

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
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 A.A.C.
- 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 ARIZONA TESTING MANUAL
200.18 APPROVED
200.19 AREA SOURCE
200.20 A.R.S.
200.21 ASME
200.22 ASTM
200.23 ATTAINMENT AREA
200.24 BEGIN ACTUAL CONSTRUCTION
200.25 BEST AVAILABLE CONTROL TECHNOLOGY (BACT)
200.26 BRITISH THERMAL UNIT (BTU)
200.27 BUILDING, STRUCTURE, FACILITY, OR INSTALLATION
200.28 CATEGORICAL SOURCES
200.29 CFR
200.30 CIRCUMSTANCES OUTSIDE THE CONTROL OF THE SOURCE
200.31 COMPLETE
200.32 CONSTRUCTION
200.33 CONTROL OFFICER
200.34 CONVENTIONAL AIR POLLUTANT
200.35 DEPARTMENT
200.36 DIRECTOR
200.37 DISCHARGE
200.38 DIVISION
200.39 DUST
200.40 DUST GENERATING OPERATION
200.41 EFFLUENT
200.42 EMISSION
200.43 EMISSION STANDARD
200.44 EMISSIONS UNIT
200.45 EPA
200.46 EQUIVALENT METHOD

200.47 EXCESS EMISSIONS
200.48 EXISTING SOURCE
200.49 FACILITY
200.50 FEDERAL APPLICABLE REQUIREMENT
200.51 FEDERALLY ENFORCEABLE
200.52 FEDERALLY LISTED HAZARDOUS AIR POLLUTANT
200.53 FINAL PERMIT
200.54 FUEL
200.55 FUEL OIL
200.56 FUGITIVE EMISSION
200.57 FUME
200.58 GASOLINE
200.59 GREENHOUSE GASES (GHGs)
200.60 HAZARDOUS AIR POLLUTANT (HAP)
200.61 INSIGNIFICANT ACTIVITY
200.62 MAJOR MODIFICATION
200.63 MAJOR SOURCE
200.64 MAJOR SOURCE THRESHOLD
200.65 MALFUNCTION
200.66 MATERIAL PERMIT CONDITION
200.67 MAXIMUM CAPACITY TO EMIT
200.68 METHOD OF OPERATION
200.69 MINOR NSR MODIFICATION
200.70 MINOR NSR MODIFICATION THRESHOLD
200.71 MOBILE SOURCE
200.72 MODIFICATION
200.73 MOTOR VEHICLE
200.74 NATIONAL AMBIENT AIR QUALITY STANDARD (NAAQS)
200.75 NET EMISSIONS INCREASE
200.76 NEW SOURCE
200.77 NEW SOURCE PERFORMANCE STANDARDS (NSPS)
200.78 NITROGEN OXIDES (NO_x)
200.79 NONATTAINMENT AREA

200.80 NON-PRECURSOR ORGANIC COMPOUND
200.81 NONROAD INTERNAL COMBUSTION (IC) ENGINE
200.82 OFF-SPECIFICATION USED OIL
200.83 ON-SPECIFICATION USED OIL
200.84 OPEN OUTDOOR FIRE
200.85 OPERATION
200.86 ORGANIC COMPOUND
200.87 ORGANIC LIQUID
200.88 ORGANIC SOLVENT
200.89 OWNER OR OPERATOR
200.90 PARTICULATE MATTER
200.91 PERMITTING AUTHORITY
200.92 PERMITTING THRESHOLD
200.93 PERSON
200.94 PLANNING AGENCY
200.95 PLUME
200.96 PM_{2.5}
200.97 PM₁₀
200.98 POLLUTANT
200.99 PORTABLE SOURCE
200.100 POTENTIAL TO EMIT
200.101 PROCESS
200.102 PROPOSED PERMIT
200.103 PROPOSED FINAL PERMIT/PROPOSED FINAL PERMIT REVISION
200.104 PUBLIC NOTICE THRESHOLD
200.105 QUANTIFIABLE
200.106 REASONABLE FURTHER PROGRESS
200.107 REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)
200.108 REFERENCE METHOD
200.109 REGULATED AIR POLLUTANT
200.110 REGULATED MINOR NSR POLLUTANT
200.111 REGULATED NSR POLLUTANT
200.112 REGULATORY REQUIREMENTS

- 200.113 REPLICABLE
- 200.114 RESPONSIBLE OFFICIAL
- 200.115 SCHEDULED MAINTENANCE
- 200.116 SCREENING MODEL
- 200.117 SEASONAL SOURCE
- 200.118 SECTION 302(J) CATEGORY
- 200.119 SIGNIFICANT
- 200.120 SMOKE
- 200.121 SOLVENT-BORNE COATING MATERIAL
- 200.122 SOOT
- 200.123 SOURCE OR STATIONARY SOURCE
- 200.124 SPECIAL INSPECTION WARRANT
- 200.125 STANDARD CONDITIONS
- 200.126 STATE IMPLEMENTATION PLAN (SIP)
- 200.127 SUBCONTRACTOR
- 200.128 SYNTHETIC MINOR
- 200.129 TITLE V
- 200.130 TOTAL REDUCED SULFUR (TRS)
- 200.131 TRADE SECRETS
- 200.132 TRIVIAL ACTIVITY
- 200.133 UNCLASSIFIED AREA
- 200.134 USED OIL
- 200.135 VAPOR
- 200.136 VISIBLE EMISSIONS
- 200.137 VOLATILE ORGANIC COMPOUND (VOC)
- 200.138 YEAR

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

403 COMPLIANCE SCHEDULE FOR NEWLY AMENDED RULE PROVISIONS

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

Revised 07/13/1988; Revised 10/01/1990; Revised 06/22/1992; Revised 11/16/1992; Repealed and Adopted 11/15/1993; Revised 02/15/1995; Revised 04/03/1996; Revised 06/19/1996; Revised 03/04/1998; Revised 05/20/1998; Revised 07/26/2000; Revised 03/07/2001; Revised 08/22/2001; Revised 11/06/2002; Revised 03/15/2006; Revised 06/06/2007; Revised 09/25/2013; Revised 02/03/2016; **Revised 12/11/2019**

**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:** . The Control Officer may request, in writing, that a person furnish information to determine compliance with the Maricopa County Air Pollution Control Regulations or issued permits. No person shall fail nor refuse to produce all information 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 MCAQD, 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 or subject to enforcement orders issued under these rules. 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 electronic media, 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.
- 111 ANNUAL REASONABLE FURTHER PROGRESS (RFP) REPORT:** Each year, the MCAQD shall prepare or assist in the preparation of a report on the progress in implementation of nonattainment area plans. The primary function of the report is to review the implementation schedules for control measures and emission reduction forecasts in the nonattainment area plans.
- 112 AVAILABILITY OF INFORMATION:** Copies of 40 CFR 51, Subpart A, Appendix A, Table 2A currently enforced by the MCAQD are available electronically at: www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR; at the Maricopa Air Quality Department.

