text{m}^3$	24 hour average
Fluorides	0.25 m $\mu\text{g}/\text{m}^3$	24 hour average
Total reduced sulfur	10 m $\mu\text{g}/\text{m}^3$	1 hour average
Hydrogen sulfide	0.04 m $\mu\text{g}/\text{m}^3$	1 hour average
Reduced sulfur compounds	10 m $\mu\text{g}/\text{m}^3$	1 hour average
Ozone	Increased emissions of less than 100 tons per year of volatile organic compounds or oxides of nitrogen <u>oxides</u>	

or,

507.2 The concentrations of the pollutant in the area that the new source or modification would affect are less than the concentrations listed in Section 507.1 of this rule.

508 VISIBILITY AND AIR QUALITY IMPACT ANALYSIS: Any application for a permit or a permit revision under this rule to construct a new major source or major modification to a source shall contain:

508.1 An analysis of the impairment to visibility, soils and vegetation that would occur as a result of the new source or modification and general commercial, residential, industrial and other growth associated with the new source or modification. The applicant need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

508.2 An analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial and other growth associated with the new source or modification.

509 INNOVATIVE CONTROL TECHNOLOGY:

509.1 Notwithstanding the provisions of ~~Sections 308.1(a), 308.1(b), and 308.1(e)~~, Sections 311.1(a), 311.1(b), and 311.1(c) of this rule, the owner or operator of a proposed new major source or major modification may request that the Control Officer approve a system of innovative control technology rather than the best available control technology (BACT) requirements otherwise applicable to the new source or modification.

509.2 The Control Officer shall approve the installation of a system of innovative control technology if the following conditions are met:

- a.** The owner or operator of the proposed source or modification satisfactorily demonstrates that the proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function;
- b.** The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under ~~Section 308.1(b)~~ Section 311.1(b) of this rule by a date specified in the permit or permit revision under this rule for the source. Such date shall not be later than four years from the time of start-up or seven years from the issuance of a permit or permit revision under this rule;
- c.** The source or modification would meet requirements equivalent to those in ~~Section 308.1~~ Section 311.1 of this rule based on the emissions rate that the stationary source employing the system of innovative control technology would be required to meet on the date specified in the permit or permit revision under this rule;
- d.** Before the date specified in the permit or permit revision under this rule, the source or modification would not:

- (1) Cause or contribute to any violation of an applicable State ambient air quality standard; or
 - (2) Impact any area where an applicable increment is known to be violated.
- e. All other applicable requirements, including those for public participation have been met.
 - f. The Control Officer receives the consent of the governors of other affected states.
 - g. The limits on pollutants contained in Rule 500-Attainment Area Classification of these rules for Class I areas will be met for all periods during the life of the source or modification.

509.3 The Control Officer shall withdraw any approval to employ a system of innovative control technology made under this rule if:

- a. The proposed system fails by the specified date to achieve the required continuous emissions reduction rate; or
- b. The proposed system fails before the specified date, so as to contribute to an unreasonable risk to public health, welfare, or safety; or
- c. The Control Officer decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.

509.4 If the new source or major modification fails to meet the required level of continuous emissions reduction within the specified time period, or if the approval is withdrawn in accordance with Section 509.3 of this rule, the Control Officer may allow the owner or operator of the source or modification up to an additional three years to meet the requirement for the application of best available control technology (BACT) through use of a demonstrated system of control.

510 AIR QUALITY MODELS:

510.1 Where the Control Officer requires a person requesting a permit or permit revision under this rule to perform air quality impact modeling to obtain such permit or permit revision under this rule, the modeling shall be performed in a manner consistent with the Guideline.

