

COUNTY NOTICES OF PROPOSED RULEMAKING
Pursuant to A.R.S. §§ 49-112(A) or 49-112(B)

MARICOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT
AIR QUALITY DIVISION

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

- Rule 316 (Nonmetallic Mineral Mining and Processing)
- Rule 318 (Approval of Residential Woodburning Devices)
- Residential Woodburning Restriction Ordinance
- Rule 338 (Semiconductor Manufacturing)
- Rule 345 (Vehicle Coating and Refinishing)
- Rule 352 (Gasoline Delivery Vessels)
- Rule 353 (Transfer of Gasoline into Stationary Storage Dispensing Tanks)

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

Maricopa County is proposing to revise Rule 316 (Nonmetallic Mineral Mining and Processing), Rule 318 (Approval of Residential Woodburning Devices), Residential Woodburning Restriction Ordinance, Rule 338 (Semiconductor Manufacturing), Rule 345 (Vehicle Refinishing), Rule 352 (Gasoline Delivery Vessels), and Rule 353 (Transfer of Gasoline into Stationary Storage Dispensing Tanks), and to submit such rules as a revision to the (Arizona) State Implementation Plan (SIP).

The proposed rule revisions are as follows:

Proposed Revisions to Rule 316 (Nonmetallic Mineral Mining and Processing)

Maricopa County is proposing to revise Rule 316 to complement revisions being proposed to Rule 200 (Permit Requirements) and to Rule 310 (Open Fugitive Dust Sources). The proposed revisions would be in the following sections: Section 213 (Definition Of Nonmetallic Mineral), Section 214 (Definition Of Nonmetallic Mineral Processing Plant), Section 301 (Limitations-Nonmetallic Mineral Processing Plants), Section 305 (Operation And Maintenance Of Emission Control Technology), Section 501 (Providing And Maintaining Monitoring Devices), and Section 503 (Records Retention). In addition, Maricopa County is proposing to add Section 304 (Limitations-Other Associated Operations) and Section 401 (Effective Date).

Revisions to Rule 318 (Approval of Residential Woodburning Devices)
and Residential Woodburning Restriction Ordinance

Maricopa County adopted Rule 318, in conjunction with the Residential Woodburning Restriction Ordinance, on October 5, 1994, in order to control particulate matter (PM) emissions or carbon monoxide (CO) emissions, or both, from residential wood combustion. Rule 318 establishes standards for the approval of residential woodburning devices. The Residential Woodburning Restriction Ordinance prohibits the use of nonapproved residential woodburning devices during times when PM₁₀ or CO pollution, or both, is expected to reach unhealthful levels. On August 31, 1995, in compliance with Section 110(a) and Part D of the Clean Air Act, Rule 318 and the Residential Woodburning Restriction Ordinance were submitted to the Environmental Protection Agency (EPA) for incorporation into the Arizona SIP. On February 9, 1998, EPA announced in the Federal Register that Rule 318 and the Residential Woodburning Restriction Ordinance contained the following deficiencies: (1) Control Officer discretion and (2) non-EPA approved testing protocols, and therefore could not be approved and incorporated into the SIP. Maricopa County is proposing to correct these deficiencies and to re-submit to EPA Rule 318 and the Residential Woodburning Restriction Ordinance for incorporation into the Arizona SIP.

Proposed Revisions to Rule 338 (Semiconductor Manufacturing)

Rule 338 has been made more stringent by requiring that an emission control system (ECS) be used to control volatile organic compounds (VOC) emitted by photoresist operations if the total VOC emission from all types of photoresist processes combined exceeds 25 tons per year (TPY). The existing rule has not required an ECS until positive photoresist operations exceeded 50 TPY or negative photoresist operations exceeded 25 TPY. Further, Rule 338 now incorporates cleaning provisions, ending the applicability of Rule 331. Two new subsections address the cleaning of both semiconductors and semiconductor components, as well as the cleaning of the tools and equipment that make the semiconductors.

In addition to the 80% control standard already in effect, an alternative emission standard is offered as follows: if a VOC-emission control system has an overall capture of at least 90%, then controlling emissions to a level not more than 20 milligrams of VOC per standard cubic meter is acceptable. Beyond this, facility management may choose to simultaneously control both cleaning and photoresist VOC emissions for an overall control of at least 80%, in lieu of controlling only emissions from photoresist processes.

Certain VOC-vapors from photoresist processes are incompatible with VOC-control equipment. Two exemptions have been added to address these compounds, a 1 ton exemption for corrosive VOCs and a 1 ton annual exemption for organic compounds of silicon.

