

PIMA COUNTY  
STATE IMPLEMENTATION PLAN (SIP)

This abbreviated copy of the Pima County SIP is provided so the public may access and review applicable rules for Pima County. This document is an unofficial copy and does not contain the SIP appendices including:

Delegation of Jurisdiction  
Reference Test Methods  
Performance Specification for Continuous Monitoring Equipment  
Air Quality Modeling Guidelines

To review the official copy at the PDEQ offices  
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## CHAPTER I: GENERAL PROVISIONS

### REGULATION 10: PREAMBLE

#### Rule 101: Declaration of Policy

Whereas, the Legislature of the State of Arizona has found that: air pollution exists in the State and In Pima County, and that such air pollution is potentially and in some cases actually dangerous to the health of the citizenry, often causes physical discomfort, injures property and property values, discourages recreational and other uses of the State's resources, and is aesthetical unappealing; and

WHEREAS, the State Legislature has adopted and implemented a Statewide program to control present and future sources of air pollution to insure the health, safety, and general welfare of all the citizens of the State, protect property values, and protect plant and animal life; and

WHEREAS, the State Legislature has adopted statutes which grant the counties the right to control the emissions of air contaminants as provided herein; and

WHEREAS, the Board of Supervisors of Pima County, Arizona has determined that air pollution is frequently emitted into the atmosphere from several types of sources in Pima County;

NOW, THEREFORE, in consideration of and for the benefit of the people of the County, it is declared policy that every effort shall be made to identify by source and amount the various of contaminants in the atmosphere; and

It is further declared policy that all contaminants emitted from each source originating in Pima County shall be prevented or reduced, irrespective of the proportion that each source contributes to the total air pollution; and

That these RULES AND REGULATIONS shall apply to all types of air contaminant emissions in Pima County, subject to the jurisdictional authority regarding types and sizes of emissions sources defined by Arizona Revised Statutes and referenced herein.

#### Rule 102: Purpose

- A. The purpose of these RULES AND REGULATIONS is to prevent and to reduce air pollution originating in Pima County, so as to restore and preserve the quality of the outdoor air in all areas of Pima County to which the general public has access.
- B. These RULES AND REGULATIONS are specifically intended to progressively reduce the levels of air pollutants in areas which exceeded one or more health-related or welfare-related standard, and to prevent the levels of air pollutants from exceeding analogous standards where the air is already clean. Therefore, the Air Quality Control Officer shall periodically evaluate progress made toward these goals, and he shall within 60 days of such time as information become available to him that the air quality in any area of the County which already exceeds a health-related or welfare-related standard is further deteriorating-or within 60 days of learning that any maximum allowable incremental increase in air pollutant set forth herein to preserve the air quality of the County is being exceeded--review the adequacy of these RULES AND REGULATIONS and propose to the Air Quality Advisory Council and Board of Supervisors appropriate revisions or additions to correct any deficiencies. Furthermore, the Control Officer shall prepare and make available to the general public an annual report describing such progress.

Rule 103: Authority

- A. These RULES AND REGULATIONS are adopted pursuant to the authority granted by Title 36, Chapter 6, Article 8, Section 36-770, et seq., Arizona Revised Statutes, abbreviated hereinafter as ARS when referring to a specific Statute.

REGULATION 11: JURISDICTION

RULE 111: General Applicability

- A. These RULES AND REGULATIONS shall apply to all persons in Pima County, including citizens, residents, transients, and all other persons except where specifically exempted by Arizona Revised Statutes.

Rule 112: State and/or County

- A. These RULES AND REGULATIONS shall apply to all types, kinds, and sizes of air pollutant emission sources in Pima County except those sources under the jurisdiction of the Arizona Department of Health Services.
- B. These RULES AND REGULATIONS shall not apply to emission sources under the original jurisdiction of the Arizona Department of Health Services unless regulatory authority has been delegated to Pima County pursuant to ARS 36-1705 or 36-1706.
1. Emission sources under original jurisdiction of the Arizona Department of Health Services, and subject to delegation from time to time, include:
    - a. Major sources of air pollution, including any source capable of generating more than 75 tons per day of air contaminants, uncontrolled, and
    - b. Air polluting operations and activities of all agencies and departments of the State and its political subdivision, and
    - c. Motor vehicles, and
    - d. Air polluting mobile or portable machinery and equipment capable of being operated in more than one county.

Rule 113: Limitations

- A. Nothing in these RULES AND REGULATIONS shall be construed so as to:
1. Regulate or control air pollution existing solely within commercial or industrial plants, works, or shops owned by or under the control of the person causing the air pollution, or
  2. Prevent normal agricultural soil-cultivation and crop-producing practices which cause dust.

REGULATION 12: ADMINISTRATION

RULE 121: Air Quality Control District

- A. The Pima County Air Pollution Control District, having been created by Pima County Ordinance 1966-44, in accordance with ARS 36-773C and 36-775 and consisting of an operating division of the Pima County Health Department, is hereby continued and shall be known as the Pima County Air Quality Control District.

Rule 122: Executive Head

- A. The Director of the Pima County Health Department shall be on the Air Pollution Control Officer and the executive head of

the Pima County Air Quality Control District. We shall perform such duties and exercise such powers as are prescribed by law, and shall be known thereafter as the Air Quality Control Officer.

Rule 123: Governing Body

- A. The Pima County Board of Supervisors shall be the governing body of the District, and the Air Quality Control Officer shall administer these RULES AND REGULATIONS.

REGULATION 13: ADVISORY COUNCIL

RULE 131: Establishment

- A. The Pima County Board of Supervisors, pursuant to ARS 36-777, shall Appoint an air pollution advisory council (to be known hereafter as the Pima County Air Quality Advisory Council) to advise and consult with the Board of Supervisors, the Pima County Air Quality Control District staff, and the Control Officer in administering these RULES AND REGULATIONS and applicable statutes.

Rule 132: Composition

- A. The Advisory Council shall consist of seven members who are knowledgeable in the field of air pollution and its control, with one member from each of the following fields or range of fields: general business/industry, mining industry, automotive business/industry, consumer protection, environment/conservation, consulting or non-industrial engineering/architecture or astronomy/physics, and health/education.
  - 1. None of the members may hold a governmental position with any incorporated city or town in Pima County or the Pima County government itself while serving on the Council.
  - 2. The member representing general business/industry shall not be a present or former employee of a mining or automotive business or industry.

Rule 133: Terms; Nominations

- A. The Advisory Council members shall serve three-year, staggered terms.
- B. Advisory Council members shall be appointed by the Board of Supervisors from lists of qualified candidates nominated by the Board of Supervisors, various professional or community organizations representative of the indicated fields, or other governmental entities within Pima County.
  - 1. Each nomination shall include a statement of the qualifications of nominee.
  - 2. The Board of Supervisors shall fill each vacancy within three months of the effective date of the vacancy.

Rule 134: Function

- A. The Advisory Council shall address itself to such issues as needed legislation, review of Pima County Air Quality Control District needs, evaluation of the impacts of air quality planning, and degradation of clean air.
- B. The Council shall also address proposed changes and additions to these RULES AND REGULATIONS.
- C. Adequate staff support be provided by the Control Officer to the Council.
- D. All recommendations of the Council shall be submitted to the Board of Supervisor for its consideration.

Rule 135: Officers; Procedures

- A. The Advisory Council shall select a chairmen, vice-chairman, and such other officers as it deems necessary.
- B. The Council shall develop a set of operating rules to govern the conduct of its meetings.
  - 1. Minutes of the meeting shall be taken and forwarded to the Board of Supervisors.

Rule 136: Meetings; Special Studies; Hearings

- A. The Advisory Council shall hold meetings at least quarterly, and all meetings shall be open to the public.
  - 1. A representative selected by the Council shall meet with the Board of Supervisors at least semiannually to call attention to existing or potential needs related to air quality in Pima County.
- B. The Council may recommend special studies of air pollution problems and may form subcommittees or task forces for this purpose.
  - 1. If funding is needed for the foregoing, approval shall be obtained from the Board of Supervisors.
- C. The Council shall hold public hearings as necessary to perform its duties, including provisions for allowing members of the public to speak on the subject matter under consideration.

Rule 137: Compensation; Absences

- A. Advisory Council members shall serve without compensation.
- B. A Council member's absence for three consecutive meetings shall be Considered a resignation unless a majority of the members of the Council vote to excuse such absence upon good cause at their next regularly scheduled meeting.

REGULATION 14: HEARING BOARD

RULE 141: Establishment

- A. The Board of Supervisors, pursuant to ARS 36-778, shall appoint an air pollution hearing board (to be known hereafter as the Air Quality Hearing Board) to serve in a quasi-judicial capacity regarding enforcement proceeding and other legal matters required by Arizona Revised Statutes.

Rule 142: Composition

- A. The Hearing Board shall consist of five members, none of whom is an employee of the County or of the State or any of its political subdivisions.
  - 1. The five members shall be knowledgeable in the field or air pollution control.
  - 2. One member shall have been admitted to the practice of law in the State.
  - 3. One member shall be a duly licensed practitioner of medicine in the State.
  - 4. One member shall be a registered professional engineer in the State.
- B. At least a majority of the Hearing Board members shall not individually have a substantial interest in an emission source subject to permits or enforcement orders issued pursuant to these RULES AND REGULATIONS. Substantial interest means any interest other than a remote interest as defined in ARS 38-502.10.

Rule 143: Terms; Nominations

- A. Hearing Board members shall serve three-year, staggered terms.
- B. Hearing Board members shall be appointed by the Board of Supervisors from lists of qualified candidates nominated by the Board of Supervisors, various professional or community organizations representative of the indicated fields, or other governmental entitles in Pima County.

1. Each nomination shall include a statement of the qualifications of the nominee.
2. The Board of Supervisors shall fill each vacancy within three months of the effective date of the vacancy.

#### Rule 144: Function

- A. The hearing Board shall perform such duties as prescribed by law, specifically as described in the following sections of the Arizona Revised Statutes:
  1. ARS 36-779.03: Permit Denial Appeals
  2. ARS 36-782: Hearings on Orders of Abatement
  3. ARS 36-784: Conditional Permit Standards
  4. ARS 36-784.01: Hearings on Petitions for Conditional Permits
  5. ARS 36-784.02: Decisions on Conditional Permits
  6. ARS 36-784.03: Terms of a Conditional Permit
  7. ARS 36-784.04: Revocation of Conditional Permits
  8. ARS 36-785: Hearing Board Procedures

#### Rule 145: Officers; Procedures

- A. The Hearing Board shall select a chairman, vice-chairman, and such other officers as it deems necessary.
- B. The Hearing Board shall adopt a manual of procedures governing its operation, conditional upon approval of such manual by the Board of Supervisors.

#### Rule 146: Meetings; Hearings

- A. The Hearing Board shall hold meetings or hearings as required by law or as requested by the Board of Supervisors or the Control Officer.
  1. All hearings conducted by the Hearing Board shall be open to the public, including provisions for allowing members of the public to speak on the subject matter under consideration.

#### Rule 147: Compensation; Absences

- A. The Hearing Board members shall serve without compensation, but the Board of Supervisors may authorize reimbursement for subsistence and travel from and to their respective places of residence when on official business.
- B. A member's absence for three consecutive meetings or hearings shall be considered a resignation unless a majority of the members of the Hearing Board vote to excuse such absence upon good cause at their next regularly scheduled meeting.

### REGULATION 15: LEGAL SEVERABILITY

#### RULE 151: Severability Clause

- A. Should any regulation, rule, part, subpart, paragraph, item, clause, or Phrase of these RULES AND REGULATIONS be declared unconstitutional or invalid for any reason, the remainder of these RULES AND REGULATIONS shall not be affected thereby, with all remaining portions of said RULES AND REGULATIONS continuing in full force.

### REGULATION 16: INTERPRETATIONS

#### Rule 161: Format

- A. These RULES AND REGULATIONS are organized in outline format with divisions, subdivisions, and numbering and lettering schemes having the meanings indicated below:

Chapter No. (Roman Numerals I thru IX, e.g., I).

Regulation No. (two-digit Arabic numerals with first digit numerically identical to the corresponding chapter number, e.g., 10).

Rule No. (three-digit Arabic numerals further subdividing the regulation numbers, with the first two digits numerically identical to the corresponding regulation number, e.g. 101).

Part Letter (single upper-case letter in alphabetical order, and called part. E.g., A).

Paragraph No. (single-digit Arabic numeral, in numerical order, called paragraph, e.g. 1).

Item No. (single lower-case letter, in alphabetical order, and called item, e.g., a)

Clauses or phrases (un-numbered, un-lettered).

No two chapters, regulations or rules have the same number.

- B. Tables are numbered corresponding to their counterpart rule, part, or paragraph numbers.
- C. Figures are numbered corresponding to their counterpart rule, part, or paragraph numbers.
- D. Test methods and equipment specifications are numbered corresponding to their counterpart rule numbers, or as specified within the corresponding rule.
- E. Tables and figures are positioned at the end of each chapter in which they are first referenced, respectively, in the order in which they are first referenced.
- F. Pages are numbered consecutively throughout each chapter, excluding Tables of Contents, which shall not affect the interpretation of any regulation, rule, or other provision herein.

#### Rule 162: Headings and Special Type

- A. Chapter, regulation, rule, and part headings used in these RULES AND Regulations are inserted for convenience only and shall not affect the interpretation of the respective divisions or subdivisions. However, titles or numbers of a chapter, regulation, rule, part, paragraph, table, or figure shall be used to identify any additional requirement when referenced herein.
- B. When the word CHAPTER, RULE, REGULATION, or other subdivision is pre-sented in upper-case letters within a rule, it refers to the particular chapter, rule, regulation, or other subdivision in which the word appears. If any similar word is not fully capitalized when used in a rule, it is followed by an identifying number or letter, e.g., Chapter III.
- C. Braces, ie.e.k, (), appearing after a heading or definition denote reasonable similarity of the definition or heading with a corresponding definition or acronym used in a requirement or regulation adopted by the U.S. Congress or the U.S. Environmental Protection Agency. The acronym inside the braces is identical to the Federal convention. All such devices are inserted for convenience only and shall not affect the interpretation of any rule in these RULES AND REGULATIONS.

#### RULE 163: Use of Number and Gender

- A. As used in these RULES AND REGULATIONS, words in the singular shall be deemed to import the plural, and words in the masculine gender shall be deemed to import the feminine, and vice versa, as the case may require.

#### Rule 164: Copies

- A. Copies of these RULES AND REGULATIONS shall be made available to the public at a charge not to exceed the actual costs of preparation, reproduction, and publication.

Rule 165: Effective Date

- A. These revisions shall become effective immediately upon their adoption, continuing the predecessor Pima County Air Pollution Control District RULES AND REGULATIONS of 1971, as amended, and Pima County Air Pollution Control District Ordinance 1972-38, as amended, in full force and effect without interruption. The foregoing shall be published in a document know as the Pima County Air Quality Control Rules and Regulations, Revised.

REGULATION 17: DEFINITIONS AND MEANINGS

RULE 171: Words, Phrases, and Terms

Words, phrases, and terms used in these RULES AND REGULATIONS shall have the following meanings except where any narrative portion specifically indicates otherwise. The order of presentation of each such paragraph or term in this RULE is such that once a word, phrase, or item is defined, its meaning shall be used to interpret succeeding definitions.

B. Basic Definitions

1. Air contaminant or air pollutant

Smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, or noxious chemicals, or any other material in the outdoor atmosphere other than chemically uncombined nitrogen, oxygen, carbon dioxide, and water.

a. Common air pollutant

An air pollutant so classified in Chapter VI herein. (Common air pollutants are abundant in most industrial or metropolitan atmospheres. Ambient air quality standards have been set for these pollutants to protect human health and welfare.)

