

Submitted online via EPA's Central Data Exchange, State Plan Electronic Collection System (SPeCS)

March 24, 2025

Josh F.W. Cook, Regional Administrator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

RE: Gila County, Arizona RACT Analysis and Negative Declarations for the 2015 Ozone NAAQS

Dear Administrator Cook:

The Arizona Department of Environmental Quality (ADEQ) hereby adopts and submits to the U.S. Environmental Protection Agency (EPA) the enclosed *Gila County, Arizona RACT Analysis and Negative Declarations for the 2015 Ozone NAAQS*, pursuant to Arizona Revised Statutes Sections 49-104, 49-106, 49-404, 49-406, 49-425, and Code of Federal Regulations (C.F.R.) Title 40, Sections 51.102 through 51.104.

On October 7, 2022, the U.S. Environmental Protection Agency (EPA) took final action to reclassify the Phoenix-Mesa, Arizona ozone nonattainment area from marginal to moderate for the 2015 ozone National Ambient Air Quality Standards (NAAQS).¹ Under Clean Air Act (CAA) section 110(a), states are required to submit regulations that control volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) emissions. In addition, CAA sections 182(b)(2) and 182(f) require each state in which a moderate ozone nonattainment area is located to submit a revision to the state implementation plan to require the implementation of reasonably available control technology (RACT), as defined under CAA section 172(c)(1).

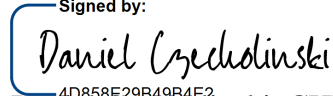
ADEQ performed a RACT analysis for the Gila County portion of the Phoenix-Mesa ozone nonattainment area and found that no covered sources are located in the area. ADEQ is submitting RACT negative declarations that no CTG-covered sources and no non-CTG major sources of VOC or NO_x emissions that are subject to requirements that implement RACT are located in the Gila County portion of the 2015 Phoenix-Mesa ozone nonattainment area. Supporting information, technical analysis, and documentation of the necessary public notice and comment period are each enclosed with the report.

¹ 87 Fed. Reg. 60897 (October 7, 2022). Effective Nov. 7, 2022.

ADEQ requests that EPA approve this revision to the Arizona SIP as meeting the moderate area RACT requirements under CAA sections 182(b)(2) and 182(f) for the Gila County portion of the 2015 Phoenix-Mesa ozone nonattainment area.

If you have any questions, please contact Hether Krause, ADEQ Deputy Director of Air Quality Division, at (602) 771-4655 or krause.hether@azdeq.gov.

Sincerely,

Signed by:

4D858E29B49B4E2...
Daniel Czecholinski, CHMM
Director, Air Quality Division

cc: Matthew Lakin (EPA Region 9)

Enclosures (1)



SIP Revision: Gila County, Arizona RACT Analysis and Negative Declarations for the 2015 Ozone NAAQS

*Air Quality Division
March 24, 2025 Final*

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COMPLETENESS CRITERIA

(40 C.F.R. PART 51, APPENDIX V, § 2.0)

Appendix V § 2.1 - Administrative Materials

- (a) A formal signed, stamped, and dated letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision thereof (hereafter “the plan”). If electing to submit a paper submission with a copy in electronic version, the submittal letter must verify that the electronic copy provided is an exact duplicate of the paper submission.**

See the cover letter for this State Implementation Plan (SIP) submission and attached delegation of authority from Karen Peters, Deputy Director of Arizona Department of Environmental Quality (ADEQ), to Daniel Czecholinski, Director of the ADEQ Air Quality Division, authorizing Daniel Czecholinski, to perform any act the ADEQ Director is authorized to perform under the state air quality statutes, including the submission of SIPs to EPA (Appendix B).

This SIP submittal was conducted electronically via online EPA’s Central Data Exchange, State Plan Electronic Collection System (SPeCS). Therefore, no paper copies were submitted.

- (b) Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, consent agreement (hereafter “document”) in final form. That evidence shall include the date of adoption or final issuance as well as the effective date of the plan, if different from the adoption/issuance date.**

See the cover letter for this document wherein the state adopts and submits this SIP revision to EPA. This is the method of Arizona state adoption. ADEQ did not conduct a rulemaking as part of this SIP revision.

- (c) Evidence that the State has the necessary legal authority under State law to adopt and implement the plan.**

ADEQ has primary responsibility for air pollution control and abatement, and as such, is required to adopt and "maintain a state implementation plan that provides for implementation, maintenance and enforcement of national ambient air quality standards and protection of visibility as required by the clean air act." A.R.S. § 49-404(A). ADEQ also maintains authority to issue and administer rules, adopt county rules, and to submit such rules for approval into the SIP. Copies of Arizona Revised Statutes (A.R.S.), sections 49- 104, 49-106, 49-112, 49-402, 49-404, 49-406, and 49-425, are included in Appendix B.

(d) A copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made (such as redline/strikethrough) to the existing approved plan, where applicable. The submission shall include a copy of the official State regulation/document, signed, stamped, and dated by the appropriate State official indicating that it is fully enforceable by the State. The effective date of any regulation/document contained in the submission shall, whenever possible, be indicated in the regulation/document itself; otherwise the State should include a letter signed, stamped, and dated by the appropriate State official indicating the effective date. If the regulation/document provided by the State for approval and incorporation by reference into the plan is a copy of an existing publication, the State submission should, whenever possible, include a copy of the publication cover page and table of contents.

No new rules are being adopted as part of this SIP revision.

(e) Evidence that the State followed all of the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.

Evidence that ADEQ followed the procedural requirements of Arizona state laws and constitution in adopting this plan is included in Appendix A.

(f) Evidence that public notice was given of the proposed change consistent with procedures approved by EPA, including the date of publication of such notice.

Proof that ADEQ gave notice of the SIP Revision in accordance with A.R.S. § 49-444 is attached as Appendix A.

(g) Certification that public hearing(s) were held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable and consistent with the public hearing requirements in 40 CFR 51.102.

The certification and other documents related to the public hearing are attached as Appendix A.

(h) Compilation of public comments and the State's response thereto.

A compilation of public comments and a responsiveness summary addressing relevant comments is contained in Appendix A.

Appendix V § 2.2 - Technical Support

(a) Identification of all regulated pollutants affected by the plan.

This SIP revision applies to the 2015 Ozone National Ambient Air Quality Standards (NAAQS) and ozone precursors (NO_x and VOCs).

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(b) Identification of the locations of affected sources including the EPA attainment/nonattainment designation of the locations and the status of the attainment plan for the affected areas(s).

This SIP revision is applicable to the Gila County portion of the 2015 Phoenix-Mesa ozone nonattainment area as defined in 40 C.F.R. § 81.303.

(c) Quantification of the changes in plan allowable emissions from the affected sources; estimates of changes in current actual emissions from affected sources or, where appropriate, quantification of changes in actual emissions from affected sources through calculations of the differences between certain baseline levels and allowable emissions anticipated as a result of the revision.

The SIP revision does not contain changes to allowable emissions.

(d) The State's demonstration that the national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress demonstration, and visibility, as applicable, are protected if the plan is approved and implemented. For all requests to redesignate an area to attainment for a national primary ambient air quality standard, under section 107 of the Act, a revision must be submitted to provide for the maintenance of the national primary ambient air quality standards for at least 10 years as required by section 175A of the Act.

The SIP revision contains demonstrations that all Clean Air Act reasonably available control technology (RACT) requirements for the Gila County, AZ portion of the 2015 Phoenix-Mesa ozone nonattainment area have been met through submission of negative declarations.

(e) Modeling information required to support the proposed revision, including input data, output data, models used, justification of model selections, ambient monitoring data used, meteorological data used, justification for use of offsite data (where used), modes of models used, assumptions, and other information relevant to the determination of adequacy of the modeling analysis.

No modeling was performed for this SIP revision.

(f) Evidence, where necessary, that emission limitations are based on continuous emission reduction technology.

No emission limitations are adopted as part of this SIP revision.

(g) Evidence that the plan contains emission limitations, work practice standards and recordkeeping/reporting requirements, where necessary, to ensure emission levels.

No emission limitations are adopted as part of this SIP revision.

(h) Compliance/enforcement strategies, including how compliance will be determined in practice.

No compliance/enforcement strategies are contained within this SIP revision.

(i) Special economic and technological justifications required by any applicable EPA policies, or an explanation of why such justifications are not necessary.

Not applicable.

