



Enhanced Regulatory Outreach Program Maricopa County Air Quality Department Notice of Stakeholder Workshop

Date/Time: Thursday, October 31, 2013, 10:00 a.m.
Location: 1001 North Central Avenue, Floor 9 Classroom*

The Maricopa County Air Quality Department (department) will conduct a Stakeholder Workshop to discuss proposed rule revisions regarding Maricopa County's **New Source Review (NSR) (AQ-2013-005-New Source Review)**. This is the second workshop in a series of workshops. Materials associated with the first workshop are available at:

<http://www.maricopa.gov/regulations/aq/pdf/meetings/005082913presentation.pdf>

During this second workshop, the department will discuss the Maricopa County rules listed below in which revisions will match rule language found in the recently adopted State NSR Program. The draft rules are available at: <http://www.maricopa.gov/regulations>.

- Rule 210: Title V Permit Provisions
- Rule 220: Non-Title V Permit Provisions
- Rule 240: Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources
- Rule 241: Permits For New Sources And Modifications To Existing Sources
- Rule 500: Attainment Area Classification
- Rule 510: Air Quality Standards
- Appendix G: Incorporated Materials

The Stakeholder Workshop is an informal meeting for all interested parties, is free of charge and no advance registration or RSVP is required.

In order to enhance the discussion and cost savings, as well as support the county's sustainability initiative, information will be electronically displayed during the workshop. If you prefer a hardcopy of the documentation, please print the information from the Enhanced Regulatory Outreach Program (EROP) website (<http://www.maricopa.gov/regulations>) to bring with you to the meeting. If you prefer a Word version of any or all of the draft rules, please contact Kathleen Sommer at 602-506-6706 or kathleensommer@mail.maricopa.gov.

Additional information about AQ-2013-005-New Source Review and links to the current Maricopa County Air Pollution Control Regulations are available at: <http://www.maricopa.gov/regulations>. At any time, you can submit comments about AQ-2013-005-New Source Review and the rulemaking process at: <http://www.maricopa.gov/regulations/comments.aspx>.

Thank you for participating in the rulemaking process.

*When you arrive at 1001 North Central Avenue, please check-in in Suite #125 then proceed to the Floor 9 classroom.



REGULATION II - PERMITS AND FEES

RULE 210

TITLE V PERMIT PROVISIONS

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Revised 07/13/88
Repealed and Adopted 11/15/93
Revised 02/15/95
Revised 06/19/96
Revised 05/20/98
Revised 02/07/01
Revised 05/07/03
Revised 06/06/07
Revised XX/XX/14

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II - PERMITS AND FEES
RULE 210
TITLE V PERMIT PROVISIONS**

SECTION 100 - GENERAL

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

SECTION 200 - DEFINITIONS: ~~See Rule 100 General Provisions And Definitions of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definition shall apply:~~ 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 **EMISSIONS ALLOWABLE UNDER THE PERMIT -** An enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or an enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

SECTION 300 – STANDARDS

- 301 **PERMIT APPLICATION PROCESSING PROCEDURES:**
 - 301.1 **Standard Application Form And Required Information:** To apply for any permit under this rule, applicants shall complete the "Standard Permit



Application Form" and shall supply all information required by the "Filing Instructions" as shown in Appendix B of these rules.

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

a. For a source that becomes subject to the permit program as a result of a change in regulation and not as a result of construction or a physical or operational change, one that is submitted within 12 months after the source becomes subject to the permit program.

~~a.~~ **b.** For purposes of permit renewal, a timely application is one that is submitted at least six months, but not more than 18 months, prior to the date of permit expiration.

~~b.~~ **b.** ~~For the initial Phase II acid rain requirement under Rule 371 Acid Rain of these rules of a Title V permit, one that is submitted to the Control Officer by January 1, 1996, for sulfur dioxide, and by January 1, 1998, for nitrogen oxides.~~

c. Any existing source which becomes subject to a standard promulgated by the Administrator under Section 112(d) of the Act shall, within 12 months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard.

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

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

a. To be complete, an application shall provide all information required by Section 301.1-Standard Application Form And Required Information of this rule. An application for permit revision only need supply information related to the proposed change, unless the source's proposed permit revision will change the permit from a Non-Title V Permit to a Title V Permit. A responsible official shall certify the submitted information consistent with Section 301.7-Certification Of Truth, Accuracy, And Completeness of this rule.



- b. An application for a new permit or permit revision shall contain an assessment of the applicability of the requirements of Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources and Rule 241-Permits For New Sources And Modifications To Existing Sources of these rules. If the proposed new source is a major source, as defined in Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources of these rules, or the proposed permit revision constitutes a major modification as defined in Rule 100-General Provisions And Definitions of these rules, then the application shall comply with all applicable requirements of Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources of these rules.
- c. An application for a new permit or permit revision shall contain an assessment of the applicability of the requirements established under Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules. If the proposed new source permit or permit revision is subject to the requirements of Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules, the application shall comply with all applicable requirements of Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.
- d. An application to construct or reconstruct any major source of hazardous air pollutants shall contain a determination that maximum achievable control technology (MACT) for new sources under Section 112 of the Act will be met. Where MACT has not been established by the Administrator, such determination shall be made on a case-by-case basis under 40 C.F.R. 63.40 through 63.44, as incorporated by reference in Rule 370-Federal Hazardous Air Pollutant Program of these rules. For purposes of this section of this rule, constructing or reconstructing a major source shall have the meaning prescribed in 40 C.F.R. 63.41, as incorporated by reference in Rule 370-Federal Hazardous Air Pollutant Program of these rules.
- e. An application for a new permit, a permit revision, or a permit renewal shall be deemed to be complete, unless the Control Officer notifies the applicant by certified mail within 60 days of receipt of the application that the application is not complete. For a proposed new major source or a major modification subject to the requirements of Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources of these rules, the permit application shall be deemed to be submitted on the date that the completeness determination is made under Rule 240-Permit



Requirements For New Major Sources And Major Modifications To Existing Major Sources of these rules.

- f. If, while processing an application that has been determined or deemed to be complete, the Control Officer determines that additional information is necessary to evaluate or to take final action on that application, the Control Officer may request such information in writing and may set a reasonable deadline for a response. Except for minor permit revisions as set forth in Section 405 of this rule, a source's ability to continue operating without a permit, as set forth in this rule, shall be in effect from the date the application is determined to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the Control Officer. The Control Officer may, after one submittal by the applicant under this rule, reject an application that is still determined to be incomplete and shall notify the applicant of the decision by certified mail.
- g. The completeness determination shall not apply to revisions processed through the minor permit revision process.
- h. To be complete, an application for a new permit or an application for a permit revision shall list and generally group activities, if applicable, which are insignificant as defined in Rule 100-General Provisions And Definitions of these rules and which are listed in Appendix D-List Of Insignificant Activities of these rules. The application need not provide emissions data regarding insignificant activities. If the Control Officer determines that an activity listed as insignificant does not meet the requirements of insignificant as defined in Rule 100-General Provisions And Definitions of these rules and as listed in Appendix D-List Of Insignificant Activities of these rules (i.e., if emissions estimates are needed for another purpose, such as determining the amount of permit fees), then the Control Officer shall notify the applicant in writing and shall specify additional information required.
- i. If a permit applicant requests terms and conditions allowing for the trading of emission increases and decreases in the permitted source solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements, the permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable.
- j. The Control Officer agrees with a notice of confidentiality submitted under A.R.S. §49-487.



- 301.5** A source that has submitted information with an application under a claim of confidentiality under A.R.S. § 49-487 and Rule 200-Permit Requirements of these rules shall submit a copy of such information directly to the Administrator.
- 301.6 Duty To Supplement Or Correct Application:** Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a proposed permit.
- 301.7 Certification Of Truth, Accuracy, And Completeness:** Any application form, report, or compliance certification submitted under these rules shall contain certification by a responsible official of truth, accuracy, and completeness of the application as of the time of submittal. This certification and any other certification required under this rule shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- 301.8 Action On Application:**
- a. The Control Officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.
 - b. In addition, the Control Officer may issue, revise, or renew a permit only if all of the following conditions have been met:
 - (1) The permit application received must be complete according to Section 301.4 of this rule.
 - (2) Except for revisions qualifying as administrative or minor under Sections 404 and 405 of this rule, all of the requirements for public notice and participation under Section 408 of this rule must have been met.
 - (3) The Control Officer shall have complied with the requirements of Section 303 of this rule for notifying and responding to affected states and if applicable, other notification requirements of Rule 240, Section ~~304.2~~ 307.2 Action On Application And Notification Requirements and Rule 240, Section 511.3(b)-Visibility Protection of these rules.



- (4) The conditions of the permit shall require compliance with all applicable requirements.
 - (5) For permits for which an application is required to be submitted to the Administrator under Section 303.1 of this rule, and to which the Administrator has properly objected to its issuance in writing within 45 days of receipt of the proposed final permit and all necessary supporting information from the ~~Department~~ Control Officer, the Control Officer has revised and submitted a proposed final permit in response to the objection and the Administrator has not objected to this proposed final permit within 45 days of receipt.
 - (6) For permits to which the Administrator has objected to issuance under a petition filed under 40 C.F.R. 70.8(d), the Administrator's objection has been resolved.
- c. The Control Officer may issue a notice of revocation of a permit issued under this rule if:
- (1) The Control Officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.
 - (2) The person applying for the permit failed to disclose a material fact required by the permit application form or the regulation applicable to the permit, of which the applicant had or should have had knowledge at the time the application was submitted.
 - (3) The terms and conditions of the permit have been or are being violated and the violation has not been corrected within a reasonable period of time as specified by the Control Officer.
- d. If the Control Officer issues a notice of denial or revocation of a permit under this rule, the notice shall be served on the applicant or permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the denial or revocation and explaining that the permit applicant or permittee is entitled to a hearing under A.R.S. §49-482.
- e. The Control Officer shall provide a statement that sets forth the legal and factual basis for the proposed permit conditions including references to the applicable statutory or regulatory provisions. The Control Officer shall send this statement to the Administrator and to any other person who requests it.



- ~~f.~~ Except as provided in 40 C.F.R. 70.4(b)(11), Rule 200-Permit Requirements of these rules and Rule 240-Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources of these rules, regulations promulgated under Title IV or Title V of the Act, ~~or the permitting of affected sources under the acid rain program,~~ the Control Officer shall take final action on each permit application (and request for revision or renewal) within 18 months after receiving a complete application.

- ~~g.~~ f. Priority shall be given by the Control Officer to taking action on applications for construction or modification submitted under Title I, Parts C-Prevention Of Significant Deterioration and D-New Source Review of the Act.

- ~~h.~~ A proposed permit decision shall be published within nine months of receipt of a complete application and any additional information requested under Section 301.4(c) of this rule to process the application. The Control Officer shall provide notice of the decision as provided in Section 408 of this rule and any public hearing shall be scheduled as expeditiously as possible.

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

302 PERMIT CONTENTS:

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

- a.** The date of issuance, the permit term, and the deadline by which the permittee must renew the permit.



- b. Enforceable emission limitations and standards including those operational requirements and limitations that assures compliance with all applicable requirements at the time of issuance.
- (1) The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.
 - (2) The permit shall state that, where an applicable requirement of the Act is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act and incorporated under Rule 371-Acid Rain of these rules, both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.
 - (3) Any permit containing an equivalency demonstration for an alternative emission limit submitted under Section 301.3 of this rule shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.
 - (4) The permit shall specify applicable requirements for fugitive emission limitations, regardless of whether the source category in question is included in the list of sources contained in the definition of major source in Rule 100-General Provisions And Definitions of these rules.
- c. As necessary, the following requirements with respect to monitoring:
- (1) Requirements, including stipulated requirements, concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods;
 - (2) Where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit as reported under Section 302.1(d) of this rule. Such monitoring requirements shall ensure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this rule; and



- (2) Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The Control Officer shall define "prompt" in relation to the degree and type of deviation likely to occur and the applicable requirements.
- f. A permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Act or the regulations promulgated thereunder and incorporated under Rule 371-Acid Rain of these rules.
- (1) No permit revision shall be required for increases in emissions that are authorized by allowances acquired under the acid rain program and incorporated under Rule 371-Acid Rain of these rules, provided that such increases do not require a permit revision under any other applicable requirement.
 - (2) No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to non-compliance with any other applicable requirement.
 - (3) Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Act.
 - (4) Any permit issued under the requirements of this rule and Title V of the Act to a unit subject to the provisions of Title IV of the Act and incorporated under Rule 371-Acid Rain of these rules shall include conditions prohibiting all of the following:
 - (a) Annual emissions of sulfur dioxide in excess of the number of allowances to emit sulfur dioxide held by the owners or operators of the unit or the designated representative of the owners or operators.
 - (b) Exceedances of applicable emission rates.
 - (c) The use of any allowance prior to the year for which it was allocated.
 - (d) Violation of any other provision of the permit.



- g.** A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.
- h.** Provisions stating the following:

 - (1)** That the permittee shall comply with all conditions of the permit including all applicable requirements of Arizona air quality statutes and the air quality rules. Compliance with permit terms and conditions does not relieve, modify, or otherwise affect the permittee's duty to comply with all applicable requirements of Arizona air quality statutes and the Maricopa County Air Pollution Control Regulations. Any permit non-compliance is grounds for enforcement action; for a permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application. Non-compliance with any federally enforceable requirement in a permit constitutes a violation of the Act.
 - (2)** That the permittee shall halt or reduce the permitted activity in order to maintain compliance with applicable requirements of Federal laws, Arizona laws, these rules, or other conditions of the permit.
 - (3)** That the permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by a permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
 - (4)** That the permit does not convey any property rights nor exclusive privilege, of any sort.
 - (5)** That the permittee shall furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for revising, revoking and reissuing the permit, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Control Officer copies of records required to be kept by the permit. For information claimed to be confidential, the permittee shall furnish a copy of such records directly to the Administrator along with a claim of confidentiality.



- (6) For any major source operating in a nonattainment area for any pollutant(s) for which the source is classified as a major source, the source shall comply with reasonably available control technology (RACT) as defined in Rule 100-General Provisions And Definitions of these rules.
- (7) For any major source operating in a nonattainment area designated as serious for PM_{10} , for which the source is classified as a major source for PM_{10} , the source shall comply with the best available control technology (BACT), as defined in Rule 100-General Provisions And Definitions of these rules, for PM_{10} .
- i. A provision to ensure that a source pays fees to the Control Officer under A.R.S. §49-480(D) and Rule 280-Fees of these rules.
- j. A provision stating that no permit revision shall be required under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit.
- k. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Control Officer. Such terms and conditions:
 - (1) Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted source a record of the scenario under which it is operating;
 - (2) Shall extend the permit shield described in Section 407 of this rule to all terms and conditions under each such operating scenario; and
 - (3) Must ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of this rule.
- l. Terms and conditions, if the permit applicant requests them, as approved by the Control Officer, for the trading of emissions increases and decreases in the permitted source, to the extent that the applicable requirements provide for trading increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:



- (1) Shall include all terms required under Section 302.1 and Section 302.3 of this rule to determine compliance;
 - (2) May extend the permit shield described in Section 302.4 of this rule to all terms and conditions that allow such increases and decreases in emissions; and
 - (3) Shall meet all applicable requirements and requirements of this rule.
- m. Terms and conditions, if the permit applicant requests them and they are approved by the Control Officer, setting forth intermittent operating scenarios including potential periods of downtime. If such terms and conditions are included, the county's emissions inventory shall not reflect the zero emissions associated with the downtime.
- n. If a permit applicant requests it, the Control Officer shall issue permits that contain terms and conditions allowing for the trading of emission increases and decreases in the permitted source solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The Control Officer shall not be required to include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements. Changes made under this section of this rule shall not include modifications under any provision of Title I of the Act and may not exceed emissions allowable under the permit. The terms and conditions shall include notice that (1) conforms to Section 403.4 and Section 403.5 of this rule and (2) describes how the increases or decreases in emissions will comply with the terms and conditions of the permit.
- o. Such terms and conditions as are consistent with the requirements of this rule, of Rule 100-General Provisions And Definitions of these rules and of the Clean Air Act and are found by the Control Officer to be necessary.

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



enforceable under the Act any terms and conditions included in the Title V Permit that are not required under the Act or under any of its applicable requirements.

- 302.3** All applications for a permit required by this rule shall include a compliance plan meeting the requirements of Section 503 of the Act.
- 302.4** Each permit shall include the applicable permit shield provisions set forth in Section 407 of this rule.
- 302.5** A Title V permit issued to a major source shall require that revisions be made under Rule 200-Permit Requirements of these rules to incorporate additional applicable requirements adopted by the Administrator under the Act that become applicable to a source with a permit with a remaining permit term of three or more years. No revision shall be required if the effective date of the applicable requirements is after the expiration of the permit. The revisions shall be made as expeditiously as practicable, but not later than 18 months after the promulgation of such standards and regulations. Any permit revision required under this section of this rule shall comply with provisions in Rule 200-Permit Requirements of these rules for permit renewal and shall reset the five year permit term.

