



## Report to the Board of Supervisors

Prepared by the Maricopa County Air Quality Department

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<b>Board of Health Meeting Date:</b>	None required
<b>Board Hearing Date:</b>	March 26, 2014
<b>Case #/Title:</b>	AQ-2013-004-Incorporation by Reference
<b>Agenda Item:</b>	
<b>Supervisor Districts:</b>	All Districts

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<b>Applicant:</b>	Staff
<b>Request:</b>	To approve the proposed amendments to Maricopa County Air Pollution Control Regulations, Rule 321: Municipal Solid Waste Landfills; Rule 360: New Source Performance Standards; Rule 370: Federal Hazardous Air Pollutant Program; Rule 371: Acid Rain; and Appendix G: Incorporated Materials in order to incorporate federal regulations and documents promulgated by the EPA and published in the Federal Register: New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain and other parts of Title 40 Code of Federal Regulations.
<b>Support/Opposition:</b>	No comments concerning the proposed rulemaking were received.
<b>Staff Recommendation:</b>	<b>Approve</b>
<b>Board of Health Recommendation:</b>	This rulemaking followed the Enhanced Regulatory Outreach Program (EROP) expedited rulemaking process for incorporation by reference per the Maricopa County EROP Policy A1518, revised March 25, 2013. The steps in the incorporation by reference rulemaking do not include taking the rulemaking to the Board of Health.
<b>Additional Comments:</b>	<p>The Maricopa County Air Quality Department complied with all statutory and county policies throughout this rulemaking process. The department followed the EROP Incorporation by Reference process for this rulemaking. In doing so, the department issued a case number "AQ-2013-004-Incorporation by Reference." In January 2013, the department briefed the County Manager and Board of Supervisors on the proposed rulemaking. On July 9, 2013, in accordance with "The Moratorium on Increased Regulatory Burdens" the department received approval to proceed with the incorporation by reference rulemaking. The department did not hold a workshop nor was an oral proceeding requested for this rulemaking. On November 29, 2013, a Notice of Expedited Rulemaking was published in the Arizona Administrative Register (19 A.A.R. 3909, November 29, 2013) opening the 30-day public comment period. The public comment period was closed on December 30, 2013.</p> <p>During the rulemaking process, the department did not receive any comments.</p>
<b>Presented by:</b>	William D. Wiley, P.E., Director
<b>Prepared by:</b>	Cheri Dale, Planner
<b>Attachments:</b>	<a href="#">Summary of the proposed regulatory change</a> (See Item 6 of the Draft Notice of Final Rulemaking)

[Analysis of input received during the process and how that input was responded to](#) (See Item 13 of the Draft Notice of Final Rulemaking)

[Language of proposed regulatory change or amendment](#) (See Item 17 of the Draft Notice of Final Rulemaking)

[Preamble required by Arizona Revised Statutes](#) (A.R.S.) § 49-471.05 (See Draft Notice of Final Rulemaking)

Minutes from all formal public meetings (no formal meetings were requested or held)

Copies of all written and electronic stakeholder input (no comments were received)

[Signed copy of “The Moratorium on Increased Regulatory Burdens”](#)

**DRAFT NOTICE OF FINAL RULEMAKING**  
**MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS**  
**REGULATION III – CONTROL OF AIR CONTAMINANTS**

**PREAMBLE**

**AQ-2013-004-INCORPORATION BY REFERENCE 2011-2013**

- | <b><u>1. Rules affected</u></b>                   | <b><u>Rulemaking action</u></b> |
|---|---------------------------------|
| Rule 321: Municipal Solid Waste Landfills         | Amend                           |
| Rule 360: New Source Performance Standards        | Amend                           |
| Rule 370: Federal Hazardous Air Pollutant Program | Amend                           |
| Rule 371: Acid Rain                               | Amend                           |
| Appendix G: Incorporated Materials                | Amend                           |
- 2. Statutory authority for the rulemaking:**  
Authorizing Statutes: A.R.S. §§ 49-474, 49-479, and 49-480  
Implementing Statutes: A.R.S. §§ 41-1055, 49-112 and 49-471.08
- 3. The effective date of the rule:**  
Tentative date of adoption: March 26, 2014
- 4. List of all previous notices addressing this rulemaking:**  
Notice of Briefing to Maricopa County Manager: October 08, 2012.  
Notice of Docket Opening: 19 A.A.R. 3472, November 01, 2013.  
Notice of Expedited Rulemaking: 19 A.A.R. 3909, November 29, 2013.  
30-Day Comment Period Notice: Posted at <http://www.maricopa.gov/regulations/aq/Inc.aspx> , November 22, 2013.
- 5. Name and address of department personnel with whom persons may communicate regarding the rulemaking:**  
Name: Cheri Dale  
Planning and Analysis Division  
Maricopa County Air Quality Department  
Address: 1001 N. Central Ave., Suite 125  
Phoenix, AZ 85004  
Telephone: (602) 506-6010  
Fax: (602) 506-6179  
E-mail: [aqplanning@mail.maricopa.gov](mailto:aqplanning@mail.maricopa.gov)
- 6. Explanation of the rule, including the department’s reasons for initiating the rulemaking:**

**Background:**

The Maricopa County Air Quality Department (department) is proposing to incorporate by reference various federal regulations and documents promulgated by the U.S. Environmental Protection Agency (EPA) and published in the Federal Register. The proposed amendments in this “Draft Notice of Final Rulemaking” implement federal requirements according to each federal program identified or applicable source type subject to these regulations. The proposed action will incorporate by reference actions relating to New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain and other parts of Title 40 of the Code of Federal Regulations (CFR). The proposed amendments implement federal requirements according to each federal program identified or applicable source type subject to these regulations. The proposed action will include amending the incorporation by reference date from July 1, 2011, to July 1, 2013, in each of the rules to remain current with federal regulations. The adoption of the proposed amendments to Maricopa County Air Pollution Control Regulations Rules 321, 360, 370, 371 and Appendix G is necessary prior to requesting the EPA’s delegation of authority to the department for the implementation and enforcement of the federal regulations and documents.

In addition, the proposed amendments will correct typographical or other clerical errors; make minor grammatical changes to improve readability or clarity; modify the format, numbering, order, capitalization, punctuation, or syntax of certain text to increase standardization within and among rules; or make various other minor changes of a purely editorial nature. As these amendments do not alter the sense, meaning, or effect of the rule, they are not described in detail here, but can be readily discerned in the “strikeout and underline” version of the rule contained in Item #17 of this notice.

**Issues Raised and Discussed During This Rulemaking Process:**

ISSUE 1: On October 2, 2012, the department requested delegation authority from the EPA for primary authority to enforce 40 CFR 60, Subpart FFFF—Emission Guidelines and Compliance Times for Other Solid Waste Incinerator Units that Commenced Construction on or before December 9, 2004; and 40 CFR 60, Subpart MMMM—Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units. On August 1, 2013, the EPA declined the department’s request, citing the Clean Air Act, Section 111(c). The subparts are emission guidelines and are not delegable to the department. Federal standards apply to new facilities and can be directly delegated to the department by the EPA. Federal guidelines apply to existing facilities and provide recommendations for the department to use in the drafting of locally enforceable regulations that can then be incorporated into the federally enforceable State Implementation Plan. The EPA letter stated that if these types of sources are located within the department’s jurisdiction, then the department should begin developing regulations for these sources. There are no sources currently within the jurisdiction of the department. No additional rulemaking is required at this time.

ISSUE 2: During the rulemaking process, concern was expressed that by consolidating the non-precursor organic compounds into one list in Appendix G, this would create confusion with the hazardous air pollutants (HAPs) listed in Rule 370.

The EPA defines a VOC (40 CFR 51.100(s)) as "...any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions." The definition goes on to list the compounds that have been determined to have negligible photochemical reactivity and are not considered a VOC. The compounds listed in Appendix G have been determined by the EPA to have a negligible effect on the formation of ground level ozone and are not considered VOCs.

HAPs are defined by the Federal Clean Air Act as air pollutants that can cause or create a risk of cancer or other serious adverse health effect; or have an adverse environment and ecological effect. HAPs are often referred to as toxic air pollutants. In 40 CFR 63.2, "*Hazardous air pollutant* means any air pollutant listed in or pursuant to section 112(b) of the Act." Revisions to the HAPs list are codified at 40 CFR 63, Subpart C. The department incorporates the list of HAPs in Rule 370.

There are some compounds that the EPA lists as non-precursor organic compounds (listed in Appendix G) that appear on the HAPs list (Rule 370). In this case, the compound is considered to negligibly reactive in the atmosphere with respect to the formation of ground level ozone (and is not a VOC) but is a HAP due to the toxicity. It is the responsibility of the owner or operator or both to verify the regulatory requirements for each compound that is used. The Maricopa County Air Quality Small Business Assistance division can and will provide assistance in determining county regulatory requirements, if requested by the owner or operator.

