

When recorded return to:  
Clerk of the Board  
Pinal County  
P.O. Box 827  
Florence, Arizona 85232

**PINAL COUNTY BOARD OF SUPERVISORS**  
**RESOLUTION NO. 070120-AQ1**  
**PINAL COUNTY AIR QUALITY CONTROL DISTRICT**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PINAL COUNTY, ADOPTING CERTAIN REVISIONS TO THE PINAL COUNTY AIR QUALITY CONTROL DISTRICT RULES AND REQUESTING THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY SUBMIT THE REVISIONS TO THE ENVIRONMENTAL PROTECTION AGENCY AS AN ELEMENT OF THE ARIZONA STATE IMPLEMENTATION PLAN.

**WHEREAS**, the Pinal County Board of Supervisors ("Board") is empowered under A.R.S. §49-479 to adopt rules for the purpose of controlling the release of air contaminants within the County;

**WHEREAS**, the Environmental Protection Agency (EPA) revised the 8-hour ozone National Ambient Air Quality Standards (NAAQS) in 2015 (from 0.075 ppm to 0.070 ppm) and the ozone nonattainment area was expanded in Pinal County to cover Queen Valley and San Tan Valley ;

**WHEREAS**, on December 8, 2018, the EPA published a final rule on the implementation of the 2015 ozone NAAQS, Nonattainment Area State Implementation Plan Requirements (83 FR 62993). One of the Clean Air Act (CAA) requirements for a Marginal nonattainment area includes An Emissions Statement (CAA Section 182(a)(3)(B)).

**WHEREAS**, the EPA final rule on implementation of the 2015 ozone NAAQS required submission of emissions statement regulations within two years from the effective date of designation to a nonattainment area (August 3, 2020);

**WHEREAS**, A subsequent review by EPA on the emissions statement rules of the various air quality agencies in Arizona found that the existing emissions statement rules, including Pinal County's (§3-1-103 – Annual Emissions Inventory Questionnaire) were out of date and not fully aligned with the CAA Section 182(a)(3)(B) requirements.

**WHEREAS**, Pinal County in coordination with stakeholders, EPA and Arizona Department of Environmental Quality (ADEQ) developed the proposed rule revisions (§3-1-103).;

**WHEREAS**, to the extent applicable, the District has complied with the notice-publication and other public notification requirements of A.R.S. §§49-471.04 and 49-479, and 40 C.F.R. §51-102, including a combined notice of proposed rulemaking and oral proceeding published online <https://www.pinalcountyz.gov/AirQuality/Pages/Rulemaking.aspx> March 18, 2020 and in local newspapers;

**WHEREAS**, the proposed rule changes will go into effect on date of Board adoption;

**WHEREAS**, the elements of the final proposed changes in the County's air quality rules are set forth below in full;

**THEREFORE, FOR THE PURPOSE OF PROTECTING AND PRESERVING THE QUALITY OF AIR WITHIN THE COUNTY IN A SENSIBLE AND ORDERLY MANNER, IT IS HEREBY RESOLVED BY THE BOARD TO:**

- 1. Adopt the Pinal County Air Quality Control District Code of Regulations changes reflected in the revised rule attached in Exhibit A.**
- 2. Direct Pinal County Air Quality to submit the adopted rule (excluding §1-1-105) to the Arizona Department of Environmental Quality (ADEQ) with the request that it be submitted to the Environmental Protection Agency (EPA) for inclusion in the Arizona State Implementation Plan (SIP).**

## **Exhibit A**

### **1-1-105. SIP list**

A. As a declaration of Board policy rather than a rule, and subject to the limitations of paragraphs B. and C. of this section, the Board of Supervisors expressly designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP:

1. Chapter 1
  - a. Article 1.(As amended 5/14/97 and 5/27/98), except for §§1-1-105 and 1-1-107.
  - b. Article 2 (As amended 5/14/97 and 7/12/00) except for §1-2-110.
  - c. Article 3. (As amended 5/14/97, 5/27/98 and 10/27/04, 07/23/14, except for §1-3-130 and the definition in §1-3-140.82 (10/12/95) of "maximum achievable control technology.")
2. Chapter 2
  - a. Article 1. (As amended 10/12/95).
  - b. Article 2. (As amended 5/14/97), excluding:
    - i. §2-2-090 (as amended 5/14/97)
  - c. Article 3. (As amended 10/12/95).
  - d. Article 4. (As amended 10/12/95).
  - e. Article 5. (As amended 10/12/95).
  - f. Article 6. (As amended 10/12/95).
  - g. Article 7. (As amended 10/12/95).
  - h. Article 8. (As amended 5/18/05, as amended 1/7/09).
3. Chapter 3
  - a. Article 1. (As amended 5/14/97, ~~and 5/27/98, and 7/12/00, and 7/1/20~~), excluding:
    - i. §3-1-020
    - ii. §3-1-045
    - iii. §3-1-080
    - iv. §3-1-100
    - v. §3-1-150 (as amended 5/14/97)
    - vi. §3-1-160 (as amended 5/14/97)
    - vii. §3-1-170 (as amended 5/14/97)
    - viii. §3-1-173 (as amended 5/14/97)
  - b. Article 2. (As amended 10/12/95, 5/27/98 and 7/29/98).
  - c. Article 3. (As amended 10/12/95, 5/27/15).
  - d. Article 8. (As amended 10/12/95 and 10/27/04).
4. Chapter 4
  - a. Article 1. (As amended 2/22/95).
  - b. Article 2. (As amended 5/14/97, 7/12/00, 12/4/02 and 10/27/04).
  - c. Article 3, limited to:
    - i. §4-3-160 (As amended 10/28/15)
    - ii. §4-3-170 (As amended 10/28/15)

