

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

**NOTICE OF PUBLIC HEARING**

**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 100 (General Provisions and Definitions)
- Rule 321 (Municipal Solid Waste Landfills)
- Rule 360 (New Source Performance Standards)
- Rule 370 (Federal Hazardous Air Pollutant Program)
- Rule 371 (Acid Rain)

**2. The date, time, and location of public hearing scheduled:**

- Date: Wednesday, March 7, 2001
- Time: 9:00 a.m.
- Location: Maricopa County Board of Supervisors Auditorium  
205 West Jefferson Street  
Phoenix, Arizona
- Nature: To discuss and approve Rules 100, 321, 360, 370, and 371

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

- Name: Johanna Kuspert, Air Quality Planner or Dee Romesburg, Administrative Coordinator
- Address: Maricopa County Environmental Services Department  
Air Quality Division  
1001 North Central Avenue, #695  
Phoenix, Arizona 85004
- Telephone: (602) 506-6710 or (602) 506-6794
- 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 below in this issue of the *Arizona Administrative Register*.

**NOTICE OF PROPOSED RULES**

**MARICOPA COUNTY**

**ENVIRONMENTAL SERVICES DEPARTMENT - AIR QUALITY DIVISION**

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

- Rule 100 (General Provisions and Definitions)
- Rule 321 (Municipal Solid Waste Landfills)
- Rule 360 (New Source Performance Standards)
- Rule 370 (Federal Hazardous Air Pollutant Program)
- Rule 371 (Acid Rain)

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

Rule 100 (General Provisions and Definitions)

Maricopa County is proposing to make technical corrections to three definitions and to correct a reference made in two subsections.

In the definition of non-precursor, Maricopa County is proposing to add the compound, “cyclic, branched, or linear completely methylated siloxanes”, which was inadvertently deleted in a previous rulemaking, and to clarify existing compounds, in order to match the Arizona Department of Environmental Quality’s rules and the Environmental Protection Agency’s rules.

In the definition of solvent-borne coating material, Maricopa County is proposing to add the word, “that”, between the words “primarily means” and “of”, in order to make the definition more clear.

In the definition of synthetic minor, Maricopa County is proposing to delete the word, “including”, in order to make the definition consistent with the description of synthetic minor in Rule 220 (Non-Title V Permit Provisions), Section 304 (Permits Containing Voluntarily Accepted Emissions Limitations, Controls, or Other Requirements (Synthetic Minor)).

In Subsection 402.2(b) (Confidentiality Of Information) and in subsection 402.3 (Confidentiality Of Information), Maricopa County is proposing to change the reference, “Section 200.106”, to the correct reference, “Section 200.07”.

Rule 321 (Municipal Solid Waste Landfills), Rule 360 (New Source Performance Standards), Rule 370 (Federal Hazardous Air Pollutant Program) and Rule 371 (Acid Rain)

Maricopa County is proposing to update its incorporations by reference of the following federal regulations: New Source Performance Standards (NSPS); National Emission Standards for Hazardous Air Pollutants (NESHAP); and Acid Rain.

In Rule 321, 40 CFR 60, Subpart WWW, Municipal Solid Waste Landfills, is incorporated by reference. In Rule 360, updates to the federal NSPS regulations are incorporated as of July 1, 1999. In Rule 370, updates to the federal NESHAP regulations are incorporated as of July 1, 1999. In Rule 371, updates to the federal Acid Rain regulations are incorporated as of July 1, 1999.

The Environmental Services Department will be requesting delegation of authority for enforcement of the revisions in Rules 360, 370, and 371 from the U.S. Environmental Protection Agency.

**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.

Maricopa County is in compliance with A.R.S. § 49-112(A) in that Maricopa County is proposing to adopt revisions to Rules 100, 321, 360, 371, and 371 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, 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: Johanna Kuspert, Air Quality Planner or Dee Romesburg, Administrative Coordinator

Address: Maricopa County Environmental Services Department  
Air Quality Division  
1001 North Central Avenue, #695  
Phoenix, Arizona 85004

Telephone: (602) 506-6710 or (602) 506-6794

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