

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

**RULE 200
PERMIT REQUIREMENTS**

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

**RULE 200
PERMIT REQUIREMENTS**

SECTION 100 – GENERAL

- 101 PURPOSE:** To provide an orderly procedure for the review of new sources of air pollution and for the modification and operation of existing sources through the issuance of permits.
- 102 APPLICABILITY:** Unless otherwise noted, this rule applies to each source requiring a permit or permit revision.

SECTION 200 – DEFINITIONS: For the purpose of this rule, the following definition shall apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County Air Pollution Control Rules, the definition in this rule takes precedence.

- 201 GOOD ENGINEERING PRACTICE (GEP) STACK HEIGHT:** A stack height meeting the requirements described in Rule 240 (Federal Major New Source Review (NSR)) of these rules.

SECTION 300 – STANDARDS

- 301 PERMITS REQUIRED:** Except as otherwise provided in these rules, an owner or operator shall not begin actual construction of, operate, or make a modification to any stationary source subject to regulation under these rules, without first obtaining a permit or permit revision from the Control Officer. The Maricopa County Air Quality Department issues the following permits: Title V permits, Non-Title V permits, General permits, Dust Control permits, and Permits to Burn. The standards and/or requirements for these permits are described in Sections 302 through 305, 306, and 308 of this rule. Additional standards, administrative requirements, and monitoring and records requirements for some of these permits are described in individual rules of these rules, as specified in Sections 302 through 305, 306, and 308 of this rule.
- 302 TITLE V PERMIT:**
- 302.1** A Title V permit or, in the case of an existing permitted source, a permit revision shall be required for an owner or operator to begin actual construction of, to operate, or to modify any of the following:
- a.** Any major source as defined in Rule 100 of these rules.

- b. Any solid waste incineration unit required to obtain a permit pursuant to Section 129(e) of the Act.
- c. Any affected source as defined in Rule 100 of these rules.
- d. Any stationary source in a source category designated by the Administrator pursuant to 40 CFR 70.3 and adopted by the Board of Supervisors by rule.

302.2 Notwithstanding Sections 301 and 302 of this rule, an owner or operator may begin actual construction, but not operation, of a source requiring a Title V permit or Title V permit revision upon the Control Officer's issuance of the proposed final permit or proposed final permit revision.

303 NON-TITLE V PERMIT: Unless a Title V permit or Title V permit revision is required, a Non-Title V permit or permit revision shall be required for:

303.1 An owner or operator to begin actual construction of, modify, or operate any stationary source that emits, or has the maximum capacity to emit, or cause the source to emit regulated air pollutants in an amount greater than or equal to the following permitting thresholds:

Pollutant	Maximum Capacity To Emit Emission Rate In Tons Per Year (TPY)
PM _{2.5} (primary emissions only; levels for precursors are set below)	0.5
PM ₁₀	0.5
SO ₂	1.0
NO _x	1.0
VOC	0.5
CO	1.0
Pb	0.3
Single HAP (other than Pb)	0.5
Total HAPs	1.0
Any other regulated air pollutant	1.0

303.2 An owner or operator to begin actual construction of, operate, or modify any of the following:

- a. Any source other than a major source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the Act. However, a source is not required to obtain a permit solely because it is subject to one of the standards under Section 111 of the Act listed in Sections 303.2(a)(1) and (2) of this rule and meets the criteria under Section 305.7 of this rule.

(1) 40 CFR 60, Subpart IIII (Stationary Compression Ignition Internal Combustion Engines).

(2) 40 CFR 60, Subpart JJJJ (Stationary Spark Ignition Internal Combustion Engines).

- b. Any source other than a major source, including an area source, subject to a standard or other requirement pursuant to Section 112 of the Act. However, a source is not required to obtain a permit solely because it is subject to Section 112(r) of the Act or as specified below:
 - (1) If a source is subject to one of the standards under Section 112 of the Act listed in Sections 303.2(b)(1)(a) through (d) of this rule and has a maximum capacity to emit less than the permitting thresholds in Section 303.1 of this rule.
 - (a) 40 CFR 61.145.
 - (b) 40 CFR 63, Subpart WWWW (Ethylene Oxide Sterilizers).
 - (c) 40 CFR 63, Subpart HHHHHH (Paint Stripping and Miscellaneous Surface Coating Operations).
 - (d) A regulation or requirement under Section 112(r) of the Act.
 - (2) If a source is subject to one of the standards under Section 112 of the Act listed in Sections 303.2(b)(2)(a) through (c) of this rule and meets the criteria under Sections 305.4, 305.7, or 305.9 of this rule as applicable.
 - (a) 40 CFR 63, Subpart ZZZZ (Reciprocating Internal Combustion Engines).
 - (b) 40 CFR 63, Subpart CCCCCC (Gasoline Distribution).
 - (c) 40 CFR 63, Subpart JJJJJJ (Industrial, Commercial, and Institutional Boilers Area Sources), published at 76 FR 15554 (March 21, 2011).

