

House Engrossed

emissions; reduction credits; counties

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

# HOUSE BILL 2428

AN ACT

AMENDING SECTIONS 49-402, 49-426 AND 49-480, ARIZONA REVISED STATUTES;  
RELATING TO AIR QUALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 49-402, Arizona Revised Statutes, is amended to  
3 read:  
4 49-402. State and county control  
5 A. EXCEPT AS PROVIDED IN SUBSECTION G OF THIS SECTION, the  
6 department shall have original jurisdiction over such sources, permits and  
7 violations that pertain to:  
8 1. Major sources in any county that has not received approval from  
9 the administrator for new source review under the clean air act and  
10 prevention of significant deterioration under the clean air act.  
11 2. Smelting of metal ore.  
12 3. Petroleum refineries.  
13 4. Coal fired electrical generating stations.  
14 5. Portland cement plants.  
15 6. Air pollution by portable sources.  
16 7. Air pollution by mobile sources for the purpose of regulating  
17 those sources as prescribed by article 5 of this chapter and consistent  
18 with the clean air act.  
19 8. Sources that are subject to title V of the clean air act and  
20 that are located in a county for which the administrator has disapproved  
21 that county's title V permit program if the department has a title V  
22 program that has been approved by the administrator. On approval of that  
23 county's title V permit program by the administrator, the county shall  
24 resume jurisdiction over those sources.  
25 B. Except as specified in subsection A of this section, the review,  
26 issuance, administration and enforcement of permits issued pursuant to  
27 this chapter shall be by the county or multi-county air quality control  
28 region pursuant to the provisions of article 3 of this chapter. After the  
29 director has provided prior written notice to the control officer  
30 describing the reason for asserting jurisdiction and has provided an  
31 opportunity to confer, the county or multi-county air quality control  
32 region shall relinquish jurisdiction, control and enforcement over such  
33 permits as the director designates and at such times as the director  
34 asserts jurisdiction at the state level. The order of the director ~~which~~  
35 ~~THAT~~ asserts state jurisdiction shall specify the matters, geographical  
36 area, or sources over which the department shall exercise jurisdiction and  
37 control. Such state authority shall then be the sole and exclusive  
38 jurisdiction and control to the extent asserted, and ~~the provisions of~~  
39 this chapter shall govern, except as provided in this chapter, until  
40 jurisdiction is surrendered by the department to such county or region.  
41 C. Portable sources under jurisdiction of the department under  
42 subsection A, paragraph 6 of this section may be required to file notice  
43 with the director and the control officer who has jurisdiction over the  
44 geographic area that includes the new location before beginning operations  
45 at that new location.

1 D. Notwithstanding any other law, a permit issued to a ~~state~~  
2 ~~regulated~~ STATE-REGULATED source shall include the emission standard or  
3 standard of performance adopted pursuant to section 49-479, if such  
4 standards are more stringent than those adopted by the director and if  
5 such standards are specifically identified as applicable to the permitted  
6 source or a component of the permitted source. Such standards shall be  
7 applied to sources identified in subsection A, paragraph 2, 3, 4 or 5 of  
8 this section only if the standard is formally proposed for adoption as  
9 part of the state implementation plan.

10 E. The regional planning agency for each county ~~which~~ THAT contains  
11 a vehicle emissions control area shall develop plan revisions containing  
12 ~~transportation-related~~ TRANSPORTATION-RELATED air quality control measures  
13 designed to attain and maintain primary and secondary ambient air quality  
14 standards as prescribed by and within the time frames specified in the  
15 clean air act. In developing the plan revisions, the regional planning  
16 agency shall consider all of the following:

- 17 1. Mandatory employee parking fees.
- 18 2. Park and ride programs.
- 19 3. Removal of on-street parking.
- 20 4. Ride share programs.
- 21 5. Mass transit alternatives.
- 22 6. Expansion of public transportation systems.
- 23 7. Optimizing freeway ramp metering.
- 24 8. Coordinating traffic signal systems.
- 25 9. Reduction of traffic congestion at major intersections.
- 26 10. ~~Site specific~~ SITE-SPECIFIC transportation control measures.
- 27 11. Reversible lanes.
- 28 12. Fixed lanes for buses and carpools.
- 29 13. Encouragement of pedestrian travel.
- 30 14. Encouragement of bicycle travel.
- 31 15. Development of bicycle travel facilities.
- 32 16. Employer incentives regarding ride share programs.
- 33 17. Modification of work schedules.
- 34 18. Strategies for controlling the generation of air pollution by  
35 nonresidents of nonattainment or maintenance areas.
- 36 19. Use of alternative fuels.
- 37 20. Use of emission control devices on public diesel powered  
38 vehicles.
- 39 21. Paving of roads.
- 40 22. Restricting off-road vehicle travel.
- 41 23. Construction site air pollution control.
- 42 24. Other air quality control measures.

43 F. Each regional planning agency shall consult with the department  
44 of transportation to coordinate the plans developed pursuant to subsection

1 E of this section with transportation plans developed by the department of  
2 transportation pursuant to any other law.

3 G. AFTER RECEIVING A VOLUNTARY REQUEST FROM AN APPLICANT, A COUNTY  
4 MAY CLAIM CONCURRENT JURISDICTION OVER BOTH OF THE FOLLOWING FOR THE SOLE  
5 PURPOSE OF ISSUING, REVISING OR ENFORCING A PERMIT TO CERTIFY EMISSION  
6 REDUCTION CREDITS PURSUANT TO SECTION 49-410:

7 1. COMPONENTS OF A PORTABLE SOURCE WITHIN THE COUNTY'S  
8 JURISDICTION.

9 2. MOBILE SOURCES WITHIN THE COUNTY'S JURISDICTION.

10 H. AFTER A COUNTY ISSUES A PERMIT OR PERMIT REVISION THAT CERTIFIES  
11 EMISSION REDUCTION CREDITS PURSUANT TO SUBSECTION G OF THIS SECTION, THE  
12 PERMIT OR PERMIT REVISION ARE BINDING ON THE APPLICANT.

13 Sec. 2. Section 49-426, Arizona Revised Statutes, is amended to  
14 read:

15 49-426. Permits; duties of director; exceptions;  
16 applications; objections; fees; definitions

17 A. A permit shall:

18 1. Be issued by the director in compliance with the terms of this  
19 section.

20 2. Be required for any person seeking a compliance extension  
21 pursuant to section 49-426.03, subsection B, paragraph 3 and section  
22 112(a)(5) of the clean air act and for any person beginning actual  
23 construction of or operating any source, except as prescribed in  
24 subsection B of this section or section 49-426.01.

25 B. ~~The provisions of~~ This section shall not apply to motor  
26 vehicles, to agricultural vehicles or agricultural equipment used in  
27 normal farm operations, or to fuel burning equipment ~~which~~ THAT, at a  
28 location or property other than a one or two family residence, is rated at  
29 less than one million British thermal units per hour. The director may  
30 establish by rule additional sources or classifications of sources for  
31 which a permit is not required and pollutant-emitting activities and  
32 emissions units at permitted sources that are not required to be included  
33 in the permit. The director shall not adopt such rules unless the  
34 director makes a written finding with supporting facts that the exempted  
35 source, class of sources, pollutant-emitting activities or emissions units  
36 will have an insignificant adverse impact on air quality. In adopting  
37 these rules, the director may consider any rule that is adopted by the  
38 administrator pursuant to section 502 of the clean air act and that  
39 exempts one or more source categories from the requirement to obtain a  
40 permit under title V of the clean air act. IF AN APPLICANT VOLUNTARILY  
41 SUBMITS A PERMIT APPLICATION, SECTION 49-104 AND THIS SUBSECTION DO NOT  
42 PRECLUDE THE DIRECTOR OR THE CONTROL OFFICER FROM ISSUING A PERMIT OR  
43 PERMIT REVISION THAT REQUIRES REDUCTIONS IN EMISSIONS FROM MOTOR VEHICLES,  
44 AGRICULTURAL VEHICLES OR EQUIPMENT, MOBILE SOURCES OR NONROAD ENGINES IN A  
45 PERMIT THAT THE APPLICANT AGREED TO AT THE TIME OF ISSUANCE.

