

Pinal County Air Quality Control District

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May 29, 2015 - **Intended for Publication on June 19, 2015**

**NOTICE OF FINAL RULEMAKING**  
**PINAL COUNTY AIR QUALITY CONTROL DISTRICT**  
PURSUANT TO §49-471.01 *et seq.*

**1. Preamble**

- A. The Pinal County Board of Supervisors adopted amendments to local rules during their May 27, 2015 meeting. This rulemaking took place to align the PCAQCD definition of a Major Source to the Federal Regulation (40 CFR §52.21(b)(1)(i)(c)). Under current EPA rules (40 CFR §52.21(b)(1)(i)(c)), a modification to a minor source is subject to EPA’s NSR program, only if it results in an increase in and of itself greater than or equal to the major source threshold.
- B. All of the adopted corresponding changes are discussed in subsection F. of this preamble, and include the following sections:

<b>Section Affected</b>	<b>Rulemaking Action</b>
§1-1-105 .....	Amend
§3-3-203 Definitions .....	Amend

- C. Previous Arizona Administrative Register Notices associated with this rulemaking.  
  
Notice of Expedited Rulemaking Docket Opening, 21 A.A.R. 506, April 3, 2015  
Notice of Expedited Rulemaking, 21 A.A.R. 501, April 3, 2015
- D. Those wishing further information regarding any aspect of this rulemaking may contact Scott DiBiase, Planning Manager, Pinal County Air Quality, 31 North Pinal St., Building F, Florence, Arizona, 85132, 520-866-6929, scott.dibiase@pinalcountyaz.gov.
- E. Given the obligatory nature of the action, this rule-adoption followed the expedited rule-making process defined in A.R.S. §49-471.08. It followed the publication of a notice of expedited rulemaking and a 30-day public comment period. There were no comments received by PCAQCD during the 30-day public comment period. The proposal was submitted to the Board of Supervisors for consideration and possible adoption. The date for the hearing-of-adoption before the Board of Supervisors was Wednesday, May 27, 2015. The meeting was held in the Board of Supervisors Hearing Room located at 135 N. Pinal St., Florence, AZ. 85132.

F. The adopted revisions include the following:

1. §1-1-105 – Addition of 5/27/15 adoption date to Chapter 3, Article 3. Section 1-1-105 is a list designating which rules (and their corresponding adoption dates) are to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP
2. §3-3-203 – Removal/replacement of/with the following language in 3-3-203(2)(c) to align that particular aspect of the Pinal County rule with the federal rule in 40 CFR 51.166(b)(1)(i)(c).

~~e. Any change to a minor source which would increase its emissions to the qualifying levels specified under Paragraphs a. or b. of this subdivision; or~~

c. Any physical change that would occur at a stationary source not otherwise qualifying under paragraphs a. or b. of this subdivision, as a major stationary source if the change would constitute a major source by itself.

G. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

EPA Region 9 January 26, 2015 comment letter from Gerardo Rios, Chief, Permits Office, Air Division to Scott DiBiase, Pinal County Air Quality.

H. Economic, small business and consumer impact statement

Given the "at least as stringent" mandate of A.R.S. §49-479, the District has not attempted to assess any added costs associated with the conforming changes discussed in subsection D above.

I. In accord with A.R.S. §49-471.07(F), the proposed changes took effect upon approval by the Board of Supervisors on May 27, 2015.

J. Compliance with the Fee-limitations of A.R.S. §49-112 (A) or (B).

Based on information and belief, the Director of the Pinal County Air Quality Control District affirms the following:

Initially, the total of the fees and other charges currently assessed in connection with the administration of the County's air quality program do not now equal the cost of program administration. To the extent that both the County and ADEQ impose parallel fees, the County's fees are capped by rule at ADEQ's rates, which implicitly affirms that the County's fees are reasonable. To the extent the County's program affects certain sources that ADEQ either does not regulate or does not charge, these rule changes do not impose any additional fees on those sources.

