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From the Publisher

ABOUT THIS PUBLICATION

The paper copy of the *Administrative Register* (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the *Arizona Administrative Register* or *Code*. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the *Register*. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C.) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The printed *Code* is the official publication of a rule in the A.A.C., and is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a page.

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This publication is available online for free at www.azsos.gov.

ADMINISTRATIVE CODE
A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact us at (602) 364-3223.

PUBLICATION DEADLINES
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

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Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

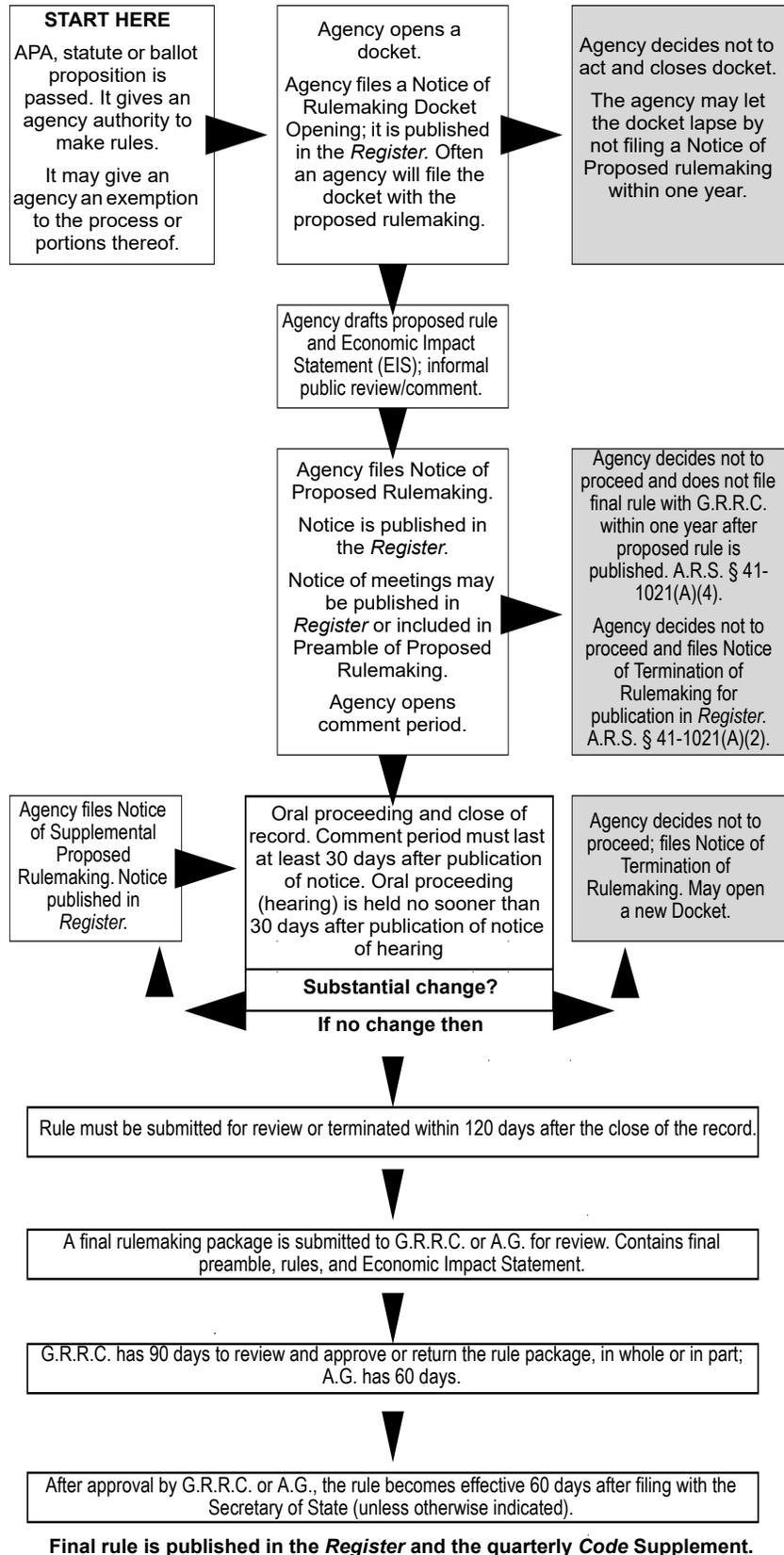
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process



Definitions

Arizona Administrative Code (A.A.C.): Official rules codified and published by the Secretary of State's Office. Available online at www.azsos.gov.

Arizona Administrative Register (A.A.R.): The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The “§” symbol simply means “section.” Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor's Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or “Laws”: When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word “Laws” is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation “Ch.,” and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor's Regulatory Review Council*

U.S.C. – *United States Code*

About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.

COUNTY NOTICES ACCORDING TO A.R.S. § 49-112

This section of the *Arizona Administrative Register* contains County Notices (according to A.R.S. § 49-112).

Each county writes rules and regulations in its own unique style. Although these notices are published in the Register, they do not conform to the standards specified in the Arizona Rulemaking Manual.

With the exception of minor formatting changes, County Notices (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

**NOTICE OF FINAL RULEMAKING
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS
RULE 317: HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

[M17-302]

PREAMBLE

- | | | |
|-----------|---|--|
| 1. | <u>Rule affected</u>
Rule 317: Hospital/Medical/Infectious Waste Incinerators | <u>Rulemaking action</u>
Rescind |
| 2. | <u>Statutory authority for the rulemaking:</u>
Authorizing statutes: A.R.S. §§ 49-474, 49-479, and 49-480
Implementing Statute: A.R.S. § 49-112 | |
| 3. | <u>The effective date of the rule:</u>
Date of adoption: December 13, 2017 | |
| 4. | <u>List of public notices addressing the rulemaking:</u>
Notice of Briefing to Maricopa County Manager: May 15, 2017
Notice of Stakeholder Workshop: June 15, 2017
Notice of Maricopa County Board of Health Meeting: July 24, 2017
Notice of Proposed Rulemaking: 23 A.A.R. 2218, August 18, 2017 | |
| 5. | <u>Name and address of department personnel with whom persons may communicate regarding the rulemaking:</u>
Name: Greg Verkamp or Hether Krause
Maricopa County Air Quality Department
Planning and Analysis Division
Address: 1001 N. Central Ave., Suite 125
Phoenix, AZ 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179
E-mail: http://www.maricopa.gov/FormCenter/Regulatory-Outreach-17/Citizen-Comments-94 | |
| 6. | <u>Explanation of the rule, including the department's reasons for initiating the rulemaking:</u>
The Maricopa County Air Quality Department (department) rescinded Rule 317 (Hospital/Medical/Infectious Waste Incinerators). Rule 317 was originally adopted April 7, 1993 and revised six times thereafter. The purpose of Rule 317 is to control emissions of air pollutants from hospital/medical/infectious waste incinerator(s) (HMIWI). There are currently no HMIWI in Maricopa County and the department's records indicate the last HMIWI permit was closed (source was removed) in 1998. The department does not anticipate any new HMIWI will locate to Maricopa County in the future.