1 C. Every application for a permit shall be filed in the manner and  
2 form prescribed by the director, and shall contain all the information  
3 necessary to enable the director to make the determination to grant or  
4 deny such application. The director shall establish by rule requirements  
5 for permit applications, including the standard application form for title  
6 V sources. The director shall establish by rule requirements for  
7 applications for general permits. An application for a permit issued  
8 pursuant to title V of the clean air act shall include a compliance plan  
9 that describes how the applicant will comply with all of the applicable  
10 requirements of this chapter and the clean air act, including a schedule  
11 of compliance and a schedule under which progress reports will be  
12 submitted to the director at least every six months. The director may  
13 require that such application include all sources that are used or to be  
14 used by the applicant in a certain process or a single facility or  
15 location. Before acting on an application for a permit, the director may  
16 require the applicant to furnish further information or further plans or  
17 specifications. The director shall act, within a reasonable time, on such  
18 application and shall notify the applicant in writing of the proposed  
19 approval or denial of such application, except that the director may have  
20 a reasonable period of time in which to gather information, inspect  
21 premises, and issue such permits. The director shall adopt rules that  
22 establish procedures for determining when applications are complete, for  
23 processing applications and for reviewing permit actions. The director  
24 shall also establish by rule criteria for determining reasonable times for  
25 processing permit applications. Rules adopted pursuant to this subsection  
26 for permits issued pursuant to title V of the clean air act shall conform  
27 to the requirements of section 505(a) of the clean air act.

28 D. The director shall give notice of a proposed permit for a source  
29 required to obtain a permit pursuant to title V of the clean air act once  
30 each week for two consecutive weeks in two newspapers of general  
31 circulation in the county in which the source is or will be located. The  
32 notice shall describe the proposed permit and air contaminants to be  
33 emitted and shall state that any person may submit comments on the  
34 proposed permit and may request a public hearing. The director shall  
35 require the applicant at the time of the first notice to post the site  
36 where the source is or may be located. If permitted by federal, state and  
37 local law, the posting shall be prominently placed at a site that is under  
38 the applicant's legal control and that is adjacent to the nearest public  
39 roadway. The posting shall be visible to the public using the public  
40 roadway and shall contain the information in the notice that is published  
41 by the director. If a public hearing is requested, the director shall  
42 require the applicant to place an additional posting that provides notice  
43 of the public hearing. A posting shall be maintained until the public  
44 comment period on the proposed permit is closed. The director shall make  
45 available to the public notices of proposed permits. Each public notice

1 that is issued under this chapter shall be mailed to the permit applicant,  
2 to the affected federal, state and local agencies and to those persons who  
3 have requested in writing copies of proposed permit action notices.  
4 During the public comment period, any person may submit a request to the  
5 department to conduct a public hearing for the purpose of receiving oral  
6 or written comments on the proposed permit. A written comment shall state  
7 the name and mailing address of the person, shall be signed by the  
8 person, ~~his~~ OR THE PERSON'S agent or ~~his~~ attorney and shall clearly set  
9 forth reasons why the permit should or should not be issued. Grounds for  
10 comment are limited to whether the proposed permit meets the criteria for  
11 issuance prescribed in this section or in section 49-427. The department  
12 shall consider and prepare written responses to all comments received  
13 during the public comment period, including comments made at a public  
14 hearing conducted by the department. At the time a final permit decision  
15 is made, copies of the department's responses shall be made available to  
16 the applicant and any person who commented on the proposed permit.

