

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 313 (Incinerators, Burn-Off Ovens, and Crematories)

New Rule 315 (Spray Coating Operations)

Residential Woodburning Restriction Ordinance

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

Maricopa County is proposing to revise Rule 313 (Incinerators, Burn-Off Ovens, and Crematories), Rule 315 (Spray Coating Operations), and the Residential Woodburning Restriction Ordinance, 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 313 (Incinerators, Burn-Off Ovens, and Crematories)

Maricopa County is proposing to revise Rule 313 in order to include burn-off ovens and to allow night burning as long as a continuous opacity meter is used and a qualified operator is present. Current Rule 313 applies to crematories as a type of incinerator, but is not explicit in its application. Revised Rule 313 will include a definition of crematory and will outline parameters for incinerator operation. Revised Rule 313 will also outline specific operating parameters such as temperature and residence times for incinerators and burn-off ovens. The limitation on particulate emissions has been reduced from 0.10 grains per cubic foot to 0.08 grains per cubic foot in order to be more consistent with the Arizona Department of Environmental Quality's (ADEQ) particulate limitation standard. The revised Rule 313 also will have a new title, "Incinerators, Burn-Off Ovens and Crematories."

Proposed Revisions to Rule 315 (Spray Coating Operations)

On September 1, 1998, the Environmental Protection Agency (EPA) finalized a new test method for spray booth filter capture efficiency. Maricopa County is proposing to update spray booth filter capture efficiency provisions and clarify the requirements on the direction of spray application in enclosures with 3 sides and a roof or other more complete enclosures. The section on exemptions has been expanded to include exhausts that are located entirely in a completely enclosed building. The exemption regarding the spray coating of large objects with internal dimensions of 10'W X 25'L X 8'H has been clarified.

Proposed Revisions to the Residential Woodburning Restriction Ordinance

Maricopa County is proposing the following revisions to the Residential Woodburning Restriction Ordinance in order to comply with the Serious Area PM-10 Nonattainment Area Plan.

Maricopa County is proposing to add the definition of particulate matter no-burn standard to the Residential Woodburning Restriction Ordinance, Section 2(J). In addition, Maricopa County is proposing to add the term "particulate matter no-burn standard" to Section 1(A) (Purpose) and to Section 3(D) (Declaration Of A Restricted-Burn Period). With these revisions, Maricopa County will be allowed to declare a High Air Pollution Advisory if Maricopa County suspects that the particulate matter pollution levels are going to reach or exceed 120 micrograms per cubic meter.

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

The Control Officer of the Maricopa County Environmental Services Department affirms the following:

Pursuant to A.R.S. § 49-112(A), as enacted in 1994, Maricopa County may adopt rules that are more stringent than or in addition to a provision of the State, provided that the rule is necessary to address a peculiar local condition; and if it is either necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible or if it is required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule is equivalent to federal statutes or regulations; and if any fee adopted under the rule will not exceed the reasonable costs of the county to issue and administer that permit program.

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

Pursuant to A.R.S. § 49-112(A), Rule 313 and the Residential Woodburning Restriction Ordinance comply with the requirements in the following ways: the rules address the peculiar local condition of the Maricopa County Nonattainment Area "serious" classification for particulate matter (PM-10); the rules implement best available control measures (BACM) as required by the federal Clean Air Act (CAA) for "serious" PM-10 nonattainment areas, and need to be submitted to EPA for inclusion in the SIP; and permit fees will not change as a result of these rules. On May 10, 1996, the Maricopa County Nonattainment Area was reclassified to "serious" for PM-10 in accordance with the CAA (61 FR 21372). The Section 112(B) demonstration does not apply because these particular rules are in that portion of Maricopa County's air quality program that is administered under direct statutory authority. Therefore, these rules are not being adopted/revised in lieu of a state program.

Rule 315 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 rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49. The Section 112(B) demonstration does not apply because these particular rules are in that portion of Maricopa County's air quality program that 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: Johanna Kuspert, Air Quality Planner (Residential Woodburning Restriction Ordinance)
Patty Nelson, Air Quality Planner (Rule 313 and 315)

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

Telephone: Johanna Kuspert (602) 506-6710 or Patty Nelson (602) 506-6706

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 313 (Incinerators, Burn-Off Ovens, and Crematories)
Rule 315 (Spray Coating Operations)
Residential Woodburning Restriction Ordinance

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

Date: Wednesday, November 17, 1999
Time: 9 a.m.

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

Location: Maricopa County Board of Supervisors Auditorium
205 W. Jefferson St.
Phoenix, Arizona

Nature of Public Hearing: To Discuss and Approve the Above Listed Rules.

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

Name: Johanna Kuspert, Air Quality Planner (Residential Woodburning Restriction Ordinance
Patty Nelson, Air Quality Planner (Rules 313 and 315)
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Address: Maricopa County Environmental Services Department
Air Quality Division
1001 North Central Avenue #201
Phoenix, Arizona 85004

Telephone: Johanna Kuspert (602) 506-6710 or Patty Nelson (602) 506-6709

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 which appears in this issue of the *Arizona Administrative Register*.