- K. Pursuant to A.R.S. 49-471.08(A)(2), Michael Sundblom, the Control Officer for the District, finds that the adopted rule is substantially identical to the sense, meaning and effect of the underlying federal and state mandates (40 CFR §52.21(b)(1)(i)(c)) and Arizona Revised Statutes § 49-480.B.

**2. The full text of the adopted changes follows:**

**1-1-105. SIP list**

A. As a declaration of Board policy rather than a rule, and subject to the limitations of paragraphs B. and C. of this section, the Board of Supervisors expressly designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP:

1. Chapter 1
  - a. Article 1.(As amended 5/14/97 and 5/27/98), except for §§1-1-105 and 1-1-107.
  - b. Article 2 (As amended 5/14/97 and 7/12/00) except for §1-2-110.
  - c. Article 3. (As amended 5/14/97, 5/27/98 and 10/27/04, 07/23/14, except for §1-3-130 and the definition in §1-3-140.82 (10/12/95) of "maximum achievable control technology.")
2. Chapter 2
  - a. Article 1. (As amended 10/12/95).
  - b. Article 2. (As amended 5/14/97).
  - c. Article 3. (As amended 10/12/95).
  - d. Article 4. (As amended 10/12/95).
  - e. Article 5. (As amended 10/12/95).
  - f. Article 6. (As amended 10/12/95).
  - g. Article 7. (As amended 10/12/95).
  - h. Article 8. (As amended 5/18/05, as amended 1/7/09).
3. Chapter 3
  - a. Article 1. (As amended 5/14/97, and 5/27/98 and 7/12/00), excluding:
    - i. §3-1-020
    - ii. §3-1-045
    - iii. §3-1-080
    - iv. §3-1-100
  - b. Article 2. (As amended 10/12/95, 5/27/98 and 7/29/98).
  - c. Article 3. (As amended 10/12/95, 05/27/15).
  - d. Article 8. (As amended 10/12/95 and 10/27/04).
4. Chapter 4
  - a. Article 1. (As amended 2/22/95).
  - b. Article 2. (As amended 5/14/97, 7/12/00, 12/4/02 and 10/27/04).
  - c. Reserved.
  - d. Article 4 (As amended 6/3/09).
  - e. Article 5 (As amended 6/3/09).
  - f. Reserved.
  - g. Article 7 (As amended 6/3/09)
  - h. Reserved.
  - i. Article 9, limited to:
    - i. §4-9-320 (As amended 6/3/09)
    - ii. §4-9-340 (As amended 6/3/09)

- B. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, those provisions, save §3-1-084 which shall be expressly exempted from the limitation of this paragraph, shall operate as elements of the SIP only insofar as they pertain to:
1. "construction," as defined in Nov. '93 Code §1-3-140.28; or
  2. "modification," as defined in Nov. '93 Code §1-3-140.85; and
- C. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, neither those provisions nor any permit conditions imposed pursuant to those provisions shall:
1. Operate as elements of the SIP insofar as they pertain to other than "conventional pollutants," as defined in §1-3-140.33;
  2. Operate as elements of the SIP insofar as they pertain only to a requirement arising under, or pertain to a source subject to regulation exclusively by virtue of a requirement arising under:
    - a. §111 of the Clean Air Act; or
    - b. Title IV of the 1990 amendments to the Clean Air Act; or
    - c. Title VI of the 1990 amendments to the Clean Air Act; or
    - d. Any section of this Code that is not a part of the SIP;
  3. Operate as an element of the SIP, at least insofar as they impose a "fee";
  4. Operate as an element of the SIP, at least insofar as they require a "certification";
  5. Operate as an element of the SIP, at least insofar as they impose obligations pertaining to "renewals";
  6. Operate as an element of the SIP, at least insofar as they impose requirements regarding "excess emissions"; or
  7. Operate as an element of the SIP, at least insofar as they impose requirements regarding "compliance plans."
- D. As a renumbering and reconciliation of previously approved SIP provisions as elements of this Code, the Board of Supervisors additionally designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP without operational limitation:
1. §§1-1-010.C (2/22/95) and 1-1-010.D (2/22/95) *Declaration of Policy*
  2. Chapter 2, Article 8 (As amended 1/7/09) *Visibility Limiting Standard*
  3. Chapter 3, Article 8 (2/22/95) *Open Burning*
  4. [Reserved]
  5. [Reserved]
  6. [Reserved]
  7. [Reserved]
  8. [Reserved]
  9. [Reserved]
  10. [Reserved]
  11. [Reserved]
  12. §5-18-740 (2/22/95) *Storage of Organic Compounds - Organic Compound Emissions*
  13. §5-19-800 (2/22/95) *Loading of Volatile Organic Compounds - Organic Compound Emissions*
  14. §5-21-920 (2/22/95) *Fossil Fuel Fired Industrial and Commercial Equipment Standard Applicability*
  15. §5-21-930 (2/22/95 and 7/12/00) *Fossil Fuel Fired Industrial and Commercial Equipment Particulate Emission Standard*
  16. §5-22-950 (2/22/95) *Fossil Fuel Fired Steam Generator Standard Applicability*

