

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

**RULE 230
GENERAL PERMITS**

INDEX

SECTION 100 – GENERAL

- 101 PURPOSE
- 102 APPLICABILITY

SECTION 200 – DEFINITIONS

- 201 SIMILAR IN NATURE

SECTION 300 – STANDARDS

- 301 RULES APPLICABLE TO A GENERAL PERMIT
- 302 GENERAL PERMIT DEVELOPMENT
- 303 APPLICATION FOR COVERAGE UNDER GENERAL PERMIT
- 304 PUBLIC NOTICE
- 305 SOURCES FOR WHICH A GENERAL PERMIT MAY NOT BE ISSUED
- 306 GENERAL PERMIT RENEWAL
- 307 RELATIONSHIP TO INDIVIDUAL PERMITS
- 308 GENERAL PERMIT VARIANCE FOR ANY NON-FEDERALLY ENFORCEABLE REQUIREMENT OF A PERMIT
- 309 GENERAL PERMIT SHIELD
- 310 GENERAL PERMIT APPEALS
- 311 REVOCATIONS OF AUTHORITY TO OPERATE
- 312 CHANGES TO FACILITIES GRANTED COVERAGE UNDER GENERAL PERMIT

SECTION 400 - ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 - MONITORING AND RECORDS (NOT APPLICABLE)

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

**RULE 230
GENERAL PERMITS**

SECTION 100 - GENERAL

- 101 PURPOSE:** To allow for the issuance of general permits for a facility class that contains a large number of sources that are similar in nature, have substantially similar emissions, and would be subject to the same or substantially similar requirements governing operations, emissions, monitoring, reporting, or recordkeeping.
- 102 APPLICABILITY:** A general permit shall not be issued for affected sources except as provided in regulations promulgated by the Administrator under Title IV of the Act.

SECTION 200 - DEFINITIONS: For the purpose of this rule, the following definition shall apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definitions in this rule take precedence.

- 201 SIMILAR IN NATURE -** Refers to facility size, processes and operating conditions.

SECTION 300 - STANDARDS

- 301 RULES APPLICABLE TO A GENERAL PERMIT:** Unless otherwise stated, the provisions of Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 220-Non-Title V Permit Provisions, Rule 241-Minor New Source Review (NSR), Rule 245-Continuous Source Emission Monitoring, Rule 270-Performance Tests, and Rule 400-Procedure Before The Hearing Board shall apply to general permits.

302 GENERAL PERMIT DEVELOPMENT:

- 302.1** The Control Officer may issue a general permit on his own initiative or in response to a petition. At the time the Control Officer issues a general permit, the Control Officer may also establish a specific application with filing instructions for sources in the category covered by the general permit.
- 302.2** Any person may submit a petition to the Control Officer requesting the issuance of a general permit for a defined class of facilities. The petition shall propose a particular class of facilities, shall list the approximate number of facilities in the proposed class along with their size, processes and operating conditions, and shall demonstrate how the class meets the criteria for a general permit as specified in Sections 100 and 301 through 303 of this rule and in A.R.S. § 49-426(H). The Control Officer shall provide a written response to the petition within 120 days of receipt.
- 302.3** A general permit shall be issued for classes of facilities using the same engineering technical review process that applies to permits for individual sources and following the public notice requirements of Section 304 of this rule.
- 302.4** A general permit shall include all of the following:
- a.** General permits issued for Title V major sources shall contain all elements in Rule 210-Title V Permit Provisions, Section 302.1-Permit Contents of these rules except Sections 302.1(b)(2) and 302.1(f).
 - b.** General permits issued for Non-Title V sources shall contain all elements in Rule 220-Non-Title V Permit Provisions, Section 302-Permit Contents of these rules.
 - c.** The process for individual sources to apply for coverage under the general permit.

- 302.5** A source applying for authority to operate under a general permit shall not propose nor accept pursuant to Rule 220-Non-Title V Permit Provisions of these rules emissions limitations, controls, or other requirements that are not included in the general permit.
- 302.6** Of sources that are covered under the general permit, general permits developed by the Control Officer shall require both of the following:
- a.** Installation and operation of reasonably available control technology (RACT) as determined by Rule 241, Section 302 of these rules.
 - b.** Compliance with Sections 111 or 112 of the Act as applicable.