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. In the event of any inconsistency between any of the Maricopa County Air Pollution Control Regulations, the definition in the specific rule takes precedence.

- 200.1 A.A.C.:** Arizona Administrative Code.
- 200.2 ACT:** The Clean Air Act of 1963 (P.L. 88-206; 42 United States Code sections 7401 through 7671q), as amended through December 31, 2014 (and no future editions).
- 200.3 ACTUAL EMISSIONS:** The actual rate of emissions of a regulated 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 unit actually emitted the pollutant during a consecutive 24-month 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 determination 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. The Control Officer may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.
- c. For any emissions unit at a Title V source 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, the definitions of projected actual emissions and baseline actual emissions in Rule 240 of these rules shall apply for those purposes.

- 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 both 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) and the most stringent of the following:
- a. The applicable standards as set forth in 40 CFR 60, 61 or 63;

- b. The applicable emissions limitations approved into the state implementation plan, including those with a future compliance date; or
 - c. The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.
- 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".
- 200.15 APPLICABLE IMPLEMENTATION PLAN:** Those provisions of the State Implementation Plan (SIP) approved by the Administrator or a Federal Implementation Plan (FIP) promulgated for Arizona or any portion of Arizona by the Administrator.
- 200.16 APPLICABLE REQUIREMENT:** Applicable requirement means any of the following:
- a. Any federal applicable requirement as defined in Section 200.50 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 ARIZONA TESTING MANUAL:** Sections 1 and 7 of the Arizona Testing Manual for Air Pollutant Emissions amended as of March 1992 (and no future editions).
- 200.18 APPROVED:** Approved in writing by the Maricopa County Air Pollution Control Officer.
- 200.19 AREA SOURCE:**
- a. 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 the regulation under Title II-Emission Standards for Moving Sources of the Act.
 - b. An area source of hazardous air pollutants (HAPs) is a source of HAP that is not a major source of HAP and is not part of a major source of HAP emissions. A major source of HAP emissions is defined in the definition of "Major Source" of this rule.
- 200.20 A.R.S.:** The Arizona Revised Statutes. The titles of the most frequently used ARS references in these rules are listed below:
- | | |
|----------------------------|---|
| A.R.S. § 38-502(11) | Public Officers and Employees, Conduct of Office, Conflict of Interest of Officers and Employees, Definitions, Substantial Interest |
| A.R.S. Title 49 | The Environment |
| A.R.S. Title 49, Chapter 3 | The Environment, Air Quality |
| A.R.S. Title 49, Chapter 4 | The Environment, Solid Waste Management |
| A.R.S. § 49-109 | The Environment, General Provisions, Department of Environmental Quality, Certificate of Disclosure of Violations; Definition; Remedies |
| A.R.S. § 49-401 | The Environment, Air Quality, General Provisions, Declaration of Policy |

A.R.S. § 49-426	The Environment, Air Quality, State Air Pollution Control, Permits; Duties of Director; Exceptions; Applications; Objections; Fees
A.R.S. § 49-426.04	The Environment, Air Quality, State Air Pollution Control, State List of Hazardous Air Pollutants
A.R.S. § 49-426.05	The Environment, Air Quality, State Air Pollution Control, Designation of Sources of Hazardous Air Pollutants
A.R.S. § 49-429	The Environment, Air Quality, State Air Pollution Control, Permit Transfers; Notice; Appeal
A.R.S. § 49-464	The Environment, Air Quality, State Air Pollution Control, Violation; Classification; Penalties; Definition
A.R.S. § 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
A.R.S. § 49-478	The Environment, Air Quality, County Air Pollution Control, Hearing Board
A.R.S. § 49-480	The Environment, Air Quality, County Air Pollution Control, Permits; Fees
A.R.S. § 49-480.03	The Environment, Air Quality, County Air Pollution Control, Federal Hazardous Air Pollutant Program; Date Specified by Administrator; Prohibition
A.R.S. § 49-480.04	The Environment, Air Quality, County Air Pollution Control, County Program for Control of Hazardous Air Pollutants
A.R.S. § 49-482	The Environment, Air Quality, County Air Pollution Control, Appeals to Hearing Board
A.R.S. § 49-483	The Environment, Air Quality, County Air Pollution Control, Permit Transfers; Notice; Appeal
A.R.S. § 49-487	The Environment, Air Quality, County Air Pollution Control, Classification and Reporting; Confidentiality of Records
A.R.S. § 49-488	The Environment, Air Quality, County Air Pollution Control, Special Inspection Warrant
A.R.S. § 49-490	The Environment, Air Quality, County Air Pollution Control, Hearings on Orders of Abatement
A.R.S. § 49-498	The Environment, Air Quality, County Air Pollution Control, Notice of Hearing; Publication; Service

- A.R.S. § 49-501 The Environment, Air Quality, County Air Pollution Control, Unlawful Open Burning; Definition; Exceptions; Fine
- A.R.S. § 49-511 The Environment, Air Quality, County Air Pollution Control, Violations, Order of Abatement
- A.R.S. § 49-514 The Environment, Air Quality, County Air Pollution Control, Violation; Classification; Definition
- 200.21 ASME:** The American Society of Mechanical Engineers.
- 200.22 ASTM:** The American Society for Testing and Materials.
- 200.23 ATTAINMENT AREA:** Any area in the state that has been identified in regulations promulgated by the Administrator as being in compliance with national ambient air quality standards.
- 200.24 BEGIN ACTUAL CONSTRUCTION:** Initiation of physical on-site construction activities on an emissions unit, which are of a permanent nature. Such activities include, but are not limited to, 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.
- 200.25 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.
- 200.26 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.
- 200.27 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".

