



**Executive Summary**  
**of the Report to the Board of Supervisors**  
Prepared by the Maricopa County Air Quality Department

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**Board Hearing Date:** January 4, 2017

**Case #/Title:** AQ-2016-003-Rule 280 (Fees)

**Agenda Item:** Pending

**Supervisor Districts:** All Districts

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

**Overview Of The Report To The Board Of Supervisors:** 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. 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. In addition, the department is proposing to make several other revisions to update and improve Rule 280.

**Overview Of Stakeholder Input And Staff Responses:** No comments were received concerning this rulemaking.



## Report to the Board of Supervisors

Prepared by the Maricopa County Air Quality Department

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**Board of Health Meeting Date:** October 24, 2016

**Board Hearing Date:** January 4, 2017

**Case #/Title:** AQ-2016-003-Rule 280 (Fees)

**Agenda Item:** Pending

**Supervisor Districts:** All Districts

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**Applicant:** Staff

**Request:** Approve amendments to Maricopa County Air Pollution Control Regulations Rule 280 (Fees).

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 dust control permit fee reductions in Rule 280 to balance fee revenues with the expenses of the department's fee funded dust program. In addition, the department is proposing to make several other revisions to update and improve Rule 280, including asbestos refunds options, accelerated permit processing, and expanded general permit options.

**Support/Opposition:** No comments concerning the proposed rulemaking were received.

**Staff Recommendation:** **Approve**

**Board of Health Recommendation:** **Approve** per Staff recommended language

**Additional Comments:** This regulatory change is following the Enhanced Regulatory Outreach Program (EROP) Policy and workflow process. The County Manager briefed the Board of Supervisors regarding this rulemaking in March 2016. A stakeholder workshop was held on June 23, 2016. A 30-day comment period was held from August 19, 2016 through September 19, 2016; no comments were received. On October 24, 2016, the Board of Health is scheduled to approve this regulatory change for the Expedited Process.

**Presented By:** Philip A. McNeely, R.G., Director

**Prepared By:** Hether Krause

**Attachments:**

[Summary of the proposed regulatory change](#) (See Item 6 of the Draft Notice of Final Rulemaking)

[Analysis of input received during the process and how that input was responded to](#) (No comments were received. See Item 13 of the Draft Notice of Final Rulemaking)

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

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

Minutes from Board of Health meeting (On October 24, 2016, the Board of Health is scheduled to approve this regulatory change for the Expedited Process)

Copies of all written and electronic Stakeholder input (No comments were received)

[Signed copy of the Maricopa County Resolution “Moratorium on Increased Regulatory Burdens”](#)

**DRAFT NOTICE OF FINAL RULEMAKING**  
**MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS**  
**REGULATION II - PERMITS AND FEES**  
**RULE 280: FEES**

**PREAMBLE**

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|------------------|--|--|
| <b><u>1.</u></b> | <b><u>Rule affected</u></b><br>Rule 280: Fees  | <b><u>Rulemaking action</u></b><br>Amend |
| <br>             |  |  |
| <b><u>2.</u></b> | <b><u>Statutory authority for the rulemaking:</u></b><br>Authorizing statutes: A.R.S. §§ 49-402, 49-473, 49-476.01, 49-479, 11-251.08(A)<br>Implementing Statute: A.R.S. § 49-480, 49-112, 11-251.08(B)  |  |
| <b><u>3.</u></b> | <b><u>The effective date of the rule:</u></b><br>Tentative date of adoption: January 4, 2017   |  |
| <b><u>4.</u></b> | <b><u>List of public notices addressing the rulemaking:</u></b><br>Notice of Briefing To Maricopa County Manager: March 2016<br>Notice of Stakeholder Workshop: June 23, 2016<br>Notice of Proposed Rulemaking: 22 A.A.R. 2095, August 12, 2016<br>Notice of Maricopa County Board of Health Meeting: October 24, 2016   |  |
| <b><u>5.</u></b> | <b><u>Name and address of department personnel with whom persons may communicate regarding the rulemaking:</u></b><br>Name: Greg Verkamp or Hether Krause<br>Maricopa County Air Quality Department<br>Planning and Analysis Division<br>Address: 1001 N Central Avenue, Suite 125<br>Phoenix, Arizona 85004<br>Telephone: (602) 506-6010<br>Fax: (602) 506-6179<br>E-mail: aqplanning@mail.maricopa.gov |  |

- 6.** **Explanation of the rule, including the department's reasons for initiating the rulemaking:**  
**Summary:** [Return to list of attachments](#)

Rule 280 establishes the fees charged to owners and operators of sources of air pollution. The Maricopa County Air Quality Department (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 the fee revenues with the expenses of the department's fee funded programs. In addition, the department is proposing to make several other revisions to update and improve Rule 280.

**Background:**

The department receives funding from three major sources: The Maricopa County General Fund, grants, and fees collected from owners and operators of sources of air pollution. Funds from each source cover the operating costs of specific programs within the department. Funds received from the Maricopa County General Fund cover a significant portion of the operating costs of the Air Monitoring Program. Funds from grants also cover operating costs of the Air Monitoring Program, a portion of the operating costs of the Compliance Program and all the operating costs of the Travel Reduction Program. Funds generated from fee collection cover the operating costs of the Dust Control Program, Small Source Program, Title V Program, Training Program and Enforcement Program.

In recent years, the department has observed that revenues generated through fee collection have exceeded the expenses of the fee funded programs. As a result, the department initiated revisions to Rule 280 to address the excess fee revenues. An evaluation of the department's fee fund determined the majority of the excess fee revenues were coming from the Dust Control Program. Based on the analysis, the fees for the dust control permit fees categories of "0.1 to less than one acre" and of "One acre to less than 10 acres" should be reduced. Reduced fee amounts were calculated for these categories and the newly proposed amounts are listed below.

The department is also proposing several revisions to the rule. The proposed revisions are listed below.

**Detailed Description of the Major Proposed Amendments:**

- **Dust Control Permit Fee Reductions**

Reduce permit fees in the dust control permit fee category of "0.1 to less than one acre" from \$795 to \$530 and reduce permit fees in the dust control permit fee category of "One acre to less than 10 acres" from \$1,325 to \$1,060. These fee reductions are expected to affect approximately 2,500 permits annually based on recent data.

- **Accelerated Permit Processing for Dust Control Applications**

Add an option for accelerated permit processing for dust control applications. Under the proposed revision, an applicant would be able to request accelerated permit processing for a dust control application by submitting a completed application with a fee two times the fee amount listed in the dust control permit fee schedule. Applications submitted with the accelerated permit processing fee would be processed by the end of the next business day.

- **Expanded General Permit Options**

Offer three new general permits for the following sources: Crematories, Wastewater Treatment Plants and Asphalt Day Tankers/Tar Kettles. These new categories would provide fee reductions of \$320 and \$330 a year for sources that qualify. Approximately 70 sources are expected to qualify for these new general permits.

- **Refunds of Asbestos Notification Fees**

Offer renovation and demolition fee refunds, less a \$350 nonrefundable fee, upon cancellation of a notification. A refund would be offered if the cancellation is received before renovation and/or demolition operations have commenced and if no revisions have been made to the notification from the date it was initially submitted.

- **Changes to the Delinquency Fees**

Add language to the delinquency fees section which would provide the possibility of increased delinquency fees for those applicants or permittees who fail to pay required fees on time. Currently, the rule language states an applicant or permittee will be required to pay a \$50 fee if payment is received 30 days after the invoice date or a \$100 fee if the payment is received 60 days after the invoice date. The department is proposing to add language stating an applicant or permittee will be required to pay a \$50 fee, “or 5% of the amount due, whichever is greater” if the payment is received 30 days after the invoice date or a \$100 fee, “or 10% of the amount due, whichever is greater” if the payment is received 60 days after the invoice date.

- **Changes to the Annual Adjustment of Fees**

Provide the option to annually adjust the following fees based on the Consumer Price Index: Non-Title V Annual Administrative Fees, General Permit Application Fees, General Permit Annual Administrative Fees, Burn Permit Fees, Dust Control Fees and Asbestos Notification and Plan Review Fees. Currently, Rule 280 requires the Title V Billable Permit Action Fees, Annual Administrative Fees, and Annual Emissions-Based Fees along with the Non-Title V Billable Permit Action Fees, Annual Administrative Fees and General Permit Fees be adjusted annually. The Title V Billable Permit Action Fees, Annual Administrative Fees, Annual Emissions-Based Fees and the Non-Title V Billable Permit Action Fees would continue to be adjusted annually.

- **Modifications to the Fee Tables**

Make several modifications to the fee tables to improve clarity and usability. The fee rule was last revised in 2010 and fees have been adjusted annually thereafter per CPI. The department is unable to revise the fee rule annually but instead makes fee adjustments per CPI and includes them in an annual fee schedule. The fee schedule is posted annually on the department’s website. First, the department is proposing to update all of the Title V, Non-Title V and General Permit fees to the 2016 Air Quality Fee Schedule; these fees appear higher than in the current rule, 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. Second, the department is proposing to add numbers and titles to all of the tables in the rule. Third, the department is proposing to delete, add and revise several source categories in the Non-Title V source category fee tables and combine the Non-Title V source category fee tables with the Non-Title V annual administrative fee table. Finally, the department is proposing to create a new General Permit Fee Table combining the General Permit Application Fee Table and the General Permit Annual Administrative Fee Table. This table will list the existing nine general permit types along with the three newly proposed general permit types.

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

On June 23, 2016 the department held a stakeholder workshop and discussed the proposed revisions to Rule 280. During the workshop stakeholders raised concerns about the Stationary Dust-Generating Source General Permit. First, stakeholders were concerned the draft rule did not clearly specify that the permit covered landscaping using mechanized equipment. The department clarified that only landscaping that utilized mechanized equipment, e.g., bobcats, that disturb 0.10 acre or more would require permit coverage. Stakeholders proposed inserting “Landscaping with Mechanized Equipment” as an activity under the Stationary Dust-Generating Source category in the General Permit Fee table. The department considered the proposal and inserted the activity into the General Permit Fee table in the draft rule. Second, stakeholders were concerned that construction of pools and other small structures such as barbeque pits and shade canopies were not activities eligible for coverage under the Stationary Dust-Generating Permit category and proposed including them as eligible activities. The department considered their proposal and instead of including these activities under the Stationary Dust-Generating Source General Permit will continue to require pool builders (disturbing a total surface area of 0.10 acre or more) to obtain a Dust Control Permit. The construction of pools and other small structures are construction projects with finite timelines and the Stationary Dust-Generating Source General Permit excludes construction projects with finite timelines. Currently, pool builders must obtain a dust control permit for any project disturbing a total surface area of 0.10 acre or more. However, the dust permit fee for disturbing less than 1 acre is proposed to be reduced from \$795 to \$530. The department believes the construction of most small structures such as barbeque pits and shade canopies will not require a permit because the activities will not disturb enough acreage (0.10 acre or more) to require a dust control permit.