17 E. Permits or revisions issued pursuant to this section or section  
18 49-426.01 may be issued subject to such terms and conditions as are  
19 consistent with the requirements of this article, article 1 of this  
20 chapter and the clean air act and are found by the director to be  
21 necessary, following public notice and an opportunity for a public hearing  
22 as provided in subsection D or H of this section or in section 49-426.01,  
23 and subject to payment of a reasonable fee to be determined as follows:

24 1. For a source that is required to obtain a permit pursuant to  
25 title V of the clean air act, the director shall establish by rule a  
26 system of fees that is consistent with and equivalent to that prescribed  
27 by section 502 of the clean air act. These rules shall prescribe  
28 procedures for increasing the fee each year by the percentage, if any, by  
29 which the consumer price index for the immediately preceding calendar year  
30 exceeds the consumer price index for calendar year 1989.

31 2. For a facility that is required to obtain a permit pursuant to  
32 this chapter but that is not required to obtain a permit pursuant to title  
33 V of the clean air act, the director shall determine a fee based on the  
34 total actual cost of processing the permit application, but not ~~exceeding~~  
35 ~~twenty-five thousand dollars~~ MORE THAN \$25,000.

36 The director shall establish an annual inspection fee, not to exceed the  
37 average cost of inspection. The director shall adopt, by rule, criteria  
38 for determining fees and for public hearings.

39 F. EXCEPT AS PROVIDED IN SUBSECTION Q OF THIS SECTION, permits  
40 issued pursuant to this section shall be issued for a period of five  
41 years.

42 G. Except as provided in subsection H of this section, any person  
43 burning used oil, used oil fuel, hazardous waste or hazardous waste fuel  
44 in any machine, incinerator or device shall first obtain a permit from the

1 director. Any permit issued by the director under this subsection shall  
2 contain, at a minimum, conditions governing:

3 1. Limitations on the types, amounts and feed rates of used oil,  
4 used oil fuel, hazardous waste or hazardous waste fuel ~~which~~ THAT may be  
5 burned.

6 2. The frequency and types of fuel testing to be conducted by the  
7 person.

8 3. The frequency and type of emissions testing or monitoring to be  
9 conducted by the person.

10 4. Requirements for ~~record keeping~~ RECORDKEEPING and reporting.

11 5. Numeric emission limitations expressed in pounds per hour and  
12 tons per year for air contaminants to be emitted from the facility burning  
13 off-specification used oil fuel, hazardous waste or hazardous waste fuel.

14 H. The director may issue a general permit for a defined class of  
15 facilities if the class contains a large number of facilities that are  
16 substantially similar in nature and that have substantially similar  
17 emissions and if the following conditions are met:

18 1. A general permit shall comply with all of the requirements for  
19 permits prescribed by this section except for the requirements of  
20 subsection D of this section and shall be consistent with the clean air  
21 act.

22 2. The director shall give notice of the proposed general permit  
23 once each week for two consecutive weeks in a newspaper of general  
24 circulation in each county. The notice shall describe the proposed  
25 general permit, the general class of sources that would be subject to the  
26 proposed permit and the air contaminants to be emitted. The notice shall  
27 also state that any person may submit comments on the proposed general  
28 permit and may request a public hearing. A written comment shall state  
29 the name of the person and the person's agent or attorney and shall  
30 clearly set forth reasons why the general permit should or should not be  
31 issued. Grounds for comment are limited to whether the proposed general  
32 permit meets the criteria for issuance prescribed in this section or  
33 section 49-427.

34 3. On issuance of a general permit, any person seeking to permit a  
35 source under this subsection shall submit an application pursuant to  
36 subsection C of this section.

37 4. If the director approves an application to be permitted under a  
38 general permit, the director shall provide notice of the approval in a  
39 newspaper of general circulation in the county in which the source is or  
40 will be located.

41 5. If a person violates a general permit, the director may require  
42 the source to obtain a permit pursuant to subsection A of this section.

