

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

**RULE 220  
NON-TITLE V PERMIT PROVISIONS**

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

**RULE 220  
NON-TITLE V PERMIT PROVISIONS**

**SECTION 100 - GENERAL**

- 101 PURPOSE:** To provide an orderly procedure for the review of Non-Title V sources of air pollution through the issuance of Non-Title V permits.
- 102 APPLICABILITY:** This rule applies to each source requiring a Non-Title V permit or permit revision.

**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 PERMIT APPLICATION PROCESSING PROCEDURES:**

**301.1 Standard Application Form And Required Information:** To apply for a permit under this rule, applicants shall complete a permit application filed in the manner and form prescribed by the Control Officer. The Control Officer, either upon the Control Officer's own initiative or upon the request of a permit applicant, may waive the requirement that specific information or data for a particular source or category of sources be submitted in the Non-Title V permit application. However, the Control Officer must determine that the information or data would be unnecessary to determine all of the following:

- a. The applicable requirements to which the source may be subject;
- b. The design and control of the air pollution control equipment such that the source may be expected to operate without emitting or without causing to be emitted air contaminants in violation of these rules;
- c. The fees to which the source may be subject under Rule 280-Fees of these rules; and
- d. A proposed emission limitation, control, or other requirement that meets the requirements of Section 304 of this rule.

**301.2 Permit Application And A Compliance Plan:**

- a. A permit application, required by this rule, shall include a compliance plan, if applicable, which meets the requirements of Section 303 of this rule when a notice of violation has been issued and not resolved at the time the permit application is filed.
- b. A permit application, required by this rule, can include a compliance plan, if applicable, which meets the requirements of Section 303 of this rule when the following circumstances occur:
  - (1) When a source is not in compliance with these rules but has not been issued a notice of violation,
  - (2) Under other circumstances determined by the Control Officer.

**301.3 A Timely Permit Application:**

- a. For a source, that becomes subject to the permit program as a result of a change in regulation and not as a result of construction or a physical or operational change, one that is submitted within 12 months after the source becomes subject to the permit program.
- b. For purposes of permit renewal, a timely application is one that is submitted at least six months, but not more than 18 months, prior to the date of permit expiration.
- c. Unless otherwise required by Rule 200-Permit Requirements of these rules and for any existing source which becomes subject to a standard promulgated by the Administrator under Section 112(d) of the Act-Hazardous Air Pollutants-Emission Standards, a timely application is a permit revision application that is submitted within 12 months of the date on which the standard is promulgated. If such standard requires the source to obtain a Title V permit, then the permit revision application shall be subject to Rule 210-Title V Permit Provisions of these rules.

**301.4** A complete application is one that satisfies all of the following:

- a. To be complete, an application shall provide all information required under Section 301.1 of this rule, except that notifications of permit revision need supply such information only if it is related to the proposed change. A responsible official shall certify the submitted information, consistent with Section 301.6 of this rule.
- b. To be complete, an application for a new permit or a notification of a permit revision shall contain an assessment of the applicability of the requirements of Rule 241- Minor New Source Review (NSR) of these rules and shall comply with all applicable requirements of Rule 241- Minor New Source Review (NSR) of these rules. If the applicant determines that the proposed new source is subject this Rule 241 of these rules, or the proposed permit revision constitutes a minor NSR modification, then the application shall comply with all applicable requirements of Rule 241 of these rules.
- c. An application for a new permit, a notification of a permit revision, or a permit renewal shall be deemed to be complete unless the Control Officer notifies the applicant by certified mail within 60 days of receipt of the application that the application is not complete and specifies what additional information is necessary for the application to be complete.
- d. If, while processing an application that has been determined or deemed to be complete, the Control Officer determines that additional information is necessary to evaluate or to take final action on that application, the Control Officer may request such information in writing and may set a reasonable deadline for a response. Except for minor permit revisions procedures as set forth in Section 406 of this rule, a source's ability to continue operating without a permit, as set forth in this rule, shall be in effect from the date the application is determined to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the Control Officer. The Control Officer may, after one submittal by the applicant under this rule, reject an application that is still determined to be incomplete and shall notify the applicant of the decision by certified mail.
- e. The completeness determination shall not apply to revisions processed through the minor permit revision process.
- f. The Control Officer agrees with the notice of confidentiality submitted under A.R.S. §49-487.
- g. Any emission source or equipment item listed in the definition of “insignificant activity” in Rule 100 of these rules shall be included in the application. The application need not provide emissions data regarding the activities listed in the definition of “insignificant activity” in Rule 100 of these rules. If the Control Officer determines that a source or an activity listed on the application does not meet the requirements of the definition of “insignificant activity” in Rule 100 of these rules or that emissions data for the activity is required to complete the assessment required by Section 301.4 of this rule , the Control Officer shall notify the applicant in writing and specify additional information required, which may include emissions data and supporting documents.

