



PINAL COUNTY

Pinal County Air Quality Control District

**§3-1-103. Annual Emissions Inventory Questionnaire and
Emissions Statement**

Combined

Notice of Proposed Rulemaking

Pursuant to A.R.S. §§49-112 and 49-471.01 et. Seq.

AND

Notice of Oral Proceeding

Pursuant to A.R.S. §49-471.06

Pinal County Air Quality Control

March 18, 2020

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<http://www.pinalcountyz.gov/AirQuality/Pages/Rulemaking.aspx>

On March 18, 2020

Start of Public Comment Period: March 18, 2020

End of Public Comment Period: May 12, 2020

1. Preamble

A. The Pinal County Air Quality Control District (PCAQCD), an operating division of Pinal County, proposes that the Board of Supervisors (BOS) adopt or amend certain rules under authority of A.R.S. §§49-479 and 49-480, which respectively authorize the board to adopt rules to control air pollution.

Background – 2015 Ozone National Ambient Air Quality Standard (NAAQS)

In 2015, EPA revised the eight-hour ozone health based standard NAAQS from 0.075 to 0.070 parts per million. On June 4, 2018, EPA published a final rule which designated the Maricopa/Pinal nonattainment area as a Marginal Area for the 2015 eight-hour ozone NAAQS with an attainment date of August 3, 2021. The boundaries of the ozone nonattainment area for the 2015 ozone standard were expanded slightly (from the 2008 ozone NAAQS nonattainment area boundary) to the northeast and southeast to include the Tonto National Monument monitor in Gila County and the Queen Valley monitor in Pinal County. The new eight-hour ozone nonattainment area boundary encompasses 5,287 square miles. The Pinal County portion of the ozone nonattainment area is approximately 295 square miles and includes Apache Junction, Gold Canyon and portions of San Tan Valley (Figure 1).