Hospital/medical/infectious waste incineration was initially regulated under Rule 313 (Incinerators), however; county representatives determined Rule 313 lacked the necessary provisions to adequately characterize HMIWI and to adequately control their emissions. HMIWI differ from other incinerators in that they regularly burn large amounts of plastic (i.e. containers, bags, wrappings, and syringes). Rule 317 was adopted, in part, to add new temperature and residence time requirements to ensure effective combustions of the plastics. In addition, Rule 317 added emission limits, burning restrictions and monitoring requirements that were not part of Rule 313. | |



In 1997, the U.S. Environmental Protection Agency (EPA) promulgated new source performance standards (NSPS) and emission guidelines (EG) to reduce air emissions from HMIWI. The Department revised Rule 317 in 1999 to incorporate the new emission guidelines and bring the rule into conformity with the Clean Air Act. The August 1997 EPA fact sheet associated with the emission guidelines predicted the costs of complying with the new guidelines would force many facilities to choose alternative methods to treat and dispose of hospital/medical/infectious waste. The EPA predictions have proven to be true as the number of HMIWI in the United States has decreased significantly since the new standards and guidelines were promulgated. Most hospital/medical/infectious waste is now treated using alternative technologies such as thermal treatment (microwave technologies), steam sterilization (autoclaving) and chemical and mechanical treatment.

7. Demonstration of compliance with A.R.S. § 49-112:

Under A.R.S. § 49-479(C), a county may not adopt a rule or ordinance that is more stringent than the rules adopted by the Director of the Arizona Department of Environmental Quality (ADEQ) for similar sources unless it demonstrates compliance with the applicable requirements of A.R.S. §49-112.

§ 49-112 County regulation; standards

§ 49-112(A)

When authorized by law, a county may adopt a rule, ordinance or regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all of the following requirements are met:

1. The rule, ordinance or regulation is necessary to address a peculiar local condition.
2. There is credible evidence that the rule, ordinance or regulation is either;
 - (a) 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.
 - (b) 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, ordinance or regulation is equivalent to federal statutes or regulation.
3. Any fee or tax adopted under the rule, ordinance or regulation does not exceed the reasonable costs of the county to issue and administer the permit or plan approval program.

§ 49-112(B)

When authorized by law, a county may adopt rules, ordinances or regulations in lieu of a state program that are as stringent as a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if the county demonstrates that the cost of obtaining permits or other approvals from the county will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under this title or any rule adopted pursuant to this title. If the state has not adopted a fee or tax for similar permits or approvals, the county may adopt a fee when authorized by law in the rule, ordinance or regulation that does not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

The department is in compliance with A.R.S. §§ 49-112(A) and (B). The department rescinded Rule 317.

8. Documents and/or studies referenced and/or reviewed for this rulemaking:

Not applicable

9. Showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision:

Not applicable

10. Summary of the economic, small business, and consumer impact:

The following discussion addresses each of the elements required for an economic, small business and consumer impact statement under A.R.S. § 41-1055.

An identification of the rulemaking.

This rulemaking rescinded Rule 317 (Hospital/ Medical/Infectious Waste Incinerators).

An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the rulemaking.

This rulemaking rescinded Rule 317. There are currently no sources subject to Rule 317 in Maricopa County and the department does not anticipate any new sources will come to Maricopa County that would potentially be subject to Rule 317.

A cost benefit analysis of the following:

- (a) **The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the rulemaking.**



Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an economic impact on either the department or any other agency.

(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the rulemaking

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an economic impact on any political subdivision of this state.

(c) The probable costs and benefits to businesses directly affected by the rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the rulemaking.

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an economic impact on any businesses.

A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the rulemaking.

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an impact on private and public employment for any businesses, agencies or political divisions.

A statement of the probable impact of the rulemaking on small businesses.

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an economic impact on any small businesses.

(a) An identification of the small businesses subject to the rulemaking.

There are no small businesses subject to Rule 317.

(b) The administrative and other costs required for compliance with the rulemaking.

This rulemaking rescinded Rule 317; there are no costs required for compliance. There are no sources subject to Rule 317.

(c) A description of the methods that the agency may use to reduce the impact on small businesses.

(i) Establishing less costly compliance requirements in the rulemaking for small businesses.

This rulemaking rescinded Rule 317 and there are no compliance costs required for small businesses.

(ii) Establishing less costly schedules or less stringent deadlines for compliance in the rulemaking.

This rulemaking rescinded Rule 317 and there are no compliance costs required for small businesses.

(iii) Exempting small businesses from any or all requirements of the rulemaking.

This rulemaking rescinded Rule 317 and there are no compliance costs required for small businesses.

(d) The probable cost and benefit to private persons and consumers who are directly affected by the rulemaking.

This rulemaking does not impose any new compliance burdens on regulated entities that are permitted or introduce additional regulatory requirements and will not impose increased monetary or regulatory costs on any permitted business, persons, or individuals so regulated. As such, there are no costs to pass through to consumers, which means there are no impacts on consumers.

A statement of the probable effect on state revenues.

The rulemaking will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated. Without costs to pass through to customers, there is no projected change in consumer purchase patterns and, thus, no impact on state revenues from sales taxes.

A description of any less intrusive or less costly alternative methods of achieving the purpose of the rulemaking.

This rulemaking rescinded Rule 317 and there are no compliance costs associated with the rulemaking.

11. Name and address of department personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact:

Name: Greg Verkamp or Hether Krause
Maricopa County Air Quality Department
Planning and Analysis Division
Address: 1001 N. Central Ave., Suite 125
Phoenix, AZ 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179

E-mail: <http://www.maricopa.gov/FormCenter/Regulatory-Outreach-17/Citizen-Comments-94>

- 12. Description of the changes between the proposed rule, including supplemental notices and final rule:**
No additional changes were made, since the Notice of Proposed Rulemaking was published on August 18, 2017 (23 A.A.R. 2218).
- 13. Summary of the comments made regarding the rule and the department response to them:**
No comments were submitted during the 30-day comment period – August 18-September 18, 2017.
- 14. Any other matters prescribed by statute that are applicable to the specific department or to any specific rule or class of rules:**
Not applicable
- 15. Incorporations by reference and their location in the rule:**
Not applicable
- 16. Was this rule previously an emergency rule?**
No
- 17. Full text of the rule follows:**

**REGULATION III – CONTROL OF AIR CONTAMINANTS
RULE 317
HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS
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Adopted 04/07/93
Revised 04/07/99
Revised 11/19/03
Revised 03/15/06
Revised 12/17/08
Revised 09/16/09
Revised 07/07/10

MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III — CONTROL OF AIR CONTAMINANTS
RULE 317
HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

SECTION 100 — GENERAL

- 101 PURPOSE:** To control emissions of air pollutants from Hospital/Medical/Infectious Waste incinerators.
- 102 APPLICABILITY:** A Hospital/Medical/Infectious Waste Incinerator (HMIWI) commenced on or before June 20, 1996, or for which construction commenced on or before June 20, 1996, shall comply with this rule unless it fits any one of the following exceptions:
 - 102.1** A combustor is not subject to this rule when only pathological waste, low level radioactive waste, and/or chemotherapeutic waste is burned, provided the owner or operator of the combustor:
 - a.** Notifies the Control Officer of an exemption claim; and
 - b.** Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low level radioactive waste, and/or chemotherapeutic waste is burned.
 - 102.2** Any co-fired combustor is not subject to this rule if the owner or operator of the co-fired combustor:
 - a.** Notifies the Control Officer of an exemption claim; and
 - b.** Provides an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels and/or wastes to be combusted; and
 - c.** Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.
 - 102.3** Any combustor required to have a permit under Title 42, United States Code (U.S.C.), Section 6925, Section 3005 of the Solid Waste Disposal Act is not subject to this rule.
 - 102.4** Any combustor which meets the applicability requirements under 40 CFR 60, Subparts Cb, Ea, or Eb (standards or guidelines for certain municipal waste combustors) is not subject to this rule.
 - 102.5** Any pyrolysis unit is not subject to this rule.
 - 102.6** Cement kilns firing hospital waste or medical/infectious waste are not subject to this rule.
 - 102.7** Physical or operational changes made to an existing HMIWI unit solely for the purpose of complying with emission guidelines under this rule are not considered a modification and do not result in an existing HMIWI unit becoming subject to the provisions of 40 CFR 60, Subpart Ee.
 - 102.8** HMIWI subject to this Section are not subject to Rule 313.
 - a.** A crematory whose incinerator burns only human remains is not a HMIWI and is not subject to this rule. It is subject to Rule 313. However, if the incinerator burns 10 percent or less of hospital waste and medical/infectious waste, it is a co-fired combustor subject only to notification and recordkeeping requirements, as specified in Section 102.2.c of this rule. If the incinerator burns more than 10 percent hospital waste and medical/infectious waste, it is subject to all of the requirements of this rule.

b. Any co-fired combustor or combustor that is not subject to this rule is still subject to Rule 313. (See Applicability, Sections 102.2, 102.3 and 102.4 of this rule.)