**General Description of All Proposed Amendments:**

**Propose in Section 100 (General):**

- To revise the language in Section 101 “Purpose” and Section 102 “Applicability” to be more consistent with the language in Rule 100

- To add Section 103 “Annual Fee Adjustments” to clarify the fees listed in the rule may not reflect the current fee schedule and to provide the location of the most current fee schedule

**Propose in Section 200 (Definitions):**

- To add a definition of “Consumer Price Index” for clarification purposes; definition taken from the United States Department of Labor Bureau of Labor Statistics website
- To remove the definitions of “Existing Source” and “Regulated Air Pollutant” because both of the definitions are defined in Rule 100
- To remove the definition of “Sources Required To Have A Title V Permit” because this term is not used in the rule language and because Rule 200, Section 302 already identifies sources required to have a Title V permit

**Propose in Section 300 (Standards):**

- To add a reference to Rule 200 in Section 301 to provide a connection between Rule 280 and Rule 200
- To add a table number and a title to all of the tables in the rule
- To revise the language referencing the tables in the rule to reference the newly proposed table numbers
- To update all of the Title V, Non-Title V and General Permit fees to the current fee schedule; these fees will be adjusted in draft Rule 280 after August 31, 2016 to reflect the 2017 Air Quality Fee Schedule
- To change rule section number 304 referencing the annual adjustment of fees to the newly proposed rule section number of 313
- To revise the language in Section 301.1(c) to match the language in 302.1(c)
- To remove the “Air Curtain Destructors” category from the Title V Source Category fee table under Section 301.2 and add it to the proposed General Permit fee table under Section 303
- To remove “Cement Plants”, “Lime Plants”, “Copper and Nickel Mines”, “Gold Mines” and “Copper Smelters” from the Title V Source Category fee table under Section 301.2
- To add the term “Sources” to the last two categories in the Title V Source Category fee table
- To change rule section number 305 referenced in Section 301.2(b) to match the newly proposed rule section number of 304
- To remove the language “Section 303” from the Rule 200 reference in Section 302 to be a more general rule reference
- To combine the fee table and rule language under Section 302.2 with the fee tables and rule language under Section 403 for clarity purposes
- To add “Biofuel Manufacturing Operations Greater than 1,000,000 Gallons per Year” to Fee Table A

- To add “Paper Mills” to Fee Table A
- To add “(Active)” at the end-of “Solid Waste Landfill” in Fee Table A
- To add “(Subject to Source Testing)” as the end-of “Bakery with Oven of Greater than or Equal to 25 Tons per Year of Potential Uncontrolled VOC Emissions or Facility With Controls” in Fee Table B
- To add “Concrete Batch Plant That Meets the Definition of an ‘Infrequent Operation’ under Rule 316 of These Rules” to Fee Table B to create a lower fee for smaller concrete batch plant operations
- To add “Crushing Facility That Meets the Definition of an ‘Infrequent Operation’ under Rule 316 of These Rules” to Fee Table B to create a lower fee for smaller crushing facility operations
- To revise “Solvent Degreasing/Cleaning System, Solvent Use Greater than 3 Gallons per Day” to “Solvent Degreasing/Cleaning System, Solvent Use Greater than or Equal to 2 Tons per Year Potential Uncontrolled VOC Emissions” in Fee Table B
- To revise “Stage I Vapor Recovery, Bulk Plants with Loading Racks” to “Petroleum Bulk Plants and Organic Liquid Bulk Plants (Non-Petroleum)” in Fee Table B
- To add “Sources Not Otherwise Classified with Potential Uncontrolled Emissions of All Regulated Pollutants Greater than 5, but Less than 25, Tons per Year” to Fee Table B to provide a general category for Fee Table B
- To revise “Bulk Plant Loading Facilities as Defined by Rule 351, Section 305.1” to “Petroleum Bulk Plants and Organic Liquid Bulk Plants (Non-Petroleum) Less Than 120,000 Gallons per Month Built Before 1978” in Fee Table C
- To revise “Non-Halogenated Solvent Cleaning, Less than 3 Gallons per Day” to “Non-Halogenated Solvent Cleaning Less than 2 Tons per Year Potential Uncontrolled VOC Emissions” in Fee Table C
- To add “Sources Not Otherwise Classified with Potential Uncontrolled Emissions of All Regulated Pollutants Less than or Equal to 5 Tons per Year” to Fee Table C to provide a general category for Fee Table C
- To include a list of dust-generating activities to Fee Table D
- To add a reference to Rule 200 in Section 303 to provide a connection between Rule 280 and Rule 200
- To combine the General Permit application fee table under Section 303.1 and the General Permit annual administrative fee table under Section 303.2 into one table and remove references to the fee tables in Section 403
- To remove several rows in the newly combined General Permit fee table and to insert the nine General Permit types currently offered by the department into the table along with three newly proposed General Permit types “Crematories”, “Wastewater Treatment Plants”, and “Asphalt Day Tankers/Tar Kettles”

- To add “Crematories” and “Wastewater Treatment Plants” to Table 280-4 (General Permit Fees); they were originally in Fee Table B; the fee will be less – it was \$3,250 and it now will be \$1,400
- To add Section 303.3 to clarify the Control Officer may issue other General Permits not listed in the General Permit fee table and to provide the location of fees
- To add Section 303.4 to clarify which dust-generating activities qualify for coverage under the Stationary Dust-Generating Sources General Permit
- To move Section 304 “Annual Adjustment of Fees” to Section 313 and revise it to provide the option of adjusting Non-Title V Annual Administrative Fees, General Permit Application Fees, General Permit Annual Administrative Fees, Burn Permit Fees, Dust Control Permit Fees and Asbestos Notification and Plan Review Filing Fees annually
- To change rule section number 305 referenced in Sections 305.1(b) and (c) to match the newly proposed rule section number of 304
- To change the title of Section 308 from “Gasoline Delivery Vessel Decal Fee” to “Maricopa County Vapor Tightness Certification Decal Fee” and to change the term “delivery vessel” to “cargo tank” in Section 308 so the section title and language more closely correspond to the proposed language in Rule 352 which is currently in the rulemaking process
- To add two new categories, “Watershed Rehabilitation” and “Indigenous Scrub Vegetation”, to the Burn Permit fee schedule under Section 309.1 to correspond more closely with the fire categories listed in Rule 314
- To alphabetize the fire categories in the Burn Permit fee schedule
- To add a reference in Section 310 to Rule 310 to provide a connection between Rule 280 and Rule 310
- To decrease the annual fee amount for a dust control permit in the category of “0.1 to less than one acre” from \$795 to \$530
- To decrease the annual fee amount for a dust control permit in the category of “One acre to less than 10 acres” from \$1,325 to \$1,060
- To add Section 309.3 “Accelerated Dust Control Permit Processing Fee” for dust control permit applications
- To add a dust control training class fee table under Section 311 for clarity
- To change the minimum number of class participants required for a request for dust control training under Section 311.3 to 50 participants and to remove the requirement of a maximum number of class participants required for the training
- To remove the language under Section 311.3 addressing a discounted fee for the issuance of training cards at third party provider dust control training classes

- To add refund policy language to Section 311.3
- To remove Section 311.4 “Train the Trainer Class Fee”
- To remove the language “Section 306” from the Rule 200 reference in Section 312 to be a more general rule reference
- To add Section 312.9 to clarify any person removing less than 260 linear feet, 160 square feet or 35 cubic feet of regulated asbestos containing material is not required to file a notification
- To add Sections 312.2, 312.4 and 312.6 providing for partial refunds of asbestos notification and plan review filing fees under Section 313
- To revise the delinquency fee language under Section 315 to provide for the possibility of higher delinquency fees for those applicants or permittees who fail to pay required fees on time
- To remove Section 316 because they can be found on the department’s website and records
- To remove the language “Section 313” from the Rule 200 reference in Section 317.1 to be a more general rule reference
- To add Section 316.5 to clarify accelerated permit processing for dust control permits can be found in Section 309.3
- To remove Section 320 “Hazardous Air Pollutants Tier 4 Risk Management Analysis Fee”
- To remove Section 321 “Air Quality Awareness Flag Program Fee”

**Propose in Section 400 (Administrative Requirements):**

- To update the effective dates of the fees in Section 401
- To change the title of Section 402.2 from “Gasoline Delivery Vessel Decal Fee” to “Maricopa County Vapor Tightness Certification Decal Fee” and to change the term “Gasoline delivery vessel” to “The Maricopa County Vapor Tightness Certification” in Section 402.2 so the section title and language correspond more closely to the proposed language in Rule 352 which is currently in the rulemaking process
- To combine the fee tables and rule language in Section 403 with the fee table and rule language in Section 302.2 for clarity purposes
- To revise “Ethylene Oxide Sterilization” under Fee Table A by creating two new categories “Ethylene Oxide Sterilization, Commercial” and “Ethylene Oxide Sterilization, Medical Facilities” and placing the proposed categories into separate fee tables, Fee Table A and Fee Table C, respectively
- To revise “Insulation Manufacturing” to “Fiberglass Insulation Manufacturing” under Fee Table A to clarify the type of insulation manufacturing

- To remove “Source Subject to a MACT, NESHAP or NSPS Standard under CAA Section 111 or 112 Unless Otherwise Identified in another Fee Table” from Fee Table A
- To revise “Aerospace Products Manufacturing and Rework not Subject to MACT” to “Aerospace Products Manufacturing and Rework not Subject to MACT GG” under Fee Table B to improve specificity
- To revise “Plating Tanks, Electrolytic or Electrowinning (Includes Decorative Chrome and Hard Chrome Operations Less than or Equal to 60 Million Amp/Hrs per Year Subject to Area Source MACT)” to “Plating Tanks (Includes Hard Chrome or Decorative Chrome Plating Operations)” under Fee Table B
- To revise “Soil Treatment/Remediation” to “Soil/Groundwater Remediation” under Fee Table B to include groundwater remediation
- To remove “Soil Solvent Extraction System with Package Thermal/Catalytic Oxidizer/Carbon Adsorption” from Fee Table B to remove redundancy in the fee tables
- To revise “Source with 3 or More Fee Table C Processes” to “Source with 3 or More Fee Table C/D Processes” under Fee Table B
- To combine “Abrasive Blasting” and “Spray Coating” under Fee Table C into one category “Surface Coating and/or Abrasive Blasting Operations” to match the category titles with the associated General Permit title
- To revise “Dry Cleaning (Includes Perchloroethylene Dry Cleaning Facilities Subject to Area Source MACT)” to “Dry Cleaning Facilities” under Fee Table C to match the category title with the associated General Permit title
- To revise “Emergency Internal Combustion Engine” to “Facilities Operating Stationary Emergency Internal Combustion Engines” under Fee Table C to match the category title with the associated General Permit title
- To move “Landscape and Decorative Rock, Gravel, and Sand Distribution” under Fee Table C to Fee Table D
- To revise “Petroleum Storage, Non-Retail Dispensing Operations Exempted from Stage I vapor Recovery by Rule 353” to “Gasoline Dispensing Operations” under Fee Table C to match the category title with the associated General Permit title
- To revise “Plating, Electroless” to “Electroless Plating or Plating Subject to MACT Subpart WWWW” under Fee Table C for clarity purposes
- To revise “Printing Facilities Less than 25 Tons per Year of Potential Uncontrolled VOC Emissions” to “Graphic Arts Operations” under Fee Table C to match the category title with the associated General Permit title

- To remove “Stripping Operation, Liquid Chemical Groundwater/Wastewater Remediation” from Fee Table C to remove redundancy in the fee tables
- To revise “Vehicle Refinishing” to “Vehicle and Mobile Equipment Refinishing Operations” under Fee Table C to match the category title with the associated General Permit title
- To remove “Water Reclamation” from Fee Table C
- To revise “Drinking Water Plant” to “Drinking Water Treatment Facility” under Fee Table C for clarity purposes
- To revise “Wood Furniture/Millwork/Small Sources Less than 10 Tons per Year VOC” to “Wood Furniture, Fixture and Millwork Operations” under Fee Table C to match the category title with the associated General Permit title
- To incorporate “Yard/Stockpiling” under Fee Table C into “Landscape and Decorative Rock, Gravel and Sand Distribution” and “Bulk Material Handling” and to move it to Fee Table D
- To revise “Service Station and Non-Resale Dispensing Operations Greater than 120,000 Gallons per Year” under Fee Table D to “Gasoline Dispensing Operations” to match the category title with the associated General Permit title and to move it to Fee Table C
- To revise “Fuel Burning Equipment” to “Fuel Burning Operations” under Fee Table E to match the category title with the associated General Permit title

In addition, the proposed amendments correct typographical or other clerical errors; make minor grammatical changes to improve readability or clarity; modify the format, numbering, order, capitalization, punctuation, or syntax of certain text to increase standardization within and among rules; or make various other minor changes of a purely editorial nature. As these changes do not alter the sense, meaning, or effect of the rules, they are not described in detail here, but can be readily discerned in the “underline/ strikeout” version of the rules contained in Item 14 of this notice.