Three alternative test methods have been added for determining the VOC-content of low-solute and solute-free liquids. Also, the air quality Control Officer may use manufacturer's data sheets for routine and uncontested VOC content determination.

Proposed Revisions to Rule 345 (Vehicle Coating and Refinishing)

Maricopa County has added Table 1, listing the VOC limits for the 7 generic families of finishes for coatings used to refinish cars, pickups, and other light vehicles addressed by EPA's new national rule. This national rule regulates all coatings supplied for refinishing vehicles in the United States. Over 20 terms were added to the Definitions section in conformity with the national rule. New test methods were added for determining the VOC content of thinners and very dilute coatings. EPA's equation for determining VOC content of multi-component coating was also added.

Table 2 was added to show the VOC limits of coatings for refinishing "heavy trucks", which include buses, vans, and tractor/trailers. These expensive vehicles currently receive the same premium refinish as most cars. To accommodate this circumstance and the need for cleaner air in the Maricopa County Ozone Nonattainment Area, the limits in Table 2 become much stricter than the limits in Table 1 over the next 2½ years. This progression is designed to approach the standard limit of 3.5 lbs of VOC per gallon that characterizes EPA's Reasonably Available Control Technology (RACT) for "Miscellaneous Metal Parts and Products", while also reflecting the technological and production limits inherent in automotive refinishes. For the initial coating of all but assembly-line built light-vehicles, there is now a stated limit of 3.5 lbs VOC/gal for all coating done at Original Equipment Manufacturers and for the coating of never-coated surfaces. The same limit is imposed on the refinishing of mobile equipment and the refinishing of those heavy-duty vehicles that are not "heavy trucks".

Proposed Revisions to Rule 352 (Gasoline Delivery Vessels)

Maricopa County is proposing to revise Rule 352 to compile all County air pollution requirements pertaining to gasoline tank trucks into one rule, including requirements affecting fleet-managers and tank-truck drivers. The revisions complement Rule 353 regarding proper delivery procedures at gas stations.

The current mandatory period of annually pressure-testing delivery tanks, September through December, has been changed to March through June. This takes advantage of the fact that a delivery tank leaks less shortly after it has been brought into compliance with pressure retention standards than it does many months later. The new testing schedule will minimize tank truck gasoline-vapor leakage during May through October, the period when the County has elevated concentrations of ground-level ozone, a situation that is promoted by hot weather.

The rule clarifies the responsibility of drivers who discover defective or obstructed vapor recovery equipment on storage tanks to which they are delivering gasoline. The number of hoses that a driver may attach at 1 time during deliveries is also specified. For example, during any period that a tank, receiving a delivery, does not have the delivery truck vapor hose attached to a 2-point vapor-collection system, but instead is attached to a remote vapor return port, then only 1 gasoline compartment and 1 gasoline hose is allowed to deliver during that period.

The rule clarifies the prohibition on the purging of gasoline vapors from tank trucks into the atmosphere. The rule now requires that gasoline vapors being evacuated from delivery tanks prior to repairs be controlled by a vapor processing device. Exceptions are made to this for certain small (exempt) delivery vessels and for de-fueling storage tanks in unforeseen situations; both circumstances require that the lid of the delivery tank compartment be opened.

Proposed Revisions to Rule 353 (Transfer of Gasoline into Stationary Storage Dispensing Tanks)

The revision clarifies the responsibility of managers and attendants of gas stations that are receiving gasoline with defective or obstructed vapor recovery equipment. Fill pipe and vapor return provisions are expanded. A tank's fill pipe is required to have its cap in place during deliveries to other tanks on the premises unless a hose is connected to it. Each new tank installation or major modification of a tank requires 2-point vapor-recovery in each tank; installation of coaxial vapor recovery systems are prohibited. Use of a 2nd fill-tube simultaneously with the 1st is prohibited in tanks equipped with 2 fill-tubes, unless allowed by the station's air pollution permit. Use of stage 1 vapor-recovery equipment that is approved by the California Air Resources Board (CARB) is now specified. CARB-certified "poppered" self-closing valves for all vapor recovery connections at gas stations are required, and delivery personnel are required to inform station management if there is a problem with these valves, with gasoline fill-tubes, or with spill containment equipment. Standards are set for spill containment devices and their use. Records retention is expanded to 5 years. Leak detection test procedures are now included in detail.