103 **AVAILABILITY OF INFORMATION:** Copies of the CFR referenced in this rule are available at the Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, AZ, 85004, or by calling (602) 506-0169 for information.

SECTION 200 – DEFINITIONS: See Rule 100 of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply:

- 201** **BATCH HMIWI**—An HMIWI that is designed such that neither waste charging nor ash removal can occur during combustion.
- 202** **BIOLOGICALS**—Preparations made from living organisms and their products. This includes vaccines, cultures, etc., intended for use in diagnosing, immunizing, or treating humans or animals or in research.
- 203** **BLOOD PRODUCTS**—Any product derived from human blood, including, but not limited to, blood plasma, platelets, red or white blood corpuscles, and other derived licensed products, such as interferon, etc.
- 204** **BODY FLUIDS**—Liquid emanating or derived from humans and limited to blood; dialysate; amniotic, cerebrospinal, synovial, pleural, peritoneal and pericardial fluids; and semen and vaginal secretions.
- 205** **CHEMOTHERAPEUTIC WASTE**—Waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.
- 206** **CO-FIRED COMBUSTOR**—A unit combusting hospital waste and/or medical/infectious waste with other fuels or wastes (e.g., coal, municipal solid waste) and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, 10 percent or less of the weight of which is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered “other” wastes when calculating the percentage of hospital waste and medical/infectious waste combusted.
- 207** **CONTINUOUS HMIWI**—An HMIWI that is designed to allow waste charging and ash removal during combustion.
- 208** **CREMATORY**—An incinerator used for the cremation of human and animal bodies, their body parts, and for the incineration of associated animal bedding.
- 209** **DIOXINS/FURANS**—The combined emissions of tetra through octa-chlorinated dibenzo para dioxins and dibenzofurans, as measured by the EPA Reference Method 23, found in 40 CFR Part 60, Appendix A.
- 210** **HOSPITAL**—Any facility which has an organized medical staff, maintains at least six inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human impatience who are not related and who stay on average in excess of 24 hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuing medical supervision.
- 211** **HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATOR OR HMIWI OR HMIWI UNIT**—Any device that combusts any amount of hospital waste or medical/infectious waste.
- 212** **HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATOR OPERATOR OR HMIWI OPERATOR**—Any person who operates, controls or supervises the day to day operation of an HMIWI.
- 213** **HOSPITAL WASTE**—Discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.
- 214** **INFECTIOUS AGENT**—Any organism (such as a virus or bacteria) that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.
- 215** **INTERMITTENT HMIWI**—An HMIWI that is designed to allow waste charging, but not ash removal, during combustion.
- 216** **LARGE HMIWI:**
 - 216.1** Except as provided in Section 216.2:
 - a. An HMIWI whose maximum design waste burning capacity is more than 500 pounds per hour; or
 - b. A continuous or intermittent HMIWI whose maximum charge rate is more than 500 pounds per hour; or
 - c. A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day.
 - 216.2** Each of the following is not a large HMIWI:
 - a. A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 500 pounds per hour; or
 - b. A batch HMIWI whose maximum charge rate is less than or equal to 4,000 pounds per day.
- 217** **LOWLEVEL RADIOACTIVE WASTE**—Waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)).
- 218** **MAXIMUM CHARGE RATE:**
 - 218.1** For continuous and intermittent HMIWI, 110 percent of the lowest 3-hour average charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.



- 218.2** For batch HMIWI, 110 percent of the lowest daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.
- 219** ~~**MAXIMUM DESIGN WASTE BURNING CAPACITY:**~~
- 219.1** For intermittent and continuous HMIWI, $C = P_V \times 15,000/8,500$
- Where:
- C = HMIWI capacity, lb/hr
 - P_V = primary chamber volume, ft^3
 - 15,000 = primary chamber heat release rate factor, Btu/ ft^3 /hr
 - 8,500 = standard waste heating value, Btu/lb.
- 219.2** For batch HMIWI, $C = PV \times 4.5/8$
- Where:
- C = HMIWI capacity, lb/hr
 - PV = primary chamber volume, ft^3
 - 4.5 = waste density, lb/ ft^3
 - 8 = typical hours of operation of a batch HMIWI.
- 220** ~~**MEDICAL/INFECTIOUS WASTE**~~—Any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research, or in the production or testing of biologicals that is listed in Sections 220.1 through 220.7 of this rule. The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in 40 CFR Part 261; household waste, as defined in 40 CFR 261.4(b)(1); ash from incineration of medical/infectious waste, once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment, cremation; and domestic sewage materials identified in 40 CFR 261.4(a)(1). Medical/infectious waste does include:
- 220.1** Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.
- 220.2** Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.
- 220.3** Human blood and blood products including:
- a. Liquid waste human blood;
 - b. Products of blood;
 - c. Items saturated and/or dripping with human blood; or
 - d. Items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category.
- 220.4** Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips.
- 220.5** Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals.
- 220.6** Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.
- 220.7** Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.
- 221** ~~**MEDIUM HMIWI:**~~
- 221.1** Except as provided in Section 221.2:
- a. An HMIWI whose maximum design waste burning capacity is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or
 - b. A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or

- e. A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day but less than or equal to 4,000 pounds per day.
- 221.2** The following are not medium HMIWI:
 - a. A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour or more than 500 pounds per hour; or
 - b. A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day or less than or equal to 1,600 pounds per day.
- 222** **PATHOLOGICAL WASTE**—Waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding (if applicable).
- 223** **PYROLYSIS**—The endothermic gasification of hospital waste or medical/infectious waste using external energy.
- 224** **SHUTDOWN**—The period of time after all waste has been combusted in the primary chamber. For continuous HMIWI, shutdown shall commence no less than 2 hours after the last charge to the incinerator. For intermittent HMIWI, shutdown shall commence no less than 4 hours after the last charge to the incinerator. For batch HMIWI, shutdown shall commence no less than 5 hours after the high air phase of combustion has been completed.
- 225** **SMALL HMIWI:**
 - 225.1** Except as provided in Section 225.2:
 - a. An HMIWI whose maximum design waste burning capacity is less than or equal to 200 pounds per hour; or
 - b. A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour; or
 - e. A batch HMIWI whose maximum charge rate is less than or equal to 1,600 pounds per day.
 - 225.2** The following are not small HMIWI:
 - a. A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour; or
 - b. A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day.

