



## Enhanced Regulatory Outreach Program Maricopa County Air Quality Department

### 30-Day Comment Period

#### AQ-2016-003-Rule 280 Revision And AQ-2016-005-Rule 372 and Associated Appendix H Rescission August 19, 2016 – September 19, 2016

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The Maricopa County Air Quality Department (department) is proposing to revise the rules listed below. The public comment period for these rules begins on August 19, 2016 and will close on September 19, 2016. Additional information about these proposed regulatory changes is available at: [http://apps.azsos.gov/public\\_services/register/2016/33/contents.pdf](http://apps.azsos.gov/public_services/register/2016/33/contents.pdf).

#### **AQ-2016-003-Rule 280 Revision**

Rule 280 establishes the fees charged to owners and operators of sources of air pollution. The department is largely funded by a fee for service model by charging permit application fees, annual administrative fees, hourly fees for staff time to process Title V and Non-Title V permit applications and emission based fees. Revenues generated from fees cover the operating costs of several programs within the department. Currently, revenues generated by fees exceed the expenses of the fee funded programs within the department, resulting in a yearly positive balance in the department's fee fund. The department is proposing to reduce a limited number of fees in Rule 280 in order to balance fee revenues with the expenses of the department's fee funded programs.

Rule 280 was last revised in 2010 and fees have been adjusted annually thereafter per the Consumer Price Index (CPI). The department is unable to revise the fee rule annually; therefore, fee adjustments are made annually per the CPI and a revised fee schedule is established annually. The revised fee schedule is posted annually on the department's website. The department is proposing to update all of the Title V, Non-Title V and General Permit fees to the most current 2016 Air Quality Fee Schedule. These fees appear higher in draft Rule 280 than in current Rule 280, but the department is not increasing these fees; these fees have been in effect since the CPI adjustment in early 2016. These fees will be adjusted again in draft Rule 280 after August 31, 2016 to reflect the most current CPI. In addition, the department is proposing to make several other revisions to update and improve Rule 280.

#### **AQ-2016-005-Rule 372 and Associated Appendix H Rescission**

The purpose of Rule 372 and associated Appendix H (Procedures for Determining Ambient Air Concentrations for Hazardous Air Pollutants) are to implement/establish procedures for a Maricopa County program for the regulation of federally listed hazardous air pollutants (HAPs). In 2007, Maricopa County had been given the mandate to create a County HAPs program by A.R.S. § 49-480.04. On March 20, 2008, as a result of a final judgment of the Maricopa County Superior Court, the superior court held that the State of Arizona does not have authority to adopt de minimis amounts of federal HAPs. Consequently, the department is proposing to rescind Rule 372 and Appendix H.