- iii. §4-3-180 (As amended 10/28/15)
  - iv. §4-3-190 (As amended 10/28/15)
  - d. Article 4 (As amended 6/3/09).
  - e. Article 5 (As amended 6/3/09).
  - f. Reserved.
  - g. Article 7 (As amended 6/3/09)
  - h. Reserved.
  - i. Article 9, limited to:
    - i. §4-9-320 (As amended 6/3/09)
    - ii. §4-9-340 (As amended 6/3/09)
- 5. Chapter 5
  - a. Article 13. (as amended 11/30/16), excluding
    - i. §5-13-390 (as amended 10/12/95)
  - a. Article 20. (as amended 11/30/16)
- B. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, those provisions, save §3-1-084 which shall be expressly exempted from the limitation of this paragraph, shall operate as elements of the SIP only insofar as they pertain to:
  - 1. "construction," as defined in Nov. '93 Code §1-3-140.28; or
  - 2. "modification," as defined in Nov. '93 Code §1-3-140.85; and
- C. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, neither those provisions nor any permit conditions imposed pursuant to those provisions shall:
  - 1. Operate as elements of the SIP insofar as they pertain to other than "conventional pollutants," as defined in §1-3-140.33;
  - 2. Operate as elements of the SIP insofar as they pertain only to a requirement arising under, or pertain to a source subject to regulation exclusively by virtue of a requirement arising under:
    - a. §111 of the Clean Air Act; or
    - b. Title IV of the 1990 amendments to the Clean Air Act; or
    - c. Title VI of the 1990 amendments to the Clean Air Act; or
    - d. Any section of this Code that is not a part of the SIP;
  - 3. Operate as an element of the SIP, at least insofar as they impose a "fee";
  - 4. Operate as an element of the SIP, at least insofar as they require a "certification";
  - 5. Operate as an element of the SIP, at least insofar as they impose obligations pertaining to "renewals";
  - 6. Operate as an element of the SIP, at least insofar as they impose requirements regarding "excess emissions"; or
  - 7. Operate as an element of the SIP, at least insofar as they impose requirements regarding "compliance plans."
- D. As a renumbering and reconciliation of previously approved SIP provisions as elements of this Code, the Board of Supervisors additionally designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP without operational limitation:
  - 1. §§1-1-010.C (2/22/95) and 1-1-010.D (2/22/95) *Declaration of Policy*
  - 2. Chapter 2, Article 8 (As amended 1/7/09) *Visibility Limiting Standard*
  - 3. Chapter 3, Article 8 (2/22/95) *Open Burning*

4. [Reserved]
5. [Reserved]
6. [Reserved]
7. [Reserved]
8. [Reserved]
9. [Reserved]
10. [Reserved]
11. [Reserved]
12. §5-18-740 (2/22/95) *Storage of Organic Compounds - Organic Compound Emissions*
13. §5-19-800 (2/22/95) *Loading of Volatile Organic Compounds - Organic Compound Emissions*
16. §5-22-950 (2/22/95) *Fossil Fuel Fired Steam Generator Standard Applicability*
17. §5-22-960 (2/22/95) *Fossil Fuel Fired Steam Generator Sulfur Dioxide Emission Limitation*
18. §5-24-1030.F (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Organic Compound Emissions*
19. §5-24-1030.I (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Carbon Monoxide*
20. §5-24-1032 (2/22/95) *Federally Enforceable Minimum Standard of Performance - Process Particulate Emissions*
21. §5-24-1040 (2/22/95) *Carbon Monoxide Emissions - Industrial Processes*
22. §5-24-1045 (2/22/95) *Sulfite Pulp Mills - Sulfur Compound Emissions*
23. §5-24-1050 (2/22/95, as amended June 20, 1996) *Reduced Sulfur Emissions - Default Limitation*

### **3-1-103. Annual emissions inventory questionnaire and emissions statement**

#### **A. Emissions Inventory Questionnaire and Emissions Statement**

##### **Requirements**

- ~~A~~1. Each Class I, Class II or Class III source ~~Every source~~ subject to a permit requirement under this chapter, or who obtains an authorization to operate under this chapter, shall complete and submit to the Control Officer an annual emissions inventory questionnaire and emissions statement. ~~The questionnaire and emissions statement is due~~ shall be submitted each year by March 31 or ninety days after the Control Officer makes the inventory form available, whichever occurs later, and shall include emission information for the previous calendar year. These requirements apply whether or not a permit has been issued and whether or not a permit application has been filed.
- ~~B~~2. The emissions inventory questionnaire and emissions statement shall be on an electronic or paper form provided by the Control Officer and shall include the following information for the previous calendar year:
  - ~~1~~a. The source's name, description, mailing address, contact person and contact person phone number, and physical address and location, if different than the mailing address.
  - ~~2~~b. Process information for the source, including design capacity, throughput, operations schedule, and emissions control devices, their description and efficiencies.