SECTION 300—STANDARDS

- 301** **HMIWI STANDARDS:** An existing HMIWI covered by this Section shall comply with 40 CFR 60, Subpart Ee, and all accompanying appendices, as modified by this subsection. 40 CFR 60, Subpart Ee “Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996” is incorporated by reference in Rule 360 of the Maricopa County Air Pollution Control Regulations. Each owner or operator of an affected facility shall comply with the requirements of 40 CFR 60, Subpart Ee, as adopted and, where applicable, revised herein.
- 302** **HMIWI EMISSIONS GUIDELINES:** An HMIWI shall comply with the emissions guidelines listed in Table 317.1 below:
Table 317.1. Emission Limits for Small, Medium, and Large HMIWI:

Pollutant	Units (7% oxygen, dry basis)	Emission Limits (by HMIWI size)		
		Small	Medium	Large
Cadmium	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.16 (0.07) or 65%	0.16 (0.07) or 65%	0.16 (0.07) or 65%
Carbon monoxide	Parts per million by volume	40	40	40
Dioxins/furans	Nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)
Hydrogen chloride	Parts per million by volume or percent reduction	100 or 93%	100 or 93%	100 or 93%
Lead	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	1.2 (0.52) or 70%	1.2 (0.52) or 70%	1.2 (0.52) or 70%
Mercury	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.55 (0.24) or 85%	0.55 (0.24) or 85%	0.55 (0.24) or 85%
Nitrogen oxides	Parts per million by volume	250	250	250
Particulate matter	Milligrams per dry standard cubic meter (grains per dry standard cubic foot)	115 (0.05)	69 (0.03)	34 (0.015)
Sulfur dioxide	Parts per million by volume	55	55	55

- 303** **OPACITY:** No owner or operator of an HMIWI shall cause to be discharged into the atmosphere from the stack of that HMIWI any gases that exhibit greater than 10 percent opacity (6 minute block average) or darker than 20 percent opacity for an aggregate of more than 30 seconds in any consecutive 60 minutes.
- 304** **LARGE HMIWI OPACITY:** A large HMIWI shall comply with the opacity requirements as specified in 40 CFR 60, Sections 60.52e(e), (d), and (c).

- 305 **NIGHT BURNING:** No person shall operate a medical waste incinerator between sunset and the following sunrise unless a continuous opacity (particulate) recorder is operating at all times when there is any combustion within the incinerator. Such recorder shall be in compliance with Section 501.1 of this rule.
- 306 **INCORPORATION BY REFERENCE:** All CFR references as of July 1, 2009 that are listed below and in various sections of this rule are adopted and incorporated by reference. These adoptions by reference include no future editions or amendments. Copies of these CFR references are available at the Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, AZ, 85004, or by calling (602) 506-0169 for information.
 - 40 CFR 60, Subpart Ee
 - 40 CFR 60, Sections 60.52e(c), (d), and (e)
 - 40 CFR 60, Section 60.56e
 - 40 CFR 60, Section 60.57e
 - 40 CFR 60, Sections 60.58e(b), (c), (d), (e), and (f)
 - 40 CFR 60, Appendix A and Appendix B
 - 40 CFR 70

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

- 401 **COMPLIANCE SCHEDULE:** On the effective date of an EPA approved operating permit program under Clean Air Act Title V and the implementing regulations under 40 CFR 70 in Arizona, whichever date is later, designated facilities subject to this rule shall operate pursuant to a permit issued under the EPA approved operating permit program.

SECTION 500 – MONITORING AND RECORDS

- 501 **PROVIDING AND MAINTAINING MONITORING DEVICES:** Except as provided in Section 502, all requirements for compliance and performance testing listed in 40 CFR 60.56e shall be required of each HMIWI, excluding the fugitive emissions testing requirements under Sections 60.56e(b)(12) and (e)(3).
 - 501.1 Any person subject to Section 304 of this rule shall operate and maintain all of the following continuous data recording systems. All required systems shall be completely and properly operating during all periods of combustion within the incinerator, and each shall include a real-time recording device that creates a clear, legible record at all times of operation.
 - 501.2 Opacity of stack emissions or other indicator of particulate matter which is approved by the Control Officer. Pursuant to Section 305 of this rule, any incinerator burning after sunset must be equipped with a continuously recording opacity monitor, regardless of capacity. The opacity monitor shall be located after (downstream of) all control equipment, prior to the stack exit, and prior to any dilution with ambient air. The opacity monitor shall at all times comply with the EPA Performance Specification 1 (40 CFR 60, Appendix B) and shall be calibrated no less than once each day.
- 502 **RECORDKEEPING AND REPORTING:** Each HMIWI shall comply with the requirements listed in 40 CFR 60.58e(b), (c), (d), (e), and (f), excluding 40 CFR 60.58e(b)(2)(ii) (fugitive emissions) and (b)(7) (siting).
- 503 **HMIWI MONITORING REQUIREMENTS:** An existing HMIWI shall comply with the monitoring requirements of 40 CFR 60.57e.

**NOTICE OF FINAL RULEMAKING
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS
RULE 325: BRICK AND STRUCTURAL CLAY PRODUCTS (BSCP) MANUFACTURING**

[M17-303]

PREAMBLE

- | 1. | <u>Rule affected</u> | <u>Rulemaking action</u> |
|-----------|--|---------------------------------|
| | Rule 325: Brick and Structural Clay Products (BSCP) Manufacturing | Rescind |
| 2. | <u>Statutory authority for the rulemaking:</u> | |
| | Authorizing statutes: A.R.S. §§ 49-474, 49-479, and 49-480
Implementing Statute: A.R.S. § 49-112 | |
| 3. | <u>The effective date of the rule:</u> | |
| | Date of adoption: December 13, 2017 | |
| 4. | <u>List of public notices addressing the rulemaking:</u> | |
| | Notice of Briefing to Maricopa County Manager: May 15, 2017
Notice of Stakeholder Workshop: June 15, 2017
Notice of Maricopa County Board of Health Meeting: July 24, 2017
Notice of Proposed Rulemaking: 23 A.A.R. 2225, August 18, 2017 | |

5. Name and address of department personnel with whom persons may communicate regarding the rulemaking:

Name: Greg Verkamp or Hether Krause
Maricopa County Air Quality Department
Planning and Analysis Division
Address: 1001 N. Central Ave., Suite 125
Phoenix, AZ 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179
E-mail: <http://www.maricopa.gov/FormCenter/Regulatory-Outreach-17/Citizen-Comments-94>

6. Explanation of the rule, including the department's reasons for initiating the rulemaking:

The Maricopa County Air Quality Department (department) rescinded Rule 325 (Brick and Structural Clay Products (BSCP) Manufacturing). Rule 325 was originally adopted on August 10, 2005. The purpose of the rule is to limit particulate matter emissions from the use of tunnel kilns for curing in the brick and structural clay product (BSCP) manufacturing processes. There are currently no sources subject to the rule in Maricopa County and the department's records indicate the last source subject to the rule ceased operations in 2012.

Rule 325 was adopted as a result of a revision made to the State Implementation Plan (SIP) for the Maricopa County PM₁₀ nonattainment area. The Maricopa County PM₁₀ nonattainment area was originally classified as moderate for PM₁₀ by the 1990 Clean Air Act Amendments. After the initial classification, Arizona was required to submit a revision to the SIP to demonstrate attainment of the PM₁₀ National Ambient Air Quality Standards (NAAQS) by December 31, 1994. The Maricopa County PM₁₀ nonattainment area failed to attain the NAAQS by the specified deadline; therefore, the U.S. Environmental Protection Agency (EPA) reclassified the area to a serious nonattainment area for PM₁₀ in 1996. Arizona was again required to submit a revision to the SIP to demonstrate attainment of the PM₁₀ NAAQS, this time by December 31, 2001. Attainment of the PM₁₀ NAAQS was again not demonstrated by the specified deadline and, as a result, Arizona was required to submit more revisions to the SIP.

