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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.

SECTION 200 – DEFINITIONS (NOT APPLICABLE)

See Rule 100 (General Provisions and Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule.

SECTION 300 – STANDARDS

301 **PERMITS REQUIRED**: Except as otherwise provided in these rules, no person shall commence construction of, operate, or make a modification to any 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 Section 302 thru Section 305 and Section 307 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 applicable/as specified in Section 302 through Section 305 and Section 307 of this rule.

302 **TITLE V PERMIT**: A Title V permit or, in the case of an existing permitted source, a permit revision shall be required for a person to commence construction of, to operate, or to modify any of the following:

302.1 Any major source as defined in Rule 100 of these rules.

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302.2 Any solid waste incineration unit required to obtain a permit pursuant to Section 129(e) of the Act.

302.3 Any affected source as defined in Rule 100 of these rules.

302.4 Any source in a source category designated by the Administrator pursuant to 40 CFR 70.3 and adopted by the Board of Supervisors by rule.

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

303.1 A person to make a modification to a source which would cause it to emit or to have the potential to emit quantities of regulated air pollutants greater than those specified in subsections 303.2 and 303.3(c) of this rule.

303.2 A person to commence construction of or to modify either of the following after rules adopted pursuant to A.R.S. § 49-480.04 are effective:

a. A source that emits or has the potential to emit with controls ten tons per year or more of a hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants designated by the Director pursuant to Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program) of these rules and not listed in Section 112(b) of the Act.

b. A source that is within a category designated by the Director pursuant to Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program) of these rules and that emits or has the potential to emit with controls at least one ton, but less than ten tons per year of a hazardous air pollutant or at least 2.5 tons, but less than 25 tons per year of any combination of hazardous air pollutants.

303.3 A person to commence construction of, to operate, or to 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.

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 regulation or requirements pursuant to Section 112(r) of the Act.

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c. Any source that emits or has the potential to emit, without control, regulated air pollutants, except the following sources to the extent which the described limits are not exceeded. However, any source that is exempt from obtaining a Non-Title V permit according to this section shall still comply with all other applicable requirements of these rules.

(1) General Combustion Equipment:

(a) Any source with an aggregate input capacity of less than 2,000,000 BTU per hour calculated by adding only those pieces of equipment over 300,000 BTU per hour with respect to fuel burning equipment fired with natural gas or liquefied petroleum gas.

(b) Any oil fueled heating equipment with a maximum rated input capacity or an aggregated input capacity of less than 500,000 BTU (527,200 kilojoules) per hour.

(2) Liquid Storage Tanks:

(a) Stationary storage tanks with a capacity of 250 gallons (946 liters) or less used for storing organic liquids.

(b) Stationary storage tanks used for storing organic liquids with a true vapor pressure of 1.5 psia (77.5 mm Hg) or less.

(c) Pressure tanks and pressurized vessels used exclusively for the storage of liquefied gases.

(3) Surface Coating and Printing Equipment:

(a) The aggregate of all surface coating operations of a source in which no coated product is heat cured and a combined total of one gallon per day or less of all coating materials and solvents are used.

(b) Application equipment for architectural surface coatings is used for commercial and residential applications.

(c) Any coating operation, which employs only hand-held aerosol cans, where VOC emissions do not exceed three pounds on any single day.

(d) Any printing operation which employs a combination of printing presses with a maximum of 500 square inches (3226

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cm^2) of impression area and a maximum of two units per printing press. For the purposes of this rule, "units" means the number of printing surfaces.

(4) Solvent Cleaning Equipment: Unheated, non-conveyorized, cleaning or coating equipment that does not include control enclosures:

(a) With an open surface area of one square meter (10.8 square feet) or less and an internal volume of 350 liters (92.5 gallons) or less, having an organic solvent loss of three gallons per day or less, or

(b) Using only organic solvents with an initial boiling point of 302°F (150°C) or greater and having an organic solvent loss of three gallons per day or less, or

(c) Using materials with a VOC content of two percent or less by volume (20 cubic centimeters per liter).

(5) Internal Combustion Equipment:

(a) Internal combustion engines with a manufacturer's maximum continuous rating of 50 horsepower or less or a maximum accumulative rating of 250 horsepower or less for engines used in the same process at one source.

(b) Internal combustion engines used solely as a source of unlimited standby power or emergency purposes and operated at or below 500 hours per year for routine testing and emergency standby operation for each internal combustion engine and provided such source demonstrates that the potential emissions at 500 hours of operation each of all internal combustion engines do not exceed 4,000 pounds of nitrogen oxides or carbon monoxide per year as evidenced by an installed hour meter or written usage records maintained by the operator; and

(i) Are only used for power when normal power line service fails; or

(ii) Are only used for the emergency pumping of water.

(iii) This exemption does not apply to internal combustion engines used as standby power due to a voluntary reduction in power by the power company.