Description of Proposed Amendments:

**Proposed Significant Amendments Common to Rules 321, 360, 370, 371 and Appendix G:**

To amend the incorporation by reference date from "July 1, 2011" to "July 1, 2013."

**Proposed Significant Amendments to Rule 321 (Municipal Solid Waste Landfills):**

The proposed incorporation by reference is substantially identical to 40 CFR 60, Subpart WWW.

**Proposed Significant Amendments to Rule 360 (New Source Performance Standards):**

This proposed incorporation by reference is substantially identical to 40 CFR 60, Subparts A, D, Da, Db, Dc, F, Ga, J, Ja, KKK, LLL, CCCC, IIII, JJJJ, LLLL, OOOO, and Appendices. Updates to the federal NSPS regulations at 40 CFR 60 are proposed to be incorporated by reference as of July 1, 2013, and no future editions or amendments.

**Proposed Significant Amendments to Rule 370 (Federal Hazardous Air Pollutant Program):**

This proposed incorporation by reference is substantially identical to 40 CFR 63 Subparts A, N, S, X, CC, HH, II, JJ, CCC, DDD, HHH, LLL, TTT, ZZZZ, DDDDD, UUUUU, DDDDDD, JJJJJ, VVVVVV, WWWWWW, DDDDDDD, EEEEEEE, and HHHHHHHH. Updates to the federal NESHAP regulations at 40 CFR 63 are proposed to be incorporated by reference as of July 1, 2013, and no future editions or amendments.

**Proposed Significant Amendments to Rule 371 (Acid Rain):**

This proposed incorporation by reference is substantially identical to 42 CFR 72 and 75. Updates to the federal Acid Rain regulations at 40 CFR 72 and 75 are proposed to be incorporated by reference as of July 1, 2013, and no future editions or amendments.

**Appendix G (Incorporated Materials):**

This proposed incorporation by reference includes updates to specific sections in the CFR. The proposed amendments to Appendix G are substantially identical to 40 CFR 50 with appendix C; 40 CFR 51 with Appendix S; 40 CFR 53; 40 CFR 58 with Appendices D and E; 40 CFR 60 Appendix A-7; 40 CFR 75, Appendices A, D, and F.

**7. Demonstration of compliance with A.R.S. §49-471.08 expedited rulemaking:**

The department is proposing to declare this as an expedited rule making action as described in A.R.S. § 49-471.08(A).

**A.R.S. § 49-471.08(A)(1):**

Demonstration that the rule or ordinance making is substantially identical to the sense, meaning and effect of the federal or state rule or law from which it is derived.

Rule 321 is substantially identical to 40 CFR 60, Subpart WWW.

Rule 360 is substantially identical to 40 CFR 60, Subparts A, D, Da, Db, Dc, F, Ga, J, Ja, KKK, LLL, CCCC, IIII, JJJJ, LLLL, OOOO, and Appendices.

Rule 370 is substantially identical to 40 CFR 63 Subparts A, N, S, X, CC, HH, II, JJ, CCC, DDD, HHH, LLL, TTT, ZZZZ, DDDDD, UUUUU, DDDDDD, JJJJJJ, VVVVVV, WWWWWW, DDDDDDD, EEEEEEE, and HHHHHHH.

Rule 371 is substantially identical to 42 CFR 72, 75 Acid Rain.

Appendix G is substantially identical to 40 CFR 50 with appendix C; 40 CFR 51 with Appendix S; 40 CFR 53; 40 CFR 58 with Appendices D and E; 40 CFR 60 Appendix A-7; 40 CFR 75, Appendices A, D, and F.

**A.R.S. § 49-471.08(A)(2):**

Written finding by the Control Officer setting forth the reasons why the rule or ordinance making is necessary and does not alter the sense, meaning or effect of the federal or state rule or law from which it is derived.

This rulemaking is required to update the applicability dates in these rules. It incorporates subparts that have been passed by the federal government which are required to be implemented by the department. Rules 321, 360, 370, 371, and Appendix G do not alter the sense, meaning or effect of the state rules and federal regulations from which they are derived, as they incorporate language that is essentially the same as the state's applicable rules and the federal code of regulations.

On October 2, 2012, the department requested delegation authority from the EPA for primary authority to enforce 40 CFR 60, Subpart FFFF—Emission Guidelines and Compliance Times for Other Solid Waste Incinerator Units that Commenced Construction on or before December 9, 2004; and 40 CFR 60, Subpart MMMM—Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units. On August 1, 2013, the EPA declined the department’s request, citing the Clean Air Act, Section 111(c). The subparts are emission guidelines and are not delegable to the department. Federal standards apply to new facilities and can be directly delegated to the department by the EPA. Federal guidelines apply to existing facilities and provide recommendations for the department to use in the drafting of locally enforceable regulations that can be then incorporated into the federally enforceable State Implementation Plan. The EPA letter stated that if these types of sources are located within the department’s jurisdiction, then the department should begin developing regulations for these sources. There are no sources currently within the department’s jurisdiction, therefore no additional rulemaking is required at this time.

**A.R.S. § 49-471.08(A)(3):**

Demonstration that fees established in the rule or ordinance do not exceed limits specified in § 49-112.

Rules 321, 360, 370, 371, and Appendix G do not establish fees. Any costs associated with these rules will come from permit application fees for sources obtaining a permit revision to reflect new emission limits, due to applicability of a new federal standard. Therefore, fees associated with these rules will be exactly the same as fees associated with similar permits and would not exceed any limits specified in § 49-112.

**8. 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, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

No studies were reviewed in reference to this expedited rulemaking action. All studies conducted in regards to the CFR being incorporated by reference were conducted at the federal level.

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

Not applicable

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

The department is proposing to incorporate by reference the following federal regulations and documents promulgated by the EPA and published in the Federal Register: New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain and other parts of Title 40 Code of Federal Regulations. These amendments should not have an economic impact on businesses in Maricopa County and should not impose additional costs on the regulated community, small businesses, political subdivisions, and members of the public beyond that already incurred by reason of federal or state rule or law. The costs of compliance with these rules have already occurred and were considered when the federal and state rule or law was proposed and adopted.

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

Name: Cheri Dale  
Planning and Analysis Division  
Maricopa County Air Quality Department  
Address: 1001 N. Central Ave., Suite 125  
Phoenix, AZ 85004  
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Fax: (602) 506-6179  
E-mail: aqplanning@mail.maricopa.gov

**12. Description of the changes between the proposed rule, including supplemental notices and final rule:**

No changes were made to the proposed rule.

**13. Summary of the comments made regarding the rule and the department response to them:**

No comments were received concerning the proposed expedited rulemaking.

**14. Other matters prescribed by statute that are applicable to the specific department or to any specific rule or class of rules:**

Not applicable

**15. Proposed Incorporations by reference and their location in the rule:**

<u>Proposed Incorporations</u>	<u>Location</u>
40 CFR 60, Subpart WWW	Rule 321
40 CFR 60, Subparts A, D, Da, Db, Dc, F, Ga, J, Ja, KKK, LLL, CCCC, IIII, JJJJ, LLLL, OOOO, and Appendices	Rule 360
40 CFR 63 Subparts A, N, S, X, CC, HH, II, JJ, CCC, DDD, HHH, LLL, TTT, ZZZZ, DDDDD, UUUUU, DDDDDD, JJJJJ, VVVVVV, WWWWWW, DDDDDDD, EEEEEEE, and HHHHHHH	Rule 370
42 CFR 72and 75	Rule 371
40 CFR 50 with appendix C; 40 CFR 51with Appendix S; 40 CFR 53; 40 CFR 58 with Appendices D and E; 40 CFR 60 Appendix A-7; 40 CFR 75, Appendices A, D, and F.	Appendix G

**16. Was this rule previously an emergency rule?**

No

**17. Full text of the rule follows:**

**REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 321**

**MUNICIPAL SOLID WASTE LANDFILLS**

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~~Adopted 05/14/97~~  
~~Revised 03/01/00~~  
~~Revised 03/07/01~~  
~~Revised 11/19/03~~  
~~Revised 03/15/06~~  
~~Revised 12/17/08~~  
~~Revised 09/16/09~~  
~~Revised 07/07/10~~  
~~Revised 08/17/11~~  
~~Revised 07/25/12~~

Adopted 05/14/97; Revised 03/01/00; Revised 03/07/01; Revised 11/19/03; Revised 03/15/06; Revised 12/17/08;  
Revised 09/16/09; Revised 07/07/10; Revised 08/17/11; Revised 07/25/12; and Revised MM/DD/YY

**MARICOPA COUNTY**  
**AIR POLLUTION CONTROL REGULATIONS**  
**REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 321**  
**MUNICIPAL SOLID WASTE LANDFILLS**

**SECTION 100 – GENERAL**

- 101 PURPOSE:** To limit the emission of nonmethane organic compounds from municipal solid waste landfills.
- 102 APPLICABILITY:** The provisions of this rule shall apply to each municipal solid waste landfill for which construction, reconstruction, or modification commenced prior to May 30, 1991, and which has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition.
- 103 AVAILABILITY OF INFORMATION:** Copies of 40 CFR 60, Subpart WWW are available electronically at: [ecfr.gpoaccess.gov](http://ecfr.gpoaccess.gov); at the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 125, Phoenix, AZ, 85004; or by calling (602) 506-~~0169~~6010 for information. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at [www.astm.org](http://www.astm.org).