One such revision was the Salt River SIP which the EPA required Arizona to submit to address continuing violations of the 24-hour PM₁₀ NAAQS at the Salt River air quality monitoring site in the late 1990s. The Salt River SIP included commitments to implement Best Available Control Measures (BACM)/Most Stringent Measures (MSM) for all significant sources of PM₁₀ in the Salt River Area. Within the Salt River Area, there was one brick manufacturer, Phoenix Brick Yard, which at the time the Salt River SIP was being drafted, was not implementing BACM/MSM. As a result, Rule 325 was drafted and adopted to ensure Phoenix Brick Yard implemented BACM/MSM.

Phoenix Brick Yard ceased manufacturing operations in 2012 due to market conditions and production costs. Currently, there are no brick or structural clay product manufacturers in Maricopa County. The department does not anticipate any new brick or structural clay product manufacturers will locate to Maricopa County and, therefore; rescinded Rule 325.

7. Demonstration of compliance with A.R.S. §49-112:

Under A.R.S. § 49-479(C), a county may not adopt a rule or ordinance that is more stringent than the rules adopted by the Director of the Arizona Department of Environmental Quality (ADEQ) for similar sources unless it demonstrates compliance with the applicable requirements of A.R.S. §49-112.

§ 49-112 County regulation; standards

§ 49-112(A)

When authorized by law, a county may adopt a rule, ordinance or regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all of the following requirements are met:

1. The rule, ordinance or regulation is necessary to address a peculiar local condition.
2. There is credible evidence that the rule, ordinance or regulation is either:
 - (a) 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.
 - (b) 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, ordinance or regulation is equivalent to federal statutes or regulation.
3. Any fee or tax adopted under the rule, ordinance or regulation does not exceed the reasonable costs of the county to issue and administer the permit or plan approval program.



§ 49-112(B)

When authorized by law, a county may adopt rules, ordinances or regulations in lieu of a state program that are as stringent as a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if the county demonstrates that the cost of obtaining permits or other approvals from the county will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under this title or any rule adopted pursuant to this title. If the state has not adopted a fee or tax for similar permits or approvals, the county may adopt a fee when authorized by law in the rule, ordinance or regulation that does not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

The department is in compliance with A.R.S. §§ 49-112(A) and (B). The department rescinded Rule 325.

8. Documents and/or studies referenced and/or reviewed for this rulemaking:

Not applicable

9. Showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision:

Not applicable

10. Summary of the economic, small business, and consumer impact:

The following discussion addresses each of the elements required for an economic, small business and consumer impact statement under A.R.S. § 41-1055.

An identification of the rulemaking.

This rulemaking rescinded Rule 325 (Brick and Structural Clay Products (BSCP) Manufacturing).

An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the rulemaking.

This rulemaking rescinded Rule 325. There are currently no sources subject to Rule 325 in Maricopa County and the department does not anticipate any new sources will come to Maricopa County that would potentially be subject to Rule 325.

A cost benefit analysis of the following:**(a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the rulemaking.**

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an economic impact on either the department or any other agency.

(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the rulemaking

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an economic impact on any political subdivision of this state.

(c) The probable costs and benefits to businesses directly affected by the rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the rulemaking.

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an economic impact on any businesses.

A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the rulemaking.

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an impact on private and public employment for any businesses, agencies or political divisions.

A statement of the probable impact of the rulemaking on small businesses.

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an economic impact on any small businesses.

(a) An identification of the small businesses subject to the rulemaking.

There are no small businesses subject to Rule 325.

(b) The administrative and other costs required for compliance with the rulemaking.

This rulemaking rescinded Rule 325; there are no costs required for compliance. There are no sources subject to Rule 325.

(c) A description of the methods that the agency may use to reduce the impact on small businesses.

(i) Establishing less costly compliance requirements in the rulemaking for small businesses.

This rulemaking rescinded Rule 325 and there are no compliance costs required for small businesses.

(ii) Establishing less costly schedules or less stringent deadlines for compliance in the rulemaking.

This rulemaking rescinded Rule 325 and there are no compliance costs required for small businesses.

(iii) Exempting small businesses from any or all requirements of the rulemaking.

This rulemaking rescinded Rule 325 and there are no compliance costs required for small businesses.

(d) The probable cost and benefit to private persons and consumers who are directly affected by the rulemaking.

This rulemaking does not impose any new compliance burdens on regulated entities that are permitted or introduce additional regulatory requirements and will not impose increased monetary or regulatory costs on any permitted business, persons, or individuals so regulated. As such, there are no costs to pass through to consumers, which means there are no impacts on consumers.

A statement of the probable effect on state revenues.

The rulemaking will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated. Without costs to pass through to customers, there is no projected change in consumer purchase patterns and, thus, no impact on state revenues from sales taxes.

A description of any less intrusive or less costly alternative methods of achieving the purpose of the rulemaking.

This rulemaking rescinded Rule 325 and there are no compliance costs associated with the rulemaking.

11. Name and address of department personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact:

Name: Greg Verkamp or Hether Krause
Maricopa County Air Quality Department
Planning and Analysis Division
Address: 1001 N. Central Ave., Suite 125
Phoenix, AZ 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179
E-mail: <http://www.maricopa.gov/FormCenter/Regulatory-Outreach-17/Citizen-Comments-94>

12. Description of the changes between the proposed rule, including supplemental notices and final rule:

No additional changes were made, since the Notice of Proposed Rulemaking was published on August 18, 2017 (23 A.A.R. 2225).

13. Summary of the comments made regarding the rule and the department response to them:

No comments were submitted during the 30-day comment period – August 18-September 18, 2017.

14. Any other matters prescribed by statute that are applicable to the specific department or to any specific rule or class of rules:

Not applicable

15. Incorporations by reference and their location in the rule:

Not applicable

16. Was this rule previously an emergency rule?

No

17. Full text of the rule follows:

**REGULATION III—CONTROL OF AIR CONTAMINANTS
RULE 325
BRICK AND STRUCTURAL CLAY PRODUCTS (BSCP) MANUFACTURING
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Adopted 08/10/05

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III — CONTROL OF AIR CONTAMINANTS
RULE 325**

BRICK AND STRUCTURAL CLAY PRODUCTS (BSCP) MANUFACTURING

SECTION 100 — GENERAL

- 101 PURPOSE:** To limit particulate matter emissions from the use of tunnel kilns for curing in the brick and structural clay product (BSCP) manufacturing processes.
- 102 APPLICABILITY:** This rule applies to any existing, new or reconstructed tunnel kiln, used in the commercial and industrial brick and structural clay product manufacturing processes. Compliance with the provisions of this rule shall not relieve any person subject to the requirements of this rule from complying with any other federally enforceable New Sources Performance Standards (NSPS). In such cases, the most stringent standard shall apply.
- 103 EXEMPTIONS:** Existing, new or reconstructed tunnel kilns that are used exclusively for research and development and are not used to manufacture products for commercial sale are not subject to this rule.

