

**DRAFT NOTICE OF FINAL RULEMAKING
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
RULE 280 –FEES**

PREAMBLE

- | | |
|--------------------------------|---------------------------------|
| 1. <u>Rule Affected</u> | <u>Rulemaking Action</u> |
| Rule 280 | Amend |

2. Statutory authority for the rulemaking:

Authorizing statutes: ARS §§ 49-402, 49-473(B), 49-476.01(A), 49-476.01(C), 49-479, 11-251.08(A)

Implementing Statute: ARS §§ 49-480(D), 49-480(E), 49-480(J), 49-112(A), 49-112(B), 11-251.08(B)

3. The effective date of the rules:

Date of adoption by the Maricopa County Board of Supervisors.

4. List of all previous notices appearing in the register addressing the proposed rule:

- a. Notice of Docket Opening: 12 A.A.R. 359, February 3, 2006
- b. Notice of Proposed Rulemaking: 12 A.A.R. 586, February 24, 2006

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

Name: Dena Konopka or Jo Crumbaker
Address: Maricopa County Air Quality Department 1001 North Central Avenue, Suite 695, Phoenix, AZ 85004
Telephone Number: 602-506-4057 or 602-506-6705
Fax Number: 602-506-6179
Email Address: dkonopka@mail.maricopa.gov or jcrumbak@mail.maricopa.gov

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

The Maricopa County Air Quality Department (MCAQD) is making a number of changes to Rule 280 (Fees); however, MCAQD is not revising any of the existing fees. First, MCAQD is amending Rule 280 (Fees) to address the U.S. Environmental Protection Agency's (EPA) Title V audit finding that the requirement in Rule 280 section 301.1, to pay fees before permit issuance, has contributed to the delay in issuance of initial and renewal permits. Second, MCAQD is removing the \$40,000 maximum fee for processing Title V permit applications [section 301.1(d)] and adding a provision that allows for an informal review of permit processing hours; both changes are consistent with Arizona Department of

Environmental Quality's (ADEQ) permit fees (Arizona Administrative Code [AAC] R-18-326 Fees Related to Individual Permits). Third, MCAQD is establishing an emissions inventory reporting hierarchy [section 305.1] consistent with EPA emissions inventory guidance and ADEQ's emissions inventory reporting requirements [A.A.C. R18-2-327(C)]. Fourth, MCAQD is adding several processes to the fee tables contained in section 403 of the rule to clarify which fee tables apply. Fifth, MCAQD is adding a provision to reclassify any fee table A, F, or G source whose aggregate of all equipment, processes, or production lines has enforceable permit limits of < 2.0 tons per year of VOC or NO_x, or < 1.0 ton per year of PM₁₀. This revision will result in the reclassified sources paying a lower annual administrative fee. Lastly, MCAQD is making several administrative changes to Rule 280 to clarify rule language and correct typographical errors.

The need for a permit fee rule is based on Maricopa County's mandate to comply with state law and the federal Clean Air Act. Maricopa County is required to develop and implement a permit program in which fees paid by sources will support program development and implementation costs. The program fee requirement is statutorily mandated by Arizona Revised Statutes (ARS) § 49-480(D)(1) and (D)(2). ARS § 49-480(D)(1) requires the County to establish a fee system for Title V sources that is consistent with and equivalent to that prescribed under Section 502 of the Clean Air Act (CAA). ARS § 49-480(D)(2) requires the County to determine a permit fee for Non-Title V sources based on all reasonable direct and indirect costs required to administer the permit, but not to exceed twenty-five thousand dollars. Furthermore, ARS § 49-480(D)(2) requires the County to establish an annual inspection fee, not to exceed the average cost of services. Arizona law and the CAA, both provide for increasing permit fees based on the consumer price index.

Another objective met by the fee rule is to assure that the Maricopa County's Title V permit fee program is EPA-approvable, thus avoiding a federally-administered program in this state. Title V of the 1990 Clean Air Act amendments provides for a permit system implemented by states, and requires that states recover costs (direct and indirect) incurred to develop and administer the operating permit program, including the following costs:

- Preparing rules and implementing procedures for the permit program, including enforcement provisions.
- Reviewing and acting upon permit applications, including permit revisions, renewals, etc.
- Administering and operating the program (e.g., all activities pertaining to issuing permits; supporting and tracking permitted sources; compliance certifications; and related data entry).
- Implementing and enforcing permit terms, excluding court costs or other costs associated with enforcement actions.
- Performing emissions and ambient monitoring.
- Performing modeling, analyses, and demonstrations.

- Preparing inventories and tracking emissions.
- Developing and administering a Small Business Assistance Program (SBAP)

A complication to county rulemaking authority relates to a statutory provision that links county permit fees to those that the ADEQ sets. ARS § 49-112 was added by the legislature in 1994, placing limits on county environmental rules. Subsection (B) limits the amount the counties may charge for their permit fees to an amount “approximately equal or less than” the fee the state program may charge. “Approximately equal” is defined in ARS § 49-101 as “not greater than ten percent more than the fees or costs charged by the state for similar state permits or approvals.” A small number of sources regulated by Maricopa County fall under ARS 49-112(B).

On June 2, 2005, EPA published a Notice of Deficiency on the MCAQD Title V program [70 FR 32243]. The Notice of Deficiency was based upon EPA's finding that Maricopa County's Title V program does not comply with the requirements of the Clean Air Act or with the implementing regulations of the operating permit program in two respects: permit fees and permit processing. With respect to permit fees, specific deficiencies included the following: Maricopa County has failed to demonstrate that its Title V program requires owners or operators of operating permit program sources to pay fees that are sufficient to cover the costs of the County's Title V program, and has failed to adequately ensure that its Title V program funds are used solely for Title V permit program costs; and Maricopa County's fee rule and the implementation of this rule have contributed to delay in issuance of initial Title V permits.

Specifically, EPA found that Maricopa County's fee rule, Rule 280, prevents the permitting authority from issuing a final initial Title V permit, permit revision, or renewal permit if the source has not paid the balance of fees because section 301.1 requires fees to be paid before issuance of a permit. EPA also found that Maricopa County has encountered problems with issuing permits when sources refuse to pay their permit fee balances because they are dissatisfied with their proposed permits. EPA noted that it would appear that existing sources retain the initial application shield granted upon submittal of a complete application; thus, these sources can continue to operate without a Title V operating permit. The Notice of Deficiency stated that EPA would consider correction of this deficiency to include a revision to Rule 280 and submittal of a standard set of policies and procedures. MCAQD proposes to add the following language to inform permittees of the control officer's authority to deny a permit, permit revision, or permit renewal for failure to pay permit processing fees: "The Control Officer may deny a permit, a permit revision, or a permit renewal in accordance with Rule 200 of these rules if the applicant does not pay fees required for billable permit actions within 90 days of the invoice date."