**SECTION 200 – DEFINITIONS:** See Rule 100 of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definitions in this rule take precedence.

- 201 ADMINISTRATOR** – The Control Officer, except that the Control Officer shall not be empowered to approve alternative or equivalent test methods.
- 202 AFFECTED FACILITY** – Any municipal solid waste landfill to which this rule is applicable.
- 203 COMMENCED** – State or condition where an owner or operator has undertaken a continuous program of construction; or where an owner or operator has entered into a contractual obligation to undertake and complete such a program.
- 204 CONSTRUCTION** – The fabrication, erection, or installation of an affected facility.
- 205 MODIFICATION** – Any physical change in, or change in the method of operation of, an affected facility which would result in a change in actual emissions.

- 206 MUNICIPAL SOLID WASTE LANDFILL (MSW LANDFILL)** – An entire, publicly or privately owned, disposal facility in a contiguous geographical space where household waste is placed in or on land. Portions of a MSW landfill may be separated by access roads.
- 207 NMOC** – Nonmethane organic compound.
- 208 OWNER OR OPERATOR** – Any person who owns, leases, operates, controls, or supervises an affected facility.

## **SECTION 300 – STANDARDS**

- 301 STANDARDS OF PERFORMANCE FOR MSW LANDFILLS** The federal standards of performance for municipal solid waste landfills set forth in 40 CFR 60, Subpart WWW adopted as of July 1, ~~2011~~ 2013, and all accompanying appendices, excluding 40 CFR 60.750, are adopted and incorporated by reference with the amendments and revisions set forth in this section. This adoption by reference includes no future editions or revisions. Each owner or operator of an affected facility shall comply with the requirements of 40 CFR 60, Subpart WWW as adopted and, where applicable, revised herein.
- 301.1 Collection and Control System Design Plan:** 40 CFR 60.752(b)(2)(i) is amended to read:  
“Submit a collection and control design plan prepared by a professional engineer to the Administrator for approval not later than 12 months after submittal of the initial NMOC emission rate report.”
- 301.2 Design Capacity Report:** 40 CFR 60.757(a) is amended to read “Each owner or operator of an affected facility shall submit an initial design capacity report to the Administrator within 90 days from May 14, 1997.” 40 CFR 60.757(a)(1) is deleted.
- 301.3 NMOC Emission Rate Report:** 40 CFR 60.757(b) is amended to read “Each owner or operator of an affected facility shall submit an NMOC emission rate report to the Administrator initially and annually thereafter, except as provided for in paragraphs (b)(1)(ii) or (b)(3) of this section. The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate.” 40 CFR 60.757(b)(1)(i) is amended to read: “The initial NMOC emission rate report shall be submitted within 90 days from May 14, 1997 and may be combined with the initial design capacity report required in paragraph (a) of this section. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in paragraphs (b)(1)(ii) and (b)(3) of this section.”
- 302 DELAYED APPLICABILITY:** For an affected facility that first becomes subject to the collection and control system requirement of 40 CFR 60.752 after May 14, 1997, the design plan shall be due not later than 12 months after submittal or scheduled submittal of an NMOC emission rate report of 50 megagrams (55.12 tons) per year or more.

**SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)**

**SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)**

**REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 360**

**NEW SOURCE PERFORMANCE STANDARDS**

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**Revised 07/13/88**

**Revised 04/06/92**

**Revised 11/20/96**

**Revised 05/14/97**

**Revised 08/19/98**

**Revised 04/07/99**

**Revised 03/01/00**

~~Revised 03/07/01~~  
~~Revised 11/19/03~~  
~~Revised 03/15/06~~  
~~Revised 12/17/08~~  
~~Revised 09/16/09~~  
~~Revised 07/07/10~~  
~~Revised 08/17/11~~  
~~Revised 07/25/12~~

Revised 07/13/88; Revised 04/06/92; Revised 11/20/96; Revised 05/14/97; Revised 08/19/98; Revised 04/07/99; Revised 03/01/00; Revised 03/07/01; Revised 11/19/03; Revised 03/15/06; Revised 12/17/08; Revised 09/16/09; Revised 07/07/10; Revised 08/17/11; Revised 07/25/12; and Revised MM/DD/YY

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS  
REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 360  
NEW SOURCE PERFORMANCE STANDARDS**

**SECTION 100 – GENERAL**

- 101 PURPOSE:** To establish acceptable design and performance criteria for specified new or modified emission sources.
- 102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source which contains an affected facility on which the construction, reconstruction, or a modification is commenced after the date of publication of any standard applicable to such facility in 40 CFR 60 and for which federal delegation of the implementation and enforcement of the standards to the Maricopa County Air Quality Department (department) has been accomplished. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 AVAILABILITY OF INFORMATION:** Copies of all 40 CFR, Part 60 revisions currently enforced by the department are available electronically at: [ecfr.gpoaccess.gov](http://ecfr.gpoaccess.gov); at the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 125, Phoenix, AZ, 85004; or by calling (602) 506-~~0169~~6010 for information. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at [www.astm.org](http://www.astm.org).
- 104 FEDERAL DELEGATION AUTHORITY:** The department shall enforce the federal new source performance standards (NSPS) (40 CFR Part 60) listed in Section 300 of this rule which have been delegated to the County by the United States Environmental Protection Agency (EPA) for such

enforcement. The department may, in addition, enforce such other NSPS as delegated for such enforcement by the EPA to the County.

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

- 201 ADMINISTRATOR** – As used in Part 60, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods or alternative standards/work practices, or other nondelegable authorities such as those listed in 40 CFR 60.4(d), except as specifically provided in each subpart.
- 202 AFFECTED FACILITY** – With reference to a stationary source, any apparatus to which a standard is applicable.
- 203 COMMENCED** – With respect to the definition of "new source" in Section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction, reconstruction, or modification or that an owner or operator has entered into a contracted obligation to undertake and complete, within a reasonable time, a continuous program of construction, reconstruction or modification.
- 204 CONSTRUCTION** – The fabrication, erection, or installation of an affected facility.
- 205 MODIFICATION** – Any physical change in, or change in the method of operation of, an existing facility which increases the amount of any contaminant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air contaminant (to which a standard applies) into the atmosphere not previously emitted.
- 206 OWNER OR OPERATOR** – Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.
- 207 STANDARD** – A standard of performance promulgated under this rule.
- 208 STATIONARY SOURCE** – Any building, structure, facility, or installation which emits or may emit any air pollutant.

### **SECTION 300 – STANDARDS**

- 301 ADOPTED FEDERAL STANDARDS:** The federal standards of performance for those subparts of 40 CFR 60 adopted as of July 1, ~~2011~~2013, as listed below, and all accompanying appendices are adopted and incorporated by reference, ~~and no future editions or amendments~~, in the Maricopa County Air Pollution Control Regulations as indicated. ~~Incorporation~~ This incorporation by reference ~~does not include~~

nondelegable functions of the EPA Administrator. includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.

- 301.1 Subpart A**—General Provisions; exclude any sections dealing with equivalency determinations or innovative technology waivers, as covered in Sections 111(h)(3) and 111(j) respectively of the Clean Air Act.
- 301.2 Subpart D**—Standards of Performance for Fossil-Fuel-Fired Steam Generators for which Construction is Commenced after August 17, 1971.
- 301.3 Subpart Da**—Standards of Performance for Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978.
- 301.4 Subpart Db**—Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.
- 301.5 Subpart Dc**—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.
- 301.6 Subpart E**—Standards of Performance for Incinerators.
- 301.7 Subpart Ea**—Standards of Performance for Municipal Waste Combustors for which Construction is Commenced after December 20, 1989 and on or before September 20, 1994.
- 301.8 Subpart Eb**—Standards of Performance for Large Municipal Waste Combustors for which Construction is Commenced after September 20, 1994 or for which Modification or Reconstruction is Commenced after June 19, 1996.
- 301.9 Subpart Ec**—Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for which Construction is Commenced after June 20, 1996.
- 301.10 Subpart F**—Standards of Performance for Portland Cement Plants.
- 301.11 Subpart G**—Standards of Performance for Nitric Acid Plants.
- 301.12 Subpart Ga**—Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011.
- ~~301.12~~**301.13** **Subpart H**—Standards of Performance for Sulfuric Acid Plants.
- ~~301.13~~**301.14** **Subpart I**—Standards of Performance for Hot Mix Asphalt Facilities.