510.2 Where the person requesting a permit or permit revision under this rule can demonstrate that an air quality impact model specified in the Guideline is inappropriate, the model may be modified or another model substituted. However, before such modification or substitution can occur, the Control Officer must make a written finding that:

- a. No model in the Guideline is appropriate for a particular permit or permit revision under this rule under consideration; or
- b. The data base required for the appropriate model in the Guideline is not available; and
- c. The model proposed as a substitute or modification is likely to produce results equal or superior to those obtained by models in the Guideline; and
- d. The model proposed as a substitute or modification has been approved by the Administrator.

510.3 Use of a modified or substituted model under this rule shall be subject to notice and opportunity for public comment under Rule 210-Title V Permit Provisions of these rules.

511 VISIBILITY PROTECTION:

511.1 For any new major source or major modification subject to the provisions of this rule, no permit or permit revision under this rule shall be issued to a person proposing to construct or to modify the source, unless the applicant has provided:

- a. An analysis of the anticipated impacts of the proposed source on visibility in any Class I areas which may be affected by the emissions from that source; and
- b. Results of monitoring of visibility in any area near the proposed source for such purposes and by such means as the Control Officer determines is necessary and appropriate.

511.2 A determination of an adverse impact on visibility shall be made based on consideration of all of the following factors:

- a. The times of visitor use of the area.
- b. The frequency and timing of natural conditions in the area that reduce visibility.

- c. All of the following visibility impairment characteristics:
 - (1) Geographic extent;
 - (2) Intensity;
 - (3) Duration;
 - (4) Frequency; and
 - (5) Time of day.
- d. The correlation between the characteristics listed in Section 511.2(c) of this rule and the factors described in Sections 511.2(a) and 511.2(b) of this rule.

511.3 The Control Officer shall not issue a permit or a permit revision under this rule, or pursuant to Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules, for any new major source or major modification subject to this rule, unless the following requirements have been met:

- a. The Control Officer shall notify the individuals identified in Section 511.3(b) of this rule within 30 days of receipt of any advance notification of any such permit application or permit revision application under this rule.
- b. Within 30 days of receipt of an application for a permit or permit revision under this rule for a source whose emissions may affect a Class I area, the Control Officer shall provide written notification of the application to the Federal Land Manager and to the federal official charged with direct responsibility for management of any lands within any such area. The notice shall:
 - (1) Include a copy of all information relevant to the permit application or to the permit revision application under this rule;
 - (2) Include an analysis of the anticipated impacts of the proposed source on visibility in any area which may be affected by emissions from the source; and

REGULATION II - PERMITS AND FEES

NEW RULE 240.01

PLANTWIDE APPLICABILITY LIMITATION (PAL)

INDEX

SECTION 100 - GENERAL

101 APPLICABILITY

SECTION 200 - DEFINITIONS

200.1 PLANTWIDE APPLICABILITY LIMITATION (PAL)

200.2 PAL ALLOWABLE EMISSIONS

200.3 PAL EFFECTIVE DATE

200.4 PAL EFFECTIVE PERIOD

200.5 PAL MAJOR MODIFICATION

200.6 PAL PERMIT

200.7 PAL POLLUTANT

SECTION 300 – STANDARDS (NOT APPLICABLE)

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 PERMIT APPLICATION REQUIREMENTS

402 GENERAL REQUIREMENTS FOR ESTABLISHING PALS

403 ACTION ON PAL PERMIT APPLICATION

404 SETTING THE 10-YEAR ACTUALS PAL LEVEL

405 CONTENTS OF THE PAL PERMIT

406 PAL EFFECTIVE PERIOD AND REOPENING THE PAL PERMIT

407 EXPIRATION OF A PAL

408 RENEWAL OF A PAL

409 INCREASING A PAL DURING THE PAL EFFECTIVE PERIOD

SECTION 500 - MONITORING AND RECORDS

501 MONITORING REQUIREMENTS FOR PALS

502 RECORDKEEPING REQUIREMENTS

503 REPORTING AND NOTIFICATION REQUIREMENTS

Draft Rule 240.01 for Public Workshop On November 20, 2008
1001 North Central Avenue Room #560 At 9:00 Am
Contact Mike Perkins At 602.372.2041 or mperkins@mail.maricopa.gov

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Adopted 00/00/00

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
NEW RULE 240.01
PLANTWIDE APPLICABILITY LIMITATION (PAL)**

SECTION 100 - GENERAL

101 APPLICABILITY:

101.1 The Control Officer may approve the use of a PAL for any existing major source if the PAL meets the requirements of this section.