303 PERMIT REVIEW BY THE EPA AND AFFECTED STATES:

- 303.1** Except as provided in Section 301.5 of this rule and as waived by the Administrator, for each Title V permit, a copy of each of the following shall be provided to the Administrator as follows:
- a.** The applicant shall provide a complete copy of the application, including any attachments, compliance plans, and other information required by Section 301.4 of this rule at the time of submittal of the application to the Control Officer.
 - b.** The Control Officer shall provide the proposed final permit after public and affected State review.
 - c.** The Control Officer shall provide the final permit at the time of issuance.
- 303.2** The Control Officer may require the application information to be submitted in a computer-readable format compatible with the Administrator's national database management system.
- 303.3** The Control Officer shall keep all records associated with all permits including those records containing the calculations and rationale supporting the Control



Officer's decision to issue a permit for a minimum of five years from permit issuance.

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

303.5 Review By Affected States:

a. For each Title V permit, the Control Officer shall provide notice of each proposed permit to any affected State on or before the time that the Control Officer provides this notice to the public as required under Section 408 of this rule except to the extent Section 405 of this rule requires the timing of the notice to be different.

b. If the Control Officer refuses to accept a recommendation of any affected State submitted during the public or affected State review period, the Control Officer shall notify the Administrator and the affected State in writing. The notification shall include the Control Officer's reasons for not accepting any such recommendation and shall be provided to the Administrator as part of the submittal of the proposed final permit. The Control Officer shall not be required to accept recommendations that are not based on federal applicable requirements or requirements of state law.

303.6 Any person who petitions the Administrator under 40 C.F.R. 70.8(d) shall notify the Control Officer by certified mail of such petition as soon as possible, but in no case more than 10 days following such petition. Such notice shall include the grounds for objection and whether such objections were raised during the public comment period. A petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day administrative review period and prior to the Administrator's objection.

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

303.8 Prohibition On Default Issuance:



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

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

305 COMPLIANCE PLAN; CERTIFICATION:

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

- a. The following monitoring requirements sufficient to assure compliance with the terms and conditions of the permit:
 - (1) Any emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated under Section 114(a)(3) or 504(b) of the Act;
 - (2) Where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported under Section 305.1(c) of this rule. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirements; and
 - (3) Requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.
- b. All applicable recordkeeping requirements, as described in Section 302.1(d) of this rule.
- c. All applicable reporting requirements including the following:
 - (1) Submittal of reports of any required monitoring at least every six months. All instances of deviations from permit requirements shall be clearly identified in such reports. All



required reports shall be certified by a responsible official consistent with Section 305.1(e) of this rule.

- (2) Reporting within two working days from knowledge of deviations from permit requirements, including those attributable to upset conditions as defined in the permit and the probable cause of such deviations. Reporting within a reasonable time of any long-term corrective actions or preventative measures taken.
- d. Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:
- (1) The frequency for submissions of compliance certifications, which shall not be less than annually;
 - (2) The means to monitor the compliance of the source with its emissions limitations, standards, and work practices;
 - (3) A requirement that the compliance certification include the following:
 - (a) The identification of each term or condition of the permit that is the basis of the certification;
 - (b) The compliance status;
 - (c) Whether compliance was continuous or intermittent;
 - (d) The method(s) used for determining the compliance status of the source, currently and over the reporting period; and
 - (e) Other facts the Control Officer may require to determine the compliance status of the source.
 - (4) A requirement that all compliance certifications be submitted to the Control Officer and to the Administrator;
 - (5) Additional requirements specified in Sections 114(a)(3) and 504(b) of the Act or under Rule 220-Non-Title V Permit Provisions, Section 304-Permits Containing Voluntarily Accepted Emissions Limitations, Controls, Or Other Requirements (Synthetic Minor) of these rules.



- e. A requirement for any document required to be submitted by a permit, including reports, to contain a certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this rule shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

- f. Inspection and entry provisions which require the permittee to allow the Control Officer, upon presentation of proper credentials, to:
 - (1) Enter upon the permittee's premises where a source is located or emissions-related activity is conducted, or where records are required to be kept under the conditions of the permit;
 - (2) Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;
 - (3) Inspect, at reasonable times, any sources, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
 - (4) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements; and
 - (5) To record any inspection by use of written, electronic, magnetic, and photographic media.

- g. A compliance plan that contains all of the following:
 - (1) A description of the compliance status of the source with respect to all applicable requirements.
 - (2) A description as follows:
 - (a) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
 - (b) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.



- (c) For requirements with which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.
 - (3) A compliance schedule as follows:
 - (a) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
 - (b) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this rule, unless a more detailed schedule is expressly required by the applicable requirement.
 - (c) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirement for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.
 - (4) A schedule for submission of certified progress reports no less frequently than every six months for sources required to have a schedule of compliance to remedy a violation. Such schedule shall contain:
 - (a) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and



- (b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
- (5) The compliance plan content requirements specified in Section 305.1(g) of this rule shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act and incorporated under Rule 371-Acid Rain of these rules with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.
- h. If there is a Federal Implementation Plan (FIP) applicable to the source, a provision that compliance with the FIP is required.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

- 401 **FEES REQUIRED:** Persons subject to this rule shall pay the fees required, as set forth in Rule 280-Fees of these rules.
- 402 **PERMIT TERM:** A Title V Permit shall remain in effect for no more than five years.
- 403 **SOURCE CHANGES ALLOWED WITHOUT PERMIT REVISIONS:**
 - 403.1 A source with a Title V permit may make changes that contravene an express permit term without a permit revision if all of the following apply:
 - a. The changes are not modifications under any provision of Title I of the Act or under A.R.S. §49-401.01(24) or as defined in Rule 100-General Provisions And Definitions of these rules.
 - b. The changes do not result in emissions that exceed the emissions allowable under the permit whether expressed therein as a rate of emissions or in terms of total emissions.
 - c. The changes do not violate any applicable requirements or trigger any additional applicable requirements.
 - d. The changes meet all requirements for processing as a minor permit revision under Section 405 of this rule.
 - e. The changes do not violate federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.



f. The changes do not constitute a minor NSR modification.

- 403.2** The substitution of an item of process or pollution control equipment for an identical or substantially similar item of process or pollution control equipment shall qualify as a change that does not require a permit revision, if it meets all of the requirements of Sections 403.1, 403.4, and 403.5 of this rule.
- 403.3** Except for sources with authority to operate under general permits, permitted sources may trade increases and decreases in emissions within the permitted source, as established in the permit under Section 302.1(l) of this rule, where an applicable implementation plan provides for such emissions trades, without applying for a permit revision and based on the seven working days notice prescribed in Section 403.4 of this rule. This provision is available in those cases where the permit does not already provide for such emissions trading, and shall not include any emissions units for which emissions are not quantifiable nor for which there are no replicable procedures to enforce the emissions trades.
- 403.4** For each such change under Sections 403.1 and 403.3 of this rule, a written notice either by hand delivery or by certified mail shall be received by the Control Officer and the Administrator, a minimum of seven working days in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided less than seven working days in advance of the change but must be provided as far in advance of the change, or if advance notification is not practicable, as soon after the change as possible.
- 403.5** Each notification shall include:
- a. When the proposed change will occur.
 - b. A description of each such change.
 - c. Any change in emissions of regulated air pollutants.
 - d. The pollutants emitted subject to the emissions trade, if any.
 - e. The provisions in the implementation plan that provide for the emissions trade with which the source will comply and any other information as may be required by the provisions in the implementation plan authorizing the trade.



- f. If the emissions trading provisions of the implementation plan are invoked, then the permit requirements with which the source will comply.
- g. Any permit term or condition that is no longer applicable as a result of the change.

403.6 The permit shield described in Section 407 of this rule shall not apply to any change made under Section 403.1 through Section 403.3 of this rule. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the implementation plan authorizing the emissions trade.

403.7 Except as otherwise provided for in the permit, making a change from one alternative operating scenario to another, as provided in Section 302.1(k) of this rule, shall not require any prior notice under this rule.

~~403.8 Notwithstanding any other part of this rule, the Control Officer may require a permit to be revised for any change that, when considered together with any other changes submitted by the same source under this rule over the term of the permit, does not satisfy Section 403.1 of this rule.~~

~~403.9~~ **403.8** The Control Officer shall make available to the public monthly summaries of all notices received under this rule.

404 ADMINISTRATIVE PERMIT AMENDMENTS:

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

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



- 404.2 Administrative permit amendments to Title IV provisions of the permit shall be governed by regulations promulgated by the Administrator under Title IV of the Act or incorporated under Rule 371-Acid Rain of these rules.
- 404.3 The Control Officer shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request. Title V permits may incorporate such changes without providing notice to the public or affected States provided that such permits designate that such permit revisions have been made under this rule.
- 404.4 The Control Officer shall submit a copy of Title V permits revised under this rule to the Administrator.
- 404.5 **Source's Ability To Make A Change:** Except for permit transfers described in Rule 200-Permit Provisions of these rules, the source may implement the changes addressed in the request for an administrative permit amendment immediately upon submittal of the request.

405 MINOR PERMIT REVISIONS:

- 405.1 Minor permit revision procedures may be used only for those changes at a Title V source that satisfy all of the following:
- a. Do not violate any applicable requirement;
 - b. Do not involve substantive changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
 - c. Do not require or change:
 - (1) A case-by-case determination of an emission limitation or other standard,
 - (2) A source specific determination of ambient impacts, or
 - (3) A visibility or increment analysis.
 - d. Do not seek to establish nor to change a Title V permit term or condition for which there is no corresponding underlying applicable requirement and that the Title V source has assumed in order to avoid an applicable requirement to which the Title V source would otherwise be subject. Such terms and conditions include:



- (1) A federally enforceable emissions cap which the Title V source would assume to avoid classification as a modification under any provision of Title I of the Act; and
 - (2) An alternative emissions limit approved under regulations promulgated under the Section 112(i)(5) of the Act.
- e. Are not modifications under any provision of Title I of the Act or Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.
 - f. Are not changes in fuels not represented in the permit application or provided for in the Title V permit.
 - g. The increase in the Title V source's potential to emit for any regulated air pollutant is not significant as defined in Rule 100-General Provisions And Definitions of these rules.
 - h. Are not required to be processed as a significant permit revision under Section 406 of this rule.
- 405.2** As approved by the Control Officer, minor permit revision procedures may be used for Title V permit revisions involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit revision procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by the Administrator.
- 405.3** To request a minor permit revision, a source shall complete the "Standard Permit Application Form" and shall include the following information:
- a. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
 - b. For any source that is making the change immediately after it files the application, the Title V source's suggested draft permit; and
 - c. Certification by a responsible official that the proposed revision meets the criteria for use of minor permit revision procedures and a request that such procedures be used.
- 405.4 EPA And Affected State Notification:** Within five working days of the Control Officer's receipt of an application for a minor permit revision, the



Control Officer shall notify the Administrator and affected States of the requested permit revision in accordance with Section 303 of this rule.

405.5 The Control Officer shall not issue a final permit revision until after the Administrator's 45-day review period or until the Administrator has notified the Control Officer that the Administrator will not object to issuance of the permit revision, whichever is first. ~~Although,~~ although the Control Officer may approve the permit revision prior to that time. Within 90 days of the Control Officer's receipt of an application under minor permit revision procedures, or 15 days after the end of the Administrator's 45-day review period, whichever is later, the Control Officer shall do one or more of the following:

- a. Issue the permit revision as proposed;
- b. Deny the permit revision application;
- c. Determine that the proposed permit revision does not meet the minor permit revision criteria and should be reviewed under the significant permit revision procedures; and/or
- c. Revise the proposed permit revision and transmit to the Administrator the new proposed permit revision as required in Section 303 of this rule.

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

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

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



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

406 SIGNIFICANT PERMIT REVISIONS:

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

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

406.3 Any modification to a major source of federally listed hazardous air pollutants, and any reconstruction of a source, or a process or production unit, under Section 112(g) of the Act and regulations promulgated thereunder, shall follow significant permit revision procedures and Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.

406.4 All modifications to sources subject to Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules shall follow significant permit revision procedures.

406.5 Significant permit revisions shall meet all requirements of this rule for applications, public participation, review by affected States, and review by the Administrator, that apply to permit issuance and renewal.

406.6 ~~The Control Officer shall process the majority of significant permit revision applications received each calendar year within nine months of receipt of a complete permit application but in no case longer than 18 months. Applications for which the Control Officer undertakes the accelerated permitting process, under Rule 200, Section 312 of these rules, shall not be included in this requirement. Section 406.7 of this rule does not change any time frame requirements in Section 301 of this rule.~~

407 PERMIT SHIELDS:

407.1 Each Title V permit issued under this rule shall specifically identify all federal, state, and local air pollution control requirements applicable to the Title V source at the time the Title V permit is issued. The Title V permit shall state that compliance with the conditions of the Title V permit shall be deemed compliance with any applicable requirement as of the date of Title V permit



issuance, provided that such applicable requirements are included and expressly identified in the Title V permit. The Control Officer may include in a Title V permit determination that other requirements specifically identified are not applicable. Any Title V permit issued under this rule that does not expressly state that a permit shield exists shall not provide such a shield.

407.2 Nothing in this rule or in any permit shall alter or affect the following:

- a. The provisions of Section 303 of the Act-Emergency Orders, including the authority of the Administrator under that section.
- b. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance.
- c. The applicable requirements of the acid rain program, consistent with Section 408(a) of the Act.
- d. The ability of the Administrator or of the Control Officer to obtain information from a source under Section 114 of the Act, or any provision of State law.
- e. The authority of the Control Officer to require compliance with new applicable requirements adopted after the permit is issued.

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

408 PUBLIC PARTICIPATION:

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

- a. Issuing or renewing a permit.
- b. Issuing a significant permit revision.
- c. Revoking and reissuing or reopening a permit.
- d. Issuing a conditional order under Rule 120-Conditional Orders of these rules.



- e. Granting a variance from a general permit under Rule 230-General Permits of these rules and Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.
- 408.2** The Control Officer shall provide public notice of receipt of complete applications for major sources and major modifications to major sources by publishing a notice in a newspaper of general circulation in Maricopa County.
- 408.3** The Control Officer shall provide the notice required under Section 408.1 of this rule as follows:
- a. The Control Officer shall publish the notice once each week for two consecutive weeks in two newspapers of general circulation in the county where the source is or will be located.
 - b. The Control Officer shall mail a copy of the notice to persons on a mailing list developed by the Control Officer consisting of those persons who have requested in writing to be placed on such a mailing list.
 - c. The Control Officer shall give notice by other means if necessary to assure adequate notice to the affected public.
- 408.4** The notice required by Section 408.3 of this rule shall include the following:
- a. Identification of the affected facility;
 - b. Name and address of the permittee or applicant;
 - c. Name and address of the permitting authority processing the permit action;
 - d. The activity or activities involved in the permit action;
 - e. The emissions change involved in any permit revision;
 - f. The air contaminants to be emitted;
 - g. A statement that any person may submit written comments, or a written request for a public hearing, or both, on the proposed permit action along with the deadline for such requests or comments;
 - h. The name, address, and telephone number of a person from the Department from whom additional information may be obtained;



- i. Locations where copies of the permit or permit revision application, the proposed permit, and all other materials available to the Control Officer that are relevant to the permit decision may be reviewed, including the closest Department office, and the times at which such materials shall be available for public inspection;
 - j. A summary of any notice of confidentiality filed under Rule 100-General Provisions And Definitions of these rules; and
 - k. If applicable, a statement that the source has submitted a risk management analysis (RMA) under Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.
 - l. A statement in the public record if the permit or permit revision would result in the generation of emission reduction credits under A.A.C. R18-2-1204-Title 18, Chapter 2, Article 12 or the utilization of emission reduction credits under A.A.C. R18-2-1206-Title 18, Chapter 2, Article 12.
- 408.5** The Control Officer shall hold a public hearing to receive comments on petitions for conditional orders, which would vary from requirements of the applicable implementation plan. For all other actions involving a proposed permit, the Control Officer shall hold a public hearing only upon written request. If a public hearing is requested, the Control Officer shall schedule the hearing and publish notice as described in A.R.S. §49-498 and in Section 408.4 of this rule. The Control Officer shall give notice of any public hearing at least 30 days in advance of the hearing.
- 408.6** At the time the Control Officer publishes the first notice under Section 408.3(a) of this rule, the applicant shall post a notice containing the information required in Section 408.4 of this rule at the site where the source is or may be located. Consistent with federal, State, and local law, the posting shall be prominently placed at a location under the applicant's legal control, adjacent to the nearest public roadway, and visible to the public using the public roadway. If a public hearing is to be held, the applicant shall place an additional posting providing notice of the hearing. Any posting shall be maintained until the public comment period is closed.
- 408.7** The Control Officer shall provide at least 30 days from the date of the first notice for public comment to receive comments and requests for a hearing. The Control Officer shall keep a record of the commenters and of the issues raised during the public participation process and shall prepare written responses to all comments received. At the time a final ~~decision is made~~ proposed permit is submitted to the EPA, the record and copies of the



Public Workshop #2: October 31, 2013
AQ-2013-005-New Source Review
October 31, 2013

Maricopa County Air Quality Dept.
Planning & Analysis Division
1001 N Central Ave Suite 125
Phoenix, AZ 85004

Control Officer's responses shall be made available to the applicant and to all commenters.