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(c) Engines used to propel motorized vehicles.

(d) Gas turbines with a maximum heat input at IS0 Standard Day Conditions of less than 3,000,000 BTU (3,162,000 kilojoules) per hour fired exclusively with natural gas and/or liquefied petroleum gas.

(e) Portable internal combustion engines used on a temporary basis of no more than 30 days per calendar year at any one facility.

(6) Food Equipment:

(a) Equipment, excluding boilers, used in eating establishments or other retail establishments for the purpose of preparing food for human consumption.

(b) Bakeries:

(i) Mixers and blenders used in bakeries where the products are edible and intended for human consumption.

(ii) Ovens at bakeries whose total production is less than 10,000 pounds (4,535 kg) per operating day.

(7) Miscellaneous:

(a) Diesel contaminated soil remediation projects, where no heat is applied.

(b) Self-contained, enclosed blast and shot peen equipment where the total internal volume of the blast section is 50 cubic feet or less and where any venting is done via pollution control equipment.

(c) Those laboratory acids which have a pH above 1.5 and an aggregate daily emission to ambient air of vapor/mists from all such acids not exceeding three pounds on any single day.

(d) Brazing or welding equipment.

(e) Hand soldering equipment.

(f) A source whose aggregate of all wood working equipment totals 50 horsepower or less.

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(g) Equipment used for buffing, carving, cutting, drilling, surface grinding, machining, planing, routing, sanding, sawing, shredding, or turning of ceramic artwork, precision parts, leather, metals, plastics, rubber, fiberboard, masonry, carbon, graphite or glass.

(h) Refrigerant recovery equipment.

(i) Building maintenance or janitorial activities.

(j) A source whose aggregate of all miscellaneous equipment, processes or production lines not otherwise identified in this section has total uncontrolled emissions of less than three pounds (1.4 kg) VOC or PM_{10} during any day and less than 5.5 pounds (2.5 kg) of any other regulated air pollutant during any day.

(k) A person to begin actual construction of a source subject to Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program) of these rules.

(l) A person to make a modification to a source subject to Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program) of these rules.

304 GENERAL PERMIT: A General permit shall be required for a person 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.

305 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.

306 SUBCONTRACTOR REGISTRATION:

306.1 A subcontractor who is engaged in dust generating operations at a site that is subject to a permit that is issued by a Control Officer and that requires

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control of PM_{10} 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.

306.2 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).

307 **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.

308 **EXEMPTIONS**: Notwithstanding Sections 301, 302, and 303 of this rule, 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:

308.1 Sources subject to 40 CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters.

308.2 Sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR 61.145.

308.3 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.

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.

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309.1 Insignificant Activities:

a. Rather than supplying detailed information, a Title V source may, in its permit application, list and generally group insignificant activities, which are defined in Rule 100-General Provisions and Definitions of these rules and which are listed in Appendix D-List of Insignificant Activities of these rules.

b. A Non-Title V source is not required to list nor to describe, in a permit application, insignificant activities, which are defined in Rule 100-General Provisions and Definitions of these rules and which are listed in Appendix D-List of Insignificant Activities of these rules. 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 such Non-Title V source may be required by Maricopa County to include, in a permit application, a description of its insignificant activities and emissions calculations for such insignificant activities.

c. An activity, process, or emissions unit that is not included in Appendix D-List of Insignificant Activities of these rules may be considered an insignificant activity if it meets the definition of insignificant activity in Rule 100-General Provisions and Definitions of these rules and is approved by the Control Officer and the Administrator of the Environmental Protection Agency (EPA). A source may request approval for the classification of an activity as insignificant by including such a request in its permit application, along with justification that such activity meets the definition of insignificant activity in Rule 100-General Provisions and Definitions of these rules.

d. An application may not omit information regarding insignificant activities that 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 Title V source is not required, in a permit application, to list trivial activities, to describe trivial activities, nor to include the emissions from trivial activities, which are defined in Rule 100-General Provisions and Definitions of these rules and which are listed in Appendix E-List of Trivial Activities of these rules.

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b. A Non-Title V source is not required, in a permit application, to list trivial activities, to describe trivial activities, nor to include the emissions from trivial activities, which are defined in Rule 100-General Provisions and Definitions of these rules and which are listed in Appendix E-List of Trivial Activities of these rules.

c. An activity that is not included in Appendix E-List of Trivial Activities of these rules may be considered a trivial activity, if such activity meets the definition of trivial activity in Rule 100-General Provisions and Definitions of these rules.

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 310.3 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:

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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 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 TRANSITION FROM INSTALLATION AND OPERATING PERMIT PROGRAM TO UNITARY PERMIT PROGRAM:

313.1 Sources With a Valid Installation, Operating, or Conditional Permit: A valid installation permit or operating permit issued by the Control Officer or a valid conditional permit issued by the hearing board before September 1, 1993, and the authority to operate as provided in Laws 1992, Chapter 299, Section 65, continue in effect until any of the following occurs:

a. The Control Officer revokes an installation permit.

b. The Control Officer issues or denies a Title V permit or a Non-Title V permit to the source.