43 6. A general permit may be revoked or revised at any time by the  
44 director if necessary to comply with this chapter. If the director  
45 revokes or revises a general permit, the director shall notify all persons

1 whose sources are affected by the revocation or revision and shall include  
2 notice of procedures to obtain a permit pursuant to subsection A of this  
3 section or notice of procedures for compliance with the revisions.

4 7. The director by rule shall adopt procedures for the issuance of  
5 general permits.

6 8. The director may adopt conditions in a general permit applicable  
7 to sources located in a specified geographic area either independently of  
8 or upon ON petition by a county air pollution control officer.

9 I. Permits issued pursuant to this section for a source required to  
10 obtain a permit under title V of the clean air act shall contain all of  
11 the following:

12 1. Conditions reflecting all applicable requirements of this  
13 article and rules adopted pursuant to this article.

14 2. Enforceable emission limitations and standards.

15 3. A schedule for compliance, if applicable.

16 4. The requirement to submit at least every six months the results  
17 of any required monitoring.

18 5. Any other conditions that are necessary to assure compliance  
19 with this article and the clean air act, including the applicable  
20 implementation plan.

21 J. The director may refuse to issue any permit to any source  
22 subject to the requirements of title V of the clean air act if the  
23 administrator objects to its issuance in a timely manner as prescribed  
24 under title V of the act.

25 K. If an applicant has submitted a timely and complete application  
26 for a permit required under this section, but final action has not been  
27 taken on that application, failure to obtain a permit shall not be a  
28 violation of this chapter unless the delay in final action is due to the  
29 failure of the applicant to submit information required or requested to  
30 process the application. This subsection does not apply to any person  
31 required to obtain a permit before commencing construction of a source as  
32 required under this section or any person seeking a permit revision as  
33 provided under section 49-426.01.

34 L. The director may issue a single permit authorizing emissions  
35 from similar operations at multiple temporary locations, if the permit  
36 includes conditions that will assure compliance with all applicable  
37 requirements of this chapter and the clean air act at all locations. Any  
38 permit issued pursuant to this subsection shall require the applicant to  
39 notify the director in advance of each change in location. In issuing a  
40 single permit, the director may require a separate permit fee for  
41 operations at each location.

42 M. In the case of a permit with a term of three or more years  
43 issued pursuant to the requirements of title V of the clean air act to a  
44 major source, the director shall require revisions to the permit to  
45 incorporate applicable standards and regulations adopted by the

1 administrator pursuant to the clean air act after the issuance of the  
2 permit. The director shall require any revisions as expeditiously as  
3 practicable, but not later than eighteen months after the promulgation of  
4 such standards and regulations. No permit revision shall be required if  
5 the effective date of standards and regulations is after the expiration of  
6 the permit. Any permit revision required pursuant to this subsection  
7 shall be treated as a permit renewal.

8 N. Any permit issued pursuant to the requirements of this article  
9 and title V of the clean air act to a unit subject to ~~the provisions of~~  
10 title IV of the clean air act shall include conditions prohibiting all of  
11 the following:

12 1. Annual emissions of sulfur dioxide in excess of the number of  
13 allowances to emit sulfur dioxide held by the owners or operators of the  
14 unit or by the designated representative of the owners or operators.

15 2. Amounts in excess of applicable emission rates.

16 3. The use of any allowance prior to the year for which it was  
17 allocated.

18 4. Contravention of any other provision of the permit.

19 O. The director shall adopt a rule specifying the notice, public  
20 participation requirements and other permit issuance procedures for  
21 permits that are not issued pursuant to title V of the clean air act.

22 P. In determining whether a permitting threshold established  
23 pursuant to this section applies to an existing source, the director shall  
24 exclude particulate matter that is not subject to a national ambient air  
25 quality standard under the clean air act.