101.2 Any physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements of this section, and complies with the PAL permit:

- a.** Is not a major modification for the PAL pollutant;
- b.** Does not have to be approved through the PSD program; and
- c.** Is not subject to the provisions in Rule 240, Sections 308.3 or 311.8 of these rules.

101.3 Except as provided under Section 101.2(c) of this rule, a major stationary source shall continue to comply with all applicable Federal or State requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.

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

201 PLANTWIDE APPLICABILITY LIMITATION (PAL) – An emission limitation that is based on the baseline actual emissions of all emissions units at the stationary source that emit or have the potential to emit the PAL pollutant, expressed in tons per year, for a pollutant at a major source, that is enforceable as a practical matter and established source-wide in accordance with this section.

202 PAL ALLOWABLE EMISSIONS – “Allowable emissions” as defined in Rule 100, Section 200.12 of these rules, except that the allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit’s potential to emit.

- 203 PAL EFFECTIVE DATE** – Generally means the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.
- 204 PAL EFFECTIVE PERIOD** – The period beginning with the PAL effective date and ending 10 years later.
- 205 PAL MAJOR MODIFICATION** – Any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.
- 206 PAL PERMIT** – The permit issued by the Control Officer that establishes a PAL for a major source.
- 207 PAL POLLUTANT** – The permit issued by the Control Officer that establishes a PAL for a major source.

SECTION 300 – STANDARDS (NOT APPLICABLE)

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

- 401 PERMIT APPLICATION REQUIREMENTS:** As part of a permit application requesting a PAL, the owner or operator of a major source shall submit the following information to the Control Officer for approval:
- 401.1** A list of all emissions units at the source designated as small, significant or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, Federal or State applicable requirements, emission limitations, or work practices apply to each unit.
- 401.2** Calculations of the baseline actual emissions (with supporting documentation).
- 401.3** The calculation procedures that the major source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by Section 502.1 of this rule.
- 402 GENERAL REQUIREMENTS FOR ESTABLISHING PALS:**
- 402.1** The Control Officer is allowed to establish a PAL at a major source, provided that at a minimum, the following requirements are met.

- a. The PAL shall impose an annual emission limitation in tons per year that is enforceable as a practical matter for the entire major source. For each month during the PAL effective period after the first 12 months of establishing a PAL, the major source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL (a 12-month sum, rolled monthly). For each month during the first 11 months from the PAL effective date, the major source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.
- b. The PAL shall be established in a PAL permit that meets the requirements in Section 403 of this rule.
- c. The PAL permit shall contain all the requirements of Section 405 of this rule.
- d. The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major source.
- e. Each PAL shall regulate emissions of only one pollutant.
- f. Each PAL shall have a PAL effective period of 10 years.
- g. The owner or operator of the major source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in Sections 501 through 503 of this rule for each emissions unit under the PAL through the PAL effective period.

402.2 At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant that occur during the PAL effective period creditable as decreases for purposes of offsets under Rule 240, Section 309 of these rules unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.