**7. Demonstration of compliance with A.R.S. §49-112:**

Under A.R.S. § 49-479(C), a county may not adopt a rule or ordinance that is more stringent than the rules adopted by the Director of the Arizona Department of Environmental Quality (ADEQ) for similar sources unless it demonstrates compliance with the applicable requirements of A.R.S. §49-112.

§ 49-112 County regulation; standards

§ 49-112(A)

When authorized by law, a county may adopt a rule, ordinance or other regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all of the following conditions are met:

1. The rule, ordinance or other regulation is necessary to address a peculiar local condition.

2. There is credible evidence that the rule, ordinance or other regulation is either;
  - (a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible.
  - (b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or other regulation is equivalent to federal statutes or regulation.
3. Any fee or tax adopted under the rule, ordinance or other regulation will not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

§ 49-112(B)

When authorized by law, a county may adopt rules, ordinances or other regulations in lieu of a state program that are as stringent as a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if the county demonstrates that the cost of obtaining permits or other approvals from the county will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under this title or any rule adopted pursuant to this title. If the state has not adopted a fee or tax for similar permits or approvals, the county may adopt a fee when authorized by law in the rule, ordinance or other regulation that does not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

The department is in compliance with A.R.S. §§ 49-112(A) and (B).

**8. Documents and/or studies referenced and/or reviewed for this rulemaking:**

Not applicable

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

Not applicable

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

The following discussion addresses each of the elements required for an economic, small business and consumer impact statement under A.R.S. § 41-1055.

**An identification of the rulemaking.**

This rulemaking is proposing to revise Rule 280 (Fees).

**An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the rulemaking.**

The persons affected by this rulemaking will be all owners and operators of sources of air pollution subject to Maricopa County Air Pollution Control Regulations. This rulemaking will result in a decrease in fees for owners and operators of dust generating sources required to obtain dust control permits for projects 10

acres or less. It will also result in a decrease in fees for owners and operators of crematories, wastewater treatment plants and asphalt day tankers/tar kettles that qualify for one of the newly proposed general permits. This rulemaking will provide accelerated permit processing for dust control permit applicants and it will provide refund options for owners and operators of asbestos renovation and demolition projects.

**A cost benefit analysis of the following:**

**(a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the rulemaking.**

Because this rulemaking will lead to a decrease in fee collection, the department anticipates revenues generated by fees will decrease. The decrease in fee revenues is not expected to negatively affect the department since the revenues generated by fees currently exceed department expenses, creating a yearly positive balance. The decrease in fees is anticipated to balance department fee revenues with department expenses. The department does not anticipate the decrease in fee collection will have any effect on any other agencies.

**(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the rulemaking**

This rulemaking will directly benefit political subdivisions that own and/or operate sources of air pollution which will see a fee reduction under the rulemaking. Specifically, political subdivisions required to obtain dust control permits for a projects 10 acres or less will see a fee reduction as well as political subdivisions operating wastewater treatment plants or asphalt day tankers/tar kettles that qualify for one of the newly proposed general permits. In addition, political divisions may benefit from the proposed accelerated dust permit application processing as well as from the proposed refund options for asbestos renovation and demolition notifications.

**(c) The probable costs and benefits to businesses directly affected by the rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the rulemaking.**

This rulemaking will directly benefit businesses that own and/or operate a source of air pollution which will see a fee reduction under the rulemaking. Specifically, businesses required to obtain dust control permits for projects 10 acres or less will see fee reductions as well as businesses operating crematories, wastewater treatment plants or asphalt day tankers/tar kettles that qualify for one of the newly proposed general permits. In addition, businesses may benefit from the proposed accelerated dust permit application processing as well as from the proposed refund options for asbestos renovation and demolition notifications.

**A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the rulemaking.**

The rulemaking will directly benefit those businesses, agencies and political subdivisions that own and/or operate a source of air pollution which will see a fee reduction under the rulemaking.

**A statement of the probable impact of the rulemaking on small businesses.**

The rulemaking will directly benefit those small businesses that own and/or operate a source of air pollution which will see a fee reduction under the rulemaking.

**(a) An identification of the small businesses subject to the rulemaking.**

All small businesses that own and/or operate a source of air pollution subject to Maricopa County Air Pollution Control Regulations are subject to this rulemaking.

**(b) The administrative and other costs required for compliance with the rulemaking.**

There are no administrative and other costs required for compliance with this rulemaking.

**(c) A description of the methods that the agency may use to reduce the impact on small businesses.**

The impacts of this rulemaking on small business should be beneficial as the rulemaking includes fee reductions, accelerated permit processing and new refund possibilities.

**(i) Establishing less costly compliance requirements in the rulemaking for small businesses.**

This rulemaking reduces fees for many small businesses and thereby establishes less costly compliance requirements.

**(ii) Establishing less costly schedules or less stringent deadlines for compliance in the rulemaking.**

This rulemaking does not create any new compliance schedules or deadlines.

**(iii) Exempting small businesses from any or all requirements of the rulemaking.**

All sources of air pollution subject to the Maricopa Air Pollution Control Regulations must pay fees and cannot be exempted from this rulemaking.

**(d) The probable cost and benefit to private persons and consumers who are directly affected by the rulemaking.**

Because this rulemaking results in a fee reduction for many businesses, private persons and consumers may see a direct benefit from the rulemaking.

**A statement of the probable effect on state revenues.**

The rule revisions will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated. Without costs to pass through to customers, there is no projected change in consumer purchase patterns and, thus, no impact on state revenues from sales taxes.

**A description of any less intrusive or less costly alternative methods of achieving the purpose of the rulemaking.**

The purpose of this rulemaking is to decrease fee collection so revenues generated by fees match expenses for department fee funded programs.

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

Name: Greg Verkamp or Hether Krause  
Maricopa County Air Quality Department  
Planning and Analysis Division  
Address: 1001 N Central Avenue, Suite 125  
Phoenix, AZ 85004  
Telephone: (602) 506-6010  
Fax: (602) 506-6179  
E-mail: aqplanning@mail.maricopa.gov

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

Since the Notice of Proposed Rulemaking was published on August 12, 2016 (22 A.A.R. 2095), the department is proposing the following amendments:

- To update all of the Title V, Non-Title V, General Permit and emission fees to reflect the 2017 Air Quality Fee Schedule, which becomes effective January 1, 2017.

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

No comments were submitted during the 30-day comment period – August 19, 2016 through September 19, 2016

[Return to list of attachments](#)

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

Not applicable

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

Not applicable

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

No

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

**REGULATION II – PERMITS AND FEES**

**RULE 280**

**FEES**

## INDEX

### SECTION 100 – GENERAL

- 101 PURPOSE
- 102 APPLICABILITY
- 103 ANNUAL FEE ADJUSTMENTS

### SECTION 200 – DEFINITIONS

- 201 ANNUAL ADMINISTRATIVE FEE
- 202 BILLABLE PERMIT ACTION
- 203 CONSUMER PRICE INDEX (CPI)
- ~~203 EXISTING SOURCE~~
- 204 ITEMIZED INVOICE
- 205 NON-MAJOR TITLE V SOURCE
- ~~206 REGULATED AIR POLLUTANT~~
- ~~207 SOURCES REQUIRED TO HAVE A TITLE V PERMIT~~

### SECTION 300 – STANDARDS

- 301 TITLE V PERMIT FEES
- 302 NON-TITLE V PERMIT FEES
- 303 GENERAL PERMIT FEES
- ~~304 ANNUAL ADJUSTMENT OF FEES~~
- ~~305~~ 304 CALCULATION AND PAYMENT OF EMISSIONS-BASED FEES
- ~~306~~ 305 HEARING BOARD FILING FEE
- ~~307~~ 306 CONDITIONAL ORDER FEE
- ~~308 GASOLINE DELIVERY VESSEL DECAL FEE~~
- 307 MARICOPA COUNTY VAPOR TIGHTNESS CERTIFICATION DECAL FEE
- ~~309~~ 308 OPEN BURN FEE
- ~~340~~ 309 DUST CONTROL PERMIT FEE
- ~~344~~ 310 DUST CONTROL TRAINING CLASS FEE

- 342    311    SUBCONTRACTOR REGISTRATION FEE
- 343    312    ASBESTOS NOTIFICATION AND PLAN REVIEW FILING FEES
- 313    ANNUAL ADJUSTMENT OF FEES
- 314    LATE FEE
- 315    DELINQUENCY FEE
- ~~346    SUBSCRIPTION FEE FOR RULE REVISIONS~~
- 347    316    ACCELERATED PERMIT PROCESSING FEE
- 348    317    FAILURE TO PAY REQUIRED FEES
- 349    318    INFORMAL REVIEW OF PERMIT PROCESSING HOURS
- ~~320    HAZARDOUS AIR POLLUTANTS TIER 4 RISK MANAGEMENT ANALYSIS FEE~~
- ~~321    AIR QUALITY AWARENESS FLAG PROGRAM FEE~~

**SECTION 400 – ADMINISTRATIVE REQUIREMENTS**

- 401    EFFECTIVE DATE OF FEES
- 402    PAYMENT OF FEES
- 403    ~~FEE TABLE A, B, C, D, E, F, G, H, AND I SOURCES~~

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

Revised 07/13/88  
 Revised 08/05/91  
 Revised 11/15/93  
 Revised 08/19/98  
 Revised 03/15/00  
 Revised 05/21/03  
 Revised 04/07/04  
 Revised 05/18/05  
 Revised 07/12/06  
 Revised 03/26/08  
 Revised 05/26/10

Revised 07/13/1988; Revised 08/05/1991; Revised 11/15/1993; Revised 08/19/1998; Revised 03/15/2000; Revised 05/21/2003; Revised 04/07/2004; Revised 05/18/2005; Revised 07/12/2006; Revised 03/26/2008; Revised 05/26/2010; Revised xx/xx/xxxx

**MARICOPA COUNTY**  
**AIR POLLUTION CONTROL REGULATIONS**  
**REGULATION II – PERMITS AND FEES**

**RULE 280**  
**FEES**

**SECTION 100 – GENERAL**

- 101 PURPOSE:** To establish fees to be charged to ~~owners and operators~~ an owner or operator of ~~sources~~ a source of air pollution subject to these rules.
- 102 APPLICABILITY:** Every ~~person owning/operating equipment or~~ owner or operator of a source engaged in activities that may cause or contribute to air pollution is subject to the prescribed fees in this rule.
- 103 ANNUAL FEE ADJUSTMENTS:** All Title V fees and the Non-Title V hourly rate will be adjusted annually on January 1 in accordance with Section 313 of this rule. Non-Title V Annual Administrative Fees, General Permit Application Fees, General Permit Annual Administrative Fees, Burn Permit Fees, Dust Control Permit Fees and Asbestos Notification and Plan Review Filing Fees may be adjusted annually on January 1 in accordance with Section 313 of this rule. The fee schedule can be found on the department’s website at: <http://www.maricopa.gov/aq/>

**SECTION 200 – DEFINITIONS:** For the purpose of this rule, the following definitions 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 ANNUAL ADMINISTRATIVE FEE:** ~~Paid~~ A fee paid annually by a source to recover the average cost of services required to administer the permit and conduct inspections. For a Non-Title V permitted source, the annual administrative fee also covers the cost of renewing the Non-Title V permit. For a General permitted source, the annual administrative fee also covers the cost of reapplying for authorization to operate under a General Permit.
- 202 BILLABLE PERMIT ACTION:** The review, issuance or denial of a new permit, significant permit revision, or minor permit revision, or the renewal of an existing permit.
- 203 CONSUMER PRICE INDEX (CPI):** A measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services.
- 203 EXISTING SOURCE:** ~~source that has commenced construction and has been issued a permit pursuant to A.R.S. § 49-480 after September 1, 1993.~~

**204 ITEMIZED INVOICE:** A breakdown of the permit processing time into the categories of pre-application activities, completeness review, substantive (technical) review, and public involvement activities, and within each category, a further breakdown by employee name.

