

COUNTY NOTICES PURSUANT TO A.R.S. § 49-112(A) OR (B)

NOTICE OF PROPOSED RULE ADOPTED PURSUANT TO A.R.S. § 49-112 (A) OR (B)

**Maricopa County
Environmental Services Department,
Technical Services Division**

1. Heading and number of the proposed rule, ordinance, or other regulations:

Revision of Rule 100 (General Provisions and Definitions)
Revision of Rule 337 (Graphic Arts)
New Rule 342 (Coating Wood Furniture and Fixtures)
Revision of Rule 344 (Automobile Windshield Washer Fluid)
New Rule 346 (Coating Millwork)
Revision of Rule 371 (Acid Rain)

2. Summary of the proposed rules, ordinance, or other regulations

REVISION OF RULE 100 (GENERAL PROVISIONS AND DEFINITIONS)

Rule 100 was revised in response to the Environmental Protection Agency's (EPA) proposed interim approval of the Title V Operating Permits Program, and to EPA's preliminary comments on Maricopa County's New Source Review (NSR)/State Implementation Plan (SIP) submittal. The changes include:

- Addition of the definition of "allowable emissions".
- Modification of the definition of "area source"; "building, structure, facility, or installation"; "non-precursor organic compound"; "organic compound"; and "significant."
- Addition of a Section titled "Excess Emissions" to Section 500 (Monitoring and Records).
- Modification of Section 505 (Retention of Records).

REVISION OF RULE 337 (GRAPHIC ARTS)

A.R.S. § 11-873 requires Maricopa County to develop Rule 337 as part of the State Implementation Program (SIP) for the Maricopa County Ozone Nonattainment Area. Revised Rule 337:

- Provides a definition for capture efficiency and provides default values which are accepted in lieu of a test method for capture efficiency.
- Proposes standards for fountain solutions and blanket washes for large sources.
- Outlines monitoring requirements for confirming capture efficiency and complying fountain solutions.
- Allows small sources and large sources with complying materials to maintain monthly records of usage of volatile organic compound (VOC) materials.

**NEW RULE 342 (COATING WOOD FURNITURE AND FIXTURES)
AND
NEW RULE 346 (COATING MILLWORK)**

A.R.S. § 11-874 requires Maricopa County to develop Rule 342 and Rule 346 as part of the SIP for the Maricopa County Ozone Nonattainment Area.

New Rule 342 is essentially the same as it was when it went before the Board of Supervisors in February 1995, except for the addition of a lengthy Appendix which covers the averaging of coatings' VOC contents. Several things have been changed in the main body of New Rule 342. These changes are reflected in New Rule 34 also:

- The table has been removed from the VOC standards Section and a simple listing substituted.
- Positive evidence must be given that a company possesses a transfer efficient gun such as airless, electrostatic, HVLP (high volume, low pressure) or LVLP (low volume, low pressure).
- The schedule for compliance by companies with annual VOC emissions of 50 tons and above has been changed because of the delay created in drafting the averaging Appendix. The November 15, 1995, deadline has been shifted to early 1996, unless there are unforeseen delays in passing this rule.
- The VOC limit for single appreciation finishes has been raised from 1.9 kg to 2.0 kg VOC/kg solids (2.0 lb./lb.)

County Notices Pursuant to A.R.S. § 49-112(A) or (B)

- Acetone has been added to the list of non-precursor organic compounds because it has been found to make no substantive contribution to ground level ozone; i.e., acetone is no longer a VOC. When pure acetone is added as a reducer in a coating, the VOC content of the coating is not increased. EPA Test Method 311 has been added to New Rule 342 to test for acetone content.
- Companies that have not emitted as much as 25 tons of VOC in any year since 1989 do not have to file control plans with the Control Officer.
- A company whose records demonstrate that it uses no more than 55 gallons per month and 3 gallons per day of VOC-borne products for coating operations need only follow the recordkeeping and "housekeeping" provisions of New Rule 342 and New Rule 346.

