

**MARICOPA COUNTY AIR QUALITY DEPARTMENT**

**Engineering and Permitting Division**

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**GENERAL PERMIT TO OPERATE AND/OR CONSTRUCT**

*(As required by Title 49, Chapter 3, Article 2, Section 49-480, Arizona Revised Statutes)*

ARIZONA  
for

**FUEL BURNING OPERATIONS**

*This air quality permit to operate and/or construct does not relieve the applicant of the responsibility of meeting all air pollution regulations.*

THE PERMITTEE IS SUBJECT TO THE SPECIFIC AND GENERAL CONDITIONS IDENTIFIED IN THIS PERMIT.

**ISSUANCE DATE:** 08/04/2019

**EXPIRATION DATE:** 08/04/2024

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**Philip McNeely, Director, Maricopa County Air Quality Department**

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Any cited regulatory paragraphs or section numbers refer to the version of the rules and regulations that were in effect on the first date of public notice of the applicable Permit Condition unless specified otherwise. However, in the event the rules and regulations are amended during the term of this Permit, the amended rules and regulations shall apply to this Permit. Whenever the term, Control Officer, is used in this Permit it shall be interpreted to mean, Control Officer or designated representative. Where the term "Rule" appears, it shall be construed to mean "Maricopa County Air Pollution Control Regulations" unless otherwise noted.

## **SPECIFIC CONDITIONS**

### **1. Definitions**

For the purposes of this Permit, the following definitions apply:

- a. **Commercial Emergency Stationary Reciprocating Internal Combustion Engine (RICE)** - an emergency stationary RICE used in commercial establishments such as office buildings, hotels, stores, telecommunications facilities, restaurants, financial institutions such as banks, doctor's offices, and sports and performing arts facilities. For the purpose of this permit, RICE and ICE (internal combustion engine) are used interchangeably.
- b. **Compression Ignition (CI)** - ICE with operating characteristics wherein the principal mechanism of igniting the fuel and air mixture in the cylinders is the compression of air in the cylinder until it is so hot that any fuel injected into the air or mixed with the air ignites. In this type of engine, a separate ignition source, such as a spark plug, is not used.
- c. **Crankcase Emissions** - substances emitted to the atmosphere from any part of an engine crankcase's ventilation or lubrication systems. The crankcase is the housing for the crankshaft and other related internal parts.
- d. **Defeat Device** - an auxiliary emission-control device that reduces the effectiveness of emission controls for an engine under conditions that the engine may reasonably be expected to encounter during normal operation and use.
- e. **Department** - The Maricopa County Air Quality Department.
- f. **Diesel Fuel** - any liquid obtained from the distillation of petroleum with a boiling point of approximately 150 to 360 degrees Celsius. One commonly used form is number 2 distillate oil.
- g. **Emergency Stationary Internal Combustion Engine (ICE)** - Any stationary internal combustion engine whose operation is limited to emergency situations, required testing and maintenance. Examples include stationary ICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary ICE used to pump water in the case of fire, flood, etc. Stationary ICE used to supply power to an electric grid or that supply power as part of a financial arrangement with another entity are not considered to be emergency engines.
- h. **External Fuel Burning** - a process involving the combustion of natural gas, which does not include internal combustion engines, turbines, burn-off ovens, incinerators, flares, crematories, or equipment that requires a control device to comply with any requirements.
- i. **Fire Pump Engine** - an emergency stationary ICE certified to NFPA requirements that is used to provide power to pump water for fire suppression or protection.
- j. **Gasoline** - any fuel sold in any State for use in motor vehicles and motor vehicle engines, or nonroad or stationary engines, and commonly or commercially known or sold as gasoline.
- k. **Institutional Emergency Stationary ICE** - an emergency stationary reciprocating ICE used in institutional establishments such as medical centers, nursing homes, research centers, institutions of higher education, correctional facilities, elementary and secondary schools, libraries, religious establishments, police stations, and fire stations.