1 INTRODUCTION

1.1 Statement of Introduction and Purpose

On October 7, 2022, the U.S. Environmental Protection Agency (EPA) took final action to reclassify the Phoenix-Mesa, Arizona ozone nonattainment area from marginal to moderate for the 2015 ozone National Ambient Air Quality Standards (NAAQS).¹ This federal action was triggered by the area's failure to attain the 2015 ozone NAAQS by the statutory attainment date based on complete, quality-assured and certified ozone air quality monitoring data for the period 2018–2020.² Under Clean Air Act (CAA) section 110(a), states are required to submit regulations that control volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) emissions. In addition, CAA sections 182(b)(2) and 182(f) require each state in which a moderate ozone nonattainment area is located to submit a revision to the state implementation plan to require the implementation of reasonably available control technology (RACT), as defined under CAA section 172(c)(1).

RACT requirements are applicable to all sources covered by an EPA Control Technique Guideline (CTG) document and for all major non-CTG sources of VOCs or NO_x located within the ozone nonattainment area. For moderate ozone nonattainment areas, the major source threshold for VOCs and NO_x is 100 tons per year (tpy). For the Phoenix- Mesa ozone nonattainment area, three separate agencies have jurisdiction to evaluate and implement RACT.³ Those agencies are the Arizona Department of Environmental Quality (ADEQ) for the Gila County portion of the nonattainment area, Maricopa County Air Quality Department (MCAQD) for the Maricopa County portion of the nonattainment area, and Pinal County Air Quality Control District (PCAQCD) for the Pinal County portion of the nonattainment area. This state implementation plan revision only addresses RACT requirements for the Gila County, Arizona portion of the nonattainment area.

For the Gila County portion of the Phoenix-Mesa 2015 ozone NAAQS nonattainment area, ADEQ reviewed all CTG source categories to determine if there are sources in the area in each source category and evaluated RACT for non-CTG major sources of VOCs and NO_x. ADEQ did not identify any CTG-covered sources or non-CTG major sources of VOCs or NO_x emissions within the Gila County portion of the nonattainment area. Based on this review, ADEQ hereby adopts and submits negative declarations for all CTG source categories and for non-CTG major sources of VOCs or NO_x emissions located in the Gila County, Arizona portion of the Phoenix-Mesa 2015 ozone NAAQS nonattainment area. A full list of CTG source categories and non-CTG major source negative declarations included in this SIP are listed in Section 2.2 and Table 2-1.

1.2 Regulatory Background

On October 1, 2015, EPA revised the primary 8-hour ozone NAAQS to a level of 0.070 parts per million (ppm) or 70 parts per billion (ppb).⁴ Subsequently, on June 4, 2018 the EPA finalized area designations for the 2015 ozone NAAQS and designated portions of Maricopa, Pinal, and Gila counties as

¹ 87 Fed. Reg. 60897 (October 7, 2022). Effective Nov. 7, 2022.

² *Id.* at 60898.

³ County authority to adopt RACT rules at Arizona Revised Statutes (A.R.S.) Title 49, Chapter 3, Article 3 and A.R.S. §§ 49-112 and 49-402.

⁴ 80 Fed. Reg. 65292 (Oct 26, 2015).

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a marginal nonattainment area (i.e., Phoenix-Mesa, AZ nonattainment area) effective August 3, 2018.⁵ On October 7, 2022, EPA took final action to reclassify the Phoenix-Mesa, Arizona ozone nonattainment area from marginal to moderate for the 2015 ozone NAAQS.⁶

1.3 Nonattainment Area Description

The Phoenix-Mesa, Arizona nonattainment area for the 2015 ozone NAAQS includes portions of Maricopa, Pinal, and Gila counties. A map of the nonattainment area is included in Figure 1 below. As can be seen in the map, the Gila County portion of the nonattainment area represents only a small portion of the overall nonattainment area with an area of approximately 26 sq. miles or 0.5% of the total nonattainment area (5,291 sq. miles). The Gila County portion of the nonattainment area is entirely comprised of National Forest and National Park land. Land ownership for the Gila County portion of the nonattainment area is included in Figure 2 below. The Tonto National Monument is located within this portion of the nonattainment area, as well as the Roosevelt Lake Marina, which is part of the Tonto National Forest. These recreational sites include visitor centers, a ranger station, campgrounds, and a mobile home park, as well as a general store and restaurant located at the marina. The Gila County portion of the nonattainment area was originally recommended by the Arizona Governor in his September 27, 2016 area designation submission pursuant to CAA section 107(d) due to the violations of the 2015 primary 8-hour ozone NAAQS at the Tonto National Monument air quality monitoring site.⁷ However, the Gila County portion of the nonattainment area was only included based on the violating monitor and not based on emission generating sources or activities located within the area that were found to be contributing to violations of the 2015 primary 8-hour ozone standard.

⁵ See 40 Code of Federal Regulations (C.F.R.) § 81.303.

⁶ *supra* note 1.

⁷ AQS Site ID: 04-007-0010

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Figure 1. Phoenix-Mesa 2015 Ozone NAAQS Nonattainment Area Overview