- ~~301.14~~301.15      **Subpart J**—Standards of Performance for Petroleum Refineries.
- ~~301.15~~301.16      **Subpart Ja**—Standards of Performance for Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after May 14, 2007.
- ~~301.16~~301.17      **Subpart K**—Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after June 11, 1973, and prior to May 19, 1978.
- ~~301.17~~301.18      **Subpart Ka**—Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after May 18, 1978, and prior to July 23, 1984.
- ~~301.18~~301.19      **Subpart Kb**—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23, 1984.
- ~~301.19~~301.20      **Subpart L**—Standards of Performance for Secondary Lead Smelters.
- ~~301.20~~301.21      **Subpart M**—Standards of Performance for Secondary Brass and Bronze Production Plants.
- ~~301.21~~301.22      **Subpart N**—Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for which Construction Commenced after June 11, 1973.
- ~~301.22~~301.23      **Subpart Na**—Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for which Construction Commenced after January 20, 1983.
- ~~301.23~~301.24      **Subpart O**—Standards of Performance for Sewage Treatment Plants.
- ~~301.24~~301.25      **Subpart P**—Standards of Performance for Primary Copper Smelters.
- ~~301.25~~301.26      **Subpart Q**—Standards of Performance for Primary Zinc Smelters.
- ~~301.26~~301.27      **Subpart R**—Standards of Performance for Primary Lead Smelters.
- ~~301.27~~301.28      **Subpart S**—Standards of Performance for Primary Aluminum Reduction Plants.
- ~~301.28~~301.29      **Subpart T**—Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
- ~~301.29~~301.30      **Subpart U**—Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

- ~~301.30~~301.31      **Subpart V**—Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
- ~~301.31~~301.32      **Subpart W**—Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.
- ~~301.32~~301.33      **Subpart X**—Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
- ~~301.33~~301.34      **Subpart Y**—Standards of Performance for Coal Preparation and Processing Plants.
- ~~301.34~~301.35      **Subpart Z**—Standards of Performance for Ferroalloy Production Facilities.
- ~~301.35~~301.36      **Subpart AA**—Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974, and on or before August 17, 1983.
- ~~301.36~~301.37      **Subpart AAa**—Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 17, 1983.
- ~~301.37~~301.38      **Subpart BB**—Standards of Performance for Kraft Pulp Mills.
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- ~~301.41~~301.42      **Subpart GG**—Standards of Performance for Stationary Gas Turbines.
- ~~301.42~~301.43      **Subpart HH**—Standards of Performance for Lime Manufacturing Plants.
- ~~301.43~~301.44      **Subpart KK**—Standards of Performance for Lead-Acid Battery Manufacturing Plants.
- ~~301.44~~301.45      **Subpart LL**—Standards of Performance for Metallic Mineral Processing Plants.
- ~~301.45~~301.46      **Subpart MM**—Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.
- ~~301.46~~301.47      **Subpart NN**—Standards of Performance for Phosphate Rock Plants.
- ~~301.47~~301.48      **Subpart PP**—Standards of Performance for Ammonium Sulfate Manufacture.
- ~~301.48~~301.49      **Subpart QQ**—Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.

- ~~301.49~~301.50      **Subpart RR**—Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
- ~~301.50~~301.51      **Subpart SS**—Standards of Performance for Industrial Surface Coating: Large Appliances.
- ~~301.51~~301.52      **Subpart TT**—Standards of Performance for Metal Coil Surface Coating.
- ~~301.52~~301.53      **Subpart UU**—Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.
- ~~301.53~~301.54      **Subpart VV**—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced after January 5, 1981, and on or before November 7, 2006.
- ~~301.54~~301.55      **Subpart VVa**—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced after November 7, 2006.
- ~~301.55~~301.56      **Subpart WW**—Standards of Performance for the Beverage Can Surface Coating Industry.
- ~~301.56~~301.57      **Subpart XX**—Standards of Performance for Bulk Gasoline Terminals.
- ~~301.57~~301.58      **Subpart AAA**—Standards of Performance for New Residential Wood Heaters.
- ~~301.58~~301.59      **Subpart BBB**—Standards of Performance for the Rubber Tire Manufacturing Industry.
- ~~301.59~~301.60      **Subpart DDD**—Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
- ~~301.60~~301.61      **Subpart FFF**—Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.
- ~~301.61~~301.62      **Subpart GGG**—Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after January 4, 1983, and on or before November 7, 2006.
- ~~301.62~~301.63      **Subpart GGGa**—Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after November 7, 2006.
- ~~301.63~~301.64      **Subpart HHH**—Standards of Performance for Synthetic Fiber Production Facilities.

- ~~301.64~~301.65      **Subpart III**—Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
- ~~301.65~~301.66      **Subpart JJJ**—Standards of Performance for Petroleum Dry Cleaners.
- ~~301.66~~301.67      **Subpart KKK**—Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
- ~~301.67~~301.68      **Subpart LLL**—Standards of Performance for Onshore Natural Gas Processing: SO<sub>2</sub> Emissions.
- ~~301.68~~301.69      **Subpart NNN**—Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.
- ~~301.69~~301.70      **Subpart OOO**—Standards of Performance for Nonmetallic Mineral Processing Plants.
- ~~301.70~~301.71      **Subpart PPP**—Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants.
- ~~301.71~~301.72      **Subpart QQQ**—Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems.
- ~~301.72~~301.73      **Subpart RRR**—Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.
- ~~301.73~~301.74      **Subpart SSS**—Standards of Performance for Magnetic Tape Coating Facilities.
- ~~301.74~~301.75      **Subpart TTT**—Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.
- ~~301.75~~301.76      **Subpart UUU**—Standards of Performance for Calciners and Dryers in Mineral Industries.
- ~~301.76~~301.77      **Subpart VVV**—Standards of Performance for Polymeric Coating of Supporting Substrates Facilities.
- ~~301.77~~301.78      **Subpart WWW**—Standards of Performance for Municipal Solid Waste Landfills.
- ~~301.78~~301.79      **Subpart AAAA**—Standards of Performance for Small Municipal Waste Combustion Units for which Construction is Commenced after August 30, 1999 or for which Modification or Reconstruction is Commenced after June 6, 2001.

~~301.79~~301.80      **Subpart CCCC**—Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for which Construction is Commenced after November 30, 1999 or for which Modification or Reconstruction is Commenced on or after June 1, 2001.

301.81      **Subpart EEEE**—Standards of Performance for Other Solid Waste Incineration Units for which Construction is Commenced after December 9, 2004, or for which Modification or Reconstruction is Commenced on or after June 16, 2006.

~~301.81~~      ~~**Subpart FFFF**—Emission Guidelines and Compliance Times for Other Solid Waste Incinerator Units that Commenced Construction on or before December 9, 2004.~~

301.82      **Subpart IIII**—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

301.83      **Subpart JJJJ**—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

301.84      **Subpart KKKK**—Standards of Performance for Stationary Combustion Turbines.

301.85      **Subpart LLLL**—Standards of Performance for New Sewage Sludge Incineration Units.

~~301.86~~      ~~**Subpart MMMM**—Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units.~~

301.86      **Subpart OOOO**—Standards for Crude Oil and Natural Gas Production, Transmission and Distribution.

**302**      **ADDITIONAL REQUIREMENTS:** From the general standards identified in Section 301 of this rule, delete 40 CFR 60.4, 60.5, and 60.6. All requests, reports, applications, submittals, and other communications to the Control Officer pursuant to this rule shall be submitted to the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 125, Phoenix, AZ, 85004.

**SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)**

**SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)**

**REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 370**

**FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

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**SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)**

**Revised 07/13/88**

**Revised 04/06/92**

**Repealed and Adopted 11/15/93**

**Revised 11/20/96**

**Revised 05/14/97**

**Revised 05/20/98**

**Revised 08/19/98**

~~Revised 03/01/00~~  
~~Revised 03/07/01~~  
~~Revised 11/19/03~~  
~~Revised 03/15/06~~  
~~Revised 12/17/08~~  
~~Revised 09/16/09~~  
~~Revised 07/07/10~~  
~~Revised 08/17/11~~  
~~Revised 07/25/12~~

Revised 07/13/88; Revised 04/06/92; Repealed and Adopted 11/15/93; Revised 11/20/96; Revised 05/14/97;  
Revised 05/20/98; Revised 08/19/98; Revised 03/01/00; Revised 03/07/01; Revised 11/19/03; Revised 03/15/06;  
Revised 12/17/08; Revised 09/16/09; Revised 07/07/10; Revised 08/17/11; Revised 07/25/12; and Revised  
MM/DD/YY

**MARICOPA COUNTY**  
**AIR POLLUTION CONTROL REGULATIONS**  
**REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 370**  
**FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

**SECTION 100 – GENERAL**

- 101 PURPOSE:** To establish emission standards for federally listed hazardous air pollutants.
- 102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source for which a standard is prescribed under this rule, and for which federal delegation of the implementation and enforcement of the standards to the Maricopa County Air Quality Department (department) has been accomplished. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 AVAILABILITY OF INFORMATION:** Copies of all 40 CFR, Part 61 and Part 63 revisions currently enforced by the department are available electronically at: [ecfr.gpoaccess.gov](http://ecfr.gpoaccess.gov); at the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 125, Phoenix, AZ, 85004; or by calling (602) 506-~~0469~~6010 for information. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at [www.astm.org](http://www.astm.org).
- 104 FEDERAL DELEGATION AUTHORITY:** The department shall enforce the national emission standards for hazardous air (NESHAPs) (40 CFR 61 and 40 CFR 63) listed in Section 300 of this rule which have been delegated to the County by the United States Environmental Protection Agency (EPA) for

such enforcement. The department in addition, may enforce such other NESHAPs as delegated for such enforcement by the EPA to the County.