- l. **Internal Combustion Engine [ICE]** - any reciprocating internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work. ICE is not a nonroad engine. There are two basic types of reciprocating engines – spark ignition (SI) and compression ignition (CI).
- m. **Lean Burn Engine** - any two-stroke or four-stroke spark ignited engine that does not meet the definition of a rich burn engine.
- n. **Liquefied Petroleum Gas (LPG)** - any liquefied hydrocarbon gas obtained as a by-product in petroleum refining or natural gas production.
- o. **Maximum Engine Power** - maximum engine power as defined in 40 CFR 1039.140 for compression ignition engines and 40 CFR 1048.801 for spark ignition engines.
- p. **Model Year** - Either of the following:
  - i. The calendar year in which the engine was originally produced, or
  - ii. The annual new model production period of the engine manufacturer if it is different than the calendar year. This must include January 1 of the calendar year for which the model year is named. It may not begin before January 2<sup>nd</sup> of the previous calendar year and it must end by December 31<sup>st</sup> of the named calendar year. For an engine that is converted to a stationary engine after being placed into service as a nonroad or other non-stationary engine, model year means the calendar year or new model production period in which the engine was originally produced.
- q. **Modification** - any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.
- r. **Natural gas** – a naturally occurring mixture of hydrocarbon and non-hydrocarbon gases found in geologic formations beneath the earth’s surface, of which the principal constituent is methane. For the purposes of this general permit, natural gas means pipeline quality fuel gas which contains non-environmentally meaningful quantity of sulfur or fuel-bound nitrogen.
- s. **Nonroad engine** - an engine, that, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include but are not limited to, wheels, skids, carrying handles, dollies, trailers, or platforms.
- t. **Opacity** - A condition of the ambient air or any part thereof, in which an air contaminant partially or wholly obscures the view of an observer.
- u. **Rated brake horsepower (rated bhp)** - The maximum brake horsepower (bhp) specified by the engine manufacturer for the engine application, usually listed on the nameplate of the engine. If the engine has been altered so that the maximum bhp is different than the rated bhp on the nameplate, then the maximum bhp shall be considered the rated bhp.
- v. **Reconstruction** - with respect to engines, the replacement of components of an existing engine to such an extent that the fixed capital cost of the new components exceeds 50% of the fixed capital cost that would be required to construct a comparable entirely new engine.
- w. **Residential emergency stationary ICE** - an emergency stationary reciprocating ICE used in residential establishments such as homes or apartment buildings.
- x. **Responsible Official** - One of the following:
  - i. For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more operating facilities applying for or subject to a permit and the delegation of authority to such representatives is approved in advance by the Department;

- ii. For a partnership or sole proprietorship: A general partner or the proprietor respectively;
  - iii. For a municipality or other public agency: Either a principal executive officer or ranking elected official.
- y. **Rich Burn Engine** - any four-stroke spark ignited engine where the manufacturer's recommended operating air/fuel ratio divided by the stoichiometric air/fuel ratio at full load conditions is less than or equal to 1.1. Engines originally manufactured as rich burn engines, but modified prior to 6/12/06, with passive emission control technology for NO<sub>x</sub> (such as pre-combustion chambers) will be considered lean burn engines. Also, existing engines where there are no manufacturer's recommendations regarding air/fuel ratio will be considered a rich burn engine if the excess oxygen content of the exhaust at full load conditions is less than or equal to 2%.
- z. **Spark Ignition (SI)** - relating to either: a gasoline-fueled engine; or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. SI engines usually use a throttle to regulate intake air flow to control power during normal operation. Dual-fuel engines in which a liquid fuel (typically diesel fuel) is used for compression ignition and gaseous fuel (typically natural gas) is used as the primary fuel at an annual average ratio of less than 2 parts diesel fuel to 100 parts total fuel on an energy equivalent basis are SI engines.
- aa. **Stationary Internal Combustion Engine** - any ICE, except combustion turbines, that converts heat energy into mechanical work and is not mobile. Stationary ICE differ from mobile ICE in that a stationary ICE is not a nonroad engine as defined at 40 CFR 1068.30 (excluding paragraph (2)(ii) of that definition) and is not used to propel a motor vehicle or a vehicle used solely for competition.  
[SIP Rules 100, 200, 300][40 CFR §§ 60.4205, 60.4219, 60.4248, 63.6675]

## GASEOUS EMISSIONS

### 2. Air Pollution Prohibited:

No person shall discharge from any source whatever into the atmosphere regulated air pollutants which exceed in quantity or concentration that specified and allowed in these rules, the Arizona Administrative Code [AAC] or Arizona Revised Statutes [ARS], or which cause damage to property, or unreasonably interfere with the comfortable enjoyment of life or property of a substantial part of a community, or obscure visibility, or which in any way degrade the quality of the ambient air below the standards established by the Board Of Supervisors or the Director.

[SIP Rule 100 §301]

## FUEL BURNING EQUIPMENT

External fuel burning equipment includes but is not limited to boilers, furnaces, space heaters, water heaters, pool and spa heaters, kilns, ovens, burners, stoves, steam cleaners, and hot water pressure washers.

### 3. Operational Limitations:

- a. The Permittee may only use natural gas as fuel for fuel burning equipment.
- b. The maximum heat input rating of any single fuel burning unit (excluding internal combustion engines) shall be less than 10.0 million Btu/hr (MMBtu/hr).
- c. The maximum aggregated heat input rating for all fuel burning equipment (excluding internal combustion engines) at the facility as a whole shall be less than 41.5 million Btu/Hr.

[SIP Rules 220 §302.2; 241 §302]

## EMERGENCY STATIONARY INTERNAL COMBUSTION ENGINES (ICE)

### 4. Operational Limitations:

- a. Only emergency ICE may construct or operate under this General Permit.
- b. The total combined rating of all stationary ICE greater than 50.0 bhp shall not exceed 250.0 bhp.