200.28 CATEGORICAL SOURCES: The following classes of sources:

- a. Coal cleaning plants with thermal dryers;
- b. Kraft pulp mills;
- c. Portland cement plants;
- d. Primary zinc smelters;
- e. Iron and steel mills;
- f. Primary aluminum ore reduction plants (with thermal dryers);
- g. Primary copper smelters;
- h. Municipal incinerators capable of charging more than 250 tons of refuse per day;
- i. Hydrofluoric, sulfuric, or nitric acid plants;
- j. Petroleum refineries;
- k. Lime plants;
- l. Phosphate rock processing plants;
- m. Coke oven batteries;
- n. Sulfur recovery plants;
- o. Carbon black plants using the furnace process;
- p. Primary lead smelters;
- q. Fuel conversion plants;
- r. Sintering plants;
- s. Secondary metal production plants;
- t. Chemical process plants, which shall not include ethanol production facilities that produce ethanol by natural fermentation included in North American Industry Classification System codes 325193 or 312140;
- u. Fossil-fuel boilers, or combinations thereof, totaling more than 250 million British thermal units (Btu) per hour heat input;
- v. Petroleum storage and transfer units with a total storage capacity more than 300,000 barrels;
- w. Taconite ore processing plants;
- x. Glass fiber processing plants;
- y. Charcoal production plants;
- z. Fossil fuel-fired steam electric plants and combined cycle gas turbines of more than 250 million Btu per hour rated heat input;

- aa. 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.
- 200.29 CFR:** The United States Code of Federal Regulations with standard references in these rules by Title and Part, so that “40 CFR 51” means “Title 40 of the Code of Federal Regulations, Part 51.”
- 200.30 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.
- 200.31 COMPLETE:** In reference to an application for a permit or permit revision, “complete” means that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit or permit revision, processing does not preclude the Control Officer from requesting nor from accepting any additional information.
- 200.32 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.
- 200.33 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 A.R.S. § 49-473.
- 200.34 CONVENTIONAL AIR POLLUTANT:** Any pollutant for which the Administrator has promulgated a primary or secondary national ambient air quality standard, including precursors to such pollutants.
- 200.35 DEPARTMENT:** The Maricopa County Air Quality Department (MCAQD).
- 200.36 DIRECTOR:** The director of the Arizona Department of Environmental Quality (ADEQ).
- 200.37 DISCHARGE:** The release or escape of any air contaminant into the atmosphere from a source.
- 200.38 DIVISION:** The Division no longer exists; consequently, all references in these rules to Division refer to the MCAQD.
- 200.39 DUST:** Finely divided solid particulate matter occurring naturally or created by mechanical processing, handling or storage of materials in the solid state.
- 200.40 DUST GENERATING OPERATION:** Any activity capable of generating fugitive dust, including but not limited to, land clearing, maintenance, and land clean-up using mechanized equipment, earthmoving, weed abatement by discing or blading, excavating, construction, demolition, bulk material handling (e.g., bulk material hauling and/or transporting, bulk material stacking, loading, and unloading operations), storage and/or transporting operations (e.g., open storage piles), the operation of any outdoor equipment, the operation of motorized machinery, establishing and/or using staging areas, parking areas, material storage areas, or access routes to and from a site, establishing and/or using unpaved haul/access roads to, from, and within a site, disturbed surface areas associated with a site, and installing

initial landscapes using mechanized equipment. For the purpose of this definition, landscape maintenance and playing on or maintaining a field used for non-motorized sports shall not be considered a dust generating operation. However, landscape maintenance shall not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.

- 200.41 EFFLUENT:** Any air contaminant which is emitted and subsequently escapes into the atmosphere.
- 200.42 EMISSION:** An air contaminant, gas stream or the act of discharging an air contaminant or a gas stream, visible or invisible.
- 200.43 EMISSION STANDARD:** The definition of emission standard, as summarized from A.R.S. § 49-514(T) and A.R.S. § 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.
- 200.44 EMISSIONS UNIT:** Any part of a stationary source which emits or would have the potential to emit any regulated air pollutant.
- 200.45 EPA:** The United States Environmental Protection Agency.
- 200.46 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.
- 200.47 EXCESS EMISSIONS:** Emissions of an air pollutant in excess of an emission standard, as measured by the compliance test method applicable to such emission standard.
- 200.48 EXISTING SOURCE:** Any source that is not a new source.
- 200.49 FACILITY:** The definition of facility is included in the definition of “building, structure, facility or installation” of this rule.
- 200.50 FEDERAL APPLICABLE REQUIREMENT:** Any of the following (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, including 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.
- 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.

200.51 **FEDERALLY ENFORCEABLE:** All limitations and conditions which are enforceable by the Administrator under the Act, including all of the following:

- 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 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);
- d. The requirements of such other State or County rules or regulations approved by the Administrator 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 Rule 220-Non-Title V Permit Provisions of these rules.
 - g. Emissions limitations, controls, and other requirements, and any associated monitoring, recordkeeping, and reporting requirements that are included in a permit pursuant to Rule 201-Emissions Caps of these rules or Rule 220, Section 304-Permits Containing Voluntarily Accepted Emissions Limitations, Controls, Or Other Requirements (Synthetic Minor) of these rules.
- 200.52** **FEDERALLY LISTED HAZARDOUS AIR POLLUTANT:** Any air pollutant listed pursuant to Section 112(b) of the Act.
- 200.53** **FINAL PERMIT:** The version of a permit issued by the Control Officer after completion of all review required by Maricopa County Air Pollution Control Regulations.
- 200.54** **FUEL:** Any material which is burned for the purpose of producing energy.
- 200.55** **FUEL OIL:** Number 2 through Number 6 fuel oils as specified in ASTM D396-90a-Specification for Fuel Oils, gas turbine fuel oils Numbers 2-GT through 4-GT as specified in ASTM D2880-90a-Specification for Gas Turbine Fuel Oils, or diesel fuel oils Numbers 2-D and 4-D as specified in ASTM D975-90a-Specification for Diesel Fuel Oils. For the purpose of this definition, on-specification used oil, also referred to as “on-specification burner fuel”, “used fuel oil”, or “waste oil”, is not “fuel oil”.
- 200.56** **FUGITIVE EMISSION:** Any emission which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- 200.57** **FUME:** Solid particulate matter resulting from the condensation and subsequent solidification of vapors of melted solid materials.
- 200.58** **GASOLINE:** Any petroleum distillate, petroleum distillate/alcohol blend, petroleum distillate/organic compound blend, or alcohol that meets both of the following conditions:
- a. Has a Reid vapor pressure between 4.0 and 14.7 psi (200-760 mm Hg) as determined by ASTM D323-06.
 - b. Is used as a fuel for internal combustion engines.
- 200.59** **GREENHOUSE GASES (GHGs):** The air pollutant defined in 40 CFR 86.1818-12(a) as the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.
- 200.60** **HAZARDOUS AIR POLLUTANT (HAP):** Any federally listed hazardous air pollutant.
- 200.61** **INSIGNIFICANT ACTIVITY:** For the purpose of this definition, an insignificant activity shall be any specific activity, process or emissions unit which meets the following criteria: (1) Emits less than the permitting thresholds as defined in this rule and is listed in this definition or (2) Is not subject to permit requirements pursuant to Rule 200-Permit Requirements, Sections 303.2(a) or (b) of these rules. The sum of emissions from multiple