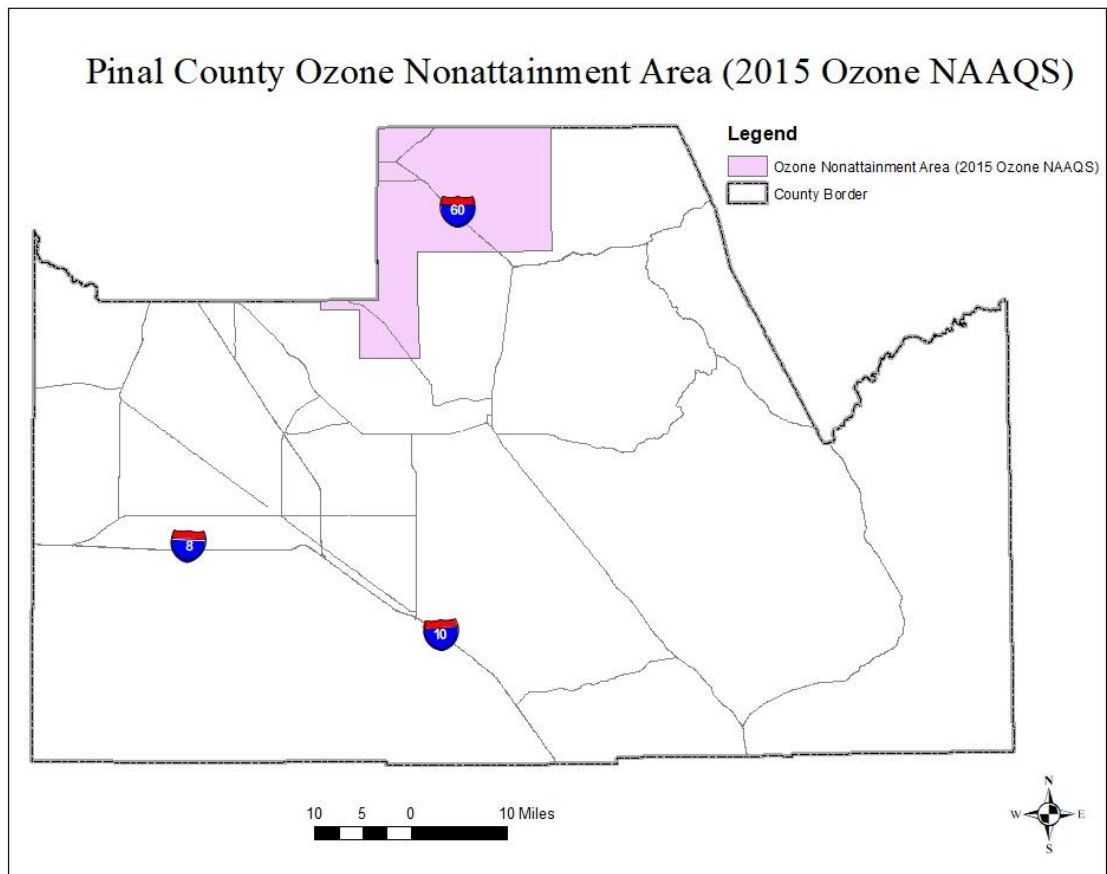


Figure 1. Pinal County portion of 2015 Ozone NAAQS Nonattainment Area

On December 6, 2018, The Environmental Protection Agency (EPA) published a final rule on the Implementation of the 2015 ozone NAAQS, Nonattainment Area State Implementation Plan Requirements (83 Federal Register 62,993). EPA assumes Marginal Areas will be in attainment of the ozone NAAQS within three years of designation without any additional control measures. However, the Clean Air Act (CAA) has the following requirements for Marginal eight-hour ozone nonattainment areas:

- An Emissions Statement – CAA Section 182(a)(3)(B)
- A Baseline Emissions Inventory – CAA Section 182(a)(1)
- A Periodic Emissions Inventory, No later than every three years until attainment of the standard – CAA Section 182(a)(3)(A)
- Corrections to the State Implementation Plan – CAA Section 182(a)(2)
- New Source Review – CAA Title I, Part D
- Offset Requirements – 1.1 to 1 (Ratio of Total Emissions Reductions of Volatile Organic Compounds to Total Increased Emissions) – CAA Section 182(a)(4)
- Meet Transportation Conformity Requirements – CAA Section 176(c)

An Emissions Statement – CAA Section 182(a)(3)(B)

As described in the CAA Section 182(a)(3)(B), the State is required to submit a revision to the Arizona State Implementation Plan (SIP) that requires the owner or operator of each stationary source of nitrogen oxides or volatile organic compounds to provide the State with a statement showing the actual emissions of nitrogen oxides or volatile organic compounds from that source. The EPA final rule on implementation of the 2015 ozone NAAQS requires submission of emissions statement regulations within two years from the effective date of designation to a nonattainment area. A subsequent review by EPA on the emissions statement rules of the various air quality agencies in Arizona found that the existing emissions statement rules, including Pinal County's (§3-1-103 – Annual Emissions Inventory Questionnaire) were out of date and not fully aligned with the CAA Section 182(a)(3)(B) requirements [Federal Emissions Statement Requirements]. Therefore the revised emissions statement regulation for the Pinal County portion of the Phoenix ozone NAA is due to EPA by August 3, 2020. Thus necessitating this proposed State Implementation Rule (SIP) rulemaking.

The proposed amended rules are identified below and include an amendment to §1-1-105 (not to be included with the SIP submittal) with the ultimate goal of this proposed SIP rulemaking, to gain the Pinal County Board of Supervisor's approval of revised rule §3-1-103. Annual Emissions Inventory Questionnaire and Emissions Statement along and a request that the Arizona Department of Environmental Quality (ADEQ)

submit the adopted rule §3-1-103 to EPA with the request that it be included in the Arizona SIP.

The remaining marginal area requirements (baseline emissions inventory, periodic emissions inventory, corrections to the state implementation plan, New Source Review, Offset Requirements and transportation conformity) will be addressed in the Maricopa Association of Government’s 2020 Eight-Hour Ozone Plan – Submittal of Marginal Area Requirements for the Maricopa Nonattainment Area and as such are not part of this proposed rulemaking.