Section by Section Explanation of Changes:

MCAQD is amending the fee rule, Rule 280, to correct deficiencies and to make other administrative changes as detailed below.

- Section 201 The revision moves rule language from section 302.2 and 303.2 to the annual administrative fee definition in section 201. Specifically, the revision deletes the following language in section 302.2 "The annual administrative fee covers the cost of renewing a Non-Title V permit." and section 303.2 "The annual administrative fee covers the cost of reapplying for authorization to operate under a General Permit" and adds the following similar language to the annual administrative fee definition in section 201: "For a Non-Title V permitted source, the annual administrative fee also covers the cost of renewing the Non-Title V permit. For a General permitted source, the annual administrative fee also covers the cost of reapplying for authorization to operate under a General Permit."
- Section 206 The revision adds "of this rule" and "regulated air pollutant" for clarification.
- Section 207.1 The revision adds "of these rules" for clarification.
- Section 207.2 The revision adds "of these rules" for clarification.
- Section 301.1 The revision adds "of this rule" for clarification
- Section 301.1(d) The revision deletes the \$40,000 maximum fees for processing Title V permit applications. The proposed revision is consistent with Arizona Department of Environmental Quality's permit fees (Arizona Administrative Code R-18-326 Fees Related to Individual Permits).
- Section 301.1(e) The revisions in this subsection would make several changes to the rule. First, subsection 301.1(e) is renumbered to Section 301.1(d). Second, "or permit renewal" is added to the type of permits the control officer can withhold pending full payment of fees. Finally, to address the EPA Title V audit finding that Rule 280 has contributed to the delay in issuance of initial and renewal permits, MCAQD is adding the following language to inform the permittees of the control officer's authority to deny a permit, permit revision, or permit renewal for failure to pay permit processing fees: "The Control Officer may deny a permit, a permit revision, or a permit renewal in accordance with Rule 200 of these rules if the applicant does not pay fees required for billable permit actions within 90 days of the invoice date."
- Section 301.2(a) The revision adds "of this rule" for clarification
- Section 301.2(b) The revision adds "of this rule" for clarification
- Section 302 The revision adds "of these rules" for clarification

- Section 302.1(c) The revision replaces "subsection" with "Section" and adds "of this rule" for clarification
- Section 302.1(d) The revision replaces "subsection" with "Section:" and adds "of this rule" for clarification.
- Section 302.1(e) The revision adds the following language to inform the permittee of the control officer's authority to deny a permit, or permit revision for failure to pay permit processing fees: "The Control Officer may deny a permit, or a permit revision in accordance with Rule 200 of these rules if the applicant does not pay fees required for billable permit actions within 90 days of the invoice date."
- Section 302.2 The revisions in this section make several changes to the rule. First, they add "Administrative" to the section heading. Second, they add "of this rule" for clarification. Third, they delete "The annual administrative fee covers the cost of renewing a Non-Title V permit" because similar language is added to the definition of annual administrative fee in section 201. Fourth, they delete "Source categories designated as Tables A-G are listed in subsections 403.1-7" because this language was added to the table column heading. Fifth, the following revisions are being made to the table: a) delete the left column heading "Non-Title V Source Type" and replace it with "Fee Tables"; b) add "Source categories designated as Fee Tables A-G are listed in Sections 403.1-403.7 of this rule." to the left column heading; and c) add "s", "Fee", and the applicable fee table reference to each row.
- Section 303.1 The revisions in this section make several changes to the rule. First, they delete "Source categories designated as Tables A-G are listed in Subsections 403.1-7 of this rule." because this language has been added to the table column heading. Second, they delete from the table, the left table heading "Source Category" and add "Fee" and "Source Categories designated as Fee Tables A-G are listed in Sections 403.1 - 403.7 of this rule." Third, the revisions add "Sources Listed in Fee" and the applicable fee table reference to each row. Finally, the revisions correct a reference in the second column of the table, they delete reference to section "301.2(a)" and add the correct reference "301.1(a)".
- Section 303.2 The revisions in this section make several changes to the rule. First, they add "Administrative" to the section heading. Second, they add "of this rule" for clarification. Third, they delete "The annual administrative fee covers the cost of reapplying for authorization to operate under a General Permit." because similar language has been added to the definition of annual administrative fee in section 201. Fourth, they delete "Source categories designated as Tables A-E are listed in subsections 403.1-5." because this language has been added to the

table column heading. Fifth, they make the following changes to the table: a) delete "Source Category" and "Permit Renewal" from the table column headings; b) add "Fee" and "Source categories designated as fee tables A-G are listed in Sections 403.1 - 403.7 of this rule" to the left column heading; c) delete "Administrative" from the second column; d) add "Source Listed in Fee" and applicable section references to each row of the table.

- Section 304.1 The revisions delete "subsection" and add "Section" and "of this rule".
- Section 304.2 The revisions delete "subsection and add "Section" and "of this rule".
- Section 304.3 The revision replaces "subsection" with "Section"
- Section 304.4 The revisions add "(CPI)" and delete "Consumer Price Index".
- Section 305 The revision adds "S-BASED" to the section heading
- Section 305.1 These revisions establish an emission inventory reporting hierarchy consistent with EPA emissions inventory guidance and Arizona Department of Environmental Quality annual emissions inventory reporting requirements [AAC R18-2-327(C)]. The revisions also specify that 40 CFR Part 75 and referenced appendices and 40 CFR Part 60 Appendix F adopted as of July 1, 2001, are incorporated by reference in Appendix G of these rules.
- Section 305.2 The revision adds "of these rules" for clarification.
- Section 305.3 The revisions clean up the flow of the sentence and replace "by the ninetieth (90th) day" with "no later than 90 days".
- Section 306 The revision adds "under Rule 400 of these rules" for clarification.
- Section 307 The revision adds "of these rules" for clarification.
- Section 308 The revision adds "Decal" to the section heading and "of these rules" to the section.
- Section 312.1 The revisions in this section make several changes to the rule. First, they delete "applicant for a required" and replace it with "owner/operator of a source requiring". Second, they make this fee also applicable to an owner/operator of a source who received a Notice of Violation for "operating" without such permit. Lastly, they remove the fee applicability for failing to file a timely application to renew such permit.
- Section 315 The revision adds "Fee" to the section heading.
- Section 317 This revision establishes an informal review process for requesting review of permit processing hours. The review process outlined is similar to the permit processing review processes in place at Arizona Department of Environmental Quality (AAC R-18-326) and at Pima County Department of Environmental Quality (Pima County Code 17.12.510).