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

- 201 ADMINISTRATOR** – As used in Parts 61 and 63, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods, alternative standards/work practices, or other nondelegable authorities, except as specifically provided in each subpart.
- 202 AMENDED WATER** – Water to which surfactant (wetting agent) has been added to increase the ability of the liquid to penetrate asbestos-containing material (ACM).
- 203 EXISTING SOURCE** – Any stationary source other than a new source.
- 204 FEDERALLY LISTED HAZARDOUS AIR POLLUTANT** – Any air pollutant listed pursuant to Section 112(b) of the Act.
- 205 GOVERNMENT-ISSUED PHOTO IDENTIFICATION CARD** – Includes, but is not limited to, a valid driver's license, a valid nonoperating identification license, a valid tribal enrollment card or tribal identification card, or other valid government issued photo identification that includes the name, address, and photograph of the card holder.
- 206 HAZARDOUS AIR POLLUTANT** – Any air pollutant regulated under Section 112 of the Act, any air pollutant subject to NESHAP, or any air pollutant designated by the Director as a hazardous air pollutant pursuant to A.R.S. § 49-426.04.
- 207 MAJOR SOURCE** – A stationary source or group of stationary sources located within a contiguous area, and under common control, and that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any federally listed hazardous air pollutant or 25 tons per year or more of any combination of federally listed hazardous air pollutants. A lesser quantity or, in the case of radionuclides, a different criteria may be established by the Administrator pursuant to Section 112 of the Act and may be adopted by the Board of Supervisors by rule.
- 208 MODIFICATION** – Any physical change in, or change in the method of operation of a major source which increases the actual emissions of any federally listed hazardous air pollutant emitted by such source by more than a de minimis amount, or which results in the emission of any federally listed hazardous air pollutant, not previously emitted by more than a de minimis amount.

- 209 NESHAP** – National emission standards for hazardous air pollutants pursuant to 40 CFR Part 61 and Part 63.
- 210 NEW SOURCE** – A stationary source, the construction or reconstruction of which commences after the Administrator first proposes regulations under Section 112 of the Act establishing an emission standard applicable to such source.
- 211 STATIONARY SOURCE** – Any building, structure, facility, or installation which emits or may emit any air pollutant.

## **SECTION 300 – STANDARDS**

### **301 STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR**

**POLLUTANTS:** The federally listed hazardous air pollutants as listed in Table 370.1 of this rule and NESHAPs adopted as of July 1, ~~2014~~2013, as listed below and as which can be found at 40 CFR 61 and all accompanying appendices, are incorporated by reference with the listed exclusions and additions and shall be applied by the Control Officer. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.

- 301.1 Subpart A**—General Provisions; exclude any sections dealing with equivalency determinations that are nontransferable through Section 112(e)(3) of the Act.
- 301.2 Subpart C**—National Emission Standard for Beryllium.
- 301.3 Subpart D**—National Emission Standard for Beryllium Rocket Motor Firing.
- 301.4 Subpart E**—National Emission Standard for Mercury.
- 301.5 Subpart F**—National Emission Standard for Vinyl Chloride.
- 301.6 Subpart J**—National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.
- 301.7 Subpart L**—National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants.
- 301.8 Subpart M**—National Emission Standard for Asbestos.
- a.** Each owner or operator of a demolition activity or renovation activity involving a facility as defined in 40 CFR 61, Subpart M shall:

- (1) Fully comply with all requirements of 40 CFR 61, Subpart M.
  - (2) Thoroughly inspect the facility within 12 months of commencement of demolition or renovation activity for the presence of asbestos, including Category I and Category II nonfriable ACM. Include the date of this inspection on the written notification.
  - (3) Provide the Control Officer with written notification of intention to demolish or to renovate in the manner described in 40 CFR 61.145.
  - (4) Update all notifications in accordance with 40 CFR 61.145(b). For renovations described in 40 CFR 61.145(a)(4)(iii), notifications shall expire every December 31, with new notices required at least 10 working days before the end of the calendar year preceding the year for which notice is being given. All other notifications shall expire one year from either the original postmark date or commercial delivery date or date of hand delivery to the Control Officer. For a demolition activity or renovation activity that continues beyond the expiration date, the owner or operator of the demolition or renovation activity shall notify the Control Officer in accordance with 40 CFR 61.145(b) at least 10 working days prior to the expiration of the original notice and pay all applicable fees prescribed by Rule 280 of these rules.
  - (5) Pay all applicable fees prescribed by Rule 280 of these rules.
- b. In addition, each owner or operator of a demolition activity or renovation activity shall comply with the following requirements:
- (1) Certification, training, and record keeping requirements:
    - (a) All facilities scheduled for demolition or renovation shall be inspected by a currently certified Asbestos Hazard Emergency Response Act (AHERA) accredited asbestos building inspector (herein referenced as inspector), as required by either AHERA or the Asbestos School Hazard Abatement Reauthorization Act (ASHARA).
    - (b) Each owner and operator of a facility shall maintain a copy of any reports of inspections made for a facility for two years from completion of project, including laboratory test results of samples collected. A copy of the inspection reports and laboratory test results shall be on-site and available for inspection at the facility, upon request of the Department, during all demolition and renovation (asbestos setup, removal, handling, collecting, containerizing, cleanup and dismantling) activities.
    - (c) All asbestos workers shall maintain current AHERA worker certification. All asbestos contractor/supervisors shall maintain current AHERA/ASHARA contractor/supervisor certification and shall be on-site at all times during any

active asbestos abatement work at or above NESHAP threshold amounts. A legible copy of all asbestos workers and contractor/supervisor's current training certificates from an EPA accredited training provider shall be available for inspection at all times at the demolition or renovation site.

(d) All asbestos workers and contractor/supervisors shall have color photo identification on-site and available for inspection, upon request of the Department, at all times during asbestos setup, removal, handling, collecting, containerizing, cleanup and dismantling. The color photo identification shall be from an EPA accredited training provider verifying the certification requirements in section (b)(1)(c), or a current government-issued photo identification card.

(2) Asbestos renovation and demolition standards:

(a) A facility owner or operator shall not create visible dust emissions when removing or transporting to the disposal site Category I nonfriable asbestos-containing material (ACM) and Category II nonfriable ACM that remain nonfriable Category I ACM and nonfriable Category II ACM.

(b) Inspection viewing devices at facilities are required at all asbestos renovation projects where regulated asbestos-containing material (RACM) is being abated, except for roofing projects involving Category I nonfriable ACM and Category II nonfriable ACM exclusively. Viewing devices shall be so designed as to allow an inspector to view the facility from the outside, either through ports or by video monitoring.

(c) All exposed RACM subject to cutting or dismantling operations and all RACM being removed from a facility or a facility component shall be kept adequately wet by using amended water to control the release of asbestos fibers. The use of amended water will not be required in the case of an ordered demolition, as defined in 40 CFR 61.145(a)(3), where the debris is suspected to contain or is known to contain ACM, however ordered demolitions are subject to 40 CFR 61.145(c)(9). Specific exemptions are listed under 40 CFR 61.145(c)(3)(i)(A), 40 CFR 61.145(c)(3)(ii) and/or 40 CFR 61.145(c)(7)(i). To claim these exemptions, the owner or operator shall follow the requirements of 40 CFR 61.145(c)(3)(i)(B), 40 CFR 61.145(c)(3)(iii) and/or 61.145(c)(7)(ii) and (iii).

(d) All RACM shall be contained in transparent, leak-tight wrapping and shall remain adequately wet to prevent dust emissions during removal, transport, storage, and proper landfill disposal following local, county, state, and federal regulations. Affix a visible and legible label to each individual wrapping with the name of the

site owner or operator and the name and address of the location that generated the RACM.

- 301.9 Subpart N**—National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants.
- 301.10 Subpart O**—National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters.
- 301.11 Subpart P**—National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.
- 301.12 Subpart V**—National Emission Standard for Equipment Leaks (Fugitive Emission Sources).
- 301.13 Subpart Y**—National Emission Standard for Benzene Emissions from Benzene Storage Vessels.
- 301.14 Subpart BB**—National Emission Standard for Benzene Emissions from Benzene Transfer Operations.
- 301.15 Subpart FF**—National Emission Standard for Benzene Waste Operations.