304 GENERAL PERMIT:

- 304.1** An owner or operator of a source may apply for a General permit to commence construction of, to operate, or to modify a source that is a member of a facility class for which a General permit has been developed pursuant to Rule 230 of these rules. The provisions of Rule 230 of these rules shall apply to General permits, except as otherwise provided in Rule 230 of these rules.
- 304.2** An owner or operator of a source, which is a member of the class of facilities covered by a General permit, may apply for an authority to operate under the General permit in lieu of applying for a Non-Title V permit or a Title V permit.

- 305 EXEMPTIONS:** The activities listed in Sections 305.1 through 305.10 of this rule shall be exempt from obtaining a permit. However, any single or combination of the following activities, except those activities listed in Sections 305.1 and 305.2 of this rule, that emit more than 0.5 ton per year of hazardous air pollutants (HAPs) or more than two tons per year of a regulated air pollutant shall require a permit. Any activity that is exempt from obtaining a permit according to this rule shall still comply with all other applicable requirements of these rules.

305.1 The following sources shall not require a permit, unless the source is a major source or unless operation without a permit would result in a violation of the Act:

- a. Sources subject to 40 CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters.
- b. Sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR 61.145.
- c. Agricultural equipment used in normal farm operations. Agricultural equipment used in normal farm operations, for the purposes of this rule, does not include equipment that would be classified as a source that would require a permit under Title V of the Act, or would be subject to a standard under 40 CFR parts 60 or 61.

305.2 Trivial activities.

305.3 Food Processing Equipment:

- a. Any confection cooker and associated venting or control equipment cooking edible products intended for human consumption.
- b. Any oven in a food processing operation where less than 1,000 pounds of product are produced per day of operation.

305.4 General Combustion Activities:

- a. All natural gas and/or liquefied petroleum gas-fired pieces of equipment over 300,000 BTU per hour, only if the input capacities added together are less than 2,000,000 BTU per hour, the emissions come from fuel burning, and the equipment is used solely for heating buildings for personal comfort or for producing hot water for personal use.
- b. Any oil-fueled heating piece of equipment (except off-spec. oil) with a maximum rate input capacity or an aggregate input capacity of less than:
 - (1) 500,000 BTU/hour if only emissions came from fuel burning, or
 - (2) 1,000,000 BTU/hour if only emissions came from fuel burning and the equipment is used solely for heating buildings for personal comfort or for producing hot water for personal use.

305.5 Surface Coating And Printing Equipment: Any equipment or activity using no more than 300 gallons per year of surface coating or any combination of surface coating and solvent, which contains either VOC or hazardous air pollutants (HAPs) or both.

305.6 Solvent Cleaning Equipment: Any non-vapor cleaning machine (degreaser) or dip-tank having a liquid surface area of 1 square foot (0.09 square meters) or less, or having a maximum capacity of 1 gallon (3.79 liters) or less.

305.7 Internal Combustion (IC) Equipment:

- a. IC engine-driven compressors, IC engine-driven electrical generator sets, and IC engine-driven water pumps used only for emergency replacement or standby service (including testing of same), not to exceed 4,000 pounds of NO_x or CO at 500 hours of operation per year.
- b. Any piston-type IC engine with a manufacturer's maximum continuous rating of no more than 50 brake horsepower (bhp).