7. emission or emissions

An effluent containing one or more air contaminants.

a. dust or dust emissions

Minute solid particles released or discharged into the atmosphere by natural forces or mechanical processes.

b. stack emissions

Emissions which enter the atmosphere by passing through a vent, stack, flue, or other similar containing or restrictive device designed or installed for the principal purpose of discharging the effluent.

c. Fugitive emissions

Emissions which enter the atmosphere without passing through a vent, stack, flue or other similar containing or restrictive device designed or installed for the principal purpose of dis-charging the effluent, including fugitive dust as defined below.

d. fugitive dust

Dust emissions other than stack emissions.

8. source or emission source

A physical arrangement, equipment, device, facility, structure, activity, fire, or operation which emits, or has the potential for emitting, air contaminants.

a. source operator

An originator, owner, operator, or lessee of an emission source.

C. Classes of Sources

1. Regarding Ages of Sources or Time of Installation

a. existing source

A source in operation at the time of, or the construction or modification of which commenced prior to, or for which the Control Officer granted an Installation Permit prior to, the effective date of adoption of these RULES AND REGULATIONS. The term “commenced” or “commences” used herein mean that a source operator has obtained an Installation Permit and either has:

- i. begun or caused to begin a continuous program of physical on-site construction of the source, or
- ii. Entered into a binding agreement which cannot be canceled or modified without substantial loss to the source operator regarding the source.

b. new source

A source which commences construction, installation, modification, operation, or for which the Control Officer or Hearing Board grants an Installation Permit, on or after the effective date of adoption of these RULES AND REGULATIONS.

2. Regarding Sizes of Sources

a. Major source

One or more sources owned or operated by the same owner, operator, or lessee at a contiguous geographical area which collectively, i.e., with total emissions aggregated, either emits or has the potential for emitting 100 tons per year or more of a single air contaminant. This definition applies individually to specific air contaminants. The word potential means capable of emitting at maximum operating capacity of 8,760 hours per year if the source were constructed and operated without any emissions control devices, processes, or procedures--unless such controls or procedures are vital to the production of the product for which the source was designed or is principally operated, or unless such source is subject to enforceable permit conditions or other limitations herein applicable to hours of operation which reduce its potential emissions.

For purposes of applying this definition, fugitive emissions as well as stack emissions shall be included in calculating or estimating potential emissions. However, emissions from mobile sources as defined below, as well as emissions which result solely from construction and/or any other closely related, temporary emissions operation or activity, shall not be used in calculating or estimating potential emissions.

c. new major source

A major source as defined above for which the Control Officer or Hearing Board grants an Installation Permit, or which commences construction, installation, or operation after the effective date of adoption of these RULES AND REGULATIONS--whichever occurs first in time; or any existing major source which develops a potential for emitting any air contaminant not previously emitted; or any existing major source which increases its potential emission rate; or any existing minor source or new minor source which becomes a major source after the effective date of adoption of these RULES AND REGULATIONS. This definition applies individually only to common air pollutants as defined herein.

In those cases where a source becomes a new major source through expansion or modification, the emissions

limitations and work practices specified herein for new major sources shall apply only to those new or modified portions of the source which cause the source to exceed an overall potential emission rate (contained in the definition of major source) of 100 tons per year, insofar as such portions can be reasonably identified and associated with the excess emission rate. Expanding or modifying a source in a piecemeal manner to avoid coverage of any requirement herein for a new major source is prohibited.

- d. modification or alteration (of a source)

Any change whatsoever which changes the potential emission rate of a source.

3. Regarding Mobility of Sources

- a. stationary source

A source constructed, installed, or planned with the intent of leaving the source at its initial location throughout its life-time, or any source which remains or will remain at the same contiguous geographical area for more than six months, other than a mobile source or portable source as defined below.

E. Process-Associated Terms

1. Regarding Control Technology

- b. lowest achievable emission rate (LAER)

The lowest emission rate applicable to a designated air pollutant for a class or category of source as determined by the Control Officer. The permit applicant shall submit a proposed emission rate with his application.

In no event shall the emission rate be less stringent than:

- 1. The lowest rate achieved in practice by such class or category of source, unless the permit applicant demonstrates that such rate is not achievable because the technology necessary to achieve the rate is unavailable due to proprietary restrictions, or
- 2. The lowest rate contained in any State Implementation Plan for such rate is not achievable, or
- 3. The applicable new source performance standard for the class or category of source, whichever is most stringent.

The emission rate established by the Control Officer shall be determined by reference to all guidance documents, regulations, and other information published and made available to the Control Officer by the Administrator of the Environmental Protection Agency, and the emission rate established by the Control Officer shall become a binding condition of the Installation Permit.

In any case, the information relied upon by the Control Officer shall be made available to the permit applicant upon request.

Rule 172: Meanings of Mathematical Symbols

Mathematical symbols appearing in these RULES AND REGULATIONS shall have the following meanings:

<u>Symbol</u>	<u>Meaning</u>
<	less than

$\leq$	less than or equal to
$>$	greater than
$\geq$	greater than or equal to
M	the multiplier one thousand
MM	the multiplier one million
$n^3$	the number represented by n to the third power

Exponents are shown in large type to avoid confusion with footnote numbering. For example, ug./m.3 indicates micrograms per cubic meter, and ug./m.3 indicates micrograms per meter, reference footnote three.

#### Rule 173: Chemical Symbols and Abbreviations

Chemical symbols and abbreviations appearing in these RULES AND REGULATIONS shall have the following meanings:

<u>Symbol or Abbreviation</u>	<u>Meaning</u>	<u>Symbol or Abbreviation</u>	<u>Meaning</u>
AB	asbestos	H <sub>2</sub> SO <sub>4</sub>	sulfuric acid
Al	aluminum	NO <sub>2</sub>	nitrogen dioxide
Be	beryllium	NO <sub>x</sub>	oxides of nitrogen
CH <sub>2</sub> Cl <sub>2</sub>	methylene chloride	O <sub>2</sub>	oxygen
CH <sub>3</sub> CCl <sub>3</sub>	methyl Chloroform	O <sub>3</sub>	ozone
CH <sub>4</sub>	methane	Pb	lead
C <sub>2</sub> Cl <sub>3</sub> F <sub>3</sub>	trichloro- trifluoroethane	P <sub>2</sub> O <sub>5</sub>	phosphorous pentoxide
C <sub>2</sub> H <sub>6</sub>	ethane	S	sulfur
CO	carbon monoxide	SO <sub>2</sub>	sulfur dioxide
CO <sub>2</sub>	carbon dioxide	SO <sub>3</sub>	sulfur trioxide
Cu	copper	SO <sub>x</sub>	oxides of sulfur
F	fluorine	TRS	total reduced sulfur
Fe	iron	TSP	total suspended particulate matter
HC	hydrocarbon	VC	vinyl chloride
Hg	mercury	Zn	zinc
HNO <sub>3</sub>	itric acid	Δp	pressure drop between two points
H <sub>2</sub> S	hydrogen sulfide		

#### Rule 174: Scientific Units

Scientific units appearing in these RULES AND REGULATIONS shall have the following meanings:

<u>Unit</u>	<u>Meaning</u>
dscf.	a dry cubic foot of gas at standard conditions of 20°C. (68°F.)and 760 mm. of mercury (29.92 in. of Hg),

	excluding any water vapor therein
g.	gram; a unit of mass (453.6 g. = one lb.)
gr.	grain; a unit of mass equal to 0.002286 ounce (7000 gr. = one lb.)
ppm.	parts of pollutant per million parts of effluent, by volume (gases only)
ug./m. <sup>3</sup>	micrograms pollutant per cubic meter of effluent or air
Btu.	British thermal unit (heating value)
Mw-hr.	rating of power generating equipment; mega (million) watts times hours

## REGULATION 18: PROCEDURES FOR AMENDING

### Rule 181: Legal Authority

- A. All amendments to these RULES AND REGULATIONS shall be made pursuant to the requirements contained in ARS 36-779.

### Rule 182: General Procedures

- A. An amendment to these RULES AND REGULATIONS shall be made in full accord with the following requirements:
1. No rule or regulation shall be enacted or amended except after the Board of Supervisors holds a public hearing on the proposed amendment. Members of the public shall be allowed to speak at the hearing.
  2. The Board of Supervisors' public hearing on any set of proposed amendments shall be preceded by a public announcement of the hearing to include the date, time, and place of such hearing. The announcement shall be published at least twice in a newspaper of general circulation in the County, and shall be posted in at least three conspicuous places in the County.
  3. At least one copy of the proposed amendment shall be made available for the general public's examination in the Air Quality Control District's general offices located at 151 West Congress Street, Tucson, Arizona 85701 at the time of notice of such hearing.
  4. Copies of the notice of the Board of Supervisors' public hearing shall be mailed to the Control Officer of the Pinal-Gila Counties Air Quality Control District, the Director of the Maricopa County Bureau of Air Pollution Control; the Regional Administrator, Region IX Environmental Protection Agency; the Mayor of the City of Tucson; the Mayor of the City of South Tucson; the Mayor of the Town of Marana; the Mayor of the Town of Oro Valley; and the Executive Director of the Pima Association of Governments.
  5. A record of each public hearing shall be prepared and made available to any person upon request. The official record shall include the name of each commentator and a written summary of his comments, and
  6. Any revision to these RULES AND REGULATIONS shall be forwarded to the Arizona Department of Health Services, along with a certification of the public-notice actions, record of hearings, and other requirements of this RULE. The Control Officer shall include a request to the Director of the Arizona Department of Health Services that such revision be submitted by the Governor of the State to the Regional Administrator, Region IX, Environmental Protection Agency, as an official revision to Arizona's State Implementation Plan (SIP) for air quality control.

## CHAPTER II: PERMITS

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## CHAPTER II: PERMITS

### REGULATION 20: OPERATIONS AND ACTIVITIES WHICH REQUIRE PERMITS

#### Rule 201: Statutory Authority

- A. Statutory provisions relating to the Control Officer's jurisdiction over permit requirements are contained in the Arizona Revised Statutes, ARS 36-1705, 36-1706, and 36-770, et seq.
- B. Equipment installation Permits and Operating Permits (requiring fees) shall be issued pursuant to ARS 36-779.01.
- C. Open Burning Permits (requiring fees) shall be issued pursuant to ARS 36-789.
- D. Activity Installation Permits and Operating Permits, including Activity Installation Permits for construction/destruction activities (not requiring fees), shall be issued pursuant to ARS 36-779.

#### Rule 202: Installation Permits

- A. A person who plans to erect, install, or replace an emission source which may cause, emit, contribute to, or control air pollution; or who plans to expand or modify any source in such a manner that the potential or actual emission rate would increase or decrease by virtue of the expansion or modification; or who plans to engage in an activity which may cause or contribute to air pollution--except as specifically exempted herein--shall obtain an Installation Permit from the Control Officer. The permit shall be obtained prior to beginning construction or modification of the source, commencement of the activity, or before entering into a binding agreement related to construction of the planned emission operation or activity which cannot be cancelled or modified without substantial loss to the person, whichever occurs first in time.
  - 1. An Installation Permit shall remain in effect until an Operating Permit (if applicable) for such emission source is granted, or the Installation Permit is revoked, or the operation or activity covered by the Installation Permit is terminated. However, in no case shall the term of any Installation Permit extend beyond two years from its effective date.
- B. The provisions of this RULE shall not apply to motor vehicles, to agricultural equipment used in soil-cultivating or vegetative-crop-producing-and-harvesting operations, to soil-cultivating or vegetative-crop-producing-and-harvesting activities which cause dust, not to fuel burning equipment which in the aggregate with other such equipment of the applicant at the same contiguous geographical area is rated at less than 500,000 British Thermal Units per hour.
  - 1. Fuel burning equipment associated with a one-or two-family residence does not require an Installation (or an Operating) Permit.
  - 2. Small air polluting operations or activities not requiring Installation (or Operating) Permits are exempted according to size, as noted in the fee schedules in this CHAPTER.
- C. Emission sources requiring Installation Permits include, but are not limited to, those listed in the fee schedules or tables of permit requirements in the latter part of this CHAPTER.

#### Rule 203: Operating Permits

- A. Before an emission source may be operated on a continuous or intermittent basis--except as specifically exempted herein--an Operating Permit shall be obtained from the Control Officer.
  - 1. An Operating Permit shall remain in effect for no longer than one year from its effective date, and continued operation of the source shall require annual renewal of the Operating Permit, subject to compliance with all applicable provisions set forth herein.

- B. Emission sources requiring Operating Permits include, but are not limited to those listed in the permit fee schedule or tables of permit requirements in the latter part of this CHAPTER.
  - 1. Construction/destruction activities require Installation Permits only.

Rule 204: Open Burning Permits

- A. A person who plans to ignite, allow, or maintain any outdoor fire- except as specifically exempted herein- shall obtain an Open Burning Permit from the Control Officer before commencing the burning.
- B. Specific types of open outdoor fires which require Open Burning Permits, as well as those types of fires which do not require permits, are identified in Table 204.
  - 1. Any type of open burning not listed in Table 204 is prohibited.
- C. The term of any Open Burning Permit shall be as specified by the Control Officer, subject to the following limitations:
  - 1. The term of a Temporary Open Burning Permit shall not exceed three consecutive or non-consecutive days within a 30-day period.  
and
  - 2. The term of an Extended Open Burning Permit shall expire as specified on the original application, and shall in no case exceed 90 days.

Rule 205: Conditional Permits (Variances)

- A. A Conditional Permit (variance) for an emission source not in compliance with these RULES AND REGULATIONS shall be issued by the Control Officer only upon the order of the Hearing Board in accordance with provisions established herein.

REGULATION 21: PERMITTING PROCEDURES

Rule 211: Permit Applications

- A. An application for a permit shall be filed in writing in the manner prescribed by the Control Officer, and shall contain all information necessary to enable the Control Officer to make the determination to grant or deny the permit.
  - 1. The Control Officer may require: descriptions of equipment and method of operating the source; the size, design, and capacity of the source; the planned startup date of the source; and detailed emission estimates. Before acting on an application for a permit, the Control Officer may require additional information, including the dates of planned burnings for Open Burning Permits.
  - 2. Applications for Installation Permits must be submitted by the property or project owner, lessee, or developer; or jointly by the prime contractor and owner, prime contractor and lessee, or prime contractor and developer. The prime contractor's responsibility for fulfilling the conditions of the permit shall terminate after his work has been completed unless he is also the owner, developer, or lessee. When the prime contractor is relieved of responsibilities as described above, the remaining permittee shall assume full responsibility of assuring that all permit conditions are fulfilled.

Rule 212: Sampling, Testing, and Analysis Requirements

- A. Prior to issuing an Installation Permit, the Control Officer may require the applicant to test the ambient air or other variable in the vicinity of the source, as detailed in Rule 504 herein.
- B. Prior to issuing an Operating Permit, the Control Officer may require the applicant to measure the emissions from the

source or the ambient-air quality in the vicinity of the source.

- C. The requirements of this RULE shall generally apply only to new major sources.
  - 1. Sampling and testing requirements and procedures are established in Chapters III,IV,V, and IX herein.

#### Rule 213: Public Notification/Public Comments

- A. If the Control Officer has determined that an application for an Installation Permit represents a new major source, he shall perform the following before granting the permit:
  - 1. Make available for public inspection at AQCD=s central office located at 151 West Congress Street, Tucson, Arizona, all non-confidential information submitted by the applicant, comments and conclusions by the Control Officer regarding the impact of the planned source on the air quality, and the Control Officer=s tentative decision to approve or deny the permit.
  - 2. Advertise in a local publication of wide circulation the availability and location of the information described above.
  - 3. Provide a 30-day period for the public to submit written comments on the planned source.
  - 4. Send copies of the public notice, analysis, and tentative decision to: the Regional Administrator, Region IX, Environmental Protection Agency; the Chief of the Arizona State Bureau of Air Quality Control; the head of any county air quality control agency whose jurisdiction could be affected by the emissions from the planned source; the Major of the City of Tucson; the Major of the City of South Tucson; the Major of the Town of Marana; the Major of the Town of Oro Valley; the Executive Director of the Pima Association of Governments; and to each Federal Land Manager and head of any Indian Governing Body whose jurisdictions could be affected by the planned source.
  - 5. Provide a forum for a public hearing where interested persons may verbally present their views on the planned source, if objections to the Control Officer=s tentative decision to grant the permit are received in writing.
  - 6. Consider all written and verbal comments before making a final decision on granting or denying the permit. The Control Officer shall weigh all public comments, and make the final decision to grant or deny the permit based solely on his conclusion that the planned source either has complied with or will be able to comply with all applicable provisions of these RULES AND REGULATIONS throughout the term of the permit. The Control Officer shall not be influenced by comments not relevant to applicable requirements established herein, and
  - 7. Make available for public inspection in the same location specified in Paragraph 1 above, a summary of all written and verbal comments, including the Control Officer=s final determination.
- B. The requirements of this RULE shall not apply to Activity Installation Permits for construction/destruction activities.
- C. The Control Officer shall either grant or deny a permit within 30 days from the date of receipt of the complete application.
  - 1. The Control Officer may deny an application for a permit; only for those reasons stated in Regulation 23 of this CHAPTER.