**302 STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR**

**POLLUTANTS FOR SOURCE CATEGORIES:** The federally listed hazardous air pollutants as listed in Table 370.1 of this rule and NESHAPs adopted as of July 1, ~~2014~~2013, as listed below and as which can be found at 40 CFR 63, and all accompanying appendices, are incorporated by reference, as applicable requirements, with the listed exclusions and additions and shall be applied by the Control Officer. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth. Incorporation by reference does not include nondelegable functions of the EPA Administrator.

- 302.1 Subpart A**—General Provisions.
- 302.2 Subpart B**—Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j).
- 302.3 Subpart C**—List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List.
- 302.4 Subpart D**—Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants.

- 302.5 Subpart F**—National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.
- 302.6 Subpart G**—National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.
- 302.7 Subpart H**—National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.
- 302.8 Subpart I**—National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.
- 302.9 Subpart J**—National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production.
- 302.10 Subpart L**—National Emission Standards for Coke Oven Batteries.
- 302.11 Subpart M**—National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.
- 302.12 Subpart N**—National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
- 302.13 Subpart O**—Ethylene Oxide Emissions Standards for Sterilization Facilities.
- 302.14 Subpart Q**—National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.
- 302.15 Subpart R**—National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).
- 302.16 Subpart S**—National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.
- 302.17 Subpart T**—National Emission Standards for Halogenated Solvent Cleaning.
- 302.18 Subpart U**—National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.
- 302.19 Subpart W**—National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production.

- 302.20 Subpart X**—National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting.
- 302.21 Subpart AA**—National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants.
- 302.22 Subpart BB**—National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants.
- 302.23 Subpart CC**—National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.
- 302.24 Subpart DD**—National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.
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- 302.26 Subpart GG**—National Emission Standards for Aerospace Manufacturing and Rework Facilities.
- 302.27 Subpart HH**—National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities.
- 302.28 Subpart JJ**—National Emission Standards for Wood Furniture Manufacturing Operations.
- 302.29 Subpart KK**—National Emission Standards for the Printing and Publishing Industry.
- 302.30 Subpart MM**—National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills.
- 302.31 Subpart OO**—National Emission Standards for Tanks – Level 1.
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- 302.33 Subpart QQ**—National Emission Standards for Surface Impoundments.
- 302.34 Subpart RR**—National Emission Standards for Individual Drain Systems.
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- 302.78 Subpart UUUU**—National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing.
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- 302.134 **Subpart HHHHHHH**—National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production.

**303 ADDITIONAL REQUIREMENTS:**

- 303.1** From the general standards identified in Section 301 of this rule, delete 40 CFR 61.04. All requests, reports, applications, submittals, and other communications to the Control Officer pursuant to this rule shall be submitted to the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 125, Phoenix, AZ, 85004.

- 303.2** Where the Act has established provisions, including specific schedules, for the regulation of source categories pursuant to Sections 112(e)(5) and 112(n) of the Act, the Control Officer may enforce those provisions.
- 303.3** For any category or subcategory of sources licensed by the U.S. Nuclear Regulatory Commission, the Board of Supervisors shall not adopt and the Control Officer shall not enforce any standard or limitation respecting emissions of radionuclides which is more stringent than the standard or limitation adopted by the Administrator pursuant to Section 112 of the Act.
- 303.4** If the Administrator finds by rule that regulation is not appropriate or necessary or that alternative control strategies should be applied, the Control Officer shall administer and enforce this rule based on the Administrator's findings.

## **SECTION 400 – ADMINISTRATIVE REQUIREMENTS**

- 401 CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES IN ACCORDANCE WITH CLEAN AIR ACT SECTIONS, SECTIONS 112(g) AND 112(j):** 40 CFR 63.40 through 40 CFR 63.44 and 40 CFR 63.50 through 40 CFR 63.56 are adopted by reference.
- 402 COMPLIANCE EXTENSIONS FOR EARLY REDUCTION OF FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS:** 40 CFR 63.70 through 40 CFR 63.81 and Table 370.1 are adopted by reference.

## **SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)**

**TABLE 370-1. FEDERAL LIST OF HAZARDOUS AIR POLLUTANTS**

- A.** All of the following are federally listed hazardous air pollutants:

<b>CAS No.</b>	<b>Chemical Name</b>	<b>CAS No.</b>	<b>Chemical Name</b>
75-07-0	Acetaldehyde	110-54-3	Hexane
60-35-5	Acetamide	302-01-2	Hydrazine
75-05-8	Acetonitrile	7647-01-0	Hydrochloric acid
98-86-2	Acetophenone	7664-39-3	Hydrogen fluoride (Hydrofluoric acid)
53-96-3	2-Acetylaminofluorene	123-31-9	Hydroquinone
107-02-8	Acrolein	78-59-1	Isophorone
79-06-1	Acrylamide	58-89-9	Lindane (all isomers)
79-10-7	Acrylic acid	108-31-6	Maleic anhydride
107-13-1	Acrylonitrile	67-56-1	Methanol
107-05-1	Allyl chloride	72-43-5	Methoxychlor
92-67-1	4-Aminobiphenyl	74-83-9	Methyl bromide (Bromomethane)
62-53-3	Aniline	74-87-3	Methyl chloride (Chloromethane)
90-04-0	o-Anisidine	71-55-6	Methyl chloroform (1,1,1-Trichloroethane)

<b>CAS No.</b>	<b>Chemical Name</b>	<b>CAS No.</b>	<b>Chemical Name</b>
1332-21-4	Asbestos	60-34-4	Methyl hydrazine
71-43-2	Benzene (including benzene from gasoline)	74-88-4	Methyl iodide (Iodomethane)
92-87-5	Benzidine	108-10-1	Methyl isobutyl ketone (Hexone)
98-07-7	Benzotrichloride	624-83-9	Methyl isocyanate
100-44-7	Benzyl chloride	80-62-6	Methyl methacrylate
92-52-4	Biphenyl	1634-04-4	Methyl tert butyl ether
117-81-7	Bis(2-ethylhexyl)phthalate (DEHP)	101-14-4	4,4-Methylene bis (2-chloroaniline)
542-88-1	Bis(chloromethyl)ether	75-09-2	Methylene chloride (Dichloromethane)
75-25-2	Bromoform	101-68-8	Methylene diphenyl diisocyanate (MDI)
106-99-0	1,3-Butadiene	101-77-9	4,4'-Methylenedianiline
156-62-7	Calcium cyanamide	91-20-3	Naphthalene
133-06-2	Captan	98-95-3	Nitrobenzene
63-25-2	Carbaryl	92-93-3	4-Nitrobiphenyl
75-15-0	Carbon disulfide	100-02-7	4-Nitrophenol
56-23-5	Carbon tetrachloride	79-46-9	2-Nitropropane
463-58-1	Carbonyl sulfide	684-93-5	N-Nitroso-N-methylurea
120-80-9	Catechol	62-75-9	N-Nitrosodimethylamine
133-90-4	Chloramben	59-89-2	N-Nitrosomorpholine
57-74-9	Chlordane	56-38-2	Parathion
7782-50-5	Chlorine	82-68-8	Pentachloronitrobenzene (Quintobenzene)
79-11-8	Chloroacetic acid	87-86-5	Pentachlorophenol
532-27-4	2-Chloroacetophenone	108-95-2	Phenol
108-90-7	Chlorobenzene	106-50-3	p-Phenylenediamine
510-15-6	Chlorobenzilate	75-44-5	Phosgene
67-66-3	Chloroform	7803-51-2	Phosphine
107-30-2	Chloromethyl methyl ether	7723-14-0	Phosphorus
126-99-8	Chloroprene	85-44-9	Phthalic anhydride
1319-77-3	Cresols/Cresylic acid (isomers and mixture)	1336-36-3	Polychlorinated biphenyls (Aroclors)
95-48-7	o-Cresol	1120-71-4	1,3-Propane sultone
108-39-4	m-Cresol	57-57-8	beta-Propiolactone
106-44-5	p-Cresol	123-38-6	Propionaldehyde
98-82-8	Cumene	114-26-1	Propoxur (Baygon)
94-75-7	2,4-D, salts and esters	78-87-5	Propylene dichloride (1,2-Dichloropropane)
3547-04-4	DDE	75-56-9	Propylene oxide
334-88-3	Diazomethane	75-55-8	1,2-Propylenimine (2-Methylaziridine)
132-64-9	Dibenzofurans	91-22-5	Quinoline
96-12-8	1,2-Dibromo-3-chloropropane	106-51-4	Quinone
84-74-2	Dibutylphthalate	100-42-5	Styrene
106-46-7	1,4-Dichlorobenzene(p)	96-09-3	Styrene oxide
91-94-1	3,3-Dichlorobenzidene	1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin
111-44-4	Dichloroethyl ether (Bis(2-chloroethyl)ether)	79-34-5	1,1,2,2-Tetrachloroethane
542-75-6	1,3-Dichloropropene	127-18-4	Tetrachloroethylene (Perchloroethylene)
62-73-7	Dichlorvos	7550-45-0	Titanium tetrachloride