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

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

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

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

~~206.1 Any conventional air pollutant as defined in A.R.S. § 49-401.01, which means any pollutant for which the Administrator of EPA has promulgated a primary or a secondary National Ambient Air Quality Standard (NAAQS) except carbon monoxide (i.e., for nitrogen oxides [NO<sub>x</sub>], lead, sulfur oxides [SO<sub>x</sub>] measured as sulfur dioxide [SO<sub>2</sub>], ozone, and particulates).~~

~~206.2 Nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs).~~

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

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

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

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

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

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

## **SECTION 300 – STANDARDS**

**301 TITLE V PERMIT FEES:** The owner or operator of a source required to have a Title V permit under Rule 200 of these rules shall pay fees according to the following provisions:

**301.1 Fees for Billable Permit Actions:** The owner or operator of a Title V source shall pay to the Control Officer ~~\$133.50~~\$149.20 per hour, adjusted annually under Section ~~304313~~ of this rule, for all permit processing time required for a billable permit action. The owner or operator of a Title V source shall also pay the Control Officer the actual costs incurred by the Control Officer to meet the public participation requirements of Rule 210 of these rules. Costs incurred to meet the public participation requirements of Rule 210 of these rules may include, but are not limited to, costs incurred by the Control Officer to publish public notice of a public hearing or draft permit, to hire a hearing officer, to hire transcription or court reporting services, to rent meeting room space, and to perform permit processing activities associated with a public hearing, such as time spent by a permit engineer(s) to participate in the public hearing and to prepare responses to comments. Permit processing activities associated with a public hearing shall be charged at the rate of ~~\$133.50~~\$149.20 per hour, adjusted annually under Section ~~304313~~ of this rule. The fees shall be paid as follows:

- a. An application shall be submitted with the applicable fee from ~~the table below~~Table 280-1:

**TABLE 280-1**

<b><u>TITLE V PERMIT APPLICATION FEES</u></b>	
<b>Type of Application</b>	<b>Application Fee</b>
New permit application	\$7,000
Significant permit revision application that is a result of a major modification	\$7,000
Other significant permit revision applications	\$1,000
Minor permit revision application	\$150
Permit renewal application	\$3,500

- b. At any time after submittal of the application, the Control Officer may request additional application fees based on the cost to date of reviewing and acting on the application, minus all fees previously submitted for the application.
- c. When permit processing is completed ~~for a facility~~and final costs are greater than the fee submitted with the application under Section 301.1(a) of this rule, the Control Officer shall send an itemized invoice. The invoice shall indicate the total actual cost of reviewing and acting upon the application, the actual costs incurred by the Control Officer to meet the public participation requirements of Rule 210 of these rules, minus all fees previously submitted, and the balance due.

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

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

- a. The applicable annual administrative fee from ~~the table below~~ Table 280-2, as adjusted annually under Section ~~304~~313 of this rule. The fee is due on the first anniversary date of the initial permit covering construction and startup of operations and annually thereafter on that date.

**TABLE 280-2**

<b><u>TITLE V PERMIT ANNUAL ADMINISTRATIVE FEES</u></b>	
<b>Title V Source Category</b>	<b>Annual Administrative Fee</b>
Aerospace	<del>\$18,320</del> <u>\$20,470</u>
<del>Air Curtain Destructors</del>	\$840
<del>Cement Plants</del>	\$68,590
Combustion/Boilers	<del>\$16,680</del> <u>\$18,640</u>
Compressor Stations	<del>\$13,630</del> <u>\$15,230</u>
Expandable Foam	<del>\$14,800</del> <u>\$16,540</u>
Landfills	<del>\$18,140</del> <u>\$20,270</u>
<del>Lime Plants</del>	\$64,790
<del>Copper and Nickel Mines</del>	\$16,150
<del>Gold Mines</del>	\$16,150
Paper Mills	<del>\$22,060</del> <u>\$24,650</u>
Petroleum Products Terminal Facilities	<del>\$25,800</del> <u>\$28,830</u>
Polymeric Fabric Coaters	<del>\$18,140</del> <u>\$20,270</u>
Reinforced Plastics	<del>\$13,630</del> <u>\$15,230</u>
Semiconductor Fabrication	<del>\$29,010</del> <u>\$32,410</u>
<del>Copper Smelters</del>	\$68,590
Utilities-Primary Fuel Natural Gas	<del>\$9,500</del> <u>\$10,610</u> + \$16,480 <u>\$18,410</u> per turbine installed/modified after May 10, 1996 and subject to annual source

<b>TITLE V PERMIT ANNUAL ADMINISTRATIVE FEES</b>	
<b>Title V Source Category</b>	<b>Annual Administrative Fee</b>
	testing or CEM RATA* certifications
Utilities-Fossil Fuel Except Natural Gas	<del>\$35,080</del> <u>\$39,190</u>
Vitamin/Pharmaceutical Manufacturing	<del>\$17,020</del> <u>\$19,020</u>
Wood Furniture	<del>\$15,010</del> <u>\$16,770</u>
<del>Others</del> <u>Other Sources</u>	<del>\$18,130</del> <u>\$20,260</u>
<del>Others</del> <u>Other Sources</u> with Continuous Emissions Monitoring	<del>\$22,070</del> <u>\$24,660</u>

\* Continuous Emissions Monitoring Relative Accuracy Test Audit (CEM RATA)

- b. An emissions-based fee of ~~\$38.25~~\$42.74 per ton of actual emissions of all regulated pollutants emitted during the previous calendar year as determined by Section ~~305~~304 of this rule. The fee ~~is~~shall be adjusted annually under Section ~~304~~313 of this rule.

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

**302.1 Fees for Billable Permit Actions:** The owner or operator of a Non-Title V source shall pay to the Control Officer ~~\$133.50~~\$149.20 per hour, adjusted annually under Section ~~304~~313 of this rule, for all permit processing time required for a billable permit action, except for the renewal of an existing permit. In addition, the owner or operator of a Non-Title V source shall pay the Control Officer the actual costs incurred by the Control Officer to meet the public participation requirements of Rule 220 of these rules, including costs incurred to meet the public participation requirements for the renewal of an existing permit. Costs incurred to meet the public participation requirements of Rule 220 of these rules may include, but are not limited to, costs incurred by the Control Officer to publish public notice of a public hearing or draft permit, to hire a hearing officer, to hire transcription or court reporting services, to rent meeting room space, and to perform permit processing activities associated with a public hearing, such as time spent by a permit engineer(s) to participate in the public hearing and to prepare responses to comments. Permit processing activities associated with a public hearing shall be charged at the rate of ~~\$133.50~~\$149.20 per hour, adjusted annually under Section ~~304~~313 of this rule. The minimum fee due shall be \$200.00. The fees shall be paid as follows:

- a. An application shall be submitted with an application fee of \$200.00.
- b. At any time after the submittal of an application the Control Officer may request an additional application fee based on the cost to date of reviewing and acting on the application, minus all fees previously submitted for the application.

- c. When permit processing is completed and final costs are greater than the fee submitted with the application under Section 302.1(a) of this rule, the Control Officer shall send an itemized invoice. The invoice shall indicate the total cost of reviewing and acting upon the application, the actual costs incurred by the Control Officer to meet the public participation requirements of Rule 220 of these rules, minus all fees previously submitted, and the balance due.
- d. The maximum fee for processing permit applications listed in Section 302.1 of this rule is \$25,000.00.
- e. The Control Officer shall not issue a permit or permit revision until the balance due on the itemized invoice is paid in full. The Control Officer may deny a permit or a permit revision in accordance with Rule 200 of these rules if the applicant does not pay fees required for billable permit actions within 90 days of the invoice date.

**302.2 Annual Administrative Fees:** The owner or operator of an existing Non-Title V source shall pay the applicable annual administrative fee from ~~the table below~~ Table 280-3, as adjusted annually under Section ~~304~~313 of this rule. The fee is due on the first anniversary date of the initial permit covering construction and startup of operations and annually thereafter on that date. Sources reclassified to a higher fee table due to the receipt of three complaints on different dates during a one-year period from different individuals resulting in violations resolved by an order of abatement by consent or judicial action shall remain in that fee table until two calendar years pass without complaints against the facility resulting in violations resolved by an order of abatement by consent or judicial action.

**TABLE 280-3**

<b><u>NON-TITLE V PERMIT ANNUAL ADMINISTRATIVE FEES</u></b>	
<b><u>Fee Table Non-Title V Source Category</u></b> Source categories designated as Fee Tables A-I are listed in Sections 403.1-403.9 of this rule	<b><u>Annual Administrative Fee</u></b>
<b><u>Fee Table A</u></b>	

**NON-TITLE V PERMIT ANNUAL ADMINISTRATIVE FEES**

<b>Fee Table <u>Non-Title V Source Category</u></b> Source categories designated as Fee Tables A-I are listed in Sections 403.1-403.9 of this rule		<b>Annual Administrative Fee</b>
<b><u>Fee Table A</u></b>		
Sources listed in Fee Table A (see Section 403.1) <u>Aircraft Manufacturing</u> <u>Biofuel Manufacturing Operations Greater than 1,000,000 Gallons per Year</u> <u>Chemical Manufacturing, Dry</u> <u>Chemical Manufacturing, Liquid</u> <u>Circuit Board Manufacturing Greater than or Equal to 5 Tons per Year Potential Uncontrolled VOC</u> <u>Coating Line, Can/Coil/Fabric/Film/Glass/Paper</u> <u>Ethylene Oxide Sterilization, Commercial</u> <u>Fiberglass Insulation Manufacturing</u> <u>Gypsum, Calcining</u> <u>Incinerator, Hazardous Material</u> <u>Incinerator, Medical Waste</u> <u>Jet or Auxiliary Engine Manufacturing</u> <u>Non-Major Title V Source</u> <u>Paper Mills</u> <u>Pesticide/Herbicide Production</u> <u>Petroleum Loading Racks and Storage Tanks at Bulk Terminals</u>	<u>Pharmaceutical Manufacturing</u> <u>Polymeric Foam Products Greater than or Equal to 25 Tons per Year Potential Uncontrolled VOC Emissions or Facility with Controls Subject to Source Testing</u> <u>Power Plant Greater than or Equal to 25 Tons per Year Potential Uncontrolled NO<sub>x</sub> Emissions</u> <u>Printing Facilities Greater than or Equal to 25 Tons per Year Potential Uncontrolled VOC Emissions or Facility with Controls Subject to Source Testing</u> <u>Rendering</u> <u>Rubber Products Manufacturing</u> <u>Semiconductor Manufacturing Less than 25 Tons per Year of Potential Uncontrolled VOC Emissions</u> <u>Solid Waste Landfill (Active) Source Subject to BACT Determination</u> <u>Source with 3 or More Fee Table B Processes</u> <u>Vegetable Oil Extraction</u>	\$5,980 \$6,680