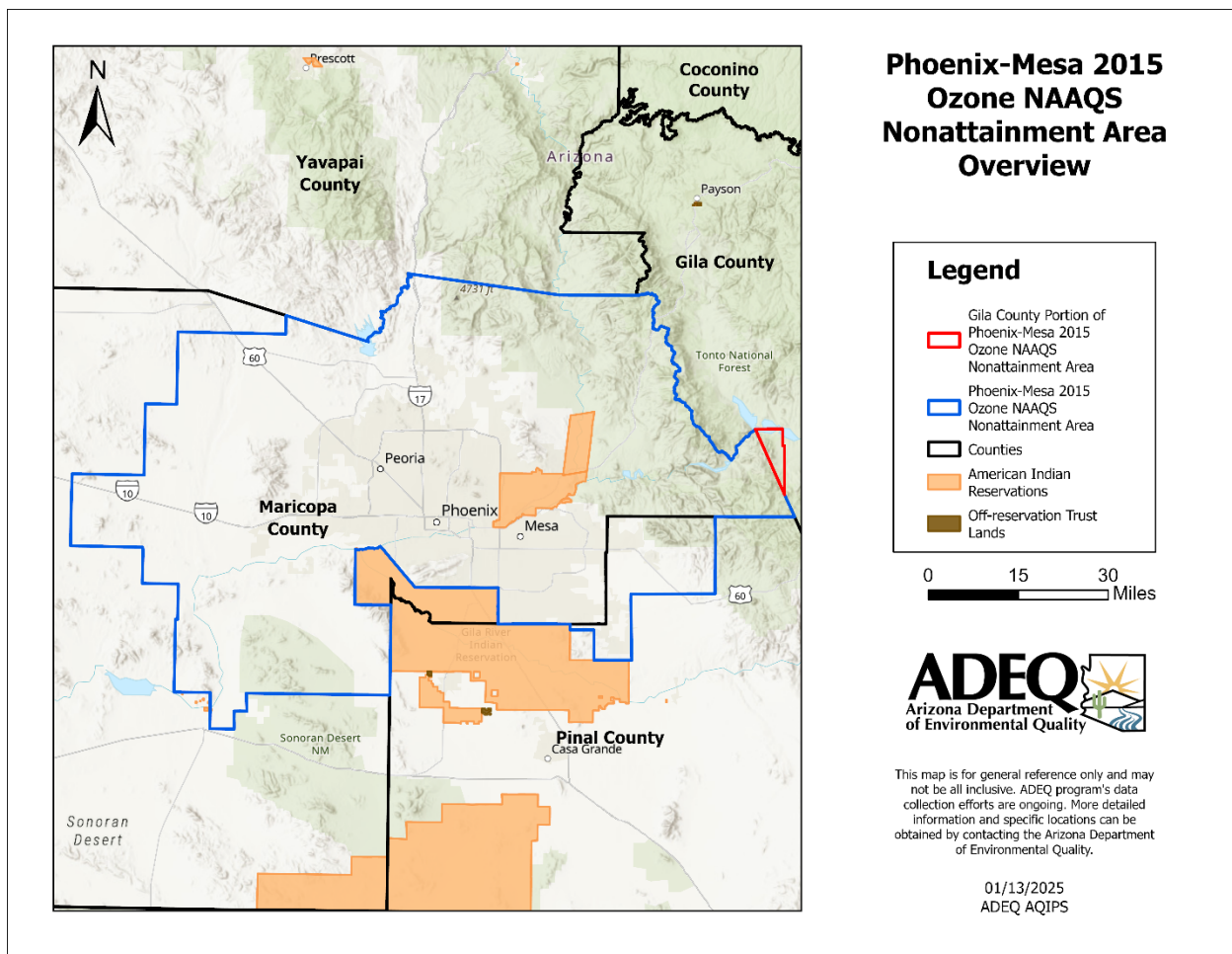
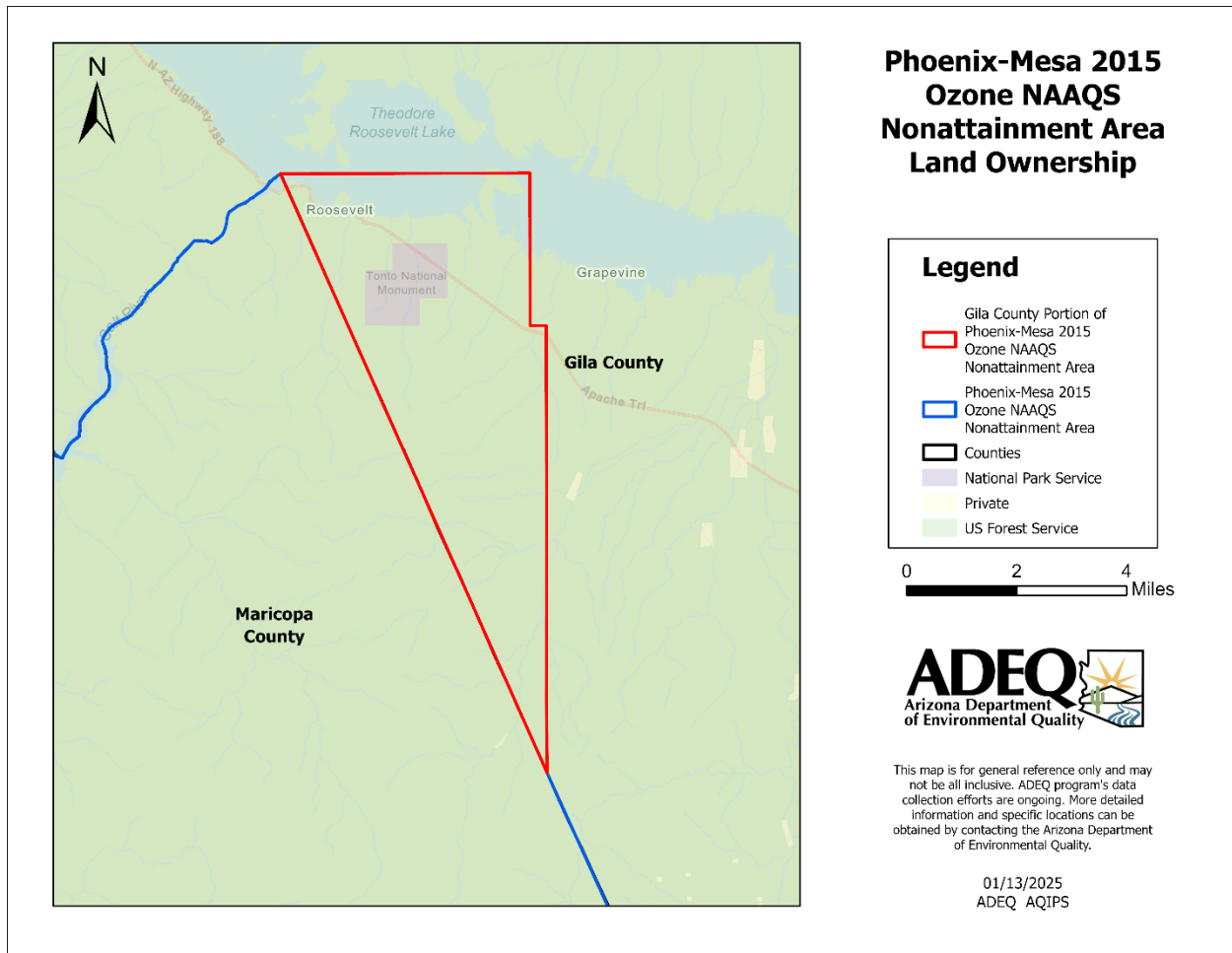


Figure 2. Land Ownership for Gila County Portion of the Phoenix-Mesa 2015 Ozone NAAQS Nonattainment Area



1.4 General SIP Approach

1.4.1 Clean Air Act RACT Requirements for Moderate Ozone Nonattainment Areas

Under CAA section 110(a), states are required to submit regulations that control VOCs and NO_x emissions. In addition, CAA sections 182(b)(2) and 182(f) require each state in which a moderate ozone nonattainment area is located to submit a revision to the state implementation plan to require the implementation of RACT as defined under CAA section 172(c)(1).

RACT requirements are applicable to all sources covered by an EPA CTG document and for all major non-CTG sources of VOCs or NO_x located within the ozone nonattainment area. For moderate ozone nonattainment areas, the major source threshold for VOCs and NO_x is 100 tpy. For the Phoenix- Mesa ozone nonattainment area, three separate entities have jurisdiction to evaluate and implement RACT. Those entities are ADEQ for the Gila County portion of the nonattainment area, MCAQD for the Maricopa County portion of the nonattainment area, and PCAQCD for the Pinal County portion of the

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nonattainment area. This SIP revision only addresses RACT requirements for the Gila County, Arizona portion of the nonattainment area.

1.4.2 EPA Guidance

ADEQ reviewed the following guidance and EPA resources in the development of this RACT analysis:

- *Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements*. 83 Fed. Reg. 62998. Retrieved from: <https://www.govinfo.gov/content/pkg/FR-2018-12-06/pdf/2018-25424.pdf>
- Environmental Protection Agency (EPA). *Ozone NAAQS Resource Document: Due Diligence Review Framework for Air Agencies Developing RACT SIP Revisions*. December 19, 2024. Retrieved from: https://www.epa.gov/system/files/documents/2024-12/o3_ract_dd_resource_12-19-24.pdf
- *State Implementation Plans; General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas- Supplement (on Control Technique Guidelines)*. 44 Fed. Reg. 53761 (September 17, 1979). Retrieved from: https://www.epa.gov/sites/default/files/2016-08/documents/44_fedreg_53761_9-17_79_general_preamble_supplement_on_ract_and_ctgs.pdf.
- Environmental Protection Agency (EPA). *Criteria for Determining RACT in Region IV*. Memorandum from John Calcagni to G.T. Helms, Jr. June 19, 1985. Retrieved from: https://www.epa.gov/sites/default/files/2016-08/documents/criteria_for_determining_ract_in_region_iv_6-19-85.pdf.
- Environmental Protection Agency (EPA). *RACT Qs & As – Reasonably Available Control Technology (RACT): Questions and Answers*. From William Harnett to Regional Air Division Directors. May 18, 2006. Retrieved from: https://www.epa.gov/sites/default/files/2016-08/documents/ract_and_nsps_1dec1988.pdf.
- Environmental Protection Agency (EPA). *RACT Requirements in Ozone Nonattainment Areas*. Memorandum from Gerald Emison to William Spratlin. December 1, 1988. Retrieved from: https://www.epa.gov/sites/default/files/2016-08/documents/ract_and_nsps_1dec1988_0.pdf.

2 REASONABLY AVAILABLE CONTROL TECHNOLOGY ANALYSIS

2.1 Verifying CTG-covered Sources and Non-CTG Major Sources for RACT Applicability

To perform the RACT analysis for the Gila County portion of the Phoenix-Mesa ozone nonattainment area, ADEQ reviewed its permitting database, internal point source emissions inventory, and the EPA National Emissions Inventory (NEI) to verify that no CTG-covered sources and no non-CTG major sources of VOC or NO_x emissions that are located in the area (e.g., major sources ≥ 100 tpy for moderate ozone nonattainment areas). During its analysis which was conducted in Fall of 2024, no applicable sources were identified. There are currently no air quality permitted sources within the area. Since there are no covered sources in the area, ADEQ is submitting negative declarations for all CTGs and non-CTG major sources of VOC and NO_x emissions referenced in Section 2.2 and Table 2-1.

2.2 Negative Declarations

ADEQ is submitting negative declarations for the CTGs and non-CTG major sources of VOC and NO_x contained in Table 2-1 below.