303 APPLICATION FOR COVERAGE UNDER GENERAL PERMIT:

- 303.1** Once the Control Officer has issued a general permit, any source which is a member of the class of facilities covered by the general permit may apply to the Control Officer for authority to operate under the general permit. Applicants shall complete the specific application form, or if none has been adopted, the standard application form. The specific application form shall, at a minimum, require the applicant to submit the following information:
- a.** Information identifying and describing the source, its processes, and operating conditions in sufficient detail to allow the Control Officer to determine qualification for and to assure compliance with the general permit.
 - b.** For general permits issued for Title V major sources, compliance plan that meets the requirements of Rule 210-Title V Permit Provisions, Section 305-Compliance Plan; Certification of these rules.
 - c.** For general permits issued for Non-Title V sources, compliance plan that meets the requirements of Rule 220-Non-Title V Permit Provisions, Section 303-Compliance Plans of these rules.
- 303.2** For sources required to obtain a permit under Title V of the Act, the Control Officer shall provide the Administrator with a permit application summary form and any relevant portion of the permit application and compliance plan. To the extent possible, this information shall be provided in computer readable format compatible with the Administrator's national database management system.
- 303.3** The Control Officer shall act on the application for coverage under a general permit as expeditiously as possible. The source may operate under the terms of the applicable general permit during that time. The Control Officer may defer acting on an application under this rule, if the Control Officer has provided notice of intent to renew or not to renew the permit.
- 303.4** The Control Officer shall make available to the public a monthly summary of all applications received under this rule.

304 PUBLIC NOTICE:

- 304.1** The Control Officer shall provide public notice for any proposed general permit, for any revision of an existing general permit, and for renewal of an existing general permit.
- 304.2** The Control Officer shall publish notice of the proposed general permit once each week for two consecutive weeks in a newspaper of general circulation within Maricopa County. The notice shall describe the following:
- a.** The proposed general permit.
 - b.** The category of sources that would be affected.
 - c.** The air contaminants which the Control Officer expects to be emitted by a typical facility in the class and by class as a whole.
 - d.** The Control Officer's proposed actions and effective date for the actions.
 - e.** Locations where documents relevant to the proposed general permit will be available during normal business hours.

- f. The name, address, and telephone number of a person within the Department who may be contacted for further information.
- g. The address where any person may submit comments and/or request a public hearing and the date and time by which comments or public hearing request are required to be received.
- h. The process by which sources may obtain authorization to operate under the general permit.

304.3 For general permits under which operation may be authorized in lieu of individual source permits issued under Rule 210-Title V Permit Provisions of these rules, the Control Officer shall give notice of the proposed general permit to each affected state at the same time that the proposed general permit goes out for public notice. The Control Officer shall provide the proposed final permit to the Administrator after public and affected state review. No Title V permit shall be issued if the Administrator properly objects to its issuance in writing within 45 days from receipt of the proposed final permit and any necessary supporting information from the Control Officer.

304.4 The Control Officer shall provide at least 30 days from the date of the first notice described in Section 304.3 of this rule for public comment.

304.5 Written comments to the Control Officer shall include the name of the person and the person's agent or attorney and shall clearly set forth reasons why the general permit should or should not be issued.

304.6 At the time a general permit is issued, the Control Officer shall make available a response to all relevant comments on the proposed permit raised during the public comment period and during any requested public hearing. The response shall specify which provisions, if any, of the proposed permit have been changed and the reason for the changes. The Control Officer shall also notify in writing any petitioner and each person who has submitted written comments on the proposed permit or requested notice of the final permit decision.

305 **SOURCES FOR WHICH A GENERAL PERMIT MAY NOT BE ISSUED:** A general permit shall not be issued to sources that are subject to case-by-case standards or requirements.