- h.** If a source wishes to voluntarily enter into an emissions limitation, control, or other requirement pursuant to Section 304 of this rule, a source shall describe that emissions limitation, control, or other requirement in its application, along with proposed associated monitoring, recordkeeping, and reporting requirements necessary to demonstrate that the emissions limitation, control, or other requirement is permanent, quantifiable, and otherwise enforceable as a practical matter.

**301.5 Duty To Supplement Or Correct Application:** Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a proposed permit.

**301.6 Action on Application:**

- a.** 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.
- b.** For Non-Title V permits that contain voluntary emission limits, controls, or other requirements established under Section 304 of this rule, the Control Officer shall have complied with the requirement of Section 304.4 of this rule to provide the Administrator with a copy of each such proposed permit. In addition, the Control Officer may issue, revise, or renew a permit only if all of the following conditions have been met:

  - (1)** The permit application received must be complete according to Section 301.4 of this rule.
  - (2)** Except for revisions qualifying as administrative or minor under Sections 405.1 and 405.2 of this rule, all of the requirements for public notice and participation under Section 407 of this rule must have been met.
  - (3)** The conditions of the permit shall require compliance with all applicable requirements.
  - (4)** For permits for which a proposed permit is required to be submitted to the Administrator under Section 304 of this rule, and to which the Administrator has properly objected to its issuance in writing within 45 days of receipt of the proposed final permit and all necessary supporting information from the Control Officer, the Control Officer has revised and submitted a proposed final permit in response to the objection and the Administrator has not objected to this proposed final permit within 45 days of receipt.
- c.** The Control Officer may issue a notice of revocation of a permit issued under this rule if:

  - (1)** The Control Officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.
  - (2)** The person applying for the permit failed to disclose a material fact required by the permit 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.
  - (3)** The terms and conditions of the permit have been or are being violated and the violation has not been corrected within a reasonable period of time as specified by the Control Officer.
- d.** If the Control Officer issues a notice of denial or revocation of a permit under this rule, the notice shall be served on the applicant or permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the denial or revocation and explaining that the permit applicant or permittee is entitled to a hearing .
- e.** Except as provided in Rule 200-Permit Requirements of these rules, the Control Officer shall take final action on each permit application (and request for revision or renewal) within 90 days of receipt of a complete application, unless a finding is made that more time is needed, but in no case longer than nine months after receiving a complete application.

**301.7** Except as noted under the provisions in Section 404 of this rule, no source may operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued under this rule. However, if a source submits a timely and complete application for permit issuance, revision, or renewal, the source's failure to have a permit is not a violation of these rules until the Control Officer takes final action on the application. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the Control Officer, any additional information identified as being needed to process the application. If a source submits a timely and complete application for a permit renewal, but the Control Officer fails 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 permit renewal has been issued or denied. This section of this rule does not affect a source's obligation to obtain a permit revision before making a modification to the source.

**302 PERMIT CONTENTS:** Each permit issued under this rule shall include the following elements:

**302.1** The date of issuance and the permit term.

**302.2** Enforceable emission limitations and standards, including those operational requirements and limitations that ensure compliance with all applicable requirements at the time of issuance, and operational requirements and limitations that have been voluntarily accepted under Section 304 of this rule, or that have been voluntarily accepted under Rule 201-Emissions Caps of these rules. Whenever more than one standard in this rule applies to any source, or whenever a standard in this rule and a standard in the Maricopa County Air Pollution Control Regulations Regulation III-Control Of Air Contaminants applies to any source, the rule or combination of rules resulting in the lowest rate or lowest concentration of regulated air pollutants released to the atmosphere shall apply, unless otherwise specifically exempted or designated.

**302.3** A compliance plan, if applicable, which meets the requirements of Section 303 of this rule.

**302.4** As necessary, requirements concerning the use, maintenance, and if applicable, installation of monitoring equipment or methods.

