

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

### NOTICE OF PROPOSED RULES 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)
- New Rule 221 (Limitations on the Potential to Emit)
- Revision of Rule 337 (Graphic Arts)
- New Rule 342 (Coating Wood Furniture & Fixtures)
- Revision of Rule 344 (Automotive 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).

**NEW RULE 221 (LIMITATIONS ON THE POTENTIAL TO EMIT)**

New Rule 221 is one of Maricopa County's rules designed to provide alternatives to a source which otherwise would face the burdensome task of applying for a Title V permit. New Rule 221 applies to a source which technically qualifies as a Title V source because such source has the potential to annually emit 100 tons or more of a criteria pollutant. However, such a source may never have emitted nearly that much. New Rule 221 allows such a source to apply for a Non-Title V permit when its actual emissions are less than 50 tons per year for criteria pollutants. Such a source is usually less complex than a Title V source and usually does not have the technology nor the expertise to answer all the technical questions on the Title V permit application. EPA has provided some clarification on what is meant in the definition of potential to emit and has allowed local agencies some flexibility in determining what sources must apply for a Title V permit. Most local agencies, then, have written rules specifically for sources that fall between the strict criteria of a Title V source and of a Non-Title V source; these rules allow a source to apply for a Non-Title V permit, provided certain conditions are met and are written in the Non-Title V permit.

New Rule 221 also allows a source to apply for a Non-Title V permit if the source's potential to emit is equal to or more than 100 tons per year for criteria pollutants and at least 90% of the source's actual emissions in every 12-month period are associated with certain operational limits. Operational limits place simple operating limits on a source's combustion of fuel, sale of gasoline, or use of solvent (e.g. gasoline dispensing facility equipment with Phase I and Phase II vapor recovery systems, degreasing or solvent-using units, paint spraying units, and diesel-fueled emergency standby engine(s) with output less than 1,000-brake horsepower). Operational limits are equivalent to limiting a source's actual emissions to 80% of the major source threshold.

New Rule 221 ensures that a source is complying with permit emission limits through a series of recordkeeping and reporting requirements. To the extent possible, new Rule 221 itemizes source recordkeeping requirements. New Rule 221 should ensure the public that the sources subject to this rule are properly maintaining their actual emissions below 50 tons per year for criteria pollutants by requiring that, upon permit renewal, each permit be reviewed to determine that the permit emissions limits are appropriate to assure compliance with this rule's provisions.

**REVISION OF RULE 337 (GRAPHIC ARTS)**

Maricopa County fails to meet the National Ambient Air Quality Standards (NAAQS) for ozone. The proposed revisions to Rule 337 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 Ozone Nonattainment Area. A.R.S. § 11-873 requires Maricopa County to develop Rule 337 as part of the SIP for the Maricopa County Ozone Nonattainment Area. Revised Rule 337:

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- 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)**

Maricopa County fails to meet the National Ambient Air Quality Standards (NAAQS) for ozone. The proposed new Rules 342 and 346 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 Ozone Nonattainment Area. The emission limitations contained in the proposals implement control technology identified by EPA in a draft Control Technology Guideline Document for measures in the SIP submitted as required under the Clean Air Act. 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.

Both Rule 342 and Rule 346 originate from the same prototype rule which had its first public workshop in the Spring of 1994 and was called "Coating Wood Products". Most of the provisions of these two rules are the same. The chief differences are:

- The standards for volatile organic compound (VOC) content are expressed differently.
- New Rule 346 does not have provisions for averaging the VOC contents of coatings as does New Rule 342.
- New Rule 342 has no separate standard for opaque coatings; New Rule 346 does. The millwork industry uses greater volume of opaque coatings than it does clear coatings. The furniture industry uses mostly clear and non-opaque coatings.
- New Rule 346 specifically allows higher than standard VOC content in a topcoat if it is over a sealer (usually waterborne) with much lower VOC than the standard. There was a specific request for this provision by millwork coaters because many already use waterborne sealers.

