

REFERENCE TITLE: **emissions; reduction credits; counties**

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

HB 2428

Introduced by
Representatives Griffin: Blackman, Diaz, Taylor; Senator Gowan

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. A COUNTY MAY ASSERT JURISDICTION OVER BOTH OF THE FOLLOWING TO
4 ISSUE A VOLUNTARY PERMIT FOR THE PURPOSES OF CERTIFYING EMISSION REDUCTION
5 CREDITS PURSUANT TO SECTION 49-410:

6 1. SOURCES, PERMITS AND VIOLATIONS THAT PERTAIN TO PORTABLE SOURCES
7 WITHIN THE COUNTY'S JURISDICTION.

8 2. SOURCES, PERMITS AND VIOLATIONS THAT PERTAIN TO MOBILE SOURCES
9 FOR THE PURPOSE OF REGULATING THOSE SOURCES AS PRESCRIBED BY ARTICLE 5 OF
10 THIS CHAPTER AND CONSISTENT WITH THE CLEAN AIR ACT.

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

13 49-426. Permits; duties of director; exceptions;
14 applications; objections; fees; definitions

15 A. A permit shall:

16 1. Be issued by the director in compliance with the terms of this
17 section.

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

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

43 C. Every application for a permit shall be filed in the manner and
44 form prescribed by the director, and shall contain all the information
45 necessary to enable the director to make the determination to grant or

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

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

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

14 E. Permits or revisions issued pursuant to this section or section
 15 49-426.01 may be issued subject to such terms and conditions as are
 16 consistent with the requirements of this article, article 1 of this
 17 chapter and the clean air act and are found by the director to be
 18 necessary, following public notice and an opportunity for a public hearing
 19 as provided in subsection D or H of this section or in section 49-426.01,
 20 and subject to payment of a reasonable fee to be determined as follows:

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

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

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

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

39 G. Except as provided in subsection H of this section, any person
 40 burning used oil, used oil fuel, hazardous waste or hazardous waste fuel
 41 in any machine, incinerator or device shall first obtain a permit from the
 42 director. Any permit issued by the director under this subsection shall
 43 contain, at a minimum, conditions governing:

- 1 1. Limitations on the types, amounts and feed rates of used oil,
2 used oil fuel, hazardous waste or hazardous waste fuel ~~which~~ THAT may be
3 burned.
- 4 2. The frequency and types of fuel testing to be conducted by the
5 person.
- 6 3. The frequency and type of emissions testing or monitoring to be
7 conducted by the person.
- 8 4. Requirements for ~~record keeping~~ RECORDKEEPING and reporting.
- 9 5. Numeric emission limitations expressed in pounds per hour and
10 tons per year for air contaminants to be emitted from the facility burning
11 off-specification used oil fuel, hazardous waste or hazardous waste fuel.
- 12 H. The director may issue a general permit for a defined class of
13 facilities if the class contains a large number of facilities that are
14 substantially similar in nature and that have substantially similar
15 emissions and if the following conditions are met:
 - 16 1. A general permit shall comply with all of the requirements for
17 permits prescribed by this section except for the requirements of
18 subsection D of this section and shall be consistent with the clean air
19 act.
 - 20 2. The director shall give notice of the proposed general permit
21 once each week for two consecutive weeks in a newspaper of general
22 circulation in each county. The notice shall describe the proposed
23 general permit, the general class of sources that would be subject to the
24 proposed permit and the air contaminants to be emitted. The notice shall
25 also state that any person may submit comments on the proposed general
26 permit and may request a public hearing. A written comment shall state
27 the name of the person and the person's agent or attorney and shall
28 clearly set forth reasons why the general permit should or should not be
29 issued. Grounds for comment are limited to whether the proposed general
30 permit meets the criteria for issuance prescribed in this section or
31 section 49-427.
 - 32 3. On issuance of a general permit, any person seeking to permit a
33 source under this subsection shall submit an application pursuant to
34 subsection C of this section.
 - 35 4. If the director approves an application to be permitted under a
36 general permit, the director shall provide notice of the approval in a
37 newspaper of general circulation in the county in which the source is or
38 will be located.
 - 39 5. If a person violates a general permit, the director may require
40 the source to obtain a permit pursuant to subsection A of this section.
 - 41 6. A general permit may be revoked or revised at any time by the
42 director if necessary to comply with this chapter. If the director
43 revokes or revises a general permit, the director shall notify all persons
44 whose sources are affected by the revocation or revision and shall include

1 notice of procedures to obtain a permit pursuant to subsection A of this
2 section or notice of procedures for compliance with the revisions.

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

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

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

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

13 2. Enforceable emission limitations and standards.

14 3. A schedule for compliance, if applicable.

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

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

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

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

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

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

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

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

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

14 2. Amounts in excess of applicable emission rates.

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

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

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

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

25 Q. THE DIRECTOR MAY ISSUE A PERMIT OR PERMIT REVISION THAT AN
26 APPLICANT VOLUNTARILY REQUESTS FOR THE PURPOSES OF CERTIFYING EMISSIONS
27 REDUCTION CREDITS PURSUANT TO SECTION 49-410 IF ALL THE FOLLOWING
28 CONDITIONS ARE MET:

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

32 2. THE PERMITTING AUTHORITY MAINTAINS THE DISCRETION TO ISSUE THE
33 PERMIT.

34 3. THE TERM OF THE PERMIT ISSUED SOLELY PURSUANT TO THIS SUBSECTION
35 IS 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.