**302.5** Periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, if the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of recordkeeping designed to serve as monitoring). The monitoring requirements shall ensure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement and as otherwise required under Section 304 of this rule. Recordkeeping provisions may be sufficient to meet the requirements of this rule.

**302.6** All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated under Section 114(a)(3) of the Act and including any monitoring and analysis procedures or test methods required under Section 304 of this rule.

**302.7** All recordkeeping requirements, including recordkeeping requirements established under Section 304 of this rule, if applicable, for the retention of records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

**302.8** All applicable reporting requirements, including submittal of any required monitoring reports at least annually and prompt reporting of deviations from permit requirements, including those deviations attributable to upset conditions, as defined in the permit. Reports of deviations shall include the probable cause of the deviations and any corrective actions or preventative measures taken. For the purposes of this Section, reporting shall be considered prompt when such reporting is made in accordance with Rule 130-Emergency Provisions of these rules.

- 302.9** A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portion of the permit.
- 302.10** Provisions stating that it shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- 302.11** Provisions stating that the permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated non-compliance does not stay any permit condition.
- 302.12** Provisions stating that the permit does not convey any property rights nor does it convey exclusive privileges of any sort.
- 302.13** Provisions stating that the permittee shall furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for revising, revoking and reissuing the permit, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish, to the Control Officer copies of records required to be kept by the permit.
- 302.14** Provisions stating that any document required to be submitted by a permit, including reports, shall contain certification by a responsible official of truth, accuracy, and completeness under Rule 100-General Provisions And Definitions of these rules.
- 302.15** A provision to ensure that a source pays fees to the Control Officer under A.R.S. §49-480(D) and Rule 280-Fees of these rules.
- 302.16** Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Control Officer. Such terms and conditions shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted source a record of the scenario under which it is operating. The terms and conditions of each such alternative scenario must meet all applicable requirements and the requirements of this rule.
- 302.17** Inspection and entry provisions which require the permittee to allow the Control Officer, upon presentation of proper credentials, to enter upon the permittee's premises, where a source is located or where emission-related activity is conducted, or where records are required to be kept, under the conditions of the permit.
- 302.18** Inspection and entry provisions which require the permittee to allow the Control Officer, upon presentation of proper credentials, to have access to and to copy, at reasonable times, any records that are required to be kept under the conditions of the permit.
- 302.19** Inspection and entry provisions which require the permittee to allow the Control Officer, upon presentation of proper credentials, to inspect, at reasonable times, any source's equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
- 302.20** Inspection and entry provisions which require the permittee to allow the Control Officer, upon presentation of proper credentials, to sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements.
- 302.21** Inspection and entry provisions which require the permittee to allow the Control Officer, upon presentation of proper credentials, to record any inspection by use of written, electronic, magnetic, and photographic media.
- 302.22** Provisions specifying the conditions under which the permit will be reopened prior to the expiration date of the permit.
- 302.23** Federally Enforceable Requirements: Designated terms and conditions contained in Non-Title V permits issued under Rule 220-Non-Title V Permit Provisions of these rules will be considered

federally enforceable, provided that the County's Permit Program is approved by the Administrator and incorporated into the applicable State Implementation Plan (SIP) under Section 110 of the Act, and the permit meets the requirements set forth in Section 304 of this rule:

- a. Terms or conditions designated as federally enforceable in a Non-Title V permit, including but not limited to those that are entered into voluntarily under Section 304 of this rule and which have been submitted to the Administrator for review, include:
  - (1) Emissions limitations, controls, or other requirements; and
  - (2) Monitoring, recordkeeping, and reporting requirements associated with the emissions limitations, controls, or other requirements.
- b. The Control Officer shall specifically designate as not being federally enforceable under the Act any terms and conditions included in a Non-Title V permit that are not required under the Act, or under any such applicable requirements, or that are not entered into voluntarily under Section 304 of this rule.

**302.24** Provisions stating that 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 denial of a permit renewal application. Non-compliance with any federally enforceable requirement in a permit constitutes a violation of the Act.

**303 COMPLIANCE PLANS:** Each compliance plan shall contain the following elements:

**303.1** A description of the compliance status of the source with respect to applicable requirements that will become effective during the permit term or for which the source is not in compliance at the time of permit issuance.