305.8 Laboratories And Pilot Plants: Lab equipment used exclusively for chemical and physical analyses.

305.9 Storage And Distribution:

- a. Chemical or petroleum storage tanks or containers that hold 250 gallons or less and would have emissions of a regulated air pollutant.
- b. Any emissions unit, operation, or activity that handles or stores no more than 12,000 gallons of a liquid with a vapor pressure less than 1.5 psia.
- c. Any equipment used exclusively for the storage of unheated organic material with: (1) an initial boiling point of 150° Centigrade (C) (302° Fahrenheit (F)) or greater, as determined by ASTM D1078-11; or (2) a vapor pressure of no more than 5 millimeters mercury (mmHg) (0.1 pound per square inch (psi) absolute), as determined by ASTM D2879-11.
- d. Any equipment with a capacity of no more than 4,200 gallons (100 barrels) used exclusively to store oil with specific gravity 0.8762 or higher (30° API or lower), as measured by API test method 2547 or ASTM D1298-12b.
- e. Any equipment used exclusively for the storage of liquefied gases in unvented pressure vessels, except for emergency pressure-relief valves.
- f. Any equipment used exclusively to compress or hold dry natural gas. Any ICE or other equipment associated with the dry natural gas should not be considered an insignificant activity, unless such ICE or other equipment independently qualifies as an insignificant activity.
- g. Any equipment used exclusively for the storage of fresh, commercial, or purer grade of: (1) sulfuric or phosphoric acid with acid content of no more than 99% by weight; or (2) nitric acid with acid content of no more than 70% by weight.

305.10 Miscellaneous Activities:

- a. Any blast cleaning equipment using a suspension of abrasive material in water and the control equipment venting such blast cleaning equipment.
- b. Cooling towers: Any water cooling tower which: (1) has a circulation rate of less than 10,000 gallons per minute; and (2) is not used to cool process water, water from barometric jets, or water from barometric condensers.
- c. Batch mixers with rated capacity of 5 cubic feet or less.
- d. Wet sand and gravel production facilities that obtain material from subterranean and subaqueous beds, whose production rate is 200 tons per hour or less, and whose permanent in-plant roads are paved and cleaned to control dust. This does

not include activities in emissions units, which are used to crush or grind any non-metallic minerals.

- e. Any brazing, soldering, welding, or cutting torch equipment used in manufacturing and construction activities and with the potential to emit hazardous air pollutant (HAP) metals, provided the total emissions of HAPs do not exceed 0.5 ton per year.
- f. Hand-held or manually operated equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning of ceramic art work, precision parts, leather, metals, plastics, fiberboard, masonry, carbon, glass, or wood.
- g. Any aerosol can puncturing or crushing operation that processes less than 500 cans per day provided such operation uses a closed loop recovery system.
- h. Any laboratory fume hood or vent provided such equipment is used exclusively for the purpose of teaching, research, or quality control.

306 DUST CONTROL PERMIT: A Dust Control permit shall be required before a person, including but not limited to, the property owner, lessee, developer, responsible official, Dust Control permit applicant (who may also be the responsible party contracting to do the work), general contractor, prime contractor, supervisor, management company, or any person who owns, leases, operates, controls, or supervises a dust-generating operation subject to the requirements of Rule 310 of these rules, causes, commences, suffers, allows, or engages in any dust-generating operation that disturbs a total surface area of 0.10 acre (4,356 square feet) or more. The provisions of Rule 310 of these rules shall apply to Dust Control permits, except as otherwise provided in Rule 310 of these rules.

307 SUBCONTRACTOR REGISTRATION:

307.1 A subcontractor who is engaged in dust-generating operations at a site that is subject to a Dust Control permit issued by a Control Officer and that requires control of PM₁₀ emissions from dust-generating operations shall register with the Control Officer by submitting information in the manner prescribed by the Control Officer. The Control Officer shall issue a registration number after payment of the fee. The Control Officer may establish and assess a fee for the registration based on the total cost of processing the registration and issuance of a registration number.

307.2 The subcontractor shall have its registration number readily accessible on-site while conducting any dust-generating operations. The subcontractor's registration number must be visible and readable by the public without having to be asked by the public (e.g., included/posted in a sign that is visible on the subcontractor's vehicle or equipment, included/posted on a sign that is visible in the window of the subcontractor's vehicle or equipment, or included/posted on a sign where the subcontractor is working on the site).

308 PERMIT TO BURN: A permit is required for any open outdoor fire authorized under the exceptions in A.R.S. 49-501 or Rule 314 of these rules.

309 STANDARDS FOR APPLICATIONS: All permit applications shall be filed in the manner and form prescribed by the Control Officer. The application shall contain all the information necessary to enable the Control Officer to make the determination to grant or to deny a permit or permit revision, which shall contain such terms and conditions as the Control Officer deems necessary to assure a source's compliance with the requirements of these rules. The issuance of any permit or permit revision shall not relieve the owner or operator from compliance with any federal laws, Arizona laws, or these rules, nor does any other law, regulation or permit relieve the owner or operator from obtaining a permit or permit revision required under these rules.