#### Rule 214: Permit Fee Payments

- A. If a permit requires a fee as specified in the fee schedules of this CHAPTER, the permit shall not be issued until the applicant has paid the fee.

#### Rule 215: Permit Revocation

(Refer to ARS 36-785F, Authority for the Hearing Board to revoke permits.)

#### REGULATION 22: CONDITIONS OF THE PERMIT

Rule 221: General Control

- A. The Control Officer may specify on each permit conditions which in his judgment are necessary to assure adequate control and monitoring of emissions for the expected lifetime of the source. Adequate control shall mean only those controls (e.g., devices, mechanisms, operation practices, times of operation, monitoring of process variables, or emission rates) which if installed, conducted, or operated properly should allow the source to comply with all applicable control standards.
- B. The granting of a permit shall not exempt the permittee from any other applicable provision of these RULES AND REGULATIONS.

Rule 222: Permit Display or Posting

(Refer to ARS 36-779.06.)

Rule 223: Permit Transferability

(Refer to ARS 36-779.04.)

Rule 224: Fugitive Dust Producing Activities

- A. A permittee whose permit specifically allows fugitive dust producing operations or activities is responsible for controlling windblown dust, dust from haul roads, and dust emitted from land clearing, earthmoving, demolition, trenching, blasting, road construction, mining, racing event, and other activities, as applicable.
  - 1. Dust emissions shall be controlled by applying adequate amounts of water, chemical stabilizer, or other effective dust suppressant until the area becomes permanently stabilized by paving, landscaping, or otherwise.
  - 2. The permittee shall not leave land in such a state that fugitive dust emissions (including windblown dust or dust caused by vehicular traffic on the area) would violate these RULES AND REGULATIONS.

Rule 225: Open Burning Permit Conditions

- A. A person granted an Open Burning Permit must comply with the following:
  - 1. Permissible burning hours are noon to 4 p.m. unless stated otherwise on the permit.
  - 2. Burning must be at a safe distance from structures.
  - 3. Burning must be constantly attended with reasonable control tools at hand.
  - 4. Burning may not be conducted on public land or on other land not owned or leased by the permittee without written permission from the owner or land manager.
  - 5. Fire must be dead out when left, and
  - 6. The burning of materials other than those specified by the permit is prohibited.

Rule 226: Permits for State-Delegated Emission Sources

- A. If the Director of the Arizona Department of Health Services delegates to the Control Officer jurisdiction over an emission source, all requirements and conditions for permits contained herein shall apply to the delegated source.
- B. Additional requirements for delegated emissions sources shall be as follows:
  - 1. An Equipment Operating Permit may be issued by the Control Officer to operate mobile or portable equipment at more than one location in the County, and
  - 2. Owners or operators holding Equipment Operating Permits for portable equipment shall notify the Control Officer of any change of operating location.

## REGULATIONS 23: DENIALS OF PERMIT APPLICATIONS

### Rule 231: Non-compliance

- A. The control Officer shall deny an application for a permit if the applicant cannot prove to the satisfaction of the Control Officer, on the basis of information presented by the applicant and other available data, that the planned source is designed, controlled, equipped, or capable of being operated or conducted such that compliance with all applicable provisions of these RULES AND REGULATIONS would be possible throughout the term of the permit.
1. If the Control Officer determines that air polluting equipment, air pollution control equipment, or an activity has not been erected, installed, or commenced accordance with the requirements herein, he shall deny the Operating Permit until the deficiencies are corrected.

### Rule 232: Notification of Denial

- A. When the Control Officer denies a permit, he shall notify the applicant in writing of the reason for denial.
1. This notification shall be served in person or by registered mail, and such service may be proved by the written acknowledgment of the person served, or affidavit of the person making the service.

### Rule 233: Hearings on Denial

- A. Within ten days of notice of denial of a application, the applicant may petition the Hearing Board in writing for a public hearing. The hearing shall be held within 30 days of receipt of the petition.
- B. The hearing Board, after notice and a public hearing, may sustain, modify, or reverse the action of the Control Officer.

## REGULATION 24: PERMIT FEE SCHEDULE/NON-FEE REQUIREMENTS

### Rule 241: General Provisions

- A. An applicant for an equipment Operation or Open Burning Permit approved by the Control Officer Shall pay a fee calculated according to the schedules listed at the end of this CHAPTER, the following provisions, and any other provisions established in subsequent RULES.
1. Permit fees shall be applied collectively to all operations conducted at a contiguous geographical area.
  2. Small equipment exempted in a table does not require a permit unless the equipment is a part of a source at a contiguous geographical area whose aggregated capacity exceeds the exemption.
  3. If more than one fee schedule or sub-schedule applies to the same operation or piece of equipment, the schedule yielding the higher fee shall apply. If a composite fee schedule covers multiple equipment at a contiguous geographical area, individual fee schedules for that particular equipment shall not apply.
  4. A seasonal, stationary industry listed in Table 244-A which requires an Operating Permit and is shutdown for more than six consecutive months in any annual permit period shall be assessed annual Operating Permit fees equal to one-half of the calculated fee.
  5. Each Operating Permit shall be renewed on the anniversary date of the permit, if the source is in compliance with RULES AND REGULATIONS.
  6. Equipment installed for the sole purpose of reducing or eliminating emissions shall not be included a fee assessed for an Equipment Operating Permit. Air Pollution control equipment requires payment of an Installation Permit fee.

- B. Emission sources which require Activity Operating Permits are listed in Table 244-C, and no fees shall be assessed for these permits.

Rule 242: Installation Permit Fees/Non-Fee Requirements

- B. An Installation Permit fee shall be equal to one-fourth of the fee calculated using Tables 244-A or 24-B, or \$19.00, whichever is larger.

Rule 243: Open Burning Permit Fees

(Refer to Table 243, Open Burning Permit Fee Schedules)

Rule 244: Operating Permit Fee

- A. Operating Permit fees shall be calculated according to the schedules in Table 244-A and 244-B.
1. If a source is a "Permit Operation" under Table 244-A, Table 244-B does not apply, except that:
    - a. Fees for storage vessels (containing petroleum liquids or gases) listed in Table 244-B apply in addition to the fees assessed under Table 244-A, and
    - b. If the source contains equipment listed in Table 244-B which is not an integral part of the "Permit Operation" under Table 244-A, the fees required in Table 244-B shall also apply.

Rule 245: Conditional Permit (Variance) Fees

- A. An applicant for a Conditional Permit (variance) shall pay a filing fee of \$35.00.
- B. An applicant for a Conditional Permit (variance) approved by the Hearing Board shall pay a Conditional Permit fee equal to twice the required Operating Permit fee or Burning Permit fee.

Rule 246: Payment of Permit Fees

- A. Before a permit which requires a fee issued, the Control Officer shall provide the applicant with a written invoice.
1. The Control Officer shall invoice a new permit at the time he decides to grant the permit.
  2. The Control Officer shall invoice a permit renewal prior to the permit expiration date.
    - a. If fee is not received within 30 days of invoicing, a charge for late payment not to exceed 10 percent of the fee (based upon the additional cost incurred in collecting the fee) may be assessed.
    - b. If fee is not received within 45 days of invoicing, the permit application shall be canceled, and the Control Officer shall so notify the applicant by mail.
- B. If a permit has been canceled for failure to pay a fee, a subsequent application shall be subject to the late charge established above.

Rule 247: Refund of Permit Fees

- A. No fees shall be refunded except those paid in excess of the amount required. An excess payment shall be refunded upon the request of the permittee within one year of overpayment.

Rule 248: Fees for Duplicate Permits

- A. A request for a duplicate Equipment Operating Permit shall be made in writing by the permittee to the Control Officer within ten days of loss or defacement of a permit.

1. Such a request should state the reason a duplicate is requested.
2. A fee of \$5.00 shall be charged for issuing a duplicate permit.

#### REGULATION: 25 PERMIT FEE SCHEDULES ADJUSTMENTS

##### Rule 251: Permit-Fee Studies Related to Inflation

- A. Within 30 days of a decision by the Board of Supervisors to award a Cost-of-Living Allowance (COLA) to a majority of Pima County employees, the Control Officer shall re-evaluate his total permit-related service cost, and send the results of the re-evaluation to the Air Quality Advisory Council.
  1. If the results indicate that the total permit-related cost has increased since the date of adoption to these RULES AND REGULATIONS or subsequent amendments, the Control Officer shall propose to increase all permit fee schedules by the percentage increase in service cost.
  2. The first such study shall be in calendar year 1979, provided the Board of Supervisors awards COLA during that year.
  3. The Air Quality Advisory Council shall make appropriate adjustments to any new fee schedules proposed by the Control Officer and forward its recommendations to the Board of Supervisors within 30 days of receipt to the Control Officer's study.
  4. The Board of Supervisors shall hold a public hearing on the proposed permit fee increase before taking appropriate action.

##### Rule 252: Periodic Review of Individual Fee Schedules

- A. At least once every five years, the Control Officer shall reevaluate the service costs associated with individual classes of sources, and propose appropriate adjustments.
  1. Detailed justifications for the fee adjustments shall be made by the Control Officer.
  2. The Control Officer and the Air Quality Advisory Council shall jointly conduct study sessions, and provide opportunities for conferences and public hearings with all affected source operators before recommending to the Board of Supervisors significant adjustments to any individual fee schedule.

#### REGULATIONS 26: INSPECTIONS

##### Rule 261: Compliance Inspections

- A. The Control Officer shall make such inspections as are necessary to assure compliance with or enforcement of these RULES AND REGULATIONS, any provision of the State Revised statutes, Title 36, Chapter 6, Article 8, or the provisions of any permit issued pursuant to these RULES AND REGULATIONS or Statutes.
- B. The Control Officer shall make such inspections as necessary for issuance or reissuance of any Installation, Operating, Activity, Conditional or Open Burning Permit authorization or allowed by these RULES AND REGULATIONS or the Arizona Revised Statutes, Title 36, Chapter 6, Article 8.
- C. In addition to the inspections authorized by Parts A and B above, the Control Officer may require semi-annual inspections of the following types of sources:
  1. Major sources, as defined in Rule 171 of these RULES AND REGULATIONS.
  2. Any source of the type for which emissions standards have been established in Table 442-A of these RULES AND

REGULATIONS, AND

3. Sources of hazardous air pollutants, as listed in Rule 601 of these RULES AND REGULATIONS.
- D. The Control Officer may obtain a special inspection warrant pursuant to the provisions of ARS 36-780.01.

## CHAPTER III: UNIVERSAL CONTROL STANDARDS

### REGULATIONS: PROHIBITED ACTS

- 301 Planning, Construction, or Operating Without a Permit
- 302 Non-Compliance With Applicable Standards

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- 331 Applicability
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## CHAPTER III: UNIVERSAL CONTROL STANDARDS

### REGULATION 30: PROHIBITED ACTS

#### Rule 301: Planning, Construction, or Operating Without a Permit

- A. No person shall construct, install, erect, use, replace, modify, or operate an emission source, or enter into a binding agreement affecting the source which cannot be canceled or modified without substantial loss to the person, without obtaining a permit, unless the permit has been obtained by a second person according to the applicable permit requirements in these RULES AND REGULATIONS.

#### RULE 302: Non-Compliance with Applicable Standards

- A. No person shall cause or permit the planning, construction, installation, erection, modification, use, or operation of an emission, source which will cause or contribute to a violation of a performance standard established in these RULES AND REGULATIONS.
1. The actual emission rates of all identical or reasonably similar emission sources under the control of the same source operator at a contiguous geographical area shall be summed to determine compliance with a mass-emissions discharge standard.
  2. A source shall comply with a discharge standard over the full range of the operating rates.

### REGULATION 31: DESIGN OR WORK-PRACTICE CONTROL STANDARDS

#### Rule 312: Asphalt Kettles

- A. Emissions from the operation of an asphalt kettle must be minimized by the following controls:
1. Maintaining the temperature below the asphalt flash point and below the maximum recommended by the asphalt manufacturer.
  2. Operating the kettle with lid closed except when charging.
  3. Pumping the asphalt from the kettle or the drawing of asphalt through cocks with no dipping.
  4. Maintain the kettle in clean, properly adjusted, and good operating condition, and
  5. Firing the kettle with liquid petroleum gas or other low polluting fuel.

#### Rule 313: Incinerators

- A. An incinerator must be operated only from official sunrise to sunset, except when the following are conditions of the Operating Permit:
1. The incinerator is equipped with a continuous monitoring and recording opacity meter.
  2. The incinerator is used solely for the destruction of materials which would cause or contribute to air pollution if disposed of in any other practical manner.
  3. The incinerating process cannot be operated efficiently during only daylight hours.
  4. The opacity monitoring-and-recording equipment is calibrated and maintained in accordance with the manufacturer's specifications, and
  5. The opacity monitoring records are kept for least two years.

#### Rule 314: Petroleum Liquids

- A. Emissions of hydrocarbons from a stationary tank, reservoir, or other container used for storing petroleum liquids must be minimized by applying and maintaining the following controls.
  - 1. A stationary tank, reservoir, or other container which has a capacity of at least 250 gallons but less than or equal to 40,000 gallons which is used for storing gasoline must be equipped with either.
    - a. Submerged fill pipe, or
    - b. Refrigeration-type vapor recovery system or an equivalently effective control system.
  - 2. A stationary tank, reservoir, or other container having capacity greater than 40,000 gallons which is used for storing gasoline or other petroleum liquid must be equipped with
    - a. An adequately maintained floating roof, refrigeration-type vapor recovery system or equivalently effective control system, if the container is used for storage of a petroleum liquid which has a vapor pressure of at least 1.5 pounds but less than 11 pounds per square inch absolute under actual storage conditions, or
    - b. A refrigeration-type vapor recovery system or equivalent if the container is used for storage of a petroleum liquid which has a vapor pressure of greater than or equal to 11 pounds per square inch absolute under actual storage conditions, and
  - 3. A gasoline loading facility which handles at least 20,000 or more gallons of fuel per day must be equipped with submersible filling arms or other equivalently effective controls
- B. A refrigeration-type vapor recovery system or equivalent must be capable of collecting at least 90 percent of the hydrocarbon vapors by weight which would otherwise be vented to the atmosphere during filling of the tank. The system must also be equipped with either an on-site or remotely located vapor-disposal system which processes the vapors so that their escape to the atmosphere is prevented.
  - 1. The Control Officer shall determine compliance of a vapor recovery system by evaluating the equipment planned for or used at the source and certifying the equipment as meeting the applicable standard.
- C. This RULE shall not apply to:
  - 1. Pressure vessels which are designed to operate to excess of 15 pounds per square inch gage without emissions to the atmosphere except under emergency conditions.
  - 2. A tank having a capacity of at least 250 gallons but less than 2,000 gallons which was installed prior to 1969, and
  - 3. An underground tank installed prior to 1969 which has a capacity less than or equal to 40,000 gallons. If the fill line between the fill connection and the tank is offset.