**303.2** A description as follows:

- a. For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.
- b. For requirements with which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.
- c. For additional requirements as may be specified under Section 304 of this rule.

**303.3** A compliance schedule as follows:

- a. For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this rule, unless a more detailed schedule is expressly required by the applicable requirement.
- b. A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirement for which the source will be in non-compliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction non-compliance with, the applicable requirements on which it is based.

**303.4** A schedule for submission of certified progress reports no less frequently than every six months for sources required to have a schedule of compliance to remedy a violation. Such schedule shall contain:

- a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones, or compliance were achieved; and
- b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

**303.5** If there is a Federal Implementation Plan (FIP) applicable to the source, a provision that compliance with the FIP is required.

**303.6** The Control Officer may develop special guidance documents and forms to assist certain sources in completing the compliance plan.

**304 PERMITS CONTAINING VOLUNTARILY ACCEPTED EMISSIONS LIMITATIONS, CONTROLS, OR OTHER REQUIREMENTS (SYNTHETIC MINOR):**

**304.1** A source may voluntarily propose in its application, and accept in its permit, emissions limitations, controls, or other requirements that are permanent, quantifiable, and otherwise enforceable as a practical matter in order to avoid classification as a source that requires a Title V permit, or to avoid one or more other applicable requirements. For the purposes of this rule, "enforceable as a practical matter" means that specific means to assess compliance with an emissions limitation, control, or other requirement are provided for in the permit in a manner that allows compliance with the limit standard or trade provision to be readily determined by an inspection of the source records or reports. In addition, for the purposes of this rule, "enforceable as a practical matter" shall include the following criteria:

- a. The permit conditions are permanent and quantifiable;
- b. The permit includes a legally enforceable obligation to comply;
- c. The permit limits impose an objective and quantifiable operational or production limit, or require the use of in-place air pollution control equipment;
- d. The permit limits have short-term averaging times consistent with the averaging times of the applicable requirement;
- e. The permit conditions are enforceable and are independent of any other applicable limitations; and
- f. The permit conditions for monitoring, recordkeeping, and reporting requirements are sufficient to comply with Rule 220-Non-Title V Permit Provisions, Sections 302.3, 302.4, 302.5, 302.6, and 302.7 of these rules.

**304.2** In order for a source to obtain a permit containing voluntarily accepted emissions limitations, controls, or other requirements, the source shall demonstrate all of the following in its permit application:

- a. The emissions limitations, controls, or other requirements to be imposed for the purpose of avoiding an applicable requirement are at least as stringent as the emissions limitations, controls, or other requirements that would otherwise be applicable to that source, including those that originate in an applicable implementation plan; and
- b. All voluntarily accepted emissions limitations, controls, or other requirements will be permanent, quantifiable, and otherwise enforceable as a practical matter.

**304.3** The Control Officer shall not issue a permit that waives nor makes less stringent any limitations or requirements contained in or issued under an applicable implementation plan or that are otherwise federally enforceable.

**304.4** At the same time as notice of proposed issuance is first published under A.R.S. §49-426(D), the Control Officer shall send a copy of any Non-Title V permit proposed to be issued under Section 304 of this rule to the Administrator review during the comment period described in the notice under Section 407 of this rule.

- 304.5** The Control Officer shall send a copy of each final permit issued under Section 304 of this rule to the Administrator.
- 304.6** For all permits containing voluntarily accepted emission limitations, controls, or other requirements established under this section, the Control Officer shall provide an opportunity for public participation as provided for in Section 407 of this rule.