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)



REGULATION II - PERMITS AND FEES

RULE 220

NON-TITLE V PERMIT PROVISIONS

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Revised 03/04/98
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Revised 05/07/03
Revised 06/06/07
Revised xx/xx/14

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II - PERMITS AND FEES
RULE 220
NON-TITLE V PERMIT PROVISIONS**

SECTION 100 - GENERAL

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

SECTION 200 - DEFINITIONS (NOT APPLICABLE)

See Rule 100-General Provisions And Definitions of these rules for definitions of terms that are used but not specifically defined in this rule.

SECTION 300 - STANDARDS

301 PERMIT APPLICATION PROCESSING PROCEDURES:

- 301.1 **Standard Application Form And Required Information:** To apply for a permit under this rule, applicants shall complete a permit application filed in the manner and form prescribed by the Control Officer. The Control Officer, either upon the Control Officer's own initiative or upon the request of a permit applicant, may waive the requirement that specific information or data for a particular source or category of sources be submitted in the Non-Title V permit application. However, the Control Officer must determine that the information or data would be unnecessary to determine all of the following:
 - a. The applicable requirements to which the source may be subject;
 - b. The design and control of the air pollution control equipment such that the source may be expected to operate without emitting or



without causing to be emitted air contaminants in violation of these rules;

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

301.2 Permit Application And A Compliance Plan:

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

301.3 A Timely Permit Application:

- ~~a.~~ For a source, ~~other than a major source, applying for a permit for the first time, that becomes subject to the permit program as a result of a change in regulation and not as a result of construction or a physical or operational change,~~ one that is submitted within 12 months after the source becomes subject to the permit program.
- a. ~~b.~~ ~~Unless otherwise required by Rule 200 Permit Requirements of these rules and for~~ For purposes of permit renewal, a timely application is one that is submitted at least six months, but not more than 18 months, prior to the date of permit expiration.
- ~~b.~~ ~~c.~~ Unless otherwise required by Rule 200-Permit Requirements of these rules and for any existing source which becomes subject to a standard promulgated by the Administrator under Section 112(d) of the Act-Hazardous Air Pollutants-Emission Standards, a timely application is a permit revision application that is submitted within 12 months of the date on which the standard is promulgated. Such permit revision



application shall be subject to Rule 210-Title V Permit Provisions of these rules.

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

- a. To be complete, an application shall provide all information required under Section 301.1 of this rule, except that notifications of permit revision need supply such information only if it is related to the proposed change. A responsible official shall certify the submitted information, consistent with Section 301.6 of this rule.
- b. To be complete, an application for a new permit or a notification of a permit revision shall contain an assessment of the applicability of the requirements of Rule 241-Permits For New Sources And Modifications To Existing Sources of these rules and shall comply with all applicable requirements of Rule 241-Permits For New Sources And Modifications To Existing Sources of these rules.
- c. To be complete, an application for a new permit or a notification of a permit revision shall contain an assessment of the applicability of the requirements established under Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules. If the proposed new source permit or the proposed permit revision is subject to the requirements of Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules, the application shall comply with all applicable requirements of Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.
- d. An application for a new permit, a notification of a permit revision, or a permit renewal shall be deemed to be complete unless the Control Officer notifies the applicant by certified mail within 60 days of receipt of the application that the application is not complete and specifies what additional information is necessary for the application to be complete.
- e. If, while processing an application that has been determined or deemed to be complete, the Control Officer determines that additional information is necessary to evaluate or to take final action on that application, the Control Officer may request such information in writing and may set a reasonable deadline for a response. Except for minor permit revisions procedures as set forth in Section 406 of this rule, a source's ability to continue operating without a permit, as set forth in this rule, shall be in effect from the date the application is determined to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the



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

- f. The completeness determination shall not apply to revisions processed through the minor permit revision process.
- g. The Control Officer agrees with the notice of confidentiality submitted under A.R.S. §49-487.
- h. Any emission source or equipment item listed in Rule 200-Permit Requirements of these rules shall be included in the application. The application need not provide emissions data regarding the activities listed in Rule 200-Permit Requirements of these rules. If the Control Officer determines that a source or an activity listed on the application does not meet the requirements of Rule 200-Permit Requirements of these rules, the Control Officer shall notify the applicant in writing and specify additional information required, which may include emissions data and supporting documents.
- i. If a source wishes to voluntarily enter into an emissions limitation, control, or other requirement pursuant to Section 304 of this rule, a source shall describe that emissions limitation, control, or other requirement in its application, along with proposed associated monitoring, recordkeeping, and reporting requirements necessary to demonstrate that the emissions limitation, control, or other requirement is permanent, quantifiable, and otherwise enforceable as a practical matter.

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

301.6 Action On Application:

- a. The Control Officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.
- b. For Non-Title V permits that contain voluntary emission limits, controls, or other requirements established under Section 304 of this



rule, the Control Officer shall have complied with the requirement of Section 304.4 of this rule to provide the Administrator with a copy of each such proposed permit. In addition, the Control Officer may issue, revise, or renew a permit only if all of the following conditions have been met:

- (1) The permit application received must be complete according to Section 301.4 of this rule.
 - (2) Except for revisions qualifying as administrative or minor under Sections 405.1 and 405.2 of this rule, all of the requirements for public notice and participation under Section 407 of this rule must have been met.
 - (3) The conditions of the permit shall require compliance with all applicable requirements.
 - (4) For permits for which an application is required to be submitted to the Administrator under Section 304 of this rule, and to which the Administrator has properly objected to its issuance in writing within 45 days of receipt of the proposed final permit and all necessary supporting information from the Control Officer, the Control Officer has revised and submitted a proposed final permit in response to the objection and the Administrator has not objected to this proposed final permit within 45 days of receipt.
- c. The Control Officer may issue a notice of revocation of a permit issued under this rule if:
- (1) The Control Officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.
 - (2) The person applying for the permit failed to disclose a material fact required by the permit application form or the regulation applicable to the permit, of which the applicant had or should have had knowledge at the time the application was submitted.
 - (3) The terms and conditions of the permit have been or are being violated and the violation has not been corrected within a reasonable period of time as specified by the Control Officer.
- d. If the Control Officer issues a notice of denial or revocation of a permit under this rule, the notice shall be served on the applicant or permittee by certified mail, return receipt requested. The notice shall



include a statement detailing the grounds for the denial or revocation and explaining that the permit applicant or permittee is entitled to a hearing ~~under A.R.S. §49-482.~~

- e. Except as provided in Rule 200-Permit Requirements of these rules, the Control Officer shall take final action on each permit application (and request for revision or renewal) within ~~90 days of receipt of a complete application, unless a finding is made that more time is needed, but in no case longer than~~ nine months after receiving a complete application.

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

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

302.1 The date of issuance and the permit term.

302.2 Enforceable emission limitations and standards, including those operational requirements and limitations that ensure compliance with all applicable requirements at the time of issuance, and operational requirements and limitations that have been voluntarily accepted under Section 304 of this rule, or that have been voluntarily accepted under Rule 201-Emissions Caps of these rules. Whenever more than one standard in this rule applies to any source, or whenever a standard in this rule and a standard in the Maricopa County Air Pollution Control Regulations Regulation III-Control Of Air Contaminants applies to any source, the rule or combination of rules resulting in the lowest rate or lowest concentration of regulated air pollutants released to the atmosphere shall apply, unless otherwise specifically exempted or designated.



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



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



and to copy, at reasonable times, any records that are required to be kept under the conditions of the permit.

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



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

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

303.2 A description as follows:

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

303.3 A compliance schedule as follows:

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

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



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

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

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

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

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

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



- f. The permit conditions for monitoring, recordkeeping, and reporting requirements are sufficient to comply with Rule 220-Non-Title V Permit Provisions, Sections 302.3, 302.4, 302.5, 302.6, and 302.7 of these rules.
- 304.2** In order for a source to obtain a permit containing voluntarily accepted emissions limitations, controls, or other requirements, the source shall demonstrate all of the following in its permit application:
- a. The emissions limitations, controls, or other requirements to be imposed for the purpose of avoiding an applicable requirement are at least as stringent as the emissions limitations, controls, or other requirements that would otherwise be applicable to that source, including those that originate in an applicable implementation plan; and
- b. All voluntarily accepted emissions limitations, controls, or other requirements will be permanent, quantifiable, and otherwise enforceable as a practical matter.
- 304.3** The Control Officer shall not issue a permit that waives nor makes less stringent any limitations or requirements contained in or issued under an applicable implementation plan or that are otherwise federally enforceable.
- 304.4** At the same time as notice of proposed issuance is first published under A.R.S. §49-426(D), the Control Officer shall send a copy of any Non-Title V permit proposed to be issued under Section 304 of this rule to the Administrator review during the comment period described in the notice under Section 407 of this rule.
- 304.5** The Control Officer shall send a copy of each final permit issued under Section 304 of this rule to the Administrator.
- 304.6** For all permits containing voluntarily accepted emission limitations, controls, or other requirements established under this section, the Control Officer shall provide an opportunity for public participation as provided for in Section 407 of this rule.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

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



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

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

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

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



- j. Making a change that relaxes monitoring, recordkeeping, or reporting requirements, except when the change results:
 - (1) From removing equipment that results in a permanent decrease in actual emissions, if the source keeps ~~on-site~~ onsite records of the change in a log that satisfies Section 500 of this rule and if the requirements that are relaxed are present in the permit solely for the equipment that was removed; or
 - (2) From a change in an applicable requirement- ; and
- k. A minor NSR modification.

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

- 404.1 Except for a physical change or change in the method of operation at a Non-Title V source requiring a permit revision under Section 403 of this rule or a change subject to logging or notice requirements in Section 404.2 of this rule or Section 404.3 of this rule, a change at a Non-Title V source shall not be subject to revision, notice, or logging requirements under these rules.
- 404.2 Except as otherwise provided in the conditions applicable to an emissions cap created under Rule 201-Emissions Caps of these rules, the following changes may be made if the source keeps on-site records of the changes according to Section 500 of this rule:
 - a. Implementing an alternative operating scenario, including raw material changes;
 - b. Changing process equipment, operating procedures, or making any other physical change if the permit requires the change to be logged;
 - c. Engaging in any new exempted activity listed in Rule 200-Permit Requirements, Section 303.3(c) of these rules, but not listed in the permit;
 - d. Replacing an item of air pollution control equipment listed in the permit with an identical (same model, different serial number) item. The Control Officer may require verification of efficiency of the new equipment by performance tests; and
 - e. Making a change that results in a decrease in actual emissions, if the source wants to claim credit for the decrease in determining whether the source has a net emissions increase for any purpose. The logged



information shall include a description of the change that will produce the decrease in actual emissions. A decrease that has not been logged is creditable only if the decrease is quantifiable, enforceable, and otherwise qualifies as a creditable decrease.

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

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



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

404.5 The written notice shall include:

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

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

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

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

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

405 PERMIT REVISIONS:

405.1 Administrative Permit Revisions:

- a. An administrative permit revision is required to correct typographical errors in a Non-Title V Permit.



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

405.2 Minor Permit Revisions:

- a. Minor permit revision procedures shall be used for a change that triggers a new applicable requirement, if all of the following apply:
 - (1) For emissions units not subject to an emissions cap, the net emissions increase is less than the significance level defined in Rule 100-General Provisions And Definitions of these rules;
 - (2) A case-by-case determination of an emissions limitation or other standard is not required; and
 - (3) The change does not require the source to obtain a Title V permit under Rule 210-Title V Permit Provisions of these rules.
- b. Minor permit revision procedures shall be used for a change that increases operating hours or rates of production above the permitted level, unless the increase otherwise creates a condition that requires a non-minor permit revision;
- c. Minor permit revision procedures shall be used for a change in fuel from fuel oil or coal to natural gas or propane, if not authorized in the permit;
- d. Minor permit revision procedures shall be used for a change that results in emissions subject to monitoring, recordkeeping, or reporting under Sections 302.6, 302.7, or 302.8 of this rule and that cannot be measured or otherwise adequately quantified by monitoring, recordkeeping, or reporting requirements already in the permit;



- e. Minor permit revision procedures shall be used for a change that decreases emissions permitted under an emissions cap under Rule 201-Emissions Caps of these rules, unless the decrease requires a change in the conditions required to enforce the emissions cap or to ensure that emissions trades conducted under the emissions cap are quantifiable and enforceable; and
- f. Minor permit revision procedures shall be used for a change that replaces an item of air pollution control equipment listed in the permit with one that does not have the same or better efficiency.

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

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



- (1) A case-by-case determination of an emission limitation or other standard;
 - (2) A source-specific determination of ambient impacts or a visibility or increment analysis; or
 - (3) A case-by-case determination of a monitoring, recordkeeping, and reporting requirement.
- g. A change that requires the source to obtain a Title V permit under Rule 210-Title V Permit Provisions of these rules.

406 PERMIT REVISIONS PROCEDURES:

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

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

- a. Administrative Permit Revision: The Control Officer shall take final action within 60 days of receipt of a notification of an administrative permit revision.
- b. Minor Permit Revision: The Control Officer shall do one or more of the following within 60 days of receipt of a notification of a minor permit revision:
 - (1) Issue the minor permit revision as proposed;
 - (2) Deny the minor permit revision application; or



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

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

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

407 PUBLIC PARTICIPATION:

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

- a. Issuing or renewing a permit to a Non-Title V source listed in Rule 280-Fees, Section 403.1-~~Table A Sources~~ of these rules;
- b. Issuing a non-minor permit revision to a Non-Title V source listed in Rule 280-Fees, Section 403.1-~~Table A Sources~~ of these rules;
- c. Revoking and reissuing or reopening a permit to a Non-Title V source listed in Rule 280-Fees, Section 403.1-~~Table A Sources~~, Section 403.2-~~Table B Sources~~, and Section 403.3-~~Table C Sources~~ of these rules; or



- d. Issuing a conditional permit under Rule 120-Conditional Orders of these rules to a Non-Title V source listed in Rule 280-Fees, Section 403.1 ~~Table A Sources~~, Section 403.2 ~~Table B Sources~~, and Section 403.3 ~~Table C Sources~~ of these rules.
- 407.2 For sources listed in Rule 280-Fees, Section 403 ~~403.1 Table A Sources~~, Section 403.2 ~~Table B Sources~~, and Section 403.3 ~~Table C Sources~~ of these rules, the Control Officer shall publish, once each week, a list of all permit applications received. The list will be available to the public at the Department's main office and on the Internet. The list shall include the following information:
- a. Name and address of the affected facility(ies).
- b. The activity(ies) involved in each permit action.
- c. A statement that any person may submit written comments on a proposed permit action no later than the deadline for submitting such comments.
- d. The deadline for submitting written comments.
- e. Name, address, and phone number of a person from the Department from whom additional information may be obtained.
- f. The location where copies of the permit or permit revision application, the proposed permit, and all other materials available to the Control Officer that are relevant to the permit decision may be reviewed and the times during which such materials will be available for public inspection.
- g. A statement if the permit or permit revision would result in the generation of emission reduction credits under A.A.C. R18-2-1204-Title 18, Chapter 2, Article 12 or the utilization of emission reduction credits under A.A.C. R18-2-1206 Title 18, Chapter 2, Article 12.
- 407.3 For sources listed in Rule 280-Fees, Section 403.1 ~~Table A Sources~~, Section 403.2 ~~Table B Sources~~, and Section 403.3 ~~Table C Sources~~ of these rules, the Control Officer shall publish in a newspaper, once each month, a list of all permits issued.
- 407.4 **Public Hearing:** The Control Officer shall hold a public hearing to receive comments on petitions for conditional orders, which would vary from requirements of the applicable implementation plan. For all other actions involving a proposed permit, the Control Officer shall hold a public hearing



only upon written request. If a public hearing is requested, the Control Officer shall schedule the public hearing and publish a notice once each week for two consecutive weeks in two newspapers of general circulation in the county where the source is or will be located and by other means if necessary to assure adequate notice to the affected public. The Control Officer shall give notice of any public hearing at least 30 days in advance of the public hearing.

- 407.5** At the time the Control Officer publishes the first notice under Section 407.1 of this rule, the applicant shall post a notice containing the information required in Section 407.2 of this rule at the site where the source is or may be located. Consistent with Federal, State, and local law, the posting shall be prominently placed at a location under the applicant's legal control, adjacent to the nearest public roadway, and visible to the public using the public roadway. If a public hearing is to be held, the applicant shall place an additional posting providing notice of the public hearing. Any posting shall be maintained until the public comment period is closed.
- 407.6** The Control Officer shall provide at least 30 days from the date of its first notice for public comment. The Control Officer shall keep a record of the commenters and the issues raised during the public participation process and shall prepare written responses to all comments received. At the time a final decision is made, the record and copies of the Control Officer's responses shall be made available to the applicant and to all commenters.
- 407.7** Notwithstanding Sections 407.1, 407.2, and 407.3 of this rule, the Control Officer may provide notice for changes requiring a non-minor permit revision solely under Sections 405.3(b), 405.3(d), and 405.3(f)(3) of this rule by posting a notice on the Department's website, sending e-mails to persons who have requested electronic notification of the Department's proposed air quality permit actions and by mailing a copy of the notice that is published once each week for two consecutive weeks in two newspapers of general circulation in the county where the source is or will be located.

