



# State Implementation Plan Revision: Air Pollution Control Rules

*Air Quality Division  
December 9, 2024*

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# **1 Completeness Criteria (40 C.F.R. Part 51, Appendix V, § 2.0)**

## **1.1 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.**

A cover letter will be included in the final State Implementation Plan (SIP) Revision. Attached as part of Appendix C is a delegation of authority from Karen Peters, Deputy Director of Arizona Department of Environmental Quality (ADEQ), to Daniel Czecholinski, Director of ADEQ Air Quality Division, authorizing Mr. Czecholinski to perform any act the Deputy Director is authorized to perform under the state air quality statutes, including the submission of State Implementation Plans to the Environmental Protection Agency (EPA).

**(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.**

Copies of the rules for which approval is sought in this SIP Revision will be included in the final State Implementation Plan Revision in Appendix A and B.

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

ADEQ has primary responsibility for prevention and abatement of air pollution under Arizona Revised Statutes (A.R.S.) § 49-104(A)(10) and is required to "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" under A.R.S. § 49-404(A). ADEQ also has broad authority to adopt rules relating to air quality under A.R.S. § 49-425. Copies of A.R.S. §§ 49-104, 49-106, 49-404, 49-406, and 49-425 will be included in the final SIP Revision in Appendix C for reference only.

**(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.**

A copy will be included in the final SIP Revision in Appendices A and B.

**(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 law and constitution in adopting this plan will be included in Appendix C in the final SIP Revision.

**(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.**

Evidence that ADEQ gave notice of the SIP Revision in accordance with A.R.S. § 49-444 will be contained in Appendix C in the final SIP Revision.

**(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.**

Evidence that ADEQ held a virtual public hearing for the SIP Revision will be contained in Appendix C in the final SIP Revision.

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

The public comment responsiveness summary and a compilation of public comments and the State's responses will be contained in Appendix C in the final SIP Revision.

## **1.2 Appendix V § 2.1 - Technical Support**

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

Particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>).

**(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).**

There are no sources affected by this plan, which updates the state SIP to make technical corrections to state rule, but contains no substantive amendments.

**(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 revised state air pollution control rules will not result in any change in actual or allowable emissions, as the changes do not affect the allowable emissions from any affected sources and consist only of technical corrections.

**(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.**

See Section 5, Demonstrating Noninterference with Attainment of the National Ambient Air Quality Standards or Reasonable Further Progress under Clean Air Act § 110(l).

**(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.**

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.



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## 2 Introduction

The purpose of this revision to Arizona’s State Implementation Plan (SIP) is to provide updated versions of certain air pollution control rules in the Arizona Administrative Code for inclusion into the SIP. In particular, ADEQ amended Arizona Administrative Code (A.A.C.), rules R18-2-101, R18-2-326, R18-2-601, R18-2-602, R18-2-704, R18-2-801, R18-2-802, R18-2-804, and R18-2-1509 in 2024 to (1) update terminology in state rule to be consistent with federal rule, and (2) eliminate requirements no longer necessary for the operation of state government due to preemption of ADEQ's statutory authority to regulate air emissions from certain mobile sources.

Section 3 provides background on discrepancies in terminology between state and federal regulation and describes the revisions to state rules which have been executed to resolve these discrepancies. Section 4 provides background on federal preemption of ADEQ's statutory authority to regulate air emissions from certain mobile sources and describes the revisions to state rules which have been executed to resolve these discrepancies. Section 5 demonstrates that this SIP revision will not interfere with attainment or maintenance of the National Ambient Air Quality Standards (NAAQS) or any other requirement of the Clean Air Act (CAA), as required by CAA § 110(l).

## **3 Discrepancies in Terminology between State and Federal Rules**

### **3.1 Background**

Every five years, ADEQ is required to review “all of its rules, including rules made pursuant to an exemption from this chapter or any part of this chapter” within that five-year period. A.R.S. § 41-1056(A). The reports are a concise written analysis of the agency’s administrative rules that covers the previous five years and reviews whether the rules still meet the criteria in A.R.S. § 41-1056(A) and A.A.C. R1-6-301. In a 2023 review of select administrative rules, ADEQ identified a discrepancy in terminology between state and federal regulations. The term “air curtain incinerator” is used in 40 CFR §§ 60.2970 through 60.2974 (Air Curtain Incinerators That Burn Only Wood Waste, Clean Lumber, and Yard Waste) while the term “air curtain destructor” is used throughout state rule. These refer to the same device; the substance of the definition of “air curtain destructor” at A.A.C. R18-2-101(9) is consistent with substance of the definition of “air curtain incinerator” at 40 CFR § 60.2970.

ADEQ determined that consistency in terminology would improve the clarity of state regulation, and in turn, ADEQ’s ability to protect air quality.

### **3.2 Amendments to State Rule**

In a rulemaking effective July 3, 2024, ADEQ replaced all instances of the term “air curtain destructor” or “air-curtain destructor” with “air curtain incinerator” throughout state rules. The following rules were amended by final expedited rulemaking at 30 A.A.R. 2422, effective July 3, 2024: A.A.C. R18-2-101(9); R18-2-601, R18-2-602(A)(12) and (D)(1)(h), R18-2-704(B)(2) and (C); and R18-2-1509(B)(10). No further amendments have been made to these rules since they were last approved by EPA into the Arizona SIP.