Table 2-1. List of Negative Declarations

Pollutant	EPA Report	Description	Negative Declaration
VOC	Non-CTG Major Sources of VOC Emissions	No air quality permitted sources located in area	Yes
NO _x	Non-CTG Major Sources of NO _x Emissions	No air quality permitted sources located in area	Yes
VOC	EPA-450/R-75-102 1975/11	Design Criteria for Stage I Vapor Control Systems – Gasoline Service Stations	Yes
VOC	EPA-450/2-77-008 1977/05	Control of Volatile Organic Emissions from Existing Stationary Sources – Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks	Yes

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VOC	EPA-450/2-77-022 1977/11	Control of Volatile Organic Emissions from Solvent Metal Cleaning	Yes
VOC	EPA-450/2-77-025 1977/10	Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds	Yes
VOC	EPA-450/2-77-026 1977/10	Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals	Yes
VOC	EPA-450/2-77-032 1977/12	Control of Volatile Organic Emissions from Existing Stationary Sources – Volume III: Surface Coating of Metal Furniture	Yes
VOC	EPA-450/2-77-033 1977/12	Control of Volatile Organic Emissions from Existing Stationary Sources – Volume IV: Surface Coating of Insulation of Magnet Wire	Yes
VOC	EPA-450/2-77-034 1977/12	Control of Volatile Organic Emissions from Existing Stationary Sources – Volume V: Surface Coating of Large Appliances	Yes
VOC	EPA-450/2-77-035 1977/12	Control of Volatile Organic Emissions from Bulk Gasoline Plants	Yes

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VOC	EPA-450/2-77-036 1977/12	Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks	Yes
VOC	EPA-450/2-77-037 1977/12	Control of Volatile Organic Emissions from Use of Cutback Asphalt	Yes
VOC	EPA-450/2-78-015 1978/06	Control of Volatile Organic Emissions from Existing Stationary Sources – Volume VI: Surface Coating of Miscellaneous Metal Parts and Products	Yes
VOC	EPA-450/2-78-032 1978/06	Control of Volatile Organic Emissions from Existing Stationary Sources – Volume VII: Factory Surface Coating of Flat Wood Paneling	Yes
VOC	EPA-450/2-78-036 1978/06	Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment	Yes
VOC	EPA-450/2-78-029 1978/12	Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products	Yes
VOC	EPA-450/2-78-030 1978/12	Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires	Yes

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VOC	EPA-450/2-78-033 1978/12	Control of Volatile Organic Emissions from Existing Stationary Sources – Volume VIII: Graphic Arts-Rotogravure and Flexography	Yes
VOC	EPA-450/2-78-047 1978/12	Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks	Yes
VOC	EPA-450/2-78-051 1978/12	Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems	Yes
VOC	EPA-450/3-82-009 1982/09	Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners	Yes
VOC	EPA-450/3-83-008 1983/11	Control of Volatile Organic Compound Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins	Yes
VOC	EPA-450/3-83-007 1983/12	Control of Volatile Organic Compound Equipment Leaks from Natural Gas/Gasoline Processing Plants	Yes

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VOC	EPA-450/3-83-006 1984/03	Control of Volatile Organic Compound Leaks from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment	Yes
VOC	EPA-450/3-84-015 1984/12	Control of Volatile Organic Compound Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry	Yes
VOC	EPA-450/4-91-031 1993/08	Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations in Synthetic Organic Chemical Manufacturing Industry	Yes
VOC	EPA-453/R-96-007 1996/04	Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations	Yes
VOC	EPA-453/R-94-032 1994/04	Alternative Control Technology Document – Surface Coating Operations at Shipbuilding and Ship Repair Facilities	Yes
VOC	61 FR-44050 8/27/96 1996/08	Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating)	Yes

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VOC	59 FR-29216 6/06/94 1994/06	Aerospace MACT	Yes
VOC	EPA-453/R-97-004 1997/12	Aerospace (CTG & MACT)	Yes
VOC	EPA-453/R-06-001 2006/09	Control Techniques Guidelines for Industrial Cleaning Solvents	Yes
VOC	EPA-453/R-06-002 2006/09	Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing	Yes
VOC	EPA-453/R-06-003 2006/09	Control Techniques Guidelines for Flexible Package Printing	Yes
VOC	EPA-453/R-06-004 2006/09	Control Techniques Guidelines for Flat Wood Paneling Coatings	Yes
VOC	EPA 453/R-07-003 2007/09	Control Techniques Guidelines for Paper, Film, and Foil Coatings	Yes
VOC	EPA 453/R-07-004 2007/09	Control Techniques Guidelines for Large Appliance Coatings	Yes
VOC	EPA 453/R-07-005 2007/09	Control Techniques Guidelines for Metal Furniture Coatings	Yes
VOC	EPA 453/R-08-003 2008/09	Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings	Yes

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VOC	EPA 453/R-08-004 2008/09	Control Techniques Guidelines for Fiberglass Boat Manufacturing Materials	Yes
VOC	EPA 453/R-08-005 2008/09	Control Techniques Guidelines for Miscellaneous Industrial Adhesives	Yes
VOC	EPA 453/R-08-006 2008/09	Control Techniques Guidelines for Automobile and Light- Duty Truck Assembly Coatings	Yes
VOC	EPA 453/R-08-002 2008/09	Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Primer-Surfacer and Topcoat Operations	Yes
VOC	EPA-453/B-16-001 2016/10	Control Techniques Guidelines for the Oil and Natural Gas Industry	Yes

3 CONCLUSION

ADEQ performed a RACT analysis for the Gila County portion of the Phoenix-Mesa ozone nonattainment area and found that no covered sources are located in the area. Based on this review, ADEQ hereby adopts and submits negative declarations for all CTG source categories and for non-CTG major sources of VOCs or NO_x emissions located in the Gila County, Arizona portion of the Phoenix-Mesa 2015 ozone NAAQS nonattainment area. ADEQ requests that EPA approve this revision to the Arizona SIP as meeting the moderate area RACT requirements under CAA sections 182(b)(2) and 182(f) for the Gila County portion of the Phoenix-Mesa 2015 ozone NAAQS nonattainment area.



Appendix A: Public Process Documentation

Air Quality Division
March 24, 2025

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1 Public Notice



Govt Public Notices

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ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

PUBLIC COMMENT PERIOD AND HEARING

Arizona Department of Environmental Quality (ADEQ) welcomes comments on the proposed Gila County, Arizona, Reasonable Available Control Technology (RACT) Analysis and Negative Declarations for the 2015 Ozone National Ambient Air Quality Standards (NAAQS). The State Implementation Plan (SIP) revision demonstrates that no sources covered by a U.S. Environmental Protection Agency (EPA) control technique guideline (CTG) and no non-CTG major sources of volatile organic compounds or oxides of nitrogen emissions are located in the Gila County portion of the Phoenix-Mesa 2015 Ozone NAAQS Nonattainment Area. The SIP revision will be submitted to EPA for incorporation in Arizona's SIP as required under the Clean Air Act.

Comments will be accepted Feb. 18, 2025 – March 21, 2025. Comments may be mailed to Elias Toon, Air Quality Division, Arizona Department of Environmental Quality, 1110 W. Washington St., Phoenix, AZ 85007, or emailed to airplanning@azdeq.gov. ADEQ will address comments applicable to the proposed SIP revision.

Comments are also welcome at the virtual public hearing held on March 21, 2025, at 9 a.m. (registration details follow). Comments must be received no later than March 21, 2025, by 5 p.m., or submitted at the public hearing. Mailed comments must be postmarked by March 21, 2025.

Review the SIP revision online at azdeq.gov/publicnotices by searching for the date of this public notice (02/18/2025).

Review the SIP revision at the ADEQ Records Center, 1110 W. Washington St., Phoenix, AZ 85007. For hours or appointment scheduling, call 602-771-4380 or 800-234-5677. A copy of the SIP revision can also be viewed at the Gila County Library District Offices, 1400 E. Ash St., Globe, AZ 85501.

Information to Access the Virtual Public Hearing:

ADEQ will hold a public hearing to review the proposed SIP revision, answer questions relevant to the revision, and provide opportunity for written and oral comment at a public hearing on March 21, 2025 at 9 a.m. (Arizona). Please register for the public hearing before March 21, 2025, 9 a.m. at:

attendee.gotowebinar.com/register/8182983793142975830

After registering, you will receive a confirmation email containing information about how to join the hearing. Further details on the hearing are available at: azdeq.gov/events.