#### Rule 315: Roads and Streets

- A. Dust emissions from an existing unpaved public road must be minimized with use of an effective dust suppressant, paving, detouring, barring access, limiting vehicular speeds, or other equivalently effective controls applied to the entire width of the road surface available to vehicular traffic.
- B. Dust emissions from the construction phase of a new road must be minimized by applying the same measures specified in Part A of this RULE.
- C. No new unpaved private driveway shall be constructed unless the road will not be used by more vehicular traffic than that associated with a one-or two-family private residence, and the road will not be adjacent to any recreational, institutional, educational, or retail sales facility.

- D. No new unpaved service road or unpaved haul road shall be constructed unless dust will be suppressed after construction by intermittently oiling, watering, limiting access, or applying chemical dust suppressants to the road, in such a way that visible dust emissions caused by vehicular traffic on the road do not diffuse beyond the property line within which the emissions become airborne.
- E. No new public road shall be constructed unless the following conditions are met (zoning terms and paving specifications in the following are those defined by or equivalent to those of the Pima County Planning Department and Pima Highway Department, respectively):
  - 1. If Zoned CR-1 (one full acre or larger) or less dense, at least a 4-inch base coarse and double bituminous surface treatment shall be applied, or
  - 2. If zoned CR-2 or denser, at least a 4-inch base coarse covered with at least 1.5 inches of asphaltic concrete shall be applied, and
  - 3. A chemically treated substitute base and appropriate surface treatment may be used if approved by the Pima County Highway Department.
- F. The surface of roadways with asbestos tailings is prohibited.

Rule 316: Particulates Materials

- A. Dust emissions from the processing of material must be minimized by hooding and use of dust collection equipment, water, sprays, or use of wet scrubbers, fabric filters (baghouses), electrostatic precipitation, or other equivalently effective controls.
- B. Dust emissions from construction activity must be minimized by applying adequate amounts of water or other equivalently effective dust controls.
- C. Dust emissions from the transportation of materials must be minimized by covering stock loads in open-bodied trucks, limiting vehicular speeds, or other equivalently effective controls.
- D. Dust emissions from storage of materials must be minimized by enclosing the material within structures, planting and maintaining vegetative growth over the material, use of chemical dust suppressants, or other equivalently effective controls.
- E. Emissions from a sandblasting or other abrasive blasting operation must be minimized by applying water to suppress visible emissions (wet blasting) enclosing the operation, or use of other equivalently effective controls.

Rule 318: Vacant Lots and Open Spaces

- A. Dust emissions from the construction, use, alteration, repair, demolition, clearing, leveling, or excavation of any vacant lot, parking area, housing plot, building site, sales lot, playground, livestock feedlot, or other open area-other than those solely used for soil-cultivation or vegetative-crop producing-and harvesting agricultural purpose-must be minimized by intermittently applying water or other effective dust suppressants to the area, paving, detouring, barring access, or other equivalently effective controls.
- B. No new vacant lot, housing plot, building site, parking area, sales lot, playground, livestock feedlot, or other open-area-other than those used solely for soil-cultivation or vegetative-crop-producing-and-harvesting agricultural purposes-shall be left in such a state after construction, alteration, clearing, leveling, or excavation that naturally induced wind blowing over the area causes visible emissions of airborne dust to diffuse beyond the property lines within which the emissions become airborne.
  - 1. Dust emissions must be permanently suppressed by landscaping, covering with gravel or vegetation, paving, oiling

or applying equivalently effective controls.

- C. No vacant lot, parking area, sales lot, or other open urban area shall be used by motor vehicles in such a manner that visible dust emissions induced by vehicular traffic in the area diffuse beyond the property boundary lines within which the emissions are airborne.
- D. The exception to visible emissions during periods of high wind speeds as specified in Rule 343-B shall also apply to this RULE.

#### REGULATION 32: EMISSIONS-DISCHARGE OPACITY LIMITING STANDARDS

##### Rule 321: Standards and Applicability (Includes NESHAP)

- A. No person shall cause or permit the effluent from a single emission point, multiply emissions point, or fugitive emissions source to have an average optical density equal to or greater than opacity limiting standards specified in Table 321: subject to the following provisions:
  - 1. Opacities (optical densities) of an effluent shall be measured by a certified visible emissions evaluator with his natural eyes, approximately following the procedures which were used during his certification, or by an approved and precisely calibrated in-stack monitoring instrument.
  - 2. A violation of an opacity standard shall be determined by measuring and recording a set of consecutive, instantaneous opacities, and calculating the arithmetic average of the measurements within the set unless otherwise noted herein. The measurements shall be made at approximately fifteen-second intervals for a period of at least six minutes, and the number if required measurements shall be as specified in Table 321. Sets need not be consecutive in time, and in no case shall be two sets overlap. If the average opacity of the set of instantaneous measurements exceeds the maximum allowed by any rule, this shall constitute a violation.
  - 3. The use of air or other gaseous diluents solely for the purpose of achieving compliance with an opacity standard on prohibited.
- B. When the presence of uncombined water is the only reason for failure of a source to otherwise meet the requirements of this REGULATION, this REGULATION shall not apply.

#### REGULATION 33: EMISSIONS-DISCHARGE MASS LIMITING STANDARDS

##### Rule 331: Applicability

- A. This REGULATION shall apply only to emissions which enter the atmosphere by passing through a vent, stack, flue, or other similar containing or restrictive device, or which by reasonable modification of the emissions source the emissions can be directed through such a device for testing purposes.
- B. Where the nature of a person, operation, or activity allows more than one interpretation of a requirement in this REGULATION, the more or most restrictive interpretation shall apply.

##### Rule 332: Compilation of Mass Rates and Concentrations (NESHAPS)

- A. The maximum allowable emissions discharge rate (in terms of mass per unit time) and mass concentration (in terms of mass per unit volume of gas) for an air pollutant to which this REGULATION applies shall be those standards established in Table 332.
  - 1. The use of air or other gaseous diluents solely for the purpose achieving compliance with a specified mass-

concentration standard is prohibited.

- B. The following interpretative aids shall apply to the requirements of Table 332:
1. Entries under the heading Size category mean the particular standard applies to major sources and to minor as noted. "All" means the particular standard applies to major sources and to minor sources.
  2. An entry of "All" under the heading Applicable Equipment Size means particular standard applies to all sizes of equipment.
  3. An Equation containing the symbol Q (heat input) or P (process weight) shall be interpreted as having a multiplier which precedes the symbol and a exponent which follows the symbol, except in the formulas for cotton gins which do not contain exponents following the symbol P.
  4. An entry containing the words process weight, preceded or followed by a quantity and unit, means the standard applies to operations which have a process weight as noted.
  5. A "dash" shown under any heading means there is no special entry applicable to that heading that is also common to all other entries on the same line, and
  6. The numerically identified Test Methods refer to those methods included in Chapter IX.

#### REGULATION 34: AMBIENT-AIR STANDARDS

##### Rule 341: Applicability

- A. This REGULATION applies to all areas, classes, sizes, and ages of sources, including major sources and minor sources, existing as well as new sources, and to fugitive air polluting activities as well as stack emissions.

##### Rule 342: Mass-Concentration Ceilings

- A. The maximum allowable concentration of air pollutants in the ambient air in all areas of the County shall be those listed in Table 342.
- B. Those maximum allowable pollutant concentration specified in Table 341 for the time periods less than one year may, in actual practice be exceeded only once during any consecutive 12-month period, except for the ozone standard.
- C. In the case of the ozone standard, the standard is violated when more than one day in any calendar year experience average hourly concentrations above 235 ug/m.3. Violations shall be determined in accordance with procedures (Method H) set forth in Chapter IX herein.

##### Rule 343: Visibility Limiting Standard

- A. No person shall cause or permit the airborne diffusion of visible emissions, including fugitive dust, beyond the property boundary line within which the emissions become airborne.
1. Within actual practice, the airborne diffusion of visible emissions across property lines shall be prevented by appropriately controlling the emissions at the point of discharge, or ceasing entirely the activity or operation which is causing or contributing to the emissions.
- B. This RULE shall not apply when the naturally induced wind speed exceeds 25 miles per hour as estimated by a certified visible emissions evaluator using the Beaufort Scale of Wind-Speed equivalents, or as recorded by a U.S. weather Bureau Station or a U.S. government military installation.
1. This exception does not apply to the demolition, destruction, transport, or pulverization of structures containing

friable asbestos materials, and all dust-producing activities associated with such sources shall be halted when the wind is causing or contributing visible emissions to cross beyond the property lines within which the emissions discharge.

2. Any disregard of, neglect of, or inattention to other controls required herein, during any time when this RULE is in effect, shall automatically waive the exception, and such relaxation of controls shall be a violation.

Rule 344: Odor Limiting Standards

- A. No person shall cause or permit emissions from malodorous matter to cross a property line between the source and a residential, recreational, institutional, educational, retail sales, hotel, or business premise without minimizing the emissions by applying good modern practices.
  1. Malodorous matter shall include but not be limited to paints, acids, alkalis, pesticides, fertilizer, and manure.
  2. This RULE shall apply to the processing, storing, use, and transporting of malodorous compounds.
  3. Emissions from live trees, shrubs, plants, flowers, domestic gardening, and residential fireplaces shall not be considered malodorous within the meaning of this RULE.
- B. The Control Officer shall not formally prosecute violations of this RULE unless five or more persons register complaints with the Control Officer during a consecutive 12-month period (regarding the same apparent source of odors).

## CHAPTER IV: PERFORMANCE STANDARDS FOR NEW MAJOR SOURCES

### REGULATION 40: GENERAL APPLICABILITY

- 402 Stack and Shop Emissions
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CHAPTER IV: PERFORMANCE STANDARDS FOR NEW MAJOR SOURCES

REGULATION 40: GENERAL APPLICABILITY

Rule 402: Stack and Shop Emissions

- A. The maximum allowable emissions discharge rates and associated maximum allowable mass concentrations of emissions established in this CHAPTER shall apply only to emissions which enter the atmosphere by passing through vents, stacks, flues, or other similar containing or restrictive devices, or which, by reasonable modification of the emission source, can be directed through such devices for testing purposes.
- B. The maximum allowable emissions opacities established in this CHAPTER shall apply to any emissions discharge point in an emission source.

Rule 403: Applicability of More Than One Standard

- A. A source subject to the provisions of this CHAPTER shall also comply with all applicable provisions or CHAPTER III.
- B. If the nature of an operation or activity allows more than one interpretation of a standard or requirement of this CHAPTER, the more or cost restrictive interpretation shall apply.

REGULATION 41: DESIGNATION OF ATTAINMENT/NON-ATTAINMENT AREAS

Rule 411: Tucson Area

- A. A geographical area roughly bounded by the Tortolita and Santa Catalina Mountains on the north, Picacho Peak (Pinal County) and Silverbell Mountains to the northwest, Rincon Mountains to the east, Whetstone Mountains (Cochise County) to the southeast, Santa Rita Mountains (Santa Cruz County) to the south, Sierrita Mountains to the southwest, and Roskruge Mountains to the west shall be known as the Tucson Air Planning Area (TAPA). Geographical coordinates defining the area are:

	<u>Latitude</u>	<u>Longitude</u>
1.	32° 38.5'N	111° 24.0'W
2.	32° 26.5'N	110° 47.5'W
3.	32° 12.5'N	110° 32.5'W
4.	31° 49.5'N	110° 25.5'W
5.	31° 42.0'N	110° 50.5'W
6.	31° 52.5'N	111° 12.5'W
7.	32° 24.0'N	111° 29.0'W

Approximately 85 percent of the Tucson Air Planning Area lies within Pima County. The portion within Pima County encompasses approximately 2,300 square miles, excluding the two Saguaro National Monuments. The approximate boundaries of the Tucson Air Planning Area are shown in Figure 411-A.

- B. Except for those portions of Eastern Saguaro National Monument and Western Saguaro National Monument which are wilderness areas, the Tucson Air Planning Area shall be a Class IV (Non-Attainment) area for total suspended particulate matter and carbon monoxide.
- C. The Tucson Air Planning Area shall be a Class II (Attainment) area for sulfur dioxide and nitrogen dioxide, and a Class III

(Attainment) area for ozone.

- D. Two geographical areas represented by the national wilderness portions of Eastern Saguaro National Monument and Western Saguaro National Monument shall be Class I (Attainment) areas for total suspended particulate matter and sulfur dioxide. The approximate boundaries of these areas are shown in Figure 411-A, encompassing approximately 88 square miles.

Figure 411-A

APPROXIMATE BOUNDARIES OF TUCSON AIR PLANNING AREA (TAPA)

CLASS IV (NON-ATTAINMENT) GEOGRAPHICAL AREA

*Map not available on-line*

Rule 412: Ajo Area

- A. An area encompassing Ajo and its immediate surroundings shall be known as the Ajo Air Planning Area (AAPA). Geographical coordinates defining the area are:

	<u>Latitude</u>	<u>Longitude</u>
1.	32° 30.5'N	112° 56.0'W
2.	32° 30.5'N	112° 44.0'W
3.	32° 20.0'N	112° 44.0'W
4.	32° 20.0'N	112° 50.0'W
5.	32° 14.5'N	112° 50.0'W
6.	32° 14.5'N	112° 56.0'W

The approximate boundaries of the Ajo Air Planning Area are shown in Figure 412, and encompass approximately 200 square miles.

- B. The Ajo Air Planning Area shall be a Class IV area for total suspended particulate matter and sulfur dioxide.
- C. The Ajo Air Planning Area shall be a Class II area for carbon monoxide, nitrogen dioxide, and ozone.

Figure 412

APPROXIMATE BOUNDARIES OF AJO AIR PLANNING AREA (AAPA)

CLASS IV (NON-ATTAINMENT) GEOGRAPHICAL AREA

*Map not available on-line*

Rule 413: General County Areas

- A. Portions of the County not otherwise designated as Class I (Attainment), Class III (Attainment), or Class IV (Non-Attainment) areas for specific pollutants shall be Class II (Attainment) areas for total suspended particulate matter, sulfur dioxide, carbon monoxide, ozone, and nitrogen dioxide.
- B. The approximate boundaries of the various Attainment/Non-Attainment areas in Pima County are shown in Figure 413.

Figure 413

APPROXIMATE BOUNDARIES OF PIMA COUNTY

ATTAINMENT/NON-ATTAINMENT GEOGRAPHICAL AREAS

*Map not available on-line*

REGULATION 42: STANDARDS FOR NON-ATTAINMENT AREAS

Rule 421: Applicability

- A. This REGULATION shall apply to new major sources which are planned to be located in a Class IV (Non-Attainment) area for an individual air pollutant.
- B. An existing major source relocated from an Attainment area to a Class IV area, or from one Class IV area to another, shall be considered a new major source.

Rule 422: TSP Clean-Air Plan

- A. The intent of this RULE is to reduce the emissions of total suspended particulate matter which affect the Tucson Air Planning Area so that the primary ambient-air standards will be attained throughout the area by December 31, 1982, and the secondary ambient-air standards by December 31, 1990.
  - 1. The planned progress toward achievement of the TSP standards is summarized graphically in Figure 422. A minimum net emission reduction of 8,850 tons of total suspended particulate matter per year from July 1, 1979, through December 31, 1982, is necessary to achieve the primary standards. A minimum net reduction of 3,670 tons of total suspended particulate matter per year from January 1, 1983, through December 31, 1990, is necessary to achieve the secondary standards. These reductions are represented by the slope of the curve labeled Reasonable Further Progress in Figure 422. This RULE shall apply only to the Tucson Air Planning Area.
  - 2. The annual growth rate of actual emissions of total suspended particulate matter from new major sources shall not exceed 85 tons of total suspended particulate matter per year, beginning July 1, 1979, unless Rule 424 (Emission Offset) is applied. The Control Officer shall allocate emission growth rights to applicants for Installation Permits in the order in which the applicants are received.
  - 3. The Control Officer shall each year conduct an inventory of actual emissions of total suspended particulate matter in accordance with Rule 423. If an inventory shows that the cumulative emissions of total suspended particulate matter are more than that called for in Figure 422 for the corresponding point in time, the Control Officer shall not grant an Installation Permit to an applicant for a new major source of total suspended particulate matter to be located within the Tucson Air Planning Area until Reasonable Further Progress is achieved for the entire geographical area.
- B. At least annually the Control Officer shall review the methodology upon which this RULE is based, as well as the progress toward attainment of the ambient air quality standards. The Control Officer shall appropriately use all available studies provided by local, state, or federal air quality planning agencies in conducting these reviews. The Control Officer shall

propose to the Air Quality Advisory Council and Board of Supervisors modifications to this RULE which may be needed for achieving the goal of this RULE.