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 fails to meet the National Ambient Air Quality Standards (NAAQS) for CO, ozone and particulates. In addition, 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. Any changes to the Maricopa County Air Pollution Control Regulations that might incur due to revisions to Rule 316, Rule 318, the Residential Woodburning Restriction Ordinance, Rule 338, Rule 345, Rule 352 and Rule 353 will address emission limitations which reduce concentrations of ozone or particulates and implement control measures proposed for inclusion in the SIP for the Maricopa County Nonattainment Area. Reclassification of the Maricopa County Nonattainment Area to "serious" for ozone and particulate matter constitutes a peculiar local condition.

Rule 316 has been approved as a measure in the Maricopa County PM-10 SIP. The proposed revisions to Rule 316 make the existing standards consistent with recent revisions to 40 CFR Part 60 Subpart OOO and clarify the applicability of requirements to other activities at the facilities. The proposed revisions to Rule 318 and the Residential Woodburning Restriction Ordinance correct deficiencies identified by EPA in a limited disapproval notice effective April 30, 1998. The revisions to the Ordinance

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also implement requirements to trigger woodburning restrictions based on PM-10 actions levels, a measure identified as feasible for the Maricopa County PM-10 SIP.

Rule 338 has been approved as a measure in the Maricopa County Ozone SIP. The proposed revisions to Rule 338 clarify applicability thresholds, ensure consistency with the Serious Area major source thresholds, and insert the applicable cleaning requirements. The Clean Air Act requires ozone nonattainment areas to implement RACT for Control Technology Guideline (CTG) source categories and for Non-CTG major sources. The proposed revisions to Rule 345 incorporate the new federal standards for automotive coatings which address a deficiency noted by EPA in order to obtain SIP credit for the cleaning and transfer efficiency requirements in the existing rule. The rule then becomes an approvable measure in the Ozone SIP. Rule 352 and Rule 353 have been approved as measures in the Maricopa County Ozone SIP. The proposed revisions to Rule 352 and 353 are designed to clarify and improve compliance with the standards in the rule. Revisions incorporate recommendations resulting from a rule effectiveness study which found the program was only 50% effective. The revisions are necessary to address the shortfall in SIP emission reductions resulting from the low compliance rate for this program.

Permit fees will not change as a result of these proposed actions. The fees were last revised in 1993 on the basis of a workload analysis and budget documents which demonstrated the reasonable costs of the County to issue and administer permit programs. A.R.S. 49-112(A)(3) as enacted in 1994 provided that any fee adopted under the rules will not exceed the reasonable costs of the County to issue or administer those permit programs.

B. These particular rules are in that portion of Maricopa County's air quality program which is administered under direct statutory authority. Therefore, these rules are not being adopted/revised in lieu of a state program.

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

Name: Rick Kramer-Howe, Air Quality Planner (Rules 316, 338, 345, 352 and 353)
Or
Johanna Kuspert, Air Quality Planner (Rule 318 and Residential Woodburning Restriction Ordinance)
Address: Maricopa County Environmental Services Department
Air Quality Division
1001 North Central Avenue #201
Phoenix, Arizona 85004
Telephone: Rick Kramer-Howe (602) 506-6706 or Johanna Kuspert (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
Air Quality Division
Address: 1001 North Central Avenue #201
Phoenix, Arizona 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179

**NOTICE OF PUBLIC HEARING ON PROPOSED RULEMAKING
Pursuant to A.R.S. §§ 49-112(A) or 49-112(B)**

MARICOPA COUNTY

ENVIRONMENTAL SERVICES DEPARTMENT, AIR QUALITY DIVISION

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

Rule 316 (Nonmetallic Mineral Mining and Processing)
Rule 318 (Approval of Residential Woodburning Devices)
Residential Woodburning Restriction Ordinance
Rule 338 (Semiconductor Manufacturing)
Rule 345 (Vehicle Coating and Refinishing)
Rule 352 (Gasoline Delivery Vessels)
Rule 353 (Transfer of Gasoline into Stationary Storage Dispensing Tanks)

2. Date, time, and location of public hearing scheduled

Date: Wednesday, April 21, 1999
Time: 9 a.m.
Location: Maricopa County Board of Supervisors Auditorium
205 West Jefferson Street
Phoenix, Arizona

Nature of Public Hearing: To discuss and approve the rules listed above.

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

Name: Rick Kramer-Howe, Air Quality Planner (Rules 316, 338, 345, 352 and 353)
Or
Johanna Kuspert, Air Quality Planner (Rule 318 & Residential Woodburning Restriction Ordinance)

Address: Maricopa County Environmental Services Department
Air Quality Division
1001 North Central Avenue #201
Phoenix, Arizona 85004

Telephone: Rick Kramer-Howe (602) 506-6706 or Johanna Kuspert (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 Rulemaking which appears in this issue of the *Arizona Administrative Register*.