Section Affected	Rulemaking Action
§1-1-105. SIP List.....	Amend
§3-1-103. Annual Emissions Inventory Questionnaire and Emissions Statement	Amend

B. Those wishing further information regarding any aspect of this proposal may contact Scott DiBiase, Pinal County Air Quality, 31 North Pinal St., Building F, Florence, Arizona, 85132, 520-866-6929, scott.dibiase@pinal.gov. To the extent possible, the District will also post information on the County’s website pinalcountyaz.gov, under the “air quality” link.

C. The rulemaking process will consist of an initial administrative rule development process, including this notice, a 30 day public comment period, a stakeholder meeting and an oral proceeding before the Control Officer or his designee. The dates and locations for the stakeholder meeting and oral proceeding are set forth below. Written comments are due prior to the close of the comment period, which shall be the close-of-business on the day of the oral proceeding. The final step in the rule adoption process will be a hearing before the Board of Supervisors. The Board of Supervisors hearing will be separately scheduled and noticed in accord with A.R.S. §49-479, and, where applicable, the requirements of 40 C.F.R. §51-102

D. The proposed rule revisions include the following:

1. Revision of §1-1-105 to include the amended date for §3-1-103. §1-1-105 is a list designating which Board approved 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. PCAQCD rule §1-1-105 is not to be included in the SIP submittal.

2. Proposed changes to §3-1-103

§3-1-103.A – Emissions Inventory Questionnaire and Emissions Statements Requirements – Proposed addition of new section which details the requirements of the annual emissions inventory questionnaire and emissions statements.

§3-1-103.A.1 – Proposed addition of clarifying language defining what sources are subject to the emissions inventory questionnaire and emissions statement requirements, namely Class I (Major sources/Title V’s), Class II or Class III (minor/area sources such as gas stations and surface coating facilities) and the frequency by which they are to report (each year).

§3-1-103.A.2 – Proposed addition of clarifying language which details the electronic or paper format for the emissions inventory questionnaire and emissions statement. Additionally, proposed new language to define what time period the emissions sources are reporting for (i.e. for the previous calendar year). Proposed new language referencing regulated air pollutants along with a new subsection (B) which details the emissions estimation methodology used to measure, calculate or estimate the actual annual quantity of emissions. Proposed new language on the certification, by a responsible official of the truth, accuracy, and completeness of the submitted emissions inventory questionnaire and emissions statement, pursuant to CAA Section 182(a)(3)(B).

§3-1-103.A.3 – Proposed new subsection to address what constitutes the need for a source to do an amendment to its annual emissions inventory questionnaire (when a source discovers or receives notice that incorrect or insufficient information was submitted originally) and when such an amendment is to be turned in (within two years of the original submittal). Proposed new language as to the source’s potential fee change (increase or credit) due to the change in the emissions inventory questionnaire. Proposed new language regarding not subjecting the emissions source to an enforcement action or a civil or criminal penalty if the original submittal of incorrect or insufficient information wasn’t due to will neglect.

§3-1-103.A.4 – Proposed new subsection adding the option for the Control Officer to require submittal of supplemental emissions inventory questionnaires for air contaminants pursuant to Arizona State Revised Statutes related to monitoring (A.R.S. §49-476.01), Federal Hazardous Air Pollutant Program (A.R.S. §49-480.03) and County Program for Control of Hazardous Air Pollutants (A.R.S. §49-480.04).

§3-1-103.A.5 – Pursuant to CAA Section 182(a)(3)(B)(ii) proposed addition of subsection that gives the Control Officer (with EPA approval) the capability of waiving the emissions statement requirement for classes or categories of stationary sources with facility-wide actual emissions of less than 25 tons per year of NOx or VOC, if the class or category is included in the ozone nonattainment Base Year and Periodic Ozone SIP emissions inventories (actual emissions calculated with EPA-approved emissions factors or other methods acceptable to EPA).