Section 401	The revisions in this section delete the section heading "Transition to revised fees" and replace it with "Effective Date of Fees" and replace "shall become" with "became".
Section 402.1(a)	The revisions in this section clarify rule citations, replace "subsections" with "Sections", and add "of this rule" for clarification.
Section 402.1(b)	The revisions add "a", replace "subsection" with "Section", and clarify the rule reference.
Section 402.2	The revisions add "and" and "of these rules", and replace "sticker" with "decal".
Section 402.3	The revisions add "Filing" to the section heading and delete "removal".
Section 403	The revisions in this section make several changes to the rule. First, they replace "Table A, Table B, Table C, Table D, Table E, Table F, and Table G Sources" with "Fee Table A, B, C, D, E, F, AND G Sources". Second, they add "Fee Tables A - G list processes and equipment subject to the fees outlined in Sections 302.2, 303.1, and 303.2 of this rule." for clarification. Third, they replace "either Table A, Table B, Table C, Table D, Table E, Table F, or Table G applicability" with "Fee Table A, B, C, D, E, F, or G, as applicable." Fourth, they delete "category" and add "table". Lastly, they replace "classification" with "fee table".
Section 403.1	<p>The revisions in this section make several changes to the rule. First, they add "Fee" to the section heading. Second, they add "Power Plant \geq 25 Tons Per Year Potential Uncontrolled NO_x Emissions" to Fee Table A. Third, they modify the following Table A Sources to clarify source categories and to correct typographical errors:</p> <ul style="list-style-type: none"> - Revise "Jet Engine Manufacturing" to "Jet or Auxiliary Engine Manufacturing" - Revise "Source Subject to a MACT, NESHAPS, or NSPS Standard Under CAA Section 111 or 112 Unless Otherwise Identified in Another Table" to "Source Subject to a MACT, NESHAPS, or NSPS Standard Under CAA Section 111 or 112 Unless Otherwise Identified in Another Fee Table"
Section 403.2	<p>The revisions in this section make several changes to the rule. First, they add "Fee" to the section heading. Second, they modify the following existing Fee Table B Sources to clarify source categories and to correct typographical errors:</p> <ul style="list-style-type: none"> - Revise "Boiler, Gas Fired, With \geq 10 MMbtu/Hr (Includes Units Subject To The NSPS)" to "Boiler, Gas Fired or With Emergency Fuel Capabilities, (Each Unit \geq 10 MMbtu/Hr)" - Revise "Plating Tanks, Electrolytic or Electrowinning (Includes Decorative Chrome and Hard Chrome Operations 60 Million Amp/Hrs Per Year

Subject to MACT" to "Plating Tanks, Electrolytic or Electrowinning (Includes Decorative Chrome and Hard Chrome Operations ≤ 60 Million Amp/Hrs Per Year Subject to Area Source MACT"

- Revise "Polymeric Foam Products Without Control and < 25 Tons Per Year Potential Uncontrolled VOC Emissions" to "Polymeric Foam Products < 25 Tons Per Year Potential Uncontrolled VOC Emissions"

Third, they add the following permitted source categories, not currently identified in any fee tables, to Fee Table B Sources:

- Add "Cement Terminal"
- Add "Metal Recovery/Reclamation"
- Add "Power Plant < 25 Tons Per Year Potential Uncontrolled NOx Emissions"
- Add "Wastewater Treatment Plant"

Fourth, they add a provision to reclassify any fee table A, F, or G source whose aggregate of all equipment, processes, or production lines has enforceable permit limits of < 2.0 tons per year of VOC or NOx, or < 1.0 ton per year of PM₁₀. This would result in the reclassified sources paying a lower annual administrative fee. Lastly, they move "Stripping Operation, Liquid Chemical Groundwater/Wastewater Remediation" from Table B to Table C.

Section 403.3

The revisions in this section make several changes to the rule. First, they add "Fee" to the section heading. Second, they modify the following existing Table C Sources to clarify source categories:

- Revise "Cement Products Packaging" to "Cement Products Packaging/Distribution"
- Revise "Dry Cleaning" to "Dry Cleaning (Includes Perchloroethylene Dry Cleaning Facilities Subject to Area Source MACT)"
- Revise "Solvent Cleaning, <3 Gallons Per Day" to "Non-Halogenated Solvent Cleaning, < 3 Gallons Per Day"
- Revise "Miscellaneous Solvent Use" to "Miscellaneous Acid/Solvent Use"
- Revise "Printing Facilities Without Control and < 25 Tons Per Year of Potential Uncontrolled VOC Emissions" to ""Printing Facilities < 25 Tons Per Year of Potential Uncontrolled VOC Emissions"

Third, they add the following permitted source categories, not currently identified in any fee tables, to Fee Table C Sources:

- Engine Testing
- Food Processing
- Injection molding

- Landscape and Decorative Rock, Gravel, and Sand Distribution
- Laundry, Other Than Dry Cleaning
- Semiconductor Lab/Testing/Services
- Solvent Storage/Handling
- Waste Transfer Facility
- Water Reclamation
- Sewage Lift Pump Station
- Drinking Water Plant
- Yard/Stockpiling

Lastly, they move "Stripping Operation, Liquid Chemical Groundwater/Wastewater Remediation" from Table B to Table C.

- Section 403.4 This revision adds "Fee" to the section heading.
- Section 403.5 This revision adds "Fee" to the section heading
- Section 403.6 The revisions in this section make several changes to the rule. First, they add "Fee" to the section heading. Second, they correct the Clean Air Act New Source Performance Standard reference. Third, they modify the "Semiconductor Manufacturing \geq 25 Tons Per Year Potential Uncontrolled VOC Emissions Or Facility With Controls" to "Semiconductor Manufacturing \geq 25 Tons Per Year Potential Uncontrolled VOC Emissions Or Facility With Controls Subject to Source Testing". Fourth, they add "Fee" and delete "table".
- Section 403.7 The revisions in this section make several changes to the rule. First, they add "Fee" to the section heading. Second, they correct the Clean Air Act New Source Performance Standard reference. Third, they add "Fee".

Demonstration of compliance with ARS § 49-112:

Based on information and belief, the Control Officer of the MCAQD affirms the following:

- A. The revisions and the existing fees contained in Rule 280 are in compliance with A.R.S. §49-112(A). MCAQD fees fund programs that implement control measures included in the State Implementation Plan (SIP) for the Maricopa County Nonattainment Area. Maricopa County may adopt rules that are more stringent than the State pursuant to A.R.S. §49-112 as enacted in 1994, provided that the emission standard is required by law or is necessary and feasible to prevent a significant threat to public health or the environment that results from a peculiar local condition.

Maricopa County fails to meet the National Ambient Air Quality Standards (NAAQS) for 8-hour ozone and particulates. In January 2005, the EPA administrator signed the final rule approving the Carbon Monoxide (CO) Maintenance Plan and redesignating Maricopa County to attainment for CO. In May

2005, EPA finalized the redesignation of the Phoenix metropolitan area to attainment of the 1-hour national air quality standard for ground-level ozone.