Following is the information for those who only wish to call in with the understanding that they will NOT be able to speak. Audio PINs are provided once participants have logged in

to the hearing on a computer, and without this PIN, you will not have the option to unmute yourself.

Call: 415-655-0060

Code: 565-650-391

For more information, contact Elias Toon at 602-771-4372 or airplanning@azdeq.gov.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write or understand English and/or to those with disabilities. Requests for language translation, ASL interpretation, CART captioning services or disability accommodations must be made at least 48 hours in advance by contacting the Title VI Nondiscrimination Coordinator, Joaquin Marruffo Ruiz, at 520-628-6744 or Marruffo.Joaquin@azdeq.gov. For a TTY or other device, Telecommunications Relay Services are available by calling 711.

ADEQ tomará las medidas razonables para proveer acceso a los servicios del departamento a personas con capacidad limitada para hablar, escribir o entender inglés y/o para personas con discapacidades. Las solicitudes de servicios de traducción de idiomas, interpretación ASL (lengua de signos americano), subtítulo de CART, o adaptaciones por discapacidad deben realizarse con al menos 48 horas de anticipación comunicándose con el Coordinador de Anti-Discriminación del Título VI, Joaquin Marruffo Ruiz, al 520-628-6744 o Marruffo.Joaquin@azdeq.gov. Para un TTY u otro dispositivo, los servicios de retransmisión de telecomunicaciones están disponible llamando al 711.

Published: Feb. 18, 19, 2025

3 Email Notification

3/24/25, 1:07 PM

State of Arizona Mail - Public Notice of Comment Period & Public Hearing | Air Quality SIP Revision – Gila County RACT Analysis a...



Elias Toon <toon.elias@azdeq.gov>

Public Notice of Comment Period & Public Hearing | Air Quality SIP Revision – Gila County RACT Analysis and Negative Declarations for 2015 National Ozone Standards

ADEQ Public Notices <noreply@azdeq.gov>
Reply-To: ADEQ Public Notices <noreply@azdeq.gov>
To: Elias Toon <toon.elias@azdeq.gov>

Tue, Feb 18, 2025 at 8:46 AM



Clean Air, Safe Water,
Healthy Land for Everyone

ADEQ welcomes comments on the proposed state implementation plan revision for the Gila County RACT Analysis and Negative Declarations for the 2015 Ozone National Ambient Air Quality Standards.

[View Public Notice/Related Documents >](#)
[View Public Hearing Details >](#)

ADEQ encourages and values your input and participation.

To view more ADEQ public notices, visit azdeq.gov/PublicNotices.

About ADEQ

Under the Environmental Quality Act of 1986, the Arizona State Legislature established the Arizona Department of Environmental Quality in 1987 as the state agency for protecting and enhancing public health and the environment of Arizona. For more information, visit azdeq.gov.

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Subscription Options

If you would like to view and/or unsubscribe from any previously selected topics, please click the following link: [Choose Topics](#).

If you would like to unsubscribe from this topic only, please click this link: [Click here to unsubscribe](#)

4 ADEQ Website Publication

— PUBLIC NOTICE

Air Quality SIP Revision | Gila County RACT Analysis and Negative Declarations for 2015 National Ozone Standards

Revised On: Feb. 18th, 2025 - 07:35 am

On Feb. 18, 2025, the comment period begins for the proposed Gila County Reasonable Available Control Technology (RACT) Analysis and Negative Declarations for the 2015 Ozone National Ambient Air Quality Standards (NAAQS). The comment period ends March 21, 2025.

Summary:

The State Implementation Plan (SIP) revision demonstrates that no sources covered by the U.S. Environmental Protection Agency (EPA) control technique guideline (CTG) and no non-CTG major sources of volatile organic compounds or oxides of nitrogen emissions are located in the Gila County portion of the Phoenix-Mesa 2015 Ozone NAAQS Nonattainment Area. The revision will be submitted to EPA for incorporation in Arizona's SIP as required under the Clean Air Act.

Review Documents:

- Original Published Public Notice | [View >](#)
- Gila County RACT Analysis and Negative Declarations for 2015 Ozone NAAQS | [View >](#)
- In person at the ADEQ Record Center | [Learn How >](#)

Public Comment Period:

Dates: Feb. 18, 2025 – March 21, 2025

Comments may be submitted as follows:

- By Email | [Send Email >](#)
- By Mail (Must be postmarked or received by March 21, 2025):

ADEQ
Air Quality Division
Attn: Elias Toon
1110 W. Washington St.
Phoenix, AZ 85007

- At Virtual Public Hearing | March 21, 2025 | 9 a.m. | [View Details >](#)

— NEWLY POSTED NOTICES

Looking for a Public Notice?

— [View New Public Notices](#)

Newly Posted Notices

ADEQ posts mandatory public notices in digital format on this webpage and hard copy notice boards located in the Phoenix Main Office and Southern Regional Office lobby areas | [See Office Locations >](#)

5 Public Hearing Agenda



AIR QUALITY DIVISION PUBLIC HEARING

ARIZONA SIP REVISION: GILA COUNTY, ARIZONA RACT ANALYSIS AND NEGATIVE DECLARATIONS FOR THE 2015 OZONE NAAQS

Arizona Department of Environmental Quality

<https://attendee.gotowebinar.com/register/8182983793142975830>

March 21, 2025 at 9:00 AM MST

Pursuant to 40 CFR 51.102 notice is hereby given that the above referenced meeting is open to the public.

1. Welcome and Introductions
2. Purpose of the Oral Proceedings
3. Procedure for Making Public Comment
4. Brief Overview of the Proposal
5. Oral Comment Period
6. Adjournment of Oral Proceeding

During the 30-day comment period, the proposed SIP revision is available online on the ADEQ Air Quality Improvement Planning webpage at <https://azdeq.gov/SIP>. The proposal is also available at the ADEQ Records Center, 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4380 or (800) 234-5677 ext. 6027714380. Please call for hours of operation and to schedule an appointment.

Written comments may be mailed to Elias Toon, Arizona Department of Environmental Quality, Air Quality Division, 1110 W. Washington St., Phoenix, AZ 85007. Comments may also be emailed to airplanning@azdeq.gov. All comments must state the name and mailing address of the person; be signed by the person, their agent, or attorney; and clearly set forth reasons why the proposed revisions should or should not be finalized. The public comment period closes March 21, 2025. Mailed comments must be postmarked by March 21, 2025. For additional information regarding the hearing please contact Elias Toon, ADEQ Air Quality Division, at (602) 771-4372.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write or understand English and/or to those with disabilities. Requests for language translation, ASL interpretation, CART captioning services or disability accommodations must be made at least 48 hours in advance by contacting the Title VI Nondiscrimination Coordinator, Joaquin Marruffo Ruiz, at 520-628-6744 or Marruffo.Joaquin@azdeq.gov. For a TTY or other device, Telecommunications Relay Services are available by calling 711.

ADEQ tomará las medidas razonables para proveer acceso a los servicios del departamento a personas con capacidad limitada para hablar, escribir o entender inglés y/o para personas con discapacidades. Las solicitudes de servicios de traducción de idiomas, interpretación ASL (lengua de signos americano), subtitulado de CART, o adaptaciones por discapacidad deben realizarse con al menos 48 horas de anticipación comunicándose con el Coordinador de Anti-Discriminación del Título VI, Joaquin Marruffo Ruiz, al 520-628-6744 o Marruffo.Joaquin@azdeq.gov. Para un TTY u otro dispositivo, los servicios de retransmisión de telecomunicaciones están disponible llamando al 711.

6

Public Hearing Transcript

Gila County RACT Analysis and Negative Declarations for the 2015 Ozone NAAQS

Oral Proceeding

Public Hearing Transcript

March 21, 2025

[Zac Dorn] Thank you for coming. I now open this hearing on the proposed Gila County, Arizona RACT Analysis and Negative Declarations for the 2015 Ozone NAAQS.

The proceeding is being recorded and will be preserved for the record.

Today is March 21, 2025, and the time is now 9:00AM. This hearing is being held virtually using GoToWebinar software. My name is Zac Dorn, and I have been appointed by the Director of the Arizona Department of Environmental Quality to preside at this proceeding.

The purpose of this oral proceeding is to provide the public an opportunity to:

Hear a summary of the proposed state implementation plan revision, ask questions, or provide oral comments if they choose to do so.

The Department's representatives for today's hearing are Elias Toon and Jessica Wood of the Air Quality Division's Air Quality Improvement Planning Section.