403 ACTION ON PAL PERMIT APPLICATION: A PAL permit application shall be processed in accordance with one of the following:

403.1 As an initial Title V permit pursuant to Rule 210, Section 301 of these rules.

403.2 As a renewal of a Title V permit pursuant to Rule 210, Section 301 of these rules.

403.3 As a significant revision to a Title V permit pursuant to Rule 210, Section 406 of these rules.

404 SETTING THE 10-YEAR ACTUALS PAL LEVEL:

404.1 Except as provided in Section 404.2 of this rule, the PAL level for a major source shall be established as the sum of the baseline actual emissions of the PAL pollutant for each emissions unit at the source; plus an amount equal to the applicable significant level for the PAL pollutant. When establishing the PAL level, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The Control Officer shall specify a reduced PAL level(s) (in tons/yr) in the PAL permit to become effective on the future compliance date(s) of any applicable Federal or State regulatory requirement(s) that the Control Officer is aware of prior to issuance of the PAL permit. For instance, if the source owner or operator will be required to reduce emissions from industrial boilers in half from baseline emissions of 60 ppm NO_x to a new rule limit of 30 ppm, then the permit shall contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline emissions of such unit(s).

404.2 For newly constructed units (which do not include modifications to existing units) on which actual construction began after the 24-month period, in lieu of adding the baseline actual emissions as specified in Section 405.1 of this rule, the emissions must be added to the PAL level in an amount equal to the potential to emit of the units.

405 CONTENTS OF THE PAL PERMIT: The PAL permit must contain, at a minimum, the following information:

405.1 The PAL pollutant and the applicable source-wide emission limitation in tons per year.

405.2 The PAL permit effective date and the expiration date of the PAL (PAL effective period).

405.3 Specification in the PAL permit that if a major source owner or operator applies to renew a PAL in accordance with Section 408 of this rule before the end of the PAL effective period, then the PAL shall not expire at the

end of the PAL effective period. It shall remain in effect until a revised PAL permit is issued by the Control Officer.

- 405.4** A requirement that emission calculations for compliance purposes must include emissions from startups, shutdowns, and malfunctions.
- 405.5** A requirement that, once the PAL expires, the major source is subject to the requirements of Section 407 of this rule.
- 405.6** The calculation procedures that the major source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total as required by Section 502.1 of this rule.
- 405.7** A requirement that the major source owner or operator monitor all emissions units in accordance with the provisions under Section 501 of this rule.
- 405.8** A requirement to retain the records required under Section 502 of this rule on-site. Such records may be retained in an electronic format.
- 405.9** A requirement to submit the reports required under Section 503 of this rule by the required deadlines.
- 405.10** Any other requirements that the Control Officer deems necessary to implement and enforce the PAL.

406 PAL EFFECTIVE PERIOD AND REOPENING OF THE PAL PERMIT:

406.1 PAL Effective Period: The Control Officer shall specify a PAL effective period of 10 years.

406.2 Reopening Of The PAL Permit:

- a.** During the PAL effective period, the Control Officer must reopen the PAL permit to:
 - (1)** Correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL;
 - (2)** Reduce the PAL if the owner or operator of the major source creates creditable emissions reductions for use as offsets under Rule 240, Section 309 of these rules; and

that became effective during the PAL effective period, as would be required under Section 408.5 of this rule, such distribution shall be made as if the PAL had been adjusted.

- b. The Control Officer shall decide how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the Control Officer determines is appropriate.

407.2 Each emissions unit(s) shall comply with the allowable emission limitation on a 12-month rolling basis. The Control Officer may approve the use of monitoring systems (source testing, emission factors, etc.) other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable emission limitation.

407.3 Until the Control Officer issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under Section 407.1(b) of this rule, the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.

407.4 Any physical change or change in the method of operation at the major source will be subject to the applicability criteria set forth at Section 101 of this rule.

407.5 The major source owner or operator shall continue to comply with any applicable requirements that may have applied during the PAL effective period. Emission limitations that were eliminated by the PAL in accordance with Section 101.2(c) of this rule shall not be reinstated.

408 RENEWAL OF A PAL:

408.1 The Control Officer shall follow the procedures specified in Section 405 of this rule in approving any request to renew a PAL for a major source, and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the Control Officer.