1. The Control Officer shall propose changes to make the requirements less restrictive if greater than the planned improvements in air quality are achieved, more restrictive if less than the planned improvements in air quality are achieved, or to make necessary adjustments which result from the availability of improved methods of relating emissions to ambient air quality.

Figure 422

SUMMARY OF TSP CLEAN-AIR PLAN FOR TAPA GEOGRAPHICAL AREA

*Figure not available on-line*

Rule 423: TSP Emission Data Bank

- A. The Control Officer shall establish by July 1, 1979, an emission data bank to track reductions and growth of present and future emissions of total suspended particulate matter in the Tucson Air Planning Area.
  1. The bank shall include records of emissions from new sources and reductions in emissions from existing sources which were accomplished after January 1, 1979.
  2. Emissions from mobile and stationary sources, stack emissions and fugitive emissions, major- and minor-source emissions, and emissions from stationary sources under jurisdiction of the State Department of Health Services shall be estimated by the Control Officer and the amounts recorded in the emission data bank.
  3. The Control Officer shall be guided by the methods presented in Table 423 in estimating emissions of total suspended particulate matter.
  4. The Control Officer shall record in the emission data bank, within one month of receipt of the necessary information, a decrease in emissions resulting from completion of a road paving project, road improvement project, or the startup of a new major source. He shall record in the data bank increases or decreases in emissions from other sources at least annually.
- B. The Control Officer shall enter and maintain records of emissions of total suspended particulate matter in the emission data bank according to the following conventions:
  1. Data shall be recorded in units of tons of emissions per year. An emission reduction shall be a negative entry, representing a deposit (credit). An emission increase shall be a positive entry, representing a withdrawal.
  2. A data entry for a new major source owned, operated, or leased by a person other than a governmental entity shall be identified according to the name and mailing address of the source operator, the location of the source, the effective date of the emission change, the date of entry, and the projected increase or decrease in emissions. Such an entry shall be put into a private account and shall be set aside for the exclusive use of the proprietor named at the time of deposit. An emission credit may be transferred from one account to another only upon the request of the proprietor of the account containing the credit. The balance in an account at any time shall be determined by summing the deposits (negative values) and withdrawals (positive values).
  3. If a source operator asks the Control Officer to credit the reductions of total suspended particulate matter associated with a temporary shutdown of a major source, then when the source operator re-starts the source, it shall be considered a new

major source.

4. A data entry for a source operated by the federal government, the County, an incorporated city or town, or the State or one of its political subdivisions shall be identified as specified in Paragraph 2. However, unless otherwise requested by the governmental proprietor, all governmental entries shall be consolidated in a public account for the use of the general public as well as the various governmental entities.
- B. The Control Officer's estimates of emissions from minor sources, mobile sources, and from existing major sources (both private and public) shall be entered into the public account as the information becomes available.
- C. The Control Officer shall make available to an individual proprietor records of his account during normal business hours. The Control Officer shall publish at least annually a summary of the status of the public account.

#### Rule 424: Emission-Offset Requirements

- A. A new major source of total suspended particulate matter which is planned to be located in the Tucson Air Planning Area must comply with at least one of the two succeeding criteria before an Installation Permit is granted:
  1. The source's planned actual rate of annual emissions can be accommodated within the growth increments established in Rule 422, or
  2. The sum of the following three quantities at the time of permit application is less than the maximum allowable emissions represented by a point on the curve labeled Reasonable Further Progress in Figure 422, approximately corresponding to the time of permit application:
    - a. The source's planned actual rate of annual emissions (positive number), plus
    - b. The net emission credit (negative number) which the permit applicant has on deposit in the emission data bank described in Rule 423, plus
    - c. The net emission credit or debit (negative or positive number) which exists in the public account described in Rule 423.
- B. A permit applicant may increase the emission credits in his private account in the data bank by reducing fugitive emissions or emissions from stacks prior to the time of permit application. Similarly, the permit applicant may fully exhaust the emission credits in the public account at the time of permit application. However, in no case shall emission credits in the public account be saved by the Control Officer for a permit applicant if the applicant fails to meet all the requirements for the desired permit at the time of permit application. Consistent with Rule 202 which limits the term of an Installation Permit to two years, an emission credit (from the public account) which has been assigned to a permit applicant shall automatically revert back to the public account if the planned facility is not fully constructed and ready for operation within two years of the date of issuance of the installation permit.

#### Rule 425: Lowest Achievable Emission Rate (LAER)

- A. A new major source of total suspended particulate matter or carbon monoxide which is planned to be located in the Tucson Air Planning Area must include provisions for assuring that the source's emissions will represent the lowest achievable emission rate before the installation Permit is granted.
- B. A new major source of total suspended particulate matter or sulfur dioxide which is planned to be located in the Ajo Air Planning Area must include provisions of assuring that the source's emission will represent the lowest achievable emission rate before the Installation Permit is granted.

Rule 426: Existing Source in Compliance

- A. A permit applicant for a new major source of total suspended particulate matter or carbon monoxide which is planned to be located in the Tucson Air Planning Area must comply with the following requirement for the applicable air pollutant before the Installation Permit is granted:
  - 1. All existing major sources of the applicable air pollutant in the County which are owned, operated or leased by, or under the common control of, the applicant must be either in compliance with all applicable provisions of the RULES AND REGULATIONS or be on approved compliance schedules (Conditional Permits).
- B. A permit applicant for a new major source of total suspended particulate matter or sulfur dioxide which is planned to be located in the Ajo Air Planning Area must comply with Paragraph 1 of this RULE before the Installation Permit is granted.

## CHAPTER V: TESTING AND MONITORING

### REGULATION 50: PERIODIC TESTING

- 501 Applicability of Methodology
- 502 Testing Frequencies
- 503 Notification; Fees
- 504 Pre-installation Testing or Modeling Requirements
- 505 Sampling and Testing Facilities
- 506 Stack Sampling
- 507 Waiver of Test Requirements

### REGULATION 51: CONTINUOUS MONITORING

- 511 General Requirements
- 512 In-Stack Monitoring

## CHAPTER V: TESTING AND MONITORING

### REGULATION 50: PERIODIC TESTING

#### Rule 501: Applicability of Methodology

- A. The methods used to measure, test, analyze, and evaluate a quantity or quality associated with a performance standard shall be consistent with, or reasonably equivalent to, the test methods presented in Chapter IX.
  - 1. A deviation from the test methods established herein must be approved by the Control Officer.
  - 2. Whenever a rule in Chapters I through VIII specifies a portion of a test procedure different from a similar procedure contained in Chapter IX, those procedures specified in Chapters I through VIII shall take precedence, and the counterpart procedures in Chapter IX shall be used for all remaining portions of the test.
- B. This RULE shall apply to the determination, measurement, and evaluation of ambient air quality, emissions opacities, mass concentrations of emissions, dispersion modeling of air quality, mass-emissions discharge rates, and heat contents of fuels.
- C. If measurement of emissions or ambient-air quality is required and an applicable test method is not specified herein, the Control Officer must approve an appropriate method in advance of the test in order for the results of the test to be acceptable.

#### Rule 502: Testing Frequencies

- A. Prior to issuing or renewing an Operating Permit, or when the Control Officer has reasonable cause to believe that a mass limiting emissions-discharge standard or any ambient air standard is being violated, measurement of the quality of air pollution being emitted from the source or in the ambient air in the vicinity of the source may be required.
  - 1. The Control Officer may have the necessary tests performed by qualified personnel under his direction, or the source operator may opt (with the approval of the Control Officer) to perform the tests and submit to the Control Officer a report to the tests within 15 days of completion of the time period approved for sampling.
  - 2. The Control Officer shall not require more than one complete series of mass-emissions discharge or ambient-air tests for a particular source in a 12-month period unless the source has been convicted of one or more violations of these RULES AND REGULATIONS in the preceding year, or unless the Control Officer has reasonable cause to believe that these RULES AND REGULATIONS are being violated.

#### Rule 503: Notification; Fees

- A. In any case requiring mass-emissions discharge or ambient-air testing other than opacity measurements, the Control Officer shall give a source operator at least a 30-day written notice of a requirement for a mass-emissions discharge or ambient-air test, other than an opacity test.
- B. If the Control Officer himself performs the necessary tests, any expenses he incurs in collecting samples, making the analyses, and preparing the necessary reports shall be charged to the source operator, in addition to permit fees assessed according to these RULES AND REGULATIONS.
  - 1. The source operator shall pay the testing fee within 30 days of invoicing.

#### Rule 504: Pre-Installation Testing or Modeling Requirements

- A. Prior to issuing an Installation Permit for a new major source, the Control Officer may require the permit applicant to analyze, at his expense, the ambient air, meteorology, terrain, soils and vegetation, and visibility at the site of the proposed

source.

1. The effects of emissions from the proposed source on adjacent areas, vegetation, or facilities, and a study of any community growth which may result from the source, may be required.
- B. An application for an Installation Permit for a new major source must include an estimate of the effects of the source's planned emissions on the ambient air near the source. The estimate must adequately prove compliance of the source with all applicable ambient air standards by using an assumed stack height which does not exceed a minimally acceptable modeling height, irrespective of other artificially induced dispersion techniques which the permit application might use to minimize the concentrations of air pollutants in the ambient air. For the purposes of this PARAGRAPH, a minimally acceptable modeling height shall mean:
1. A hypothetical stack height of 30 meters for stacks whose effluents would not be influenced by nearby structures or terrain, or
  2. The height of the tallest building, process structure, terrain feature, or other non-stack facility either associated with the planned source or which exists at the time of permit application within one-half mile of the planned source.
- C. An estimate of the concentration of a pollutant in the ambient air near a proposed new major source shall be made in accordance with the reference Guideline on Air Quality Models (EXPOS 1.2-080) contained in Chapter IX, provided such document includes a method applicable to the proposed source. If this document does not contain an applicable model, the Control Officer shall refer to Workbook for the Comparison of Air Quality Models contained in Chapter IX herein, and other pertinent guidance furnished to the Control Officer in writing by the Administrator of the Environmental Protection Agency, in specifying to the permit applicant a suitable method for meeting these requirements.
- D. In no event shall the Control Officer prohibit the actual construction of a tall stack or restrict the actual height of a stack or other part of the source, provided the permit applicant meets all applicable provisions herein.
- E. An ambient-air study covered by this RULE shall be conducted as specified in writing by the Control Officer.
1. The Control Officer shall require only those analyses which are necessary to demonstrate compliance with standards in these RULES AND REGULATIONS if the Control Officer's own data indicate uncertain or marginal compliance of the proposed source with the applicable standard, or if the Control Officer has insufficient data upon which to evaluate the proposed source and he has reasonable cause to believe that construction of the source would cause a violation of a standard. The Control Officer shall provide guidance to a permit applicant who requests help in complying with this RULE.
  2. The Control Officer may waive the requirements of Part B of this RULE for a new major source of a pollutant in an area which is nonattainment for that pollutant, if a Nonattainment Area Plan has been approved or conditionally approved by the Administrator of the EPA for that area.
- F. If no model in Chapter IX is applicable to the source, and the Control Officer specifies a model inconsistent with additional guidance furnished by the Administrator of the Environmental Protection Agency, Federal Regulations require the permit applicant to obtain written approval from the Administrator for substitution or modification of a model contained herein.

#### Rule 505: Sampling and Testing Facilities

- A. The Control Officer may require the source operator to provide and maintain at his expense sampling and testing facilities. When requested in writing by the Control Officer, a source operator shall provide and maintain performance testing facilities and conditions as follows:

1. Sampling ports adequate for the applicable test method, including (if necessary) extensions of stacks needed for obtaining representative samples,
2. Sampling platforms and access thereto sufficient to assure sampling operator safety and the acquisition of representative samples,
3. Electrical power adequate to perform a test in accordance with the applicable method, and
4. Operation of the source during testing so that representative samples can be obtained.
  - a. If source operating conditions must be adjusted during a test, the Control Officer shall notify the source operator in writing at least ten days prior to the test.

#### Rule 506: Stack Sampling

- A. Each mass-emissions discharge test for determining compliance with a standard shall consist of at least three runs using the applicable test method (or reasonable equivalent) in Chapter IX herein.
  1. The arithmetic mean of the results of the three runs shall apply.
  2. If a sample is accidentally lost or if one of the three runs must be discontinued due to forced shutdown, failure of an irreplaceable portion of the sampling train, extreme meteorological conditions, or other circumstances beyond the control of the source operator, the Control Officer may approve the use of the remaining test runs.

#### Rule 507: Waiver of Test Requirements

- A. If a source operator is required to operate continuous monitoring equipment for one of more air pollutants, periodic testing for the monitored pollutants is not required, provided the source operator operates and maintains the continuous monitoring equipment in conformity with applicable requirements.

### REGULATION 51: CONTINUOUS MONITORING

#### Rule 511: General Requirements

- A. A source operator shall procure, install, calibrate, operate, and maintain at his expense equipment necessary for continuously measuring and recording the effluent rate of an air pollutant, an emissions-related process variable, or the concentration of a pollutant in the vicinity of a source when required as a condition of a RULE herein.
- B. An operator of an existing source or new major source must equip and maintain a system on each emissions port for continuously measuring and recording the opacity of emissions, if one of the following conditions occurs:
  1. If stipulated by the Hearing Board as a requirement of a Conditional Permit (variance), or
  2. If the source has been cited and successfully prosecuted for six or more violations of opacity standards which occurred during a consecutive 12-month period and the Control Officer notifies the source operator in writing of the requirement. The Control Officer shall allow the source operator a reasonable amount of time to procure, install, and begin operating the continuous monitoring equipment.

#### Rule 512: In-Stack Monitoring

- A. The RULE applies to existing major sources as well as new major sources.
- B. A Fossil Fuel-Fired Steam Generating Plant requires continuous in-stack monitors of the following types:
  1. Sulfur dioxide monitor, if the source contains sulfur dioxide pollutant control equipment, plus
  2. Nitrogen oxide monitor, if the ambient air standard for nitrogen dioxide is exceeded anywhere in the County as

determined by the Control Officer, plus

3. Percent Oxygen or percent carbon dioxide monitor, if either the amount of O<sub>2</sub> or CO<sub>2</sub> is used to convert the output of a sulfur dioxide or nitrogen oxide monitor to emission rate, plus
  4. Opacity monitor, unless gaseous fuel is the only fuel burned, or oil or a mixture of gas and oil are the only fuels burned, or unless the source is able to comply with all opacity standards and mass-emissions standards for total suspended particulate matter, and has never been convicted of a violation of an opacity standard or mass-emissions standard for total suspended particulate matter.
- C. A Nitric Acid Plant requires a continuous in-stack nitrogen oxide monitor if the ambient air standard for nitrogen dioxide is exceeded anywhere in the County as determined by the Control Officer.
- D. A Sulfuric Acid Plant requires a continuous in-stack sulfur dioxide monitor.
- E. A Petroleum Refinery requires a continuous in-stack opacity monitor if the source contains a fluid bed catalytic cracking unit.

