

MARICOPA COUNTY AIR QUALITY DEPARTMENT

Engineering and Permitting Division

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AIR QUALITY GENERAL PERMIT TO OPERATE AND/OR CONSTRUCT

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

ARIZONA
for
ASPHALT KETTLE OPERATIONS

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

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

EXPIRATION DATE: 02/28/2025

REVISION DATE: 02/29/2020

ISSUANCE DATE: 02/29/2020

Philip McNeely, Director, Maricopa County Air Quality Department

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

SPECIFIC CONDITIONS

1. Opacity

- a. No person shall discharge into the ambient air from any single source of emissions any air contaminant, other than uncombined water, in excess of 20% opacity for a period aggregating more than three minutes in any 60-minute period.
[SIP Rule 300 §301][Rule 320 §307.2]
- b. If any non-compliant visible emissions (excluding water vapor) are detected or reported, the Permittee shall determine the cause and/or the source of emissions. The Permittee shall then take immediate corrective action(s) and if necessary, shut down the applicable equipment. If visible emissions (excluding water vapor) exceed the above opacity standards subsequent to implementing corrective action(s), the Permittee shall shut down the applicable equipment and institute repairs or changes necessary to ensure compliance prior to resuming operations.
[SIP Rule 220 §302.2]
- c. Compliance with the opacity requirement shall be determined by observations of visible emissions conducted in accordance with EPA Reference Method 9 as modified by EPA Reference Method 203B.
[SIP Rule 300 §501]

ASPHALT KETTLE / DIP TANK OPERATIONS

2. Operating Limits:

- a. The Permittee shall limit the use of asphalt to no more than 6,000 tons per 12-consecutive month period.
- b. The maximum manufacturer's heat input rating of any single piece of fuel burning equipment shall be less than 10 million Btu/hr.
- c. The maximum combined heat input rating for all fuel burning equipment (excluding internal combustion engines) at the facility as a whole shall be less than 30 million Btu/hr.
[SIP Rule 220 §302.2][Rule 241 §305]
- d. The Permittee may only use natural gas, butane, propane, or ultra-low sulfur diesel (ULSD) as fuel for the asphalt kettle or dip tank. The sulfur content of ULSD shall not exceed 0.0015% by weight.
[Rule 241 §305][Rule 320 §307.1.d][SIP Rule 32.J(5)]
- e. The Permittee may only use natural gas, butane and propane as fuels for fuel burning equipment other than the asphalt kettle or dip tank.
[SIP Rule 220 §302.2][Rule 241 §305]

3. Operating Requirements:

The Permittee shall not operate an asphalt kettle unless it is operated to control air contaminant emissions by good modern practices, including but not limited to:

- a. Maintenance of temperature below both the asphalt flash point and the maximum temperature recommended by the asphalt manufacturer through the use of automatic temperature controls.
- b. Operation of the kettle with the lid closed except when charging.
- c. Pumping or drawing the tar through cocks without dipping.
- d. Maintaining the kettle in a clean, properly adjusted and good operating condition.

- e. Process, store, use, and transport asphalt/tar in such a manner and by such means that they will not unreasonably evaporate, leak, escape, or otherwise be discharged into the ambient air.
[Rule 320 §307] [Rule 241 §305] [SIP Rule 32.J]

4. Odors:

Limitation - Hydrogen Sulfide (H₂S): No person shall emit H₂S from any location in such a manner or amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.03 parts per million by volume (ppmv) for any averaging period of 30 minutes or more.

[Rule 320 §304] [SIP Rule 32.E]

5. VOC Containment and Disposal:

The Permittee shall not store, discard, or dispose of VOC or VOC-containing material in a way intended to cause or to allow the evaporation of VOC to the atmosphere. Reasonable measures shall be taken to prevent such evaporation which include but are not limited to the following:

- a. All materials from which VOC can evaporate, including asphalt, fresh solvent, waste solvent and solvent-soaked rags and residues, shall be stored in closed containers when not in use, and

[Rule 330 §306.1][SIP Rule 32.C]

- b. Such containers one gallon and larger shall be legibly labeled with their contents.

[Rule 330 §306.2]

6. Recordkeeping:

The Permittee shall maintain records of the monthly and 12-month rolling total amount of asphalt used for a period of at least five years from the date of the records and make them available to the Control Officer upon request. Records shall be updated monthly by the end of the following month.