New Rule 342 (Coating Wood Furniture and Fixtures) 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 346:

- The table has been removed from the VOC-standards section and a simple listing substituted.
- Positive evidence must be given that a facility possesses a transfer efficient gun such as airless, electrostatic, HVLP, or LVLP.
- The schedule for compliance by facilities 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 application finishes has been raised from 1.9 kg to 2.0 kg VOC/kg solids (2.0 lb/lb).
- Acetone has been added to the definition of non-precursor, 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 three 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 sealers 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 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 Emissions 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 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 are no special, higher limits for acid-cured, alkyd amino (A-CAA) coatings or for single application finishes. On any day of averaging, the specifications for each of the coatings to be used must first be formatted before any coating begins. In this way, an investigator can know right away which coatings are above normal VOC limits. 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.

The November 16, 1995, workshop will be the first public workshop for New Rule 346 in its present form and name. However, much of the content of this rule was included in three workshops in 1994 for New Rule 342 which at that time dealt with

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the coating of most manufactured wood products including millwork. New Rule 346 covers only millwork; all the types of millwork included under Standard Industrial Classification (SIC) 2431. SIC 2431 includes virtually all millwork known as architectural millwork except for cabinetry.

In New Rule 346, the VOC content limit of all opaque coatings is the same as was listed in the Fall 1994 drafts for non-furniture wood products, 610 grams VOC/liter. The VOC content of the clear and non-opaque coatings was calculated using the kg VOC/kg coating 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). Thus, 1.8 kg/kg solids (1.8 lb/lb) for topcoats equilibrates to 635 grams VOC/liter; 1.9 kg/kg for sealers equilibrates to 645 grams/liter; 2.0 kg/kg for A-CAA topcoats 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/liter, exempts all other coatings beneath it from VOC limits. This is 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 sealers: 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. The revision adds new EPA Test Method 415.1 as the confirmative test to the hydrometer test.

Deletions: The revision deletes EPA Method 24 and substitutes Method 415.1. Method 24 is intended to test the VOC content of coatings with solids content; Method 415.1 tests solutions or mixtures having no solids. 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. An 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 Part 72, either by reference or by writing their own rule based on the EPA's Model Acid Rain Rule for Part 72. Rule 371 incorporates by reference the core Acid Rain federal regulations. Rule 371 is being revised to correct the applicability statement.

**3. A demonstration of the grounds and evidence of compliance with A.R.S. §§ 49-112(A) or 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 particulates. The proposed New Rule 221, New Rule 342, and New Rule 346, and proposed revisions 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 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 that are 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 of 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

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unique local condition.

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

Name: Jo Crumbaker, Planning & Analysis Section Manager  
Address: Maricopa County Environmental Services Department  
Technical Services Division  
2406 South 24th Street, Suite E-111  
Phoenix, Arizona 85034  
Telephone: (602) 506-6705  
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 WORKSHOP 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)  
New Rule 221 (Limitations on the Potential to Emit)  
Revision of Rule 337 (Graphic Arts)  
New Rule 342 (Coating Wood Furniture & Fixtures)  
Revision of Rule 344 (Automotive 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: November 16, 1995 and December 14, 1995

Time: **9 a.m.** to discuss revision of Rule 100 (General Provisions and Definitions), New Rule 221 (Limitations on the Potential to Emit), revision of Rule 337 (Graphic Arts), and revision of Rule 371 (Acid Rain). (New Rule 221 and revision of Rule 337 will be discussed in detail during the public workshop on December 14).

**1:30 p.m.** to discuss New Rule 342 (Coating Wood Furniture and Fixtures) and New Rule 346 (Coating Millwork).

**4 p.m.** to discuss revision of Rule 344 (Automotive Windshield Washer Fluid).

Location: Maricopa County Environmental Services Department Santan Room  
2406 South 24th Street, Suite E-113  
Phoenix, Arizona 85034

Nature: Public workshops to discuss the above-described rules.

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

Name: Jo Crumbaker  
Planning and Analysis Section Manager

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

Telephone: (602) 506-6705

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 Register immediately before this Notice of Public Workshop.