## CHAPTER VI: RECORDKEEPING AND REPORTING

### REGULATION 60: CLASSIFICATION OF POLLUTANTS

- 601 Classification of Common and Hazardous Air Pollutants

### REGULATION 61: RECORDKEEPING REQUIREMENTS

- 611 Recordkeeping for Compliance Determinations
- 612 Recordkeeping for Emission Inventories

### REGULATION 62: REPORTING REQUIREMENTS

- 621 Reporting for Compliance Evaluations
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- 631 Confidentiality of Trade Secrets, Sales Data, and Proprietary Information

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## CHAPTER VI: RECORDKEEPING AND REPORTING

### REGULATION 60: CLASSIFICATION OF POLLUTANTS

#### Rule 601: Classification of Common and Hazardous Air Pollutants

- A. The Control Officer has classified air pollutants into the categories below. In the case where no meaning is presented, the common or chemical meaning shall apply.
1. Common air pollutants
    - a. nonspecific, total suspended particulate matter; or particulate matter; or total suspended particulate matter (TSP)  
Discrete particles of liquid or solid material, or combinations thereof, other than chemically uncombined water, which are discharged into the atmosphere with or without one or more gases as carrier media.
    - b. sulfur dioxide (SO<sub>2</sub>)
    - c. Hydrocarbon  
Any volatile organic compound other than methane (CH<sub>4</sub>), ethane (C<sub>2</sub>H<sub>6</sub>), methyl chloroform (CH<sub>3</sub>CCl<sub>3</sub>), methylene chloride (CH<sub>2</sub>Cl<sub>2</sub>), and trichloro-trifluoroethane (C<sub>2</sub>Cl<sub>3</sub>F<sub>3</sub>).
    - d. nitrogen dioxide (NO<sub>2</sub>)
    - e. carbon monoxide (CO)
    - f. ozone (O<sub>3</sub>)
    - g. lead (Pb)
  2. Hazardous air pollutants
    - a. asbestos (AB)
    - b. beryllium (Be)
    - c. mercury (Hg)
    - d. vinyl chloride (VC)
    - e. benzene (C<sub>6</sub>H<sub>6</sub>)
- B. Additional air pollutants may be identified as common or hazardous air pollutants after they have been similarly identified in the Code of Federal Regulations.

### REGULATION 61: RECORDKEEPING REQUIREMENTS

#### Rule 611: Recordkeeping for Compliance Determinations (Amendment to Part A)

- A. The operator or a source of air pollution shall periodically collect, record, and maintain sufficient information on his emissions operation or activity to assure that the compliance status of the operation or activity with these RULES AND REGULATIONS can be readily ascertained at any time. The information shall be retained for at least two years.
1. Data which may be needed for compliance determinations on continuous-flow processes or operations include the chemical composition and rates of raw material feedstocks, products, waste products, and emissions; hours of operation; emissions-control device variables such as differential pressures, temperature, and/or electrical power supplied or energy consumed; narrative descriptions of abnormal startup conditions, process upsets, and malfunctions; and prevailing meteorological conditions.
  2. Data which may be needed for compliance determinations on batch-operated processes include chemical

composition, quantity, time and duration of each charge of raw material feedstocks, types of product and/or waste product, and each burst or continuous flow of emissions; hours of operation; emissions-control device variables such as differential pressures, temperatures, and/or electrical power supplied or energy consumed; narrative description of abnormal process condition, process upsets, and malfunctions; and prevailing meteorological conditions.

3. A source operator subject to continuous emissions monitoring requirements or continuous process-variables monitoring requirements (Chapter V) shall collect, evaluate, and record data regarding performance testing of the systems, calibration checks, adjustments and maintenance of the systems, and any other information necessary to demonstrate and maintain the accuracy of the system as required by the Control Officer, the Control Officer shall be guided by the requirements for reporting and recordkeeping published in the applicable portions of the code of Federal Regulations.

#### Rule 612: Recordkeeping for Emission Inventories

- A. In order that the Control Officer may accurately estimate emissions from a specific source or compile a total inventory of emissions in Pima County, the source operator subject to any permit provisions may be required to collect certain information which will allow the Control Officer to estimate the types, quantities, and frequencies of emissions. Such data may include the following:
  1. Source location, type and frequency of operation,
  2. Design capacity and normal or average operating rates, including process feedstocks, products and by-products or waste products, and
  3. Sizes of individual equipment and/or rated capacities, e.g., fuel burning equipment in BTU, per hour, capacities of storage vessels in gallons, and electrical energy equipment in horsepower.

#### REGULATION 62: REPORTING REQUIREMENTS

##### Rule 621: Reporting for Compliance Evaluations

- A. When the Control Officer has reasonable cause to believe that a person is violating a provision of these RULES AND REGULATIONS or a requirement of an Operating or Conditional Permit issued according to these RULES AND REGULATIONS, he may require in writing that such person produce all existing books, records, or other documents which might reasonably contain evidence needed to determine compliance or non-compliance with these RULES AND REGULATIONS. Such information shall be supplied to the Control Officer promptly upon request or in accordance with other conditions stated herein.

##### Rule 622: Reporting as Permit Requirement

- A. As established in other RULES herein, the Control Officer may require special reporting provisions as a condition of permit, and the Hearing Board may require reporting requirements for a Conditional Permit. Such reporting requirements shall be fulfilled by the permittee according to the written conditions of the permit.

##### Rule 623: Reporting for Emission Inventories

- A. When the Control Officer has need for emission data (areawide or source-specific) to compile emission inventories or control to design plans, he shall notify source operators of interest in writing, stating with specificity the type of information needed.

1. A source operator receiving such a request shall furnish the information to the Control officer in writing, within 45 days or receipt of the request, or shall ask for additional time to obtain the information. The length of an extension shall be commensurate with the magnitude of the task of gathering the required information.

#### Rule 624: Reporting for TSP Emission Data Bank

- A. The source operator of a planned new major data source of total suspended particulate matter shall report to the Control Officer its planned maximum actual emission rates at the time of application for in Installation Permit as required herein.
  1. Upon request, the Control Officer shall assist a permit applicant in estimating his planned emission rates in order to satisfy this requirement.
- B. The owner, operator, or lessee of any of the following projects in the Tucson Air Planning Area shall submit information needed to estimate the increase or decrease in emissions of total suspended particulate matter resulting from the project on a form provided by the Control Officer, no later than one month from the date of completion of such project:
  1. Curbing or paving of a paved road longer than 100 feet, or curbing or paving or road shoulders at an intersection,
  2. Paving of an unpaved road longer than 100 feet except private driveways,
  3. Vegetative or other permanent dust stabilization of any mine tailings pile larger than one-half acre, or creation of any new tailings pile or increase in surface area of an existing tailings pile of one-half acre or more.
  4. Paving or an unpaved parking lot having space for at least five cars, and
  5. Construction of a new road longer than 100 feet except private driveways.

#### REGULATION 63: AVAILABILITY OF INFORMATION

##### Rule 631: Confidentiality of Trade Secrets, Sales Data, and Proprietary Information

- A. Information provided to or otherwise obtained by the Control Officer shall be available to the public except that if a source operator can show to the Control Officer's satisfaction that public disclosure of such information would divulge production or sales statistics, or proprietary information related to the unique nature of a process of product, and would thereby tend to adversely affect his competitive position, then this information shall be only for the confidential use of the Control Officer and/or his supervisors in administering these RULES AND REGULATIONS. However, this RULE shall not be construed as prohibiting the Control Officer from publishing quantitative or qualitative emission statistics.

#### REGULATION 64: PENALTY FOR NON-COMPLIANCE

##### Rule 641: Suppression: False Information

- A. Any person who fails to respond to a request for information, or who knowingly reports false information, is subject to the same penalty as a violator of any other provision of these RULES AND REGULATIONS.

## CHAPTER VII: VIOLATIONS AND JUDICIAL PROCEDURES

### REGULATION 70: VIOLATIONS

- 701 Criminal Complaint
- 702 Order of Abatement
- 703 Injunction
- 704 Precedence of Actions
- 705 Penalties
- 706 Reviews for Startup, Shutdown or Malfunctions

### REGULATION 71: CONDITIONAL PERMITS (VARIANCES)

- 711 Legal Authority
- 712 General Procedures
- 713 Judicial Review
- 714 Time Limitations Regarding Hearing Board Actions

### REGULATION 72: CIRCUMVENTION

- 721 Evasion of Basic Requirements
- 722 Concealment of Emissions

## Chapter VII: VIOLATIONS AND JUDICIAL PROCEDURES

### REGULATION 70: VIOLATIONS

Rule 701: Criminal Complaint  
(Refer to A.R.S. § 36-781)

Rule 702: Order of Abatement  
(Refer to A.R.S. § 36-781)

Rule 703: Injunction  
(Refer to A.R.S. § 36-787)

Rule 704: Precedence of Actions  
(Refer to A.R.S. § 36-788)

Rule 705: Penalties  
(Refer to A.R.S. §13-101, et seq., plus A.R.S. §13-801, et seq.)

#### Rule 706: Reviews for Startup, Shutdown, or Malfunctions

- A. A source operator shall notify the Control Officer of any occurrence during malfunction, startup, or shutdown in which a control standard is violated. Such notification shall identify the time, location, involved equipment, and the cause of the occurrence to the extent known. The notification shall be made as soon as possible, but in any case not later than four hours after the start of the next regular business day.
- B. When startup, shutdown, or equipment malfunction causes or contributes to emissions in excess of a control standard established herein, and the Control Officer has issued a Notice of Violation for the exceedance, the alleged violator may petition the Control Officer to review the Notice of Violation. Each petition shall include as a minimum:
1. The identity of the stack and/or other emission points where the excess emissions occurred,
  2. The magnitude of the excess expressed in the units of the applicable control standard, and the operating data and calculations used in determining the excess,
  3. The time and duration of the excess,
  4. The nature and cause of the excess,
  5. If the excess emissions were the result of a malfunction, a description of the steps taken or planned to remedy the malfunction and to prevent recurrence,
  6. The steps taken to limit the excess emissions, and
  7. Evidence that the source's air pollution control equipment, process equipment, and/or processes were at all times maintained and operated, to the maximum practicable extent, consistent with good practice for minimizing emissions.
- C. A petition for review of a Notice of Violation must be delivered to the Control Officer within 72 hours of the time and date of the field-issued Notice of Violation, excluding weekends and legal holidays.
- D. The Control Officer may defer prosecution of a Notice of Violation issued for an exceedance of a control standard if the following conditions are met:
1. The alleged violator's petition for review was prepared according to Part B of this RULE and the petition clearly demonstrates that the excess emissions were caused solely by a startup, shutdown, or equipment malfunction which was temporary, unavoidable, and not due to negligence,
  2. The alleged violator's petition for review was received according to Part C of this RULE.

3. The Control Officer has no evidence that the excess emissions associated with the alleged violation -- or emissions associated with similar, recurring violations -- exceeded one or more emissions discharge standards for more than an aggregate of three minutes in any one hour, or 30 minutes in any 24-hour period, for all sources under control of the same source operator at a contiguous geographical area, and
  4. It is determined that the alleged violation was not serious, that human health has not been unduly endangered either directly or indirectly, and that the alleged violator has made good-faith efforts to avoid the excess emissions or that no practical or reasonable control measures were available.
- E. Nothing in this RULE shall be construed to limit the obligation of the source operator to prevent the exceedance of an ambient air quality standard or a maximum allowable increase of a pollutant in the ambient air as established herein, as the case may apply.

#### REGULATION 71: CONDITIONAL PERMITS (VARIANCES)

##### Rule 711: Legal Authority

- A. The Air Quality Hearing Board may grant to a person one Conditional Permit (variance) for each air pollution source allowing the source to vary from certain requirements of these RULES AND REGULATIONS if the Hearing Board finds that additional time is needed for compliance and, on the basis of evidence presented to it, that granting the Conditional Permit would not unduly endanger human health or safety.
- B. Terms, conditions, procedures, and fees required for obtaining a Conditional Permit are contained in Chapter II, Air Pollution Permits herein, and the Arizona Revised Statutes cited below.
  1. Standards: A.R.S. '36-784.
  2. Procedures: A.R.S. '36-784.01
  3. Terms and Conditions: A.R.S. '36-784.02
  4. Period of Variance: A.R.S. '36-784.03
  5. Suspension and Revocation: A.R.S. '36-784.04
  6. Decisions of Hearing Board: A.R.S. '36-785.

##### Rule 712: General Procedures

- A. A petition for a Conditional Permit must contain a detailed schedule, not to exceed one year in duration, for completion of corrective steps necessary to fully comply with all control standards contained in these RULES AND REGULATIONS. This schedule must contain all of the following information in writing:
  1. A description of the current process and/or operating procedures which are causing or may cause non-compliance, including process flow sheets, equipment descriptions, and any other information necessary to define the problem,
  2. A description of design changes, schedules, production rates, changes in operation procedures, or other plans proposed to correct the problem, including conceptual design, equipment descriptions, process flow sheets, and expected emission rates.
  3. An itemized schedule of planned increments of progress toward solving the problem, including dates for completing the design, ordering equipment, receipt of equipment, installation of equipment, testing, and other relevant steps,
  4. A provision for periodic written progress reports to the Control Officer, including submission dates of reports, content of reports, preferred inspection dates, and other relevant information.

5. A provision for testing the new or modified operation to prove final compliance with all applicable control standards contained in these RULES AND REGULATIONS, and
  6. A description analysis of how the petitioner intends to prove to the Hearing Board that granting the Conditional Permit (variance) will not unduly endanger human health or safety, either directly or indirectly.
- B. A Conditional Permit (variance), and any extension thereof, for a non-complying operation or activity, shall be valid for a period determined by the Hearing Board, but in no event for more than one year from the date of initial issuance.
1. No more than one Conditional Permit shall be granted for an emission source during the entire lifetime of the source, unless amendments to these RULES AND REGULATIONS require additional emission control of such source.
- C. Pursuant to the Code of Federal Regulations, public notice of hearings involving Conditional Permits (variances) which can later be approved by the Administrator of the Environmental Protection Agency must be published at least 30 days in advance of the hearing. Therefore, in order to satisfy both Statutory and Federal requirements, a hearing held by the Hearing Board regarding a Conditional Permit must be held at least 30 days but not more than 60 days from the date of receipt of the petition for a Conditional Permit, unless such hearing is stayed by the Hearing Board. The hearings shall be conducted according to the following requirements:
1. The Control Officer shall publish at least twice in at least one local newspaper of wide circulation public notice of an initial hearing on a Conditional Permit, including the date, time and place of such hearing.
  2. A copy of the petitioner=s proposed schedule for compliance, plus AQCD=s tentative position paper regarding the petition, shall be made available at 151 West Congress Street, Tucson, Arizona 85701 for the general public=s examination at the time of notice of the initial hearing.
  3. Copies of the notice of the Hearing Board=s initial hearing on a Conditional Permit shall be mailed to the Control Officer of the Pinal-Gila Counties Air Quality Control district; the Director of the Maricopa County Bureau of Air Pollution Control; the Chief of the Arizona State Bureau of Air Quality Control; the Regional Administrator, Region IX, Environmental Protection Agency; the Mayor of the City of Tucson; the Mayor of the City of South Tucson; the Mayor of the City of Marana; the Mayor of the Town of Oro Valley; and the Executive Director of the Pima Association of Governments, and
  4. A record of each public hearing including the name of each commentator and a written summary of his comments, shall be made available to any person upon request.
- D. Within 30 days of the effectiveness date of a Conditional Permit which requires final compliance in more than 90 days from the effective date--or which extends a previously -issued Conditional Permit to more than 90 days from the initial effective date--the Control Office shall submit to the Director of the Arizona Department of Health Services a report containing certifications of the required public notice actions, petition for permit, AQCD position paper, official record of hearing, and summary of the actions. The Control Officer shall request that such Conditional Permit be submitted by the Governor of the State of Arizona to the Regional Administrator, Region IX, Environmental Protection Agency, as a revision to Arizona=s State Implementation Plan (SIP) for air quality control.

Rule 713: Judicial Review

(Refer to A.R.S. §36-785.01)

Rule 714: Time Limitations Regarding Hearing Board Actions

- A. A Summary of maximum allowable time limitations for appeals and the judicial actions before the Hearing Board is

included in Table 714. These times have been extracted, for the most part, from various sections of Arizona Revised Statutes already cited, and if there is any conflict between the information contained in Table 714 and the Statutes themselves, the Statutes shall apply.