Sources listed in Fee Table B (see Section 403.2) <p align="center"><b><u>Fee Table B</u></b></p>
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<p><u>Aerospace Products Manufacturing and Rework</u></p> <p><u>Aggregate Screening</u></p> <p><u>Animal Feed Processing</u></p> <p><u>Auto Body Shredding</u></p> <p><u>Bakery with Oven of Greater than or Equal to 25 Tons per Year of Potential Uncontrolled VOC Emissions or Facility with Controls (Subject To Source Testing)</u></p> <p><u>Boiler, Gas-Fired or with Emergency Fuel Capabilities (Each Unit Greater than or Equal to 10 MMBtu/hr)</u></p> <p><u>Cement Terminal</u></p> <p><u>Chemical/Fertilizer Storage, Mixing, Packaging and Handling</u></p> <p><u>Concrete Batch Plant That Meets the Definition of an ‘Infrequent Operation’ under Rule 316 of these Rules</u></p> <p><u>Concrete Product Manufacturing</u></p> <p><u>Cotton Gin</u></p> <p><u>Cotton Seed Processing</u></p> <p><u>Crematory</u></p> <p><u>Crushing Facility That Meets the Definition of an ‘Infrequent Operation’ under Rule 316 of these Rules</u></p> <p><u>Cultured Marble</u></p> <p><u>Fiberglass Product Manufacturing</u></p> <p><u>Flour Milling</u></p> <p><u>Foundry</u></p> <p><u>Furnace, Burn-Off</u></p> <p><u>Furnace, Electric Arc</u></p> <p><u>Furnace, Metals</u></p> <p><u>Furnace, Other</u></p> <p><u>Gas Turbine, Non-Utility (Utility in Fee Table A)</u></p>	<p><u>Polymeric Foam Products Less than 25 Tons per Year Potential Uncontrolled VOC Emissions</u></p> <p><u>Power Plant Less than 25 Tons per Year Potential Uncontrolled NO<sub>x</sub> Emissions</u></p> <p><u>Reinforced Plastics</u></p> <p><u>Rubber Products Manufacturing with Only Molding</u></p> <p><u>Soil/Groundwater Remediation</u></p> <p><u>Solvent Degreasing/Cleaning System, Solvent Use Greater Than or Equal To 2 Tons Per Year Potential Uncontrolled VOC Emissions</u></p> <p><u>Solvent Reclaiming</u></p> <p><u>Source with 3 or More Fee Table C/D Processes</u></p> <p><u>Sources Not Otherwise Classified with Potential Uncontrolled Emissions of All Regulated Pollutants Greater than 5, but Less than 25, Tons per Year</u></p> <p><u>Stripping Operation, Equipment or Furniture Refurbishment</u></p> <p><u>Tire Shredding/Retreading</u></p> <p><u>Wastewater Treatment Plant</u></p> <p><u>Wood Coating Operation Subject to RACT Including Furniture/Millwork Sources Larger than 10 Tons per Year Potential Uncontrolled VOC Emissions</u></p> <p><u>Any Fee Table A, F, or G Source whose Aggregate of All Equipment, Processes or Production Lines Has Enforceable Permit Limits of Less than 2.0 Tons per Year Potential Uncontrolled VOC or NO<sub>x</sub> Emissions, and Less than 1.0 Ton per Year Potential Uncontrolled</u></p>	<p><u>\$1,550</u><u>\$1,730</u></p>
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<u>Grain Cleaning/Processing</u> <u>Grain Storage</u> <u>Incinerator, Non-Hazardous Material</u> <u>Internal Combustion Engine, Other than</u> <u>Emergency</u> <u>Metal Recovery/Reclamation</u> <u>Petroleum Bulk Plants and Organic Liquid</u> <u>Bulk Plants (Non-Petroleum)</u> <u>Pipeline Transmission Facility</u> <u>Plating Tanks (Includes Hard Chrome or</u> <u>Decorative Chrome Plating Operations)</u>	<u>PM<sub>10</sub> Emissions</u> <u>Any Fee Table C Source that Receives 3</u> <u>Complaints on Different Dates During a One-</u> <u>Year Period from Different Individuals</u> <u>Resulting in Violations Resolved by an Order</u> <u>of Abatement by Consent or Judicial Action</u> <u>Sources listed in Fee Tables Fee Table C-D</u> <u>(see Sections 403.3 and 403.4)</u>	<u>\$1,550</u> <u>\$1,730</u>
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<u>Fee Table C</u>		
<u>Asphalt Day Tanker/Tar Kettle</u> <u>Cement Products Packaging/Distribution</u> <u>Circuit Board Assembly</u> <u>Circuit Board Manufacturing Less than 5 Tons</u> <u>per Year of Potential Uncontrolled VOC</u> <u>Drinking Water Treatment Facility</u> <u>Dry Cleaning Facilities</u> <u>Electroless Plating or Plating Subject to</u> <u>MACT Subpart WWWW</u> <u>Engine Testing</u> <u>Ethylene Oxide Sterilization, Medical</u> <u>Facilities</u> <u>Facilities Operating Stationary Emergency</u> <u>Internal Combustion Engines</u> <u>Food Processing</u> <u>Gasoline Dispensing Operations</u> <u>Graphic Arts Operations</u> <u>Incinerator, Paper and Cardboard Products</u> <u>Injection Molding</u> <u>Laundry, Other than Dry Cleaning</u> <u>Miscellaneous Acid/Solvent Use</u> <u>Non-Halogenated Solvent Cleaning, Less than</u>	<u>Packaging, Mixing and Handling, Granular</u> <u>or Powdered Material Other than Cement</u> <u>or Grain</u> <u>Petroleum Bulk Plants and Organic Liquid</u> <u>Bulk Plants (Non-Petroleum) Less than</u> <u>120,000 Gallons per Month and Built</u> <u>Before 1978</u> <u>Plastic or Metal Extrusion</u> <u>Powder Coating</u> <u>Semiconductor Lab/Testing/Services</u> <u>Sewage Lift Pump Station</u> <u>Solvent Storage/Handling</u> <u>Sources Not Otherwise Classified with</u> <u>Potential Uncontrolled Emissions of All</u> <u>Regulated Pollutants Less than or Equal to</u> <u>5 Tons per Year</u> <u>Storage Tank, Non-Petroleum Volatile</u> <u>Organic Compounds</u> <u>Surface Coating and/or Abrasive Blasting</u> <u>Operations</u> <u>Vehicle and Mobile Equipment Refinishing</u> <u>Operations</u>	<u>\$610</u> <u>\$680</u>

<b><u>Fee Table C</u></b>		
<u>2 Tons per Year Potential Uncontrolled VOC Emissions</u>	<u>Waste Transfer Facility</u> <u>Wood Furniture, Fixture and Millwork</u> <u>Operations</u>	<del>\$610</del> <u>\$680</u>

<b><u>Fee Table D</u></b>	
<u>Bulk Material Handling (Not Related to Construction Projects with Finite Timeframes)</u> <u>Hauling, Transporting, Stacking, Loading Operations, Unloading Operations and Storage Piles</u> <u>Composting, Mulching, Green Waste</u> <u>Inert Landfill</u> <u>Landfill (Closed) General Maintenance</u> <u>Landscape and Decorative Rock, Gravel and Sand Distribution</u>	<del>\$610</del> <u>\$680</u>
<u>Sources listed in Fee Table E (see Section 403.5)</u> <b><u>Fee Table E</u></b> <u>Fuel Burning Operations</u>	<del>\$320</del> <u>\$360</u>
<u>Sources listed in Fee Table F (see Section 403.6)</u> <b><u>Fee Table F</u></b> <u>Aggregate Production/Crushing Subject to an NSPS under CAA Section 111</u> <u>Hot Mix Asphalt Plants</u>	<del>\$7,940</del> <u>\$8,870</u>
<u>Sources listed in Fee Table G (see Section 403.7)</u> <b><u>Fee Table G</u></b> <u>Aggregate Production/Crushing not Subject to NSPS under CAA Section 111</u> <u>Concrete Batch Plant</u>	<del>\$4,790</del> <u>\$5,350</u>

<u>Sources listed in Fee Table H (see Section 403.8)</u> <b><u>Fee Table H</u></b> <u>Semiconductor Manufacturing Greater than or Equal to 25 Tons per Year Potential</u> <u>Uncontrolled VOC Emissions or Facility with Controls Subject to Source Testing</u> <u>Any Fee Table A or G Source that Receives 3 Complaints on Different Dates During a One-Year Period from Different Individuals Resulting in Violations Resolved by an Order of Abatement by Consent or Judicial Action</u>	<del>\$7,940</del> <u>\$8,870</u>
<u>Sources listed in Fee Table I (see Section 403.9)</u> <b><u>Fee Table I</u></b> <u>Any Fee Table B Source that Receives 3 Complaints on Different Dates During a One-Year Period from Different Individuals Resulting in Violations Resolved by an Order of Abatement by Consent or Judicial Action</u>	<del>\$4,790</del> <u>\$5,350</u>

**303 GENERAL PERMIT FEES:** The owner or operator of a source required to obtain a permit pursuant to these rules who elects to be covered by a General Permit under Rule 200 of these rules shall pay fees according to the following provisions:

**303.1 Fees Due with an Application Fee:** The owner or operator of a source initially applying for authorization to operate under a General Permit shall pay the applicable application fee from ~~the table below~~ Table 280-4 with the submittal of the application as adjusted annually under Section 313 of this rule.

**303.2 Annual Administrative Fee:** The owner or operator of a source with an authorization to operate under a General Permit shall pay the applicable annual administrative fee from Table 280-4, as adjusted annually under Section 313 of this rule. The fee is due on the first anniversary date of the initial approval to operate under a General Permit and annually thereafter on that date.