#### **SECTION 400 - ADMINISTRATIVE REQUIREMENTS**

- 401 FEES REQUIRED:** Persons subject to this rule shall pay the fees required, as set forth in Rule 280-Fees of these rules.
- 402 PERMIT TERM:** A Non-Title V permit shall remain in effect for no more than five years.
- 403 SOURCE CHANGES THAT REQUIRE NON-TITLE V PERMIT REVISIONS:**
- 403.1** A source with a Non-Title V permit may make any physical change or change in the method of operation without revising the source's permit, unless the change is specifically prohibited in the source's permit or is a change described in the following subsections. A change that does not require a permit revision may still be subject to requirements in Section 404 of this rule.
- 403.2** The following changes at a source with a Non-Title V permit shall require a permit revision:
- a.** A change that would trigger a new applicable requirement or violate an existing applicable requirement;
  - b.** Establishment of, or change in, an emissions cap;
  - c.** A change that will require a case-by-case determination of an emissions limitation or other standard, or a source specific determination of ambient impacts, or a visibility or increment analysis;
  - d.** A change that results in emissions which are subject to monitoring, recordkeeping, or reporting under Sections 302.6, 302.7, and 302.8 of this rule, if the emissions cannot be measured or otherwise adequately quantified by monitoring, recordkeeping, or reporting requirements already in the permit;
  - e.** A change that will authorize the burning of used oil, used oil fuel, hazardous waste or hazardous waste fuel, or any other fuel not currently authorized by the permit;
  - f.** A change that requires the source to obtain a Title V permit under Rule 210-Title V Permit Provisions of these rules;
  - g.** Replacement of an item of air pollution control equipment listed in the permit with one that does not have the same or better pollutant removal efficiency;
  - h.** Establishment or revision of an emissions limit under Section 304 of this rule;
  - i.** Increasing operating hours or rates of production above the permitted level;
  - j.** Making a change that relaxes monitoring, recordkeeping, or reporting requirements, except when the change results:
    - (1)** From removing equipment that results in a permanent decrease in actual emissions, if the source keeps on-site records of the change in a log that satisfies Section 500 of this rule and if the requirements that are relaxed are present in the permit solely for the equipment that was removed; or
    - (2)** From a change in an applicable requirement; and
  - k.** A minor NSR modification.

**404 PROCEDURES FOR CERTAIN CHANGES THAT DO NOT REQUIRE A NON-TITLE V PERMIT REVISION:**

- 404.1** Except for a physical change or change in the method of operation at a Non-Title V source requiring a permit revision under Section 403 of this rule or a change subject to logging or notice requirements in Section 404.2 of this rule or Section 404.3 of this rule, a change at a Non-Title V source shall not be subject to revision, notice, or logging requirements under these rules.
- 404.2** Except as otherwise provided in the conditions applicable to an emissions cap created under Rule 201-Emissions Caps of these rules, the following changes may be made if the source keeps on-site records of the changes according to Section 500 of this rule:
- a.** Implementing an alternative operating scenario, including raw material changes;
  - b.** Changing process equipment, operating procedures, or making any other physical change if the permit requires the change to be logged;
  - c.** Engaging in any new exempted activity listed in Rule 200-Permit Requirements, Section 303.3(c) of these rules, but not listed in the permit;
  - d.** Replacing an item of air pollution control equipment listed in the permit with an identical (same model, different serial number) item. The Control Officer may require verification of efficiency of the new equipment by performance tests; and
  - e.** Making a change that results in a decrease in actual emissions, if the source wants to claim credit for the decrease in determining whether the source has a net emissions increase for any purpose. The logged information shall include a description of the change that will produce the decrease in actual emissions. A decrease that has not been logged is creditable only if the decrease is quantifiable, enforceable, and otherwise qualifies as a creditable decrease.
- 404.3** Except as otherwise provided in the conditions applicable to an emissions cap created under Rule 201-Emissions Caps of these rules, the following changes may be made if the source provides written notice to the Control Officer in advance of the change as provided below:
- a.** Replacing an item of air pollution control equipment listed in the permit with one that is not identical but that is substantially similar and has the same or better pollutant removal efficiency: 7 days. The Control Officer may require verification of efficiency of the new equipment by performance tests;
  - b.** Making a physical change or change in the method of operation that increases actual emissions more than 10% of the major source threshold for any conventional air pollutant but does not require a permit revision: 7 days;
  - c.** Replacing an item of air pollution control equipment listed in the permit with one that is not substantially similar but that has the same or better efficiency: 30 days. The Control Officer may require verification of efficiency of the new equipment by performance tests;
  - d.** Making any change that would trigger an applicable requirement that already exists in the permit: 30 days, unless otherwise required by the applicable requirement;
  - e.** Making a change that amounts to reconstruction of the source or an affected facility: 7 days. For purposes of this section reconstruction of a source or an affected facility shall be presumed if the fixed capital cost of the new components exceed 50% of the fixed capital cost of a comparable entirely new source or affected facility and the changes to the components have occurred over the 12 consecutive months beginning with commencement of construction; and
  - f.** Making a change that will result in the emissions of a new regulated air pollutant above an applicable regulatory threshold, but that does not trigger a new applicable requirement for that source category: 30 days. For purposes of this requirement, an applicable regulatory threshold for a conventional air pollutant shall be 10% of the applicable major source threshold for that pollutant.