#### REGULATION 72: CIRCUMVENTION

##### Rule 721: Evasion of Basic Requirements

- A. No provision, rule, or regulation herein shall authorize any practice or combination of practices designed to circumvent the requirements of these RULES AND REGULATIONS. An intent, design, or act to circumvent the requirements of these RULES AND REGULATIONS shall be a violation of these RULES AND REGULATIONS.

##### Rule 722: Concealment of Emissions

- A. No person shall construct, install, erect, use, replace, modify, or operate an emission source so as to conceal an emission which would otherwise be a violation of a control standard established herein.
1. Concealment includes the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.
  2. Concealment also includes operating in a piecemeal fashion to avoid compliance with a standard that would otherwise apply to the source on the basis of its size.

## CHAPTER VIII: EMERGENCY EPISODES AND PUBLIC AWARENESS

### REGULATION 80: EMERGENCY EPISODES

- 801 State Jurisdiction
- 802 Determination of Emergency Conditions
- 803 Emergency Episode Reporting
- 804 Enforcement Actions

### REGULATION 81: AVAILABILITY OF MONITORING DATA

- 811 Continuous Monitoring of Ambient Air Pollution

### REGULATION 82: PUBLIC AWARENESS

- 821 Reports to the Public
- 822 General Information
- 823 Public Participation in Rulemaking

## CHAPTER VIII: EMERGENCY EPISODES AND PUBLIC AWARENESS

### REGULATION 80: EMERGENCY EPISODES

#### Rule 801: State Jurisdiction

- A. Pursuant to A.R.S. § 36-1719, the Director of the Arizona Department of Health Services and the Governor of Arizona have exclusive jurisdiction over any air pollution conditions which constitute an emergency risk to the public health. Orders of the Governor during any emergency episode condition in Pima County shall be enforced by the Control Officer.

#### Rule 802: Determination of Emergency Conditions

- A. When the control Officer determines that high concentrations of pollutants in the ambient air and/or weather conditions constitute an emergency risk to persons in the County, such determination shall be communicated promptly to the public and to the Director of the Arizona Department of Health Services.
1. Criteria used for determining an emergency shall include the air pollutant concentration levels listed in Table 802.
  2. Possible episode conditions shall include the progressively deteriorating air quality levels listed as Alert, Warning, and Emergency in Table 802. These criteria have been established to prevent, avoid, or reduce the Significant Harm Level of air pollution. (Significant Harm means increased morbidity or irreversible, incapacitating damage to the health of the citizenry.)
  3. Weather forecasts of conditions which are likely to produce unusually high concentrations of air pollutants in a large area shall be communicated to the public when deemed appropriate by the Control Officer.
- B. Upon the recommendation of the Director of the Arizona Department of Health Services, the Governor of the State may, by proclamation, declare that an air pollution emergency exists in a specific area and may order appropriate curtailments of emissions to eliminate the emergency in the affected area.

#### Rule 803: Emergency Episode Reporting

- A. During any stage of an air pollution episode in the County, the Control Officer shall redirect available resources toward a prearranged plan of air quality monitoring, reporting, and communication of information to the Arizona Department of Health Services.
1. Such plan shall include (as directed by the Director of ADHS) collection and analysis of air pollutant data at intervals more frequent than normal, and continual analysis of local weather reports and forecasts.
  2. A written report of the air quality levels before, during, and after the episode condition shall be forwarded to the ADHS Director within one week of the episode.

#### 804: Enforcement Actions

- A. Depending on the severity of an air pollution episode, the Governor of the State may prohibit or restrict various emission source activities in the affected area for the duration of the episode.
1. Such prohibitions or restrictions may include the enforcement actions listed in Table 804.
- B. During any stage of an air pollution episode in the County, upon the request of the Director of the Arizona Department of Health Services, the Control Officer shall redirect available staff to assist ADHS staff in eliminating the episode condition, according to a prearranged plan.
1. Such plan shall include increased surveillance of emissions sources, possible suspensions of existing air pollution

- permits, and enforcement of special emission limiting actions.
2. Mandatory prohibitions or restrictions imposed by the Director of the Arizona Department of Health Services shall be implemented by the Control Officer upon the request of the ADHS Director.

#### REGULATION 81: AVAILABILITY OF MONITORING DATA

##### Rule 811: Continuous Monitoring of Ambient Air Pollution

- A. The Control Officer shall continuously measure the concentrations of air pollutants in the ambient air as needed by the overall control program and apprise the general public of current or imminent conditions which might be hazardous to their health.
  1. Each common pollutant shall be monitored in at least one location representative of an area of high pollution density in the County.
- B. Monitoring data shall be reduced to easily understandable terms and made available to the public upon request as soon as possible after acquisition.
  1. The latest available data shall be reported as current data, and data from any monitoring station currently in operation shall be selectively reported upon request.

#### REGULATION 82: PUBLIC AWARENESS

##### Rule 821: Reports to the Public

- A. Violations of an ambient air standard which occurred during the preceding calendar year shall be communicated to the public in an annual report. This report shall be widely distributed, and shall include information on health hazards associated with violations and on the pollution control measures which were implemented to reduce the hazardous emission levels. This report shall also suggest procedures for preventing recurrences of violations, and ways in which the public may participate in these procedures. For example, given advance information on adverse weather conditions, the Control Officer, upon the approval of the Director of the Arizona Department of Health Services, may recommend that the public reduce motor vehicle use during selected hours.
- B. The public shall be informed of average daily visibility, and average daily concentrations of three common air pollutants: TSP, CO and O<sub>3</sub>. This information shall be made available to newspapers, television and radio stations for dissemination.

##### Rule 822: General Information

- A. As resources permit, Air Quality Control District staff shall respond to television and written inquiries from the public regarding the field of air pollution control or the air quality in Pima County, and shall grant interviews to the news media, public or private groups.

##### Rule 823: Public Participation in Rulemaking

- A. The Control Officer shall encourage the public to provide input to the rulemaking process.
  1. Extensive publicity, including prominently displaying advertisements in newspapers of wide circulation and notification by mail to interested public and private organization, shall be given to all public hearing conducted by the Air Quality Advisory Council, the Air Quality Hearing Board, and the Board of Supervisors concerning proposed amendments to these RULES AND REGULATIONS.

- B. The Control Officer shall consider public comment on methods to improve these RULES AND REGULATIONS, or to improve air quality in Pima County. For Example, informal comments received from interested citizens may be filed and referred to when amending this document.

Table 204

OPEN BURNING PERMIT/NON-PERMIT REQUIREMENTS

Types of Outdoor Fires Which Require Temporary Open Burning Permits

1. The burning of tumbleweeds where there is no reasonable alternate method of disposal.
2. The simulation of historical or fictional events.

Types of Outdoor Fires Which Require Extended Open Burning Permits

1. The burning of vegetation from agricultural ditch banks, fence rows, or canal laterals, using high temperature mechanical burners, where no reasonable alternate method of removal is available.
2. The burning of debris obtained from the initial land clearance of native vegetation, only when the land is to be used for agricultural or construction purposes, the area in which the burning is to be conducted is one-half mile or farther from the nearest residence, and there is no reasonable alternate method of disposal.
3. The burning of Sacaton grass in remote non-urban areas for the purpose of vegetative rehabilitation.

Types of Outdoor Fires Which Do Not Require Open Burning Permits

If Set or Supervised by a Public Official in the Performance of Official Duty<sup>1</sup>

1. Burning for the purpose of weed abatement.
2. Burning for the prevention of a fire hazard.
3. Burning for the training of firefighters.
4. Burning forth purpose of watershed rehabilitation or control through vegetation manipulation.
5. Burning for the purpose of disease and pest prevention.
6. Burning for the disposal of dangerous materials where there is no safe alternate method of disposal.
7. Fires which are necessary for the training of governmental officials in criminal-enforcement or national-defense activities.

Types of Outdoor Fires Which Do Not Require Open Burning Permits<sup>2</sup>

1. The domestic cooking of food.
2. The providing of warmth for human beings.
3. Fires for recreational purposes.
4. Fires used for the branding of animals
5. Flares used for public safety purposes during emergencies.
6. Fires for religious or patriotic purposes.
7. Orchard heaters for the purpose of frost protection in farming or nursery operations.

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<sup>1</sup>The Control officer must be informed in writing prior to the setting of the fire and the official must conduct the burning in a manner and at times approved by the Control Officer. (The Control Officer shall not specify times and conditions which would defeat the purpose of the intended burning.)

<sup>2</sup>City or town jurisdictions may require permits for these types of fires.

Table 242

ACTIVITY INSTALLATION PERMIT REQUIREMENTS FOR  
CONSTRUCION/DESTRUCTION ACTIVITIES

<u>S.S.1</u>	<u>Permit Activity</u>	<u>Rate Components</u>	<u>Fee</u>	<u>Exemptions</u>
A	Landstripping	-	-	<1 acre
B	Earthmoving	-	-	<1 acre
C	Trenching	-	-	<300 ft.
D	Blasting	-	-	-
E	Road Construction	-	-	< 50 ft.
F	Demolition	-	-	<100 sq. ft.

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<sup>1</sup>Sub-schedule for identification only.

Table 243

OPEN BURNING PERMIT FEE SCHEDULES

<u>S.S1</u>	<u>Permit Activity<sup>2</sup></u>	<u>Rate Components</u>	<u>Minimum Fee</u>
A	Temporary Open Burning	\$7.00 base, plus \$1.50 per day of burning	\$8.50
B	Extended Open Burning	\$11.00 base, plus \$2.00 per day of burning	\$13.00

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<sup>1</sup>Sub-schedule for identification only.

<sup>2</sup>See Table 204 for examples of burning categories

Table 244-A

EQUIPMENT OPERATING PERMIT FEE SCHEDULES FOR CATEGORICAL SOURCES

(aggregate megawatt, Btu./hr., gal., and sq. ft., separately)

<u>S.S</u> <sup>1</sup>	<u>Permit Operation</u>	<u>Rate Components</u>
A	Animal Feed Processing Plant	\$381.00 base, plus \$2.50 per hp. of equipment
B	Aluminum Sweating Furnace	\$571.00 base per sweating furnace, plus \$4.65 per sq. ft. of maximum cross-sectional area of primary sweating chamber
C	Hot-Mix Asphalt Plant	\$450.00 per plant.
D	Brick and/or Block Mfg. Plant	\$190.00 base per plant, plus \$2.50 per hp. of equipment
E	Chemical Mfg. Plant (not otherwise covered herein)	\$12.00 base, plus \$0.33 per 100 gas. of total liquid and gaseous reagent and product storage capacity, plus \$0.05 per 1000 Btu./hr. fuel burning equipment, plus \$3.37 per hp. of equipment
F	Concrete Batch Plant	FOR PLANTS < 20 hp.: \$12.00 base, plus \$10.00 per hp, of equipment  FOR PLANTS ≥ 20 hp.: \$215.00 per plant
G	Cotton Gin	\$1075.00 per gin
H	Metallic-Ore Processing Plant (e.g., copper, molybdenum, etc.)	EITHER \$381.00 base, plus \$0.162 per 1000 Btu./hr. fuel burning equipment. Plus \$0.75 per hp. of equipment  OR \$38.00 base, plus \$0.019 per 1000 Btu./hr. fuel burning equipment, plus \$2.18 per hp. of equipment  whichever of the above is smaller.
I	Fossil-Fuel Fired Steam Gen. Plant (e.g. oil, Gas, or coal burning electric power plant)	\$260.00 base, plus \$6.15 per megawatt generating capacity
J	Rendering Plant	\$381.00 base, plus \$2.50 per hp. of equipment, plus \$0.044 per 1000 Btu./hr. fuel burning equipment
K	Rock Crushing Plant and/or Sand-and-Gravel Screening Plant	\$25.00 base, plus \$1.42 per hp. of equipment
L.	Fuel Pipeline Transmission Facilities	\$125 per compressor plus \$0.035 per hp. of equipment

<sup>1</sup>Sub-schedule for identification only.

Table 244-B

EQUIPMENT OPERATING PERMIT FEE SCHEDULES FOR NON-CATEGORICAL SOURCES

<u>S.S</u> <sup>1</sup>	<u>Permit Equipment</u>	<u>Rate Components</u>	<u>Exemptions</u>
A	Incinerator	\$31.00 base, plus \$7.60 per sq. ft. of maximum cross-sectional area of primary combustion chamber	-
B	Petroleum-Liquid Storage Vessel	FOR CAPACITIES $\leq$ 40,000 GAL. PER VESSEL: \$17.00 per vessel, plus \$0.60 per 1000 gal.  FOR CAPACITIES $\geq$ 40,000 GAL. PER VESSEL: \$95.00 per vessel, plus \$0.035 per 1000 gal.	<250 gal.
C	Non-Petroleum Liquid and/or Gaseous Storage Vessel (storage of air polluting liquids or gases only)	\$17.00 per vessel plus 0.60 per 1000 gal.	<250 gal.
D	Natural Gas and/or LPG Fuel Burning Equipment (Aggregated Total Heat Ratings)	FOR HEAT RATINGS $<$ 5,000,000 Btu./hr.: \$19.00 base plus \$2.00 per 100,000 Btu./hr in excess of 500,000 Btu./hr.  FOR 5,000,000 $\leq$ Btu./hr. $<$ 20,000,000 <sup>2</sup> : \$110.00 base, plus \$1.00 per 100,000 Btu./hr in excess of 5,000,000 Btu./hr.  FOR HEAT RATINGS $\geq$ 20,000,000 Btu./hr.: \$262.00 base, plus \$0.11 per 100,000 Btu./hr. in excess of 20,000,000 Btu./hr.	<500,000 Btu./hr.
E	NON-Natural Gas, Non-LPG Fuel Burning Equipment (Aggregated Total Heat Ratings)	FOR HEAT RATINGS $<$ 5,000,000 Btu./hr.: \$63.00 base plus \$2.28 per 100,000 Btu./hr in excess of 500,000 Btu./hr.  FOR 5,000,000 $\leq$ Btu./hr. $<$ 20,000,000 <sup>2</sup> : \$166.00 base, plus \$2.03 per 100,000 Btu./hr in excess of 5,000,000 Btu./hr.  FOR HEAT RATINGS $\geq$ 20,000,000 Btu./hr.: \$471.00 base, plus \$0.30 per 100,000 Btu./hr. in excess of 20,000,000 Btu./hr.	<500,000 Btu./hr.
F	Motors and/or Engines (internal Combustion engine or others Used to drive air polluting equipment)	FOR POWER RATINGS $<$ 500 hp. PER ENGINE: \$12.00 base, plus \$0.60 per hp.  FOR PWER RATINGS $\geq$ 500 hp PER ENGINE: \$317.00	-
G	Abrasive Blasting Equipment	\$55.00 per unit of equipment	-
H	Surface Coating Operations and/or Paint Spray Booths (for air polluting operations only)	\$22.00 per unit of equipment or paint spray booth	-
I	Asphalt Kettles and/or Asphalt Tankers Used in Roofing Operations	\$41.00 per kettle or equipment unit	-

<sup>1</sup>Sub-schedule for identification only.

<sup>2</sup>Means Heat Ratings  $\geq$  5,000,000 Btu./hr. but  $<$  20,000,000 Btu./hr.

<u>S.S1</u>	<u>Permit Equipment</u>	<u>Rate Components</u>	<u>Exemptions</u>
J	Dry Cleaning Equipment	\$44.00 base, plus \$0.25 per pound of rated capacity of machines	-
K	Exhaust Fume Hood	\$16.00 per fume hood	Domestic Cooking
L	Solvent Degreasing Unit	\$38.00 per solvent degreasing unit	-
M	Miscellaneous Air Polluting Equipment	\$35.00 per piece of equipment or operational unit	-

<sup>1</sup>Sub-schedule for identification only.