[SIP Rule 220 §302]

- c. The Permittee shall limit the operation of the emergency engine(s) to no more than 100 hours each per calendar year for the purposes of maintenance checks and readiness testing.  
[40 CFR §§ 60.4211(f), 60.4243(d), 63.6640(f)(2)]
- d. The Permittee shall limit the total hours of operation of the emergency engine(s) to no more than 500 hours each per any twelve consecutive months including the hours listed in Subsection [a] above.  
[40 CFR §§ 60.4211, 60.4243, 63.6640]
- e. Stationary ICE shall not be used for peak shaving. The emergency engine(s) shall only be used for the following purposes:
- i. For power when normal power service fails from the serving utility or if onsite electrical transmission or onsite power generation equipment fails;
  - ii. Reliability-related activities such as engine readiness, calibration, or maintenance or to prevent the occurrence of an unsafe condition during electrical system maintenance as long as the total number of hours of the operation does not exceed 100 hours per calendar year per engine as evidenced by an installed non-resettable hour meter;
  - iii. Emergency pumping of water resulting from a flood, fire, lightning strikes, police action or for any other essential public services which affect the public health and safety;
  - iv. Lighting airport runways;
  - v. Sewage overflow mitigation and/or prevention; or
  - vi. To operate standby emergency water pumps for fire control that activate when sensors detect low water pressure.

[40 CFR §§ 60.4211(f), 60.4243(d), 63.6640(f)(1) - (2)]

#### 5. Fuel Limitations:

- a. The Permittee shall not use any diesel fuel (i.e. fuel oil) that contains more than 0.0015% sulfur by weight, alone or in combination with other fuels.  
[SIP Rule 241 §305][40 CFR §§ 60.4207(b), 80.510(b)]
- b. For ICE subject to NSPS Subpart IIII, as specified in Permit Condition 10.a, the Permittee shall only use diesel fuel that has a minimum cetane index of 40 or a maximum aromatic content of 35 volume percent.  
[40 CFR §§ 60.4207(b), 80.510(b)]
- c. The Permittee shall operate stationary spark ignition (SI) ICE only using gasoline, natural gas, propane or other liquefied petroleum gas (LPG)

[SIP Rule 220 §302.2]

#### 6. Monitoring:

The Permittee shall install a non-resettable totalizing hour meter prior to startup of the engine(s). If the non-resetting totalizing hour meter is found to be malfunctioning, operation of the engine shall cease until corrective action(s) can be implemented or the function of the meter is restored.

[40 CFR §§ 60.4209, 60.4237, 63.6625(f)]

#### 7. Opacity Limitations:

- a. Unless otherwise stated in 40 CFR § 60.4205, the Permittee shall not discharge into the ambient air from any single source of emissions any air contaminant (including nonroad engines), other than uncombined water, in excess of 20% opacity.  
[40 CFR §§ 60.4205, 60.4202, 89.113(a)(2)]
- b. Compliance with visible emissions shall be determined using the techniques specified in EPA Reference Method 9, 40 CFR Part 60, Appendix A.

[SIP Rule 220 § 302]

**8. New Source Performance Standards:**

- a. If the Permittee modifies or reconstructs a stationary compression ignition (CI) ICE after July 11, 2005, that engine shall comply with all applicable requirements of 40 CFR 60 Subpart III.  
[40 CFR §60.4200(a)(3)]
- b. If the Permittee modifies or reconstructs a stationary spark ignition (SI) ICE after June 12, 2006, that engine shall comply with all applicable requirements of 40 CFR 60 Subpart JJJJ.  
[40 CFR §60.4230(a)(5)]

**9. Requirements for Stationary ICE Subject to 40 CFR Part 63, Subpart ZZZZ:**

*\*\* This section may be applicable to older SI and CI emergency engines. \*\**

- a. Applicability: The requirements of 40 CFR Part 63 Subpart ZZZZ: National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE) and this Permit Section apply to each stationary RICE that was ordered by the original owner prior to June 12, 2006, except for the following:
  - i. Emergency RICE subject to NSPS Subpart III.
  - ii. Emergency RICE subject to NSPS Subpart JJJJ.
  - iii. Stationary RICE that is tested at a stationary test cell/stand.
  - iv. Stationary RICE that is used for national security purposes.  
[40 CFR §§ 63.6585, 63.6590]
- b. Operating Requirements:
  - i. The Permittee shall operate and maintain all engines and associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Control Officer which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.  
[40 CFR §63.6605]
  - ii. The Permittee shall operate and maintain each engine according to the manufacturer's emission-related operation and maintenance instructions or develop and follow the Permittee's own maintenance plan which must provide to the extent practicable for the operation and maintenance of the engine in a manner consistent with good air pollution control practice for minimizing emissions.  
[40 CFR §63.6640(a), Table 6(9)]
  - iii. During periods of startup the Permittee shall minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes.  
[40 CFR §63.6625(h)]
- c. Maintenance Schedule: The Permittee shall comply with the following for each engine subject to this Permit Condition:
  - i. Change oil and filter or perform an Oil Analysis Program every 500 hours of operation or annually, whichever comes first. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity and percent water content. The condemning limits for these parameters are as follow:
    - 1) Total Base Number is less than 30 percent of the Total Base Number of the oil when new;
    - 2) Viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new;
    - 3) Percent water content (by volume) is greater than 0.5.



If none of these limits are exceeded, the Permittee is not required to change the oil. If any of the limits are exceeded, the Permittee must change the oil before continuing to use the engine. The Permittee must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

- ii. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary;
- iii. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.
- iv. If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice requirements on the schedule required by this Permit Condition, or if performing the management practice on the required schedule would otherwise pose an unacceptable risk under Federal, State, or local law, the management practice can be delayed until the emergency is over or the unacceptable risk under Federal, State, or local law has abated. The management practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under Federal, State, or local law has abated. Sources must report any failure to perform the management practice on the schedule required and the Federal, State or local law under which the risk was deemed unacceptable in accordance with Permit Condition 13 – Reporting Requirements.