activities, processes or emissions units of any one of the activities, processes or emissions units identified in (a) – (y) below that exceeds a permitting threshold shall not be considered an insignificant activity.

- a. Any confection cooker and associated venting or control equipment cooking edible products intended for human consumption.
- b. Any oven in a food processing operation where less than 1,000 pounds of product are produced per day of operation.
- c. Any natural gas and/or liquefied petroleum gas-fired pieces of equipment rated equal to or greater than 300,000 Btu per hour, if:
 - (1) The combined input capacities from all such equipment are less than 2,000,000 Btu per hour, and
 - (2) The emissions come from fuel burning, and
 - (3) The equipment is used solely for heating buildings for personal comfort or for producing hot water for personal use.
- d. Any piece of heating equipment burning fuel oil with a maximum rate input capacity or an aggregate input capacity of less than:
 - (1) 500,000 Btu per hour if the only emissions are from fuel burning, or
 - (2) 1,000,000 Btu per hour if the only emissions are from fuel burning and the equipment is used solely for heating buildings for personal comfort or for producing hot water for personal use.
- e. Any equipment or activity at a stationary source using no more than 300 gallons per year of surface coating material or any combination of surface coating material and solvent, which contains either VOC or hazardous air pollutants (HAPs) or both.
- f. Any non-vapor cleaning machine (degreaser) or dip-tank:
 - (1) Having a liquid surface area of 1 square foot (0.09 square meters) or less, or
 - (2) Having a maximum capacity of 1 gallon (3.79 liters) or less.
- g. Any internal combustion (IC) engine with a manufacturer's maximum continuous rating of 50 brake horsepower (bhp) or less.
- h. For a stationary source subject to Title V, the following equipment when used only for emergency replacement or standby service (including testing of same), not to exceed a total potential to emit of 2,000 pounds of NO_x and not to exceed a total potential to emit of 2,000 pounds of CO from all internal combustion (IC) engines and not to exceed 500 hours of operation per year per IC engine. Potential to emit is calculated at 500 hours of operation per year per IC engine.
 - (1) IC engine-driven compressors; or
 - (2) IC engine-driven electrical generator sets; or
 - (3) IC engine-driven water pumps.
- i. For a stationary source not subject to Title V, the following equipment when used only for emergency replacement or standby service (including testing of same), not to exceed a

total potential to emit of 2,000 pounds of NO_x and not to exceed a total potential to emit of 2,000 pounds of CO from all internal combustion (IC) engines and not to exceed 100 hours of operation per year per IC engine. Potential to emit is calculated at 100 hours of operation per year per IC engine.

- (1) IC engine-driven compressors; or
 - (2) IC engine-driven electrical generator sets; or
 - (3) IC engine-driven water pumps.
- j. Lab equipment used exclusively for chemical and physical analyses.
- k. Organic liquid or gasoline storage tanks or containers that hold 250 gallons or less and would have emissions of a regulated air pollutant.
- l. Any emissions unit, operation, or activity that receives no more than 12,000 gallons of a liquid in a year with a Reid vapor pressure less than 0.5 psia, as determined by ASTM D323-15a.
- m. Any equipment used exclusively for the storage of unheated organic material with:
- (1) An initial boiling point of 150° Centigrade (C) (302° Fahrenheit (F)) or greater, as determined by ASTM D1078-11; or
 - (2) A vapor pressure of no more than 5 millimeters mercury (mm Hg) (0.1 pound per square inch (psi) absolute), as determined by ASTM D2879-11.
- n. Any equipment with a capacity of no more than 4,200 gallons (100 barrels) used exclusively to store oil with specific gravity 0.8762 or higher (30° API or lower), as measured by API test method 2547 or ASTM D1298-12b.
- o. Any equipment used exclusively for the storage of liquefied gases in unvented pressure vessels, except for emergency pressure-relief valves.
- p. Any equipment used exclusively to compress or hold dry natural gas. Any internal combustion (IC) engine or other equipment associated with the dry natural gas shall not be considered an insignificant activity, unless such IC engine or other equipment independently qualifies as an insignificant activity.
- q. Any equipment used exclusively for the storage of fresh, commercial, or purer grade of:
- (1) Sulfuric or phosphoric acid with acid content of no more than 99% by weight; or
 - (2) Nitric acid with acid content of no more than 70% by weight.
- r. Wet abrasive blasting.
- s. Any water cooling tower which has a circulation rate of less than 3,000 gallons per minute.
- t. Any water cooling towers which:
- (1) Have a combined circulation rate of less than 10,000 gallons per minute; and
 - (2) Are not used to cool process water, water from barometric jets, or water from barometric condensers.
- u. Batch mixers with rated capacity of 5 cubic feet or less.

- v. Wet sand and gravel production facilities that obtain material from subterranean and subaqueous beds, whose production rate is 200 tons per hour or less, and whose permanent in-plant roads are paved and cleaned to control dust. This does not include activities in emissions units, which are used to crush or grind any nonmetallic minerals.
- w. Any brazing, soldering, welding, or cutting torch equipment used in manufacturing and construction activities and with the potential to emit hazardous air pollutant (HAP) metals, provided the total emissions of HAPs do not exceed 0.5 ton per year.
- x. Hand-held or manually operated equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning of ceramic art work, precision parts, leather, metals, plastics, fiberboard, masonry, carbon, glass, or wood.
- y. Any aerosol can puncturing or crushing operation that uses:
 - (1) A closed loop recovery system that emits no regulated air pollutants, or
 - (2) A recovery system that vents all emissions through a properly operated and maintained carbon canister, provided not more than 500 cans are processed through the equipment per day.