Maricopa County is also the only serious PM₁₀ nonattainment area in Arizona, consequently stronger regulations must be adopted in this area to address a serious health threat. On July 25, 2002, the EPA granted Arizona's request to extend the Clean Air Act deadline for attainment of the annual and 24-hour PM₁₀ standards from 2001 to 2006. Additionally, on July 2, 2002, EPA found the state implementation plan for the Maricopa County serious PM₁₀ nonattainment area to be inadequate to attain the 24-hour PM₁₀ standard at the Salt River monitor site. Arizona was required to submit to the EPA a revised PM₁₀ SIP for the Salt River area, which included control strategies that meet the Best Available Control Measures (BACM) test and the Most Stringent Measures (MSM) test for significant sources and source categories and that demonstrates attainment of the 24-hour PM₁₀ standard by December 31, 2006. In addition, the EPA required that BACM and MSM be applied to similar sources throughout the Maricopa County serious PM₁₀ nonattainment area. Industrial sources were found to be significant contributors to PM₁₀ violations in the Salt River area. The existing fees for these industrial sources incorporate the costs associated with emission limitations and enhanced enforcement to reduce concentrations of PM₁₀ and implementation of Maricopa County control measures included in the SIP.

The Clean Air Act §§ 161,165, 173, and 502 require state and local governments that have jurisdiction over stationary sources to adopt permitting programs for new source review, prevention of significant deterioration, and Title V operating permits. Maricopa County's rules for these programs are substantially identical to procedures for the review, issuance, revision and administration of permits issued by the State. MCAQD is not proposing to revise any of the existing fees; however, MCAQD is proposing to delete the \$40,000 maximum fees for processing Title V permit applications to be consistent with Arizona Department of Environmental Quality's permit fees (Arizona Administrative Code R-18-326 Fees Related to Individual Permits). The procedures in place for review, issuance, revision and administration of permits contain requirements that address nonattainment area status, increment consumption analysis and impacts on nearby nonattainment areas. These requirements result in permit conditions that address the specific atmospheric and geographical conditions found at the source's location. The Clean Air Act §502(b)(3)(A) also requires that all sources required to obtain a permit under Title V pay an annual fee sufficient to recover all reasonable (direct and indirect) costs required to develop and administer the permit program. The section specifically mentions that reasonable costs include emissions and ambient monitoring. Maricopa County Rule 270 refers to the Arizona Testing Manual which has been approved in the federally enforceable State Implementation Plan. Section 1.2 of the manual requires that major sources having multiple emission points must

submit facility test schedules assuring annual testing of major emission sources and multi-year rotation of minor emission point verification as required by permit conditions.

The existing fees for sources covered by rules or programs that fall into the categories described in the paragraphs above do not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

- B. Maricopa County is in compliance with A.R.S. §49-112(B) in that Maricopa County Air Quality Department is adopting rules that are as stringent as a provision of A.R.S. Title 49 or rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49. The cost of obtaining permits or other approvals from Maricopa County will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under Title 49 or any rule adopted pursuant to Title 49 for sources not covered by rules that fall under paragraph A. “Approximately equal” is defined in ARS § 49-101 as “not greater than ten percent more than the fees or costs charged by the state for similar state permits or approvals.”

7. **Reference to any study relevant to the rule that the department reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

Notice of Deficiency for Clean Air Operating Permits Program; Maricopa County, AZ, U.S. Environmental Protection Agency, June 2, 2005, 70 FR 32243

Maricopa County Environmental Services Department Title V Operating Permit Program Evaluation, Final Report, May 18, 2005, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105

Available for review by contacting:

Dena Konopka, Maricopa County Air Quality Department

1001 N. Central Avenue, Suite 695

Phoenix, AZ 85004

dkonopka@mail.maricopa.gov

602-506-4057

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

Not applicable.

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

MCAQD is removing the \$40,000 maximum fee for processing Title V permit applications [section 301.1(d)] consistent with Arizona Department of Environmental Quality's (ADEQ) permit fees (A.A.C. R-18-326 Fees Related to Individual Permits). The proposed revision to remove the \$40,000 maximum fee is expected to directly impact Title V sources applying for new Title V permits and for renewal of existing Title V permits. At the current hourly rate of \$108.00 per hour (not CPI adjusted), billable permit processing hours are limited to 370 hours per permit action ($\$40,000 / \$108/\text{hour} = 370$ hours). Based on average permit processing hours, new complex Title V permits and complex Title V permit renewals can average 400 plus permit processing hours. MCAQD estimates the incremental cost, to a Title V source, associated with removal of the \$40,000 maximum permit processing fee to be \$12,312 for a complex new Title V permit and \$5,292 for a complex Title V permit renewal. Table 1 shows the estimated costs associated with removing the \$40,000 maximum fee.

Table 1: Estimated Costs Associated with Removal of the \$40,000 Maximum Fee for Title V Permit Processing

Permit Actions	Title V Permit Actions	Average Total Hrs./Permit Action	Maximum Hours @ \$40,000	Est. Increase in Permit Proc. Hrs./Permit	Est. Increase in Permit Processing Costs/Permit @ \$108/hr	Total Est. Increased Costs
New Permits - complex	2	484	370	114	\$12,312.00	\$24,624.00
Renewals - complex	6	419	370	49	\$5,292.00	\$31,752.00
Grand Total						\$56,376.00

MCAQD is not revising any of the existing fees and because all other proposed revisions are administrative in nature, MCAQD does not anticipate any further economic impact from the other revisions.

Small Business Impact

Because MCAQD is not revising any of the existing fees, MCAQD does not anticipate any small business economic impact from the revisions. The revision to remove the \$40,000 maximum fee will only impact Title V sources. Title V sources are major sources of emissions and generally are not considered small businesses. Nonetheless, MCAQD has considered a variety of methods to reduce the impact of this rule on small businesses, as prescribed in ARS § 41-1035. These methods include: establishing less stringent compliance or reporting requirements, establishing less stringent schedules and deadlines for compliance or reporting requirements, consolidating or simplifying the rulemaking's reporting requirements, establishing performance requirements to replace design or operational standards, and exempting small businesses from some or all of the rule requirements. The statutory directive that permit fees must be related to costs prohibits MCAQD from implementing almost any of

these methods for determining fees for small businesses. As a result, permit fees are based on regulatory costs rather than size of the source.

Two exceptions have already been implemented. As evident in Rule 230 (General Permits), authority to operate under general permits is available at a somewhat reduced cost when compared to individual permits. General permits tend to be used by smaller sources. In addition, no source under a general permit is subject to the permit-processing fee. The Department reduced the inspection frequency for Non-Title V sources in 2003 and is not increasing inspection frequency in this action. Most small sources fall into Non-Title V categories. In addition, the following revisions may reduce the impact of this rule on small businesses by reclassifying sources to lower fee tables, thus resulting in lower annual administrative fees: 1) moving "Stripping Operation, Liquid Chemical Groundwater/Wastewater Remediation" from fee table B to fee table C; 2) adding a provision to reclassify "Any fee table A, F, or G source whose aggregate of all equipment, processes, or production lines has permit limits of < 2.0 tons per year of VOC or NO_x, or < 1.0 ton per year of PM₁₀"; and 3) specifically identifying "boilers with emergency fuel capabilities" in Table B.