[Rule 330 §503]

7. Portable Source Move Notice Requirements:

A portable source may be transported from one location to another within or across Maricopa County boundaries provided the owner or operator of such portable source maintains records of the location of the portable source. The record shall include:

- a. A description of the portable source to be transported including the Maricopa County facility number for such portable source;
- b. A description of the present location;
- c. A description of the location to which the portable source is to be transported, including the availability of all utilities, such as water and electricity, necessary for the proper operation of all control equipment;
- d. The date on which the portable source is to be moved;
- e. The date on which operation of the portable source will begin at the new location; and
- f. The duration of operation at the new location.
- g. Notices shall be submitted to either of the following:
- i. By Mail: Maricopa County Air Quality Department, Attn: Permit Division Manager, 3800 N. Central Ave., Suite 1400, Phoenix, AZ 85012
- ii. By E-mail: AQPermits@mail.maricopa.gov

[Rule 200 §410.4]

NONROAD ENGINES GREATER THAN 50 BHP

8. Restrictions & Applicability:

- a. The Permittee shall not operate any engine greater than 50 bhp other than those that meet the definition of a nonroad engine as follows:

[SIP Rule 220 §302.2]

- i. A nonroad engine shall be defined as an engine, that, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include but are not limited to, wheels, skids, carrying handles, dollies, trailers, or platforms.

[Rule 324 §212.1.c][SIP Rule 324 §210.1.c][40 CFR 1068.30]

- ii. An engine is not a nonroad engine if it resides in any one location for more than 12 consecutive months. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replace an engine (or engines) at a location and that is intended to perform the same or similar function as the engine (or engines) replaced will be included in calculating the consecutive time period.

[Rule 324 §§103.2, 212.2.c][SIP Rule 324 §§103.2, 210.2.c]

- b. Should the engine remain in one location for more than 12 consecutive months, it shall lose its nonroad designation. The Permittee shall then submit an individual source permit in accordance with Permit Condition 30 to permit the engine as a stationary unit.

[Rule 324 §217] [SIP Rule 324 §§211, 217]

9. Fuel Limitation:

The Permittee shall only use fuel that contains less than 0.015% sulfur by weight to operate nonroad engines.

[Rule 241 §§305, 207.2.a][40 CFR 80.510(c)]

10. Recordkeeping:

The Permittee shall comply with the following recordkeeping requirements for each nonroad engine greater than 50 bhp. Records shall be retained for five years and shall be made available to the Control Officer upon request.

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

[SIP Rule 220 §302.7]

FUGITIVE DUST FROM DUST-GENERATING OPERATIONS

11. Applicability:

- a. The provisions of this Permit Section apply to all dust-generating operations except for those dust-generating operations listed in Permit Condition 12 below. Any person engaged in a dust-generating operation subject to this Permit Section shall be subject to the standards and/or requirements of this Permit Section before, after, and while conducting such dust-generating operation, including during weekends, after work hours, and on holidays.
- b. For the purpose of Rule 310, any control measure that is implemented must achieve the applicable standard(s) described in Rule 310, as determined by the corresponding test method(s), as applicable, and must achieve other applicable standard(s) set forth in Rule 310.
- c. Regardless of whether a dust-generating operation is in compliance with an approved Dust Control Plan or there is no approved Dust Control Plan, the owner and/or operator of a dust-generating operation shall be subject to all requirements of Rule 310 at all times.
- d. Failure to comply with the provisions of these requirements, as applicable, and/or of an approved Dust Control Plan, shall constitute a violation.

[SIP Rule 310 §§102, 301]

12. Exemptions:

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

- a. Emergency activities that may disturb the soil conducted by any utility or government agency in order to prevent public injury or to restore critical utilities to functional status.
- b. Establishing of initial landscapes without the use of mechanized equipment or conducting landscape maintenance without the use of mechanized equipment. However, establishing initial landscapes without the use of mechanized equipment and conducting landscape maintenance without the use of mechanized equipment shall not include grading or trenching performed to establish initial landscapes or to redesign existing landscapes.
- c. Rooftop operations for cutting, drilling, grinding, or coring roofing tile when such activity is occurring on a pitched roof.

[SIP Rule 310 §103]

13. Dust Control Plan Requirement:

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

[SIP Rule 310 §§ 301-310, 409]

14. Visible Emission Requirements for Dust-Generating Operations:

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

[SIP Rule 310 §303.1]

15. Exemptions from Dust-Generating Operation Opacity Limitation Requirement:

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

[SIP Rule 310 §303.2]

16. Stabilization Requirements for Dust-Generating Operations:

- a. Unpaved Parking Lot: The owner and/or operator of any unpaved parking lot shall not allow visible fugitive dust emissions to exceed 20% opacity and shall not allow silt loading equal to or greater than 0.33 oz/ft². However, if silt loading is equal to or greater than 0.33 oz/ft², then the owner and/or operator shall not allow the silt content to exceed 8%.