- 404.4** For each change under Section 404.3 of this rule, the written notice shall be by certified mail or hand delivery and shall be received by the Control Officer the minimum amount of time in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided with less than required notice, but must be provided as far in advance of the change, or if advance notification is not practicable, as soon after the change, as possible.
- 404.5** The written notice shall include:
- a. When the proposed change will occur;
  - b. A description of the change;
  - c. Any change in emissions of regulated air pollutants; and
  - d. Any permit term or condition that is no longer applicable as a result of the change.
- 404.6** Notwithstanding any other part of this section of this rule, the Control Officer may require a permit to be revised for any change that, when considered together with any other changes submitted by the same source under this section of this rule over the term of the permit, constitutes a change under Section 403.2 of this rule.
- 404.7** If a source change is described under both Section 404.2 of this rule and Section 404.3 of this rule, the source shall comply with Section 404.3 of this rule.
- 404.8** If a source change is described under both Section 404.3 of this rule and Section 403.1 of this rule, the source shall comply with Section 403.1 of this rule.
- 404.9** A source may implement any change under Section 404.3 of this rule without the required notice by applying for a minor permit revision under Section 405.2 of this rule and complying with Section 406.1 of this rule.

**405 PERMIT REVISIONS:**

**405.1 Administrative Permit Revisions:**

- a. An administrative permit revision is required to correct typographical errors in a Non-Title V Permit.
- b. An administrative permit revision is required to change the name, address, or phone number of any person identified in the Non-Title V permit.
- c. An administrative permit revision is required to change ownership or operational control of a source with a Non-Title V permit, where the Control Officer determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for the change of permit responsibility and liability between the current and new permittee has been submitted to the Control Officer.
- d. Incorporates any other type of change which the Control Officer has determined to be similar to those changes described in this subsection.

**405.2 Minor Permit Revisions:**

- a. Minor permit revision procedures shall be used for a change that triggers a new applicable requirement, if all of the following apply:
  - (1) The change is not a minor NSR modification for which public participation is required under Rule 241 of these rules;
  - (2) A case-by-case determination of an emissions limitation or other standard is not required; and
  - (3) The change does not require the source to obtain a Title V permit under Rule 210-Title V Permit Provisions of these rules.

- b. Minor permit revision procedures shall be used for a change that increases emissions above the permitted level, unless the increase otherwise creates a condition that requires a non-minor permit revision;
- c. Minor permit revision procedures shall be used for a change in fuel from fuel oil or coal to natural gas or propane, if not authorized in the permit;
- d. Minor permit revision procedures shall be used for a change that results in emissions subject to monitoring, recordkeeping, or reporting under Sections 302.6, 302.7, or 302.8 of this rule and that cannot be measured or otherwise adequately quantified by monitoring, recordkeeping, or reporting requirements already in the permit;
- e. Minor permit revision procedures shall be used for a change that decreases emissions permitted under an emissions cap under Rule 201-Emissions Caps of these rules, unless the decrease requires a change in the conditions required to enforce the emissions cap or to ensure that emissions trades conducted under the emissions cap are quantifiable and enforceable; and
- f. Minor permit revision procedures shall be used for a change that replaces an item of air pollution control equipment listed in the permit with one that does not have the same or better efficiency.

**405.3 Non-Minor Permit Revisions:** A source with a Non-Title V permit shall make the following changes only after its permit is revised following the public participation requirements of Section 407 of this rule:

- a. Establishing or revising a voluntarily accepted emission limitation or standard described in Section 304 of this rule, or an emissions cap described in Rule 201-Emissions Caps of these rules, except a decrease in the limitation authorized by Section 405.2(e) of this rule;
- b. Making any change in fuel not authorized by the Non-Title V permit and that is not fuel oil or coal to natural gas or propane;
- c. A change that is a minor NSR modification for which public participation is required under Rule 241 of these rules.
- d. A change that relaxes monitoring, recordkeeping, or reporting requirements, except when the change results:
  - (1) From removing equipment that results in a permanent decrease in actual emissions, if the source keeps on-site records of the change in a log that satisfies Section 500 of this rule and if the requirements that are relaxed are present in the permit solely for the equipment that was removed; or
  - (2) From a change in an applicable requirement.
- e. A change that will cause the source to violate an existing applicable requirement, including the conditions establishing an emissions cap;
- f. A change that will require any of the following:
  - (1) A case-by-case determination of an emission limitation or other standard;
  - (2) A source-specific determination of ambient impacts or a visibility or increment analysis; or
  - (3) A case-by-case determination of a monitoring, recordkeeping, and reporting requirement.
- g. A change that requires the source to obtain a Title V permit under Rule 210-Title V Permit Provisions of these rules.