200.62 MAJOR MODIFICATION: The following definition of “Major Modification” applies to all rules in the Maricopa County Air Pollution Control Regulations except for Rule 240-Federal Major New Source Review (NSR). Rule 240 of these rules has a definition of “Major Modification” and that definition is specific to stationary sources subject to Rule 240.

- a. Any physical change in or change in the method of operation of a major source that would result in both a significant emissions increase of any regulated NSR pollutant and a significant net emissions increase of that pollutant from the stationary source.
- b. Any emissions increase or net emissions increase that is significant for nitrogen oxides or volatile organic compounds is significant for ozone.
- c. For the purpose of this definition, none of the following is 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) For the purpose of determining the applicability of Rule 240-Federal Major New Source Review (NSR), Section 304 (Permit Requirements for New Major Sources or Major Modifications Located in Nonattainment Areas) of these rules, any of the following:

- (a) Use of an alternative fuel or raw material by a stationary source that 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-Federal Major New Source Review (NSR), Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules; or
 - (b) Use of an alternative fuel or raw material by a stationary source that 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-Federal Major New Source Review (NSR), Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules; or
 - (c) 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-Federal Major New Source Review (NSR), Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules.
- (6) For the purpose of determining applicability of Rule 240-Federal Major New Source Review (NSR), Section 305 (Permit Requirements for New Major Sources or Major Modifications Located in Attainment or Unclassifiable Areas) of these rules, any of the following:
- (a) Use of an alternative fuel or raw material by a stationary source that the source was capable of accommodating before January 6, 1975, unless the change would be prohibited under any federally enforceable permit condition established after January 6, 1975, under 40 CFR 52.21, or under Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Federal Major New Source Review (NSR), Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules; or
 - (b) Use of an alternative fuel or raw material by a stationary source that 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-Federal Major New Source Review (NSR), Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules; or
 - (c) 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 January 6, 1975, under 40 CFR 52.21, or under Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Federal Major New Source Review (NSR), 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 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;
- (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
- (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 Plantwide Applicability Limitations (PALs) as described in Rule 240 of these rules. Instead, the definition of “PAL” major modification in Rule 240 of these rules shall apply.

200.63 MAJOR SOURCE: A source that meets any of the following criteria:

- a. A major source as defined in Rule 240-Federal Major New Source Review (NSR) 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 source; or
 - (2) For radionuclides, major source shall have the meaning specified by the Administrator by rule.

200.64 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 the definition of “major source” of this rule.

200.65 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 a malfunction.

200.66 MATERIAL PERMIT CONDITION:

- a. For the purpose of A.R.S. § 49-464(G) and A.R.S. § 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 for the installation or certification of a monitoring device.
 - (c) A requirement for the installation of air pollution control equipment.
 - (d) A requirement for the operation of air pollution control equipment.
 - (e) 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.
- b. Violation of the condition is not covered by Subsections (A) through (F) or (H) through (J) of A.R.S. § 49-464 or Subsections (A) through (F) or (H) through (J) of A.R.S. § 49-514.
- c. For the purpose of Section 200.66(a)(3)(c), (d), and (e) of this rule, a permit condition shall not be material where the failure to comply resulted from circumstances which were outside the control of the source.

200.67 MAXIMUM CAPACITY TO EMIT: The maximum amount a source is capable of emitting under its physical and operational design without taking any limitations on operations or air pollution controls into account.

200.68 METHOD OF OPERATION: The definition of “method of operation” is defined the same as the definition of “operation” in this rule.

200.69 MINOR NSR MODIFICATION: Any of the following changes, if the change does not meet the definition of 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 either:
 - (1) Increases the potential to emit of a regulated minor NSR pollutant by an amount greater than or equal to the minor NSR modification threshold, or
 - (2) Results in the potential to emit of a regulated minor NSR pollutant not previously emitted by such emission unit or stationary source in an amount greater than or equal to the minor NSR modification threshold for that pollutant.
- b. Construction of one or more new emissions units that have the potential to emit regulated minor NSR pollutants at an amount greater than or equal to the minor NSR modification threshold.
- c. A change covered by Sections 200.69(a) or (b) of this rule constitutes a minor NSR modification regardless of whether there will be a net decrease in total source

emissions or a net increase in total source emissions that is less than the minor NSR modification threshold as a result of decreases in the potential to emit of other emission units at the same stationary source.

- d.** For the purpose of this definition, the following do not constitute a physical change or change in the method of operation:
- (1)** A change consisting solely of the construction of, or changes to, a combination of emissions units qualifying as an insignificant activity.
 - (2)** For a stationary source that is required to obtain a Non-Title V permit under Rule 200 of these rules and that is subject to source-wide emissions caps under Rule 201 of these rules, a change that will not result in the violation of the existing emissions cap for that regulated minor NSR pollutant.
 - (3)** Replacement of an existing emission unit by an emission unit with a potential to emit regulated minor NSR pollutants that is less than or equal to the potential to emit of the existing emission unit, provided the replacement does not cause an increase in emissions at other emission units at the stationary source or emit any new pollutant above the permitting thresholds. An emission unit installed under this provision is subject to any limits applicable to the emission unit it replaced.
 - (4)** Routine maintenance, repair, and replacement.
 - (5)** 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 to 825r.
 - (6)** Use of an alternative fuel by reason of an order or rule under Section 125 of the Act.
 - (7)** Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.
 - (8)** Use of an alternative fuel or raw material by a stationary source that either:
 - (a)** The source was capable of accommodating before December 12, 1976, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Rules 210, 220, 240, or 241 of these rules; or
 - (b)** The source is approved to use under any permit issued under 40 CFR 52.21, or under Rules 210, 220, or 240 these rules.
 - (9)** An increase in the hours of operation or in the production rate is not considered an operational change unless such increase is prohibited under any permit condition that is legally and practically enforceable by the MCAQD.
 - (10)** Any change in ownership at a stationary source.
- e.** For purposes of this definition:
- (1)** “Potential to emit” means the lower of a stationary source’s or emission unit’s potential to emit or its allowable emissions.