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

No changes were made between the proposed and final rule.

11. A summary of the comments made regarding the rule and the agency response to them:

MCAQD received no formal comments during the formal comment period - February 24 through April 5, 2006.

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

None

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

40 CFR 60, Appendix F	Rule 280, Section 305.1(a)(1)
40 CFR 75, and all accompanying appendices	Rule 280, Section 305.1(a)(1)

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

No

15. The full text of the rule follows:

REGULATION II - PERMITS AND FEES

**RULE 280
FEES**

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SECTION 500 - MONITORING AND RECORDS (NOT APPLICABLE)

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

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS**

REGULATION II - PERMITS AND FEES

**RULE 280
FEES**

SECTION 100 - GENERAL

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

SECTION 200 - DEFINITIONS: For the purpose of this rule, the following definitions shall apply:

- 201 ANNUAL ADMINISTRATIVE FEE** – Paid annually by a source to recover the average cost of services required to administer the permit and conduct inspections. For a Non-Title V permitted source, the annual administrative fee also covers the cost of renewing the Non-Title V permit. For a General permitted source, the annual administrative fee also covers the cost of reapplying for authorization to operate under a General Permit.
- 202 BILLABLE PERMIT ACTION** - The review, issuance or denial of a new permit, significant permit revision, or minor permit revision, or the renewal of an existing permit.
- 203 EXISTING SOURCE** - A source that has commenced construction and has been issued a permit pursuant to ARS §49-480 after September 1, 1993.
- 204 ITEMIZED INVOICE** - A breakdown of the permit processing time into the categories of pre-application activities, completeness review, substantive (technical) review, and

public involvement activities, and within each category, a further breakdown by employee name.

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

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

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

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

206.1 Any conventional air pollutant as defined in ARS §49-401.01, which means any pollutant for which the Administrator of EPA has promulgated a primary or a secondary national ambient air quality standard (NAAQS) except carbon monoxide (i.e., for nitrogen oxides (NOX), lead, sulfur oxides (SOX) measured as sulfur dioxides (SO₂), ozone, and particulates).

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

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

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

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

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

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

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

SECTION 300 - STANDARDS

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

301.1 Fees For Billable Permit Actions: The owner or operator of a Title V source shall pay \$108.00 per hour, adjusted annually under Section 304 of this rule, for all permit processing time required for a billable permit action. The fee shall be paid as follows:

a. An application shall be submitted with the applicable fee from the table below:

Type of Application	Application Fee
New permit application	\$7,000
Significant permit revision application that is a result of a major modification	\$7,000
Other significant permit revision applications	\$1,000
Minor permit revision application	\$150
Permit renewal application	\$3,500

b. At any time after submittal of the application, the Control Officer may request additional application fees based on the cost to date of reviewing and acting on the application, minus all fees previously submitted for the application.

c. When permit processing is completed for a facility, the Control Officer shall send an itemized invoice. The invoice shall indicate the total actual cost of reviewing and acting upon the application, all fees previously submitted, and the balance due.

~~**d.** The maximum fee for processing permit applications listed in subsection 301.1 is \$40,000.00.~~

e. d. The Control Officer shall not issue a permit, ~~or~~ permit revision, or permit renewal until the balance due on the itemized invoice is paid in full. The Control Officer may deny a permit, a permit revision, or a permit renewal in accordance with Rule 200 of these rules if the applicant does not pay fees required for billable permit actions within 90 days of the invoice date.

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

a. The applicable annual administrative fee from the table below, as adjusted annually under Section 304 of this rule. The fee is due on the first anniversary date of the initial permit covering construction and startup of operations and annually thereafter on that date.

Title V Source Category	Annual Administrative Fee
Aerospace	\$13,580
Cement Plants	\$44,520
Combustion/Boilers	\$10,820
Compressor Stations	\$9,420
Expandable Foam	\$9,960
Landfills	\$11,800
Lime Plants	\$41,700
Copper & Nickel Mines	\$10,480
Gold Mines	\$10,480
Paper Mills	\$14,310
Petroleum Products Terminal Facilities	\$17,480
Polymeric Fabric Coaters	\$11,560
Reinforced Plastics	\$9,040
Semiconductor Fabrication	\$18,830
Copper Smelters	\$44,520
Utilities – Primary Fuel Natural Gas	\$8,450 + \$15,130 per turbine installed/modified after May 10, 1996 and subject to annual source testing or CEM RATA* certifications

Utilities - Fossil Fuel Except Natural Gas	\$22,760
Vitamin/Pharmaceutical Manufacturing	\$11,050
Wood Furniture	\$9,820
Others	\$12,250
Others With Continuous Emissions Monitoring	\$14,320

*Continuous emissions monitoring relative accuracy test audit (CEM RATA)

- b. An emissions-based fee of \$13.24 per ton of actual emissions of all regulated pollutants emitted during the previous calendar year as determined by Section 305 of this rule. The fee is adjusted annually under Section 304 of this rule.

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

302.1 Fees For Billable Permit Actions: Except for the renewal of an existing permit, the owner or operator of a Non-Title V source shall pay to the Control Officer \$108.00 per hour, adjusted annually under Section 304 of this rule, for all permit processing time required for a billable permit action. The minimum fee due shall be \$200.00. The fee shall be paid as follows:

- a. An application shall be submitted with an application fee of \$200.00.
- b. At any time after the submittal of an application the Control Officer may request an additional application fee based on the cost to date of reviewing and acting on the application, minus all fees previously submitted for the application.
- c. When permit processing is completed and final costs are greater than the fee submitted with the application under ~~subsection~~ Section 302.1(a) of this rule, the Control Officer shall send an itemized invoice. The invoice shall

indicate the total cost of reviewing and acting upon the application, all fees previously submitted, and the balance due.

- d. The maximum fee for processing permit applications listed in ~~subsection~~ Section 302.1 of this rule is \$25,000.00.
- e. The Control Officer shall not issue a permit or permit revision until the balance due on the itemized invoice is paid in full. The Control Officer may deny a permit or a permit revision in accordance with Rule 200 of these rules if the applicant does not pay fees required for billable permit actions within 90 days of the invoice date.