309.1 Insignificant Activities:

- a. An insignificant activity shall be any activity, process, or emissions unit that meets all of the following:
 - (1) Is not subject to a source-specific applicable requirement. Source-specific applicable requirements include requirements for which emissions unit-specific information is needed to determine applicability.
 - (2) Is either included in the definition of “insignificant activity” in Rule 100 of these rules or is approved by the Control Officer and the Administrator of the Environmental Protection Agency (EPA) as an insignificant activity under this rule.
- b. **For Title V Permit Applications:**
 - (1) An owner or operator of a Title V source may, in its permit application, list and generally group insignificant activities. The permit application need not provide emissions data regarding insignificant activities, except as necessary to complete the assessment required by Rule 210, Section 301.4 of these rules.
 - (2) An owner or operator of a Title V source may request approval for the classification of an activity as insignificant by including such request in its permit application, along with justification that such activity meets the definition of insignificant activity in Rule 100 of these rules.
 - (3) An owner or operator of a Title V source shall include information in its permit application regarding insignificant activities, if such information is needed to determine: (1) the applicability of or to impose any applicable requirement; (2) whether the source is in compliance with applicable requirements; or (3) the fee amount required under these rules. In such cases, emissions calculations or other necessary information shall be included in the application.
- c. **For Non-Title V Permit Applications:**
 - (1) An owner or operator of a Non-Title V source is not required to list or describe, in its permit application, insignificant activities, which are defined in Rule 100 of these rules, except as necessary to complete the assessment required by Rule 210, Sections 301.4 of these rules.
 - (2) If a Non-Title V source’s emissions are approaching an applicable requirement, including but not limited to best available control technology

(BACT) requirements or major source status, then the owner or operator of such Non-Title V source may be required to include, in its permit application, a description of its insignificant activities and emissions calculations for such insignificant activities.

- (3) An owner or operator of a Non-Title V source shall include information in its permit application regarding insignificant activities, if such information is needed to determine: (1) the applicability of or to impose any applicable requirement; (2) whether the source is in compliance with applicable requirements; or (3) the fee amount required under these rules. In such cases, emissions calculations or other necessary information shall be included in the application.

309.2 Trivial Activities:

- a. A trivial activity shall be any activity, process, or emissions unit that, in addition to meeting the criteria for insignificant activity, has extremely low emissions.
- b. No activity, process, or emissions unit that is conducted as part of a manufacturing process or is related to the source's primary business activity shall be considered trivial.
- c. Trivial activities as defined in Rule 100 of these rules may be omitted from Title V permit applications and from Non-Title V permit applications.

310 PERMIT CONDITIONS: The Control Officer may impose any permit conditions that are necessary to ensure compliance with federal laws, Arizona laws, or these rules.

310.1 The Control Officer may require, as specified in Section 310.2 and Section 310.5 of this rule, any source of regulated air pollutants to monitor, sample, or perform other studies to quantify emissions of regulated air pollutants or levels of air pollution that may reasonably be attributable to that source, if the Control Officer:

- a. Determines that monitoring, sampling, or other studies are necessary to determine the effects of the source on levels of air pollution; or
- b. Has reasonable cause to believe a violation of this rule, rules adopted pursuant to this rule, or a permit issued pursuant to this rule has been committed; or
- c. Determines that those studies or data are necessary to accomplish the purposes of this rule and that the monitoring, sampling, or other studies by the source are necessary in order to assess the impact of the source on the emission of regulated air contaminants.

310.2 The Control Officer may require a source of air contaminants, by permit or order, to perform monitoring, sampling, or other quantification of its emissions or air pollution that may reasonably be attributed to such a source. Before requiring such monitoring, sampling, or other quantification by permit or order, the Control Officer shall consider the relative cost and accuracy of any alternatives which may be reasonable under the circumstances such as emission factors, modeling, mass balance analyses, or emissions projections. The Control Officer may require such monitoring, sampling, or other quantification by permit or order if the Control Officer determines in writing that all of the following conditions are met:

- a. The actual or potential emissions of air pollution may adversely affect public health or the environment.
- b. An adequate scientific basis for the monitoring, sampling, or quantification method exists.
- c. The monitoring, sampling, or quantification method is technically feasible for the subject contaminant and the source.
- d. The monitoring, sampling, or quantification method is reasonably accurate.
- e. The cost of the method is reasonable in light of the use to be made of the data.