CAS No.	Chemical Name	CAS No.	Chemical Name
111-42-2	Diethanolamine	108-88-3	Toluene
121-69-7	N,N-Diethyl aniline (N,N-Dimethylaniline)	95-80-7	2,4-Toluene diamine
64-67-5	Diethyl sulfate	584-84-9	2,4-Toluene diisocyanate
119-90-4	3,3-Dimethoxybenzidine	95-53-4	o-Toluidine
60-11-7	Dimethyl aminoazobenzene	8001-35-2	Toxaphene (chlorinated camphene)
119-93-7	3,3'-Dimethyl benzidine	120-82-1	1,2,4-Trichlorobenzene
79-44-7	Dimethyl carbamoyl chloride	79-00-5	1,1,2-Trichloroethane
68-12-2	Dimethyl formamide	79-01-6	Trichloroethylene
57-14-7	1,1-Dimethyl hydrazine	95-95-4	2,4,5-Trichlorophenol
131-11-3	Dimethyl phthalate	88-06-2	2,4,6-Trichlorophenol
77-78-1	Dimethyl sulfate	121-44-8	Triethylamine
534-52-1	4,6-Dinitro-o-cresol, and salts	1582-09-8	Trifluralin
51-28-5	2,4-Dinitrophenol	540-84-1	2,2,4-Trimethylpentane
121-14-2	2,4-Dinitrotoluene	108-05-4	Vinyl acetate
123-91-1	1,4-Dioxane (1,4-Diethyleneoxide)	593-60-2	Vinyl bromide
122-66-7	1,2-Diphenylhydrazine	75-01-4	Vinyl chloride
106-89-8	Epichlorohydrin (1-Chloro-2,3-epoxypropane)	75-35-4	Vinylidene chloride (1,1-Dichloroethylene)
106-88-7	1,2-Epoxybutane	1330-20-7	Xylenes (isomers and mixture)
140-88-5	Ethyl acrylate	95-47-6	o-Xylenes
100-41-4	Ethyl benzene	108-38-3	m-Xylenes
51-79-6	Ethyl carbamate (Urethane)	106-42-3	p-Xylenes
75-00-3	Ethyl chloride (Chloroethane)	0	Antimony Compounds
106-93-4	Ethylene dibromide (Dibromoethane)	0	Arsenic Compounds inorganic including arsine)
107-06-2	Ethylene dichloride (1,2-Dichloroethane)	0	Beryllium Compounds
107-21-1	Ethylene glycol	0	Cadmium Compounds
151-56-4	Ethylene imine (Aziridine)	0	Chromium Compounds
75-21-8	Ethylene oxide	0	Cobalt Compounds
96-45-7	Ethylene thiourea	0	Coke Oven Emissions
75-34-3	Ethylidene dichloride (1,1-Dichloroethane)	0	Cyanide Compounds[1]
50-00-0	Formaldehyde	0	Glycol ethers[2]
76-44-8	Heptachlor	0	Lead Compounds
118-74-1	Hexachlorobenzene	0	Manganese Compounds
87-68-3	Hexachlorobutadiene	0	Mercury Compounds
77-47-4	Hexachlorocyclopentadiene	0	Fine mineral fibers[3]
67-72-1	Hexachloroethane	0	Nickel Compounds
822-06-0	Hexamethylene-1,6-diisocyanate	0	Polycyclic Organic Matter[4]
680-31-9	Hexamethylphosphoramide	0	Radionuclides (including radon)[5]
		0	Selenium Compounds

**B.** The following applies for all listings above which contain the word "compounds" or are glycol ethers: unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

- [1] X'CN where X = H' or any other group where a formal dissociation may occur (e.g. KCN or Ca(CN)<sub>2</sub>).
- [2] a. Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OR' where:
- n = 1, 2, or 3;
- R = alkyl C7 or less; or
- R = phenyl or alkyl substituted phenyl;
- R' = H or alkyl C7 or less; or
- OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate.
- b. Glycol ethers do not include ethylene glycol monobutyl ether (EGBE, 2-Butoxyethanol) (CAS No. 111-76-2).
- [3] Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter one micrometer or less.
- [4] Includes organic compounds which have more than one benzene ring and which have a boiling point greater than or equal to 212 °F (100 °C).
- [5] A type of atom which spontaneously undergoes radioactive decay.

### **REGULATION III – CONTROL OF AIR CONTAMINANTS**

#### **RULE 371**

#### **ACID RAIN**

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~~Adopted 02/15/95~~

~~Revised 04/03/96~~

~~Revised 03/01/00~~

~~Revised 03/07/01~~

~~Revised 11/19/03~~

~~Revised 03/15/06~~

~~Revised 12/17/08~~

~~Revised 09/16/09~~

~~Revised 07/07/10~~

~~Revised 08/17/11~~

~~Revised 07/25/12~~

Revised MM/DD/YY

Adopted 02/15/95; Revised 04/03/96; Revised 03/01/00; Revised 03/07/01; Revised 11/19/03; Revised 03/15/06; Revised 12/17/08; Revised 09/16/09; Revised 07/07/10; Revised 08/17/11; Revised 07/25/12; and Revised MM/DD/YY

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS  
REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 371  
ACID RAIN**

**SECTION 100 – GENERAL**

- 101 PURPOSE:** To incorporate by reference the Acid Rain federal regulations in order to obtain delegated authority to enforce portions of the Clean Air Act Amendments of 1990 (CAAA).
- 102 APPLICABILITY:** This rule applies to those affected units as described in 40 Code of Federal Regulations (CFR) 72.6 which has been adopted by reference and no future additions or amendments. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 SEVERABILITY:** If the provisions or requirements of the regulations incorporated pursuant to this rule conflict with any of the remaining portions of these rules, the regulations incorporated pursuant to this rule shall apply and shall take precedence.
- 104 AVAILABILITY OF INFORMATION:** Copies of 40 CFR Part 72 (Permits Regulation), 40 CFR Part 74 (Sulfur Dioxide Opt-Ins), 40 CFR Part 75 (Continuous Emission Monitoring), and 40 CFR 76 (Acid Rain

Nitrogen Oxides Emission Reduction Program) and all accompanying appendices currently enforced by the department are available electronically at: [ecfr.gpoaccess.gov](http://ecfr.gpoaccess.gov); at the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 125, Phoenix, AZ, 85004; or by calling (602) 506-0169/6010 for information. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at [www.astm.org](http://www.astm.org).

**105 FEDERAL DELEGATION AUTHORITY:** The department shall enforce the Federal Acid Rain Regulations which have been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. The department may, in addition, enforce such other Acid Rain Rules as delegated for such enforcement by the EPA to the County.

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

**SECTION 300 – STANDARDS**

**301 INCORPORATED SUBPARTS OF THE FEDERAL ACID RAIN REGULATIONS:** 40 CFR Parts 72, 74, 75 and 76 and all accompanying appendices, adopted as of July 1, ~~2011~~2013, (and no future additions or amendments) are incorporated by reference as applicable requirements.

**302 FEDERAL REGULATORY REVISIONS:** The Maricopa County Board of Supervisors shall take action following promulgation by the Environmental Protection Agency (EPA) of regulations implementing Section 407 and Section 410 of the Clean Air Act (CAA), or revising either Part 72, 74, 75, and/or 76 of the regulations implementing Section 407 or Section 410 of the CAA, to either incorporate such new or revised provisions by reference or to submit, for the EPA approval, the Maricopa County Air Pollution Control Regulations implementing these provisions.

**SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)**

**SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)**

~~Adopted 03/15/06~~  
~~Revised 12/17/08~~  
~~Revised 09/16/09~~  
~~Revised 07/07/10~~  
~~Revised 08/17/11~~  
~~Revised 07/25/12~~  
~~Revised 09/25/13~~

Adopted 03/15/06; Revised 12/17/08; Revised 09/16/09; Revised 07/07/10; Revised 08/17/11; Revised 07/25/12; Revised 09/25/13; and Revised MM/DD/YY

**MARICOPA COUNTY**

## AIR POLLUTION CONTROL REGULATIONS

### APPENDIX G Incorporated Materials

1. The following test methods, protocols, federal interpretations, guidelines, and appendices located in Title 40, Code of Federal Regulations (CFR) are approved for use as directed by the department under the Maricopa County Air Pollution Control Regulations. These standards are incorporated by reference as of July 1, ~~2014~~2013, and no future editions or amendments.
  - a. 40 CFR 50;
  - b. 40 CFR 50, Appendices A-1, A-2, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, and T;
  - c. 40 CFR 51; Appendix M; Appendix S, Section IV; and Appendix W;
  - d. 40 CFR 52, Appendices D and E;
  - e. 40 CFR 53;
  - f. 40 CFR 58;
  - g. 40 CFR 58, Appendices A, C, D, E, and G;
  - h. 40 CFR 60, Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B, C, D, F, G, and I;
  - i. 40 CFR 61, Appendices A, B, C, D, and E;
  - j. 40 CFR 63, all appendices; and
  - k. 40 CFR 75, Appendices A, B, C, D, E, F, and G.
  