302.2 Annual Administrative Fees: The owner or operator of an existing Non-Title V source shall pay the applicable annual administrative fee from the table below, as adjusted annually under Section 304 of this rule. ~~The annual administrative fee covers the cost of renewing a Non-Title V permit.~~ The fee is due on the first anniversary date of the initial permit covering construction and startup of operations and annually thereafter on that date. ~~Source categories designated as Tables A-G are listed in subsections 403.1-7.~~

<u>Non-Title V Source Type Fee Tables</u>	<u>Annual Administrative Fee</u>
<u>Source categories designated as Fee Tables A-G are listed in Sections 403.1-403.7 of this rule</u>	
<u>Sources listed in Fee Table A (see Section 403.1)</u>	\$5,880
<u>Sources listed in Fee Table B (see Section 403.2)</u>	\$1,660
<u>Sources listed in Fee Table C – D (see Section 403.3 and 403-4)</u>	\$520
<u>Sources listed in Fee Table E (see Section 403.5)</u>	\$370
<u>Sources listed in Fee Table F (see Section 403.6)</u>	\$7,380
<u>Sources listed in Fee Table G (see Section 403.7)</u>	\$4,780

303 GENERAL PERMIT FEES: The owner or operator of a source required to obtain a permit pursuant to these rules who elects to be covered by a general permit shall pay fees according to the following provisions:

303.1 Fees Due With An Application: The owner or operator of a source initially applying for authorization to operate under a General Permit shall pay the

applicable fee from the table below with the submittal of the application. ~~Source categories designated as Tables A-G are listed in subsections 403.1-7 of this rule.~~

<u>Source Category</u> Fee Table	Application Fee
<u>Source Categories designated as Fee Tables A-G are listed in Sections 403.1 - 403.7 of this rule</u>	
Title V General Permits	Fee from Section 301.2(a) <u>301.1(a)</u> table for Title V source category
<u>Sources Listed in Fee Table A (see Section 403.1)</u>	\$3,580
<u>Sources Listed in Fee Table B (see Section 403.2)</u>	\$1,190
<u>Sources Listed in Fee Table C - D (see Section 403.3 and 403.4)</u>	\$380
<u>Sources Listed in Fee Table E (see Section 403.5)</u>	\$290
<u>Sources Listed in Fee Table F (see Section 403.6)</u>	\$6,200
<u>Sources Listed in Fee Table G (See Table 403.7)</u>	\$4,030

303.2 Annual Administrative Fee: The owner or operator of a source with an authorization to operate under a General Permit shall pay the applicable annual administrative fee from the table below, as adjusted annually under Section 304 of this rule. ~~The annual administrative fee covers the cost of reapplying for authorization to operate under a General Permit.~~ The fee is due on the first anniversary date of the initial approval to operate under a General Permit and annually thereafter on that date. ~~Source categories designated as Tables A-E are listed in subsections 403.1-5.~~

<u>Source Category</u> Fee Table	Annual Administrative & Permit Renewal Fee
<u>Source categories designated as Fee Tables A - G are listed in Sections 403.1 - 403.7 of this</u>	

<u>rule</u>	
Title V General Permits	Administrative Fee from Section 301.2(a) table for Title V source category
<u>Sources Listed in Fee Table A (see Section 403.1)</u>	\$3,580
<u>Sources Listed in Fee Table B (see Section 403.2)</u>	\$1,190
<u>Sources Listed in Fee Table C - D (see Section 403.3 and 403.4)</u>	\$380
<u>Sources Listed in Fee Table E (see Section 403.5)</u>	\$290
<u>Sources Listed in Fee Table F (see Section 403.6)</u>	\$6,200
<u>Sources Listed in Fee Table G (see Section 403.7)</u>	\$4,030

304 ANNUAL ADJUSTMENT OF FEES:

304.1 The Control Officer shall adjust the hourly rate every January 1, to the nearest 10 cents per hour, beginning on January 1, 2006. The Control Officer will multiply \$108.00 by the Consumer Price Index (CPI) for the most recent year as described in ~~subsection~~ Section 304.4 of this rule, and then divide by the CPI for the year 2004.

304.2 The Control Officer shall adjust the administrative or permit processing fees listed in Sections 301-303 of this rule every January 1, to the nearest \$10, beginning on January 1, 2006. The Control Officer will multiply the administrative or permit processing fee by the Consumer Price Index (CPI) for the most recent year as described in ~~subsection~~ Section 304.4 of this rule, and then divide by the CPI for the year 2004.

304.3 The Control Officer shall adjust the rate for emission-based fees every January 1, beginning on January 1, 2006. The Control Officer will multiply \$13.24 by the Consumer Price Index (CPI) for the most recent year as described in ~~subsection~~ Section 304.4, and then divide by the CPI for the year 2004.

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

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

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

a. Emissions quantities, including fugitive emissions, reported under Rule 100, Section 500 of these rules shall be used for purposes of calculating the ~~permit emissions-based fee, to the extent they are calculated in a manner consistent with this paragraph. Acceptable methods for calculating actual emission under Rule 100, Section 500 include the following:~~

b. Actual emissions quantities calculated under Rule 100, Section 500 of these rules shall be determined using the following methods:

(1) Whenever available, Emissions emissions estimates shall be calculated from continuous emissions monitors certified under 40 CFR Part 75, Subpart C and referenced appendices, or data quality assured pursuant to Appendix F of 40 CFR, Part 60—40 CFR Part 75 and referenced appendices and 40 CFR Part 60 Appendix F adopted as of July 1, 2001, (and no future additions) which are incorporated by reference in Appendix G of these rules.

(2) When sufficient data obtained using the methods described in Section 305.1(b)(1) of this rule is not available, Emissions emissions estimates shall be calculated from source performance test tests data conducted pursuant to Rule 270 of these rules.

(3) When sufficient data obtained using the methods described in Sections 305.1(b)(1) or (2) of this rule is not available, Emissions emissions

estimates shall be calculated from material balance using engineering knowledge of process.

(4) When sufficient data obtained using the methods described in Sections 305.1(b)(1) through (3) of this rule is not available. Emissions estimates shall be calculated using ~~AP-42~~ emissions factors from EPA Publication No. AP-42 "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, which is incorporated by reference in Appendix G.

(5) When sufficient data obtained using the methods described in Sections 305.1(b)(1) through (4) of this rule is not available. Emissions estimates shall be calculated by equivalent methods approved by the Control Officer. The Control Officer shall only approve methods that are demonstrated as accurate and reliable as the applicable methods in ~~items (1) through (4) of this paragraph~~ Sections 305.1(b)(1) through (4) of this rule.

~~b. c.~~ Actual emissions quantities calculated under Section 305.1(b) of this rule shall be determined for each source on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored, or combusted.