310.3 The issuance of a permit or permit revision under this rule shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan (SIP) and any other requirements under local, State, or Federal law.

310.4 The permittee shall comply with all conditions of the permit, including all applicable requirements of Arizona air quality statutes and the air quality rules. Compliance with permit terms and conditions does not relieve, modify, or otherwise affect the permittee's duty to comply with all applicable requirements of Arizona air quality statutes and the Maricopa County Air Pollution Control Regulations. Any permit non-compliance is grounds for enforcement action; for a permit termination, revocation, and reissuance or revision; or for permit denial. Non-compliance with any federally enforceable requirement in a permit constitutes a violation of the Act.

310.5 Orders issued or permit conditions imposed pursuant to this rule shall be appealable to the hearing board in the same manner as that prescribed for orders of abatement in A.R.S. § 49-489 and A.R.S. § 49-490 and for permit conditions in A.R.S. § 49-482.

311 PROHIBITION – PERMIT MODIFICATION: A person shall not willfully deface, alter, forge, counterfeit, or falsify any permit issued under the provisions of these rules.

312 PERMIT POSTING REQUIRED: Any person who has been granted a permit shall keep a complete permit clearly visible and accessible on the site where the equipment is installed. All equipment covered by the permit shall be listed in the permit by a serial number or other equipment identification symbol and shall be identified on a plant diagram.

313 MINOR NSR TRANSITION: Existing sources are not subject to the minor NSR provisions of Rule 241 of these rules, unless the source undertakes a minor NSR modification.

314 ACCELERATED PERMITTING:

314.1 Notwithstanding any other provisions of these rules, the following qualify a source for a request-submittal for accelerated permit processing: an application for a Title V permit or for a Non-Title V permit; any permit revision; and any coverage under a general permit. Such a request-submittal shall be submitted in writing to the Control Officer at least 30 days in advance of filing the application and shall be accompanied by fees as described in Rule 280 of these rules.

314.2 When an applicant has requested accelerated permit processing, the Control Officer may, to the extent practicable, undertake to process the permit or permit revision in accordance with the following schedule:

- a. For applications for initial Title V and Non-Title V permits under Rules 210 and 220 of these rules, for significant permit revisions under Rule 210 of these rules, or for non-minor permit revisions under Rule 220 of these rules, final action on the permit or on the permit revision shall be taken within 90 days or after the Control Officer determines that the application is complete for a Non-Title V source and within 120 days after the Control Officer determines that the application is complete for a Title V source. Except for a new major source or a major modification subject to the requirements of Rule 240 of these rules, an application for a new permit, a significant permit revision, or a permit renewal shall be deemed to be complete unless the Control Officer notifies the applicant by certified mail within 30 days of receipt of the application that the application is not complete.
- b. For applications for coverage under a general permit under Rule 230 of these rules, final action shall be taken within 30 days after receipt of the application.
- c. For minor permit revisions governed by Rule 210 of these rules and Rule 220 of these rules, the permit revision shall be issued within 60 days after receipt of the application.

314.3 Before issuing a permit or permit revision pursuant to this section, the applicant shall pay to the Control Officer all fees due as described in Rule 280 of these rules. Nothing in this section shall affect the public participation requirements of Rules 210 or 220 of these rules, or EPA and affected state review as required under Rule 210 of these rules.

315 **STACK HEIGHT PROVISIONS:** The degree of emission limitation required of any source of any pollutant shall not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique as determined by the procedures of 40 CFR 51.118 and the EPA regulations cross-referenced therein as incorporated by reference in Appendix G of these rules.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

401 APPROVAL OR DENIAL OF PERMIT OR PERMIT REVISION:

401.1 The Control Officer shall deny a permit or revision if the applicant does not demonstrate that every such source for which a permit or permit revision is sought is so designed, controlled, or equipped with such air pollution control equipment that the source may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of these rules or applicable State Implementation Plan (SIP) plan requirements.

401.2 Prior to acting on an application for a permit, the Control Officer may require the applicant to provide and to maintain such devices and procedures as are necessary for sampling and for testing purposes in order to secure information that will disclose the nature, extent, quantity, or degree of air contaminants discharged into

the atmosphere from the source described in the application. In the event of such a requirement, the Control Officer shall notify the applicant in writing of the type and characteristics of such devices and procedures.