- (2) In determining potential to emit, the fugitive emissions of a stationary source shall not be considered unless the source belongs to a section 302(j) category.
- (3) All of the roadways located at a stationary source constitute a single emissions unit.

200.70 MINOR NSR MODIFICATION THRESHOLD: For each regulated minor NSR pollutant, the following emission thresholds apply for the proposed change:

Pollutant	Potential to Emit in Tons Per Year (TPY)
PM _{2.5}	5.0 (primary emissions only; levels for precursors are set below)
PM ₁₀	7.5
SO ₂	20
NO _x	20
VOC	20
CO	50
Pb	0.3

200.71 MOBILE SOURCE: Any combustion engine, device, machine or equipment that operates during transport and that emits or generates air contaminants whether in motion or at rest. This definition does not include auxiliary engines that are not used to propel the device, machine or equipment.

200.72 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 or which results in the emission of any regulated air pollutant not previously emitted. An increase in emissions at a minor source shall be determined by comparing the source's potential to emit before and after the modification. The following exemptions apply:

- a. A physical or operational change does not include routine maintenance, repair or replacement.
- b. An increase in the hours of operation or if the production rate is not considered an operational change unless such increase is prohibited under any permit condition that is legally and practically enforceable by the MCAQD.
- c. A change in ownership at a source is not considered a modification.

200.73 MOTOR VEHICLE: Any self-propelled vehicle designed for transporting persons or property on public highways.

200.74 NATIONAL AMBIENT AIR QUALITY STANDARD (NAAQS): The ambient air pollutant concentration limits established by the administrator pursuant to Section 109 of the Clean Air Act.

200.75 NET EMISSIONS INCREASE: For the purpose of Rule 240, Sections 305 and 306 of these rules, a net emissions increase shall be defined by the federal regulations incorporated by reference. For the purpose of Rule 220 of these rules, a net emissions increase shall be an emissions increase for a particular modification plus any other increases and decreases in actual emissions at the facility that are creditable and contemporaneous with the particular modification where:

- a. A creditable increase or decrease in actual emissions is contemporaneous with a particular modification if it occurs between the date five (5) years before a complete application for a permit or permit revision authorizing the particular change is submitted or actual construction of the particular change begins, whichever occurs earlier, and the date that the increase from the particular change occurs.” Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.
 - b. A decrease in actual emissions is creditable only if it satisfies the requirements for emission reduction credits in Rule 204 of these rules and has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular modification, and is federally enforceable at and after the time that construction of the modification commences.
- 200.76 NEW SOURCE:** A source for which construction has not commenced before the effective date of an applicable rule or standard to which a source is subject.
- 200.77 NEW SOURCE PERFORMANCE STANDARDS (NSPS):** Standards adopted by the Administrator under Section 111(b) of the Act.
- 200.78 NITROGEN OXIDES (NO_x):** All oxides of nitrogen except nitrous oxide, as measured by test methods set forth in the Appendices to 40 CFR Part 60.
- 200.79 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.
- 200.80 NON-PRECURSOR ORGANIC COMPOUND:** Any of the organic compounds that have been designated by the EPA as having negligible photochemical reactivity as listed in 40 CFR 51.100(s).
- 200.81 NONROAD INTERNAL COMBUSTION (IC) ENGINE:**
- a. Equipment that meets the following requirements are nonroad IC engines:
 - (1) An internal combustion engine that is (or will be) used in or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes, and bulldozers); or
 - (2) An internal combustion engine that is (or will be) used in or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or
 - (3) An internal combustion engine that by itself or in or on a piece of equipment is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include but are not limited to, wheels, skids, carrying handles, dollies, trailers, or platforms.
 - b. The following are not nonroad IC engines:
 - (1) An engine used to propel a motor vehicle, an aircraft, or equipment used solely for competition; or

- (2) An engine regulated by a federal New Source Performance Standard promulgated under Section 111 of the Act; or
- (3) An engine otherwise included in Section 200.81(a)(3) of this rule that remains or will remain at a location for more than 12 consecutive months. Any engine (or engines) that replace(s) an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. This paragraph does not apply to an engine after the engine is removed from the location.
- (4) An engine otherwise included in Section 200.81(a)(3) of this rule that remains or will remain at a seasonal source during the full annual operating period of the seasonal source. Any engine (or engines) that replace(s) an engine at a seasonal source and is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. This paragraph does not apply to an engine after the engine is removed from the location.

- 200.82 OFF-SPECIFICATION USED OIL:** Used oil which exceeds any of the allowable levels in 40 CFR 279.11.
- 200.83 ON-SPECIFICATION USED OIL:** Used oil that is not off-specification used oil.
- 200.84 OPEN OUTDOOR FIRE:** Any combustion of any type of material outdoors, where the products of combustion are not directed through a flue.
- 200.85 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.
- 200.86 ORGANIC COMPOUND:** Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.
- 200.87 ORGANIC LIQUID:** Any organic compound which exists as a liquid under any actual conditions of use, transport, or storage. For the purposes of these rules, gasoline is not considered an organic liquid.
- 200.88 ORGANIC SOLVENT:** Any liquid composed wholly or in part of a carbon compound which is capable of dissolving another substance or carrying it in suspension.
- 200.89 OWNER OR OPERATOR:** Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source.
- 200.90 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.
- 200.91 PERMITTING AUTHORITY:** The MCAQD or a County department, agency, or air pollution control district that is charged with enforcing a permit program adopted under A.R.S. § 49-480, Subsection A.
- 200.92 PERMITTING THRESHOLD:** The stationary source emission rate at which a permit or permit revision is required. For each regulated air pollutant, the following emission thresholds apply:

Pollutant	Potential to Emit Emission Rate in Tons Per Year (TPY)
PM _{2.5}	0.5 (primary emissions only; levels for precursors are set below)
PM ₁₀	0.5
SO ₂	1.0
NO _x	1.0
VOC	0.5
CO	1.0
Pb	0.3
Single HAP (other than Pb)	0.5
Total HAPs	1.0
Any other regulated air pollutant	1.0

- 200.93 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, as well as a natural person.
- 200.94 PLANNING AGENCY:** An organization designated by the governor pursuant to 42 U.S.C. 7504.
- 200.95 PLUME:** Visible effluent.
- 200.96 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.
- 200.97 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.
- 200.98 POLLUTANT:** An air contaminant the emissions or ambient concentration of which is regulated under these rules.
- 200.99 PORTABLE SOURCE:** Any stationary source that is capable of being transported and operated in more than one county of this state.
- 200.100 POTENTIAL TO EMIT (PTE):** 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 legally and practically enforceable by any rule, ordinance, order or permit adopted or issued under A.R.S. Title 49, Chapter 3 or the state implementation plan.