408.2 Application Deadline: A major source owner or operator shall submit a timely application to the Control Officer to request renewal of a PAL. A timely application is one that is submitted at least 6 months prior to, but not earlier than 18 months from, the date of permit expiration. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major

source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.

408.3 Application Requirements: The application to renew a PAL permit shall contain the following information:

- a. The information required in Sections 401.1 through 401.3 of this rule.
- b. A proposed PAL level.
- c. The sum of the potential to emit of all emissions units under the PAL (with supporting documentation).
- d. Any other information the owner or operator requests the Control Officer to consider in determining the appropriate level for renewing the PAL.

408.4 PAL Adjustment: In determining whether and how to adjust the PAL, the Control Officer shall consider the options outlined in Sections 408.4(a) and 408.4(b) of this rule. However, in no case may any such adjustment fail to comply with Section 408.4(c) of this rule.

- a. If the emissions level calculated in accordance with Section 405 of this rule is equal to or greater than 80 percent of the PAL level, the Control Officer may renew the PAL at the same level without considering the factors set forth in Section 408.4(b) of this rule; or
- b. The Control Officer may set the PAL at a level that he determines to be more representative of the source's baseline actual emissions, or that he determines to be more appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the Control Officer in his written rationale.
- c. Notwithstanding Sections 408.4(a) and 408.4(b) of this rule:
 - (1) If the potential to emit of the major source is less than the PAL, the Control Officer shall adjust the PAL to a level no greater than the potential to emit of the source; and

- (2) The Control Officer shall not approve a renewed PAL level higher than the current PAL, unless the PAL has been increased in accordance with Section 409 of this rule.

408.5 If the compliance date for an applicable requirement that applies to the PAL source occurs during the PAL effective period, and if the Control Officer has not already adjusted for such requirement, the PAL shall be adjusted at the time of PAL permit renewal or Title V permit renewal, whichever occurs first.

409 INCREASING A PAL DURING THE PAL EFFECTIVE PERIOD:

409.1 The Control Officer may increase a PAL emission limitation only if the following requirements are met:

- a. The owner or operator of the major source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. Such application shall identify the emissions unit(s) contributing to the increase in emissions so as to cause the major source's emissions to equal or exceed its PAL.
- b. As part of the application, the major source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT or LAER equivalent controls, plus the sum of the PAL allowable emissions of the new or modified emissions unit(s) exceeds the PAL. The level of control that would result from BACT or LAER equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT or LAER analysis at the time the application is submitted, as applicable for the particular PAL pollutant, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.
- c. The owner or operator obtains a major NSR permit for all emissions unit(s) identified in Section 409.1(a) of this rule, regardless of the magnitude of the emissions increase resulting from them (that is, no significant levels apply). These emissions unit(s) shall comply with any emissions requirements resulting from the major NSR process (for example, BACT), even though

they have also become subject to the PAL or continue to be subject to the PAL.

- d. The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

409.2 The Control Officer shall calculate the new PAL level as the sum of the PAL allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units (assuming application of BACT or LAER equivalent controls as determined in accordance with Section 409.1(b) of this rule, plus the sum of the baseline actual emissions of the small emissions units.

409.3 The PAL permit shall be revised to reflect the increased PAL level pursuant to the public notice requirements of Section 403 of this rule.

SECTION 500 – MONITORING AND RECORDS

501 MONITORING REQUIREMENTS FOR PALS:

501.1 General Requirements:

- a. Each PAL permit must contain enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.
- b. The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in Sections 501.2(a) through 501.2(d) of this rule and must be approved by the Control Officer.
- c. Notwithstanding Section 501.1(b) of this rule, the owner or operator may also employ an alternative monitoring approach if approved by the Control Officer as meeting the requirements of Section 501.1(a) of this rule.

- d. Failure to use a monitoring system that meets the requirements of this section renders the PAL invalid.

501.2 Minimum Performance Requirements For Approved Monitoring Approaches: The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in Sections 501.3 through 501.9 of this rule:

- a. Mass balance calculations for activities using coatings or solvents;
- b. CEMS;
- c. CPMS or PEMS; and
- d. Emission factors.