2. The following are federally listed non-precursor organic compounds, organic compounds which have been determined to have negligible photochemical reactivity as listed in 40 CFR 51.100(s).
  - a. This list is incorporated by reference as of July 1, 2013, and no future editions or amendments:

**methane;**

**ethane;**

**methylene chloride (dichloromethane);**

**1,1,1-trichloroethane (methyl chloroform);**

**1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);**

**trichlorofluoromethane (CFC-11);**

**dichlorodifluoromethane (CFC-12);**

**chlorodifluoromethane (HCFC-22);**

**trifluoromethane (HFC-23);**

**1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);**

**chloropentafluoroethane (CFC-115);**

**1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);**

**1,1,1,2-tetrafluoroethane (HFC-134a);**

**1,1-dichloro 1-fluoroethane (HCFC-141b);**

**1-chloro 1,1-difluoroethane (HCFC-142b);**

**2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);**

**pentafluoroethane (HFC-125);**

**1,1,2,2-tetrafluoroethane (HFC-134);**

**1,1,1-trifluoroethane (HFC-143a);**

**1,1-difluoroethane (HFC-152a);**

parachlorobenzotrifluoride (PCBTF);

cyclic, branched, or linear completely methylated siloxanes;

acetone;

perchloroethylene (tetrachloroethylene);

3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);

1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);

1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);

difluoromethane (HFC-32); ethylfluoride (HFC-161);

1,1,1,3,3,3-hexafluoropropane (HFC-236fa);

1,1,2,2,3-pentafluoropropane (HFC-245ca);

1,1,2,3,3-pentafluoropropane (HFC-245ea);

1,1,1,2,3-pentafluoropropane (HFC-245eb);

1,1,1,3,3-pentafluoropropane (HFC-245fa);

1,1,1,2,3,3-hexafluoropropane (HFC-236ea);

1,1,1,3,3-pentafluorobutane (HFC-365mfc);

chlorofluoromethane (HCFC-31);

1 chloro-1-fluoroethane (HCFC-151a);

1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);

1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ( $C_4 F_9 OCH_3$  or HFE-7100);

2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ( $(CF_3)_2 CFCF_2 OCH_3$ );

1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ( $C_4 F_9 OC_2 H_5$  or HFE-7200);

2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ( $(CF_3)_2 CFCF_2 OC_2 H_5$ );

methyl acetate;

1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE-7000);

3-ethoxy- 1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);

1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);

methyl formate (HCOOCH3);

1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);

propylene carbonate;

dimethyl carbonate;

*trans* -1,3,3,3-tetrafluoropropene;

HCF<sub>2</sub> OCF<sub>2</sub> H (HFE-134);

HCF<sub>2</sub> OCF<sub>2</sub> OCF<sub>2</sub> H (HFE-236cal2);

HCF<sub>2</sub> OCF<sub>2</sub> CF<sub>2</sub> OCF<sub>2</sub> H (HFE-338pcc13);

HCF<sub>2</sub> OCF<sub>2</sub> OCF<sub>2</sub> CF<sub>2</sub> OCF<sub>2</sub> H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)); and

perfluorocarbon compounds which fall into these classes:

(i) Cyclic, branched, or linear, completely fluorinated alkanes;

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

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

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

- b. The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements, which apply to VOC and shall be uniquely identified in emission reports but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate (540-88-5).
- 3. The following documents are incorporated by reference and are approved for use as directed by the department under the Maricopa County Air Pollution Control Regulations. These documents are incorporated by reference as of the year specified below, and no future editions or amendments.
  - a. The Arizona Department of Environmental Quality's (ADEQ) "Arizona Testing Manual for Air Pollutant Emissions," amended as of March 1992, and no future editions or amendments.
  - b. All ASTM International (ASTM) standards referenced in the Maricopa County Air Pollution Control Regulations as of the year specified in the reference, and no future editions or amendments.
  - c. The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987", published by the Executive Office of the President, Office of Management and Budget, and no future editions or amendments.
  - d. EPA Publication No. AP-42, 1995, "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, Fifth Edition, including Supplements A, B, C, D, E, F, Updates 2001, 2002, 2003, and 2004 and all updates as of July 1, ~~2010~~2013, and no future editions or amendments.
  - e. EPA guidance document "Guidelines for Determining Capture Efficiency", January 9, 1995, and no future editions or amendments.
  - f. 2002 US NAICS Manual, "North American Industry Classification System United States", National Technical Information Service, US Census Bureau, 2002, and no future editions or amendments.
- 4. The following federal regulations located in Title 40, Code of Federal Regulations (CFR) are approved for use as directed by the department under the Maricopa County Air Pollution Control Regulations. These standards are incorporated by reference as of July 1, ~~2010~~2013, and no future editions or amendments.
  - a. The Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A.
  - b. 40 CFR 75.

**Availability of Information:** Copies of these incorporated materials are available electronically at: [ecfr.gpoaccess.gov](http://ecfr.gpoaccess.gov); at the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 125, Phoenix, AZ, 85004. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at [www.astm.org](http://www.astm.org).



**Maricopa County**  
Air Quality Department

MEMORANDUM

**Date:** July 9, 2013  
**To:** Tom Manos, County Manager  
**Via:** Joy Rich, AICP, Deputy County Manager  
**From:** William D. Wiley, P.E., Air Quality Department Director WDW  
**Subject:** Incorporation by Reference – County Manager's Approval

In accordance with the "Moratorium on Increased Regulatory Burdens," the Air Quality Department is seeking your approval to proceed with incorporating by reference into the Maricopa County Air Pollution Control Regulations all federal standards and practices for 2011-2012 and 2012-2013 related to new source performance standards and hazardous air pollutants. Routine updates make the rule changes short and to the point, allowing for timely implementation by local sources. It also eliminates the "regulatory gap" where sources are subject to different federal and county rules for the same activity. Adoption of these rules by the county is required under our delegation agreement with the U.S. Environmental Protection Agency (EPA).

In March 2013, the Incorporation by Reference Process was recommended by stakeholders and approved by the Board of Health for the Enhanced Regulatory Outreach process.

This rule revision qualifies for County Manager approval under the moratorium, as this rule revision will lessen or ease:

- a regulatory burden
- a federal statutory or regulatory requirement, or a state statutory requirement.

We are requesting your approval to move this rule revision forward in accordance with the "Moratorium on Increased Regulatory Burdens."

A handwritten signature in black ink, appearing to read "Tom Manos", written over a horizontal line.

Approved by Tom Manos, County Manager

1001 N. Central Avenue, Suite #125 Phoenix, AZ 85004 Phocnix: 602-506-6443 Fax: 602-372-2440.



## Executive Summary Of The Report to the Board of Supervisors

Prepared by the Maricopa County Air Quality Department

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<b>Board Hearing Date:</b>	March 26, 2014
<b>Case #/Title:</b>	AQ-2013-004-Incorporation by Reference
<b>Agenda Item:</b>	
<b>Supervisor Districts:</b>	All Districts

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The Maricopa County Air Quality Department complied with all statutory and county policies throughout this rulemaking process. Per the Enhanced Regulatory Outreach Program (EROP) Policy: “In addition to the required staff report, an executive summary of the report including an overview of stakeholder input and staff responses will be provided to the Board of Supervisors at least one week prior to any Board of Supervisors’ public hearing.”

**Overview of the Report to the Board of Supervisors:** The Maricopa County Air Quality Department (department) is proposing to incorporate by reference various federal regulations and documents promulgated by the U.S. Environmental Protection Agency (EPA) and published in the Federal Register. The proposed amendments in this “DRAFT Notice of Final Rulemaking” implement federal requirements according to each federal program identified or applicable source type subject to these regulations. The proposed action will include incorporating by reference actions relating to New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain and other parts of Title 40 of the Code of Federal Regulations (CFR). The proposed amendments implement federal requirements according to each federal program identified or applicable source type subject to these regulations. The proposed action will include amending the incorporation by reference date from July 1, 2011, to July 1, 2013, in each of the rules to remain current with federal regulations. The adoption of the proposed amendments to Maricopa County Air Pollution Control Regulations Rules 321, 360, 370, 371 and Appendix G is necessary prior to requesting the EPA’s delegation of authority to the department for the implementation and enforcement of the federal regulations and documents.

In addition, the proposed amendments will correct typographical or other clerical errors; make minor grammatical changes to improve readability or clarity; modify the format, numbering, order, capitalization, punctuation, or syntax of certain text to increase standardization within and among rules; or make various other minor changes of a purely editorial nature. As these amendments do not alter the sense, meaning, or effect of the rule, they are not described in detail here, but can be readily discerned in the “strikeout and underline” version of the rule contained in Item #17 of this notice.

**Overview of Stakeholder Input and Staff Responses:** No comments were received concerning this rulemaking.