**TABLE 280-4**

<b><u>GENERAL PERMIT FEES</u></b>	
<b><u>Fee Table General Permit Source Category</u></b> Source categories designated as Fee Tables A - I are listed in Sections 403.1 - 403.9 of this rule	<b><u>Application Fee And Annual Administrative Fee</u></b>
Title V General Permits except Air Curtain Destructors	Fee from Section 301.1(a) table for Title V source category
Air Curtain Destructors	<del>\$840</del> <u>\$940</u>
Sources listed in Fee Table A (see Section 403.1)	<del>\$4,870</del>
Sources listed in Fee Table B (see Section 403.2) <u>Crematories</u> <u>Wastewater Treatment Plants</u>	<del>\$3,250</del> <u>\$1,400</u>
Sources listed in Fee Tables C - D (see Sections 403.3 and 403.4) <u>Asphalt Day Tankers/Tar Kettles</u> <u>Dry Cleaning Facilities</u> <u>Gasoline Dispensing Operations</u> <u>Graphics Arts Operations</u> <u>Facilities Operating Stationary Emergency Internal Combustion Engines</u> <u>Stationary Dust-Generating Sources ≥ 0.10 Acre</u> <u>Bulk Material Handling</u> <u>Hauling, Transporting, Stacking, Loading Operations, Unloading Operations and Storage Piles</u>	<del>\$320</del> <u>\$360</u>

<b>GENERAL PERMIT FEES</b>	
<del>Fee Table</del> <b>General Permit Source Category</b>	<b>Application Fee And Annual Administrative Fee</b>
<del>Source categories designated as Fee Tables A – I are listed in Sections 403.1 – 403.9 of this rule</del>	
<u>Composting, Mulching, Green Waste</u> <u>Inert Landfill</u> <u>Land Clearing Using Mechanized Equipment</u> <u>Landfill (Closed) General Maintenance</u> <u>Landscape and Decorative Rock, Gravel and Sand Distribution</u> <u>Landscaping with Mechanized Equipment</u> <u>Weed Abatement By Discing or Blading</u> <u>Surface Coating and/or Abrasive Blasting Operations</u> <u>Vehicle and Mobile Equipment Refinishing Operations</u> <u>Wood Furniture, Fixture and Millwork Operations</u>	\$320\$360
<del>Sources listed in Fee Table E (see Section 403.5)</del>	\$240\$270
<del>Fuel Burning Operations</del>	
<del>Sources listed in Fee Table F (see Section 403.6)</del>	\$6,970
<del>Sources listed in Fee Table G (see Section 403.7)</del>	\$4,170
<del>Sources listed in Fee Table H (see Section 403.8)</del>	\$6,970
<del>Sources listed in Fee Table I (see Section 403.9)</del>	\$4,170

**303.3** The Control Officer may issue a General Permit that is not listed in Table 280-4 on his or her own initiative or in response to a petition. The application and annual administrative fees for any General Permit category not listed in Table 280-4 will be listed in the fee schedule on the department’s website at: [www.maricopa.gov/aq/](http://www.maricopa.gov/aq/)

**303.4** The Stationary Dust-Generating Source General Permit covers sources subject to Rule 310 of these rules that are not engaged in construction projects with finite timeframes including, but not limited to, the following:

- a.** Businesses with routine dust-generating activities disturbing 0.10 acre or more that are not engaged in any other regulated activities.
- b.** Residential property with dust-generating activities disturbing 0.10 acre up to 10 acres, excluding construction projects.

**303.2** Annual Administrative Fee: The owner or operator of a source with an authorization to operate under a General Permit shall pay the applicable annual administrative fee from the table below, as

adjusted annually under Section 304 of this rule. The fee is due on the first anniversary date of the initial approval to operate under a General Permit and annually thereafter on that date.

<p style="text-align: center;">Fee Table</p> <p style="text-align: center;">Source categories designated as Fee Tables A-I are listed in Sections 403.1-403.9 of this rule</p>	<p style="text-align: center;">Annual Administrative Fee</p>
<p>Title V General Permits</p>	<p>Fee from Section 301.2(a) table for Title V source category</p>
<p>Sources listed in Fee Table A (see Section 403.1)</p>	<p style="text-align: center;">\$4,870</p>
<p>Sources listed in Fee Table B (see Section 403.2)</p>	<p style="text-align: center;">\$3,250</p>
<p>Sources listed in Fee Tables C-D (see Sections 403.3 and 403.4)</p>	<p style="text-align: center;">\$320</p>
<p>Sources listed in Fee Table E (see Section 403.5)</p>	<p style="text-align: center;">\$240</p>
<p>Sources listed in Fee Table F (see Section 403.6)</p>	<p style="text-align: center;">\$6,970</p>
<p>Sources listed in Fee Table G (see Section 403.7)</p>	<p style="text-align: center;">\$4,170</p>
<p>Sources listed in Fee Table H (see Section 403.8)</p>	<p style="text-align: center;">\$6,970</p>
<p>Sources listed in Fee Table I (see Section 403.9)</p>	<p style="text-align: center;">\$4,170</p>

304 ~~ANNUAL ADJUSTMENT OF FEES: Fees shall be increased yearly by the percentage, if any, by which the Consumer Price Index for the most recent year exceeds the base year Consumer Price Index as set forth in the following manner:~~

304.1 ~~The Control Officer shall adjust the hourly rate every January 1, to the nearest 10 cents per hour, beginning on January 1, 2009. The Control Officer will multiply \$133.50 by the Consumer Price Index (CPI) for the most recent year as described in Section 304.4 of this rule, and then divide by the CPI for the year 2008.~~

304.2 ~~The Control Officer shall adjust the administrative or permit processing fees listed in Sections 301-303 of this rule every January 1, to the nearest \$10, beginning on January 1, 2009. The Control Officer will multiply the administrative or permit processing fee by the Consumer Price Index (CPI) for the most recent year as described in Section 304.4 of this rule, and then divide by the CPI for the year 2008.~~

304.3 ~~The Control Officer shall adjust the rate for emissions-based fees every January 1, beginning on January 1, 2009. The Control Officer will multiply \$38.25 by the Consumer Price Index (CPI) for the most recent year as described in Section 304.4, and then divide by the CPI for the year 2008.~~

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

~~305~~ **304 CALCULATION AND PAYMENT OF EMISSIONS-BASED FEES:**

~~305.1~~ **304.1** For purposes of this section, actual emissions means the actual quantity of regulated air pollutants emitted over the preceding calendar year or any other period determined by the Control Officer to be representative of normal source operations, determined as follows:

- a. Emissions quantities, including fugitive emissions, reported under Rule 100, Section 500 of these rules shall be used for purposes of calculating the emissions-based fee.
- b. Actual emissions quantities calculated under Rule 100, Section 500 of these rules shall be determined using the following methods:
  - (1) Whenever available, emissions estimates shall be calculated from continuous emissions monitors certified under 40 CFR Part 75, Subpart C and referenced appendices, or data quality-assured pursuant to Appendix F of 40 CFR, Part 60 which are incorporated by reference in Appendix G of these rules.
  - (2) When sufficient data obtained using the methods described in Section ~~305~~ 304.1(b)(1) of this rule is not available, emissions estimates shall be calculated from source performance tests conducted pursuant to Rule 270 of these rules.
  - (3) When sufficient data obtained using the methods described in Sections ~~305~~ 304.1(b)(1) or (2) of this rule is not available, emissions estimates shall be calculated from material balance using engineering knowledge of process.
  - (4) When sufficient data obtained using the methods described in Sections ~~305~~ 304.1(b)(1) through (3) of this rule is not available, emissions estimates shall be calculated using emissions factors from EPA Publication No. AP-42 "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, which is incorporated by reference in Appendix G of these rules.
  - (5) When sufficient data obtained using the methods described in Sections ~~305~~ 304.1(b)(1) through (4) of this rule is not available, emissions estimates shall be calculated by equivalent methods approved by the Control Officer. The Control Officer shall only

approve methods that are demonstrated as accurate and reliable as the applicable methods in Sections ~~305~~304.1(b)(1) through (4) of this rule.

- c. Actual emissions quantities calculated under Section ~~305~~304.1(b) of this rule shall be determined for each source on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored, or combusted.

~~305-2~~ **304.2** The following emissions of regulated air pollutants shall be excluded from a source's actual emissions for purposes of this section:

- a. Emissions of a regulated air pollutant from the source in excess of 4,000 tons per year.
- b. Emissions of any regulated air pollutants that are already included in the fee calculation for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM<sub>10</sub>.
- c. Emissions from insignificant activities excluded from the permit for the source under Rule 210 of these rules.
- d. Fugitive emissions of PM<sub>10</sub> from activities other than crushing, belt transfers, screening, or stacking.
- e. Fugitive emissions of VOC from solution-extraction units.

~~305-3~~ **304.3** A notice to pay the fee specified in Section 301.2(b) of this rule, a declaration of emissions form and the annual emission inventory questionnaire will be mailed annually to the owner or operator of a source to which this applies. The emission fee is due and payable by April 30 each year or no later than 90 days following the date of notice, whichever is later.

~~306~~ **305** **HEARING BOARD FILING FEE:** A person filing a petition with the Hearing Board under Rule 400 of these rules shall pay a fee of \$100.00. This fee may be refunded by a majority vote of the Hearing Board upon a showing of undue hardship.

~~307~~ **306** **CONDITIONAL ORDER FEE:** Any person applying for a conditional order pursuant to Rule 120 of these rules shall pay a conditional order fee. The amount of a conditional order fee shall be equal to the amount of the applicable permit fee as specified in this rule.

~~308~~ **307** ~~GASOLINE DELIVERY VESSEL~~**MARICOPA COUNTY VAPOR TIGHTNESS CERTIFICATION DECAL FEE:** A person ~~wishing to obtain~~obtaining a decal for each gasoline ~~delivery vessel~~cargo tank that

passes the required annual test under Rule 352 of these rules shall pay a fee of \$280.00. A person ~~wishing to obtain~~obtaining a replacement decal shall pay a fee of \$80.00.

309 **308 OPEN BURN FEE:**

309.1 **308.1 Burn Permit Fee:** A person applying for a Burn Permit shall pay a fee as set forth in ~~the following fee schedule~~Table 280-5.

**TABLE 280-5**

<b><u>BURN PERMIT FEES</u></b>		
<b>Fire Category</b>	<b>Permit Period</b>	<b>Fee</b>
Disease/Pest Prevention	30 days	\$100.00
Ditch Bank/Fence Row	1 year	\$100.00
Fire Fighting Instruction	1 year	\$100.00
Fire Hazard	30 days	\$100.00
<u>Indigenous Scrub Vegetation</u>	<u>30 days</u>	<u>\$100.00</u>
Land Clearance Less than 5.0 Acres	30 days	\$150.00
Land Clearance 5.0 Acres or Greater	30 days	\$350.00
Tumbleweeds	30 days	\$100.00
<u>Watershed Rehabilitation</u>	<u>30 days</u>	<u>\$100.00</u>

309.2 **308.2 Air Curtain Destructor Burn Plan Review and Inspection Fee:** Any person required to file an air curtain destructor Burn Plan under the provisions of Rule 314 of these rules shall pay a fee of \$350.00.

310 **309 DUST CONTROL PERMIT FEE:**

310.1 **309.1** A person applying for a Dust Control Permit under the provisions of Rule 310 of these rules shall pay an annual fee as set forth in ~~the following fee schedule~~Table 280-6, based on the total surface area that is disturbed.

**TABLE 280-6**

<b><u>DUST CONTROL PERMIT FEES</u></b>	
<b>Total Surface Area Disturbed</b>	<b>Fee</b>
Annual Block Permit	\$2,000
0.1 to less than one acre	<del>\$795</del> <u>\$530</u>
One acre to less than 10 acres	<del>\$1,325</del> <u>\$1,060</u>

<b><u>DUST CONTROL PERMIT FEES</u></b>	
<b>Total Surface Area Disturbed</b>	<b>Fee</b>
10 acres to less than 50 acres	\$3,855
50 acres to less than 100 acres	\$6,425
100 acres to less than 500 acres	\$9,635
500 acres or greater	\$15,415

310.2 **309.2** **Dust Control Permit Fee Refunds:**

- a. **Refunds Prior to Project Start Date and Prior to Commencement of Dust-Generating Operations:** If a Dust Control Permit is cancelled by the permittee prior to the project start date and before commencing any dust-generating operations, the Control Officer shall refund the Dust Control Permit fee, less a \$150.00 nonrefundable processing fee.
- b. **Refunds after Project Start Date and Prior to Commencement of Dust-Generating Operations:** If a Dust Control Permit is cancelled by the permittee after the project start date and before commencing any dust-generating operations, the Control Officer shall refund the Dust Control Permit fee, less a \$350.00 nonrefundable processing and initial inspection fee.
- c. No Dust Control Permit refund shall be given for a Dust Control Permit cancelled by the permittee after commencing any dust-generating operations.