[40 CFR §63.6603(a), Table 2d(4)]

#### 10. Requirements for Stationary ICE Subject to NSPS Subpart IIII:

*\*\* This section may be applicable to emergency diesel engines. \*\**

- a. Applicability: The following stationary ICE are subject to NSPS Subpart IIII: Standards of Performance for Stationary Compression Ignition (CI) Internal Combustion Engines:
    - i. Any stationary CI ICE that is not a fire pump engine that was ordered after July 11, 2005 and manufactured after April 1, 2006.
    - ii. Any CI fire pump engine ordered after July 11, 2005 and manufactured as a certified National Fire Protection Association (NFPA) fire pump engine after July 1, 2006.
    - iii. Any stationary emergency CI ICE that was modified or reconstructed after July 11, 2005.
- [40 CFR §60.4200(a)]
- b. Emission Standards - Stationary CI ICE shall be certified by the engine manufacturer to meet the emission standards in 40 CFR 60.4205.
- [40 CFR §§ 60.4202, 60.4205, 60.4211, 1039.115, 89.113]
- c. Crankcase emissions: Naturally aspirated engines shall not discharge crankcase emissions into the ambient atmosphere, unless such crankcase emissions are permanently routed into the exhaust and included in all exhaust emission measurements. This provision does not apply to engines using turbochargers, pumps, blowers, or superchargers for air induction.
- [40 CFR §§ 60.4205, 89.112(e), 1039.115(a)]
- d. The Permittee shall operate and maintain the engine according to the manufacturer's written instructions, or procedures developed by the Permittee that are approved by the engine manufacturer, over the entire life of the engine.
- [40 CFR §§ 60.4211(a), 60.4206]
- e. The Permittee shall only change those engine settings that are permitted by the manufacturer.
  - f. The Permittee shall meet the requirements of 40 CFR Part 89 as it applies.

[40 CFR § 60.4211(a)]

**11. Requirements for Stationary Spark Ignition ICE Subject to NSPS Subpart JJJJ:**

*\*\* This section may be applicable to emergency gasoline, natural gas, propane or other LPG engines. \*\**

- a. Applicability: The following engines listed below are subject to NSPS Subpart JJJJ: Standards of Performance for Stationary Spark Ignition (SI) Internal Combustion Engines and this permit Section:
  - i. Any emergency stationary SI ICE that was ordered after June 12, 2006 and manufactured after January 1, 2009.
  - ii. Any emergency stationary SI ICE that was modified or reconstructed after June 12, 2006.
  - iii. Any emergency stationary SI ICE using alcohol-based fuels is considered a gasoline engine under NSPS Subpart JJJJ.

[40 CFR §60.4230(a)]
- b. Emission Standards - Stationary SI ICE shall be certified by the engine manufacturer to meet the emission standards in 40 CFR 60.4233.

[40 CFR §60.4233] [40 CFR §§ 90.103; 1054.103, 105]
- c. The Permittee shall operate and maintain the certified SI ICE according to the manufacturer's emission-related written instructions.
- d. The Permittee shall meet the requirements as specified in 40 CFR part 1068, subparts A through D, as they apply.

[40 CFR §60.4243(a)]
- e. The Permittee shall not install an SI ICE with a maximum engine power:
  - i. Equal to or less than 25 bhp that does not meet the applicable requirements in 40 CFR §60.4233 after July 1, 2010;
  - ii. Greater than 25 bhp that does not meet the applicable requirements in 40 CFR §60.4233 after January 1, 2011;
  - iii. These installation dates do not apply to SI ICE that have been reconstructed, nor to second hand engines or engines that have been removed and reinstalled at a new location.

[40 CFR §60.4236]

**12. Recordkeeping:**

The Permittee shall maintain the following records for a period of at least five years and make them available to the Control Officer upon request:

- a. An initial one-time entry listing the particular engine combustion type (compression or spark-ignition or rich or lean burn); manufacturer; model designation, rated bhp, serial number and where the engine is located on the site.
- b. Monthly rolling twelve-month total of hours of operation, including hours of operation for testing, reliability and maintenance.
- c. Fuel type and sulfur content of fuel. The Permittee shall maintain fuel receipts, contract specifications, pipeline meter tickets, Material Safety Data Sheets (MSDS), fuel supplier information or purchase records, if applicable, from the fuel supplier, indicating the sulfur content of the fuel oil. In lieu of these, testing of the fuel oil for sulfur content to meet the applicable sulfur limit shall be permitted as evidence of compliance.
- d. An explanation for the use of the engine if it is used as an emergency engine.

[SIP Rule 220 §302.7] [40 CFR §§ 60.4214(b), 60.4245(b), 63.6655(f)]
- e. Records of the following for each engine subject to Permit Condition 9.a. - Requirements for Stationary ICE Subject to 40 CFR Part 63, Subpart ZZZZ:
  - i. Oil and filter change dates or oil analysis results and corresponding hours on the hour meter;

- ii. Inspection and replacement dates for air cleaners, spark plugs, hoses, and belts;
- iii. Records of other emission-related repairs and maintenance performed.