17. §5-22-960 (2/22/95) *Fossil Fuel Fired Steam Generator Sulfur Dioxide Emission Limitation*
18. §5-24-1030.F (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Organic Compound Emissions*
19. §5-24-1030.I (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Carbon Monoxide*
20. §5-24-1032 (2/22/95) *Federally Enforceable Minimum Standard of Performance - Process Particulate Emissions*
21. §5-24-1040 (2/22/95) *Carbon Monoxide Emissions - Industrial Processes*
22. §5-24-1045 (2/22/95) *Sulfite Pulp Mills - Sulfur Compound Emissions*
23. §5-24-1050 (2/22/95, as amended June 20, 1996) *Reduced Sulfur Emissions - Default Limitation*
24. §5-24-1055 (2/22/95) *Pumps and Compressors - Organic Compound Emissions*

**3-3-203. Definitions**

For purposes of this article, the following definitions shall apply:

1. ADVERSE IMPACT ON VISIBILITY - Visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a Class I area, as determined according to §3-3-280.
2. MAJOR SOURCE -
  - a. Any stationary source located in a nonattainment area which emits, or has the potential to emit, 100 tons per year or more of any conventional air pollutant, except as follows:

Pollutant Emitted	Nonattainment Pollutant and Classification	Quantity Threshold tons/year or more
Carbon Monoxide (CO)	CO, Serious, with stationary sources as more than 25% of source inventory	50
Volatile Organic Compounds (VOC)	Ozone, Serious	50
VOC	Ozone, Severe	25
PM <sub>10</sub>	PM <sub>10</sub> , Serious	70

- b. Any stationary source located in an attainment or unclassifiable area which emits, or has the potential to emit, 100 tons per year or more of any conventional air pollutant if the source is classified as a categorical source, or 250 tons per year or more of any pollutant subject to regulation under the Clean Air Act (1990) if the source is not classified as a categorical source; or
    - c. ~~Any change to a minor source which would increase its emissions to the qualifying levels specified under Paragraphs a. or b. of this subdivision; or~~

c. Any physical change that would occur at a stationary source not otherwise qualifying under paragraphs a. or b. of this subdivision, as a major source if the change would constitute a major source by itself.

d. Any stationary source which emits, or has the potential to emit, five or more tons of lead per year; or

e. Any source classified as major undergoing modification that meets the definition of reconstruction.

f. A major source that is major for volatile organic compounds shall be considered major for ozone.

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

- 3. RESOURCE RECOVERY PROJECT** - Any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse. Only energy conversion facilities that utilize solid waste which provides more than 50 percent of the heat input shall be considered a resource recovery project under this article.