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c. The hearing board revokes or modifies a conditional permit or the conditional permit expires. A source operating under a valid conditional permit may continue to operate in accordance with the terms and conditions of such permit after the expiration of the conditional permit if, at least 30 days prior to the expiration of the conditional permit, the source submits an application to the Control Officer for a Title V permit as described in Section 313.2 of this rule or for a Non-Title V permit as described in Section 313.3 of this rule.

313.2 Title V Sources With an Installation, Operating, or Conditional Permit: Following November 29, 1996, the effective date of the Environmental Protection Agency's (EPA's) final interim approval of Maricopa County's Title V permit program, a source becomes subject to the requirements of the Title V permit program, when the source meets the applicability requirements as provided in this rule. Sources which hold a valid installation, operating, or conditional permit and require a Title V permit shall comply with the following provisions:

a. The owner or operator of the source shall submit a permit application within 180 days of receipt of written notice from the Control Officer that an application is required or 12 months after the source becomes subject to the requirements of Title V of the Act and the permit requirements of these rules, whichever is earlier.

b. Any source, which has not yet submitted a Title V permit application, that wishes to make any source change not requiring a permit, an administrative permit revision, a minor permit revision, or a significant permit revision shall comply with the applicable provisions of Rule 210 of these rules.

313.3 Non-Title V Sources With an Installation, Operating, or Conditional Permit: Sources requiring a Non-Title V permit in existence on the date these rules become effective which hold a valid installation, operating, or conditional permit shall comply with the following provisions:

a. All sources shall submit a permit application to the Control Officer within 90 days of receipt of written notice from the Control Officer that an application is required.

b. Any source that wishes to make any source change not requiring a permit, an administrative permit revision, a minor permit revision, or a non-minor permit revision shall comply with the applicable provisions of Rule 220 of these rules.

313.4 Written Notice: For purposes of this subsection, written notice shall include, but not be limited to, a written warning, notice of violation, or

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order issued by the Control Officer for constructing or operating an emission source without a permit. Such a source shall be considered to be in violation of these rules on each day of operation or each day during which construction continues, until a permit is granted.

313.5 Sources Not Under Permit:

a. All sources not in existence prior to the effective date of these rules shall first submit to the Control Officer an air quality permit application for the entire source and shall have been issued an air quality permit before commencing construction of such source.

b All sources in existence on the date these rules become effective and not holding a valid installation permit and/or a valid operating permit issued by the Control Officer, which have not applied for a Non-Title V permit pursuant to these rules, shall submit to the Control Officer a permit application for the entire source.

c. All sources in existence on the date these rules become effective and not holding a valid installation permit and/or a valid operating permit issued by the Control Officer, which have not applied for a Title V permit pursuant to these rules, shall submit to the Control Officer a Title V permit application no more than 12 months after becoming subject to Title V permit requirements.

313.6 Sources Which Currently Have an Installation or Operating Permit:

a. For sources in existence on the date these rules become effective holding a valid installation permit and/or a valid operating permit issued by the Control Officer, the Control Officer may establish a phased schedule for acting on permit applications received within the first full year after the source becomes subject to obtaining a Title V or a Non-Title V permit under these rules. The schedule shall assure that at least one-third of such applications will be acted on annually over a period not to exceed three years after such effective date. Based on this schedule, the Control Officer shall review a completed application in accordance with the provisions of these rules and shall issue or deny the applicable permit within 18 months after the receipt of the completed application.

b. Any application for an installation permit or an operating permit that is determined to be complete prior to the effective date of these rules but for which no permit has been issued shall be considered complete for the purposes of this section. In issuing a permit pursuant to such an application, the Control Officer shall include in the permit all elements addressed in the application and a schedule of compliance for

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submitting an application for a permit revision to address the elements required to be in the permit that were not included in the operating permit application or in the installation permit application. No later than six months after the effective date of these rules, the Control Officer shall take final action on an operating permit application or on an installation permit application determined to be complete prior to the effective date of these rules.

314 ACCELERATED PERMITTING:

314.1 Notwithstanding any other provisions of these rules, the following qualify a source for a request-submittal for accelerated 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

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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.

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.

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.

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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 402.1a(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

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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.

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

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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

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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 application. 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

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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 40 CFR 51, Appendix W, "Guideline On Air quality Models", as of July 1, 2004 (and no future amendments or additions), which shall be referred to hereinafter as "Guideline", and is adopted by reference.

407.2 **Model Substitution:** Where the person can demonstrate that an air quality impact model specified in the guideline is inappropriate, 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.

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

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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.

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. Upon issuance of a permit by the Director, the Control Officer shall terminate the Maricopa County permit for that source. 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;

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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)

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