New Rule 342 Appendix On Averaging: Averaging allows a company to use sealer and/or topcoats which are above the standard VOC limits by offsetting them with other coatings having VOC contents lower than that which is typical of their class. The Appendix, which is proposed to be added to New Rule 342 in response to repeated requests from the public, attempts to simplify and make concrete the provisions of the draft national rule which were incorporated with minor revision into the EPA's September 11, 1995, draft Guideline for "Control of Volatile Organic Compound Emission from Wood Furniture Manufacturing Operations". Averaging is only allowed for those facilities which have emitted over 25 tons of VOC in a year, are under Best Available Control Technology (BACT), or have applied for a Title V or Synthetic Minor Permit. Averaging requires daily planning, daily calculations, and daily recordkeeping. Under an averaging regime, there is no special, higher limits for acid-cured, alkyd amino (A-CAA) coatings or for single application finishes. Before starting an averaging regime, the operator of an eligible furniture coating facility must first correctly fill out a brief questionnaire, thereby demonstrating that the facility has adequate knowledge and a plan to surmount the difficulties inherent in an averaging regime.

VOC Limits for New Rule 342 and New Rule 346: In New Rule 346, the VOC content limit of all opaque coatings is 610 grams VOC/liter. The VOC content of the clear and non-opaque coatings was calculated using the kg VOC/kg coatings solids limits for furniture in Rule 342, and "plugging in" the density of the resin/solids as 1200 g/liter (10 lb/gal) and the density of the VOC-solvent as 900 grams/liter (7.5 lb/gal). The VOC limit for topcoats limits is 1.8 kg/kg solids in Rule 342 and 635 grams VOC/liter in Rule 346; a 1.9 kg/kg sealer limit in Rule 342 is mirrored as 645 grams VOC/liter in Rule 346.

Similarly, the 2.0 kg/kg acid-cured, alkyd amino (A-CAA) topcoat limit equilibrates to 655 g/l; and 2.3 kg/kg for A-CAA vinyl sealers to 680 g/l.

A properly labeled topcoat, which has no more than 460 grams VOC/limit, exempts all other coatings beneath it from VOC limits. This approximately equivalent to New Rule 342's provisions for topcoats not exceeding 0.8 kg VOC/kg solids. New Rule 346 also has a provision that rewards the use of waterborne sealer. If the VOC content of the sealer does not exceed 275 g/liter, then the topcoat over it can have up to 680 g/liter if the topcoat reservoir is properly labeled.

REVISION OF RULE 344 (AUTOMOBILE WINDSHIELD WASHER FLUID)

Rule 344 was passed by the Board of Supervisors on February 15, 1995. Full compliance with the principal VOC content standard is due November 15, 1995. The revision is proposed to greatly simplify the responsibilities of both Maricopa County and the suppliers of windshield washer fluid. The revision also increases the clarity of the rule.

Changes: The revision institutes an inexpensive, presumptive test using a hand-held hydrometer. This simple, portable test verifies compliance with the rule's principal standard, a 10% limit to VOC content.

Deletions: The revision deletes the requirements that each distributor and manufacturer of washer fluid register with the Control Officer, keep daily records, and submit reports, if their product is intended for use in Maricopa County.

The revision deletes the requirement that concentrated washer mixes at their recommended minimum dilution contain no more than 10% VOC by weight. Instead a person may sell or distribute a concentrate in Maricopa County if the mixing instructions on its label include at least one mixing ratio that yields a solution that does not exceed 10% VOC by weight. Compliance of concentrate-label instructions also can be tested by investigators in the field using a hydrometer, dilution water, and a measuring flask. A hydrometer can indicate the amount of alcohol-antifreeze, and thus the amount of VOC in a washer fluid, by establishing the difference in weight between a volume of tested fluid and the same volume of a standard fluid having no antifreeze.

REVISION OF RULE 371 (ACID RAIN)

As a result of the enactment of the Clean Air Act (CAA), EPA began to promulgate regulations to Title IV of the Clean Air Act. Portions of 40 CFR 72, 73, 75, 77, and 78 have now been adopted by EPA. States with a Title V Operating Permits Program must adopt 40 CFR 72, either by reference or by writing their own rule based on EPA's Model Acid Rain Rule for 40 CFR 72. Rule 371 updates incorporation by reference of EPA's core Acid Rain regulations.