- 401.3** In acting upon an application for a permit renewal, if the Control Officer finds that such source has not been constructed in accordance with any prior permit or revision issued pursuant to A.R.S. § 49-480.01, the Control Officer shall require the permittee to obtain a permit revision or shall deny the permit renewal. The Control Officer shall not accept any further application for a permit for such source so constructed until the Control Officer finds that such source has been reconstructed in accordance with a prior permit or a revision, or until a revision to the permit has been obtained. The Control Officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.
- 401.4** After a decision on a permit or on a permit revision, the Control Officer shall notify the applicant and any person who filed a comment on the permit pursuant to A.R.S. § 49-480 or on the permit revision pursuant to A.R.S. § 49-480.01 in writing of the decision, and if the permit is denied, the reasons for such denial. Service of this notification may be made in person or by first class mail. The Control Officer shall not accept a further application unless the applicant has corrected the circumstances giving rise to the objections as specified by the Control Officer as reasons for such denial.

**402 PERMIT REOPENINGS; REVOCATION AND REISSUANCE;
TERMINATION:**

402.1 Reopening for Cause:

- a.** Each issued permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances:
- (1)** Additional applicable requirements under the Act become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to Section 403.2 of this rule. Any permit revision required pursuant to this rule shall comply with Section 403 of this rule for a permit renewal and shall reset the five year permit term.
 - (2)** Additional requirements, including excess emissions requirements, become applicable to an affected source under the Acid Rain Program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the Title V permit.
 - (3)** The Control Officer or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

- (4) The Control Officer or the Administrator determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- b. Proceedings to reopen and issue a permit, including appeal of any final action relating to a permit reopening, shall follow the same procedures as apply to initial permit issuance and shall, except for reopenings under Section 402.1(a)(1) of this rule, affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as is practicable.
- c. Action to reopen a permit under this section shall not be initiated before a notice of such intent is provided to the source by the Control Officer at least 30 days in advance of the date that the permit is to be reopened, except that the Control Officer may provide a shorter time period in the case of an emergency.
- d. When a permit is reopened and revised pursuant to this rule, the Control Officer may make appropriate revisions to the permit shield established pursuant to Rule 210 of these rules.

402.2 Reopening for Cause by the Administrator:

- a. If the Administrator finds that cause exists to terminate, modify, or revoke and reissue a permit pursuant to Section 402.1 of this rule, the Administrator may notify the Control Officer and the permittee of such finding in writing. Within ten days of receipt of notice from the Administrator that cause exists to reopen a Title V permit, the Control Officer shall notify the source.
- b. Within 90 days of receipt of notice from the Administrator that cause exists to reopen a permit, the Control Officer shall forward to the Administrator a proposed determination of termination, modification, or revocation and reissuance of the permit. The Control Officer may request a 90-day extension of this limit if it is necessary to request a new or revised permit application or additional information from the applicant for, or holder of, a Title V permit.
- c. The Control Officer shall have 90 days from receipt of an objection by the Administrator to attempt to resolve the objection.

402.3 The Control Officer may issue a notice of termination of a permit issued under these rules if:

- a. The Control Officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.
- b. The person applying for the permit failed to disclose a material fact required by the application form or the regulation applicable to the permit, of which the applicant had or should have had knowledge at the time the application was submitted.
- c. The terms and conditions of the permit have been or are being violated.

402.4 If the Control Officer issues a notice of termination under this rule, the notice shall be served on the permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the revocation and a statement that the permittee is entitled to a hearing.

403 PERMIT RENEWAL AND EXPIRATION:

- 403.1** Prior to renewing a permit issued under these rules, the Control Officer shall provide notice in the same manner and form as provided in Rule 210 of these rules.
- 403.2** The Control Officer shall not renew a permit issued under these rules unless the permittee applies for a permit renewal prior to the expiration of a permit in the manner required by Rule 210 of these rules. If a timely and complete application for a permit renewal is submitted, but the Control Officer has failed to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the renewal permit has been issued or denied. Any testing that is required for a renewal shall be completed before the proposed permit renewal is issued by the Control Officer.
- 403.3** The Control Officer shall publish notice of a permit renewal decision in the same manner as that provided in Rule 210 of these rules for a Title V permit and as that provided in Rule 220 of these rules for a Non-Title V permit.