- 3c. The actual annual quantity of emissions, including documentation of the method of measurement, calculation or estimation, determined pursuant to subsection B, of the following regulated air pollutants:
- ai. Any single regulated air pollutant in a quantity greater than one ton.
  - bii. Any combination of regulated air pollutants in a quantity greater than 2½ tons.
- d. A certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
3. An amendment to an annual emissions inventory questionnaire, containing the documentation required by subsection (A)(2), shall be submitted to the Control Officer by any source whenever it discovers or receives notice, within two years of the original submittal, that incorrect or insufficient information was submitted to the Control Officer by a previous emissions inventory questionnaire. If the incorrect or insufficient information resulted in an incorrect annual emissions fee, the Control Officer shall require the additional payment be made or shall apply an amount as a credit to a future annual emissions fee. The submittal of an amendment under this subsection shall not subject the owner or operator to an enforcement action or a civil or criminal penalty if the original submittal of incorrect or insufficient information was not due to willful neglect.
4. The Control Officer may require submittal of supplemental emissions inventory questionnaires for air contaminants pursuant to A.R.S. §§49-476.01, 49-480.03 and 49-480.04.
- ~~C5. The Control Officer may waive a requirement that specific information or data be submitted in the annual emissions inventory questionnaire for sources requiring Class II or Class III permits if the Control Officer determines that the submission of data would be unnecessary or unreasonable for a particular source or category of sources and instead may require alternative information from which emissions may be determined.~~
- The Control Officer may, with EPA approval, waive the emissions statement requirement for classes or categories of stationary sources with facility-wide actual emissions of less than 25 tons/year of NO<sub>x</sub> or VOC if the NO<sub>x</sub> or VOC emissions from such class or category is included in the ozone nonattainment Base Year and Periodic Ozone SIP Emission Inventories, and the actual emissions were calculated using EPA-approved emission factors or other methods acceptable to the EPA pursuant to CAA Section 182(a)(3)(B).

## **B. Emissions Estimation Methodology**

1. Actual quantities of emissions shall be determined using the following emission factors or data.
  - a. Whenever available, emissions estimates shall either be calculated from continuous emissions monitors certified pursuant to 40 CFR Part 75, Subpart C and referenced appendices, or data quality assured pursuant to Appendix F of 40 CFR Part 60.

- b. When sufficient data pursuant to Subsection (B)(1)(a) is not available, emissions estimates shall be calculated from data from source performance tests conducted pursuant to §3-1-170 in the calendar year being reported or, when not available, conducted in the most recent calendar year representing the operating conditions of the year being reported.
- c. When sufficient data pursuant to subsection (B)(1)(a) or (b) is not available, emissions estimates shall be calculated using emissions factors from EPA Publication No. AP-42 "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, Fifth Edition, 1995, U.S. Environmental Protection Agency, Research Triangle Park, NC, Including Supplements A through F and all updates published through July 1, 2011 (and no future editions). AP-42 is incorporated by reference and is on file with the Pinal County Air Quality Control District and can be obtained from the Government Printing Office, 732 North Capital Street, NW, Washington, D.C., 20401, telephone (202)512-1800, or by downloading the document from the web site for the EPA Clearinghouse for Emission Inventories and Emissions Factors.
- d. When sufficient data pursuant to subsections (B)(1)(a) through (c) is not available, emissions estimates shall be calculated from material balance using engineering knowledge of process.
- e. When sufficient data pursuant to (B)(1)(a) through (d) is not available, emissions estimates shall be calculated by equivalent methods approved by the Control Officer. The Control Officer shall only approve methods that are demonstrated as accurate and reliable as one of the methods in subsections (B)(1)(a) through (d).
- f. Actual quantities of emissions calculated under subsection (B) shall be determined on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored, or combusted.

**IN WITNESS WHEREOF**, the undersigned, in accord with the vote of the Pinal County Board of Supervisors as duly reflected in the minutes of the Board meeting, have executed this document on behalf of the Board of Supervisors on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

PINAL COUNTY, a political subdivision of the State of Arizona,

By: \_\_\_\_\_  
Chairman of the Board of Supervisors

ATTEST: \_\_\_\_\_  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

Kent Volkmer,  
Pinal County Attorney

By: \_\_\_\_\_  
Deputy County Attorney