§3-1-103.B – Emissions Estimation Methodology

Proposed addition of subsection B – which details the methods at which sources shall quantify actual emissions (i.e. continuous emissions monitors, source performance tests, emissions factors such as AP-42, emissions factors from material balance, etc.).

- E. 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 (See contact information in subsection B above), all data underlying each study, and any analysis of each study and other supporting material.

None

F. Economic, small business and consumer impact statement

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

This rulemaking is proposing to amend Chapter 3, Article 1, Section 103, Annual Emissions Inventory Questionnaire and Emissions Statement.

The probable costs to the implementing agency (Pinal County Air Quality) will be minimal since the department already conducts annual emissions inventory questionnaires for all permitted facilities. The low Pinal County Air Quality permitting threshold (1 ton per year (5.5 lbs/day)) encompasses virtually all industrial/commercial polluting (from an air quality emissions perspective) activities within Pinal County. Therefore all of the facilities permitted by Pinal County Air Quality have been reporting their respective estimated emissions annually (semi-annually in many cases) since the original adoption of rule §3-1-103 in November, 1993. This rulemaking proposal and the addition of the federally required emissions statement is not expected to add any new costs to businesses in Pinal County as they have already built in the annual (and semi-annual) reporting requirements into their normal business practices.

G. After Pinal County Board of Supervisor approval, the proposed changes will take effect on the date of the BOS meeting.

H. 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 proposed changes do not impose any additional fees on those sources at this time.

I. Persons may obtain a full copy of the proposed rules or existing rules at:

Pinal County Air Quality Control District
31 North Pinal St., Building F.
P.O. Box 987
Florence, AZ. 85132

<http://www.pinalcountyz.gov/AirQuality/Pages/home.aspx>

J. A list of all previous notices related to this proposed rulemaking:

None

K. Date, time and location of scheduled stakeholder meeting and oral proceeding:

1) Stakeholder meeting

Date: May, 5, 2020

Time: 11 a.m.

Location: 31 N. Pinal St., Florence, AZ. Building F, Ocotillo Room

2) Oral Proceeding

Date: May, 12, 2020

Time: 11 a.m.

Location: 31 N. Pinal St., Florence, AZ. Building F, Ocotillo Room

Nature of meeting: Oral proceeding before the Control Officer or his designee in accord with A.R.S. §49-471.06(C) to consider public comments upon any or all of this proposal.

2. The full text of the proposed 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), excluding:
 - i. §2-2-090 (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, and ###/###/20~~), excluding:
 - i. §3-1-020
 - ii. §3-1-045
 - iii. §3-1-080
 - iv. §3-1-100
 - v. §3-1-150 (as amended 5/14/97)
 - vi. §3-1-160 (as amended 5/14/97)
 - vii. §3-1-170 (as amended 5/14/97)
 - viii. §3-1-173 (as amended 5/14/97)
 - b. Article 2. (As amended 10/12/95, 5/27/98 and 7/29/98).
 - c. Article 3. (As amended 10/12/95, 5/27/15).
 - 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. Article 3, limited to:
 - i. §4-3-160 (As amended 10/28/15)
 - ii. §4-3-170 (As amended 10/28/15)
 - iii. §4-3-180 (As amended 10/28/15)
 - iv. §4-3-190 (As amended 10/28/15)
 - 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)
5. Chapter 5
- a. Article 13. (as amended 11/30/16), excluding
 - i. §5-13-390 (as amended 10/12/95)
 - a. Article 20. (as amended 11/30/16)
- 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*
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*