- 200.101 PROCESS:** One or more operations, including equipment and technology, used in the production of good or services or the control of by-product or waste.
- 200.102 PROPOSED PERMIT:** The version of a permit for which the Control Officer offers public participation under Rule 210-Title V Permit Provisions or Rule 220-Non-Title V Permit Provisions of these rules or offers affected State review under Rule 210-Title V Permit Provisions of these rules.
- 200.103 PROPOSED FINAL PERMIT / PROPOSED FINAL PERMIT REVISION:** The version of a Non-Title V permit or permit revision that the Control Officer proposes to issue in compliance with Rule 220-Non-Title V Permit Provisions of these rules or a Title V permit or 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. A proposed final permit/proposed final permit revision constitutes a final and enforceable authorization to begin actual construction of, but not to operate, a new Title V source or a modification to a Title V source.
- 200.104 PUBLIC NOTICE THRESHOLD:** For each regulated air pollutant, the following emission thresholds apply:

Pollutant	Public Notice Threshold TPY (New or Permit Renewals PTE)	Public Notice Threshold TPY (PTE to PTE Emission Increase)
VOC	25	25
NO _x	25	25
SO ₂	25	25
PM ₁₀	7.5	7.5
PM _{2.5}	5.0 (primary emissions only; levels for precursors are set above)	5.0
CO	50	50
Pb	0.3	0.3
Any Single HAP	5.0	5.0
Total HAPs	12.5	12.5

- 200.105 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.
- 200.106 REASONABLE FURTHER PROGRESS:** The schedule of emission reductions defined within a nonattainment area plan as being necessary to come into compliance with a national ambient air quality standard by the primary standard attainment date.
- 200.107 REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT):**

- a. For facilities subject to Regulation III (Control of Air Contaminants) of these rules, the emissions limitations that are applicable to an emission unit at the time the permit is issued.
- b. 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.
- c. RACT for a particular facility, other than a facility subject to Regulation III (Control of Air Contaminants) of these rules, is determined on a case-by-case basis, considering the technological feasibility and cost-effectiveness of the application of the control technology to the source category.

200.108 REFERENCE METHOD: Any of the methods of sampling and analyzing for an air pollutant as described in 40 CFR 50, Appendices A through K; 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.

200.109 REGULATED AIR POLLUTANT: Any of the following:

- a. Any conventional air pollutant.
- b. Any air contaminant that is subject to a standard promulgated 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.
- c. Any Class I or II substance listed in Section 602 (Stratospheric Ozone Protection; Listing of Class I and Class II Substances) of the Act.
- d. For the purpose of this definition, greenhouse gases shall not be considered a regulated air pollutant.

200.110 REGULATED MINOR NSR 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 as precursors to ozone.
- b. Nitrogen oxides and sulfur dioxide as precursors to PM_{2.5}. If a PM_{2.5} nonattainment area is designated in Maricopa County, then VOC and ammonia are also PM_{2.5} precursors in that nonattainment area.

200.111 REGULATED NSR POLLUTANT: A pollutant as defined in Rule 240-Federal Major New Source Review (NSR) of these rules.

200.112 REGULATORY REQUIREMENTS: All applicable requirements, MCAQD rules, and all State requirements pertaining to the regulation of air contaminants.

200.113 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.

200.114 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 purpose 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.

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

200.116 SCREENING MODEL: Air dispersion modeling performed with screening techniques in accordance with 40 CFR 51, Appendix W as of July 1, 2019 (and no future amendments or additions).

200.117 SEASONAL SOURCE: A stationary source that remains in a single location on a permanent basis, i.e., at least two years, and that operates at that single location approximately three months (or more) each year.

200.118 SECTION 302(J) CATEGORY:

- a. Any of the classes of sources listed in the definition of “categorical sources” of this rule; or
- b. Any category of affected facility which, as of August 7, 1980, is being regulated under Sections 111 or 112 of the Act.

200.119 SIGNIFICANT:

- a. In reference to a significant emissions increase, a significant net emissions increase, or a stationary source’s potential to emit:
 - (1) A rate of emissions of conventional pollutants that would equal or exceed any of the following:

Pollutant	Emissions Rate (TPY)
Carbon Monoxide	100
Nitrogen Oxides	40
Sulfur Dioxide	40
PM ₁₀	15
PM _{2.5}	10 tpy of primary PM _{2.5} emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide emissions.
Ozone	40 tpy of VOC or nitrogen oxides
Lead	0.6

(2) For purposes of determining the applicability of Rule 220 of these rules, a rate of emissions of non-conventional pollutants that would equal or exceed any of the following:

Pollutant	Emissions Rate (TPY)
Particulate Matter	25
Fluorides	3
Sulfuric Acid Mist	7
Hydrogen Sulfide (H ₂ S)	10
Total Reduced Sulfur (including hydrogen sulfide)	10
Reduced Sulfur Compounds (including hydrogen sulfide)	10
Municipal waste combustor organics (measured as total tetra-through-octa-chlorinated: dibenzo-p-dioxins and dibenzofurans)	3.5 x 10 ⁻⁶
Municipal waste combustor metals (measured as particulate matter)	15
Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40
Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50
Any pollutant subject to regulation not specifically listed in this section of this definition or in Section 200.119 (a)(1) of this rule	Any emission rate

- b. In ozone nonattainment areas classified as serious or severe, the emission rate for nitrogen oxides or VOC determined under Rule 240-Federal Major New Source Review (NSR) 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.
- d. In PM_{2.5} nonattainment areas, an emission rate that would equal or exceed 40 tons per year of VOC or ammonia as precursors of PM_{2.5}.
- e. Notwithstanding the emission rates listed in Section 200.119(a)(1) or (2) of this rule, for purposes of determining the applicability of Rule 240, Section 305 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 have an impact on the ambient air quality of such area equal to or greater than 1 microgram/cubic meter ($\mu\text{g}/\text{m}^3$) (24-hour average).

