
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX AIR AND RADIATION DIVISION**

Technical Support Document
for
EPA's Proposed Rulemaking
for the
Arizona State Implementation Plan

Maricopa County Air Quality Department
Rule 100 -- General Provisions and Definitions

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RULE IDENTIFICATION –

Agency	Maricopa County Air Quality Department (MCAQD)
SIP Approved Rule	Rule 100 - General Provisions and Definitions Amended/Revised- December 11, 2019 Submitted – December 20, 2019 EPA Approved - February 15, 2022 (87 FR 8418)
Subject of this TSD	Rule 100 - General Provisions and Definitions Amended - August 9, 2023 Submitted - August 23, 2023
Completeness Finding	Complete by operation of law: February 23, 2024

BACKGROUND – The EPA most recently approved a version of Rule 100 on February 15, 2022.

On August 9, 2023, the MCAQD amended section 2 of Rule 100; the other sections were not amended. The MCAQD has a unitary air permit program that allows the MCAQD to use the same rules, including Rule 100, to comply with the Department’s New Source Review (NSR) and Title V permit programs. The MCAQD revised and added certain definitions in Rule 100 primarily to comply with the definitions in the Title V permit regulations in 40 CFR 70.2.

RULE SUMMARY –

SIP-approved MCAQD Rule 100, “General Provisions and Definitions,” contains five sections. The second section, “Definitions,” includes specific definitions for terms applicable to the MCAQD rules. Here we provide a summary of the changes made to Rule 100:

1. The definition for “Major Source” was revised to make it consistent with the Title V permit program definition in 40 CFR 70.2 by including language describing a 100 tons per year emission threshold.
2. New definitions were added for the following terms to be consistent with the definitions in the Title V permit regulations in 40 CFR 70.2: “Alternative Operating Scenario” and “Business Day or Working Day”.

EVALUATION CRITERIA – The following criteria were used to evaluate the submitted rule.

1. Enforceability – The Bluebook (*Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations*, EPA, May 25, 1988) and the Little Bluebook (*Guidance Document for Correcting Common VOC & Other Rule Deficiencies*, EPA Region 9, August 21, 2001) were used to help evaluate compliance with the CAA §110(a)(2)(A) requirement for enforceability.
2. CAA parts C and D of title I – The implementing regulations for CAA parts C and D of title I are in 40 CFR 51.165 and 51.166. 40 CFR Part 51.165(a)(1) contains the SIP definitions applicable to federal NSR permit programs for stationary sources located in nonattainment areas, and 40 CFR 51.166(b) contain the SIP definitions for stationary sources located in attainment and/or unclassified areas. Rule 100 sets forth the legal authority for the Maricopa County Air Pollution Rules, which include MCAQD’s federal NSR rules in Rule 240 for stationary sources located in

nonattainment areas and in attainment and/or unclassifiable areas. The revised SIP definitions must be more stringent, or at least as stringent, in all respects as the corresponding definitions in 40 CFR Part 51.165(a)(1) and 51.166(b).

3. SIP Relaxation – CAA §110(l) prohibits the EPA from approving any SIP revision that would interfere with any applicable requirement concerning attainment and reasonable further progress (RFP) or any other applicable requirement of the CAA. In addition, CAA §193 prohibits the modification of any SIP approved control requirement in effect before November 15, 1990, in a nonattainment area.

EPA EVALUATION –

While Maricopa has submitted Rule 100 to replace the existing SIP approved version of Rule 100 in its entirety, we are only reviewing the changes identified above in this TSD because we recently evaluated the entire rule in our final approval action dated February 15, 2022.

EPA's criteria for rule approval are satisfied for the following reasons:

1. Enforceability - The new and revised definitions are clear and help make other provisions enforceable, so they are consistent with enforceability requirements of the federal Clean Air Act (CAA) §110(a)(2)(A).
2. CAA parts C and D of title I – The revised definition of “Major Source” and the new definitions of “Alternative Operating Scenario” and “Business Day or Working Day” are as stringent as the definitions in 40 CFR Part 51.165(a)(1) and 51.166(b).
3. SIP Relaxation - Because the amendments only provide clarification to requirements found elsewhere and will not have an effect on air quality, we have determined that they will not interfere with any applicable requirement concerning attainment and RFP or any other applicable requirement of the Act (CAA §110(l)) or modify, in a nonattainment area, any SIP-approved control requirement in effect before November 15, 1990 (CAA §193).

RECOMMENDATIONS FOR RULE IMPROVEMENT –

EPA staff recommends that the MCAQD state that the addition to the major source definition is for title V purposes.

EPA ACTION –

EPA staff recommends full approval of MCAQD Rule 100 under CAA §110(k) as meeting the requirements of CAA §110(a), and Parts C and D of title I. Approval of the definitions should not be interpreted as EPA approval of the other rules in which these definitions are used.

REFERENCES –

1. MCAQD Rule 100 “General Provisions and Definitions,” adopted on December 11, 2019, submitted to the EPA on December 20, 2019, and approved into the SIP on February 15, 2022 (87 FR 8418).
2. Letter dated August 16, 2023, from Philip A. McNeely, Director, Air Quality Department, MCAQD, to Karen L. Peters, Director, ADEQ, Subject: “Submittal of Maricopa County Air Pollution Control Regulations, Rule 100 (General Provisions and Definitions) as a Revision to the Arizona State Implementation Plan (SIP).”
3. Letter dated August 23, 2023, from Daniel Czecholinski, Director, Air Quality Division, ADEQ, to Martha Guzman, Regional Administrator, EPA Region IX, Subject: “Submittal of Maricopa County Air Quality Department (MCAQD) Rule 100 (General Provisions and Definitions) as a Revision to the Arizona State Implementation Plan (SIP).”