3-1-103. Annual emissions inventory questionnaire and emissions statement

A. Emissions Inventory Questionnaire and Emissions Statement Requirements

- A1. ~~Each Class I, Class II or Class III source~~ ~~Every source~~ subject to a permit requirement under this chapter, or who obtains an authorization to operate under this chapter, shall complete and submit to the Control Officer an annual emissions inventory questionnaire and emissions statement. The questionnaire and emissions statement is due shall be submitted each year by March 31 or ninety days after the Control Officer makes the inventory form available, whichever occurs later, and shall include emission information for the previous calendar year. These requirements apply whether or not a permit has been issued and whether or not a permit application has been filed.
- B2. The emissions inventory questionnaire and emissions statement shall be on an electronic or paper form provided by the Control Officer and shall include the following information for the previous calendar year:
 - 1a. The source's name, description, mailing address, contact person and contact person phone number, and physical address and location, if different than the mailing address.
 - 2b. Process information for the source, including design capacity, throughput, operations schedule, and emissions control devices, their description and efficiencies.
 - 3c. The actual annual quantity of emissions, including documentation of the method of measurement, calculation or estimation, determined pursuant to subsection B, of the following regulated air pollutants:
 - ai. Any single regulated air pollutant in a quantity greater than one ton.
 - bii. Any combination of regulated air pollutants in a quantity greater than 2½ tons.
 - d. A certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
3. An amendment to an annual emissions inventory questionnaire, containing the documentation required by subsection (A)(2), shall be submitted to the Control Officer by any source whenever

it discovers or receives notice, within two years of the original submittal, that incorrect or insufficient information was submitted to the Control Officer by a previous emissions inventory questionnaire. If the incorrect or insufficient information resulted in an incorrect annual emissions fee, the Control Officer shall require the additional payment be made or shall apply an amount as a credit to a future annual emissions fee. The submittal of an amendment under this subsection shall not subject the owner or operator to an enforcement action or a civil or criminal penalty if the original submittal of incorrect or insufficient information was not due to willful neglect.

4. The Control Officer may require submittal of supplemental emissions inventory questionnaires for air contaminants pursuant to A.R.S. §§49-476.01, 49-480.03 and 49-480.04.

~~C5. The Control Officer may waive a requirement that specific information or data be submitted in the annual emissions inventory questionnaire for sources requiring Class II or Class III permits if the Control Officer determines that the submission or data would be unnecessary or unreasonable for a particular source or category of sources and instead may require alternative information from which emissions may be determined.~~

The Control Officer may, with EPA approval, waive the emissions statement requirement for classes or categories of stationary sources with facility-wide actual emissions of less than 25 tons/year of NO_x or VOC if the NO_x or VOC emissions from such class or category is included in the ozone nonattainment Base Year and Periodic Ozone SIP Emission Inventories, and the actual emissions were calculated using EPA-approved emission factors or other methods acceptable to the EPA pursuant to CAA Section 182(a)(3)(B).

B. Emissions Estimation Methodology

1. Actual quantities of emissions shall be determined using the following emission factors or data.
 - a. Whenever available, emissions estimates shall either be calculated from continuous emissions monitors certified pursuant to 40 CFR Part 75, Subpart C and referenced appendices, or data quality assured pursuant to Appendix F of 40 CFR Part 60.
 - b. When sufficient data pursuant to Subsection (B)(1)(a) is not available, emissions estimates shall be calculated from data from source performance tests conducted pursuant to §3-1-170 in the calendar year being reported or, when not available, conducted in the most recent calendar year representing the operating conditions of the year being reported.
 - c. When sufficient data pursuant to subsection (B)(1)(a) or (b) 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, Fifth Edition, 1995, U.S. Environmental Protection Agency, Research Triangle Park, NC, Including Supplements A through F and all updates published through July 1, 2011 (and no future editions). AP-42 is incorporated by reference and is on file with the Pinal County Air Quality Control District and can be obtained from the Government Printing Office, 732 North Capital Street, NW, Washington, D.C., 20401, telephone (202)512-1800, or by downloading the document from the web site for the EPA Clearinghouse for Emission Inventories and Emissions Factors.
 - d. When sufficient data pursuant to subsections (B)(1)(a) through (c) is not available, emissions estimates shall be calculated from material balance using engineering knowledge of process.
 - e. When sufficient data pursuant to (B)(1)(a) through (d) 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 one of the methods in subsections (B)(1)(a) through (d).

- f. Actual quantities of emissions calculated under subsection (B) shall be determined 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.