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

- 408.1** A complete record of logs and notices sent to the Control Officer under Section 404 of this rule; and
- 408.2** Any amendments or revisions to the source's permit.



SECTION 500 - MONITORING AND RECORDS

- 501 LOG RETENTION REQUIREMENT:** If a source makes a change that requires logging, then the source shall keep such log for five years from the date the source creates such log.
- 502 LOG FORMAT SPECIFICATIONS:** If a source makes a change that requires logging, then the source shall perform such logging in indelible ink in a bound log book with sequentially numbered pages, or in any other form, including electronic format, if approved by the Control Officer. Each log entry shall include at least the following information:
- 502.1** A description of the change including:
 - a.** A description of any process change.
 - b.** A description of any equipment change, including both old and new equipment descriptions, model numbers, and serial numbers, or any other unique equipment number.
 - c.** A description of any process material change.
 - 502.2** The date and time that the change occurred.
 - 502.3** The provision of Section 404.2 of this rule that authorizes the change to be made with logging.
 - 502.4** The date the log entry was made and the first and last name of the person making the log entry.
- 503 LOG FILING:** A copy of all logs required under Section 404.2 of this rule shall be filed with the Control Officer within 30 days after each anniversary of the permit issue date. If no changes were made at the source requiring logging, a statement to that effect shall be filed instead.



REGULATION II - PERMITS AND FEES

RULE 240

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

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**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II - PERMITS AND FEES
RULE 240**

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

SECTION 100 - GENERAL

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

SECTION 200 - DEFINITIONS: ~~See Rule 100 General Provisions And Definitions of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply.~~ 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 **ACTUAL TO POTENTIAL – TEST FOR NEW EMISSIONS UNITS -**
Actual to potential - applicability test for projects that only involve new emissions units shall test if a significant emissions increase of a regulated NSR pollutant is projected to occur. A significant increase will occur if the sum of the difference between the potential to emit from each new emissions unit, following completion of the project and the baseline actual emissions of these units before the project, equals or exceeds the significant amount for that pollutant.
- 202 **ACTUAL TO PROJECTED - ACTUAL APPLICABILITY TESTS FOR EXISTING EMISSIONS UNIT -**
Actual-to-projected-actual applicability test for projects that only involve existing emissions unit tests if a significant emissions increase of a regulated NSR pollutant is projected to occur. A significant increase will



occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, for each existing emissions unit, equals or exceeds the significant amount for that pollutant.

201 **203** **ADVERSE IMPACT ON VISIBILITY** - Visibility impairment that interferes with the management, protection, preservation, or enjoyment of visual experience of a Class I area, as determined by Rule 500-Air Quality Standards of these rules.

204 **BASELINE ACTUAL EMISSIONS** - The rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with Sections 204.1 through 204.3 of this rule.

204.1 For any existing electric utility steam generating unit, the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the five-year period immediately preceding when the owner or operator begins actual construction of the project. The Control Officer shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

a. The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

b. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.

c. For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

d. The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by Section 204.1(b) of this rule.

204.2 For any existing emissions unit (other than an electric utility steam generating unit), the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a



complete permit application is received by the Administrator for a permit required under 40 CFR 52.21 or by the Control Officer for a permit required under the state implementation plan, whichever is earlier, except that the 10-year period shall not include any period earlier than November 15, 1990.

- a.** The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.
- b.** The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period. This provision applies to excess emissions associated with a malfunction.
- c.** The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major source must currently comply, had such major source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a maximum achievable control technology standard that the Administrator proposed or promulgated under 40 CFR 63, the baseline actual emissions need only be adjusted if the state of Arizona has taken credit for such emissions reductions in an attainment demonstration or maintenance plan submitted to the Administrator pursuant to section 110(a)(1) of the Act.
- d.** For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units affected by the project. A different consecutive 24-month period may be used for each regulated NSR pollutant.
- e.** The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by Sections 204.2(b) and (c) of this rule.

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



204.4 For a PAL for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures in Section 205.1 of this rule, for other existing emissions units in accordance with the procedures contained in Section 204.2 of this rule, and for new emissions units in accordance with the procedures contained in Section 204.3 of this rule.

205 BASIC DESIGN PARAMETER -

205.1 Except as provided in Section 205.3 of this rule, for a process unit at a steam electric generating facility, the owner or operator may select as its basic design parameters either maximum hourly heat input and maximum hourly fuel consumption rate or maximum hourly electric output rate and maximum steam flow rate. When establishing fuel consumption specifications in terms of weight or volume, the minimum fuel quality based on Btu content shall be used for determining the basic design parameters for a coal-fired electric utility steam generating unit.

205.2 Except as provided in Section 205.3 of this rule, the basic design parameters for any process unit that is not at a steam electric generating facility are maximum rate of fuel or heat input, maximum rate of material input, or maximum rate of product output. Combustion process units will typically use maximum rate of fuel input. For sources having multiple end products and raw materials, the owner or operator should consider the primary product or primary raw material when selecting a basic design parameter.

205.3 If the owner or operator believes the basic design parameters in Section 205.1 and 205.2 of this rule are not appropriate for a specific industry or type of process unit, the owner or operator may propose to the Control Officer an alternative basic design parameters for the source's process unit. If the Control Officer approves of the use of an alternative basic design parameters, the Control Officer shall issue a permit that is legally enforceable that records such basic design parameters and requires the owner or operator to comply with such parameters.

205.4 The owner or operator shall use credible information, such as results of historic maximum capability tests, design information from the manufacturer, or engineering calculations, in establishing the magnitude of the basic design parameters specified in Sections 205.1 and 205.2 of this rule.

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



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

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

202 ~~**CATEGORICAL SOURCES**—The following classes of sources:~~

~~Coal cleaning plants with thermal dryers;
Kraft pulp mills;
Portland cement plants;
Primary zinc smelters;
Iron and steel mills;
Primary aluminum ore reduction plants;
Primary copper smelters;
Municipal incinerators capable of charging more than 50 tons of refuse per day;
Hydrofluoric, sulfuric, or nitric acid plants;
Petroleum refineries;
Lime plants;
Phosphate rock processing plants;
Coke oven batteries;
Sulfur recovery plants;
Carbon black plants using the furnace process;
Primary lead smelters;
Fuel conversion plants;
Sintering plants;
Secondary metal production plants;
Chemical process plants;
Fossil fuel boilers, or combinations thereof, totaling more than 250 million British thermal units (BTU) per hour heat input;
Petroleum storage and transfer units with a total storage capacity more than 300,000 barrels;
Taconite preprocessing plants;
Glass fiber processing plants;
Charcoal production plants;
Fossil fuel fired steam electric plants and combined cycle gas turbines of more than 250 million BTU per hour rated heat input.~~

203206 **CONVENTIONAL AIR POLLUTANT** - Any pollutant for which the Administrator has promulgated a primary or secondary national ambient air quality standard.

204207 **DISPERSION TECHNIQUE** - Any technique that attempts to affect the concentration of a pollutant in the ambient air by any of the following:



- ~~204.1207.1~~ Using that portion of a stack that exceeds good engineering practice stack height;
- ~~204.2207.2~~ Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or
- ~~204.3207.3~~ Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into 1 stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This shall not include any of the following:
- a. The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the source generating the gas stream.
 - b. The merging of exhaust gas streams under any of the following conditions:
 - (1) The source owner or operator demonstrates that the source was originally designed and constructed with the merged gas streams;
 - (2) After July 8, 1995, such merging is part of a change in operation at the source that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant, applying only to the emission limitation for that pollutant; or
 - (3) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the Control Officer shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source, owner or operator, that merging was not significantly motivated by such intent, the Control Officer shall deny credit for the effects of such merging in calculating the allowable emissions for the source.



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

208 **EXISTING EMISSIONS UNIT** - Any emissions unit that is currently in existence and that is not a new emissions unit. A replacement unit is an existing emissions unit.

205-209 **GOOD ENGINEERING PRACTICE (GEP) STACK HEIGHT-** A stack height meeting the requirements described in Section 309 of this rule.

206 210 **HIGH TERRAIN** - Any area having an elevation of 900 feet or more above the base of the stack of a source.

211 **HYBRID TESTS INVOLVING MULTIPLE EMISSION UNITS** - Hybrid applicability tests for projects involve both new emissions units and existing emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in Section 201 of this rule, as applicable with respect to each emissions unit, equals or exceeds the significant amount for that pollutant.

207 212 **INNOVATIVE CONTROL TECHNOLOGY** - Any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental impacts.

208 213 **LOW TERRAIN** - Any area other than high terrain.

209 214 **LOWEST ACHIEVABLE EMISSION RATE (LAER)** - For any source, the more stringent rate of emissions based on 1 of the following:

209.1-214.1 The most stringent emissions limitation that is contained in ~~the State Implementation Plan (SIP), as defined in Rule 100 General Provisions And Definitions of these rules,~~ any implementation plan approved or promulgated under sections 110 or 172 of the Act, for the class or category of stationary source, unless the owner or operator of the proposed achievable; or



~~209.2-214.2~~ The most stringent emissions limitation that is achieved in practice by the class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under the applicable standards of performance in Rule 360-New Source Performance Standards of these rules and in 40 C.F.R. 60 and 40 C.F.R. 61.

210.15 MAJOR SOURCE -

~~210.1~~ 215.1 Any stationary source located in a nonattainment area that emits, or has the potential to emit, 100 tons per year or more of any ~~conventional air regulated~~ NSR pollutant, except as follows that the following thresholds shall apply in areas subject to Subpart 2, Subpart 3 or Subpart 4 of Part D, Title I of the Act:

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

~~210.2~~ 215.2 Any stationary source located in an attainment or unclassifiable area that emits, or has the potential to emit, 100 tons per year or more of any ~~conventional air pollutant~~ regulated NSR pollutant if the source is classified as a Categorical Source, or 250 tons



per year or more of any ~~pollutant subject to regulation under the Act~~ regulated NSR pollutant if the source is not classified as a Categorical Source; or

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

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

~~210.5~~ 215.3 Any stationary source that emits, or has the potential to emit, five or more tons of lead per year;

~~210.6~~ Any source classified as major undergoing modification that meets the definition of reconstruction;

~~210.7~~ 215.4 A major source that is major for VOCs or nitrogen oxides shall be considered major for ozone; or

~~210.8~~ A major source that is major for oxides of nitrogen shall be considered major for ozone in nonattainment areas classified as marginal, moderate, serious or severe.

215.5 The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this Section whether it is a major stationary source, unless the source belongs to a section 302(j) category of the Act

216 **NEW EMISSIONS UNIT** - Any emissions unit which is (or will be) newly constructed and which has existed for less than two years from the date such emissions unit first operated.

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

218 **PAL ALLOWABLE EMISSIONS** - "Allowable emissions" as defined in Rule 100 of these rules, except that the allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.

219 **PAL EFFECTIVE DATE** - The date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any emissions unit that is



part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

- 220** **PAL EFFECTIVE PERIOD** - The period beginning with the PAL effective date and ending 10 years later.
- 221** **PAL MAJOR MODIFICATION** - Any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.
- 222** **PAL PERMIT** - The permit issued by the ~~Director~~ Control Officer that establishes a PAL for a major source.
- 223** **PAL POLLUTANT** - The pollutant for which a PAL is established at a major source.
- 223.1** The maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant during any 12-month period in the 60 calendar months following the date the unit resumes regular operation after the project, or in any 12-month period in the 120 calendar months following that date if the project involves increasing the design capacity or potential to emit of any emissions unit for that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major source.
- 223.2** In determining the projected actual emissions before beginning actual construction, the owner or operator of the major source:
- a. Shall consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the county, state or federal regulatory authorities, and compliance plans under these Regulations; and
 - b. Shall include fugitive emissions to the extent quantifiable;
 - c. Shall include emissions associated with startups and shutdowns, except emissions from a shutdown associated with a malfunction; and
 - d. Shall exclude, only for calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to



establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or

223.3 In lieu of using the method set out subsections (20)(b)(i) through (iv), the owner or operator may elect to use the emissions unit's potential to emit, in tons per year.

224 Projected Actual Emissions:

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

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

- a. Shall consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the county, state or federal regulatory authorities, and compliance plans under these Regulations; and
- b. Shall include fugitive emissions to the extent quantifiable;
- c. Shall include emissions associated with startups and shutdowns, except emissions from a shutdown associated with a malfunction; and
- d. Shall exclude, only for calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or



224.3 In lieu of using the method set out subsections (20)(b)(i) through (iv), the owner or operator may elect to use the emissions unit's potential to emit, in tons per year.

~~242~~**225 RECONSTRUCTION** - Of sources located in nonattainment areas, reconstruction shall be presumed to have taken place if the fixed capital cost of the new components exceeds 50% of the fixed capital cost of a comparable entirely new stationary source, as determined in accordance with the provisions of 40 C.F.R. 60.15(f)(1) through (3).

226 REPLACEMENT UNIT - An emissions unit for which all the criteria listed in subsections (22)(a) through (d) are met. No creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced.

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

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

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

225.4 The replaced emissions unit is permanently removed from the major source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.

~~242~~**227 RESOURCE RECOVERY PROJECT** - Any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse. For the purpose of this rule, only energy conversion facilities that utilize solid waste that provides more than 50% of the heat input shall be considered a resource recovery project.

~~243~~**228 SECONDARY EMISSIONS** - Emissions which are specific, well defined, quantifiable, occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support source which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.



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

214230 SIGNIFICANCE LEVELS - The following ambient concentrations for the enumerated pollutants:

Pollutant	Averaging Time				
	Annual	24-Hour	8-Hour	3-Hour	1-Hour
SO ₂	1 mg/m ³ µg/m ³	5 mg/m ³ µg/m ³		25 mg/m ³ µg/m ³	
NO ₂	1 mg/m ³ µg/m ³				
CO			0.5 mg/m ³		2 mg/m ³
PM ₁₀	1 mg/m ³ µg/m ³	5 mg/m ³ µg/m ³			
<u>PM_{2.5} Class 1 area</u>	<u>0.06 µg/m³</u>	<u>0.07 µg/m³</u>			
<u>PM_{2.5} Class II area</u>	<u>0.3 µg/m³</u>	<u>1.2 µg/m³</u>			
<u>PM_{2.5} Class III area</u>	<u>0.3 mg/m³ µg/m³</u>	<u>1.2 mg/m³ µg/m³</u>			

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

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

SECTION 300 - STANDARDS

301 **PERMIT OR PERMIT REVISION REQUIRED:** No person shall commence begin actual construction of a new major source ~~nor~~ or a major modification of a major source ~~subject~~ to the requirements of this rule without first obtaining a proposed final permit ~~or a permit revision~~ from the Control Officer pursuant to Rule 210 of these rules, stating that the major source or major modification shall meet those requirements.



- 302 APPLICATION COMPLETENESS:** An application for a permit or a permit revision under this rule other than a PAL permit pursuant to Rule 201 of these rules, shall not be considered complete unless the application demonstrates that:
- 302.1** The requirements in Section 303 of this rule are met;
 - 302.2** The more stringent of the applicable new source performance standards (NSPS) in Rule 360-New Source Performance Standards of these rules or the existing source performance standards in Regulation III-Control Of Air Contaminants of these rules are applied to the proposed new major source or major modification of a major source;
 - 302.3** The new major source or major modification will not have an adverse impact on visibility as determined by Section 511 of this rule and will satisfy all the visibility requirements contained in Section 511 of this rule. A demonstration of the impact on visibility shall be made according to Section 508 of this rule and shall be included with the application;
 - 302.4** All applicable provisions of Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources, Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules are met;
 - 302.5** The new major source or major modification will be in compliance with whatever emission limitation, design, equipment, work practice or operational standard, or combination thereof is applicable to the source or modification. The degree of emission limitation required for control of any pollutant under this rule shall not be affected in any manner by:
 - a.** Stack height in excess of GEP stack height except as provided in Section 309 of this rule; or
 - b.** Any other dispersion technique, unless implemented prior to December 31, 1970.
 - 302.6** The new major source or major modification will not exceed the applicable standards for hazardous air pollutants contained in Rule 370-Federal Hazardous Air Pollutant Program of these rules and/or Rule 372-Maricopa County Hazardous Air Pollutants (HAPS) Program of these rules.
 - 302.7** The new major source or major modification will not exceed the limitations, if applicable, on emission from fugitive sources contained in Rule 310-Fugitive Dust, Rule 311-Particulate Matter From Process Industries, and Rule 316-Nonmetallic Mineral Processing of these rules.



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

303 **APPLICATION REQUIREMENTS:** The requirements of this Rule apply to projects at major sources in accordance with the following principles.

303.1 Except as otherwise provided in Section 304 of this rule, a project is a major modification for a regulated NSR pollutant if it causes both a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

303.2 The procedure for calculating before beginning actual construction whether a significant emissions increase will occur depends upon the types of emissions units being modified as set forth in Sections 303.3 through 303.6 of this rule. The procedure for calculating before beginning actual construction whether a significant net emissions increase will occur at the major source is set forth in the definition of "net emissions increase" in Rule 100 Section 200.66 of these rules. Regardless of any such pre- construction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

303.3 Actual-to-projected-actual applicability test for projects that only involve existing emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, for each existing emissions unit, equals or exceeds the significant amount for that pollutant.