Public notice of the comment period and hearing was published in the Arizona Republic on February 18, 2025 and February 19, 2025. Copies of the notice of the proposed state implementation plan revision, were made available on ADEQ's website and at the ADEQ Records Center starting February 18, 2025, and will remain available until the close of the comment period, which is today at 5:00 PM.

If you wish to make a verbal comment, please raise your hand using the GoToWebinar Software and you will be called on during this proceeding. You may also submit written comments by mail to Elias Toon, Air Quality Division, Air Quality Improvement Planning Section, Arizona Department of Environmental Quality, 1110 W. Washington St., Phoenix, AZ 85007, or by

1 email to airplanning@azdeq.gov. Attendees also have the option of providing oral commenting
2 using the GoToWebinar software. Mailed comments must be postmarked by March 21, 2025.

3 Anything entered into the chat feature of Go-To-Webinar will not be considered part of the
4 recording.

5

6 Comments made during the formal comment period are required by law to be considered by the
7 Department when preparing the final submission to the U.S. Environmental Protection Agency.
8 ADEQ will include a responsiveness summary for written and oral comments received during
9 the formal comment period.

10

11 The agenda for this hearing is as follows:

12

13 First, Elias Toon will present a brief overview of the proposal.

14

15 Then I will conduct the oral comment portion. At that time, I will call speakers in the order that
16 the comments were received.

17

18 Please be aware that any comments at today's hearing that you want the Department to formally
19 consider must be either given in writing or on the record during this oral proceeding.

20

21 At this time, Elias Toon will give a brief overview of the proposal.

22

23 [Elias Toon]: Thank you, Zac.

24

25 Hello and thank you for coming. This public hearing is regarding the proposed Gila County,
26 Arizona RACT Analysis and Negative Declarations for the 2015 Ozone National Ambient Air
27 Quality Standards (NAAQS). ADEQ is proposing to adopt and submit this state implementation
28 plan revision to meet Clean Air Act requirements related to Reasonable Available Control
29 Technology, or RACT, demonstrations. Once finalized, ADEQ will be submitting this plan
30 revision to EPA for approval into the Arizona state implementation plan.

31 On October 7, 2022, EPA took final action to reclassify the Phoenix-Mesa, Arizona ozone
32 nonattainment area from marginal to moderate for the 2015 ozone National Ambient Air Quality
33 Standards (NAAQS). Under Clean Air Act (CAA) section 110(a), states are required to submit

1 regulations that control volatile organic compounds (VOCs) and oxides of nitrogen (NOx)
2 emissions. In addition, CAA sections 182(b)(2) and 182(f) require each state in which a
3 moderate ozone nonattainment area is located to submit a revision to the state implementation
4 plan to require the implementation of reasonably available control technology (RACT), as
5 defined under CAA section 172(c)(1).

6 For the Phoenix- Mesa ozone nonattainment area, three separate agencies have jurisdiction to
7 evaluate and implement RACT. Those agencies are the Arizona Department of Environmental
8 Quality (ADEQ) for the Gila County portion of the nonattainment area, Maricopa County Air
9 Quality Department (MCAQD) for the Maricopa County portion of the nonattainment area, and
10 Pinal County Air Quality Control District (PCAQCD) for the Pinal County portion of the
11 nonattainment area. This state implementation plan revision only addresses RACT requirements
12 for the Gila County, Arizona portion of the nonattainment area.

13 For the Gila County portion of the Phoenix-Mesa 2015 ozone NAAQS nonattainment area,
14 ADEQ reviewed all CTG source categories to determine if there are sources in the area in each
15 source category and evaluated RACT for non-CTG major sources of VOCs and NOx. ADEQ did
16 not identify any CTG-covered sources or non-CTG major sources of VOCs or NOx emissions
17 within the Gila County portion of the nonattainment area. Based on this review, ADEQ's
18 proposed plan adopts and submits to EPA negative declarations for all CTG source categories
19 and for non-CTG major sources of VOCs or NOx emissions located in the Gila County, Arizona
20 portion of the Phoenix-Mesa 2015 ozone NAAQS nonattainment area. Thank you.

21 * * * * *

22

23 [Zac Dorn] This concludes the overview portion of this proceeding.

24

25 * * * * *

26

27 If you wish to ask a question or make a comment, please press the raise hand icon in the toolbar.
28 We will call on any raised hands and unmute your line. Alternatively, you can type your
29 comment into the chat.

30

31 Are there any questions before we move to the oral comment period?

32

33 This concludes the question and answer portion of this proceeding for the proposed Gila County,
34 Arizona RACT Analysis and Negative Declarations for the 2015 Ozone NAAQS.

35

1 * * * * *

2

3 I now open this proceeding for oral comments.

4

5 * * * * *

6

7 If you have not already submitted written comments, you may submit them at this time. Again,
8 the comment period for this proposal ends today at 5:00 PM. We will keep this hearing open
9 until 9:30 AM if there are any additional comments.

10

11 Thank you.

12

13 Seeing no comments, this concludes the oral comment portion of this proceeding.

14

15 If you have not already submitted written comments, you may submit them at this time. Again,
16 the comment period for this proposal ends today at 5:00 PM. Thank you for attending.

17

18 The time is now 9:30AM. I now close this oral proceeding.

19

20

7 Public Hearing Officer Certification



Air Quality Division

Public Hearing Presiding Officer Certification

I, Zac Dorn, the designated Presiding Officer, do hereby certify that the public hearing held by the Arizona Department of Environmental Quality was conducted on March 21, 2025, online in Arizona, in accordance with public notice requirements by publication in the Arizona Republic beginning February 18, 2025. Furthermore, I do hereby certify that the public hearing was recorded from the opening of the public record through concluding remarks and adjournment, and the transcript provided contains a full, true, and correct record of the above-referenced public hearing.

Dated this 24th day of March 2025.

Zachary Dorn
Zachary Dorn



SIP Revision: Gila County, Arizona
RACT Analysis and Negative
Declarations for the 2015 Ozone
NAAQS Responsiveness Summary

Air Quality Division
March 24, 2025

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1 Responsiveness Summary

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

**RESPONSIVENESS SUMMARY
TO
PUBLIC COMMENTS**

**SIP Revision: Gila County, Arizona RACT Analysis and
Negative Declarations for the 2015 Ozone NAAQS**

**Public Comment Period:
February 18, 2025, to March 21, 2025**

March 24, 2025

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I. Background

This document contains the Arizona Department of Environmental Quality's (ADEQ or "Department") responses to all significant public comments received on ADEQ's proposed *SIP Revision: Gila County, Arizona RACT Analysis and Negative Declarations for the 2015 Ozone NAAQS*. ADEQ held an oral comment proceeding for this SIP revision on March 21, 2025. The proceeding was held virtually using Go-To-Webinar Software. ADEQ did not receive any oral comments or questions during its March 21, 2025 public hearing.

2 Compilation of Public Comments and State Responses to Comments

ADEQ did not receive any public comments during its public comment period for the *SIP Revision: Gila County, Arizona RACT Analysis and Negative Declarations for the 2015 Ozone NAAQS* which ran from February 18, 2025 to March 21, 2025. Since the Department did not receive any public comments, no response to comment documentation has been generated for this SIP revision.



Appendix B: Delegation of Authority and Authorizing Statutes

Air Quality Division
March 24, 2025

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1 Delegation of Authority



Memorandum

Date: September 12, 2024
To: Daniel Czecholinski, Division Director, ADEQ Air Quality Division
From: Karen Peters, Deputy Director
Subject: Air Quality Division Delegation of Authority

Pursuant to the authority delegated to me under A.R.S. §49-104 (D) (2) by Interim Director of Arizona Department of Environmental Quality Ben Henderson, I authorize you, Daniel Czecholinski, Division Director, Air Quality Division, Arizona Department of Environmental Quality, to perform any act, including execution of any pertinent documents, which I, as Deputy Director of the Arizona Department of Environmental Quality, am authorized or required to do by law with respect to A.R.S Title 49, Chapters 1 and 3, and any other acts related to air quality, including personnel actions within your division.

This delegation is effective immediately and shall remain in effect until it is revoked or upon your separation from the Arizona Department of Environmental Quality. This delegation replaces any other delegations to the Air Quality Division Director that may be in effect. You may further delegate this authority in the best interest of the agency, however, those delegations must be in writing and you must forward a copy of any further delegations to me. I ratify all acts previously performed by you as Air Quality Division Director concerning the duties and functions in this delegation memorandum.