[40 CFR §§ 63.6655(e), 63.6660]

- f. The Permittee shall maintain records of all maintenance performed on each engine that is subject to Permit Condition 11 - Requirements for Stationary Spark Ignition ICE Subject to NSPS Subpart JJJJ, as applicable.

[40 CFR §60.4245(a)(2)]

- g. For each engine subject to Permit Conditions 10 - Requirements for Stationary ICE Subject to NSPS Subpart IIII, and 11 - Requirements for Stationary Spark Ignition ICE Subject to NSPS Subpart JJJJ, the Permittee shall maintain a copy of the manufacturer's data for each engine indicating compliance with the emission standards in this Permit.

[SIP Rule 220 §302.7][40 CFR §§ 60.4211(b)(3), 60.4245(a)(3)],

- h. For each engine subject to Permit Conditions 9 - Requirements for Stationary ICE Subject to 40 CFR Part 63 Subpart ZZZZ, and 10 - Requirements for Stationary ICE Subject to NSPS Subpart IIII, the Permittee shall maintain an onsite copy of the manufacturer's written instructions, or procedures developed by the Permittee in accordance with these Permit Conditions and make it available to MCAQD upon request.

[SIP Rule 220 §302.7] [40 CFR §§ 63.6655(e), 63.6660]

### 13. Reporting Requirements:

Deviations from ICE Maintenance Schedule: The Permittee shall report any failure to perform a maintenance operation on the schedule required by Permit Condition 9 - MACT ZZZZ Requirements and the Federal, State or local law under which the risk was deemed unacceptable. The Report shall be submitted to the Control Officer, Attn: Compliance Division Manager, within 2 working days after the date on which the maintenance operation was required to be performed. A subsequent report shall be submitted to the Control Officer within 2 working days after the required maintenance operation is performed.

[40 CFR §63.6640(b)] [SIP Rule 220 §302.8] [Rule 130 §402.4]

### 14. Emergency Provisions:

The Permittee shall comply with all record keeping and reporting requirements of Rule 130 (Emergency Provisions) and Rule 140 (Excess Emissions) if the allowable hours of operation are exceeded.

[SIP Rule 140] [Rule 130]

## NONROAD ENGINES GREATER THAN 50 BHP

### 15. Applicability:

- a. A nonroad engine is exempt from the permitting requirements of Rule 324, "Stationary Internal Combustion (IC) Engines," providing it does not reside in any one location for more than 12 consecutive months. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replace an engine (or engines) at a location and that is intended to perform the same or similar function as the engine (or engines) replaced will be included in calculating the consecutive time period.

[SIP Rule 324 §212][Locally Enforceable Only]

- b. Should the engine remain in one location for more than 12 consecutive months, it shall lose its nonroad designation. The Permittee shall then provide written notice in accordance with Permit Condition 39 or submit an individual source permit in accordance with Permit Condition 38, as applicable, to permit the engine as a stationary unit.

[Rule 324 §217][Locally Enforceable Only]

### 16. Fuel Limitation:

The Permittee shall only use fuel that contains less than 0.05% sulfur by weight to operate nonroad engines.

[Rule 320 §§202, 305][Locally Enforceable Only]

**17. Opacity:**

- a. The Permittee shall not discharge into the ambient air from any single source of emissions any air contaminant, other than uncombined water, in excess of 20% opacity for a period aggregating more than three minutes in any 60-minute period.
- b. Opacity shall be determined by observations of visible emissions conducted in accordance with EPA Reference Method 9 as modified by EPA Reference Method 203B.

[SIP Rule 300 §§301, 501][Rule 324 §103.2]

**18. Recordkeeping:**

The Permittee shall comply with the following record keeping requirements for each nonroad engine. Records shall be retained for five years and shall be made available to the Control Officer upon request.

- a. Date that the engine is brought to the facility;
- b. Make, model, serial number and capacity of the engine;
- c. Date of each instance in which the engine is moved from its existing location; and
- d. Fuel type and sulfur content of fuel. The Permittee shall maintain fuel receipts, contract specifications, pipeline meter tickets, Material Safety Data Sheets (MSDS), fuel supplier information or purchase records, if applicable, from the fuel supplier, indicating the sulfur content of the fuel oil. In lieu of these, testing of the fuel oil for sulfur content to meet the applicable sulfur limit shall be permitted as evidence of compliance.

[SIP Rule 220 §302.7]

**RULE 310: FUGITIVE DUST FROM DUST-GENERATING OPERATIONS****19. Applicability:**

- a. The provisions of this Permit Section apply to all dust-generating operations except for those dust-generating operations listed in Permit Condition 20 below. Any person engaged in a dust-generating operation subject to this Permit Section shall be subject to the standards and/or requirements of this Permit Section before, after, and while conducting such dust-generating operation, including during weekends, after work hours, and on holidays.
- b. For the purpose of Rule 310, any control measure that is implemented must achieve the applicable standard(s) described in Rule 310, as determined by the corresponding test method(s), as applicable, and must achieve other applicable standard(s) set forth in Rule 310.
- c. Regardless of whether a dust-generating operation is in compliance with an approved Dust Control Plan or there is no approved Dust Control Plan, the owner and/or operator of a dust-generating operation shall be subject to all requirements of Rule 310 at all times.
- d. Failure to comply with the provisions of these requirements, as applicable, and/or of an approved Dust Control Plan, shall constitute a violation.