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

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

- 305.3** A notice to pay the fee specified in ~~subsection 301.2(b) and~~ Section 301.2(b) of this rule, a declaration of emissions form and the annual emission inventory questionnaire will be mailed annually to the owner or operator of a source to which this ~~subsection~~ applies, ~~along with the annual emission inventory questionnaire~~. The emission fee is due and payable by April 30 each year or ~~by the ninetieth (90th) day~~ no later than 90 days following the date of notice, whichever is later.
- 306** **HEARING BOARD FILING FEE:** A person filing a petition with the Hearing Board under Rule 400 of these rules shall pay a fee of \$100.00. This fee may be refunded by a majority vote of the Hearing Board upon a showing of undue hardship.
- 307** **CONDITIONAL ORDER FEE:** Any person applying for a conditional order pursuant to Rule 120 of these rules shall pay a conditional order fee. The amount of a conditional order fee shall be equal to the amount of the applicable permit fee as specified in this rule.
- 308** **GASOLINE DELIVERY VESSEL DECAL FEE:** A person wishing to obtain a decal for each gasoline delivery vessel that passes the required annual test under Rule 352 of these rules shall pay a fee of \$280.00.
- 309** **PERMIT TO BURN FEE:** A person applying for a Permit to Burn shall pay a fee as set forth in the following fee schedule:

Fire Category	Permit Period	Fee
Tumbleweeds	30 days	\$100.00
Fire Hazard	30 days	\$100.00
Fire Fighting Instruction	1 year	\$100.00
Ditch Bank/Fence Row	1 year	\$100.00
Disease/Pest Prevention	30 days	\$100.00
Land Clearance Less Than 5.0 Acres	30 days	\$150.00
Land Clearance 5.0 Acres Or Greater	30 days	\$350.00
Air Curtain Destructor	30 days	\$350.00

310 DUST CONTROL PERMIT FEE: A person applying for Dust Control Permit shall pay an annual fee as set forth in the following fee schedule, based on the total surface area that is disturbed:

Total Surface Area Disturbed:	Fee:
Annual Block Permit:	\$2000.00
0.1 to less than one acre:	\$150.00
One acre or greater:	\$36.00 per acre plus \$150.00
Example: 6 acres = 6 x \$36.00 + \$150.00 = \$366	

311 ASBESTOS NOTIFICATION AND PLAN REVIEW FILING FEE: Any person required to file notification under the provisions of Rule 370 of these rules shall pay a fee as follows:

311.1 Any person filing notification of a project to renovate regulated asbestos-containing materials shall pay a nonrefundable notification and plan review filing fee of \$425.00.

311.2 Any person filing notification of a project to demolish a facility (as defined in 40 CFR 61, Subpart M) shall pay a nonrefundable notification and plan review filing fee of \$425.00.

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

312.1 TITLE V, NON-TITLE V, OR GENERAL PERMIT: An ~~applicant for a required~~ owner/operator of a source requiring a permit who has received a Notice of Violation for constructing or operating without such permit ~~or for failing to file a timely application to renew such permit~~ shall pay a late fee of \$100.00.

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

313 DELINQUENCY FEE: An applicant or permittee who fails to pay any required fee(s) by 30 days after invoice due date shall pay a delinquency fee of \$50.00 or a delinquency fee of \$100.00 if delinquent over 60 days from the invoice due date. Applicants and

permittees will be notified by mail of any permit delinquency fees that are due and payable.

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

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

315.1 Such a request shall be accompanied by an initial fee of \$15,000. The fee is nonrefundable to the extent of the Control Officer's costs for accelerating the processing if the Control Officer undertakes to provide accelerated processing as described in Rule 200, Section 313 of these rules.

315.2 At any time after an applicant has requested accelerated permit processing, the Control Officer may request an additional advance payment fee based on the most recent estimated cost of accelerating the processing of the application.

315.3 Upon completion of permit processing activities but before issuing or denying a permit or permit revision, the Control Officer shall send notice of the decision to the applicant along with a final invoice. The final invoice shall include all regular permit processing and other fees due, as well as the difference between the actual cost of accelerating the permit application, including any costs incurred by the Control Officer in contracting for, hiring, or supervising the work of outside consultants, and all advance payments submitted for accelerated processing. In the event all payments made exceed actual accelerated permit costs, the Control Officer shall refund the excess advance payments.

315.4 Any additional costs incurred as a result of accelerated permit processing shall not be applied toward any applicable maximum fee described in this rule.

316 FAILURE TO PAY REQUIRED FEES: Nonpayment of fees required by this rule constitutes a violation as provided in ARS 49-502, 49-511 and 49-513.

317 INFORMAL REVIEW OF PERMIT PROCESSING HOURS:

317.1 Any person who receives a final itemized invoice from the Control Officer under Section 301.1 or 302.1 of this rule for a billable permit action may request an informal review of the permit processing hours billed and may pay the invoice under protest as provided below. If the invoice is paid under protest, the Control Officer shall issue the permit.

317.2 The request for an informal review of the permit processing hours billed shall be made in writing, and received by the Control Officer within 30 days of the invoice date. Unless the Control Officer and person agree otherwise, the informal review shall take place within 30 days after the Control Officer's receipt of the request. The Control Officer shall arrange the date and location of the informal review with the person at least 10 business days before the informal review. The Control Officer shall review whether the amounts of time billed are correct and reasonable for the tasks involved. The Control Officer shall mail his or her decision on the informal review to the person within 10 business days after the informal review date. The Control Officer's decision after the informal review shall be final.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 ~~**TRANSITION TO REVISED FEES**~~ **EFFECTIVE DATE OF FEES**: The revised fees, except for the emissions fee, in this rule ~~shall become~~ became effective July 1, 2005. The revised emissions fee ~~shall become~~ became effective January 1, 2006, beginning with the emissions reported for calendar year 2005.

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

402.1 Annual Administrative Fees:

- a. **Title V and Non-Title V Permits**: The Control Officer shall mail the owner or operator of a Title V or Non-Title V source an invoice for the annual administrative fee due under ~~subsections~~ Sections 301.2, and 302.2, and 303 of this rule at least 30 days prior to the anniversary date of the permit.

b. General Permits: The Control Officer shall mail the owner or operator of a source authorized to operate under a General Permit an invoice for the annual administrative fee due under ~~subsection~~ Section 303.2 of this rule at least 30 days prior to the anniversary date of the authorization to operate.

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

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

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

403 ~~TABLE A, TABLE B, TABLE C, TABLE D, TABLE E, TABLE F, AND TABLE G~~ SOURCES FEE TABLE A, B, C, D, E, F, AND G SOURCES: Fee Tables A - G list processes and equipment subject to the fees outlined in Sections 302.2, 303.1, and 303.2 of this rule. For processes and equipment not listed below, the Control Officer will designate ~~either Table A, Table B, Table C, Table D, Table E, Table F, or Table G~~ applicability Fee Table A, B, C, D, E, F, or G, as applicable. Sources reclassified to a higher fee ~~category~~ table due to the receipt of 3 complaints on different dates during a one year period from different individuals resulting in violations resolved by an order of abatement by consent or judicial action shall remain in that ~~classification~~ fee table until two calendar years pass without complaints against the facility resulting in violations resolved by an order of abatement by consent or judicial action.