303.4 Actual-to-potential applicability test for projects that only involve new emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.

303.5 Hybrid applicability test for projects that involve both new emissions units and existing emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in subsection (D)(4), as applicable with respect to each emissions unit, equals or exceeds the significant amount for that pollutant.



304 PAL: Any major source with a PAL for a regulated NSR pollutant shall comply with Rule 201 of these rules.

305 **NON MAJOR MODIFICATIONS THAT RESULT IN SIGNIFICANT EMISSIONS:**

This subsection applies with respect to any regulated NSR pollutant emitted from projects at existing emissions units at a major stationary source (other than projects at a source with a PAL) in circumstances where there is a reasonable possibility, within the meaning of Section 305.6 of this Rule, that a project that is not a part of a major modification may result in a significant emissions increase of such pollutant and the owner or operator elects to use the method specified in the definition of “projected actual emissions” in Section 222.2 (a) through (d) for calculating projected actual emissions.

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

- a. A description of the project;
- b. Identification of the emissions unit(s) with emissions of a regulated NSR pollutant that could be affected by the project;
- c. A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under the definition of “projected actual emissions” at Section 222 of this rule and an explanation for why such amount was excluded; and
- d. Any netting calculations, if applicable.

305.2 If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in Section 305.1 of this rule, to the ~~Director~~ Control Officer. Nothing in this subsection shall be construed to require the owner or operator of such a unit to obtain any determination from the ~~Director~~ Control Officer before beginning actual construction.

305.3 The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in Section 305.1(b) of this rule ; and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of five years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity or potential to emit of that regulated NSR pollutant at



such emissions unit. For purposes of this subsection, fugitive emissions (to the extent quantifiable) shall be monitored if the emissions unit is part of a section 302(j) category of the Act or if the emissions unit is located at a major stationary source that belongs to a section 302(j) category of the Act.

305.4 The owner or operator shall submit a report to the ~~Director~~ Control Officer if for a calendar year the annual emissions, in tons per year, from the project identified in Section 305.1(a) exceed the sum of the baseline actual emissions, as documented and maintained under Section 305.1(c), by a significant amount for that regulated NSR pollutant, and if the emissions differ from the preconstruction projection as documented and maintained under Section 305.1(c) of this rule. The owner or operator shall submit the report to the ~~Director~~ Control Officer within 60 days after the end of the calendar year. The report shall contain the following:

- a. The name, address and telephone number of the major source;
- b. The annual emissions as calculated pursuant to Section 305.3 of this rule; and
- c. Any other information that the owner or operator wishes to include in the report, such as an explanation as to why the emissions differ from the preconstruction projection.

305.5 Notwithstanding subsection 305.4 of this rule, if any existing emissions unit identified in Section 305.1(b) of this rule, is an electric utility steam generating unit, the owner or operator shall submit a report to the ~~Director~~ Control Officer within 60 days after the end of each calendar year during which the owner or operator must generate records under Section 305.3 of this rule. The report shall document the unit's post-project annual emissions during the calendar year that preceded submission of the report.

305.6 A "reasonable possibility" under this section 305 occurs when the owner or operator calculates the project to result in one of the following:

- a. A projected actual emissions increase of at least 50% of the amount that is a significant emissions increase (without reference to the amount that is a significant net emissions increase) for the regulated NSR pollutant.
- b. A projected actual emissions increase that, added to the amount of emissions excluded under the definition of "projected actual emissions" in Section 222.2 (d) of this rule, sums to at least 50% of the amount that is a significant emissions increase (without reference to the amount that is a significant net emissions increase) for the regulated NSR pollutant. For a project for which a reasonable



possibility occurs only within the meaning of Section 305.6(b) of this rule, and not also within the meaning of Section 305.6(a) of this rule, Sections 305.2 through 305.5 of this rule, do not apply to the project.

303306 AIR IMPACT ANALYSIS FOR ANY GEOGRAPHICAL AREA: Except for assessing air quality impacts within Class I areas, the air impact analysis required to be conducted as part of a permit application shall initially consider only the geographical area located within a 50 kilometer (31 mile) radius from the point of greatest emissions for the new major source or major modification. The Control Officer, on his own initiative or upon receipt of written notice from any person, shall have the right at any time to request an enlargement of the geographical area for which an air quality impact analysis is to be performed by giving the person applying for the permit or permit revision written notice thereof, specifying the enlarged radius to be so considered. In performing an air impact analysis for any geographical area with a radius of more than 50 kilometers (31 miles), the person applying for the permit or permit revision may use monitoring or modeling data obtained from major sources having comparable emissions or having emissions which are capable of being accurately used in such demonstration and which are subjected to terrain and atmospheric stability conditions which are comparable or which may be extrapolated with reasonable accuracy for use in such demonstration.

304307 ACTION ON APPLICATION AND NOTIFICATION REQUIREMENTS: Unless the requirement has been satisfied under these rules, the Control Officer shall comply with the following requirements:

304.1307.1 Within 60 days after receipt of an application for a permit, of a permit revision subject to this rule, or of any addition to such application, the Control Officer shall advise the applicant of any deficiency in the application. The date of receipt of the application shall be, for the purpose of this rule, the date on which the Control Officer received all required information. The permit application shall not be deemed complete solely because the Control Officer failed to meet the requirements of this section.

304.2307.2 In addition to Section 511 of this rule, a copy of any notice required by Section 511 of this rule shall be sent to the permit applicant, to the Administrator, and to the following officials and agencies having cognizance of the location where the proposed major source or major modification would occur:

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



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

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

~~304.4~~ 307.3 ~~The Control Officer shall terminate a permit or permit revision issued under this rule if the proposed construction or major modification is not begun~~ The authority to construct and operate a new major source or major modification under a permit or permit revision issued under this rule shall terminate if the owner or operator does not commence the proposed construction or major modification is not begun within 18 months of issuance, or if during the construction or major modification, the owner or operator suspends work is suspended for more than 18 months. The Director Control Officer may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

~~304.5~~ 307.4 Within 30 days of the issuance of any permit under this rule, the Control Officer shall submit control technology information from the permit to the Administrator for the purposes listed in Section 173(d) of the Act.

~~305.308~~ **PERMIT REQUIREMENTS FOR SOURCES LOCATED IN NONATTAINMENT AREAS:**

~~305.4308.1~~ Except as provided in Section 305.3 through Section 305.7 of this rule, no permit or permit revision shall be issued under this rule to a person proposing to construct a new major source or proposing to make a major modification ~~to a source~~



~~located in any nonattainment area for the pollutant(s) for which the source is classified as a major source or the modification is classified as a major modification that is major for the pollutant for which the area is designated nonattainment unless:~~

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

~~305.2~~ 308.2 No permit or permit revision under this rule shall be issued to a person proposing to construct a new major source or proposing to make a major modification to a major source located in a nonattainment area unless:

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

~~305.3~~ 308.3 At such time that a particular source or modification becomes a major ~~stationary~~ source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this rule shall apply to the source or modification as though construction had not yet commenced on the source or modification.



- 305.4** 308.4 Secondary emissions shall not be considered in determining the potential to emit of a new source or modification and therefore whether the new source or modification is major. However, if a new source or modification is subject to this rule on the basis of its direct emissions, a permit or a permit revision, under this rule to construct the new source or modification, shall be denied, unless the ~~conditions specified in~~ requirements of subsection Section ~~305.1(a)~~ 308.1(a) and Section ~~305.1(b)~~ 308.1(b) of this rule are met, for reasonably quantifiable secondary emissions caused by the new source or modification.
- 305.5** 308.5 A permit to construct a new major source or major modification shall be denied, unless the conditions specified in Section ~~305.1(a)~~ 308.1(a), Section ~~305.1(b)~~ 308.1(b), and Section ~~305.1(e)~~ 308.1(c) of this rule are met for fugitive emissions caused by the new source or modification. However, these conditions shall not apply to a new major source or major modification that would be a major source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the source or modification, and the source ~~is neither a categorical source nor a source belonging to the category of sources for which New Source Performance Standards (NSPS) under 40 C.F.R. Part 60 or National Emission Standards For Hazardous Air Pollutants (NESHAPS) under 40 C.F.R. Part 61 promulgated by the Administrator prior to August 7, 1980~~ does not belong to a section 302(j) category of the Act.
- 305.6** 308.6 The requirements of Section ~~305.1(e)~~ 308.1(c) of this rule shall not apply to temporary ~~emission sources~~ emissions units, such as pilot plants ~~and portable sources, which are only temporarily located in~~ facilities that will be relocated outside of the nonattainment area, and the construction phase of a new source, if those units will operate for no more than 12 months in the nonattainment area, are otherwise ~~regulated by~~ in compliance with the requirement to obtain a permit under this rule, and are in compliance with the conditions of that permit.
- 305.7** 308.7 A decrease in actual emissions shall be considered in determining the potential of a new source or modification to emit only to the extent that the Control Officer has not relied on it in issuing any permit or permit revision under these rules, or the State has not relied on it in demonstrating attainment or reasonable further progress (RFP).
- 305.8** 308.8 The issuance of a permit or permit revision under this rule shall not relieve the owner and/or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan (SIP) and any other requirements pursuant to local, State, or Federal law.



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

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

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

~~306.2~~ An offset shall not be sufficient unless reductions of total emissions for the particular pollutant for which the offset is required will be:

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



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

~~306.3 In ozone nonattainment areas classified as marginal, total emissions of VOC and oxides of nitrogen from other sources shall offset those proposed or permitted from the major source or major modification by a ratio of at least 1.10:1. In ozone nonattainment areas classified as moderate, total emissions of VOC and oxides of nitrogen from other sources shall offset those proposed or permitted from the major source or major modification by a ratio of at least 1.15:1. New major sources and major modifications in serious and severe ozone nonattainment areas shall comply with this section and with Section 307 of this rule.~~

~~306.4 Only intrapollutant emission offsets shall be allowed. Intrapollutant emission offsets for VOCs shall only include offset reductions in emissions of VOCs. Intrapollutant emission offsets for oxides of nitrogen shall only include offset reductions in emissions of oxides of nitrogen.~~

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

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

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

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

~~when:~~

~~C = The applicable Arizona ambient air quality standard.~~

~~X_i = The concentration level of the violation at the ith receptor for the pollutant after offsets.~~

~~N = The number of violations for the pollutant after offsets (N ≤ K).~~

~~X_j = The concentration level of the violation at the jth receptor from the pollutant before offsets.~~



~~K~~ — The number of violations for the pollutant before offsets.

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

~~306.7~~ — For the purpose of this rule, baseline shall be defined as:

- ~~a.~~ — The baseline of total emissions from any sources in existence or sources that have obtained a permit or permit revision under this rule, regardless of whether or not the sources are in actual operation at the time of application for the permit or permit revision, shall be the total actual emissions at the time the application is filed. In addition, the baseline of total emissions shall consist of all emission limitations included as conditions on federally enforceable permits, except that the offset baseline shall be the actual emissions of the source from which offset credit is obtained if:

~~(1)~~ — No emission limitations are applicable to a source from which offsets are being sought; or

~~(2)~~ — The demonstration of reasonable further progress (RFP) and attainment of ambient air quality standards is based upon the actual emissions of sources located within a designated nonattainment area.

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

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

- ~~a.~~ — The permit or permit revision under this rule for the source specifically requires the use of a specified alternative control measure that would achieve the same degree of emissions reduction if the source switches back to a dirtier fuel at some later date; and



- ~~b. The source demonstrates to the satisfaction of the Control Officer that it has secured an adequate long term supply of the cleaner fuel.~~
- ~~306.9 Offsets shall be made on either a pounds per hour, pounds per day, pounds per quarter, tons per quarter, or tons per year basis, whichever is applicable, when all sources involved in the emission offset calculations are operating at their maximum expected or allowed production rate and, except as otherwise provided in Section 306.8 of this rule, utilizing the type of fuel burned at the time the application for the permit or permit revision under this rule is filed. A tons per year basis shall not be used if the new or modified source or the source offsets are not expected to operate throughout the entire year. No emissions credit may be allowed for replacing one VOC with another VOC of lesser reactivity.~~
- ~~306.10 Emissions reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels may be credited, if the work force to be affected has been notified of the proposed shutdown or curtailment. No offset credits for shutdowns or curtailments shall be provided for emissions reductions that are necessary to bring a source into compliance with reasonably available control technology (RACT) or any other standard under an applicable implementation plan.~~
- ~~306.11 The allowable offset area shall be the geographical area in which the sources are located whose emissions are being sought to offset emissions from a new major source or major modification. For the pollutants sulfur dioxide, PM_{10.5} and carbon monoxide, the allowable offset area shall be determined by atmospheric dispersion modeling. If the emission offsets are obtained from a source on the same premises or in the immediate vicinity of the new major source or major modification, and the pollutants disperse from substantially the same effective stack height, atmospheric dispersion modeling shall not be required. The allowable offset area for all other pollutants shall be the nonattainment areas for those pollutants within which the new major source or major modification is to be located.~~
- ~~306.12 An emission reduction may only be used to offset emissions if the reduced level of emissions will continue for the life of the new source or modification and if the reduced level of emissions is legally and federally enforceable at the time of permit issuance. It shall be considered legally enforceable, if the following conditions are met:~~
- ~~a. The emission reduction is included as a condition in the permit of the source relied upon to offset the emissions from the new major source or major modification, or in the case of reductions from sources controlled by the applicant, is included as a condition of the permit or~~



~~permit revision under this rule for the new major source or major modification;~~

~~b. The emission reduction is adopted as a part of this rule or comparable rules of any other governmental entity or is contractually enforceable by the Control Officer and is in effect at the time the permit is issued.~~

309.1 ~~Increased emissions by a major source or major modification subject to R18-2-403 section 308 of this rule shall be offset by reductions in the emissions of each pollutant for which the area has been designated as nonattainment and for which the source or modification is classified as major. Except as provided in R18-2-405 section 310 of this rule, emissions increases shall be offset by decreases at a ratio of at least 1 to 1.~~

309.2 ~~Except as provided in subsection (A)(1) or (2) sections 308.1(a) and 308.1(b) of this rule, for sources and modifications subject to this Section, the baseline for determining credit for emissions reductions is the emissions limit for the source generating the offset credit under the applicable implementation plan in effect at the time the application for a permit or permit revision is filed.~~

~~a. The offset baseline shall be the actual emissions of the source from which offset credit is obtained where either of the following conditions is satisfied:~~

~~(1) The demonstration of reasonable further progress and attainment of ambient air quality standards is based upon the actual emissions of sources located within a designated nonattainment area for which the preconstruction review program was adopted.~~

~~(2) The applicable implementation plan does not contain an emissions limitation for that source or source category.~~

~~b. Where the emissions limit under the applicable implementation plan allows greater emissions than the potential to emit of the source, emissions offset credit will be allowed only for control below this potential.~~

309.3 ~~For an existing fuel combustion source, emissions offset credit shall be based on the allowable emissions under the applicable implementation plan for the type of fuel being burned at the time the application to construct is filed. If the existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the allowable or actual emissions for the fuels involved is not acceptable, unless the permit for the existing source is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a fuel generating higher emissions. The owner or operator of the existing source must demonstrate that adequate long-term~~



supplies of the new fuel are available before granting emissions offset credit for fuel switches.

309.4 Offset Credit for Shutdowns.

a. Emissions reductions achieved by shutting down an existing emission unit or curtailing production or operating hours may be credited for offsets if they meet both of the following conditions.

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

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

b. Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours and that do not meet the requirements in ~~subsection (D)(1)(b)~~ section 306.4(1)(b) may be credited only if one of the following conditions is satisfied:

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

(2) The applicant can establish that the proposed new emissions unit is a replacement for the shutdown or curtailed emissions unit, and the emissions reductions achieved by the shutdown or curtailment met the requirements of ~~subsection (D)(1)(a)~~ section 306.4(1)(b)-of this rule.

309.5 No emissions credit may be allowed for replacing one hydrocarbon compound with another of lesser reactivity, except for those compounds listed in Table 1 of EPA's "Recommended Policy on Control of Volatile Organic Compounds," 42 FR 35314, July 8, 1977.

309.6 All emission reductions claimed as offset credits shall be federally enforceable.

309.7 The owner or operator of a major source or major modification subject to this Section must obtain offset credits from the same source or from other sources in the



same nonattainment area, except that the ~~Director~~ Control Officer may allow the owner or operator to obtain offset credits from another nonattainment area if both of the following conditions are satisfied:

- a. The other area has an equal or higher nonattainment classification than the area in which the source is located.
- b. Emissions from such other area contribute to a violation of the national ambient air quality standard in the nonattainment area in which the source is located.

309.8 Credit for an emissions reduction can be claimed to the extent that the ~~Director~~ Control Officer has not relied on it in issuing any permit under this Article or the state has not relied on it in a demonstration of attainment or reasonable further progress.

309.9 The total tonnage of increased emissions, in tons per year, resulting from a major modification that must be offset under this Section shall be determined by summing the difference between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit.

~~306.13~~ **309.10** For the purpose of this rule, the Control Officer may initiate or a source may propose a mobile source emission reduction credit (MERC) program. “MERC Program” or “Program” means any activity undertaken by a person which generates actual mobile source emission reductions within the Maricopa County nonattainment area for purposes of establishing MERCs under this rule.