**Table 3-1. Rules to Be Added to and Removed from the SIP**

Rule to be added to the Arizona SIP	Title	Existing SIP Rule Requested to be removed from SIP	A.A.R. NFERM
<b>Article 1</b>			
A.A.C. R18-2-101(9)	Definitions	A.A.C. R18-2-101(9)	Amended by final expedited rulemaking at 30 A.A.R. 2022, effective July 3, 2024.
<b>Article 6</b>			
A.A.C. R18-2-601	General	A.A.C. R18-2-601	Amended by final expedited rulemaking at 30 A.A.R. 2422, effective July 3, 2024.
A.A.C. R18-2-602(A)(12) and (D)(1)(h)	Unlawful Open Burning	A.A.C. R18-2-602(A)(12) and (D)(1)(h)	Amended by final expedited rulemaking at 30 A.A.R. 2422, effective July 3, 2024.
<b>Article 7</b>			
A.A.C. R18-2-704(B)(2) and (C)	Standards of Performance for Incinerators	A.A.C. R18-2-704(B)(2) and (C)	Amended by final expedited rulemaking at 30 A.A.R. 2422, effective July 3, 2024.
<b>Article 15</b>			
A.A.C. R18-2-1509(B)(10)	Emission Reduction Techniques	A.A.C. R18-2-1509(B)(10)	Amended by final expedited rulemaking at 30 A.A.R. 2422, effective July 3, 2024.

## **4 Federal Preemption of ADEQ's Statutory Authority to Regulate Air Emissions from Certain Mobile Sources**

### **4.1 Background**

In a 2023 five-year review of select administrative rules, ADEQ identified an inconsistency between state and federal regulation. A.A.C. R18-2-801, R18-2-802, and R18-2-804 set smoke opacity standards for nonroad engines or vehicles. However, under the 1990 amendments to the CAA § 209(e)(1) (42 U.S.C. § 7543(e)(1)), states are expressly prohibited from adopting or attempting to enforce any standard relating to the control of emissions from new nonroad engines or vehicles. Subsequent case law further determined that this preemption also applied to in-use nonroad engines.

ADEQ may not apply emissions or opacity standards to nonroad engines or vehicles, although in-use limits such as fuel requirements, operating requirements, and limits on hours of operation may be permitted. As soon as ADEQ became aware of this, ADEQ stopped enforcing nonroad engine or vehicle standards to the extent they were preempted. ADEQ determined that these rules must be amended to align with Arizona's limited scope of authority to set emission standards for nonroad engines.

### **4.2 Amendments to State Rule**

In a rulemaking effective July 3, 2024, ADEQ amended relevant state rules to clarify that smoke opacity standards from nonroad engines or vehicles do not apply to the extent that they are preempted under federal law. The following rules were amended by final expedited rulemaking at 30 A.A.R. 2422, effective July 3, 2024: A.A.C. R18-2-801; R18-2-802; and R18-2-804. The rules were last modified in November 1993. No further amendments have been made since the rules were approved by EPA into the Arizona SIP.

**Table 4-1. Rules to Be Added to and Removed from the SIP**

Rule to be added to the Arizona SIP	Title	Existing SIP Rule Requested to be removed from SIP	A.A.R. NFERM
Article 8			
A.A.C. R18-2-801	Classification of Mobile Sources	A.A.C. R18-2-801	Amended by final expedited rulemaking at 30 A.A.R. 2422, effective July 3, 2024.
A.A.C. R18-2-802	Off-road Machinery	A.A.C. R18-2-802	Amended by final expedited rulemaking at 30 A.A.R. 2422, effective July 3, 2024.
A.A.C. R18-2-804	Roadway and Site Cleaning Machinery	A.A.C. R18-2-804	Amended by final expedited rulemaking at 30 A.A.R. 2422, effective July 3, 2024.

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## **5 Demonstrating Noninterference with Attainment of the National Ambient Air Quality Standards of Reasonable Further Progress under Clean Air Act § 110(I)**

This proposed SIP revision does not remove any measures from the SIP. It does reduce the applicability of A.A.C. R18-2-801; R18-2-802; and R18-2-804. However, this is not anticipated to lessen the stringency of any SIP-approved measures in practice, for two reasons. First, ADEQ was not enforcing A.A.C. R18-2-801; R18-2-802; or R18-2-804 to the extent that they conflicted with CAA § 209(e)(1). Second, federal regulations governing smoke opacity from nonroad engines (40 CFR § 1039.105(b)) are more stringent than the preempted state regulations. Accordingly, this SIP revision is not anticipated to interfere with the attainment of the NAAQS or any other requirement of the CAA.

## **Appendix A: Amendments to the Air Pollution Control Rules**

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**Appendix B: Air Pollution Control Rules, as amended**

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## **Appendix C: Procedural and Administrative Requirements**

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