[SIP Rule 310 §§102, 301]

**20. Exemptions:**

The provisions of this Permit Section shall not apply to the following activities:

- a. Normal farm cultural practices according to Arizona Revised Statutes (A.R.S.) §49-457 and A.R.S. §49-504.4.
- b. Emergency activities that may disturb the soil conducted by any utility or government agency in order to prevent public injury or to restore critical utilities to functional status.
- c. Establishing of initial landscapes without the use of mechanized equipment or conducting landscape maintenance without the use of mechanized equipment. However, establishing initial landscapes without the use of mechanized equipment and conducting landscape maintenance without the use of mechanized equipment shall not include grading or trenching performed to establish initial landscapes or to redesign

existing landscapes.

- d. Playing on or maintaining a field used for non-motorized sports.
- e. Rooftop operations for cutting, drilling, grinding, or coring roofing tile when such activity is occurring on a pitched roof.

[SIP Rule 310 §103]

**21. Dust Control Plan Requirement:**

- a. The owner and/or operator of a dust-generating operation shall submit to the Control Officer a Dust Control Plan with any permit applications that involve dust-generating operations with a disturbed surface area that equals or exceeds 0.10 acre (4,356 square feet) before commencing any routine dust-generating operation. The Dust Control Plan shall be kept available onsite at all times.
- b. The Permittee shall comply with the requirements of the Dust Control Plan and the provisions of MCAQD Rule 310 Sections 301 – 310 at all times.

[SIP Rule 310 §§ 301-310, 409]

**22. Visible Emission Requirements for Dust-Generating Operations:**

- a. The Permittee shall not cause or allow visible fugitive dust emissions to exceed 20% opacity.
- b. The Permittee shall not cause or allow visible emissions of particulate matter, including fugitive dust, beyond the property line within which the emissions are generated. Visible emissions shall be determined by a standard of no visible emissions exceeding 30 seconds in duration in any six-minute period as determined by using EPA Reference Method 22. This requirement does not apply to dust-generating operations conducted within 25 feet of the property line.

[SIP Rule 310 §303.1]

**23. Exemptions from Dust-Generating Operation Opacity Limitation Requirement:**

- a. If wind conditions cause fugitive dust emissions to exceed the opacity requirements in this permit, despite implementation of the Dust Control Plan, an owner and/or operator shall:
  - i. Ensure that all control measures and requirements of the Dust Control Plan are implemented, and the subject violations cannot be prevented by better application, operation, or maintenance of these measures and requirements.
  - ii. Cease dust-generating operations and stabilize any disturbed surface area consistent with the Stabilization Requirements of this Permit Section.
  - iii. Compile records consistent with the Record keeping requirements in this Permit Section and document the control measure and other Dust Control Plan requirements implemented.
- b. Emergency Maintenance of Flood Control Channels and Water Retention Basins: The opacity limit shall not apply to emergency maintenance of flood control channels and water retention basins, provided that control measures are implemented.

[SIP Rule 310 §303.2]

**24. Stabilization Requirements for Dust-Generating Operations:**

- a. Unpaved Parking Lot: The owner and/or operator of any unpaved parking lot shall not allow visible fugitive dust emissions to exceed 20% opacity and shall not allow silt loading equal to or greater than 0.33 oz/ft<sup>2</sup>. However, if silt loading is equal to or greater than 0.33 oz/ft<sup>2</sup>, then the owner and/or operator shall not allow the silt content to exceed 8%.

[SIP Rule 310 §§232, 304.1]

- b. Disturbed Surface Area: The owner and/or operator of any disturbed surface area on which no activity is occurring shall meet at least one of the standards described in MCAQD Rule 310 Section 304.

[SIP Rule 310 §304]

**25. Control Measures for Dust-Generating Operations:**

For dust-generating operations with a disturbed surface area less than 0.10 acre (4,356 square feet), the owner and/or operator shall install, maintain, and use control measures, as applicable. Control measures for specific dust-generating operations are described in MCAQD Rule 310 Section 305. The owner and/or operator of a dust-generating operation shall implement control measures before, after, and while conducting dust-generating operations, including during weekends, after work hours, and on holidays.