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

b. **Limitations:**

- (1) A MERC Program can be a one-time action, a series of one-time actions, or a continuous set of actions.
- (2) A MERC generated by a MERC Program must create an actual emissions reduction.
- (3) A MERC generated by a MERC Program is subject to the written approval of the Control Officer and the Administrator.
- (4) At a minimum, a MERC, like other emission reduction credits used as NSR offsets, must meet the requirements of Section 306.2 of this rule, including being surplus, enforceable, permanent, and quantifiable.



- (5) The MERC Program shall include specifications regarding:
 - (a) Quantification of mobile source emission credit.
 - (b) Life of mobile source emission credit. The life of a MERC shall be dependent on the duration of the actual emission reductions activity. For the purpose of this section, actual emission reductions mean emission reductions which occur or are projected to occur within the Maricopa County nonattainment area and which meet the requirements of Section 306.2 of this rule.
 - (c) Evidence of disposal of original mobile source. For the purpose of this section, disposal is not limited to scrapping a mobile source but includes relocating a mobile source outside the Maricopa County nonattainment area.
 - (d) Recordkeeping and reporting.

c. Inspections And Recordkeeping:

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



compliance with this rule and any other requirements imposed under the granting or use of the MERC.

- (4) The Control Officer shall, upon request, have access to the premises of any owner, user, transferor, or transferee of a MERC for new source review (NSR) purposes, of any mobile source for which a MERC has been granted, or any generator of a MERC, for purposes of conducting an inspection to verify compliance with this rule and with any other requirements imposed under the granting or use of the MERC.
- (5) Inspections may include review of records, testing, or any other action to verify compliance with this rule and with any other requirements imposed under the granting or use of the MERC.

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

~~307.1310.1~~ **310.1** The provisions of the Section 310 of this rule only apply to stationary sources of VOC or nitrogen oxides ~~of nitrogen~~ in ozone nonattainment areas classified as serious or severe. Unless otherwise provided in this rule, all requirements of Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Permits For New Major Sources And Major Modifications To Existing Major Sources, Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules apply.

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

~~307.3310.3~~ **310.3** For any major source that emits or has the potential to emit less than 100 tons of VOC ~~or oxides of nitrogen~~ per year, a significant increase in VOC ~~or oxides of nitrogen, respectively,~~ from any discrete operation, unit, or other pollutant emitting activity at the source shall constitute a major modification, except that the increase shall not constitute a major modification, if the owner or operator of the source elects to ~~in emissions from any discrete emissions~~



~~unit, operation, or other pollutant emitting activity that is offset the increase by a greater reduction in emissions of VOC from other units, operations, units or activities at the source at a an internal offset ratio of at least 1.3:1 for the increase in VOC or oxides of nitrogen, respectively, from the unit, operation, or activity shall not be considered part of the major modification. If the owner or operator does not make such an election, the change shall constitute a major modification but Best available control technology (BACT) shall be substituted for lowest achievable emission rate (LAER) when applying R18-2-403(A)(1) section 305.1(a) of this rule to the major modification for all major modifications under this section. Net emissions increases in VOC or oxides of nitrogen above the internal offset described herein shall be subject to the offset requirements in Section 307.5 and Section 307.6 of this rule.~~

307.4 ~~310.4~~ For any stationary source that emits or has the potential to emit 100 tons or more of VOC or oxides of nitrogen per year, a physical or operational change that results in any significant increase in VOC from any discrete operation, unit or other pollutant emitting activity at the source or oxides of nitrogen, respectively, shall constitute a major modification except that if the owner or operator of the source elects to offset the increase by a greater reduction in emissions of VOC from other operations, units or activities within the source at an internal offset ratio of at least 1.3 to 1, R18-2-403(A)(1) section 305.1(a) of this rule shall not apply to the change. If the increase in emissions from the modification at any discrete emissions unit, operation, or other pollutant emitting activity is offset from other units, operations or activities at the source at a ratio of 1.3:1 for the increase in VOC or oxides of nitrogen, respectively from the unit, operation or activity, best available control technology (BACT) shall be substituted for lowest achievable emission rate (LAER) at the unit, operation, or activity. Net emissions increases in VOC or oxides of nitrogen above the internal offset described herein shall be subject to the offset requirements in Section 307.5 and Section 307.6 of this rule.

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

307.6 ~~310.6~~ For any new major source or major modification that is classified as such because of emissions or potential to emit VOC or nitrogen oxides of ~~nitrogen~~ in an ozone nonattainment area classified as severe, the increase in emissions of these pollutants from the source or modification shall be offset at a ratio of 1.3:1. ~~If the State Implementation Plan (SIP) requires all existing major sources of these pollutants in the nonattainment area to apply best~~



~~available control technology (BACT), then the offset ratio shall be 1.2:1. These offsets shall be made in accordance with the provisions of Section 306 of this rule.~~

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

~~308.1311.1~~ Except as provided in Section 308.2 through Section 308.7 and Section 509 of this rule, no permit or permit revision under this rule shall be issued to a person proposing to construct a new major source or proposing to make a major modification to a major source that would be constructed in an area designated as attainment or unclassifiable for any regulated NSR pollutant, unless the source or modification meets the following conditions:

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



Source Performance Standards, Rule 370-Federal Hazardous Air Pollutant Program, and Rule 372-Maricopa County Hazardous Air Pollutants (HAPS) Program of these rules or by the applicable implementation plan . If the Control Officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof may be prescribed instead to satisfy the requirement for the application of best available control technology (BACT). Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

- e. The person applying for the permit or permit revision under this rule performs an air impact analysis and monitoring as specified in Section 500 of this rule and such analysis demonstrates that allowable emission increases from the proposed new major source or major modification, in conjunction with all other applicable emission increases or reductions, including secondary emissions, for all pollutants listed in Rule 500-Attainment Area Classification of these rules, and minor and mobile sources for nitrogen oxides ~~of nitrogen~~ and PM₁₀:

- (1) Would not cause nor contribute to ~~an increase in~~ concentrations of any pollutant by an amount in excess of concentrations of conventional air pollutants in violation of any ambient air quality standard in Rule 510- Air Quality Standards, of these rules in any air quality control region or any applicable maximum allowable increase over the baseline concentration in Rule 500-Attainment Area Classification of these rules for any attainment or unclassified area; or
- (2) Would not cause nor contribute to an increase in ambient concentrations for a pollutant by an amount in excess of the significance level for such pollutant in any adjacent area in which Arizona primary or secondary ambient air quality standards for that pollutant are being violated. A new major source of volatile organic compounds (VOCs) or nitrogen oxides of nitrogen, or a major modification to a major source of VOCs or nitrogen oxides ~~of nitrogen~~, shall be presumed to contribute to violations of the Arizona ambient air quality standards for ozone if it will be located within 50 kilometers (31 miles) of a nonattainment area for ozone. The presumption may be rebutted for a new major source or major modification



if it can be satisfactorily demonstrated to the Control Officer that emissions of VOCs or nitrogen oxides ~~of nitrogen~~ from the new major source or major modification will not contribute to violations of the Arizona ambient air quality standards for ozone in adjacent nonattainment areas for ozone. Such a demonstration shall include a showing that topographical, meteorological or other physical factors in the vicinity of the new major source or major modification are such that transport of VOCs emitted from the source are not expected to contribute to violations of the ozone standards in the adjacent nonattainment areas.

f. Air quality models:

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

~~308.2311.2~~ The requirements of this section shall not apply to a new major source or major modification to a source with respect to a particular pollutant if the person applying for the permit or permit revision under this rule demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment for the pollutant.

~~308.3~~ 311.3 The requirements of this section shall not apply to a new major source or major modification ~~of a source~~ if such source or modification would be a major source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential emissions of the source or modification, and the source ~~is not either among the Categorical Sources listed in Section 202 of this rule or belongs to the category of sources for which New Source Performance Standards (NSPS) under 40 C.F.R. Part 60 or National Emission Standards For Hazardous Air Pollutants (NESHAPS) under 40 C.F.R. Part 61, promulgated by the Administrator prior to August 7, 1980.~~ does not belong to a 302(j) category of the Act.



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

~~308.5~~ 311.5 The requirements of this section shall not apply to a portable source which would otherwise be a new major source or major modification to an existing source if such portable source ~~is temporary, will operate for no more than 12 months,~~ is under a permit or permit revision issued under this rule, is in compliance with the conditions of that permit or permit revision under this rule, the emissions from the source will not impact a Class I area nor an area where an applicable increment is known to be violated, and reasonable notice is given to the Control Officer prior to the relocation identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the Control Officer not less than 10 calendar days in advance of the proposed relocation unless a different time duration is previously approved by the Control Officer.

~~308.6~~ 311.6 **Special Requirements Applicable To Federal Land Managers:**

- a. Notwithstanding any other provision of this rule, a Federal Land Manager may present to the Control Officer a demonstration that the emissions attributed to such new major source or major modification to a source ~~will~~ would have ~~significant~~ an adverse impact on visibility or other specifically defined air quality related values of any Federal Mandatory area designated in Rule 500-Attainment Area Classification of these rules, regardless of the fact that the change in air quality resulting from emissions attributable to such new major source or major modification to a source in existence will not cause or contribute to concentrations which exceed the maximum allowable increases for ~~a Class I~~ the area as applies in Maricopa County Rule 500. If the Control Officer concurs with such demonstrations, the permit or permit revision under this rule shall be denied.
- b. If the owner or operator of a proposed new major source or a source for which major modification is proposed demonstrates to the Federal Land Manager that the emissions attributable to such major source or major modification will have no significant adverse impact on the visibility or other specifically defined air quality related values of such areas and the Federal Land Manager so certifies to the Control Officer, the Control Officer may issue a permit or permit revision under this rule notwithstanding the fact that the change in air quality resulting from emissions attributable to such new major source or major modification will cause or contribute to concentrations which exceed the maximum allowable increases for a Class I area. Such a permit or permit revision under this rule shall require that such new major source



or major modification comply with such emission limitations as may be necessary to assure that emissions will not cause increases in ambient concentrations greater than the following maximum allowable increases over baseline concentrations for such pollutants:

Maximum Allowable Increases		
Pollutant	Averaging Time	Increase In mg/m ³
TSP	Annual Geometric Mean	49
TSP	24-hour Maximum	37
SO ₂	Annual Arithmetic Mean	20
SO ₂	24-hour Maximum	91
SO ₂	3-hour Maximum	325
NO ₂	Annual Arithmetic Mean	25
PM _{2.5}	Annual Arithmetic Mean	4
PM _{2.5}	24-hour Maximum	9
PM ₁₀	Annual Arithmetic Mean	17
PM ₁₀	24-hour Maximum	30

308.7311.7 The issuance of a permit or permit revision under this rule in accordance with this section shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan (SIP) and any other requirements under local, State, or Federal law.

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

309 312 STACK HEIGHT LIMITATION:

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



- a. Begun, or caused to begin, a continuous program of physical on-site construction of the stack;
 - b. Entered into building agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time; or
 - c. Coal fired steam electric generating units, subject to the provisions of Section 118 of the Act which commenced operation before July 1, 1975, with stacks constructed under a construction contract awarded before February 8, 1974.
- 309.2 312.** Good engineering practice (GEP) stack height is calculated as the greater of the following four numbers:
- a. 65 meters (213.25 feet).
 - b. For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable preconstruction permits or approvals required under 40 C.F.R. Parts 51 and 52 and Section 305 of this rule, $H_g = 2.5H$.
 - c. For all other stacks, $H_g = H + 1.5L$, where:
 H_g = good engineering practice stack height, measured from the ground-level elevation at the base of the stack;
 H = height of nearby structure measured from the ground-level elevation at the base of the stack;
 L = lesser dimension (height or projected width) of nearby structure; provided that the EPA, ~~the Director~~, or the Control Officer may require the use of a field study or fluid model to verify good engineering practice (GEP) stack height for the source; or
 - d. The height demonstrated by a fluid model or a field study approved by the reviewing agency, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain obstacles.
 - e. For a specific structure or terrain feature, "nearby" shall be:
 - (1) For purposes of applying the formulae in Section 309.2(b) of this rule and Section 309.2(c) of this rule, that distance up to



five times the lesser of the height or the width dimension of a structure but not greater than 0.8 km (one-half mile).

- (2) For conducting demonstrations under Section 309.2(d) of this rule, means not greater than 0.8 km (one-half mile). An exception is that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum height (H+) of the feature, not to exceed two miles if such feature achieved a height (H+) 0.8 km from the stack. The height shall be at least 40% of the good engineering practice (GEP) stack height determined by the formula provided in Section 309.2(c) of this rule, or 85 feet (26 meters), whichever is greater, as measured from the ground-level elevation at the base of the stack.

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

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



alternative emission rate shall be established in consultation with the source owner or operator.

- (2) For sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under Sections 309.2(b) and 309.2(c) of this rule, either:
 - (a) A maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects as provided in Section 309.2(f)(1) of this rule, except that emission rate specified by any applicable State Implementation Plan (SIP) shall be used, or
 - (b) The actual presence of a local nuisance caused by the existing stack, as determined by the Control Officer; and
- (3) For sources seeking credit after January 12, 1979, for a stack height determined under Sections 309.2(b) and 309.2(c) of this rule, where the Control Officer requires the use of a field study or fluid model to verify good engineering practice (GEP) stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in Sections 309.2(b) and 309.2(c) of this rule, a maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects that is at least 40% in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

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

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



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

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

SECTION 400 - ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 - MONITORING AND RECORDS

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

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

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

502 PRECONSTRUCTION AIR QUALITY MONITORING DATA:

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

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

502.3 In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one year and shall represent at



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

- 503 COMPLETE APPLICATION AIR QUALITY MONITORING DATA:** For any application which, prior to February 9, 1982, becomes complete, except as to the requirements of Section 502.2 of this rule, the data that Section 502.2 of this rule requires shall have been gathered over at least the period from February 9, 1981, to the date the application becomes otherwise complete, except that:
- 503.1** If the new source or modification would have been major for that pollutant under Section 308 of this rule as in effect on October 2, 1979, any monitoring data shall have been gathered over at least the period required by Section 308 of this rule.
 - 503.2** If the Control Officer determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than four months), the data that Section 502.2 of this rule requires shall have been gathered over that shorter period.
 - 503.3** If the monitoring data would relate exclusively to ozone and would not have been required under Section 308 of this rule as in effect on October 2, 1979, the Control Officer may waive the otherwise applicable requirements of Section 308 of this rule to the extent that the applicant shows that the monitoring data would be unrepresentative of air quality over the full year.
- 504 POST-APPROVAL AIR QUALITY MONITORING DATA FOR OZONE:** The owner or operator of a proposed stationary source or modification to a source of VOCs who satisfies all conditions of 40 C.F.R. 51, Appendix S, Section IV, may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required under Section 502 of this rule.
- 505 POST-CONSTRUCTION AIR QUALITY MONITORING DATA:** The owner or operator of a new major source or major modification shall, after construction of the source or modification, conduct such ambient monitoring as the Control Officer determines is necessary to determine the effect emissions from the new source or modification may have, or are having, on air quality in any area.
- 506 OPERATIONS OF MONITORING STATIONS:** The owner or operator of a new major source or major modification shall meet the requirements of 40 C.F.R. 58, Appendix B, during the operation of monitoring stations for purposes of satisfying Section 502 through Section 505 of this rule.



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

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

Pollutant	Concentration	Averaging Time
Carbon Monoxide	575 mg/m^3 $\mu\text{g}/\text{m}^3$	8 hour average
Nitrogen dioxide	14 mg/m^3 $\mu\text{g}/\text{m}^3$	annual average
PM _{2.5}	4 $\mu\text{g}/\text{m}^3$	24- hour average
PM ₁₀	10 mg/m^3 $\mu\text{g}/\text{m}^3$	24 hour average
Sulfur dioxide	13 mg/m^3 $\mu\text{g}/\text{m}^3$	24 hour average
Lead	0.1 mg/m^3 $\mu\text{g}/\text{m}^3$	24 hour average
Fluorides	0.25 mg/m^3 $\mu\text{g}/\text{m}^3$	24 hour average
Total reduced sulfur	10 mg/m^3 $\mu\text{g}/\text{m}^3$	1 hour average
Hydrogen sulfide	0.04 mg/m^3 $\mu\text{g}/\text{m}^3$	1 hour average
Reduced sulfur compounds	10 mg/m^3 $\mu\text{g}/\text{m}^3$	1 hour average
Ozone	Increased emissions of less than 100 tons per year of volatile organic compounds or oxides of nitrogen	

or,

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

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

508.1 An analysis of the impairment to visibility, soils and vegetation that would occur as a result of the new source or modification and general commercial, residential,



industrial and other growth associated with the new source or modification. The applicant need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

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

509 INNOVATIVE CONTROL TECHNOLOGY:

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

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

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



- e. All other applicable requirements, including those for public participation have been met.
- f. The Control Officer receives the consent of the governors of other affected states.
- g. The limits on pollutants contained in Rule 500-Attainment Area Classification of these rules for Class I areas will be met for all periods during the life of the source or modification.