403.1 Fee Table A Sources:

- Aircraft Manufacturing
- Chemical Manufacturing, Dry
- Chemical Manufacturing, Liquid
- Circuit Board Manufacturing ≥ 5 Tons per Year VOC
- Coating Line, Can/Coil/Fabric/Film/Glass/Paper
- Ethylene Oxide Sterilization

Gypsum, Calcining
 Incinerator, Medical Waste
 Incinerator, Hazardous Material
 Insulation Manufacturing
 Jet or Auxilliary Engine Manufacturing
 Non-Major Title V Source
 Pesticide/Herbicide Production
 Petroleum Loading Racks And Storage Tanks At Bulk Terminals
 Pharmaceutical Manufacturing
 Polymeric Foam Products ≥ 25 Tons Per Year Potential Uncontrolled VOC
 Emissions Or Facility With Controls Subject To Source Testing
Power Plant ≥ 25 Tons Per Year Potential Uncontrolled NOx Emissions
 Printing Facilities ≥ 25 Tons Per Year Potential Uncontrolled VOC Emissions
 Or Facility With Controls Subject To Source Testing
 Rendering
 Rubber Products Manufacturing
 Semiconductor Manufacturing ~~Without VOC Control And~~ < 25 Tons Per Year
 Of Potential Uncontrolled VOC Emissions
 Solid Waste Landfill
 Source Subject To BACT Determination
 Source Subject To A MACT, NESHAPS Or NSPS Standard Under CAA
 Section 111 Or 112 Unless Otherwise Identified In Another Fee Table
 Source With 3 Or More Fee Table B Processes
 Vegetable Oil Extraction

403.2 Fee Table B Sources:

Aerospace Products Manufacturing & Rework Not Subject To MACT
 Aggregate Screening
 Animal Feed Processing
 Auto Body Shredding
 Bakery With Oven Of 25 Tons Per Year Of Potential Uncontrolled VOC
 Emissions Or Facility With Controls
 Boiler, Gas Fired Or With Emergency Fuel Capabilities, With (Each Unit ≥ 10
 MMbtu/Hr) ~~(Includes Units Subject To The NSPS)~~
 Chemical/Fertilizer Storage, Mixing, Packaging And Handling
 Concrete Product Manufacturing
Cement Terminal

Cotton Gin
 Cotton Seed Processing
 Crematory
 Cultured Marble
 Fiberglass Product Manufacturing
 Flour Milling
 Foundry
 Furnace, Metals
 Furnace, Burn-Off
 Furnace, Electric Arc
 Furnace, Other
 Gas Turbine, Non-Utility (Utility In Fee Table A)
 Grain Cleaning/Processing
 Grain Storage
 Incinerator, Non-Hazardous Material
 Internal Combustion Engine, Other Than Emergency
Metal Recovery/Reclamation
 Pipeline Transmission Facility
 Plating Tanks, Electrolytic or Electrowinning (Includes Decorative Chrome And
 Hard Chrome Operations \leq 60 Million Amp/Hrs Per Year Subject To Area
Source MACT)
 Polymeric Foam Products ~~Without Control And~~ <25 Tons Per Year Potential
 Uncontrolled VOC Emissions
Power Plant < 25 Tons Per Year Potential Uncontrolled NOx Emissions
 Reinforced Plastics
 Rubber Products Manufacturing With Only Molding
 Soil Treatment/Remediation
 Soil Solvent Extraction System With Package Thermal/Catalytic
 Oxidizer/Carbon Adsorption
 Solvent Degreasing/Cleaning System, Solvent Use >3 Gallons Per Day
 Solvent Reclaiming
 Source With 3 Or More Fee Table C Processes
 Stage I Vapor Recovery, Bulk Plants With Loading Racks
 Stripping Operation, Equipment Or Furniture Refurbishment
~~Stripping Operation, Liquid Chemical Groundwater/Wastewater Remediation~~
 Tire Shredding/Retreading
Wastewater Treatment Plant

Wood Coating Operation Subject To RACT Including Furniture/Millwork
Sources Larger Than 10 TPY VOC

Any Fee Table A, F, or G Source Whose Aggregate of All Equipment, Processes
Or Production Lines Has Enforceable Permit Limits of < 2.0 Tons Per Year
VOC or NO_x, or < 1.0 Ton Per Year PM₁₀

Any Fee Table C Source That Receives 3 Complaints On Different Dates
During A One Year Period From Different Individuals Resulting In
Violations Resolved By An Order Of Abatement By Consent Or Judicial
Action

403.3 Fee Table C Sources:

Abrasive Blasting

Asphalt Day Tanker/Kettle

Cement Products Packaging/Distribution

Circuit Board Assembly

Circuit Board Manufacturing <5 Tons Per Year Of VOC

Dry Cleaning (Includes Perchloroethylene Dry Cleaning Facilities Subject To
Area Source MACT)

Emergency Internal Combustion Engine

Engine Testing

Food Processing

Incinerator, Paper And Cardboard Products

Injection molding

Landscape And Decorative Rock, Gravel, And Sand Distribution

Laundry, Other Than Dry Cleaning

Miscellaneous Acid/Solvent Use

Packaging, Mixing & Handling, Granular Or Powdered Material Other Than
Cement Or Grain

Petroleum Storage, Non-Retail Dispensing Operations Exempted From Stage I
Vapor Recovery By Rule 353

Plastic Or Metal Extrusion

Plating, Electroless

Powder Coating

Printing Facilities ~~Without Control And~~ <25 Tons Per Year Of Potential
Uncontrolled VOC Emissions

Semiconductor Lab/Testing/Services

Non-Halogenated Solvent Cleaning, <3 Gallons Per Day

Solvent Storage/Handling

Spray Coating

Bulk Plant Loading Facilities As Defined By Rule 351, Section 305.1

Storage Tank, Non-Petroleum Volatile Organic Compounds

Stripping Operation, Liquid Chemical Groundwater/Wastewater Remediation

Vehicle Refinishing

Waste Transfer Facility

Water Reclamation

Sewage Lift Pump Station

Drinking Water Plant

Wood Furniture/Millwork/Small Source Less Than 10 TPY VOC

Yard/Stockpiling

403.4 Fee Table D Sources:

Service Station And Non-Resale Dispensing Operations >120,000 Gallons Per
Year

403.5 Fee Table E Sources:

Fuel Burning Equipment

403.6 Fee Table F Sources:

Aggregate Production/Crushing Subject To An NSPS Under CAA Section ~~112~~

111

Hot Mix Asphalt Plants

Semiconductor Manufacturing \geq 25 Tons Per Year Potential Uncontrolled VOC

Emissions Or Facility With Controls Subject To Source Testing

Any Fee Table A Or Table G Source That Receives 3 Complaints On Different
Dates During A One Year Period From Different Individuals Resulting In
Violations Resolved By An Order Of Abatement By Consent Or Judicial
Action

403.7 Fee Table G Sources:

Aggregate Production/Crushing Not Subject To NSPS Under CAA Section ~~112~~

111

Concrete Batch Plant

Any Fee Table B Source That Receives 3 Complaints On Different Dates
During A One Year Period From Different Individuals Resulting In

Violations Resolved By An Order Of Abatement By Consent Or Judicial
Action

SECTION 500 - MONITORING AND RECORDS (NOT APPLICABLE)