A handwritten signature in purple ink, appearing to read "Karen Peters", is written over a horizontal line.

Karen Peters
Deputy Director

A handwritten date "9/12/24" in purple ink is written over a horizontal line.

Date

2 ADEQ Authorizing Statutes



Authorizing Statute

A.R.S. § 49-104

A.R.S. § 49-104. *Powers and duties of the department and director*

A. The department shall:

1. Formulate policies, plans and programs to implement this title to protect the environment.
2. Stimulate and encourage all local, state, regional and federal governmental agencies and all private persons and enterprises that have similar and related objectives and purposes, cooperate with those agencies, persons and enterprises and correlate department plans, programs and operations with those of the agencies, persons and enterprises.
3. Conduct research on its own initiative or at the request of the governor, the legislature or state or local agencies pertaining to any department objectives.
4. Provide information and advice on request of any local, state or federal agencies and private persons and business enterprises on matters within the scope of the department.
5. Consult with and make recommendations to the governor and the legislature on all matters concerning department objectives.
6. Promote and coordinate the management of air resources to assure their protection, enhancement and balanced utilization consistent with the environmental policy of this state.
7. Promote and coordinate the protection and enhancement of the quality of water resources consistent with the environmental policy of this state.
8. Encourage industrial, commercial, residential and community development that maximizes environmental benefits and minimizes the effects of less desirable environmental conditions.
9. Assure the preservation and enhancement of natural beauty and man-made scenic qualities.
10. Provide for the prevention and abatement of all water and air pollution including that related to particulates, gases, dust, vapors, noise, radiation, odor, nutrients and heated liquids in accordance with article 3 of this chapter and chapters 2 and 3 of this title.
11. Promote and recommend methods for the recovery, recycling and reuse or, if recycling is not possible, the disposal of solid wastes consistent with sound health, scenic and environmental quality policies. Beginning in 2014, the department shall report annually on its revenues and expenditures relating to the solid and hazardous waste programs overseen or administered by the department.
12. Prevent pollution through the regulation of the storage, handling and transportation of solids, liquids and gases that may cause or contribute to pollution.
13. Promote the restoration and reclamation of degraded or despoiled areas and natural resources.
14. Assist the department of health services in recruiting and training state, local and district health department personnel.
15. Participate in the state civil defense program and develop the necessary organization and facilities to meet wartime or other disasters.
16. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the department's duties and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona-Mexico region.



Authorizing Statute

A.R.S. § 49-104

17. Unless specifically authorized by the legislature, ensure that state laws, rules, standards, permits, variances and orders are adopted and construed to be consistent with and no more stringent than the corresponding federal law that addresses the same subject matter. This provision shall not be construed to adversely affect standards adopted by an Indian tribe under federal law.

B. The department, through the director, shall:

1. Contract for the services of outside advisers, consultants and aides reasonably necessary or desirable to enable the department to adequately perform its duties.
2. Contract and incur obligations reasonably necessary or desirable within the general scope of department activities and operations to enable the department to adequately perform its duties.
3. Utilize any medium of communication, publication and exhibition when disseminating information, advertising and publicity in any field of its purposes, objectives or duties.
4. Adopt procedural rules that are necessary to implement the authority granted under this title, but that are not inconsistent with other provisions of this title.
5. Contract with other agencies, including laboratories, in furthering any department program.
6. Use monies, facilities or services to provide matching contributions under federal or other programs that further the objectives and programs of the department.
7. Accept gifts, grants, matching monies or direct payments from public or private agencies or private persons and enterprises for department services and publications and to conduct programs that are consistent with the general purposes and objectives of this chapter. Monies received pursuant to this paragraph shall be deposited in the department fund corresponding to the service, publication or program provided.
8. Provide for the examination of any premises if the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed on the premises. The director shall give the owner or operator the opportunity for its representative to accompany the director on an examination of those premises. Within forty-five days after the date of the examination, the department shall provide to the owner or operator a copy of any report produced as a result of any examination of the premises.
9. Supervise sanitary engineering facilities and projects in this state, authority for which is vested in the department, and own or lease land on which sanitary engineering facilities are located, and operate the facilities, if the director determines that owning, leasing or operating is necessary for the public health, safety or welfare.
10. Adopt and enforce rules relating to approving design documents for constructing, improving and operating sanitary engineering and other facilities for disposing of solid, liquid or gaseous deleterious matter.
11. Define and prescribe reasonably necessary rules regarding the water supply, sewage disposal and garbage collection and disposal for subdivisions. The rules shall:
 - (a) Provide for minimum sanitary facilities to be installed in the subdivision and may require that water systems plan for future needs and be of adequate size and capacity to deliver specified minimum quantities of drinking water and to treat all sewage.
 - (b) Provide that the design documents showing or describing the water supply, sewage disposal and garbage collection facilities be submitted with a fee to the department for review and that no lots in any subdivision be offered for sale before compliance with the



standards and rules has been demonstrated by approval of the design documents by the department.

12. Prescribe reasonably necessary measures to prevent pollution of water used in public or semipublic swimming pools and bathing places and to prevent deleterious conditions at such places. The rules shall prescribe minimum standards for the design of and for sanitary conditions at any public or semipublic swimming pool or bathing place and provide for abatement as public nuisances of premises and facilities that do not comply with the minimum standards. The rules shall be developed in cooperation with the director of the department of health services and shall be consistent with the rules adopted by the director of the department of health services pursuant to section 36-136, subsection H, paragraph 10.

13. Prescribe reasonable rules regarding sewage collection, treatment, disposal and reclamation systems to prevent the transmission of sewage borne or insect borne diseases. The rules shall:

- (a) Prescribe minimum standards for the design of sewage collection systems and treatment, disposal and reclamation systems and for operating the systems.
- (b) Provide for inspecting the premises, systems and installations and for abating as a public nuisance any collection system, process, treatment plant, disposal system or reclamation system that does not comply with the minimum standards.
- (c) Require that design documents for all sewage collection systems, sewage collection system extensions, treatment plants, processes, devices, equipment, disposal systems, on-site wastewater treatment facilities and reclamation systems be submitted with a fee for review to the department and may require that the design documents anticipate and provide for future sewage treatment needs.
- (d) Require that construction, reconstruction, installation or initiation of any sewage collection system, sewage collection system extension, treatment plant, process, device, equipment, disposal system, on-site wastewater treatment facility or reclamation system conform with applicable requirements.

14. Prescribe reasonably necessary rules regarding excreta storage, handling, treatment, transportation and disposal. The rules shall:

- (a) Prescribe minimum standards for human excreta storage, handling, treatment, transportation and disposal and shall provide for inspection of premises, processes and vehicles and for abating as public nuisances any premises, processes or vehicles that do not comply with the minimum standards.
- (b) Provide that vehicles transporting human excreta from privies, septic tanks, cesspools and other treatment processes shall be licensed by the department subject to compliance with the rules. The department may require payment of a fee as a condition of licensure. After July 20, 2011, the department shall establish by rule a fee as a condition of licensure, including a maximum fee. As part of the rule making process, there must be public notice and comment and a review of the rule by the joint legislative budget committee. After September 30, 2013, the department shall not increase that fee by rule without specific statutory authority for the increase. The fees shall be deposited, pursuant to sections 35-146 and 35-147, in the solid waste fee fund established by section 49-881.

15. Perform the responsibilities of implementing and maintaining a data automation management system to support the reporting requirements of title III of the superfund amendments and reauthorization act of 1986 (P.L. 99-499) and article 2 of this chapter.



16. Approve remediation levels pursuant to article 4 of this chapter.

17. Establish or revise fees by rule pursuant to the authority granted under title 44, chapter 9, article 8 and chapters 4 and 5 of this title for the department to adequately perform its duties. All fees shall be fairly assessed and impose the least burden and cost to the parties subject to the fees. In establishing or revising fees, the department shall base the fees on:

- (a) The direct and indirect costs of the department's relevant duties, including employee salaries and benefits, professional and outside services, equipment, in-state travel and other necessary operational expenses directly related to issuing licenses as defined in title 41, chapter 6 and enforcing the requirements of the applicable regulatory program.
- (b) The availability of other funds for the duties performed.
- (c) The impact of the fees on the parties subject to the fees.
- (d) The fees charged for similar duties performed by the department, other agencies and the private sector.