[SIP Rule 310 §§232, 304.1]

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

[SIP Rule 310 §304]

17. Control Measures for Dust-Generating Operations:

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

[SIP Rule 310 §305]

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

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

[SIP Rule 310 §306.2]

19. Dust Control Plan Revisions:

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

- a. If the Control Officer determines that an approved Dust Control Plan has been followed, yet fugitive dust emissions from any dust-generating operation still exceed the standards of this Permit, then the Control Officer shall issue a written notice to the owner and/or operator of the dust-generating operation explaining such determination.
- b. The owner and/or operator of a dust-generating operation shall make written revisions to the Dust Control Plan and shall submit such revised Dust Control Plan to the Control Officer within three working days of receipt of the Control Officer's written notice, unless such time period is extended by the Control Officer, upon request, for good cause. During the time that such owner and/or operator is preparing revisions to the approved Dust Control Plan, such owner and/or operator must still comply with all requirements of this Permit.

[SIP Rule 310 §403.1]

- c. The Permittee shall request a Dust Control Plan revision with a submittal in the manner and form prescribed by the Control Officer if:

- i. The acreage of a project changes;
- ii. The permit holder changes;
- iii. The name(s), address(es), or phone numbers of person(s) responsible for the submittal and implementation of the Dust Control Plan and responsible for the dust-generating operation change; and
- iv. If the activities related to the purposes for which the Dust Control permit was obtained change.

[SIP Rule 310 §403.2]

20. Recordkeeping:

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

- a. For dust-generating operations with a disturbed surface area equal to or greater than 0.10 acre (4,356 square feet), the Permittee shall keep a written record of self-inspection on each day dust-generating operations are conducted. Self-inspection records shall include daily inspections for crusted or damp soil, trackout conditions and clean-up measures, daily water usage, and dust suppressant application. Such written record shall also include the following information:
- i. Method, frequency, and intensity of application or implementation of the control measures;
 - ii. Method, frequency, and amount of water application to the site;
 - iii. Street sweeping frequency;
 - iv. Types of surface treatments applied to and maintenance of trackout control devices, gravel pads, fences, wind barriers, and tarps;
 - v. Types and results of test methods conducted;
 - vi. If contingency control measures are implemented, actual application or implementation of contingency control measures and why contingency control measures were implemented;
 - vii. List of subcontractors' names and registration numbers updated when changes are made; and
 - viii. Names of employee(s) who successfully completed dust control training class(es), date of the class(es) that such employee(s) successfully completed, and name of the agency/representative who conducted such class(es).

[SIP Rule 310 §502.1]

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

[SIP Rule 310 §502.2]

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

[SIP Rule 310 §502.3]

21. Records Retention:

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

[SIP Rule 310 §503]

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

[SIP Rule 100 §504]

GENERAL CONDITIONS**22. Coverage under the General Permit:**

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

[Rule 230 §303][Locally Enforceable Only]

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

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

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

[Rule 230 §311][Locally Enforceable Only]

24. Posting of Permit:

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

[SIP Rule 200 §312]

25. Compliance:

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

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

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

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

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

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

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

[SIP Rule 220 §302.12]

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

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

26. Malfunctions, Emergency Upsets, and Excess Emissions:

Emissions in excess of an applicable emission limitation shall constitute a violation. However, the Permittee has an affirmative defense in the case of an emergency, malfunction or startup/shutdown if the monitoring, demonstration, recordkeeping, notification and reporting requirements described in Rule 130 and Rule 140 are followed.

[SIP Rule 140][Rule 130 §§201, 400]

27. Revision / Reopening / Revocation:

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

[SIP Rule 220 §302.11]

28. Records:

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

[SIP Rule 100 §106][SIP Rule 220 §302.13]

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

[SIP Rule 220 §§301.5, 301.6]

29. Certification of Truth, Accuracy, and Completeness:

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

[SIP Rule 100 §401][SIP Rule 220 §302.14]

30. Facility Changes Requiring an Individual Source Permit:

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

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

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

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

[SIP Rule 200 §301]

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

[Rule 230 §307][Locally Enforceable Only]

31. Facility Changes Allowed:

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

i. Adding new emissions units.

ii. Installing a replacement emissions unit.

iii. Adding or replacing air pollution control equipment.

b. The written notification shall include the following:

i. When the proposed change will occur;

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

[Rule 230 §312][Locally Enforceable Only]

32. Right to Entry:

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

[SIP Rules 100 §105, 220 §302.17-21]

33. Severability:

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

[SIP Rule 220 §302.9]