




Maricopa County
Air Quality Department

ADMINISTRATIVE CODE

Date: December 10, 2009
To: Air Quality Department staff
From: Lawrence Odle, Director 
Subject: Interim Policy – Initial Periodic Reports/Enforcement of Non-Filing

21 INTERIM POLICY – INITIAL PERIODIC REPORTS/ENFORCEMENT OF NON-FILING

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21.1 EFFECTIVE DATE

This interim policy is effective beginning December 10, 2009.

21.2 GENERAL PURPOSE

Permit conditions may include a requirement that a report be filed on a recurring, periodic basis for the purpose of conveying to the department a quantification of emissions during the reporting period. When a facility has recently received its permit, there may be a period of time during which the facility is under construction. During that time, no emissions may have occurred since the permitted operations have not yet commenced.

If, during the interim period, between permit issuance and start-up of permitted operations, the requirement to submit an emissions report occurs, there may be confusion concerning the necessity of submitting a report. This confusion may stem from the belief that since operations and reportable emissions may not yet have occurred, no report is required. In the event, during this interim period, the first periodic report is not submitted, a Notice to Comply will be used as the first enforcement step. This opportunity to use a Notice to Comply is only available for the first failure to submit the required report and only when the source has not begun operating and, then, has not emitted any emissions. The required report must also be provided to the department within 10 days of receipt of the Notice to Comply to avoid conversion of the Notice to Comply into a Notice of Violation.

21.3 INSPECTIONS

When, during the period between permit issuance and start-up of permitted operations, the requirement to submit an emissions report occurs, operations and reportable emissions may not yet have been initiated. During this interim period, and if the permittee has not submitted a periodic emissions report,

a Notice to Comply (NTC) will be used as the first enforcement step. If the recipient of the NTC does not provide the required report within 10 days, the NTC will be converted into a Notice of Violation (NOV). This option is only available for the first periodic report not filed (i.e., first offense).

If any NOVs involving this circumstance have been forwarded to the Enforcement Division and they have not yet been acted upon, they shall be withdrawn and the recipient of the NOV issued a replacement NTC.

21.4 ENFORCEMENT

Enforcement will review any pending cases involving non-submittal of reports that meet the criteria of this policy. If such cases are identified, the specific violation will be removed from pending enforcement discussions and returned to the Applied Sciences Division for action consistent with this policy.

21.5 PERMITTING

The Engineering Division will revise language in subsequent permits to clarify the obligation of submitting periodic reports to remove any ambiguity concerning the need to submit periodic emission reports when a facility is under construction and no emissions are being generated.