404 PERMIT TRANSFERS:

- 404.1** Except as provided in A.R.S. § 49-429 and Section 404.2 of this rule, a Title V permit, a Non-Title V permit, or a General permit may be transferred to another person. Before the proposed transfer, the person who holds a valid Non-Title V permit or a valid General permit shall comply with the administrative permit revision procedures pursuant to Rule 220, Section 405.1 of these rules. At least 30 days before the proposed transfer, the person who holds a valid Title V permit shall give notice to the Control Officer in writing and shall comply with the administrative permit amendment procedures pursuant to Rule 210, Section 404 of these rules. Permit transfer notice shall contain the following:
- a. The permit number and expiration date.
 - b. The name, address and telephone number of the current permit holder.
 - c. The name, address and telephone number of the person to receive the permit.
 - d. The name and title of the individual within the organization who is accepting responsibility for the permit along with a signed statement by that person indicating such acceptance.
 - e. A description of the equipment to be transferred.
 - f. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee.
 - g. Provisions for the payment of any fees pursuant to Rule 280 of these rules that will be due and payable before the effective date of transfer.
 - h. Sufficient information about the source's technical and financial capabilities of operating the source to allow the Control Officer to make the decision in Section 404.2 of this rule including:
 - (1) The qualifications of each person principally responsible for the operation of the source.

- (2) A statement by the chief financial officer of the new permittee that it is financially capable of operating the source in compliance with the law, and the information that provides the basis for that statement.
- (3) A brief description of any action for the enforcement of any federal or state law, rule or regulation, or any county, city or local government ordinance relating to the protection of the environment, instituted against any person employed by the new permittee and principally responsible for operating the source during the five years preceding the date of application. In lieu of this description, the new permittee may submit a copy of the certificate of disclosure or 10-K form required under A.R.S. § 49-109, or a statement that this information has been filed in compliance with A.R.S. § 49-109.

404.2 The Control Officer shall deny the transfer if the Control Officer determines that the organization receiving the permit is not capable of operating the source in compliance with Article 3, Chapter 3, Title 49, Arizona Revised Statutes, the provisions of these rules, or the provisions of the permit. Notice of the denial stating the reason for the denial shall be sent to the original permit holder by certified mail stating the reason for the denial within ten working days of the Control Officer's receipt of the notice. If the transfer is not denied within ten working days after receipt of the notice, the Control Officer shall approve such permit transfer.

404.3 To appeal the transfer denial:

- a. Both the transferor and transferee shall petition the hearing board in writing for a public hearing; and
- b. The appeal process for a permit shall be followed.

405 PERMITS CONTAINING THE TERMS AND CONDITIONS OF FEDERAL DELAYED COMPLIANCE ORDERS (DCO) OR CONSENT DECREES:

405.1 The terms and conditions of either a DCO or consent decree shall be incorporated into a permit through a permit revision. In the event the permit expires prior to the expiration of the DCO or consent decree, the DCO or consent decree shall be incorporated into any permit renewal.

405.2 The owner or operator of a source subject to a DCO or consent decree shall submit to the Control Officer a quarterly report of the status of the source and construction progress and copies of any reports to the Administrator required under the order or decree. The Control Officer may require additional reporting requirements and conditions in permits issued under this rule.

405.3 For the purpose of this rule, sources subject to a consent decree issued by a federal court shall meet the same requirements as those subject to a DCO.

406 APPEAL: Denial or revocation of a permit shall be stayed by the permittee's written petition for a hearing, filed in accordance with Rule 400 of these rules.

407 AIR QUALITY IMPACT MODELS:

407.1 Where the Control Officer requires a person to perform air quality impact modeling, the modeling shall be performed in a manner consistent with the Guideline specified

in Rule 240, Section 304 (Permit Requirements For New Major Sources Or Major Modifications Located In Nonattainment Areas) or Section 305 (Permit Requirements For New Major Sources Or Major Modifications Located In Attainment Or Unclassifiable Areas) of these rules.

407.2 Model Substitution: Where the person can demonstrate that an air quality impact model specified in the Guideline is inappropriate, on a case-by-case basis, the model may be modified or another model substituted. However, before such modification or substitution can occur, the Control Officer must make a written finding that:

- a. No model in the Guideline is appropriate; or
- b. The data base required for the appropriate model in the Guideline is not available; and
- c. A model proposed as a substitute or modification is likely to produce results equal or superior to those obtained by models in the Guideline.

407.3 Model Substitution EPA Approval: Written approval from the Administrator must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to notice and opportunity for public comment.

