

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 regulation:

New Rule 342 - Coating Wood Furniture & Fixtures

New Rule 343 - Commercial Bread Bakeries

New Rule 344 - Automotive Windshield Washer Fluid

New Rule 345 - Vehicle Refinishing

Revision Of Rule 351 - Organic Liquid Loading

New Rule 371 - Acid Rain

Addition Of Synthetic Minor Provisions in the Permit Rules

Revisions to the Major Source Definition in Rule 100 of the Permit Rules

Technical Corrections to the Permit Rules - Rules 100, 110, 200, 210, 220, 230, 240 and Appendix B

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

**Proposed New Rule 342 - Coating Wood Furniture & Fixtures**

New Rule 342 applies to any facility applying finishing material to furniture or fixtures made of wood or wood-derived material. The coating of non-furniture wood products such as shutters will not be regulated by New Rule 342, but will be addressed in a future rule. New Rule 342 limits volatile organic compounds (VOC) emissions by placing limits on the maximum concentration of VOC in sealers and topcoats. The basic standards are 1.9 lb of VOC per lb. of coating solids for sealers and 1.8 lb VOC/lb solids for topcoats. Slightly higher VOC concentrations are allowed for higher-performance, acid-cured finishes. For those operations which apply a lower-VOC topcoat having 0.8 lb. VOC/lb. solids or less, no limit is placed on the VOC content of sealers or other coatings. Finishes used both as a sealer and as a topcoat applied in a single permanent protective coating have the same limit as sealers. An Emission Control System (ECS) including an Operation and Maintenance (O&M) Plan may be used to meet these VOC emissions limits providing such ECS and O&M Plan are approved in writing by the Control Officer. A conventional air-atomized spray gun or any air-atomized spray gun in excess of 12 psig (0.8 Bar) is prohibited from use, unless such air-atomized gun is used to apply finishing materials that have a VOC content not exceeding 1.0 lb. VOC per lb solids (1.0 gram VOC per gram of coating solids), is used for final repair, detailing and/or touch-up, or is used in conjunction with an ECS. Exemptions to new Rule 342 include: aerosol spray cans not exceeding 18 fl.oz. (one-half liter) used exclusively for touch-up and/or repairs, adhesives, architectural coatings, printing ink, and coatings not applied on or over a substrate or wood or of wood-derived material. Small sources which meet the exemption requirements of new Rule 342 must comply only with the general maintenance requirements, the storage and disposal of VOC requirements, and the recordkeeping requirements of new Rule 342. In addition, small sources must be in compliance with new Rule 342 by November 15, 1996, and must submit a Control Plan by August 1, 1996. Large sources, facilities with an aggregate emission after December 31, 1989, of 50.0 tons or more of VOC in any year or 300 pounds or more of VOC in any day, must use compliant coatings and must be in compliance with new Rule 342 by November 15, 1995, and must submit a Control Plan by August 1, 1995.

**Proposed New Rule 343 - Commercial Bread Bakeries**

New Rule 343 proposes to limit emissions of ethanol, a VOC, in the exhaust gas stream of bakery ovens with annual, uncontrolled, VOC emissions exceeding 25 tons per year. The Maricopa County Environmental Services Department (Department) estimates that only two or three of the largest commercial bakeries in Maricopa County will be affected by new Rule 343. The Department also estimates that implementation of new Rule 343 will result in a 0.25 ton per day reduction in VOC emissions within Maricopa County. Development of new Rule 343 will fulfill Maricopa County's plan for Reasonable Further Progress (RFP) toward ozone attainment, a Clean Air Act Amendment (CAAA) requirement, and will comply with new state statutes requiring specified VOC emission reductions from specific industries. New Rule 343 will require bakery ovens which emit 25 tons or more VOC per year to reduce ethanol emissions from existing ovens by at least 81%, through the use of demonstrable baking process and/or oven operation changes or approved control devices. Ovens which emit less than 25 tons of VOC per year and/or 192 pounds of VOC per day are exempt from reduction requirements. New Rule 343 requires submittal of a control plan that describes any process/recipe changes and quantifies the actual decrease in emissions resulting from these changes, if this option is chosen. For those choosing the control device/other equipment option, new Rule 343 requires submitting an operation and maintenance plan and providing and maintaining monitoring devices for the control technology chosen. The type of control equipment and a schedule for equipment installation should be described in a control plan. Also contained in new Rule 343 are provisions for recordkeeping and reporting.