**406 PERMIT REVISIONS PROCEDURES:**

**406.1 The Source's Responsibility For A Notification Of A Permit Revision:** A source shall submit to the Control Officer a notification of a Non-Title V permit revision, in a form and manner as

prescribed by the Control Officer, with the appropriate fee as required by Rule 280-Fees of these rules. In a notification of a Non-Title V permit revision, a source must supply information that is related to the proposed change. If the source's proposed Non-Title V permit revision will revise its Non-Title V permit from a Non-Title V permit to a Title V permit, then the source must submit a Title V permit application in accordance with Rule 210-Title V Permit Provisions of these rules. The Control Officer shall issue the entire Title V permit, and not just the portion of the Non-Title V permit being revised, in accordance with Title V permit content and issuance requirements, including requirements for public, affected state, and EPA review contained in Rule 210-Title V Permit Provisions of these rules.

**406.2 The Control Officer's Responsibility for Action on a Notification of a Permit Revision:**

- a. Administrative Permit Revision:** The Control Officer shall take final action within 60 days of receipt of a notification of an administrative permit revision.
- b. Minor Permit Revision:** The Control Officer shall do one or more of the following within 60 days of receipt of a notification of a minor permit revision:
  - (1) Issue the minor permit revision as proposed;
  - (2) Deny the minor permit revision application; or
  - (3) Determine that the minor permit revision does not meet the minor permit revision criteria and should be reviewed under the non-minor permit revision procedures.
- c. Non-Minor Permit Revision:** The Control Officer shall take final action on the majority of the notifications of non-minor permit revisions within 90 days of receipt. In no case shall the final action take longer than nine months.

**406.3 The Source's Ability to Make Changes Requested in a Notification of a Permit Revision:**

- a. Administrative Permit Revision Or Minor Permit Revision:**
  - (1) A source may implement the changes addressed in the administrative permit revision application or in a minor permit revision application after it files the application, unless the revision triggers minor New Source Review (NSR) under Rule 241 of these rules.
  - (2) A source shall still comply with any Federal laws, Arizona laws, or these rules, and a source shall comply with the "new" permit conditions that the source proposes in its notification of a minor permit revision. The Control Officer may enforce the existing permit conditions if the Control Officer determines that the source is not complying with the "new" permit conditions.
- b. Non-Minor Permit Revision:** A source may implement the changes addressed in the notification for a non-minor permit revision upon the Control Officer's revising the permit.

**407 PUBLIC PARTICIPATION:**

**407.1 Provide Public Notice Before Taking Action On A Permit:** The Control Officer shall provide public notice and an opportunity for public comment before taking any of the following actions:

- a.** Issuing, denying, or renewing a permit to a Non-Title V source with emissions of a regulated air pollutant that exceeds the public notice threshold as defined in Rule 100 of these rules;
- b.** Issuing or denying a non-minor permit revision to a Non-Title V source with emissions of a regulated air pollutant that exceeds the public notice threshold as defined in Rule 100 of these rules;
- c.** Revoking and reissuing or reopening a permit to a Non-Title V source with emissions of a regulated air pollutant that exceeds the public notice threshold as defined in Rule 100 of these rules; or

- d. Issuing a conditional permit under Rule 120-Conditional Orders of these rules to a Non-Title V source with emissions of a regulated air pollutant that exceeds the public notice threshold as defined in Rule 100 of these rules.

**407.2 Provide Information In Public Notice And Publish In Newspapers Before Taking Action On A Permit:** The Control Officer shall include the following in the notice required pursuant to Section 407.1 of this rule and shall publish such notice once each week for two consecutive weeks in two newspapers of general circulation in the county where the source is or will be located and by other means if necessary to assure adequate notice to the affected public. The Control Officer shall give notice of any public hearing at least 30 days in advance of the public hearing.