408 TESTING PROCEDURES: Except as otherwise specified, the applicable testing procedures contained in the Arizona Testing Manual for Air Pollutant Emissions shall be used to determine compliance with standards or permit conditions established pursuant to these rules.

409 PERMIT FEES: A fee shall be charged for each facility. No permit is valid until the applicable permit fee has been received and until the permit is issued by the Control Officer.

410 PORTABLE SOURCES:

410.1 An owner or operator of a portable source which will operate for the duration of its permit solely in Maricopa County shall obtain a permit from the Control Officer for Maricopa County and is subject to Sections 410.2, 410.3, and 410.4 of this rule. A portable source with a current State of Arizona permit need not obtain a Maricopa County permit but is subject to Sections 410.3, 410.4, and 410.5 of this rule. Any permit for a portable source shall contain conditions that will assure compliance with all applicable requirements at all authorized locations. A portable source that has permit issued by the Director and obtains a permit from the Control Officer for Maricopa County shall request that the Director terminate the permit. Upon issuance of the permit from the Control Officer for Maricopa County, the permit issued by the Director is no longer valid.

410.2 An owner or operator of a portable source which has a Maricopa County permit but proposes to operate outside of Maricopa County, shall obtain a permit from the Director. A portable source that has a permit issued from the Control Officer for Maricopa County and obtains a permit issued by the Director shall request that the Control Officer terminate the permit issued by the Control Officer for Maricopa County. Upon issuance of a permit by the Director, the permit issued by the Control Officer for Maricopa County is no longer valid. If the owner or operator relocates the portable source in Maricopa County, the owner or operator shall notify the

Control Officer as required by Section 410.4 of this rule of the relocation of the portable source. Whenever the owner or operator of a portable source operates a portable source in Maricopa County, such owner or operator shall comply with all regulatory requirements in these rules.

- 410.3** An owner of a portable source which requires a permit under this rule, shall obtain the permit prior to renting or leasing said portable source. This permit shall be provided by the owner to the renter or lessee, and the renter or lessee shall be bound by the permit provisions. In the event a copy of the permit is not provided to the renter or lessee, both the owner and the renter or lessee shall be responsible for the operation of the portable source in compliance with the permit conditions and any violations thereof.
- 410.4** A portable source may be transported from one location to another within or across Maricopa County boundaries provided the owner or operator of such portable source notifies the Director and any Control Officer who has jurisdiction over the geographic area that includes the new location of the portable source by certified mail at least ten working days before the portable source is transported to the new location. The notification required under this rule shall include:
- a. A description of the portable source to be transported including the Maricopa County permit number or the State of Arizona permit number for such portable source;
 - b. A description of the present location;
 - c. A description of the location to which the portable source is to be transported, including the availability of all utilities, such as water and electricity, necessary for the proper operation of all control equipment;
 - d. The date on which the portable source is to be moved;
 - e. The date on which operation of the portable source will begin at the new location; and
 - f. The duration of operation at the new location.
- 410.5** An owner or operator of a portable source with a current State of Arizona permit that moves such portable source into Maricopa County shall notify the Control Officer that such portable source is being transported to a new location and shall include in such notification a copy of the State of Arizona permit and a copy of any conditions imposed by the State of Arizona permit. The source shall be subject to all regulatory requirements of these rules.

411 PUBLIC RECORDS; CONFIDENTIALITY:

- 411.1** The Control Officer shall make all permits, including all elements required to be in the permit pursuant to Rule 210 of these rules and Rule 220 of these rules available to the public.
- 411.2** A notice of confidentiality pursuant to A.R.S. § 49-487(c) shall:
- a. Precisely identify the information in the application documents, which is considered confidential.

- b. Contain sufficient supporting information to allow the Control Officer to evaluate whether such information satisfies the requirements related to trade secrets or, if applicable, how the information, if disclosed, could cause substantial harm to the person's competitive position.

411.3 Within 30 days of receipt of a notice of confidentiality that complies with Section 411.2 of this rule, the Control Officer shall make a determination as to whether the information satisfies the requirements for trade secret or competitive position pursuant to A.R.S. § 49-487(C)(1) and so notify the applicant in writing. If the Control Officer agrees with the applicant that the information covered by the notice of confidentiality satisfies the statutory requirements, the Control Officer shall include a notice in the administrative record of the permit application that certain information has been considered confidential.

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)