Table 244-C

ACTIVITY OPERATING PERMIT FEE REQUIREMENTS

<u>S.D1</u>	<u>Permit Activity</u>	<u>Rate Components</u>	<u>Exemptions</u>
A	Racing Event Site	-	-
B	Unpaved Parking Lot	-	Space for < 5 cars
C	Mining Activities	-	-
D	Sanitary Landfill	-	-
E	Effluent Water Treatment or Settling Ponds and/or Sewage Sludge Bed (for potentially air polluting Fluids only)	-	-
F	Miscellaneous Fugitive Air Polluting Activities	-	-

<sup>1</sup>Sub-schedule for identification only.

Table 321

EMMISSIONS-DISCHARGE OPACITY LIMITING STANDARDS

<u>Type of Source</u>	<u>Required No. (For a Set)</u>	<u>Instantaneous Opacity Measurements</u>		<u>Maximum Allowable Average Opacity, %</u>
		<u>Excluded No. (Highest Values)</u>	<u>No. to Use for Averaging</u>	
Asbestos-Containing Operation <sup>1</sup>	25	0	25	0
Cold Diesel Engines <sup>2</sup>	25	0	25	60
Loaded Diesel Engines <sup>3</sup>	26	1	25	60
Incinerators	27	2	25	20
Portland Cement Plants <sup>4</sup>	25	0	25	20
Non-Categorical Sources <sup>5</sup>	25	0	25	40

<sup>1</sup>An asbestos mill, manufacturing or fabrication operation which uses asbestos as a raw material, or spraying operation which sprays materials containing more than 1% asbestos by weight.

<sup>2</sup>Applicable to the first 10 consecutive minutes after starting up a diesel engine.

<sup>3</sup>Applicable to a diesel engine being accelerated under load.

<sup>4</sup>Applicable to kiln, clinker cooler, and other process equipment.

<sup>5</sup>Any source not otherwise specifically covered within this TABLE

Table 332

## EMISSIONS-DISCHARGE MASS LIMITING STANDARDS

<u>Type of Source</u>	<u>Gen. Size Category</u>	<u>Applicable Equipment Size</u>	<u>Other Applicable Conditions</u>	<u>Emissions Discharge Standards</u>			<u>Reference Test Method</u>
				<u>Applicable Air Pollutant</u>	<u>Mass Discharge Rate lb./hr. (unless otherwise noted)</u>	<u>Mass Concentration gr./dscf. (unless otherwise noted)</u>	
(a) Incinerators	All	All	-	TSP	-	0.08 <sup>2</sup>	1,2,3,4,5
(b) Fuel Burning Equipment <sup>1</sup>	Major	Heat Input ≤ 4200 MM Btu./hr.	All fuels <sup>3</sup>	TSP	1.02Q <sup>0.769</sup> Q = heat input in MM Btu./hr.	0.2	1,2,3,4,5
(c) Fuel Burning Equipment <sup>1</sup>	Major	Heat Input > 4200 MM Btu./hr.	All fuels <sup>3</sup>	TSP	17.0Q <sup>0.432</sup> Q = same as above	0.2	1,2,3,4,5
(d) Fuel Burning Equipment <sup>1</sup>	Major	All Heat Inputs	Liquid or Solid Fuel <sup>3</sup>	SO <sub>2</sub>	1.0 lb./MM Btu.	-	6
(e) Portland Cement Plants	Major	Process Weight ≤ 250M lb./hr.	All Equipment	TSP	17.31P <sup>0.16</sup> P = process weight in tons/hr.	0.2	1,2,3,4,5
(f) Portland Cement Plants	Major	Process Weight > 250M lb./hr.	Kiln Discharges Only	TSP	0.30 lb/ton process weight. Max. 2-hr. avg.	0.2	1,2,3,4,5
(g) Portland Cement Plants	Major	Process Weight > 250M lb./hr.	Clinker Cooler Discharges Only	TSP	0.10 lb/ton process weight. Max. 2-hr. avg.	0.2	1,2,3,4,5
(h) Beryllium Mf. or Users <sup>5</sup>	All	All	-	Be	10 g./day <sup>4</sup>	-	103,104
(i) Mercury Processing Plans <sup>6</sup>	All	All	-	Hg	2,300 g./day <sup>4</sup>	-	101,102
(j) Sludge Incinerators <sup>7</sup>	All	All	-	Hg	2,300 g./day	-	101,102,105
(k) Ethylene Dichloride Plants	All	All	-	VC	2.0x10 <sup>-4</sup> lb./lb. Product <sup>9</sup>	10 ppm <sup>8</sup>	106
(l) Vinyl Chloride Plants	All	All	-	VC	-	10 ppm <sup>8</sup>	106
(m) Polyvinyl Chloride Plants	All	All	-	VC	2.0x10 <sup>-4</sup> lb./lb. Product <sup>9</sup>	10 ppm <sup>8</sup>	106,107
(n) Non-Categorical Sources <sup>10</sup>	Major	Process Weight ≤ 30 ton/hr.	-	TSP	3.59P <sup>0.62</sup> P = process weight In tons/hr.	0.2	1,2,3,4,5
(n) Non-Categorical Sources <sup>10</sup>	Major	Process Weight > 30 ton/hr.	-	TSP	3.59P <sup>0.62</sup> P = same as above	0.2	1,2,3,4,5

<sup>1</sup>Equipment used primarily for indirect heating in which the material being heated is not normally in contact with the fuel or combustion products.

<sup>2</sup>Adjusted to 12% CO<sub>2</sub>.

<sup>3</sup>Meet input testing of fuel by ASTM Method D2015-66, D240-64, or D6126-64.

<sup>4</sup>Maximum 24-hour average.

<sup>5</sup>Includes extraction plants, ceramic plants, foundries, incinerators, propellant plants, and machine shops which use or process an alloy and alkali metal hydroxide.

<sup>6</sup>Includes a stationary source which processes mercury ore to recover mercury, or which uses mercury chlor-alkali cells to produce chlorine gas and alkali metal hydroxide.

<sup>7</sup>An incinerator which is used to incinerate sludge from waste-water treatment plants.

<sup>8</sup>Parts per million, by volume, actual temperature and pressure.

<sup>9</sup>Lb. Vinyl chloride/lb. dry-solids polyvinyl chloride product or 100% ethylene dichloride product from reactors only.

<sup>10</sup>Any source not otherwise specifically covered for TSP within these RULES AND REGULATIONS

Table 341

MAXIMUM ALLOWABLE POLLUTANT CONCENTRATION CEILINGS<sup>1</sup> IN AMBIENT AIR

(Each concentration listed below represents both a *primary* and a *secondary* standard unless otherwise indicated.)

<u>Pollutant</u>	<u>Averaging Time<sup>2</sup></u>	<u>Allowable Concentration ug./m.<sup>3</sup></u>	<u>Reference Test Method</u>
TSP	1 year	75 <sup>4</sup>	B
TSP	24 hours	150	B
SO <sub>2</sub>	1 year	80	A
SO <sub>2</sub>	24 hours	265	A
SO <sub>2</sub>	3 hours	1,300	A
HC	3 hours <sup>5</sup>	160	E
O <sub>3</sub>	1 hour	2356	D
CO	8 hours	10,000	C
CO	1 hour	40,000	C
NO <sub>2</sub>	1 year	100	F
Be	30 days	0.01	104
Be	14 days	1.50	103,104
Pb	90 days	1.50	G

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<sup>1</sup>Standards for time periods less than one year may be exceeded only once in any consecutive 12-month period, except for the ozone (O<sub>3</sub>) standard.

<sup>2</sup>Arithmetic average unless otherwise noted.

<sup>3</sup>Geometric mean.

<sup>4</sup>The equivalent secondary standard is 60 ug./m.<sup>3</sup>.

<sup>5</sup>Applicable only during the hours from 6 a.m. to 9 a.m.

<sup>6</sup>Violations are determined according to Method H of Chapter IX herein.

Table 423

METHODOLOGY FOR RECORDING EMISSIONS IN TSP DATA BANK

(Applicable only within TAPA)

<u>Source Category or Project</u>	<u>Formula for Calculating TSP Emissions, ton/yr</u>
Paving of Existing Unpaved Road <sup>1</sup>	0.54M (ADT) <sup>2</sup>
Paving and Curbing of Existing Unpaved Road <sup>1</sup>	0.57M (ADT)
Curbing or Paving of Road Shoulders of Existing Paved Road <sup>1</sup>	0.03M (ADT)
Vegetative Stabilization of Dust or Other Permanent Suppression of Dust Associated with Existing Mine Tailing Piles	9.4A <sup>3</sup>
Paving of Existing Unpaved Parking Lot	0.14N (L+W) <sup>4</sup>
Stack Emissions From Industrial Facilities (New or Existing)	(C.O.) <sup>5</sup>
Other Fugitive Emissions and Emissions from Mobile Sources	(C.O.) <sup>6</sup>

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<sup>1</sup>Either chip seal, concrete or asphaltic paving, provided road or lot is adequately maintained. Both sides of road are required to be paved and/or curbed, as the particular entry requires.

<sup>2</sup>M = length of road in miles. ADT = Average Daily Traffic, vehicles/day, as specified by the Control Officer on a case-by-case basis, using measured traffic county if supplied by the source operator. The Control Officer may require the source operator to prove the accuracy of such traffic counts.

<sup>3</sup>A = surface area of pile in acres.

<sup>4</sup>N = average number of vehicles parked per day; L = length of lot in miles; W = width of lot in miles.

<sup>5</sup>Based on mass-emission sampling of the quantities of emissions from each source if test results are available; otherwise based on the Control Officer's estimates of emissions on a case-by-case basis, taking into consideration methodology furnished by the Administrator of the Environmental Protection Agency.

<sup>6</sup>To be specified by the Control Officer on case-by-case basis, using methods of estimating emissions generally available, taking into consideration methodology furnished by Administrator of the Environmental Protection Agency.

Table 603

METHODOLGY FOR ENTERING RECORDS OF EMISSIONS INTO TSP DATA BANK

(Applicable only within TAPA geographical area)

<u>Source Category or Project</u>	<u>Formula for Calculating TSP Emissions, ton/yr</u>
Paving of Existing Unpaved Road <sup>1</sup>	0.54M (ADT) <sup>2</sup>
Paving and Curbing of Existing Unpaved Road <sup>1</sup>	0.57M (ADT)
Curbing or Paving of Road Shoulders of Existing Paved Road <sup>1</sup>	0.03M (ADT)
Vegetative Stabilization of Dust or Other Permanent Suppression of Dust Associated with Existing Mine Tailing Piles	9.4A <sup>3</sup>
Paving of Existing Unpaved Parking Lot	0.14N (L+W) <sup>4</sup>
Stack Emissions From Industrial Facilities (New or Existing)	(C.O.) <sup>5</sup>
Other Fugitive Emissions and Emissions from Mobile Sources	(C.O.) <sup>6</sup>

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<sup>1</sup>Either chip seal, concrete or asphaltic paving, provided road or lot is adequately maintained. Both sides of road are required to be paved and/or curbed, as the particular entry requires.

<sup>2</sup>M = length of road in miles. ADT = Average Daily Traffic, vehicles/day, as specified by the Control Officer on a case-by-case basis, using measured traffic county if supplied by the source operator. The Control Officer may require the owner, operator, or lessee of the project to prove the validity and overall accuracy of such traffic counts.

<sup>3</sup>A = surface area of pile in acres.

<sup>4</sup>N = average number of vehicles parked per day; L = length of lot in miles; W = width of lot in miles.

<sup>5</sup>Based on mass-emission sampling of the quantities of emissions from each source, if test results are available; otherwise based on the Control Officer's estimates of emissions on a case-by-case basis, taking into consideration methodology furnished by the Administrator of the Environmental Protection Agency.

<sup>6</sup>To be specified by the Control Officer on case-by-case basis, using methods of estimating emissions generally available, taking into consideration methodology furnished by Administrator of the Environmental Protection Agency.

Table 714

SUMMARY OF THE TIME LIMITATIONS FOR JUDICIAL ACTIONS BEFORE THE HEARING BOARD

<u>Primary Action Which Starts the Clock</u>	<u>Time Limit</u>	<u>Secondary Action</u>
Permit denial by Control Officer.	30 days	Emissions-source operator appeals Installation or Operating Permit denial.
Receipt of Order of Abatement by alleged Violator.	20 days	Alleged violator appeals Order of Abatement.
Receipt of petition for hearing by Hearing Board regarding Order of Abatement.	30 days	Hearing Board holds hearing to sustain, suspend, or modify Order of Abatement.
Hearing an Order of Abatement by Hearing Board.	-15 days	Control Officer issues public notice of hearing on Order of Abatement.
Receipt of Petition for Conditional Permit.	30 days	Hearing Board holds sets date for hearing on Conditional Permit.
Receipt of Petition for Conditional Permit.	60 days	Hearing Board holds hearing on request for Conditional Permit.
Hearing on Petition for Conditional Permit by Hearing Board.	30 days	Hearing Board grants or denies request for Conditional Permit.
Receipt of notice of violation regarding Conditional Permit.	30 days	Hearing Board holds hearing to revoke, suspend, or sustain Conditional Permit.
Hearing on revocation or suspension of Conditional Permit requested by Control Officer	-15 days	Control Officer issues public notice of hearing to revoke or suspend Conditional Permit
Decision issued by Hearing Board.	≥30 days	Hearing Board order becomes effective. <sup>1</sup>
Receipt of Hearing Board decision.	30 days	Violator or Control officer appeals Hearing Board Decision to Superior Court.
Conditional Permit becomes effective.	30 days	Control Officer files report with ADHS for SIP revision. <sup>2</sup>

<sup>1</sup>Unless a re-hearing is granted or an emergency exists.

<sup>2</sup>Required only for Conditional Permits which extend for more than 90 days from the effective date (30 days available to ADHS to forward request to EPA Administrator

Table 802

AIR POLLUTION EPISODE CRITERIA

<u>Pollutant</u>	<u>Averaging Time</u>	<u>Episode Stage* (concentrations in ug/m.<sup>3</sup>)</u>			
		<u>Alert</u>	<u>Warning</u>	<u>Emergency</u>	<u>Significant Harm</u>
SO <sub>2</sub>	24 hours	800	1,600	2,100	2,620
TSP	24 hours	375	625	875	1,000
TSP x SO <sub>2</sub>	24 hours	65,000	261,000	393,000	490,000
CO	8 hours	17,000	34,000	46,000	57,500
CO	4 hours	--	--	--	86,300
CO	1 hour	--	--	--	144,000
O <sub>3</sub>	1 hour	400	800	1,000	1,200
NO <sub>2</sub>	1 hour	1,130	2,260	3,000	3,750
NO <sub>2</sub>	24 hours	282	565	750	938

\*Providing meteorological conditions are such that the pollutant concentration can be expected to remain at the designated levels for at least 12 hours.

Table 804

POSSIBLE CONTROL ACTIONS DURING VARIOUS STAGES OF AN AIR POLLUTION EPISODE<sup>1</sup>

Alert Stage

1. Suspend all Open Burning Permits.
2. Limit incineration to 12 noon to 4:00 p.m.
3. Curtail operations of selected manufacturing industries.
4. Request public to eliminate unnecessary motor vehicle use.

Warning Stage

1. Prohibit open burning.
2. Prohibit incineration.
3. Reduce emissions from manufacturing industries by at least 40 percent.
4. Transfer power plant generating loads outside affected area.
5. Prohibit highway construction and dust producing construction activities.
6. Prohibit dust producing crop preparation and cultivation activities.
7. Request public to eliminate motor vehicle use.

Emergency Stage

1. Prohibit operation of selected manufacturing industries.
2. Close all commercial, governmental, and institutional establishments except public safety and welfare institutions.
3. Reduce power generating loads.
4. Halt all construction except emergency construction.
5. Prohibit motor vehicle use except that necessary for public safety and welfare.

<sup>1</sup>Subject to orders by the Governor of Arizona and directed by the Director of the Arizona Department of Health Services.