- a. Name and address of the affected facility(ies).
- b. The activity(ies) involved in each permit action.
- c. A statement that any person may submit written comments on a proposed permit action no later than the deadline for submitting such comments.
- d. The deadline for submitting written comments.
- e. Name, address, and phone number of a person from the Department from whom additional information may be obtained.
- f. The location where copies of the permit or permit revision application, the proposed permit, the analysis in support of the preliminary determination whether the application for a permit or permit revision should be approved or disapproved, and all other materials available to the Control Officer that are relevant to the permit decision may be reviewed and the times during which such materials will be available for public inspection.
- g. A statement if the permit or permit revision would result in the generation of emission reduction credits under A.A.C. R18-2-1204-Title 18, Chapter 2, Article 12 or the utilization of emission reduction credits under A.A.C. R18-2-1206 Title 18, Chapter 2, Article 12.
- h. The Control Officer's preliminary determination whether the application for a permit or permit revision should be approved or disapproved.

**407.3 Publish List Of Permit Applications Received:** The Control Officer shall publish, once each week, a list of all permit applications received. The list will be available to the public at the Department's main office and on the Department's website.

**407.4 Publish List Of Permits Issued:** The Control Officer shall publish in a newspaper or post on the Department's website, once each month, a list of all permits issued.

**407.5 Public Hearing:** The Control Officer shall hold a public hearing to receive comments on petitions for conditional orders, which would vary from requirements of the applicable implementation plan. For all other actions involving a proposed permit, the Control Officer shall hold a public hearing only upon written request. If a public hearing is requested, the Control Officer shall schedule the public hearing and publish a notice once each week for two consecutive weeks in two newspapers of general circulation in the county where the source is or will be located and by other means if necessary to assure adequate notice to the affected public. The Control Officer shall give notice of any public hearing at least 30 days in advance of the public hearing.

**407.6 Public Notice To Be Posted By The Permit Applicant:** At the time the Control Officer publishes the first notice under Section 407.1 of this rule, the applicant shall post a notice containing the information required in Section 407.2 of this rule at the site where the source is or may be located. Consistent with Federal, State, and local law, the posting shall be prominently placed at a location under the applicant's legal control, adjacent to the nearest public roadway, and visible to the public using the public roadway. If a public hearing is to be held, the applicant shall place an additional posting providing notice of the public hearing. Any posting shall be maintained until the public comment period is closed.

**407.7 Receipt Of Comments And Requests For Public Hearing:** The Control Officer shall provide at least 30 days from the date of its first notice for public comment to receive comments and requests

for a hearing. The Control Officer shall keep a record of the commenters and the issues raised during the public participation process and shall prepare written responses to all comments received. At the time a final decision is made, the record and copies of the Control Officer's responses shall be made available to the applicant and to all commenters.

**408 AMENDMENTS TO A PERMIT:** The Control Officer may amend any Non-Title V permit annually without following Rule 200-Permit Requirements, Section 402-Permit Reopenings; Revocation And Reissuance; Termination of these rules in order to incorporate changes reflected in logs or notices filed under Section 404 of this rule. The amendment shall be effective to the anniversary date of the permit. The Control Officer shall make available to the public for any source:

**408.1** A complete record of logs and notices sent to the Control Officer under Section 404 of this rule; and

**408.2** Any amendments or revisions to the source's permit.

## **SECTION 500 - MONITORING AND RECORDS**

**501 LOG RETENTION REQUIREMENT:** If a source makes a change that requires logging, then the source shall keep such log for five years from the date the source creates such log.

**502 LOG FORMAT SPECIFICATIONS:** If a source makes a change that requires logging, then the source shall perform such logging in indelible ink in a bound log book with sequentially numbered pages, or in any other form, including electronic format, if approved by the Control Officer. Each log entry shall include at least the following information:

**502.1** A description of the change including:

**a.** A description of any process change.

**b.** A description of any equipment change, including both old and new equipment descriptions, model numbers, and serial numbers, or any other unique equipment number.

**c.** A description of any process material change.

**502.2** The date and time that the change occurred.

**502.3** The provision of Section 404.2 of this rule that authorizes the change to be made with logging.

**502.4** The date the log entry was made and the first and last name of the person making the log entry.

**503 LOG FILING:** A copy of all logs required under Section 404.2 of this rule shall be filed with the Control Officer within 30 days after each anniversary of the permit issue date. If no changes were made at the source requiring logging, a statement to that effect shall be filed instead.