**Proposed New Rule 344 - Automotive Windshield Washer Fluid**

A study conducted by Sierra Research in July 1993 estimated that about 51% of VOC emissions from all consumer products sold in Maricopa County come from the use of automotive windshield washer fluid (AWWF) in motor vehicles. This amounts to an average of 1.2 tons per day VOC emissions. The purpose of new Rule 344 is to limit emissions of methanol or methyl alcohol, a VOC, originating from the use of AWWF. Methanol is the primary anti-freeze compound used in this product. New Rule 344

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requires that the total VOC content of all AWWFs sold in Maricopa County not exceed 10% of the net weight of the product. The typical AWWF premixed solution currently contains about 32% methanol by weight. Concentrates carry instructions to the consumer that, when followed, typically produce the same VOC concentration as the more common premixed product. Therefore, since the VOC concentration must be reduced in all AWWF products by about 69%, this amounts to a reduction of about 0.8 ton VOC per day through the preferred means of source reduction/pollution prevention. New Rule 344 acknowledges driver safety concerns by ensuring that the maximum allowable methanol concentration provides adequate de-icing or anti-freeze properties to be effective during the coldest weather usually encountered in this region. AWWFs with the required methanol concentration limit of 10% are effective down to 20°F. AWWFs currently formulated with a methanol concentration of 32% are effective down to -25°F, which is unnecessary for the climate of Maricopa County and most of central and southern Arizona. Therefore, safety concerns are unwarranted when driving within Maricopa County but may pose some inconvenience to county residents when traveling out of Maricopa County to higher elevations during the winter.

**Proposed New Rule 345 - Vehicle Refinishing**

New Rule 345 applies to body shops, collision repair shops, and to any person or facility recoating previously paint-finished vehicles or parts of vehicles. VOC limits apply to vehicle surface-preparation and surface-cleaning fluids and to strippable booth coatings. Any person subject to new Rule 345 is prohibited from using a conventional air-atomized spray gun or any air-atomized spray gun in excess of 12 psig (0.8 Bar). Conventional and other types of guns may be used if such guns are used to apply materials that have a VOC content not exceeding 3.0 lb. VOC/gal as applied, less water and non-precursor compounds, are designed and used solely for detailing and touch-up, or are used to apply adhesives. If the vehicle refinishing operation is not de minimis as defined in Rule 200 of the Maricopa County Air Pollution Control Regulations and is therefore required to have an air pollution permit, a paint-gun cleaning machine must be used to clean paint guns. If a vehicle refinishing operation emits 10,000 pounds or more of VOC in any calendar year, the owner or operator of such operation must submit an annual report to the Control Officer and must maintain a record of the name or code number of VOC-containing products (e.g. coating base and tint base for basecoats, clearcoats, midcoats, topcoats, primers, sealers, and strippable booth coating) used and their VOC content.

**Revision Of Rule 351 - Organic Liquid Loading**

Rule 351 is being revised to implement an emission standard required under the National Emission Standard for Hazardous Air Pollutants (NESHAP) for Gasoline Distribution. Implementing this emission standard by April 30, 1996, instead of November 1997 was included in the State Implementation Plan (SIP) revision for Maricopa County. The VOC emission limit for a vapor collection system for a bulk terminal will be changed from 0.29 pounds per 1000 gallons (35 grams per 1000 liters) to not more than 0.08 pounds per 1000 gallons of fuel transferred (10 grams per 1000 liters). In addition, a monthly recording of inspections and leaks will be required.

**Proposed New Rule 371 - Acid Rain**

As a result of the enactment of the CAAA, Environmental Protection Agency (EPA) has begun to promulgate regulations to Title IV of the Clean Air Act (CAA). Portions of 40 CFR 72, 73, 75, 77, and 78 have now been adopted by EPA. States with a Permit Program must also adopt Part 72, either by reference or by writing their own rule based on the EPA's Model Acid Rain Rule for Part 72. The Arizona Department of Environmental Quality (ADEQ) has incorporated by reference the core Acid Rain federal regulations in order to obtain delegated authority to enforce portions of the CAAA. Likewise, Maricopa County is proposing to incorporate by reference the core Acid Rain federal regulations, so that the Acid Rain regulations are part of the Maricopa County Permit Program.

**Addition Of Synthetic Minor Provisions In The Permit Rules**

The CAAA of 1990 and 40 CFR 70, which implements the permits title of the CAA, greatly increased the importance of whether a source is a major source or a minor source. Under federal law, a source's size is initially based on the source's potential to emit as opposed to the source's actual emissions. As a practical matter, this means that a source that would be judged to be very small based on its actual emissions could be classified as a major source, if its potential to emit was evaluated as greater than the major source threshold. The synthetic minor provisions in the Permit Rules will allow a source that would be a major source on paper to be a synthetic minor source. This transformation is accomplished in a source's permit application by the source volunteering to limit its emissions and agreeing to have the mechanism for that limitation (e.g., limits on hours of operation, throughput, or installation of pollution control measures) be federally enforceable. The synthetic minor provisions do not impose any additional requirements on a source but rather increase flexibility by adding a procedure that a source may take advantage of if such source wishes to.

**Revisions To The Major Source Definition In Rule 100 Of The Permit Rules**

As approved November 15, 1993, in the definition of "major source" in Rule 100, Maricopa County adopted the ADEQ's adoption of federal language on fugitive emissions for 40 CFR 70. Now, however, EPA has reversed its position, determining that, as of a certain date, fugitive emissions will not be counted toward a source's potential to emit for the purposes of Section 302(j) of the CAA. Consequently, Maricopa County, following ADEQ's action, is revising the definition of "major source" to eliminate Title V permit requirements for certain sources, such as some mines, some rock crushers or other sources emitting large amounts of fugitive chemicals that are not hazardous air pollutants. With this revision, the result for the sources affected is that some sources will not be subject to Title V permit requirements and the associated costs.

**Technical Corrections to the Permit Rules**

Technical corrections to the Permit Rules include correcting spelling and punctuation errors and deleting and/or adding text to comply with deletions and/or additions made to ADEQ's Permit Rules.

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.

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Maricopa County fails to meet the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), ozone and particulates. The proposed new Rules 342, 343, 344, and 345 and proposed amendments to Rule 351 implement emission limitations which reduce concentrations of ozone and implement control measures proposed for inclusion in the 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

A. Technology Guideline Documents or federal regulations for Maximum Available Control Technology (MACT) for measures in the SIP submitted as required under the CAA. The submission of the new rules and rule revisions to EPA following Maricopa County Board of Supervisors' (Board) approval will complete the SIP revision submittal for each control measure. Following EPA approval, these rules will become part of the SIP and will be subject to federal enforcement under Section 113 of the 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 unique local condition. A.R.S. § 11-874 requires Maricopa County to develop Rules 342, 343, and 344 as part of the SIP for the Maricopa County Ozone Nonattainment Area. Rule 345 was developed pursuant to A.R.S. § 11-872 to implement a contingency measure included in the ozone nonattainment SIP. Rule 351 implements an emission standard required by a federal MACT standard as a control measure in the ozone nonattainment SIP. The following rules pertain to the core permitting program. Rule 371 - Acid Rain incorporates the core federal Acid Rain regulations by reference, a requirement for Title V Operating Permit Programs. The synthetic minor provisions specify procedures enabling sources to obtain federally enforceable permit conditions to avoid classification as a major source under Title V. These procedures are consistent with procedures ADEQ is currently proposing for their rules. Other proposed amendments to Rules 100, 110, 200, 210, 220, 230, 240, and Appendix B correct technical errors and references and delete and/or add text to comply with amendments made to ADEQ's permit rules. The submission of the new rules and rule revisions to EPA following Board approval will complete the SIP revision submittal for each control measure. Following EPA approval, these rules will become part of the SIP and will be subject to federal enforcement under Section 113 of the CAA.

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

Name: Jo Crumbaker, Manager - Planning & Analysis  
Address: Maricopa County Environmental Services Department  
Technical Services Division  
2406 South 24th Street, E-111  
Phoenix, AZ 85034  
Telephone: (602) 506-6705  
Fax: (602) 506-6179

5. Where persons may obtain a full copy of the proposed rule, ordinance, or other regulation:

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

Note: Maricopa County Environmental Services Department, Technical Services Division has the proposed revisions as well as supporting materials available in hard-copy or on disk. Maricopa County Environmental Services Department, Technical Services Division has scheduled a public hearing on these rules. Please see the following Notice of Public Hearing pursuant to A.R.S. § 49-112(D).

**Editor's Note: Maricopa County has established dates and times for public hearings on these rules. Please see the following Notice of Public Hearing Pursuant to A.R.S. § 49-112(D).**

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

**NOTICE OF PUBLIC HEARING  
PURSUANT TO A.R.S. § 49-112(A) OR (B)  
Maricopa County**

1. **Heading and number of the proposed rule, ordinance, or other regulation that is the subject of this public hearing:**

New Rule 342 - Coating Wood Furniture & Fixtures

New Rule 343 - Commercial Bread Bakeries

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New Rule 345 - Vehicle Refinishing

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

Date: February 15, 1995

Time: 9:00 am

Location: Maricopa County Board of Supervisors Auditorium  
205 West Jefferson  
Phoenix, Arizona

Nature of Meeting: 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, Manager - Planning & Analysis

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

Telephone: (602) 506-6705

Fax: (602) 506-6179

4. **Any other pertinent information concerning the above named proposed rule, ordinance, or other regulation:**

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* immediately before this Notice of Public Hearing.