3. A demonstration of the grounds and evidence of compliance with A.R.S. 49-112(A) or A.R.S. 49-112(B)

Based on information and belief, the Control Officer of the Maricopa County Environmental Services Department affirms the following:

- A. Maricopa County is in compliance with A.R.S. § 49-112(A) in that Maricopa County Environmental Services Department is proposing to adopt rules that are not more stringent than nor are in addition to a provision of A.R.S. Title 49 or rule adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49.

Maricopa County fails to meet the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), ozone, and

County Notices Pursuant to A.R.S. § 49-112(A) or (B)

particulates. The proposed New Rule 342, proposed New Rule 346, and proposed amendments to Rule 100, Rule 337, Rule 344, and Rule 371 implement emission limitations which reduce concentrations of ozone and implement control measures proposed for inclusion in the State Implementation Plan (SIP) for the Maricopa County Nonattainment Area. The emission limitations which reduce concentrations of ozone and implement control measures proposed for inclusion in the State Implementation Plan (SIP) for the Maricopa County Nonattainment Area. The emission limitations contained in the proposals implement control technologies identified by EPA in Alternative Control Technology Documents, Control Technology Guideline Documents or federal regulations for Maximum Available Control Technology (MACT) for measures in the SIP submitted as required under the Clean Air Act (CAA).

- B. Maricopa County is in compliance with A.R.S. § 49-112(B) in that Maricopa County Environmental Services Department is proposing to adopt rules as stringent as a provision of A.R.S. Title 49 or rule adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49. The cost of obtaining permits or other approvals from Maricopa County will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under Title 49 or any rule adopted pursuant to Title 49.

Maricopa County is the only ozone nonattainment area in Arizona. Maricopa County may adopt rules that are more stringent than the state pursuant to A.R.S. § 49-112 as enacted in 1994, provided that the emission standard is required by law or is necessary and feasible to prevent a significant threat to public health or the environment that results from a unique local condition.

4. Name and address of the person to whom persons may address questions or comments

Name: Jo Crumbaker, Planning and Analysis Section Manager
or
Johanna M. Kuspert, Environmental Planner
Address: Maricopa County Environmental Services Department
Technical Services Division
2406 South 24th Street, Suite E-111
Phoenix, Arizona 85034
Telephone: (602) 506-6705 or (602) 506-6710
Fax: (602) 506-6179

5. Where persons may obtain a full copy of the proposed rules, ordinance, or other regulations

Name: Maricopa County Environmental Services Department
Technical Services Division
Address: 2406 South 24th Street, Suite E-111
Phoenix, Arizona 85034
Telephone: (602) 506-6010
Fax: (602) 506-6179

**NOTICE OF PUBLIC HEARING
Pursuant To A.R.S. 49-112(A) or (B)**

**Maricopa County
Environmental Services Department
Technical Services Division**

1. Heading and number of the proposed rules, ordinance, or other regulations that are the subject of this public workshop

Revision of Rule 100 (General Provisions and Definitions)
Revision of Rule 337 (Graphic Arts)
New Rule 342 (Coating Wood Furniture and Fixtures)
Revision of Rule 344 (Automobile Windshield Washer Fluid)
New Rule 346 (Coating Millwork)
Revision of Rule 371 (Acid Rain)

2. Date, time, and location of each public workshop scheduled

Date: April 3, 1996
Time: 9 a.m.
Location: Maricopa County Board of Supervisors Auditorium
205 West Jefferson
Phoenix, Arizona

Nature: Public hearing before the Maricopa County Board of Supervisors to consider formal adoption of the above described rules.

3. County personnel to whom questions and comments may be addressed

Name: Jo Crumbaker, Planning and Analysis Section Manager
or
Johanna M Kuspert, Environmental Planner

Address: Maricopa County Environmental Services Department
Technical Services Division
2406 South 24th Street E-111
Phoenix, Arizona 85034

Telephone: (602) 506-6705 or (602) 506-6710
Fax: (602) 506-6179

4. Any other pertinent information concerning the above described rules, ordinance, or other regulations

Please refer to the Notice of Proposed Rules Adopted Pursuant to A.R.S. § 49-112(A) or (B) which appears in this issue of the Register.