306 **GENERAL PERMIT RENEWAL:**

306.1 The Control Officer shall review and may renew general permits every five years.

306.2 A source's authorization to operate under a general permit shall expire when the general permit expires regardless of when the authorization began during the five year period, except as provided in Section 311.3 of this rule.

306.3 At the time a general permit is renewed, the Control Officer shall notify in writing all sources that were granted coverage under the previous permit and shall require them to submit a timely renewal application. For purposes of general permits, a timely application is one that is submitted within the time-frame specified by the Control Officer in the written notification. Failure to submit a timely application terminates the source's right to operate. If a source submits a timely and complete application for a permit renewal, 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 permit renewal has been issued or denied.

307 **RELATIONSHIP TO INDIVIDUAL PERMITS:** Any source covered under a general permit may request to be excluded from coverage by applying for an individual source permit. Coverage under the general permit shall terminate on the date the individual permit is issued.

308 **GENERAL PERMIT VARIANCE FOR ANY NON-FEDERALLY ENFORCEABLE REQUIREMENT OF A PERMIT:**

308.1 Except as modified by the variance, the source shall comply with all conditions of the general permit.

308.2 Applications and approvals of general permit variances shall be subject to the public notice requirements of Rule 210-Title V Permit Provisions of these rules.

309 GENERAL PERMIT SHIELD: Each general permit issued under this rule shall specifically identify all federal, state, and local air pollution control requirements applicable to the source at the time the general permit is issued. The general permit shall state that compliance with the conditions of the general permit shall be deemed in compliance with any applicable requirement as of the date of general permit issuance. Any permit under this rule that does not expressly state that a permit shield exists shall be presumed not to provide such a shield. Notwithstanding the above provisions, the source shall be subject to enforcement action for operation without a permit if the source is later determined not to qualify for the conditions and terms of the general permit. A permit shield provided for a general permit shall meet all the requirements of Rule 210-Title V Permit Provisions of these rules.

310 GENERAL PERMIT APPEALS: Any person who filed a comment on a proposed general permit as provided in Section 304 of this rule may appeal the terms and conditions of a general permit, as they apply to the facility class covered under a general permit, by filing an appeal with the hearing board within ten days of issuance of the general permit.

311 REVOCATIONS OF AUTHORITY TO OPERATE:

311.1 The Control Officer may require a source authorized to operate under a general permit to apply for and to obtain an individual source permit at any time if:

- a. The Control Officer has determined that the source is not in compliance with the terms and conditions of the general permit; or
- b. The Control Officer has determined that the emissions from the source or facility class are significant contributors to ambient air quality standard violations which are not adequately addressed by the requirements in the general permit; or
- c. The Control Officer has information which indicates that the effects on human health and the environment from the sources covered under the general permit are unacceptable.

311.2 The Control Officer shall provide written notice to all sources operating under a general permit prior to cancellation of a general permit. Such notice shall include an explanation of the basis for the proposed action. Within six months of receipt of the notice of the expiration, termination or cancellation of any general permit, sources notified shall submit an application to the Control Officer for an individual permit.

311.3 A source previously authorized to operate under a general permit may operate under the terms of the general permit until the earlier of the date it submits a complete application for an individual permit, or 180 days after receipt of the notice of expiration, termination or cancellation of any general permit.

312 CHANGES TO FACILITIES GRANTED COVERAGE UNDER GENERAL PERMIT:

312.1 An owner or operator of a source that has been granted coverage under a general permit may make the following changes at the source only after the owner or operator provides written notification to the Control Officer and only if such changes do not require the owner or operator to obtain a Title V or a Non-Title V permit:

- a. Adding new emissions units.
- b. Installing a replacement emissions unit.
- c. Adding or replacing air pollution control equipment.

312.2 Notification Required: The written notification required by Section 312.1 of this rule shall include:

- a. When the proposed change will occur;
- b. A description of the change; and
- c. Any change in emissions of regulated air pollutants.

312.3 An owner or operator of a source that has been granted coverage under a general permit shall keep a record of any physical change or change in the method of operation that could affect emissions. The record shall include a description of the change and the date the change occurred.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 - MONITORING AND RECORDS (NOT APPLICABLE)