Message

From: Yannayon, Laura [Yannayon.Laura@epa.gov]
Sent: 2/24/2021 1:22:18 AM
To: Beckham, Lisa [BECKHAM.LISA@EPA.GOV]
CC: Kurpius, Meredith [Kurpius.Meredith@epa.gov]
Subject: FW: Maricopa County Air Quality Oversite Concern
Attachments: AQ Memo UAE.docx; Small Source Permit Determination.docx

Flag: Follow up

Hi Lisa,
Interesting situation. It appears an ex-employee of Maricopa's enforcement program is sharing information that Maricopa's internal permit guidance states that permit applicability is to be based on actual emissions, rather than PTE, as required by their rule. The referenced rule language is below. Have you heard of this issue? Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Any thoughts?

Laura

Rule 200, Section 303 NON-TITLE V PERMIT: Unless a Title V final permit or Title V final permit revision is required, a Non-Title V final permit or, in the case of an existing permitted source, a NonTitle V final 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 potential to emit any regulated air pollutant in an amount greater than or equal to the following stationary source permitting thresholds: Pollutant Potential to Emit Emission Rate in Tons Per Year (TPY) PM2.5 (primary emissions only; levels for precursors are set below) 0.5 PM10 0.5 SO2 1.0 NOx 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, modify, or operate any of the following:
a. Any stationary source that is subject to a standard, limitation or other requirement under Section 111 of the Act. However, a source that is subject to the standards in Sections 303.2(a)(1) or (2) of this rule and has a potential to emit less than the permitting thresholds in Section 303.1 of this rule is not required to obtain a Non-Title V permit.
(1) 40 CFR 60, Subpart IIII (Stationary Compression Ignition Internal Combustion Engines).
(2) 40 CFR 60, Subpart JJJJ (Stationary Spark Ignition Internal Combustion Engines).

From: Brahmbhatt, Roshni <brahmbhatt.Roshni@epa.gov>
Sent: Tuesday, February 23, 2021 4:57 PM
To: Yannayon, Laura <Yannayon.Laura@epa.gov>
Cc: Trombadore, Claire <Trombadore.Claire@epa.gov>; Kurpius, Meredith <Kurpius.Meredith@epa.gov>
Subject: Fwd: Maricopa County Air Quality Oversite Concern

Hi Laura,

The concern below is focused on Maricopa County's permitting program. Would you be able to assist?

Thank you,
Roshni

Roshni Brahmbhatt
Manager, Air Enforcement Section
Enforcement and Compliance Assurance Division

US EPA, Region 9
Brahmbhatt.Roshni@EPA.gov
Ph: 415-972-3995

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Begin forwarded message:

> **From:** "Miller, Amy" <Miller.Amy@epa.gov>
> **Date:** February 22, 2021 at 9:37:47 PM PST
> **To:** "Brahmbhatt, Roshni" <brahmbhatt.Roshni@epa.gov>, "Trombadore, Claire" <Trombadore.Claire@epa.gov>
> **Subject: Fwd: Maricopa County Air Quality Oversite Concern**

Amy C. Miller, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9
(415) 947-4198

Begin forwarded message:

> **From:** Kirk Flamm <Ex. 6 Personal Privacy (PP)>
> **Date:** February 7, 2021 at 11:18:52 AM PST
> **To:** "Miller, Amy" <Miller.Amy@epa.gov>
> **Subject: Maricopa County Air Quality Oversite Concern**

Good morning Amy,

I am emailing to present my concerns with the Maricopa County Air Quality Department's (MCAQD) administration of their permitting program.

I previously worked with the MCAQD in the compliance department and was involved in determination process for which sources need a permit application and complete potential to emit evaluation. This leads me to the attached memorandum that is relied on internally, and not published to the public for comment. This memo appears to be counter to MCAQD adopted rule 200 section 303

To compound this flippant approach to MCAQD own rules please see the "SYNTHETIC MINOR" determination on the Departments website, https://www.maricopa.gov/2433/Non-Title-V-Permit-Information . This interpretation to rule 100 section 200.128, also appears counter.

I have tried to discuss this with the department and asked for a legal evaluation from the Maricopa County Attorney's office, all of which have yielded no results.

I would expect the MCAQD to follow their own rules. With the technical aspect of this, trying to explain how the department is failing to follow their own rules

and the potential massive under permitting, reporting, and emission inventory to officials with the authority to make the change I quickly lose interest.

I look forward to hearing from you.

Any more information I can provide, please feel free to contact me.
Thank you,

Kirk