501.3 Mass Balance Calculations: An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet the following requirements:

- a. Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;
- b. Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and
- c. Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the Control Officer determines there is site-specific data or a site-specific monitoring program to support another content within the range.
- d. CEMS must comply with applicable Performance Specifications found in 40 CFR part 60, appendix B; and
- e. CEMS must sample, analyze and record data at least every 15 minutes while the emissions unit is operating.

501.4 CPMS Or PEMS: An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:

- a. The CPMS or the PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameter(s) and the PAL pollutant emissions across the range of operation of the emissions unit; and
- b. Each CPMS or PEMS must sample, analyze, and record data at least every 15 minutes, or at another less frequent interval approved by the Control Officer, while the emissions unit is operating.

501.5 Emission Factors: An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:

- a. All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;
- b. The emissions unit shall operate within the designated range of use for the emission factor, if applicable; and
- c. If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within 6 months of PAL permit issuance, unless the Control Officer determines that testing is not required.

501.6 An owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the PAL permit.

501.7 Notwithstanding the requirements in Sections 501.3 through 501.7 of this rule, where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameter(s) and the PAL pollutant emissions rate at all operating points of the emissions unit, the Control Officer shall, at the time of permit issuance:

- a. Establish default value(s) for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating point(s); or
- b. Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored

parameter(s) and the PAL pollutant emissions is a violation of the PAL.

501.8 Re-Validation: All data used to establish the PAL pollutant must be re-validated through performance testing or other scientifically valid means approved by the Control Officer. Such testing must occur at least once every 5 years after issuance of the PAL.

502 RECORDKEEPING REQUIREMENTS:

502.1 The PAL permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of this rule and with the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for 5 years from the date of such record.

502.2 The PAL permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus 5 years:

- a.** A copy of the PAL permit application and any applications for revisions to the PAL; and
- b.** Each annual certification of compliance pursuant to Rule 210, Section 305.1(d) of these rules and the data relied on in certifying compliance.

503 REPORTING AND NOTIFICATION REQUIREMENTS: The owner or operator shall submit semi-annual monitoring reports and prompt deviation reports to the Control Officer in accordance with Rule 210, Section 302.1(e) of these rules. The reports shall meet the following requirements:

503.1 Semi-Annual Report: The semi-annual report shall be submitted to the Control Officer within 30 days of the end of each reporting period. This report shall contain the following information:

- a.** The identification of owner and operator and the permit number.
- b.** Total annual emissions (tons/year) based on a 12-month rolling total for each month in the reporting period recorded according to Section 502.1 of this rule.
- c.** All data relied upon, including, but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant emissions.

- d. A list of any emissions units modified or added to the major source during the preceding 6-month period.
- e. The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken.
- f. A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by Section 501.7 of this rule.
- g. A certification by the responsible official consistent with Rule 100, Section 401 of these rules.

503.2 Deviation Report: The major source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL permit requirements, including periods where no monitoring is available, in accordance with Rule 210, Section 302.1(e) of these rules. The reports shall contain the following information:

- a. The identification of owner and operator and the permit number;
- b. The PAL permit requirement that experienced the deviation or that was exceeded;
- c. Emissions resulting from the deviation or the exceedance; and
- d. A certification by the responsible official consistent with Rule 100, Section 401 of these rules.

503.3 Re-Validation Results: The owner or operator shall submit to the Control Officer the results of any re-validation test or method within 3 months after completion of such test or method.

**Rule 241 Section By Section Explanation Of Changes
For Public Workshop #1 - November 20, 2008**

Section By Section Explanation of Changes:

Rule 241-Permits for New Sources and Modifications to Existing Sources

For Public Workshop #1 - November 20, 2008

Section 302. Added the text “nitrogen oxides, sulfur dioxide.”