C. The department may:

- 1. Charge fees to cover the costs of all permits and inspections it performs to ensure compliance with rules adopted under section 49-203, except that state agencies are exempt from paying the fees. Monies collected pursuant to this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in the water quality fee fund established by section 49-210.
- 2. Contract with private consultants for the purposes of assisting the department in reviewing applications for licenses, permits or other authorizations to determine whether an applicant meets the criteria for issuance of the license, permit or other authorization. If the department contracts with a consultant under this paragraph, an applicant may request that the department expedite the application review by requesting that the department use the services of the consultant and by agreeing to pay the department the costs of the consultant's services. Notwithstanding any other law, monies paid by applicants for expedited reviews pursuant to this paragraph are appropriated to the department for use in paying consultants for services.

D. The director may:

- 1. If the director has reasonable cause to believe that a violation of any environmental law or rule exists or is being committed, inspect any person or property in transit through this state and any vehicle in which the person or property is being transported and detain or disinfect the person, property or vehicle as reasonably necessary to protect the environment if a violation exists.
- 2. Authorize in writing any qualified officer or employee in the department to perform any act that the director is authorized or required to do by law.

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Authorizing Statute

A.R.S. § 49-106

A.R.S. § 49-106. *Statewide application of rules*

The rules adopted by the department apply and shall be observed throughout this state, or as provided by their terms, and the appropriate local officer, council or board shall enforce them. This section does not limit the authority of local governing bodies to adopt ordinances and rules within their respective jurisdictions if those ordinances and rules do not conflict with state law and are equal to or more restrictive than the rules of the department, but this section does not grant local governing bodies any authority not otherwise provided by separate state law.

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Authorizing Statute

A.R.S. § 49-404

A.R.S. § 49-404. State implementation plan

A. The director shall maintain a state implementation plan that provides for implementation, maintenance and enforcement of national ambient air quality standards and protection of visibility as required by the clean air act.

B. The director may adopt rules that describe procedures for adoption of revisions to the state implementation plan.

C. The state implementation plan and all revisions adopted before September 30, 1992 remain in effect according to their terms, except to the extent otherwise provided by the clean air act, inconsistent with any provision of the clean air act, or revised by the administrator. No control requirement in effect, or required to be adopted by an order, settlement agreement or plan in effect, before the enactment of the clean air act in any area which is a nonattainment or maintenance area for any air pollutant may be modified after enactment in any manner unless the modification insures equivalent or greater emission reductions of the air pollutant. The director shall evaluate and adopt revisions to the plan in conformity with federal regulations and guidelines promulgated by the administrator for those purposes until the rules required by subsection B are effective.

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Authorizing Statute

A.R.S. § 49-406

A.R.S. § 49-406. Nonattainment area plan

A. For any ozone, carbon monoxide or particulate nonattainment or maintenance area the governor shall certify the metropolitan planning organization designated to conduct the continuing, cooperative and comprehensive transportation planning process for that area under 23 United States Code section 134 as the agency responsible for the development of a nonattainment or maintenance area plan for that area.

B. For any ozone, carbon monoxide or particulate nonattainment or maintenance area for which no metropolitan planning organization exists, the department shall be certified as the agency responsible for development of a nonattainment or maintenance area plan for that area.

C. For any ozone, carbon monoxide or particulate nonattainment or maintenance area, the department, the planning agency certified pursuant to subsection A of this section on behalf of elected officials of affected local government, the county air pollution control department or district, and the department of transportation shall, by November 15, 1992, and from time to time as necessary, jointly review and update planning procedures or develop new procedures.

D. In preparing the procedures described in subsection C of this section, the department, the planning agency certified pursuant to subsection A of this section on behalf of elected officials of affected local government, the county air pollution control department or district, and the department of transportation shall determine which elements of each revised implementation plan will be developed, adopted, and implemented, through means including enforcement, by the state and which by local governments or regional agencies, or any combination of local governments, regional agencies or the state.

E. The department, the planning agency certified pursuant to subsection A of this section on behalf of elected officials of affected local government, the county air pollution control department or district, and the department of transportation shall enter into a memorandum of agreement for the purpose of coordinating the implementation of the procedures described in subsection C and D of this section.

F. At a minimum, the memorandum of agreement shall contain:

1. The relevant responsibilities and authorities of each of the coordinating agencies.
2. As appropriate, procedures, schedules and responsibilities for development of nonattainment or maintenance area plans or plan revisions and for determining reasonable further progress.
3. Assurances for adequate plan implementation.
4. Procedures and responsibilities for tracking plan implementation.
5. Responsibilities for preparing demographic projections including land use, housing, and employment.
6. Coordination with transportation programs.
7. Procedures and responsibilities for adoption of control measures and emissions limitations.
8. Responsibilities for collecting air quality, transportation and emissions data.
9. Responsibility for conducting air quality modeling.
10. Responsibility for administering and enforcing stationary source controls.



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A.R.S. § 49-406

11. Provisions for the timely and periodic sharing of all data and information among the signatories relating to:

- (a) Demographics.
- (b) Transportation.
- (c) Emissions inventories.
- (d) Assumptions used in developing the model.
- (e) Results of modeling done in support of the plan.
- (f) Monitoring data.

G. Each agency that commits to implement any emission limitation or other control measure, means or technique contained in the implementation plan shall describe that commitment in a resolution adopted by the appropriate governing body of the agency. The resolution shall specify the following:

- 1. Its authority for implementing the limitation or measure as provided in statute, ordinance or rule.
- 2. A program for the enforcement of the limitation or measure.
- 3. The level of personnel and funding allocated to the implementation of the measure.

H. The state, in accordance with the rules adopted pursuant to section 49-404, and the governing body of the metropolitan planning organization shall adopt each nonattainment or maintenance area plan developed by a certified metropolitan planning organization. The adopted nonattainment or maintenance area plan shall be transmitted to the department for inclusion in the state implementation plan provided for under section 49-404.

I. After adoption of a nonattainment or maintenance area plan, if on the basis of the reasonable further progress determination described in subsection F of this section or other information, the control officer determines that any person has failed to implement an emission limitation or other control measure, means or technique as described in the resolution adopted pursuant to subsection G of this section, the control officer shall issue a written finding to the person, and shall provide an opportunity to confer. If the control officer subsequently determines that the failure has not been corrected, the county attorney, at the request of the control officer, shall file an action in superior court for a preliminary injunction, a permanent injunction, or any other relief provided by law.

J. After adoption of a nonattainment or maintenance area plan, if, on the basis of the reasonable further progress determination described in subsection F of this section or other information, the director determines that any person has failed to implement an emission limitation or other control measure, means or technique as described in the resolution adopted pursuant to subsection G of this section, and that the control officer has failed to act pursuant to subsection I of this section, the director shall issue a written finding to the person and shall provide an opportunity to confer. If the director subsequently determines that the failure has not been corrected, the attorney general, at the request of the director, shall file an action in superior court for a preliminary injunction, a permanent injunction, or any other relief provided by law.

K. Notwithstanding subsections A and B of this section, in any metropolitan area with a metropolitan statistical area population of less than two hundred fifty thousand persons, the governor shall designate an agency that meets the criteria of section 174 of the clean air act and that is recommended by the city



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that causes the metropolitan area to exist and the affected county. That agency shall prepare and adopt the nonattainment or maintenance area plan. If the governor does not designate an agency, the department shall be certified as the agency responsible for the development of a nonattainment or maintenance area plan for that area.

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Authorizing Statute

A.R.S. § 49-425

A.R.S. § 49-425. Rules; hearing

A. The director shall adopt such rules as he determines are necessary and feasible to reduce the release into the atmosphere of air contaminants originating within the territorial limits of the state or any portion thereof and shall adopt, modify, and amend reasonable standards for the quality of, and emissions into, the ambient air of the state for the prevention, control and abatement of air pollution. Additional standards shall be established for particulate matter emissions, sulfur dioxide emissions, and other air contaminant emissions determined to be necessary and feasible for the prevention, control and abatement of air pollution. In fixing such ambient air quality standards, emission standards or standards of performance, the director shall give consideration but shall not be limited to the relevant factors prescribed by the clean air act.

B. No rule may be enacted or amended except after the director first holds a public hearing after twenty days' notice of such hearing. The proposed rule, or any proposed amendment of a rule, shall be made available to the public at the time of notice of such hearing.

C. The department shall enforce the rules adopted by the director.

D. All rules enacted pursuant to this section shall be made available to the public at a reasonable charge upon request.