[SIP Rule 310 §305]

**26. Trackout, Carry-Out, Spillage, and/or Erosion:**

The owner and/or operator of a dust-generating operation shall prevent and control trackout, carry-out, spillage, and/or erosion in accordance with MCAQD Rule 310 Section 306

[SIP Rule 310 §306.2]

**27. Dust Control Plan Revisions:**

For dust-generating operations with a disturbed surface area equal to or greater than 0.10 acre (4,356 square feet):

- a. If the Control Officer determines that an approved Dust Control Plan has been followed, yet fugitive dust emissions from any dust-generating operation still exceed the standards of this Permit, then the Control Officer shall issue a written notice to the owner and/or operator of the dust-generating operation explaining such determination.
- b. The owner and/or operator of a dust-generating operation shall make written revisions to the Dust Control Plan and shall submit such revised Dust Control Plan to the Control Officer within three working days of receipt of the Control Officer's written notice, unless such time period is extended by the Control Officer, upon request, for good cause. During the time that such owner and/or operator is preparing revisions to the approved Dust Control Plan, such owner and/or operator must still comply with all requirements of this Permit.
- c. The Permittee shall request a Dust Control Plan revision with a submittal in the manner and form prescribed by the Control Officer if:
  - i. The acreage of a project changes;
  - ii. The permit holder changes;
  - iii. The name(s), address(es), or phone numbers of person(s) responsible for the submittal and implementation of the Dust Control Plan and responsible for the dust-generating operation change; and
  - iv. If the activities related to the purposes for which the Dust Control permit was obtained change.

[SIP Rule 310 §403.1]

[Rule 310 §403.2]

**28. Record Keeping:**

The Permittee shall maintain the following records for a period of at least five years from the date such records are established and make them available to the Control Officer upon request:

- a. For dust-generating operations with a disturbed surface area equal to or greater than 0.10 acre (4,356 square feet), the Permittee shall keep a written record of self-inspection on each day dust-generating operations are conducted. Self-inspection records shall include daily inspections for crusted or damp soil, trackout conditions and clean-up measures, daily water usage, and dust suppressant application. Such written record shall also include the following information:
  - i. Method, frequency, and intensity of application or implementation of the control measures;
  - ii. Method, frequency, and amount of water application to the site;
  - iii. Street sweeping frequency;
  - iv. Types of surface treatments applied to and maintenance of trackout control devices, gravel pads, fences, wind barriers, and tarps;

- v. Types and results of test methods conducted;
- vi. If contingency control measures are implemented, actual application or implementation of contingency control measures and why contingency control measures were implemented;
- vii. List of subcontractors' names and registration numbers updated when changes are made; and
- viii. Names of employee(s) who successfully completed dust control training class(es), date of the class(es) that such employee(s) successfully completed, and name of the agency/representative who conducted such class(es).

[SIP Rule 310 §502.1]

- b. For dust-generating operations with a disturbed surface area less than 0.10 acre (4,356 square feet), the Permittee shall compile and retain records (including records on any street sweeping, water applications, and maintenance of trackout control devices, gravel pads, fences, wind barriers, and tarps) that provide evidence of control measure application, by indicating the type of treatment or control measure, extent of coverage, and date applied.

[SIP Rule 310 §502.2]

- c. Upon verbal or written request by the Control Officer, the log or the records and supporting documentation shall be provided as soon as possible but no later than 48 hours, excluding weekends. If the Control Officer is at the site where requested records are kept, records shall be provided without delay.

[SIP Rule 310 §502.3]

## 29. Records Retention:

- a. For dust-generating operations with a disturbed surface area equal to or greater than 0.10 acre (4,356 square feet), the Permittee shall retain copies of approved Dust Control Plans, control measures implementation records, and all supporting documentation for at least six months following the termination of the dust-generating operation and for at least two years from the date such records were initiated.

[SIP Rule 310 §503]

- b. For dust-generating operations with a disturbed surface less than 0.10 acre (4,356 square feet), the Permittee shall retain records required by this rule for at least five years from the date such records are established.

[SIP Rule 100 §504]

**GENERAL CONDITIONS****30. Coverage under the General Permit:**

Any facility operating fuel burning equipment shall be eligible for coverage under this General Permit if the facility meets the requirements specified in the Specific Conditions Section of this Permit and completes the Application for the Authority to Operate and/or Construct Fuel Burning Equipment Under the General Permit. However, if the facility does not meet the provisions of the Specific Conditions Section, the operation will be considered ineligible for coverage and the applicant may be required by the Control Officer to obtain an individual source permit.

[Rule 230 §303][Locally Enforceable Only]

**31. Revocation of the Authority to Operate under this General Permit:**

If the Permittee is notified by the Control Officer of the revocation of the Authority to Operate under this General Permit because of expiration, termination, or cancellation, the Permittee must file an application for an individual source permit. The application for an individual source permit must be filed within 180 days of receiving the notice from the Control Officer. The Permittee may continue to operate under this General Permit until the earlier of either:

- a. The date that it submits a complete application for an individual source permit, or
- b. The date 180 days after receipt of the notice of expiration, termination, or cancellation.

[Rule 230 §311][Locally Enforceable Only]

**32. Posting of Permit:**

This Permit shall be posted in a clearly visible and accessible location on the site where the equipment is installed.

[SIP Rule 200 §312]

**33. Compliance:**

- a. The issuance of any Permit or Permit revision shall not relieve the Permittee from compliance with any Federal laws, Arizona laws, or the County or SIP Rules, nor does any other law, regulation or permit relieve the Permittee from obtaining a Permit or Permit revision required under the County Rules.

[SIP Rules 200 §§309, 310.3, 220 §406.3]

- b. The Permittee shall comply with all conditions of this Permit including all applicable requirements of Federal laws, Arizona laws, and Maricopa County Air Pollution Control Rules and Regulations now in effect and as amended in the future. Any Permit noncompliance is grounds for enforcement action, Permit termination or revocation, or for denial of a renewal application. In addition, non-compliance with any federally enforceable requirements constitutes a violation of the Clean Air Act.