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

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

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

510 AIR QUALITY MODELS:

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

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



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

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

511 VISIBILITY PROTECTION:

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

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

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

- a. The times of visitor use of the area.
- b. The frequency and timing of natural conditions in the area that reduce visibility.
- c. All of the following visibility impairment characteristics:
 - (1) Geographic extent;
 - (2) Intensity;
 - (3) Duration;



- (4) Frequency; and
 - (5) Time of day.
 - d. The correlation between the characteristics listed in Section 511.2(c) of this rule and the factors described in Sections 511.2(a) and 511.2(b) of this rule.
- 511.3 The Control Officer shall not issue a permit or a permit revision under this rule, or pursuant to Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules, for any new major source or major modification subject to this rule, unless the following requirements have been met:
 - a. The Control Officer shall notify the individuals identified in Section 511.3(b) of this rule within 30 days of receipt of any advance notification of any such permit application or permit revision application under this rule.
 - b. Within 30 days of receipt of an application for a permit or permit revision under this rule for a source whose emissions may affect a Class I area, the Control Officer shall provide written notification of the application to the Federal Land Manager and to the federal official charged with direct responsibility for management of any lands within any such area. The notice shall:
 - (1) Include a copy of all information relevant to the permit application or to the permit revision application under this rule;
 - (2) Include an analysis of the anticipated impacts of the proposed source on visibility in any area which may be affected by emissions from the source; and
 - (3) Provide for no less than a 30 day period within which written comments may be submitted.
 - c. The Control Officer shall consider any analysis provided by the Federal Land Manager that is received within the comment period provided in Section 511.3(b) of this rule.
 - (1) Where the Control Officer finds that the analysis provided by the Federal Land Manager does not demonstrate to the satisfaction of the Control Officer that an adverse impact on visibility will result in the area, the Control Officer shall, within the public notice required by Rule 210-Title V Permit Provisions of these rules, either explain the decision or specify where the explanation can be obtained.



- (2) When the Control Officer finds that the analysis provided by the Federal Land Manager demonstrates to the satisfaction of the Control Officer that an adverse impact on visibility will result in the area, the Control Officer shall not issue a permit or permit revision under this rule for the proposed new major source or major modification.

- d. When the proposed permit decision is made under Rule 210-Title V Permit Provisions of these rules and available for public review, the Control Officer shall provide the individuals identified in Section 511.3(b) of this rule with a copy of the proposed permit decision and shall make available to them any materials used in making that determination.



REGULATION II - PERMITS AND FEES

RULE 241 PERMITS FOR NEW SOURCES AND MODIFICATIONS TO EXISTING SOURCES

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Adopted 11/15/93

Revised 06/19/96

Revised xx/xx/14

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS**

REGULATION II - PERMITS AND FEES

**RULE 241
PERMITS FOR NEW SOURCES AND MODIFICATIONS TO
EXISTING SOURCES**

SECTION 100 - GENERAL

- 101 PURPOSE:** To provide control technology requirements for new sources and modifications to existing sources of air pollution requiring permits or permit revisions.
- 102 APPLICABILITY:** The provisions of this rule shall not apply to new major sources and major modifications to existing major sources subject to the requirements of Rule 240 of these rules.

SECTION 300 - STANDARDS

- 301 BEST AVAILABLE CONTROL TECHNOLOGY (BACT) REQUIRED:** An applicant for a permit or permit revision subject to Rules 210, 220, or 230 of these rules shall apply BACT for each pollutant emitted which exceeds any of the threshold limits set forth in any one of the following criteria:
- 301.1** Any new stationary source which emits more than ~~150 lbs/day or~~ 25 tons/yr of volatile organic compounds, nitrogen oxides, sulfur dioxide, or particulate matter; more than ~~85 lbs/day or~~ 15 tons/yr of PM10; or more than ~~550 lbs/day or~~ 100 tons/yr of carbon monoxide.
- 301.2** Any modified stationary source if the modification causes an increase in emissions on any single day of more than ~~150 lbs/day or~~ 25 tons/yr of volatile organic compounds, nitrogen oxides, sulfur dioxide or particulate matter; more than ~~85 lbs/day or~~ 15 tons/yr of PM10; or more than ~~550 lbs/day or~~ 100 tons/yr of carbon monoxide. BACT is only required for the sources or group of sources being modified.
- 302 REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) REQUIRED:** An applicant for a permit or permit revision for a new or modified stationary source which emits or causes an increase in emissions of up to ~~150 lbs/day or~~



25 tons/yr of volatile organic compounds, or particulate matter; up to ~~85 lbs/day~~ or 15 tons/yr of PM₁₀; or up to ~~550 lbs/day~~ or 100 tons/yr of carbon monoxide shall apply RACT for each pollutant emitted from said new or modified stationary source.

303 CIRCUMVENTION: The submission of applications for permits or permit revisions for new or modified sources in phases so as to circumvent the requirements of this section is prohibited. The burden of proof to show that an application for a permit or permit revision is not being submitted as a phase of a larger project shall be upon the applicant. A person shall not build, erect, install, or use any article, machine, equipment, condition, or any contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, conceals or dilutes an emission which would otherwise constitute a violation of this section. A person shall not circumvent this section to dilute air contaminants by using more emission openings than is considered normal practice by the industry or by the activity in question.

304 “Minor NSR Modification” means any of the following changes that do not qualify as a major source or major modification:

304.1 Any physical change in or change in the method of operation of an emission unit or a stationary source that either:

- a. Increases the potential to emit of a regulated minor NSR pollutant by an amount greater than the permitting exemption thresholds, or
- b. Results in emissions of a regulated minor NSR pollutant not previously emitted by such emission unit or stationary source in an amount greater than the permitting exemption thresholds.

304.2 Construction of one or more new emissions units that have the potential to emit regulated minor NSR pollutants at an amount greater than the permitting exemption threshold.

304.3 A change covered by Section 304.1(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 permitting exemption threshold as a result of decreases in the potential to emit of other emission units at the same stationary source.

304.4 For the purposes of this definition the following do not constitute a physical change or change in the method of operation:

- a. A change consisting solely of the construction of, or changes to a combination of emissions units qualifying as, a categorically exempt activity.



- b. For a stationary source that is required to obtain a Class II 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.
- c. Replacement of an emission unit by a unit with a potential to emit regulated minor NSR pollutants that is less than or equal to the potential to emit of the existing unit, provided the replacement does not cause an increase in emissions at other emission units at the stationary source. A unit installed under this provision is subject to any limits applicable to the unit it replaced.
- d. Routine maintenance, repair, and replacement.
- e. 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.
- f. Use of an alternative fuel by reason of an order or rule under section 125 of the Act.
- g. Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.
- h. Use of an alternative fuel or raw material by a stationary source that either:
 - (1) 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 of these rules; or
 - (2) The source is approved to use under any permit issued under 40 CFR 52.21, or under Rule 200 of these rules: or
- i. 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 of these rules.
- j. Any change in ownership at a stationary source



- k. The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, if the project complies with:
 - (1) The SIP, and
 - (2) Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.
- l. For electric utility steam generating units located in attainment and unclassifiable 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 any regulated pollutant emitted by the unit. This exemption applies on a pollutant-by-pollutant basis.
- m. For electric utility steam generating units located in attainment and unclassifiable areas only, the reactivation of a very clean coal-fired electric utility steam generating unit.

304.5 For purposes of this Rule:

- a. “Potential to emit” means the lower of a source’s or emission unit’s potential to emit or its allowable emissions.
- b. 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.
- c. All of the roadways located at a stationary source constitute a single emissions unit.



**REGULATION V - AIR QUALITY STANDARDS AND AREA CLASSIFICATION
RULE 500**

ATTAINMENT AREA CLASSIFICATION

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SECTION 100 - GENERAL

101 PURPOSE

SECTION 200 - DEFINITIONS (NOT APPLICABLE)

SEE RULE 100 (GENERAL PROVISIONS AND DEFINITIONS) OF THESE RULES
FOR DEFINITIONS OF TERMS THAT ARE USED BUT NOT SPECIFICALLY
DEFINED IN THIS RULE

SECTION 300 - STANDARDS

301 CLASSIFICATION AND REDESIGNATION OF ATTAINMENT
AREAS

302 LIMITATION OF POLLUTANTS IN CLASSIFIED ATTAINMENT AREAS

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SECTION 500 - MONITORING AND RECORDS (NOT APPLICABLE)



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**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION V - AIR QUALITY STANDARDS AND AREA CLASSIFICATION**

**RULE 500
ATTAINMENT AREA CLASSIFICATION**

SECTION 100 - GENERAL

101 PURPOSE: To set forth the criteria used to classify attainment areas and pollution standards for attainment areas.

SECTION 200 - DEFINITIONS (NOT APPLICABLE)

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

SECTION 300 - STANDARDS

301 CLASSIFICATION AND REDESIGNATION OF ATTAINMENT AREAS:
All attainment and unclassified areas or parts thereof shall be classified as either Class I, Class II or Class III.

301.1 Class I Areas: All of the following areas which were in existence on August 7, 1977, including any boundary changes to those areas which occurred subsequent to the date of enactment of the Clean Air Act Amendments of 1977 and before March 12, 1993, shall be Class I areas irrespective of attainment status and shall not be redesignated:

- a. International parks;
- b. National wilderness areas which exceed 5,000 acres in size;
- c. National parks which exceed 6,000 acres in size;
- d. National memorial parks which exceed 5,000 acres in size;

301.2 Class I or Class II Areas:

- a. The following areas shall be designated only as Class I or Class II:



- (1) An area, which, as of August 7, 1977, exceeds 10,000 acres in size and is a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, or a national lakeshore or seashore.
 - (2) A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.
- b. All other areas, other than those areas described in ~~subsection~~ Section 301.2(a) of this rule, shall be Class II areas, unless redesignated under ~~subsection~~ Section 301.3 of this rule or ~~subsection~~ Section 301.4 of this rule.

301.3 Redesignation As Class I Area Or Class II Area: The Control Officer may request the Governor or the Governor's designee to redesignate areas of the state as Class I or Class II, provided that the following requirements are fulfilled:

- a. At least 1 public hearing is held in or near the area affected.
- b. Other states, Indian governing bodies, and Federal Land Managers whose land may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing.
- c. A discussion document of the reasons for the proposed redesignation, including a description and analysis of health, environmental, economic, social, and energy effects of the proposed redesignation, is prepared by the Governor or the Governor's designee. The discussion document shall be made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing shall contain appropriate notification of the availability of such discussion document.
- d. Prior to the issuance of notice respecting the redesignation of an area which includes any Federal lands, the Governor or the Governor's designee has provided written notice to the appropriate Federal Land Manager and afforded the Federal Land Manager adequate opportunity, not in excess of 60 days, to confer with the state respecting the redesignation and to submit written comments and recommendations. The Governor or the Governor's designee shall publish a list of any inconsistency between such redesignation and such recommendations, together with the reasons for making such redesignation against the recommendation of the Federal Land



Manager, if any Federal Land Manager has submitted written comments and recommendations.

- e. The redesignation is proposed after consultation with the elected leadership of local governments in the area covered by the proposed redesignation.
- f. The redesignation is submitted to the Administrator of the Environmental Protection Agency (EPA) as a revision to the State Implementation Plan (SIP).
- g. A redesignation shall not be effective until approved by the Administrator of EPA as part of an applicable implementation plan.
- h. Lands within the exterior boundaries of Indian reservations may be redesignated only by the appropriate Indian governing body.

301.4 Redesignation As Class III Area: The Control Officer may request the Governor or the Governor's designee to redesignate areas of the state as Class III, if all of the following criteria are met:

- a. Such redesignation meets the requirements of ~~subsection~~ Section 301.3 of this rule.
- b. Such redesignation has been approved after consultation with the appropriate committee of the legislature if it is in session or with the leadership of the legislature if it is not in session.
- c. The general purpose units of local government representing a majority of the residents of the area to be redesignated concur in the redesignation.
- d. Such redesignation shall not cause, or contribute to, concentration of any air pollutant which exceeds any maximum allowable increase or maximum allowable concentration permitted under the classification of any area.
- e. For any new major source, as defined in Rule 240, Section 210 of these rules, or for a major modification of such source which may be permitted to be constructed and operated only if the area in question is redesignated as Class III, any permit application or related materials shall be made available for public inspection prior to a public hearing.
- f. The redesignation is submitted to the Administrator of EPA as a revision to the SIP.



- g. A redesignation shall not be effective until approved by the Administrator of EPA as part of an applicable implementation plan.
- h. Lands within the exterior boundaries of Indian reservations may be redesignated only by the appropriate Indian governing body.

302 LIMITATION OF POLLUTANTS IN CLASSIFIED ATTAINMENT AREAS:

302.1 Areas designated ~~in~~ as Class I, II or III shall be limited to the following increases in air pollutant concentrations occurring over the baseline concentration, provided that for any period other than an annual period, the applicable maximum allowable increase may be exceeded once per year at any one location:

POLLUTION INCREASE LIMITS IN ATTAINMENT AREAS

	Maximum Allowable Increase (micrograms per cubic meter)
CLASS I	
<u>Particulate Matter: PM_{2.5}</u>	
<u>Annual arithmetic mean</u>	<u>1</u>
<u>24-hr maximum</u>	<u>2</u>
Particulate matter - PM ₁₀ :	
Annual arithmetic mean	4
24-hour maximum	8
Sulfur dioxide:	
Annual arithmetic mean	2
24-hour maximum	5
3-hour maximum	25
Nitrogen dioxide:	
Annual arithmetic mean	2.5
CLASS II	
<u>Particulate Matter: PM_{2.5}</u>	
<u>Annual arithmetic mean</u>	<u>4</u>
<u>24-hr maximum</u>	<u>9</u>
Particulate matter - PM ₁₀ :	
Annual arithmetic mean	17
24-hour maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	512



Nitrogen dioxide:	
Annual arithmetic mean	25
CLASS III	
Particulate Matter: PM _{2.5}	
Annual arithmetic mean	8
24-hr maximum	18
Particulate matter - PM ₁₀ :	
Annual arithmetic mean	34
24-hour maximum	60
Sulfur dioxide:	
Annual arithmetic mean	40
24-hour maximum	182
3-hour maximum	700
Nitrogen dioxide:	
Annual arithmetic mean	50

302.2 The baseline concentration shall be that ambient concentration level which exists in the baseline area at the time of the applicable minor source baseline date.

a. The major source baseline date is:

- (1) January 6, 1975, for sulfur dioxide and ~~particulate matter~~ PM₁₀; and
- (2) February 8, 1988, for nitrogen dioxide.
- (3) October 20, 2010, for PM_{2.5}.

b. The minor source baseline date shall be the earliest date after ~~August 7, 1977, for sulfur dioxide and particulate matter and February 8, 1988, for nitrogen dioxide,~~ that either: the trigger date on which a major source as defined in Rule 240 of these rules or major modification subject to 40 CFR 52.21 or Rule 240, Sections 305, 307, and 308 of these rules submits a complete application under the relevant regulations. The trigger date is:

- (1) August 7, 1977, for PM₁₀ and sulfur dioxide.
- (2) February 8, 1988, for nitrogen dioxide.
- (3) October 20, 2011, for PM_{2.5}.



- (1) ~~A major source, as defined in Rule 240, Section 210 of these rules, or a major modification submits a complete permit application to the Administrator of EPA under 40 CFR 52.21; or~~
 - (2) ~~A major source, as defined in Rule 240, Section 210 of these rules, or a major modification submits a complete permit application to the Control Officer under Rules 200, 210, 240, 245, and 270 of these rules.~~
- c. A baseline concentration shall be determined for each pollutant for which there is a minor source baseline date and shall include both:
- (1) The actual emissions representative of sources in existence on the minor source baseline date, except as provided in ~~subsection~~ Section 302.2(d) of this rule; and
 - (2) The allowable emissions of major sources, as defined in Rule 240, Section 210 of these rules, which commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.
- d. The following shall not be included in the baseline concentration and shall affect the applicable maximum allowable increase:
- (1) Actual emissions from any major source, as defined in Rule 240, Section 210 of these rules, on which construction commenced after the major source baseline date; and
 - (2) Actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.
- 302.3** The baseline date shall be established for each pollutant for which maximum allowable increases or other equivalent measures have been established if both:
- a. The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Act for the pollutant on the date of its complete application under ~~either subsections 302.2(b)(1) or 302.2(b)(2) of this rule~~ 40 CFR 52.21 or Rule 240, Section 308 of these rules; and
 - b. In the case of a major source, as defined in Rule 240, Section 210 of these rules, the pollutant would be emitted in significant amounts, or



in the case of a major modification, there would be a significant net emissions increase of the pollutant.

302.4 The baseline area shall be any area, with any intrastate area designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Act, in which the major source, as defined in Rule 240, Section 210 of these rules, or a major modification establishing the minor source baseline date would construct or would have an air quality impact ~~equal to or greater than 1 ug/m³ (annual average) of~~ for the pollutant for which the minor source baseline date is established as follows: greater than or equal to 1 microgram per cubic meter (annual average) for sulfur dioxide, nitrogen dioxide or PM₁₀; or greater than or equal to 0.3 microgram per cubic meter (annual average) for PM_{2.5}. Area redesignation under Section 301 of this rule that would redesignate a baseline cannot may not intersect nor be smaller than the area of impact of any new major source, as defined in Rule 240, Section 210 of these rules, or a major modification which either:

- a. Establishes a minor source baseline date; or
- b. Is subject to either 40 CFR 52.21 or Rule 240, Section 308 of these rules and would be constructed in Arizona.