New Section 304. Added the text “Minor New Source Review (NSR).”

New Section 304.1. Added the text “This section shall apply to the following activities.”

New Section 304.1(a). Added the text “Construction of any new Title V or non-Title V source; or.”

New Section 304.1(b). Added the text “Any Minor NSR modification.”

New Section 304.2. Added the text “No person shall begin actual construction of a new source or Minor NSR modification subject to this section without first obtaining a permit or a permit revision from the Control Officer in accordance with either Rule 210, Section 301 of these rules or Rule 220 Section 301 of these rules.”

New Section 304.3. Added the text “The Control Officer shall not issue a permit or permit revision subject to this section to a person proposing to construct a new source or make a Minor NSR modification unless the source or modification meets the following conditions.”

New Section 304.3(a). Added the text “A new source shall apply RACT for any regulated Minor NSR pollutant with a potential to emit that pollutant at an amount equal to or greater than the permitting exemption threshold defined in Rule 200, Section 303.3(c)(7)(j) of these rules.”

New Section 304.3(b). Added the text “A Minor NSR modification shall apply RACT for any regulated Minor NSR pollutant, if the change would increase the source’s potential to emit that pollutant by an amount equal to or greater than the default permitting exemption threshold defined in Rule 200, Section 303.3(c)(7)(j) of these rules. This requirement will apply to each emissions unit affected by the proposed modification.”

New Section 304.3(c). Added the text “Emissions from the source or minor NSR modification will not cause or contribute to a violation of.”

New Section 304.3(c)(1). Added the text “The ambient air quality standards set forth in Rule 500, Section 300 of these rules.”

**Rule 241 Section By Section Explanation Of Changes
For Public Workshop #1 - November 20, 2008**

New Section 304.3(c)(2). Added the text “The applicable prevention of significant deterioration maximum allowable increases in Rule 240, Section 311.6 of these rules.”

New Section 304.4. Added the text “The Control Officer may establish RACT for categories of sources or emissions units by rule or general permit. The Control Officer may also establish a database of RACT determinations to serve as guidance for applicants.”

New Section 304.5. Added the text “An emissions unit subject to an emissions standard established by the Administrator under section 111 or 112 of the Act after November 15, 1990, for a regulated minor NSR pollutant, is exempt from Sections 304.3(c)(1) and 304.3(c)(2) of this rule for that pollutant.”

New Section 304.6. Added the text “A permit applicant subject to this section shall conduct an ambient air quality impact assessment upon the Control Officer’s request.”

REGULATION II - PERMITS AND FEES

**RULE 241
PERMITS FOR NEW SOURCES AND MODIFICATIONS TO
EXISTING SOURCES**

INDEX

SECTION 100 - GENERAL

- 101 PURPOSE
- 102 APPLICABILITY

SECTION 200 - DEFINITIONS (NOT INCLUDED)

SECTION 300 - STANDARDS

- 301 BEST AVAILABLE CONTROL TECHNOLOGY (BACT) REQUIRED
- 302 REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)
REQUIRED
- 303 CIRCUMVENTION
- 304 MINOR NEW SOURCE REVIEW

SECTION 400 - ADMINISTRATIVE REQUIREMENTS (NOT INCLUDED)

SECTION 500 - MONITORING AND RECORDS (NOT INCLUDED)

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**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS**

REGULATION II - PERMITS AND FEES

**RULE 241
PERMITS FOR NEW SOURCES AND MODIFICATIONS TO
EXISTING SOURCES**

SECTION 100 - GENERAL

- 101 PURPOSE:** To provide control technology requirements for new sources and modifications to existing sources of air pollution requiring permits or permit revisions.
- 102 APPLICABILITY:** The provisions of this rule shall not apply to new major sources and major modifications to existing major sources subject to the requirements of Rule 240 of these rules.