[SIP Rules 200 §310.4, 220 §302.24][A.A.C. R18-2-306.A.8.a]

- c. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with these Permit Conditions.

[SIP Rule 220 §302.10][A.A.C. R18-2-306.A.8.b]

- d. Rights and Privileges: This Permit does not convey any property rights or exclusive privilege of any sort.

[SIP Rule 220 §302.12]

- e. Fees: The Permittee shall pay all fees to the Control Officer in accordance with Rule 280. No permit or permit revision is valid until the applicable permit fee has been received and until the permit is issued by the Control Officer.

[SIP Rule 200 §409] [A.R.S. 49-480(D)][Rule 280 §302]

**34. Malfunctions, Emergency Upsets, and Excess Emissions:**

An affirmative defense of an emergency, excess emission, and/or during startup and shutdown shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence as outlined in Rule 130 for emergencies and Rule 140 for excess emissions.

[SIP Rule 140][Rule 130 §§201, 400]



**35. Revision / Reopening / Revocation:**

The Permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any Permit Condition.

[SIP Rule 220 §302.11]

**36. Records:**

a. The Permittee shall furnish information that the Control Officer may request in writing to determine whether cause exists for revising, revoking and reissuing this permit, or terminating this permit, or to determine compliance with this permit. The information shall be provided in a timeframe specified by the Control Officer. Upon request, the Permittee shall also furnish to the Control Officer copies of records required to be kept by this Permit. For information claimed to be confidential, the Permittee shall furnish a copy of such records directly to the Administrator along with a claim of confidentiality.

[SIP Rules 100§106, 220 §302.13]

b. If the Permittee fails to submit any relevant facts or has submitted incorrect information in a permit application, the Permittee shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, the Permittee shall provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application is filed but prior to release of a proposed permit. Willful misrepresentation of facts in a permit application is cause for revocation or denial of a permit.

[SIP Rule 220 §§301.5, 301.6]

**37. Certification of Truth, Accuracy, and Completeness:**

Any document that is required to be submitted by this General Permit, including reports, shall contain a certification by the facility owner, or other responsible official as defined in County Rule 100 §200.110, of truth, accuracy, and completeness. This certification and any other certification required under this permit shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

[SIP Rules 100 §401, 220 §302.14]

**38. Facility Changes Requiring an Individual Source Permit:**

a. The following changes shall only be made after the Permittee obtains an individual source permit:

i. A change that triggers a new applicable requirement, violates an existing applicable requirement, or violates any of the Specific Conditions of this Permit.

ii. A change that will require a case-by-case determination of an emissions limitation.

iii. A change that will result in the burning of any fuel that is not currently authorized by this permit.

[SIP Rule 200 §301]

b. Coverage under this General Permit shall terminate on the date the individual source permit is issued.

[Rule 230 §307][Locally Enforceable Only]

**39. Facility Changes Allowed:**

a. The Permittee may make the following changes at the facility only after providing written notification to the Control Officer at least 30 days before the change and only if such changes do not require the Permittee to obtain an individual source permit:

i. Adding new emissions units.

ii. Installing a replacement emissions unit.

iii. Adding or replacing air pollution control equipment.

b. The written notification shall include the following:

i. When the proposed change will occur;

- ii. A description of the change; and
  - iii. Any change in emissions of regulated air pollutants.
- c. The Permittee shall keep a record of any physical change or change in the method of operation that could affect emissions. The record shall include a description of the change and date the change occurred.

[Rule 230 §312][Locally Enforceable Only]

#### 40. Right to Entry:

- a. The Control Officer during reasonable hours, for the purpose of enforcing and administering County or SIP Rules or the Clean Air Act, or any provision of the Arizona Revised Statutes relating to the emission or control prescribed pursuant thereto, may enter every building, premises, or other place, except the interior of structures used as private residences. Every person is guilty of a petty offense under A.R.S. 49-488 who in any way denies, obstructs or hampers such entrance or inspection that is lawfully authorized by warrant.
- b. The Permittee shall allow the Control Officer or his designated representatives, upon presentation of proper credentials (e.g., Maricopa County Air Quality Department identification) and other documents as may be required by law, to:
  - i. Enter upon the Permittee's premises where a source is located, or emissions-related activity is conducted, or where records are required to be kept pursuant to the conditions of the permit;
  - ii. Have access to and copy, at reasonable times, any records that are required to be kept pursuant to the conditions of the permit;
  - iii. Inspect, at reasonable times, any sources, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required pursuant to this permit;
  - iv. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the Permit or other applicable requirements; and
  - v. Record any inspection by use of written, electronic, magnetic, and photographic media.

[SIP Rules 100 §105, 220 §302.17-21]

#### 41. Severability:

The rules, paragraphs, clauses, provisions, and/or sections of this Permit are severable, and, if any rule, paragraph, clause, provision, and/or section of this Permit is held invalid, the remainder of this Permit shall not be affected thereby.

[SIP Rule 220 §302.9]