- 200.120 SMOKE:** Particulate matter resulting from incomplete combustion.
- 200.121 SOLVENT-BORNE COATING MATERIAL:** Any liquid coating-material in which the solvent is primarily or solely a VOC. For the purpose 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.
- 200.122 SOOT:** The carbonaceous particulate product of incomplete combustion which may be a component of smoke.
- 200.123 SOURCE OR STATIONARY SOURCE:** Any building, structure, facility, or installation, that emits or may emit any regulated air pollutant, that may cause or contribute to air pollution or the use of which may eliminate, reduce or control the emission of air pollution.
- 200.124 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.
- 200.125 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.
- 200.126 STATE IMPLEMENTATION PLAN (SIP):** The accumulated record of enforceable air pollution control measures, programs and plans adopted by the Director and submitted to and approved by the Administrator pursuant to 42 U.S.C. 7410.
- 200.127 SUBCONTRACTOR:** Any person, firm, partnership, corporation, association, or other organization that conducts work at a site under contract with or under the control or supervision of the owner and/or operator or another subcontractor.
- 200.128 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.
- 200.129 TITLE V:** Title V of the Federal Clean Air Act as amended in 1990 and the 40 CFR Part 70 regulations adopted to implement the Act.
- 200.130 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.
- 200.131 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 A.R.S. § 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.

200.132 TRIVIAL ACTIVITY: For the purpose of this definition, a trivial activity shall be any activity, process, or emissions unit that 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 below.

- a. **Mobile Source Combustion Activities:** Combustion emissions from propulsion of mobile sources, except for vessel emissions from outer continental shelf sources.
- b. **Surface Coating and Printing Equipment:** Equipment used for surface coating, painting, dipping or spraying operations, except those that will emit volatile organic compounds (VOC) or hazardous air pollutants (HAPs).
- c. **Cleaning Equipment:** Laundry activities, except for dry-cleaning and steam boilers.
- d. **Internal Combustion Equipment:**
 - (1) Internal combustion (IC) engines used for landscaping purposes.
 - (2) Emergency (backup) electrical generators at residential locations.
- e. **Testing and Monitoring Equipment:**
 - (1) Routine calibration and maintenance of laboratory equipment or other analytical instruments.
 - (2) Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.
 - (3) Hydraulic and hydrostatic testing equipment.
 - (4) Environmental chambers not using HAP gases.
 - (5) Shock chambers.
 - (6) Humidity chambers.
 - (7) Solar simulators.
 - (8) Vents from continuous emissions monitors and other analyzers.
- f. **Office Equipment:**
 - (1) Air-conditioning units used for human comfort that do not have applicable requirements under Title VI of the Act.
 - (2) Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process.

- (3) Consumer use of office equipment and products, not including printers or businesses primarily involved in photographic reproduction.
 - (4) Bathroom/toilet vent emissions.
 - (5) Tobacco smoking rooms and areas.
 - (6) Consumer use of paper trimmers/binders.
- g. Repair and Maintenance:**
- (1) Janitorial services and consumer use of janitorial products.
 - (2) Plant maintenance and upkeep activities (e.g., groundskeeping, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, installing insulation, and paving parking lots), provided these activities are not conducted as part of a manufacturing process, are not related to the source's primary business activity, and not otherwise triggering a permit modification. Cleaning and painting activities that are part of plant maintenance qualify only if they are not subject to VOC or HAP control requirements. Asphalt batch plant owners or operators must still get a permit, if otherwise required.
 - (3) Repair or maintenance shop activities not related to the source's primary business activity (excluding emissions from surface coating or degreasing (solvent metal cleaning) activities) and not otherwise triggering a permit modification.
- h. Storage and Distribution:**
- (1) Storage tanks, vessels, containers holding or storing liquid substances that will not emit any VOC or HAPs.
 - (2) Demineralized water tanks and demineralizer vents.
 - (3) Boiler water treatment operations, not including cooling towers.
- i. Hand Operated Equipment:**
- (1) Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic.
 - (2) Hand-held applicator equipment for hot melt adhesives with no VOC in the adhesive formulation.
 - (3) Portable electrical generators that can be moved by hand from one location to another. "Moved by hand" means that it can be moved without the assistance of any motorized or non-motorized vehicle, conveyance, or device.
 - (4) Air compressors and pneumatically operated equipment, including hand tools.
- j. Food Equipment:** Non-commercial food preparation.
- k. Water and Waste Water Treatment:**
- (1) Process water filtration systems and demineralizers.
 - (2) Oxygen scavenging (de-aeration) of water.
- l. Emergency Equipment:**
- (1) Fire suppression systems.

(2) Emergency road flares.

- 200.133 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.
- 200.134 USED OIL:** Includes oil that has been contaminated as a result of handling, transportation or storage.
- 200.135 VAPOR:** The gaseous form of a substance normally occurring in a liquid or solid state.
- 200.136 VISIBLE EMISSIONS:** Any emissions which are visually detectable without the aid of instruments and which contain particulate matter.
- 200.137 VOLATILE ORGANIC COMPOUND (VOC):** Any organic compound which participates in atmospheric photochemical reactions, except non-precursor organic compounds.
- 200.138 YEAR:** For the purpose of determining emissions of a regulated air pollutant, a year shall be defined as any 12-consecutive month period.

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 A.A.C. or A.R.S., 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 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 defined in 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.

- 403 COMPLIANCE SCHEDULE FOR NEWLY AMENDED RULE PROVISIONS:** Unless otherwise specified, the newly amended provisions of a rule shall become effective upon the adoption date of the rule. An owner, operator, or person subject to the newly amended rule shall submit a permit application and associated plans as necessary or a permit revision application and associated plans as necessary within 90 days of the adoption date of the newly amended rule.

SECTION 500 – MONITORING AND RECORDS

- 501 REPORTING REQUIREMENTS:** The owner 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 MCAQD 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 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: The owner 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 annually, 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 Air Emissions Reporting Requirements in 40 CFR 51, Subpart A, Appendix A, Table 2A. 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 MCAQD. The Control Officer may waive this requirement for the owner 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 or operator and submitted to the Control Officer shall be retained by the owner 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 or operator of a stationary source 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 A.R.S. § 49-476.01 and A.R.S. § 49-480.03.