SECTION 300 - STANDARDS

- 301 BEST AVAILABLE CONTROL TECHNOLOGY (BACT) REQUIRED:** An applicant for a permit or permit revision subject to Rules 210, 220, or 230 of these rules shall apply BACT for each pollutant emitted which exceeds any of the threshold limits set forth in any one of the following criteria:
- 301.1** Any new stationary source which emits more than 150 lbs/day or 25 tons/yr of volatile organic compounds, nitrogen oxides, sulfur dioxide, or particulate matter; more than 85 lbs/day or 15 tons/yr of PM₁₀; or more than 550 lbs/day or 100 tons/yr of carbon monoxide.
- 301.2** Any modified stationary source if the modification causes an increase in emissions on any single day of more than 150 lbs/day or 25 tons/yr of volatile organic compounds, nitrogen oxides, sulfur dioxide or particulate matter; more than 85 lbs/day or 15 tons/yr of PM₁₀; or more than 550 lbs/day or 100 tons/yr of carbon monoxide. BACT is only required for the sources or group of sources being modified.

302 REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIRED: An applicant for a permit or permit revision for a new or modified stationary source which emits or causes an increase in emissions of up to 150 lbs/day or 25 tons/yr of volatile organic compounds, nitrogen oxides, sulfur dioxide, or particulate matter; up to 85 lbs/day or 15 tons/yr of PM₁₀; or up to 550 lbs/day or 100 tons/yr of carbon monoxide shall apply RACT for each pollutant emitted from said new or modified stationary source.

303 CIRCUMVENTION: The submission of applications for permits or permit revisions for new or modified sources in phases so as to circumvent the requirements of this section is prohibited. The burden of proof to show that an application for a permit or permit revision is not being submitted as a phase of a larger project shall be upon the applicant. 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 air contaminants to the atmosphere, conceals or dilutes an emission which would otherwise constitute a violation of this section. A person shall not circumvent this section to dilute air contaminants by using more emission openings than is considered normal practice by the industry or by the activity in question.

304 MINOR NEW SOURCE REVIEW (NSR):

304.1 This section shall apply to the following activities:

- a.** Construction of any new Title V or non-Title V source; or
- b.** Any Minor NSR modification.

304.2 No person shall begin actual construction of a new source or Minor NSR modification subject to this section without first obtaining a permit or a permit revision from the Control Officer in accordance with either Rule 210, Section 301 of these rules or Rule 220 Section 301 of these rules.

304.3 The Control Officer shall not issue a permit or permit revision subject to this section to a person proposing to construct a new source or make a Minor NSR modification unless the source or modification meets the following conditions:

- a.** A new source shall apply RACT for any regulated Minor NSR pollutant with a potential to emit that pollutant at an amount equal to or greater than the permitting exemption threshold defined in Rule 200, Section 303.3c(7)(j) of these rules.

b. A Minor NSR modification shall apply RACT for any regulated Minor NSR pollutant, if the change would increase the source's potential to emit that pollutant by an amount equal to or greater than the default permitting exemption threshold defined in Rule 200, Section 303(C)(7)(j) of these rules. This requirement will apply to each emissions unit affected by the proposed modification.

c. Emissions from the source or minor NSR modification will not cause or contribute to a violation of:

(1) The ambient air quality standards set forth in Rule 500, Section 300 of these rules;

(2) The applicable prevention of significant deterioration maximum allowable increases in Rule 240, Section 311.6 of these rules;

304.4 The Control Officer may establish RACT for categories of sources or emissions units by rule or general permit. The Control Officer may also establish a database of RACT determinations to serve as guidance for applicants.

304.5 An emissions unit subject to an emissions standard established by the Administrator under section 111 or 112 of the Act after November 15, 1990, for a regulated minor NSR pollutant, is exempt from Sections 304.3(c)(1) and 304.3(c)(2) of this rule for that pollutant.

304.6 A permit applicant subject to this section shall conduct an ambient air quality impact assessment upon the Control Officer's request.