302.5 The maximum allowable concentration of any air pollutant in any area to which ~~subsection~~ Section 302.1 of this rule applies shall not exceed a concentration for each pollutant equal to the concentration permitted under the Maricopa County Ambient Air Quality Standards contained in Rule 510 of these rules.

302.6 For the purposes of determining compliance with the maximum allowable increases in ambient concentrations of an air pollutant, the following concentrations of such pollutant shall not be taken into account:

- a. Concentration of such pollutant attributable to the increase in emissions from major and stationary sources which have converted from the use of petroleum products, or natural gas, or both, by reason of a natural gas curtailment order which is in effect under the provisions of Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. 792, over the emissions from such sources before the effective date of such order;
- b. The concentration of such pollutant attributable to the increase in emissions from major and stationary sources which have converted from using gas by reason of a natural gas curtailment plan in effect under the Federal Power Act, 16 U.S.C. 792 - 825r, over the



- emissions from such sources before the effective date of the natural gas curtailment plan;
- c. Concentrations of ~~particulate matter~~ PM_{10} attributable to the increase in emissions from construction or other temporary activities of a new or ~~altered~~ modified source;
 - d. The increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration; and
 - e. Concentrations attributable to the temporary increase in emissions of sulfur dioxide, nitrogen oxides or ~~particulate matter~~ PM_{10} from major sources, as defined in Rule 240, Section 210 of these rules, when the following conditions are met:
 - (1) The permit issued to such sources specifies the time period during which the temporary emissions increase of sulfur dioxide, nitrogen oxides or ~~particulate matter~~ PM_{10} would occur. Such time period shall not be renewable and shall not exceed 2 years unless a longer period is specifically approved by the Control Officer.
 - (2) No emissions increase shall be approved which would either:
 - (a) Impact any portion of any Class I area or any portion of any other area where an applicable incremental ambient standard is known to be violated in that portion; or
 - (b) Cause or contribute to the violation of a state ambient air quality standard.
 - (3) The permit issued to such sources specifies that at the end of the time period described in ~~subsection~~ Section 302.6(e)(1) of this rule, the emissions levels from the sources would not exceed the levels occurring before the temporary emissions increase was approved.
 - f. The exception granted with respect to increment consumption under ~~subsections~~ Sections 302.6(a) and 302.6(b) of this rule shall not apply more than 5 years after the effective date of the order or natural gas curtailment plan on which the exception is based.



302.7 If the Control Officer determines that the SIP is substantially inadequate to prevent significant deterioration, or that an applicable maximum allowable increase as specified in ~~subsection~~ Section 302.1 of this rule is being violated, the Control Officer shall submit to the Director a proposal to revise the SIP to correct the inadequacy or the violation. The SIP shall be revised within 60 days of such a finding by the Director, or within 60 days following notification by the Control Officer or the Administrator of EPA, or by such later date as prescribed by the Administrator of EPA after consultation with the Director.

302.8 The Control Officer shall review the adequacy of the SIP on a periodic basis and within 60 days of such time as information becomes available that an applicable maximum allowable increase is being violated.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 - MONITORING AND RECORDS (NOT APPLICABLE)



REGULATION V - AIR QUALITY STANDARDS AND AREA CLASSIFICATION

RULE 510

AIR QUALITY STANDARDS

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Revised XX/XX/14

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS**

REGULATION V - AIR QUALITY STANDARDS AND AREA CLASSIFICATION

**RULE 510
AIR QUALITY STANDARDS**

SECTION 100 - GENERAL

- 101 PURPOSE:** To establish maximum limiting levels for pollutants existing in the ambient air which are necessary to protect human health and public welfare.
- 102 AVAILABILITY OF INFORMATION:** Copies of materials referenced in Sections 310, 401.1, and 401.2 of this rule are available at 1001 ~~North~~ N. Central Avenue Ave., Suite 400, Phoenix, AZ, 85004. or call (602) 506-6010.

SECTION 200 - DEFINITIONS: ~~See Rule 100 (General Provisions And Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply:~~ 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 PRIMARY AMBIENT AIR QUALITY STANDARDS** - The ambient air quality standards which define levels of air quality necessary, with an adequate margin of safety, to protect the public health, as determined by the Arizona Department of Environmental Quality and United States Environmental Protection Agency, and specified in this rule.
- 202 SECONDARY AMBIENT AIR QUALITY STANDARDS** - The ambient air quality standards which define levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant, as determined by the Arizona Department of Environmental Quality and United States Environmental Protection Agency, and specified in this rule.

SECTION 300 - STANDARDS: The following are established as the primary and secondary ambient air quality standards for Maricopa County:

- 301 PARTICULATE MATTER - 2.5 MICRONS OR LESS (PM_{2.5}):**



301.1 Primary and Secondary Ambient Air Quality Standards for PM_{2.5} Annual Arithmetic Mean Concentration: The annual arithmetic mean concentration shall be ~~45~~ 12 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). The standard shall be considered attained when the annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, Appendix N, is less than or equal to ~~45~~ 12 $\mu\text{g}/\text{m}^3$.

301.2 Primary and Secondary Ambient Air Quality Standards for PM_{2.5} 24-hour Average Concentration: The 24-hour average concentration shall be ~~65~~ 35 $\mu\text{g}/\text{m}^3$. The standard shall be considered attained when the 98th percentile 24-hour concentration, as determined in accordance with 40 CFR 50, Appendix N, is less than or equal to ~~65~~ 35 $\mu\text{g}/\text{m}^3$.

302 PARTICULATE MATTER - 10 MICRONS OR LESS (PM₁₀):

~~302.1 Primary and Secondary Ambient Air Quality Standards for PM₁₀ Annual Arithmetic Mean Concentration:~~ The annual arithmetic mean concentration shall be ~~50~~ $\mu\text{g}/\text{m}^3$. The standard shall be considered attained when the expected annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, Appendix K, is less than or equal to ~~50~~ $\mu\text{g}/\text{m}^3$.

~~302.2~~ **Primary and Secondary Ambient Air Quality Standards Standard for PM₁₀ 24-hour Average Concentration:** The 24-hour average concentration shall be $150 \mu\text{g}/\text{m}^3$. This concentration shall not be exceeded more than once per calendar year at any one location. The standard shall be considered attained when the expected number of days per calendar year with a 24-hour average concentration above $150 \mu\text{g}/\text{m}^3$, as determined in accordance with 40 CFR 50, Appendix K, is less than or equal to ~~4~~ one.

303 SULFUR OXIDES (SULFUR DIOXIDE):

303.1 Primary Ambient Air Quality Standards for Sulfur Oxides (Measured as Sulfur Dioxide):

a. **Annual Arithmetic Mean Concentration:** The annual arithmetic mean concentration shall be 0.030 parts per million (ppm) ($80 \mu\text{g}/\text{m}^3$). This concentration shall not be exceeded more than once in a calendar year. The annual arithmetic mean shall be rounded to three decimal places (fractional parts equal to or greater than 0.0005 ppm shall be rounded up).

b. **24-hour Concentration:** The maximum 24-hour concentration shall be 0.14 ppm ($365 \mu\text{g}/\text{m}^3$). This concentration shall not be exceeded more than once per calendar year at any one location. The 24-hour averages shall be determined from successive nonoverlapping 24-



hour blocks starting at midnight each calendar day and shall be rounded to two decimal places (fractional parts equal to or greater than 0.005 ppm shall be rounded up).

- c.** 1-hour Concentration: The maximum 1-hour concentration shall be 75 parts per billion (ppb) 75 parts per billion (ppb). The one-hour primary standard is met at an ambient air quality monitoring site when the three-year average of the annual 99th percentile of the daily maximum one-hour average concentrations is less than or equal to 75 parts per billion, as determined according to 40 CFR 50, Appendix T.
- d.** The standards in Sections 303.1(a) and (b) of this rule shall apply:
- (1) In an area designated nonattainment for the standard in Sections 303.1(a) and (b) of this rule as of August 23, 2011, and areas not meeting a state implementation plan call for a standard in Sections 303.1(a) and (b) of this rule until the state submits pursuant to section 191 of the Act, and the Administrator approves, a state implementation plan providing for attainment of the standard in Section 303.1(c) of this rule in that area.
- (2) In areas other than those identified in Section 303.1(d) of this rule, until the effective date of the designation of that area, pursuant to section 107 of the Act, for the standard in Section 303.1(c) of this rule.

303.2 Secondary Ambient Air Quality Standard for Sulfur Oxides (Measured as Sulfur Dioxide) 3-Hour Concentration: The maximum 3-hour concentration shall be 0.5 ppm (1300 $\mu\text{g}/\text{m}^3$). This concentration shall not be exceeded more than once per calendar year at any one location. The 3-hour averages shall be determined from successive non-overlapping 3-hour blocks starting at midnight each calendar day and shall be rounded to 1 decimal place (fractional parts equal to or greater than 0.05 ppm shall be rounded up).

304 OZONE:

Primary and Secondary Ambient Air Quality Standards for Ozone Eight-hour Average Concentration:

The daily maximum eight-hour average concentration shall be ~~0.08 ppm~~ 0.075 ppm. The standard shall be considered attained at an ambient air quality monitoring site when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration, as determined in accordance with 40 CFR 50, Appendix ~~I~~ P, is less than or equal to ~~0.08 ppm~~ 0.075 ppm.



305 CARBON MONOXIDE:

305.1 Primary Ambient Air Quality Standards for Carbon Monoxide:

- a. **One-hour Average Concentration:** The maximum one-hour average concentration shall be 35 ppm (40 mg/m³). This concentration shall not be exceeded more than once per year at any one location.
- b. **Eight-hour Average Concentration:** The maximum eight-hour average concentration shall be 9 ppm (10 mg/m³). This concentration shall not be exceeded more than once per year at any one location. An eight-hour average shall be considered valid if at least 75% of the hourly averages for the eight-hour period are available. In the event that only six or seven hourly averages are available, the eight-hour average shall be computed on the basis of the hours available using 6 or 7 as the divisor.

305.2 When summarizing data for comparison with the standards, averages shall be stated to one decimal place. Comparison of the data with the levels of the standards in ppm shall be made in terms of integers with fractional parts of 0.5 or greater rounding up.

306 ~~NITROGEN DIOXIDE~~ NITROGEN DIOXIDE OXIDES (NITROGEN DIOXIDE):

~~Primary and Secondary Ambient Air Quality Standards for Nitrogen Dioxide Annual Arithmetic Mean Concentration: The annual arithmetic mean concentration shall be 0.053 ppm (100 µg/m³). The standard shall be considered attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 ppm, rounded to three decimal places, with fractional parts equal to or greater than 0.0005 ppm rounded up. To demonstrate attainment, an annual mean shall be based upon hourly data that is at least 75% complete, or upon data derived from manual methods that is at least 75% complete for the scheduled sampling days in each calendar quarter.~~

306.1 The primary ambient air quality standards for oxides of nitrogen, measured in the ambient air as nitrogen dioxide, are:

- a. **Annual Concentration:** 53 parts per billion (ppb). The annual primary standard is met when the annual average concentration in a calendar year is less than or equal to 53 ppb, as determined in accordance with 40 CFR, Appendix S for the annual standard.



b. One Hour Concentration: 100 parts per billion. The one-hour primary standard is met when the three-year average of the annual 98th percentile of the daily maximum one-hour average concentration is less than or equal to 100 parts per billion, as determined in accordance with 40 CFR 50, Appendix S.

306.2 The secondary ambient air quality standard for oxides of nitrogen is 0.053 parts per million (100 micrograms per cubic meter) – annual arithmetic mean.

a. The standard shall be considered attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 ppm, rounded to three decimal places, with fractional parts equal to or greater than 0.0005 ppm rounded up.

b. To demonstrate attainment, an annual mean shall be based upon hourly data that is at least 75% complete, or upon data derived from the manual methods, that is at least 75% complete for the scheduled sampling days in each calendar quarter.

307 LEAD:

~~Primary and Secondary Ambient Air Quality Standards for Lead Quarterly Maximum Arithmetic Mean Concentration: The maximum arithmetic mean concentration for lead and its compounds, measured as elemental lead, shall be 1.5 $\mu\text{g}/\text{m}^3$, as averaged over a calendar quarter.~~

307.1 The primary and secondary ambient air quality standards for lead and its compounds, measured as elemental lead, is 0.15 micrograms per cubic meter – maximum arithmetic mean averaged over a three-month period. The level of the standards shall be measured by a reference method based on 40 CFR 50, Appendix G and designated in accordance with 40 CFR 53, or by an equivalent designated in accordance with 40 CFR 53.

307.2 The national primary and secondary ambient air quality standards for lead are met when the maximum arithmetic three-month mean concentration for a three-year period, as determined in accordance with 40 CFR 50, Appendix R, is less than or equal to 0.15 micrograms per cubic meter.

307.3 The former primary and secondary ambient air quality standards for lead of 1.5 micrograms per cubic meter averaged over a calendar quarter shall apply to an area until one year after the effective date of



the designation of that area, pursuant to section 107 of the Act, for the standards in Section 307.1 of this rule.

308 POLLUTANT CONCENTRATION DETERMINATIONS: Pollutant concentrations shall be measured by the following methods:

308.1 Appendices to 40 CFR 50: Pollutant concentrations shall be measured by the following appendices to 40 CFR 50:

<u>Pollutant</u>	<u>40 CFR 50</u>
Particulate Matter (PM _{2.5})	Appendix L <u>Appendix N</u>
Particulate Matter (PM ₁₀)	Appendix J <u>Appendix K</u>
Sulfur Oxides (Sulfur Dioxide)	Appendix A <u>Appendix A-1</u>
Ozone	Appendix D <u>Appendix P</u>
Carbon Monoxide	Appendix C
Nitrogen Dioxide	Appendix F <u>Appendix S</u>
Lead	Appendix G <u>Appendix R</u>

308.2 Reference or Equivalent Methods: Pollutant concentrations shall also be measured by:

- a. A method of measurement that has been designated as a reference or equivalent method by the Administrator acting pursuant to 40 CFR 53; or
- b. A method of measurement that, though not designated as a reference or equivalent method, has been approved for use by the Administrator acting pursuant to 40 CFR 58, Appendix C. Such method shall be subject to any restrictions placed on its use by the Administrator.

308.3 Method Withdrawal: The cancellation or supersession of designation of a reference or equivalent method by the Administrator acting pursuant to 40 CFR 53.11 or 53.16, shall also amount to a withdrawal of the authorization for use of that method for purposes of this regulation.

309 ADDITIONAL REQUIREMENTS:



- 309.1 Quality assurance, monitor siting, and sample probe installation procedures shall be in accordance with the procedures described in the Appendices to 40 CFR 58.
- 309.2 Unless otherwise specified, interpretation of all ambient air quality standards contained in this rule shall be in accordance with 40 CFR 50.
- 309.3 The evaluation of air quality data in terms of procedure, methodology, and concept is to be consistent with methods described in 40 CFR 50.

- 310 **INCORPORATIONS BY REFERENCE:** The CFR references listed below are incorporated by reference in Appendix G of these rules:
- 40 CFR 50;
 - 40 CFR 50, Appendices A through N;
 - 40 CFR 53;
 - 40 CFR 58.26 and 40 CFR 58.50; and
 - 40 CFR 58, all appendices.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 REPORTING OF AMBIENT AIR QUALITY MONITORING DATA:

- 401.1 **Annual Air Quality Monitoring Report:** The Control Officer shall submit to the Administrator an annual summary report that at a minimum meets the requirements of 40 CFR 58.26 and 40 CFR 58, Appendix F. The annual report will be made available to the public at the address listed in Section 102 of this rule.
- 401.2 **Daily Air Quality Index (AQI) Report:** The Control Officer shall report to the general public an AQI that at a minimum meets the requirements of 40 CFR 58.50 and 40 CFR 58, Appendix G. The AQI will also be made available to the public at the address listed in Section 102 of this rule.

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 xx/xx/14

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, 2010, 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, G, and K.
 - l. 40 CFR 81.303
2. The following documents are incorporated by reference and are approved for use as directed by the department under the Maricopa County Air Pollution Control Regulations. These documents are incorporated by reference as of the year specified below, and no future editions or amendments.
 - a. Sections 1 and 7 of the ~~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, 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.
3. The following federal regulations located in Title 40, Code of Federal Regulations (CFR) are approved for use as directed by the department under the Maricopa County Air Pollution Control Regulations. These standards are incorporated by reference as of July 1, 2010, 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.
 - c. Attainment and Nonattainment Area Designations: 40 CFR 81.303 as amended as of July 1, 2010 (and no future amendments or editions) is incorporated by reference as an applicable requirements and on file with the Maricopa County Air Quality Department, as described below and is available from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Availability of Information: Copies of these incorporated materials are available electronically at: ecfr.gpoaccess.gov; at the Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, AZ, 85004; or by calling (602) 506-0169 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.