**309.3** **Accelerated Dust Control Permit Processing Fee:** An applicant for a dust control permit may request accelerated permit processing of a dust control permit application. The applicant shall pay the Control Officer a fee two times the fee amount listed in Table 280-6 for accelerated permit processing. Applications submitted with an accelerated permit fee will be processed by the end of the next business day.

344 **310** **DUST CONTROL TRAINING CLASS FEE:**

**310.1** A person required to complete a dust control training class shall pay a training class fee as set forth in Table 280-7.

**TABLE 280-7**

<b><u>DUST CONTROL TRAINING CLASS FEES</u></b>	
<b><u>Training Class Fee Type</u></b>	<b><u>Amount</u></b>
<u>Basic Dust Control Training Class Fee</u>	<u>\$50.00</u>
<u>Comprehensive Dust Control Training Class Fee</u>	<u>\$125.00</u>

311.1 ~~Basic Dust Control Training Class Fee: A person required to complete basic dust control training shall pay a training class fee of \$50.00.~~

311.2 ~~Comprehensive Dust Control Training Class Fee: A person required to complete comprehensive dust control training shall pay a training class fee of \$125.00.~~

311.3 **310.2 Requests for Dust Control Training:** A person may request that the Control Officer conduct a dust control training class within Maricopa County. A minimum of ~~1050~~ and a maximum of 30 class participants shall be required and meeting room space shall be provided by the person making the request. The fee for such a training class shall be \$35.00 per person for basic dust control training or \$100.00 per person for comprehensive dust control training. ~~A discounted fee of \$30.00 per person shall be required for issuance of training cards at third party provider dust control training classes.~~ No refunds will be issued if less than 50 participants attend the training.

311.4 ~~“Train the Trainer” Class Fee: A person taking a “train the trainer” class offered by the Control Officer shall pay a training class fee of \$125.00.~~

312 **311 SUBCONTRACTOR REGISTRATION FEE:** A person required to register with the Control Officer under Rule 200 ~~Section 306~~ of these rules ~~and wishing to obtain a registration number~~ shall pay an annual fee of \$50.00 to obtain a registration number.

313 **312 ASBESTOS NOTIFICATION AND PLAN REVIEW FILING FEES:** Any person required to file notification under the provisions of Rule 370 of these rules shall pay fees according to the provisions in Sections ~~313.1 through 313.5~~ 312.1, 312.3, 312.5, 312.7 and 312.8 below.

313.1 **312.1 Renovation:** Any person filing notification of a project to renovate regulated asbestos-containing materials (RACM) shall pay a ~~nonrefundable~~ notification and plan review filing fee based on the amount of regulated asbestos-containing materials removed as shown in ~~the table below~~ Table 280-8:

**TABLE 280-8**

<b><u>ASBESTOS RENOVATION FEES</u></b>			
<b>Amount of Regulated Asbestos-Containing Materials (RACM) Removed</b>			
<b>Linear Feet</b>	<b>Square Feet</b>	<b>Cubic Feet</b>	<b>Fee*</b>
0-259	0-159	0-34	\$0
260-499	160-499	35-109	\$600
500 or more	500 or more	110 or more	\$1,770

\* If materials are reported on the notification in more than one category, the higher fee will apply.

- 312.2 Renovation Fee Refund:** If a renovation notification is cancelled by the person who filed the notification prior to commencing renovation operations and no revisions to the notification were made from the date it was initially submitted, the Control Officer shall refund the notification and plan review filing fee, less a \$350.00 nonrefundable fee.
- 313.2 **312.3 Demolition:** Any person filing notification of a project to demolish a facility (as defined in 40 CFR 61, Subpart M) shall pay a ~~nonrefundable~~ notification and plan review filing fee of \$600.00.
- 312.4 Demolition Fee Refund:** If a demolition notification is cancelled by the person who filed the notification prior to commencing demolition operations and no revisions to the notification were made from the date it was initially submitted, the Control Officer shall refund the notification and plan review filing fee, less a \$350.00 nonrefundable fee.
- 313.3 **312.5** For projects involving both renovation and demolition activities in a single notification, separate fees for each activity will apply according to Sections ~~313.4~~312.1 and ~~313.2~~312.3 of this rule.
- 312.6 Renovation and Demolition Fee Refund:** If a renovation and demolition notification is cancelled by the person who filed the notification prior to commencing renovation and demolition operations and no revisions to the notification were made from the date it was initially submitted, the Control Officer shall refund the notification and plan review filing fee, less a \$350.00 nonrefundable fee.
- 313.4 **312.7** When a revision to a notification involves an increase in the RACM, the difference between the fee for the original RACM and the revised RACM shall be paid.
- 313.5 **312.8 Annual Operation and Maintenance:** Any person filing an annual notification of planned renovation operations involving individual nonscheduled operations to renovate ~~regulated asbestos-containing materials~~RACM shall pay a nonrefundable notification and plan review filing fee of \$1,250.00.
- 312.9** Any person removing less than 260 linear feet, 160 square feet or 35 cubic feet of RACM is not required to file a notification under the provisions of Rule 370 of these rules.

**313 ANNUAL ADJUSTMENT OF FEES:**

**313.1 Title V Fee Adjustments:**

- a.** The Control Officer shall adjust the Title V hourly rate for billable permit actions every January 1, to the nearest 10 cents per hour, beginning on January 1, 2018. The Control Officer

will multiply \$149.20 by the CPI for the most recent year and then divide by the CPI for the year 2016.

- b.** The Control Officer shall adjust the Title V annual administrative fees every January 1, to the nearest \$10, beginning on January 1, 2018. The Control Officer will multiply the administrative fee by the CPI for the most recent year and then divide by the CPI for the year 2016.
- c.** The Control Officer shall adjust the rate for emissions-based fees every January 1, beginning on January 1, 2018. The Control Officer will multiply \$42.74 by the CPI for the most recent year and then divide by the CPI for the year 2016.
- d.** The CPI for any year is the average of the monthly CPI for all urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year.

**313.2 Non-Title V Fee Adjustments:**

- a.** The Control Officer shall adjust the Non-Title V hourly rate for billable permit actions every January 1, to the nearest 10 cents per hour, beginning on January 1, 2018. The Control Officer will multiply \$149.20 by the CPI for the most recent year and then divide by the CPI for the year 2016.
- b.** The Control Officer may adjust the Non-Title V Annual Administrative Fees, General Permit Application Fees, General Permit Annual Administrative Fees, Burn Permit Fees, Dust Control Permit Fees and Asbestos Notification and Plan Review Filing Fees every January 1, to the nearest \$10, beginning on January 1, 2018. The Control Officer will multiply the administrative fee by the CPI for the most recent year and then divide by the CPI for the year 2016. Fees may be increased if the Control Officer determines the fee fund expenditures exceed the fee fund revenue.
- c.** The CPI for any year is the average of the monthly CPI for all urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year.

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

**314.1 Title V, Non-Title V, or General Permit:** An owner/operator of a source requiring a permit who has received a Notice of Violation for constructing or operating without such permit shall pay a late fee of \$100.00.

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

**315 DELINQUENCY FEE:** An applicant or permittee who fails to pay any required fee(s) by 30 days after the invoice due date shall pay a delinquency fee of \$50.00, or 5% of the amount due, whichever is greater. ~~or a delinquency fee of \$100.00 if delinquent over 60 days from the invoice due date.~~ An applicant or permittee who fails to pay any required fee(s) by 60 days after the invoice date shall pay a delinquency fee of \$100.00, or 10% of the amount due, whichever is greater. Applicants and permittees will be notified by mail of any permit delinquency fees that are due and payable.

~~316 SUBSCRIPTION FEE FOR RULE REVISIONS: A person requesting to be placed on a mailing list to receive copies of new and revised rules shall pay to the Control Officer an annual subscription fee of \$35.00.~~

**317 316 ACCELERATED PERMIT PROCESSING FEE:** An applicant requesting accelerated permit processing shall pay fees to the Control Officer according to the following provisions:

~~317.1~~ **316.1** Such a request shall be accompanied by an initial fee of \$15,000. The fee is nonrefundable to the extent of the Control Officer's costs for accelerating the processing if the Control Officer undertakes to provide accelerated processing as described in Rule 200, ~~Section 313~~ of these rules.

~~317.2~~ **316.2** At any time after an applicant has requested accelerated permit processing, the Control Officer may request an additional advance payment fee based on the most recent estimated cost of accelerating the processing of the application.

~~317.3~~ **316.3** Upon completion of permit processing activities but before issuing or denying a permit or permit revision, the Control Officer shall send notice of the decision to the applicant along with a final invoice. The final invoice shall include all regular permit processing and other fees due, as well as the difference between the actual cost of accelerating the permit application, including any costs incurred by the Control Officer in contracting for, hiring, or supervising the work of outside consultants, and all advance payments submitted for accelerated processing. In the event all payments made exceed actual accelerated permit costs, the Control Officer shall refund the excess advance payments.

~~317.4~~ **316.4** Any additional costs incurred as a result of accelerated permit processing shall not be applied toward any applicable maximum fee described in this rule.

**316.5** Accelerated permit processing for dust control permit applicants will be processed in accordance with Section 309.3 of this rule.

318 **317** **FAILURE TO PAY REQUIRED FEES:** Nonpayment of fees required by this rule constitutes a violation as provided in A.R.S. §§ 49-502, 49-511 and 49-513.

319 **318** **INFORMAL REVIEW OF PERMIT PROCESSING HOURS:**

319.1 **318.1** Any person who receives a final itemized invoice from the Control Officer under Section 301.1 or 302.1 of this rule for a billable permit action may request an informal review of the permit processing hours billed and may pay the invoice under protest as provided below. If the invoice is paid under protest, the Control Officer shall issue the permit.

319.2 **318.2** The request for an informal review of the permit processing hours billed shall be made in writing, and received by the Control Officer within 30 days of the invoice date. Unless the Control Officer and person agree otherwise, the informal review shall take place within 30 days after the Control Officer's receipt of the request. The Control Officer shall arrange the date and location of the informal review with the person at least 10 business days before the informal review. The Control Officer shall review whether the amounts of time billed are correct and reasonable for the tasks involved. The Control Officer shall mail his or her decision on the informal review to the person within 10 business days after the informal review date. The Control Officer's decision after the informal review shall be final.

320 ~~HAZARDOUS AIR POLLUTANTS TIER 4 RISK MANAGEMENT ANALYSIS FEE: If an applicant uses the Tier 4 method for conducting a risk management analysis (RMA) according to Rule 372 of these rules, the applicant shall pay any costs incurred by the Control Officer in contracting for, hiring or supervising work of outside consultants.~~

321 ~~AIR QUALITY AWARENESS FLAG PROGRAM FEE: A person who elects to participate in the air quality awareness flag program may obtain program materials from the Control Officer for a fee of \$200.00.~~

#### **SECTION 400 – ADMINISTRATIVE REQUIREMENTS**

401 ~~EFFECTIVE DATE OF FEES: The fees in this rule became effective May 1, 2008, except for the emissions based fee, the air curtain destructor application fee, the Dust Control Permit fee, the “train the trainer” class fee, the air quality awareness flag program fee, and the asbestos notification and plan review filing fees. The emissions based fee became effective January 1, 2009, beginning with the emissions reported for calendar year 2008. The air curtain destructor application fee, the Dust Control Permit fee, the “train the trainer” class fee, the air quality awareness flag program fee, and the asbestos notification and plan review filing fees become effective July 1, 2010.~~

**401** **EFFECTIVE DATE OF FEES:** The fees, except for the emissions-based fee, in this rule become effective [Date of Adoption]. The revised emissions-based fee becomes effective [One Year After the Date of Adoption], beginning with the emissions reported for calendar year 2017.