26 Q. PERMITS AND PERMIT REVISIONS THAT AN APPLICANT HAS VOLUNTARILY  
27 APPLIED FOR AND THAT ARE ISSUED BY THE DIRECTOR OR CONTROL OFFICER FOR THE  
28 SOLE PURPOSES OF CERTIFYING EMISSION REDUCTION CREDITS PURSUANT TO SECTION  
29 49-410 SHALL:

30 1. REMAIN SUBJECT TO ALL APPLICABLE RULES, CONDITIONS AND  
31 ENFORCEMENT PROVISIONS OF THE PERMIT PROGRAM PURSUANT TO WHICH THE  
32 PERMITTING AUTHORITY ISSUES THE PERMIT.

33 2. ALLOW THE PERMITTING AUTHORITY TO MAINTAIN THE DISCRETION TO  
34 ISSUE THE PERMIT.

35 3. BE FOR A TERM OF NOT MORE THAN TWENTY YEARS.

36 R. FOR THE PURPOSES OF THIS SECTION:

37 1. "CONTROL OFFICER" HAS THE SAME MEANING PRESCRIBED IN SECTION  
38 49-471.

39 2. "NONROAD ENGINES" HAS THE SAME MEANING PRESCRIBED IN SECTION 216  
40 OF THE CLEAN AIR ACT.

41 Sec. 3. Section 49-480, Arizona Revised Statutes, is amended to  
42 read:

43 49-480. Permits; fees

44 A. The board of supervisors may adopt a program for the review,  
45 issuance, revision, administration and enforcement of permits and for

1 public review of proposed permits for sources that are subject to section  
2 49-426, ~~subsection A,~~ that are not under the jurisdiction of the state  
3 pursuant to section 49-402 and that are not otherwise exempt pursuant to  
4 section 49-426, subsection B and subsection K of this section. This  
5 program shall include provisions for administration, inspection and  
6 enforcement of general permits issued pursuant to section 49-426,  
7 subsection H and subsection J of this section.

8 B. Procedures for the review, issuance, revision and administration  
9 of permits issued pursuant to this section and required to be obtained  
10 pursuant to title V of the clean air act, including sources that emit  
11 hazardous air pollutants shall be substantially identical to procedures  
12 for the review, issuance, revision and administration of permits issued by  
13 the department under this chapter. Such procedures shall comply with the  
14 requirements of sections 165, 173 and 408 and titles III and V of the  
15 clean air act and implementing regulations for sources subject to titles  
16 III and V of the clean air act. Procedures for the review, issuance,  
17 revision and administration of permits issued pursuant to this section and  
18 not required to be obtained pursuant to title V of the clean air act shall  
19 impose no greater procedural burden on the permit applicant than  
20 procedures for the review, issuance, revision and administration of  
21 permits issued by the department under sections 49-426 and 49-426.01 and  
22 other applicable provisions of this chapter.

23 C. ~~upon~~ ON adoption of a permit program by the board of supervisors  
24 pursuant to this section, no person may begin actual construction, operate  
25 or make a modification to any source subject to the permit program without  
26 complying with the requirements of that program.

27 D. Permits issued pursuant to a program adopted under this section  
28 are subject to payment of a reasonable fee to be determined as follows:

29 1. For any source required to obtain a permit under title V of the  
30 clean air act, the board of supervisors shall establish by rule a system  
31 of fees consistent with and equivalent to that prescribed under section  
32 502 of the clean air act. Such system shall prescribe procedures for  
33 increasing the fee each year by the percentage, if any by which the  
34 consumer price index for the most recent calendar year ending before the  
35 beginning of such year exceeds the consumer price index for the calendar  
36 year 1989.

37 2. For any facility subject to the permitting requirements of this  
38 chapter but not required to obtain a permit under title V of the clean air  
39 act, the board of supervisors shall determine a permit fee based on all  
40 reasonable direct and indirect costs required to administer the permit,  
41 but not ~~exceeding twenty-five thousand dollars~~ MORE THAN \$25,000.

42 The board of supervisors shall establish an annual inspection fee, not to  
43 exceed the average cost of services.

1 E. ~~Funds~~ MONIES received for permits issued pursuant to this  
2 section shall be deposited in a special public health fund and shall be  
3 used by the control officer to defray the costs of implementing this  
4 article.

5 F. Permits issued pursuant to this section for a source required to  
6 obtain a permit under title V of the clean air act shall, and for a source  
7 that is not required to obtain a title V permit may, contain all of the  
8 following:

9 1. Conditions reflecting all applicable requirements of this  
10 article and rules adopted pursuant to this article.

11 2. Enforceable emission limitations and standards.

12 3. A schedule for compliance, if applicable.

13 4. The requirement to submit at least every six months the results  
14 of any required monitoring.

15 5. Any other conditions that are necessary to assure compliance  
16 with this article and the clean air act, including the applicable  
17 implementation plan.

18 G. The control officer may refuse to issue any permit to any  
19 source, subject to the requirements of title V of the clean air act, if  
20 the administrator objects to its issuance in a timely manner as prescribed  
21 under title V of the act.

22 H. In the case of a permit with a term of three or more years  
23 issued pursuant to the requirements of title V of the clean air act to a  
24 major source, the control officer shall require revisions to the permit to  
25 incorporate applicable standards and regulations adopted by the  
26 administrator pursuant to the clean air act after the issuance of the  
27 permit. The control officer shall require any revisions as expeditiously  
28 as practicable but not later than eighteen months after the promulgation  
29 of such standards and regulations. No permit revision shall be required  
30 if the effective date of the standards and regulations is after the  
31 expiration of the permit. Any permit revision required pursuant to this  
32 subsection shall be treated as a permit renewal.

33 I. Except as provided in section 49-426, subsection B and  
34 subsection A of this section, any person burning used oil, used oil fuel,  
35 hazardous waste or hazardous waste fuel in any machine, incinerator or  
36 device shall first obtain a permit from the control officer. Any permit  
37 issued by the control officer under this subsection shall contain, at a  
38 minimum, conditions governing:

39 1. Limitations on the types, amounts and feed rates of used oil,  
40 used oil fuel, hazardous waste or hazardous waste fuel ~~which~~ THAT may be  
41 burned.

42 2. The frequency and types of fuel testing to be conducted by the  
43 person.

44 3. The frequency and type of emissions testing or monitoring to be  
45 conducted by the person.

1           4. Requirements for ~~record keeping~~ RECORDKEEPING and reporting.

2           5. Numeric emission limitations expressed in pounds per hour and  
3 tons per year for air contaminants to be emitted from the facility burning  
4 used oil, used oil fuel, hazardous waste or hazardous waste fuel.

5           J. The board of supervisors may authorize by rule the control  
6 officer to issue a general permit for a defined class of facilities if  
7 that class of facilities has not been issued a general permit by the  
8 director for sources in that county pursuant to section 49-426, subsection  
9 H. The criteria for issuance of a general permit are those applicable to  
10 the director pursuant to section 49-426, subsection G.

11           K. The board of supervisors may identify by rule sources or  
12 classifications of sources for which a permit is not required and  
13 pollutant-emitting activities and emissions units at permitted sources  
14 that are not subject to inclusion in the permit. The criteria for  
15 exemptions granted pursuant to this subsection are those applicable to  
16 exemptions granted by the director pursuant to section 49-426,  
17 subsection B.

18           L. In determining whether a permitting threshold established  
19 pursuant to this section applies to an existing source, the control  
20 officer shall exclude particulate matter that is not subject to a national  
21 ambient air quality standard under the clean air act.

22           M. The board of supervisors may adopt a rule or ordinance that  
23 establishes less burdensome permit procedures and requirements for permits  
24 that are not required to be obtained pursuant to title V of the clean air  
25 act. Until the effective date of a rule or ordinance adopted by a board  
26 of supervisors pursuant to this section, the control officer, either on  
27 the control officer's own initiative or on the request of a permit  
28 applicant, may waive requirements that are not appropriate for non-title V  
29 sources.