SECTION 200 — DEFINITIONS: See Rule 100 (General Provisions And Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply:

- 201 BRICK AND STRUCTURAL CLAY PRODUCTS (BSCP) MANUFACTURING FACILITY** — A site that manufactures brick including, but not limited to: face brick, structural brick and brick pavers; clay pipe; roof tile; extruded floor and wall tile; and/or other extruded, dimensional, clay products. Brick products manufacturing facilities typically process raw clay and shale, form the processed materials into bricks or shapes, and dry and fire the bricks or shapes.
- 202 CONTINUOUS KILN** — A heated chamber that heats dense loads uniformly and efficiently, and can be used without interruption for high volume production. Continuous kilns are kilns that perform well in the consistent high production of wares. Continuous kilns include tunnel kilns, shuttle kilns, fixed hearth kilns, bee hive kilns, roller kilns, sled kilns, decorating kilns, and pusher slab kilns. Most continuous kilns are tunnel kilns.
- 203 EXISTING KILN** — A kiln that is in operation before the date of adoption of this rule.
- 204 KILN FEED** — All materials except fuel entering the tunnel kiln, including raw feed and recycle dust, measured on a dry basis.
- 205 PERIODIC KILN** — A kiln that operates on an intermittent basis to heat wares, holding them at a uniform peak temperature and cool the wares. Periodic kilns are best for inconsistent or low volume production.
- 206 RESEARCH AND DEVELOPMENT TUNNEL KILN** — Any tunnel kiln whose purpose is to conduct research and development for new processes and products and is not engaged in the manufacture of commercial products for sale.
- 207 TUNNEL KILN** — Any continuous kiln that is used to fire brick and structural clay products. Tunnel kilns may have two process streams, including a process stream that exhausts directly to the atmosphere or to an Air Pollution Control Device, and a process stream in which the kiln exhaust is ducted to a brick dryer where it is used to dry bricks before the exhaust is emitted to the atmo-

sphere-

~~SECTION 300 – STANDARDS~~

~~301 OPACITY LIMITATIONS FOR ALL TUNNEL KILNS SUBJECT TO THIS RULE: No person shall discharge into the ambient air from any single source of emissions any air contaminant, other than uncombined water, in excess of 20% opacity.~~

~~302 LIMITATIONS FOR EXISTING TUNNEL KILNS AT BRICK OR STRUCTURAL PRODUCT (BSCP) MANUFACTURING FACILITIES:~~

~~302.1 No owner or operator shall emit more than 0.42 lbs. of particulate matter per ton of fired product from a tunnel kiln with a capacity of ≥1 tons per hour throughput.~~

~~303 LIMITATIONS FOR NEW OR RECONSTRUCTED TUNNEL KILNS AT BRICK OR STRUCTURAL PRODUCT (BSCP) MANUFACTURING FACILITIES:~~

~~303.1 No owner or operator shall emit more than 0.42 lbs. of particulate matter per ton of fired product from a tunnel kiln with a capacity of <10 tons per hour throughput.~~

~~303.2 No owner or operator shall emit more than 0.12 lbs. of particulate matter per ton of fired product from a tunnel kiln with a capacity of ≥10 tons per hour throughput.~~

~~SECTION 400 – ADMINISTRATIVE REQUIREMENTS~~

~~401 COMPLIANCE SCHEDULE: Any owner or operator of a tunnel kiln subject to this rule shall meet the following milestones:~~

~~401.1 Submit a compliance plan, by December 31, 2005, to the Control Officer for approval which describes the method(s) used to achieve full compliance with the rule. This plan shall specify dates for completing increments of progress, such as the contractual arrival date of new control equipment. The Control Officer may require an owner or operator submitting the compliance plan to also submit subsequent reports on progress in achieving compliance; and~~

~~401.2 Attain full compliance with all of the standards in this rule by December 31, 2006.~~

~~SECTION 500 – MONITORING AND RECORDS~~

~~501 COMPLIANCE DETERMINATION: Compliance shall be demonstrated as follows:~~

~~501.1 Compliance with Section 301 shall be demonstrated by performance of Method 9 listed in Section 503.1; and~~

~~501.2 Compliance with Sections 302 and 303 shall be demonstrated by performance of the test methods listed in Section 503.2 and 503.3.~~

~~502 RECORDKEEPING / RECORDS RETENTION: The owner or operator of any kiln subject to this rule shall comply with the following requirements and keep records for a period of 5 years:~~

~~502.1 Daily records of kiln feed fired and hours of operation; and~~

~~502.2 Monthly records of material delivered to the site for processing in the tunnel kiln and the amount of product produced reported in tons.~~

~~503 TEST METHODS: The Environmental Protection Agency (EPA) test methods as they exist in the Code of Federal Regulations (CFR) (July 1, 2004), as listed below, are adopted by reference. These adoptions by reference include no future editions or amendments. Copies of test methods referenced in this section of this rule are available at the Maricopa County Air Quality Department, 1001 North Central Avenue, Suite 695, Phoenix, Arizona, 85004.~~

~~503.1 EPA Reference Method 9 (“Visual Determination of the Opacity of Emissions from Stationary Sources”), (40 CFR 60, Appendix A).~~

~~503.2 EPA Reference Method 5 (“Determination of Particulate Emissions from Stationary Sources”), (40 CFR 60, Appendix A).~~

~~503.3 EPA Reference Method 202 (“Determination of Condensable Particulate Emissions from Stationary Sources”), (40 CFR 51, Appendix M).~~

**NOTICE OF FINAL RULEMAKING
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS
RULE 334: RUBBER SPORTS BALL MANUFACTURING**

[M17-304]

PREAMBLE

1. Rule affected **Rulemaking action**
Rule 334: Rubber Sports Ball Manufacturing Rescind

2. Statutory authority for the rulemaking:
Authorizing statutes: A.R.S. §§ 49-474, 49-479, and 49-480
Implementing Statute: A.R.S. § 49-112

**3. The effective date of the rule:**

Date of adoption: December 13, 2017

4. List of public notices addressing the rulemaking:

Notice of Briefing to Maricopa County Manager: May 15, 2017

Notice of Stakeholder Workshop: June 15, 2017

Notice of Maricopa County Board of Health Meeting: July 24, 2017

Notice of Proposed Rulemaking: 23 A.A.R. 2229, August 18, 2017

5. Name and address of department personnel with whom persons may communicate regarding the rulemaking:

Name: Greg Verkamp or Hether Krause
Maricopa County Air Quality Department
Planning and Analysis Division
Address: 1001 N. Central Ave., Suite 125
Phoenix, AZ 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179
E-mail: <http://www.maricopa.gov/FormCenter/Regulatory-Outreach-17/Citizen-Comments-94>

6. Explanation of the rule, including the department's reasons for initiating the rulemaking:

The Maricopa County Air Quality Department (department) rescinded Rule 334 (Rubber Sports Ball Manufacturing). Rule 334 was originally adopted on August 2, 1993. The purpose of the rule is to limit emissions of volatile organic compounds (VOCs) from natural and synthetic rubber adhesives used in the manufacture of non-inflatable rubber balls. There are currently no sources subject to the rule in Maricopa County and the department's records indicate the last source subject to the rule ceased operations in 2009.

Rule 334 was adopted as a result of the 1990 Clean Air Act Amendments (CAAA) which required ozone nonattainment areas such as Maricopa County to fix their deficient reasonably available control technology (RACT) rules for ozone. Also known as the RACT "Fix-Up", Section 182 (a)(2)(A) of the 1990 CAAA required ozone nonattainment areas classified as marginal or above to adopt and correct RACT rules as previously requested by the U.S. Environmental Protection Agency (EPA) before the Clean Air Act was amended in 1990. The RACT Fix-Up included the adoption of rules for sources emitting over 100 tons of VOCs per year for which a Control Techniques Guidelines (CTG) had not been issued. At the time the 1990 CAAA were enacted, Maricopa County had one rubber sports ball manufacturer that was emitting over 100 tons of VOCs per year, Penn Racquet Sports. There was no rule nor CTG specific to rubber sports ball manufacturing at the time; therefore, the department adopted Rule 334 to comply with the RACT Fix-Up.

Penn Racquet Sports, later acquired by Head Racquet Sports, ceased manufacturing operations in 2009 and moved their operations to the Far East. There have not been any other rubber sports ball manufacturers in Maricopa County since that time. Due to the uniqueness of this type of manufacturing and the lower costs of labor and raw materials in the Far East, the department does not anticipate any new rubber sports ball manufacturers will locate to Maricopa County and, therefore; rescinded Rule 334.

7. Demonstration of compliance with A.R.S. § 49-112:

Under A.R.S. § 49-479(C), a county may not adopt a rule or ordinance that is more stringent than the rules adopted by the Director of the Arizona Department of Environmental Quality (ADEQ) for similar sources unless it demonstrates compliance with the applicable requirements of A.R.S. § 49-112.

§ 49-112 County regulation; standards

§ 49-112(A)

When authorized by law, a county may adopt a rule, ordinance or regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all of the following requirements are met:

1. The rule, ordinance or regulation is necessary to address a peculiar local condition.
2. There is credible evidence that the rule, ordinance or regulation is either:
 - (a) 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.
 - (b) 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, ordinance or regulation is equivalent to

federal statutes or regulation.

3. Any fee or tax adopted under the rule, ordinance or regulation does not exceed the reasonable costs of the county to issue and administer the permit or plan approval program.

§ 49-112(B)

When authorized by law, a county may adopt rules, ordinances or regulations in lieu of a state program that are as stringent as a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if the county demonstrates that the cost of obtaining permits or other approvals from the county will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under this title or any rule adopted pursuant to this title. If the state has not adopted a fee or tax for similar permits or approvals, the county may adopt a fee when authorized by law in the rule, ordinance or regulation that does not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

The department is in compliance with A.R.S. §§ 49-112(A) and (B). The department rescinded Rule 334.

8. Documents and/or studies referenced and/or reviewed for this rulemaking:

Not applicable

9. Showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision:

Not applicable

10. Summary of the economic, small business, and consumer impact:

The following discussion addresses each of the elements required for an economic, small business and consumer impact statement under A.R.S. § 41-1055.

An identification of the rulemaking.

This rulemaking rescinded Rule 334 (Rubber Sports Ball Manufacturing).

An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the rulemaking.

This rulemaking rescinded Rule 334. There are currently no sources subject to Rule 334 in Maricopa County and the department does not anticipate any new sources will come to Maricopa County that would potentially be subject to Rule 334.

A cost benefit analysis of the following:

(a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the rulemaking.

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an economic impact on either the department or any other agency.

(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the rulemaking

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an economic impact on any political subdivision of this state.

(c) The probable costs and benefits to businesses directly affected by the rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the rulemaking.

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an economic impact on any businesses.

A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the rulemaking.

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an impact on private and public employment for any businesses, agencies or political divisions.

A statement of the probable impact of the rulemaking on small businesses.

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an economic impact on any small businesses.

(a) An identification of the small businesses subject to the rulemaking.

There are no small businesses subject to Rule 334.



(b) The administrative and other costs required for compliance with the rulemaking.

This rulemaking rescinded Rule 334; there are no costs required for compliance. There are no sources subject to Rule 334.

(c) A description of the methods that the agency may use to reduce the impact on small businesses.

(i) Establishing less costly compliance requirements in the rulemaking for small businesses.

This rulemaking rescinded Rule 334 and there are no compliance costs required for small businesses.

(ii) Establishing less costly schedules or less stringent deadlines for compliance in the rulemaking.

This rulemaking rescinded Rule 334 and there are no compliance costs required for small businesses.

(iii) Exempting small businesses from any or all requirements of the rulemaking.

This rulemaking rescinded Rule 334 and there are no compliance costs required for small businesses.

(d) The probable cost and benefit to private persons and consumers who are directly affected by the rulemaking.

This rulemaking does not impose any new compliance burdens on regulated entities that are permitted or introduce additional regulatory requirements and will not impose increased monetary or regulatory costs on any permitted business, persons, or individuals so regulated. As such, there are no costs to pass through to consumers, which means there are no impacts on consumers.

A statement of the probable effect on state revenues.

The rulemaking will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated. Without costs to pass through to customers, there is no projected change in consumer purchase patterns and, thus, no impact on state revenues from sales taxes.

A description of any less intrusive or less costly alternative methods of achieving the purpose of the rulemaking.

This rulemaking rescinded Rule 334 and there are no compliance costs associated with this rulemaking.

11. Name and address of department personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact:

Name: Greg Verkamp or Hether Krause
Maricopa County Air Quality Department
Planning and Analysis Division
Address: 1001 N. Central Ave., Suite 125
Phoenix, AZ 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179
E-mail: <http://www.maricopa.gov/FormCenter/Regulatory-Outreach-17/Citizen-Comments-94>

12. Description of the changes between the proposed rule, including supplemental notices and final rule:

No additional changes were made, since the Notice of Proposed Rulemaking was published on August 18, 2017 (23 A.A.R. 2229).

13. Summary of the comments made regarding the rule and the department response to them:

No comments were submitted during the 30-day comment period – August 18-September 18, 2017.

14. Any other matters prescribed by statute that are applicable to the specific department or to any specific rule or class of rules:

Not applicable

15. Incorporations by reference and their location in the rule:

Not applicable

16. Was this rule previously an emergency rule?

No

17. Full text of the rule follows:

REGULATION III—CONTROL OF AIR CONTAMINANTS
RULE 334
RUBBER SPORTS BALL MANUFACTURING
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- 302 OPERATION AND MAINTENANCE (O&M) PLAN
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- 401 COMPLIANCE SCHEDULE

SECTION 500—MONITORING AND RECORDS

- 501 PROVIDING AND MAINTAINING MONITORING DEVICES
- 502 RECORDKEEPING AND REPORTING
- 503 COMPLIANCE DETERMINATION TEST METHODS

Adopted 08/02/93
Revised 09/20/94
Revised 06/19/96
Revised 09/25/13

MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III—CONTROL OF AIR CONTAMINANTS
RULE 334
RUBBER SPORTS BALL MANUFACTURING

SECTION 100—GENERAL

- 101 PURPOSE:** To limit emission of volatile organic compounds (VOCs) from natural and synthetic rubber adhesives used in the manufacture of non-inflatable rubber balls.
- 102 APPLICABILITY:** This rule applies to any rubber sports ball manufacturing facility with an aggregate emission to atmosphere after December 31, 1989, of 50.0 tons (45.35 Mg) or more of VOC in any year or 8333 pounds (3780 kg) or more of VOC in any month, emitted from handling, using and/or preparing rubber adhesives or their constituents.

SECTION 200—DEFINITIONS: For the purpose of this rule, the following definitions shall apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definitions in this rule take precedence.

- 201 ADHESIVE:** An initially fluid material used to fasten or bond two surfaces together by using the intermolecular forces between adhesive and the bonded surface(s) as a principal mechanism effecting the bonding.
- 202 APPROVED EMISSION CONTROL SYSTEM:** A system for reducing emissions of organic compounds, consisting of collection and control devices which are approved in writing by the Control Officer and are designed and operated in accordance with good engineering practice.
- 203 DAY:** A period of 24 consecutive hours beginning at midnight.
- 204 PRODUCTION DAY:** Any day in which the total adhesive pumped into any and all adhesive application machines exceeds 100 gallons (379 liters).
- 205 RUBBER SPORTS BALL:** A hollow ball having natural and/or synthetic rubber as a principal ingredient, having no pressure adjustment valve, and intended for sports in which it is hit.
- 206 VAPOR PROCESSING DEVICE:** The portion of a VOC emission control system that recovers, destroys, or other-



wise physically or chemically handles VOC vapor, delivered to it by a capture system, so that most or all of that VOC cannot be emitted to the atmosphere.