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

**402.1 Annual Administrative Fees:**

- a. **Title V and Non-Title V Permits:** The Control Officer shall mail the owner or operator of a Title V or Non-Title V source an invoice for the annual administrative fee due under Sections 301.2 and 302.2 of this rule at least 30 days prior to the anniversary date of the permit.
- b. **General Permits:** The Control Officer shall mail the owner or operator of a source authorized to operate under a General Permit an invoice for the annual administrative fee due under Section 303.2 of this rule at least 30 days prior to the anniversary date of the authorization to operate.

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

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

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

**402.5 Fees in Effect:** All fees charged as a result of this rule shall be paid at the rate or in the amount that is in effect on the date the fee is charged.

**402.6 Payment Applied to Delinquent Penalties and Fees:** All monies paid to the Control Officer shall first be applied to any delinquent penalties and fees owed by the owner or operator of a source before being applied to current charges.

**403** ~~FEE TABLE A, B, C, D, E, F, G, H, AND I SOURCES: Fee Tables A – I list processes and equipment subject to the fees outlined in Sections 302.2, 303.1, and 303.2 of this rule. For processes and equipment not listed below, the Control Officer will designate Fee Table A, B, C, D, E, F, G, H or I, as applicable.~~

~~Sources reclassified to a higher fee table due to the receipt of three complaints on different dates during a one year period from different individuals resulting in violations resolved by an order of abatement by consent or judicial action shall remain in that fee table until two calendar years pass without complaints against the facility resulting in violations resolved by an order of abatement by consent or judicial action.~~

403.1 ~~Fee Table A Sources:~~

~~Aircraft Manufacturing~~

~~Chemical Manufacturing, Dry~~

~~Chemical Manufacturing, Liquid~~

~~Circuit Board Manufacturing Greater than or Equal to 5 Tons per Year VOC~~

~~Coating Line, Can/Coil/Fabric/Film/Glass/Paper~~

~~Ethylene Oxide Sterilization~~

~~Gypsum, Calcining~~

~~Incinerator, Medical Waste~~

~~Incinerator, Hazardous Material~~

~~Insulation Manufacturing~~

~~Jet or Auxiliary Engine Manufacturing~~

~~Non-Major Title V Source~~

~~Pesticide/Herbicide Production~~

~~Petroleum Loading Racks and Storage Tanks at Bulk Terminals~~

~~Pharmaceutical Manufacturing~~

~~Polymeric Foam Products Greater than or Equal to 25 Tons per Year Potential Uncontrolled VOC~~

~~Emissions or Facility with Controls Subject to Source Testing~~

~~Power Plant Greater than or Equal to 25 Tons per Year Potential Uncontrolled NO<sub>x</sub> Emissions~~

~~Printing Facilities Greater than or Equal to 25 Tons per Year Potential Uncontrolled VOC~~

~~Emissions or Facility with Controls Subject to Source Testing~~

~~Rendering~~

~~Rubber Products Manufacturing~~

~~Semiconductor Manufacturing Less than 25 Tons per Year of Potential Uncontrolled VOC~~

~~Emissions~~

~~Solid Waste Landfill~~

~~Source Subject to BACT Determination~~

~~Source Subject to a MACT, NESHAP or NSPS Standard under CAA Section 111 or 112 Unless~~

~~Otherwise Identified in another Fee Table~~

~~Source with 3 or More Fee Table B Processes~~

~~Vegetable Oil Extraction~~

403.2 ~~Fee Table B Sources:~~

~~Aerospace Products Manufacturing and Rework not Subject to MACT~~  
~~Aggregate Screening~~  
~~Animal Feed Processing~~  
~~Auto Body Shredding~~  
~~Bakery with Oven of Greater than or Equal to 25 Tons per Year of Potential Uncontrolled VOC Emissions or Facility with Controls~~  
~~Boiler, Gas Fired or with Emergency Fuel Capabilities (Each Unit Greater than or Equal to 10 MMbtu/hr)~~  
~~Chemical/Fertilizer Storage, Mixing, Packaging and Handling~~  
~~Concrete Product Manufacturing~~  
~~Cement Terminal~~  
~~Cotton Gin~~  
~~Cotton Seed Processing~~  
~~Crematory~~  
~~Cultured Marble~~  
~~Fiberglass Product Manufacturing~~  
~~Flour Milling~~  
~~Foundry~~  
~~Furnace, Metals~~  
~~Furnace, Burn Off~~  
~~Furnace, Electric Arc~~  
~~Furnace, Other~~  
~~Gas Turbine, Non-Utility (Utility in Fee Table A)~~  
~~Grain Cleaning/Processing~~  
~~Grain Storage~~  
~~Incinerator, Non-Hazardous Material~~  
~~Internal Combustion Engine, Other than Emergency~~  
~~Metal Recovery/Reclamation~~  
~~Pipeline Transmission Facility~~  
~~Plating Tanks, Electrolytic or Electrowinning (Includes Decorative Chrome and Hard Chrome Operations Less than or Equal to 60 Million Amp/Hrs per Year Subject to Area Source MACT)~~  
~~Polymeric Foam Products Less than 25 Tons per Year Potential Uncontrolled VOC Emissions~~  
~~Power Plant Less than 25 Tons per Year Potential Uncontrolled NO<sub>x</sub> Emissions~~  
~~Reinforced Plastics~~  
~~Rubber Products Manufacturing with Only Molding~~  
~~Soil Treatment/Remediation~~  
~~Soil Solvent Extraction System with Package Thermal/Catalytic Oxidizer/Carbon Adsorption~~

~~Solvent Degreasing/Cleaning System, Solvent Use Greater than 3 Gallons per Day~~  
~~Solvent Reclaiming~~  
~~Source with 3 or More Fee Table C Processes~~  
~~Stage I Vapor Recovery, Bulk Plants with Loading Racks~~  
~~Stripping Operation, Equipment or Furniture Refurbishment~~  
~~Tire Shredding/Retreading~~  
~~Wastewater Treatment Plant~~  
~~Wood Coating Operation Subject to RACT Including Furniture/Millwork Sources Larger than 10  
Tons per Year VOC~~  
~~Any Fee Table A, F, or G Source whose Aggregate of All Equipment, Processes or Production  
Lines Has Enforceable Permit Limits of Less than 2.0 Tons per Year VOC or NO<sub>x</sub>, and Less  
than 1.0 Ton per Year PM<sub>10</sub>~~  
~~Any Fee Table C Source that Receives 3 Complaints on Different Dates During a One Year  
Period from Different Individuals Resulting in Violations Resolved by an Order of Abatement  
by Consent or Judicial Action~~

403.3 Fee Table C Sources:

~~Abrasive Blasting~~  
~~Asphalt Day Tanker/Kettle~~  
~~Cement Products Packaging/Distribution~~  
~~Circuit Board Assembly~~  
~~Circuit Board Manufacturing Less than 5 Tons per Year of VOC~~  
~~Dry Cleaning (Includes Perchloroethylene Dry Cleaning Facilities Subject to Area Source MACT)~~  
~~Emergency Internal Combustion Engine~~  
~~Engine Testing~~  
~~Food Processing~~  
~~Incinerator, Paper and Cardboard Products~~  
~~Injection Molding~~  
~~Landscape and Decorative Rock, Gravel, and Sand Distribution~~  
~~Laundry, Other than Dry Cleaning~~  
~~Miscellaneous Acid/Solvent Use~~  
~~Packaging, Mixing and Handling, Granular or Powdered Material Other than Cement or Grain~~  
~~Petroleum Storage, Non-Retail Dispensing Operations Exempted from Stage I Vapor Recovery by  
Rule 353~~  
~~Plastic or Metal Extrusion~~  
~~Plating, Electroless~~  
~~Powder Coating~~  
~~Printing Facilities Less than 25 Tons per Year of Potential Uncontrolled VOC Emissions~~

~~Semiconductor Lab/Testing/Services  
Non-Halogenated Solvent Cleaning, Less than 3 Gallons per Day  
Solvent Storage/Handling  
Spray Coating  
Bulk Plant Loading Facilities as Defined by Rule 351, Section 305.1  
Storage Tank, Non-Petroleum Volatile Organic Compounds  
Stripping Operation, Liquid Chemical Groundwater/Wastewater Remediation  
Vehicle Refinishing  
Waste Transfer Facility  
Water Reclamation  
Sewage Lift Pump Station  
Drinking Water Plant  
Wood Furniture/Millwork/Small Source Less than 10 Tons per Year VOC  
Yard/Stockpiling~~

~~403.4 Fee Table D Sources:  
Service Station and Non-Resale Dispensing Operations Greater than 120,000 Gallons per Year~~

~~403.5 Fee Table E Sources:  
Fuel Burning Equipment~~

~~403.6 Fee Table F Sources:  
Aggregate Production/Crushing Subject to an NSPS under CAA Section 111  
Hot Mix Asphalt Plants~~

~~403.7 Fee Table G Sources:  
Aggregate Production/Crushing not Subject to NSPS under CAA Section 111  
Concrete Batch Plant~~

~~403.8 Fee Table H Sources:  
Semiconductor Manufacturing Greater than or Equal to 25 Tons per Year Potential Uncontrolled  
VOC Emissions or Facility with Controls Subject to Source Testing  
Any Fee Table A or G Source that Receives 3 Complaints on Different Dates During a One-Year  
Period from Different Individuals Resulting in Violations Resolved by an Order of Abatement  
by Consent or Judicial Action~~

~~403.9 Fee Table I Sources:~~

~~Any Fee Table B Source that Receives 3 Complaints on Different Dates During a One Year  
Period from Different Individuals Resulting in Violations Resolved by an Order of Abatement  
by Consent or Judicial Action~~

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



**Maricopa County**  
Air Quality Department

**MEMORANDUM**

Date: March 15, 2016  
To: Tom Manos, County Manager  
Via: Joy Rich, AICP, Deputy County Manager   
From: Philip A. McNeely, R.G., Director   
Subject: AQ-2016-003-Rule 280 – County Manager’s Approval

In accordance with the “Moratorium on Increased Regulatory Burdens,” the Air Quality Department is seeking your approval to proceed with revisions to Rule 280 (Fees). Rule 280 establishes fees charged to owners and operators of sources of air pollution subject to air quality rules. The department is largely funded by a fee for service model by charging permit application fees, annual administrative fees, and hourly fees for staff time to process Title V and Non-Title V permits. Rule 280 was last revised in 2010. Through process improvement and administrative efficiencies, the current revenues generated by fees exceed the expenses, resulting in a yearly positive balance. While some individual fees may increase with the fee for service model, this rule making will result in an overall decrease in fee collection to match the departments expenses.

This rule revision qualifies for County Manager approval under the moratorium, as the rule revision will reduce regulatory burden. We are requesting your approval to move the rule revision, to be referenced as “AQ-2016-003-Rule 280,” forward in accordance with the “Moratorium on Increased Regulatory Burdens”.



Approved by Tom Manos, County Manager