

II, Rule 200, section 411.1.
(§ 70.4(b)(3)(viii))

(7) Revise MAPC Regulation II, Rule 200, section 312.2 to define when sources become "subject to the requirements of Title V." A source becomes subject to the requirements of title V on the date that EPA approves the County's program and when the source meets the applicability requirements as provided in section 302 of Rule 200. In addition, revise section 312.5 to require that existing sources that do not hold a valid installation or operating permit must submit an application within 12 months of becoming subject to the requirements of title V.

(8) Revise MAPC Regulation II, Rule 200, section 403 to include a provision that if a timely and complete application for a permit renewal is submitted then one of the following will occur (§ 70.4(b)(10)):

(a) The permit shall not expire until the renewal permit has been issued or denied; or

(b) All terms and conditions of the permit shall remain in effect until the renewal permit has been issued or denied.

(9) MAPC Regulation II, Rule 200, section 303.3(c) contains the list of activities that are exempt from part 70 permitting. The applicants must list these activities in permit applications but need not provide emissions data (per Regulation II, Rule 210, section 301.5(g)). To receive full approval Maricopa must provide a demonstration that the activities listed in Rule 200, Section 303.3(c) are truly insignificant and are not likely to be subject to an applicable requirement. Alternatively, Maricopa may restrict the exemptions to activities that are not likely to be subject to an applicable requirement and that emit less than County-established emission levels. Maricopa should establish separate emission levels for HAPs and for other regulated pollutants and demonstrate that these emission levels are insignificant compared to the level of emissions from and type of units that are required to be permitted or subject to applicable requirements. (§ 70.5(c), § 70.4(b)(2))

(10) For the reason explained above in II.B.1.a.(4), revise MAPC Regulation II, Rule 210, Section 302.1(j) by either deleting the following sentence:

This provision shall not apply to emissions trading between sources as provided in the applicable implementation plan.

or by revising this sentence as follows:

This provision shall not apply to emissions trading between sources if such trading is

prohibited in the applicable implementation plan.

(§ 70.6(a)(8))

(11) For the reason explained above in II.B.1.a.(5), revise MAPC Regulation II, Rule 210, Section 302.1(n) to clarify that changes made under this provision may not be modifications under any provision of title I of the Act and may not exceed emissions allowable under the permit. In addition, revise this provision to require the notice required by sections 403.4 and 403.5 to also describe how the increases and decreases in emissions will comply with the terms and conditions of the permit. (§ 70.4(b)(12))

(12) Delete the provision of MAPC Regulation II, Rule 210, section 404.1(e) that provides for equipment removal that does not result in an increase in emissions to be processed as an administrative permit amendment. Removal of certain equipment, even if it does not result in an increase in emissions, may require processing as a significant permit revision. One example is removal of monitoring equipment, which part 70 clearly requires to be processed as a significant permit revision. (§ 70.7(d), § 70.7(e)(4))

(13) Delete the following language from the criteria for minor permit revisions in MAPC Regulation I, Rule 210, section 405.1(c):

* * * other than a determination of RACT pursuant to Rule 241, Section 302 of these rules, * * *

This language is included in the rule as an exception to the prohibition against allowing case-by-case determinations to be processed as minor permit revisions. The definition of RACT in section 272 of Rule 100 states that "RACT for a particular facility, other than a facility subject to Regulation III, is determined on a case-by-case basis * * *" Rule 241 is not in Regulation III, so RACT determinations made pursuant to this rule are done so on a case-by-case basis. Excepting RACT determinations from the prohibition against processing case-by-case determinations through the minor permit revision process violates the requirement of section 70.7(e)(2)(i)(A)(3).

(14) Revise Regulation II, Rule 210, Section 408 to include a provision for giving public notice "by other means if necessary to assure adequate notice to the affected public." (§ 70.7(h)(1))

(15) Revise MAPC Regulation II, Rule 230, Section 304, which contains public notice procedures for the issuance of general permits, to include requirements that Maricopa shall:

(a) Provide notice by other means if necessary to assure adequate notice to the affected public. (§ 70.7(h)(1))

(b) Provide notice of any public hearing, including the time and place of the hearing, at least 30 days in advance of the hearing. (§ 70.7(h)(4))

(c) Provide for keeping a record of the commenters and of the issues raised during the public participation process. (§ 70.7(h)(5))

(d) Provide a copy of the final general permit to EPA. (§ 70.8(a)(1))

c. Pima County Department of Environmental Quality. If EPA finalizes this interim approval, Pima must make the following changes, or changes that have the same effect, to receive full approval:

(1) Revise PCC § 17.04.340(133)(b)(i), the definition of major source, to clarify that fugitive emissions of hazardous air pollutants must be considered in determining whether the source is major for purposes of both the 10 ton per year and 25 ton per year major source thresholds. The current definition appears to require inclusion of fugitive emissions only when determining applicability according to the 10 ton per year major source threshold.

(2) Revise PCC § 17.12.150(B) and § 17.12.150(G)(1) to clarify when a source becomes subject to obtaining title V permits. A source becomes subject to obtaining a title V permit on the date that EPA approves the County's program and when the source meets the applicability requirements as provided in § 17.12.140(B)(1).

(3) PCC § 17.12.160(E)(7) contains emission levels that define which emission units are exempt from part 70 permitting. The applicants must list activities that emit below these levels in the permit applications but need not provide detailed information or data regarding these units. To receive full approval, Pima must demonstrate that these emission levels are insignificant compared to the level of hazardous air pollutant emissions from units that are required to be permitted or subject to applicable requirements or establish separate insignificant emission levels for HAPs and use the current emission levels in § 17.12.160(E)(7) to define insignificant activities for criteria pollutant-emitting units only. Pima must also restrict the exemptions to activities that are not likely to be subject to an applicable requirement. (See discussion in II.A.2.b. above.) (§ 70.5(c), § 70.4(b)(2))

(4) For the same reason discussed above in II.B.1.a.(4), revise PCC § 17.12.180(A)(10) by either deleting the following sentence: