

Senate Engrossed House Bill
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.

1 F. Each regional planning agency shall consult with the department
2 of transportation to coordinate the plans developed pursuant to subsection
3 E of this section with transportation plans developed by the department of
4 transportation pursuant to any other law.

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

9 1. COMPONENTS OF A PORTABLE SOURCE WITHIN THE COUNTY'S
10 JURISDICTION.

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

12 H. NOTWITHSTANDING ANY OTHER LAW, AN APPLICANT'S ELECTION TO
13 PARTICIPATE IN ANY PROGRAM THAT RESULTS IN THE CERTIFICATION OF EMISSION
14 REDUCTION CREDITS PURSUANT TO SUBSECTION G OF THIS SECTION IS VOLUNTARY.
15 IF, AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION,
16 PARTICIPATION OF AN ON-ROAD VEHICLE FLEET IN THE EMISSION REDUCTION CREDIT
17 PROGRAM BECOMES MANDATORY PURSUANT TO AN ACT OF THE LEGISLATURE,
18 ADMINISTRATIVE RULE OR STATE IMPLEMENTATION PLAN COMMITMENTS, A CONTROL
19 OFFICER MAY NOT CERTIFY ANY NEW SURPLUS EMISSION REDUCTION CREDITS AS
20 PROVIDED IN SUBSECTION G, PARAGRAPH 2 OF THIS SECTION. ONLY MOBILE SOURCE
21 FLEETS WITH A BASE OF OPERATIONS IN A NONATTAINMENT AREA ARE ELIGIBLE FOR
22 CERTIFICATION PURSUANT TO SUBSECTION G, PARAGRAPH 2 OF THIS SECTION.

23 I. AFTER A COUNTY ISSUES A PERMIT OR PERMIT REVISION THAT CERTIFIES
24 EMISSION REDUCTION CREDITS PURSUANT TO SUBSECTION G OF THIS SECTION, THE
25 PERMIT OR PERMIT REVISION ARE BINDING ON THE APPLICANT.

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

28 49-426. Permits; duties of director; exceptions;
29 applications; objections; fees; definitions

30 A. A permit shall:

31 1. Be issued by the director in compliance with the terms of this
32 section.

33 2. Be required for any person seeking a compliance extension
34 pursuant to section 49-426.03, subsection B, paragraph 3 and section
35 112(a)(5) of the clean air act and for any person beginning actual
36 construction of or operating any source, except as prescribed in
37 subsection B of this section or section 49-426.01.

38 B. ~~The provisions of~~ This section shall not apply to motor
39 vehicles, to agricultural vehicles or agricultural equipment used in
40 normal farm operations, or to fuel burning equipment ~~which~~ THAT, at a
41 location or property other than a one or two family residence, is rated at
42 less than one million British thermal units per hour. The director may
43 establish by rule additional sources or classifications of sources for
44 which a permit is not required and pollutant-emitting activities and
45 emissions units at permitted sources that are not required to be included

1 in the permit. The director shall not adopt such rules unless the
2 director makes a written finding with supporting facts that the exempted
3 source, class of sources, pollutant-emitting activities or emissions units
4 will have an insignificant adverse impact on air quality. In adopting
5 these rules, the director may consider any rule that is adopted by the
6 administrator pursuant to section 502 of the clean air act and that
7 exempts one or more source categories from the requirement to obtain a
8 permit under title V of the clean air act. IF AN APPLICANT VOLUNTARILY
9 SUBMITS A PERMIT APPLICATION, SECTION 49-104 AND THIS SUBSECTION DO NOT
10 PRECLUDE THE DIRECTOR OR THE CONTROL OFFICER FROM ISSUING A PERMIT OR
11 PERMIT REVISION THAT REQUIRES REDUCTIONS IN EMISSIONS FROM MOTOR VEHICLES,
12 AGRICULTURAL VEHICLES OR EQUIPMENT, MOBILE SOURCES OR NONROAD ENGINES IN A
13 PERMIT THAT THE APPLICANT AGREED TO AT THE TIME OF ISSUANCE.

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

41 D. The director shall give notice of a proposed permit for a source
42 required to obtain a permit pursuant to title V of the clean air act once
43 each week for two consecutive weeks in two newspapers of general
44 circulation in the county in which the source is or will be located. The
45 notice shall describe the proposed permit and air contaminants to be

1 emitted and shall state that any person may submit comments on the
2 proposed permit and may request a public hearing. The director shall
3 require the applicant at the time of the first notice to post the site
4 where the source is or may be located. If permitted by federal, state and
5 local law, the posting shall be prominently placed at a site that is under
6 the applicant's legal control and that is adjacent to the nearest public
7 roadway. The posting shall be visible to the public using the public
8 roadway and shall contain the information in the notice that is published
9 by the director. If a public hearing is requested, the director shall
10 require the applicant to place an additional posting that provides notice
11 of the public hearing. A posting shall be maintained until the public
12 comment period on the proposed permit is closed. The director shall make
13 available to the public notices of proposed permits. Each public notice
14 that is issued under this chapter shall be mailed to the permit applicant,
15 to the affected federal, state and local agencies and to those persons who
16 have requested in writing copies of proposed permit action notices.
17 During the public comment period, any person may submit a request to the
18 department to conduct a public hearing for the purpose of receiving oral
19 or written comments on the proposed permit. A written comment shall state
20 the name and mailing address of the person, shall be signed by the
21 person, ~~his~~ OR THE PERSON'S agent or ~~his~~ attorney and shall clearly set
22 forth reasons why the permit should or should not be issued. Grounds for
23 comment are limited to whether the proposed permit meets the criteria for
24 issuance prescribed in this section or in section 49-427. The department
25 shall consider and prepare written responses to all comments received
26 during the public comment period, including comments made at a public
27 hearing conducted by the department. At the time a final permit decision
28 is made, copies of the department's responses shall be made available to
29 the applicant and any person who commented on the proposed permit.

30 E. Permits or revisions issued pursuant to this section or section
31 49-426.01 may be issued subject to such terms and conditions as are
32 consistent with the requirements of this article, article 1 of this
33 chapter and the clean air act and are found by the director to be
34 necessary, following public notice and an opportunity for a public hearing
35 as provided in subsection D or H of this section or in section 49-426.01,
36 and subject to payment of a reasonable fee to be determined as follows:

37 1. For a source that is required to obtain a permit pursuant to
38 title V of the clean air act, the director shall establish by rule a
39 system of fees that is consistent with and equivalent to that prescribed
40 by section 502 of the clean air act. These rules shall prescribe
41 procedures for increasing the fee each year by the percentage, if any, by
42 which the consumer price index for the immediately preceding calendar year
43 exceeds the consumer price index for calendar year 1989.

44 2. For a facility that is required to obtain a permit pursuant to
45 this chapter but that is not required to obtain a permit pursuant to title

1 V of the clean air act, the director shall determine a fee based on the
2 total actual cost of processing the permit application, but not ~~exceeding~~
3 ~~twenty-five thousand dollars~~ MORE THAN \$25,000.

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

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

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

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

18 2. The frequency and types of fuel testing to be conducted by the
19 person.

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

22 4. Requirements for ~~record-keeping~~ RECORDKEEPING and reporting.

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

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

30 1. A general permit shall comply with all of the requirements for
31 permits prescribed by this section except for the requirements of
32 subsection D of this section and shall be consistent with the clean air
33 act.

34 2. The director shall give notice of the proposed general permit
35 once each week for two consecutive weeks in a newspaper of general
36 circulation in each county. The notice shall describe the proposed
37 general permit, the general class of sources that would be subject to the
38 proposed permit and the air contaminants to be emitted. The notice shall
39 also state that any person may submit comments on the proposed general
40 permit and may request a public hearing. A written comment shall state
41 the name of the person and the person's agent or attorney and shall
42 clearly set forth reasons why the general permit should or should not be
43 issued. Grounds for comment are limited to whether the proposed general
44 permit meets the criteria for issuance prescribed in this section or
45 section 49-427.

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

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

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

10 6. A general permit may be revoked or revised at any time by the
11 director if necessary to comply with this chapter. If the director
12 revokes or revises a general permit, the director shall notify all persons
13 whose sources are affected by the revocation or revision and shall include
14 notice of procedures to obtain a permit pursuant to subsection A of this
15 section or notice of procedures for compliance with the revisions.

16 7. The director by rule shall adopt procedures for the issuance of
17 general permits.

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

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

24 1. Conditions reflecting all applicable requirements of this
25 article and rules adopted pursuant to this article.

26 2. Enforceable emission limitations and standards.

27 3. A schedule for compliance, if applicable.

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

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

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

37 K. If an applicant has submitted a timely and complete application
38 for a permit required under this section, but final action has not been
39 taken on that application, failure to obtain a permit shall not be a
40 violation of this chapter unless the delay in final action is due to the
41 failure of the applicant to submit information required or requested to
42 process the application. This subsection does not apply to any person
43 required to obtain a permit before commencing construction of a source as
44 required under this section or any person seeking a permit revision as
45 provided under section 49-426.01.

1 L. The director may issue a single permit authorizing emissions
2 from similar operations at multiple temporary locations, if the permit
3 includes conditions that will assure compliance with all applicable
4 requirements of this chapter and the clean air act at all locations. Any
5 permit issued pursuant to this subsection shall require the applicant to
6 notify the director in advance of each change in location. In issuing a
7 single permit, the director may require a separate permit fee for
8 operations at each location.

9 M. In the case of a permit with a term of three or more years
10 issued pursuant to the requirements of title V of the clean air act to a
11 major source, the director shall require revisions to the permit to
12 incorporate applicable standards and regulations adopted by the
13 administrator pursuant to the clean air act after the issuance of the
14 permit. The director shall require any revisions as expeditiously as
15 practicable, but not later than eighteen months after the promulgation of
16 such standards and regulations. No permit revision shall be required if
17 the effective date of standards and regulations is after the expiration of
18 the permit. Any permit revision required pursuant to this subsection
19 shall be treated as a permit renewal.

20 N. Any permit issued pursuant to the requirements of this article
21 and title V of the clean air act to a unit subject to ~~the provisions of~~
22 title IV of the clean air act shall include conditions prohibiting all of
23 the following:

24 1. Annual emissions of sulfur dioxide in excess of the number of
25 allowances to emit sulfur dioxide held by the owners or operators of the
26 unit or by the designated representative of the owners or operators.

27 2. Amounts in excess of applicable emission rates.

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

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

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

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

38 Q. PERMITS AND PERMIT REVISIONS THAT AN APPLICANT HAS VOLUNTARILY
39 APPLIED FOR AND THAT ARE ISSUED BY THE DIRECTOR OR CONTROL OFFICER FOR THE
40 SOLE PURPOSES OF CERTIFYING EMISSION REDUCTION CREDITS PURSUANT TO SECTION
41 49-410 SHALL:

42 1. REMAIN SUBJECT TO ALL APPLICABLE RULES, CONDITIONS AND
43 ENFORCEMENT PROVISIONS OF THE PERMIT PROGRAM PURSUANT TO WHICH THE
44 PERMITTING AUTHORITY ISSUES THE PERMIT.

2. BE ISSUED AT THE DISCRETION OF THE PERMITTING AUTHORITY.

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

R. FOR THE PURPOSES OF THIS SECTION:

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

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

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

49-480. Permits; fees

A. The board of supervisors may adopt a program for the review, issuance, revision, administration and enforcement of permits and for public review of proposed permits for sources that are subject to section 49-426, ~~subsection A~~, that are not under the jurisdiction of the state pursuant to section 49-402 and that are not otherwise exempt pursuant to section 49-426, subsection B and subsection K of this section. This program shall include provisions for administration, inspection and enforcement of general permits issued pursuant to section 49-426, subsection H and subsection J of this section.

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

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

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

1. For any source required to obtain a permit under title V of the clean air act, the board of supervisors shall establish by rule a system of fees consistent with and equivalent to that prescribed under section 502 of the clean air act. Such system shall prescribe procedures for increasing the fee each year by the percentage, if any by which the

1 consumer price index for the most recent calendar year ending before the
2 beginning of such year exceeds the consumer price index for the calendar
3 year 1989.

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

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

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

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

19 1. Conditions reflecting all applicable requirements of this
20 article and rules adopted pursuant to this article.

21 2. Enforceable emission limitations and standards.

22 3. A schedule for compliance, if applicable.

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

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

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

32 H. In the case of a permit with a term of three or more years
33 issued pursuant to the requirements of title V of the clean air act to a
34 major source, the control officer shall require revisions to the permit to
35 incorporate applicable standards and regulations adopted by the
36 administrator pursuant to the clean air act after the issuance of the
37 permit. The control officer shall require any revisions as expeditiously
38 as practicable but not later than eighteen months after the promulgation
39 of such standards and regulations. No permit revision shall be required
40 if the effective date of the standards and regulations is after the
41 expiration of the permit. Any permit revision required pursuant to this
42 subsection shall be treated as a permit renewal.

43 I. Except as provided in section 49-426, subsection B and
44 subsection A of this section, any person burning used oil, used oil fuel,
45 hazardous waste or hazardous waste fuel in any machine, incinerator or

1 device shall first obtain a permit from the control officer. Any permit
2 issued by the control officer under this subsection shall contain, at a
3 minimum, conditions governing:

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

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

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

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

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

15 J. The board of supervisors may authorize by rule the control
16 officer to issue a general permit for a defined class of facilities if
17 that class of facilities has not been issued a general permit by the
18 director for sources in that county pursuant to section 49-426, subsection
19 H. The criteria for issuance of a general permit are those applicable to
20 the director pursuant to section 49-426, subsection G.

21 K. The board of supervisors may identify by rule sources or
22 classifications of sources for which a permit is not required and
23 pollutant-emitting activities and emissions units at permitted sources
24 that are not subject to inclusion in the permit. The criteria for
25 exemptions granted pursuant to this subsection are those applicable to
26 exemptions granted by the director pursuant to section 49-426,
27 subsection B.

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

32 M. The board of supervisors may adopt a rule or ordinance that
33 establishes less burdensome permit procedures and requirements for permits
34 that are not required to be obtained pursuant to title V of the clean air
35 act. Until the effective date of a rule or ordinance adopted by a board
36 of supervisors pursuant to this section, the control officer, either on
37 the control officer's own initiative or on the request of a permit
38 applicant, may waive requirements that are not appropriate for non-title V
39 sources.