SECTION 300—STANDARDS

- 301 LIMITATION—ADHESIVES:** By May 31, 1995, no person shall use adhesives in the manufacture of rubber sports balls, including but not limited to tennis and racquet balls, except by:
- 301.1** Using adhesive with a VOC content that does not exceed 2.4 pounds of VOC per gallon (288 g/l) as applied, less water and non-precursor compounds, as determined by EPA Method 24; or
- 301.2** Using an Approved Emission Control System having an overall control efficiency, including capture and processing, of at least 81 percent by weight of VOC reduction for all adhesive application processes using adhesive containing over 2.4 pounds of VOC per gallon (288 g/l), as applied, less water and non-precursor compounds. The control efficiency of an adsorption and recovery system used as an Approved Emission Control System shall be determined using the mass-balance formula in subsection 503.1.
- 302 OPERATION AND MAINTENANCE (O&M) PLAN:**
- 302.1** The owner or operator of an Approved Emission Control System used to meet the requirements of subsection 301.2 of this rule shall provide the Control Officer with an Operation and Maintenance (O&M) Plan. This O&M Plan shall specify:
- a.** Key system operating parameters, such as temperatures, pressures, fluid throughputs, and/or flow rates; the stack VOC concentration monitoring and adsorber sequencing equipment specifications and the set points contained in their programming; and any other critical processes necessary for proper operation and for determining compliance with this rule;
 - b.** All essential maintenance procedures and their frequencies needed to maintain the Approved Emission Control System.
- 302.2** An Approved Emission Control System must have the O&M Plan approved in writing by the Control Officer.
- 302.3 Time Frames for Changes:**
- a.** Changes involving reduction in the frequency or extent of a Control Officer approved O&M Procedure must have the written consent of the Control Officer prior to being implemented.
 - b. Other changes:** An updated O&M Plan must be submitted to the Control Officer for review within 10 days of any changes not involving reduction in frequency or extent of an approved O&M procedure. Within five working days of a written disapproval of such changes, either the original O&M Plan shall be reinstated or an alternative, negotiated with the affected facility and approved in writing by the Control Officer, shall be instituted.
- 303 MAINTENANCE:** Any person subject to this rule shall operate and maintain in proper working order when in use all process equipment in which VOC-containing materials are used.
- 304 STORAGE AND DISPOSAL OF VOC:** Any person subject to this rule shall store all VOC-containing materials subject to evaporation, including waste adhesive and waste solvent in containers, each of which is legibly labeled with its contents. The presence of content labels that are required by federal hazardous waste or occupational safety statutes (RCRA or OSHA) will meet this requirement. These containers shall be covered when not in use or, alternatively, they shall be placed beneath a hood ducted to or within an enclosure ducted to an operating Approved Emission Control System until solidified throughout. Such person shall keep records of disposal of VOC-containing materials in accordance with applicable federal, state, and local hazardous waste disposal statutes and rules.
- 305 EXEMPTIONS:**
- 305.1** Facilities which after December 31, 1989, always emit less than 50 tons (45.4 Mg) per year and less than 8333 pounds (3780 kg) per month of VOC from adhesives used in the manufacture of rubber sports balls are exempt from this rule, except that those facilities which have the potential to annually emit or which do annually emit more than 25 tons (22.7 Mg) of VOC from such adhesives after December 31, 1989, must keep records in accordance with Section 500.
- 305.2 Applicability of other Rules:**
- a.** Facilities exempted from the provisions of this rule pursuant to Section 102 are not exempted from other provisions in other rules of the Maricopa County Air Pollution Control Regulation III.
 - b.** Rules 330 and 336 shall not apply to a facility subject to the standards of this rule.

SECTION 400—ADMINISTRATIVE REQUIREMENTS

- 401 COMPLIANCE SCHEDULE:** An owner or operator who chooses to meet the requirements of Section 301 by use of an Approved Emission Control System must be in full compliance with all applicable requirements by May 31, 1995. Any owner or operator of an emission control system used to meet the requirements of subsection 301.2 of this rule

shall provide the Control Officer with:

401.1 An Operation and Maintenance (O&M) Plan for this system by May 31, 1995.

401.2 A compliance plan by December 1, 1994, listing the dates of completion of increments of progress toward meeting the requirements of subsection 301.2.

SECTION 500—MONITORING AND RECORDS

- 501 PROVIDING AND MAINTAINING MONITORING DEVICES:** Any person operating an Approved Emission Control System pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices described in an approved O&M Plan for indicating temperatures, pressures, fluid throughputs, rates of flow, and/or other operating conditions necessary to determine if air pollution control equipment is functioning properly and is properly maintained.
- 502 RECORDKEEPING AND REPORTING:** Any person subject to this rule shall comply with the following requirements. Records shall be retained for five years and shall be made available to the Control Officer upon request.
- 502.1 Current List:** Maintain a current list of adhesives including their formulations as applied, makeup solvents, and any other VOC-containing materials. State the VOC content of each in pounds per gallon or grams per liter.
- 502.2 Usage Records:** Maintain records according to the following schedule, which show the type and amount of each adhesive, makeup solvent, and any other VOC-containing material.
- a. Adhesives Solvents, and VOC-Containing Materials:**
- (1) Records shall be updated monthly showing the usage of the separate adhesives, solvents, and other VOC-containing materials.
 - (2) Yearly update those materials known to be annually used in quantities less than 15 gallons (56 l) or to annually emit less than 75 lb (34 kg).
 - (3) **Deliveries:** At the time of each delivery of solvent, the amount received, tank designation and time shall be recorded in a log book.
- b. Measuring Instruments and Readings:**
- (1) Readings for efficiency determination should be made during the same time period each day.
 - (2) If volume rather than mass (weight) measures are used as the basis for calculations, then compensate for temperature. A temperature compensating instrument may be used for this purpose. If two or more such instruments are used in a demonstration of compliance with this rule, log any difference(s) between their respective compensating factors with the temperature range(s) where difference occurs. Show adjustments for such differences when making mass-balance calculations.
 - (3) Readings of all meters or other instruments measuring throughput on lines to or from such tanks shall be recorded daily with date and time.
 - (4) Each repair, adjustment, or resetting of flow meters or other instruments measuring cumulative throughput shall be logged with the date, time, purpose, and the reading before and after such an operation. The cumulative, totalizing, throughput readout of such an instrument shall have no resetting feature.
- 503 COMPLIANCE DETERMINATION—TEST METHODS:** When more than one test method is permitted for a determination, an exceedance of the limits established in this rule determined by any of the applicable test methods constitutes a violation of this rule.
- 503.1 Mass Balance Determinations—Self Monitoring of Compliance for a Facility Using Carbon Adsorption with Solvent Recovery as a Control Method:**
- a. Daily recording:** Refer to Figure I of this rule for the location of the mass balance meters—MB, MV, and MR. By midday on the first workday following a completed production day, the following shall be determined for that completed production day and entered in a hardcopy form acceptable to the Control Officer:
- (1) The individual readings given by each of the three mass balance meters at the designated meter-reading time during the production day just completed;
 - (2) VOC throughputs via those three mass balance flow meters since both:
 - (a) the previous production day at the designated meter reading time; and
 - (b) since meter reading time on that production day which is nine production days prior to the most recently completed production day.
 - (3) Using the Recovery Formula in 503.1.b. and the logged values required by 503.1.a.(2)(a) above, determine the most recent one day recovery efficiency and record that in the same log. Using the values required by 503.1.a.(2)(b) in the previous paragraph, the 9-day rolling average shall also be



calculated and recorded using the same recovery formula in 503.1.b.

- b. Recovery formula:** Using the liquid/liquid mass balance method, the following ratio expresses the efficiency of the control system during the period of the 9-day rolling average and for other periods:

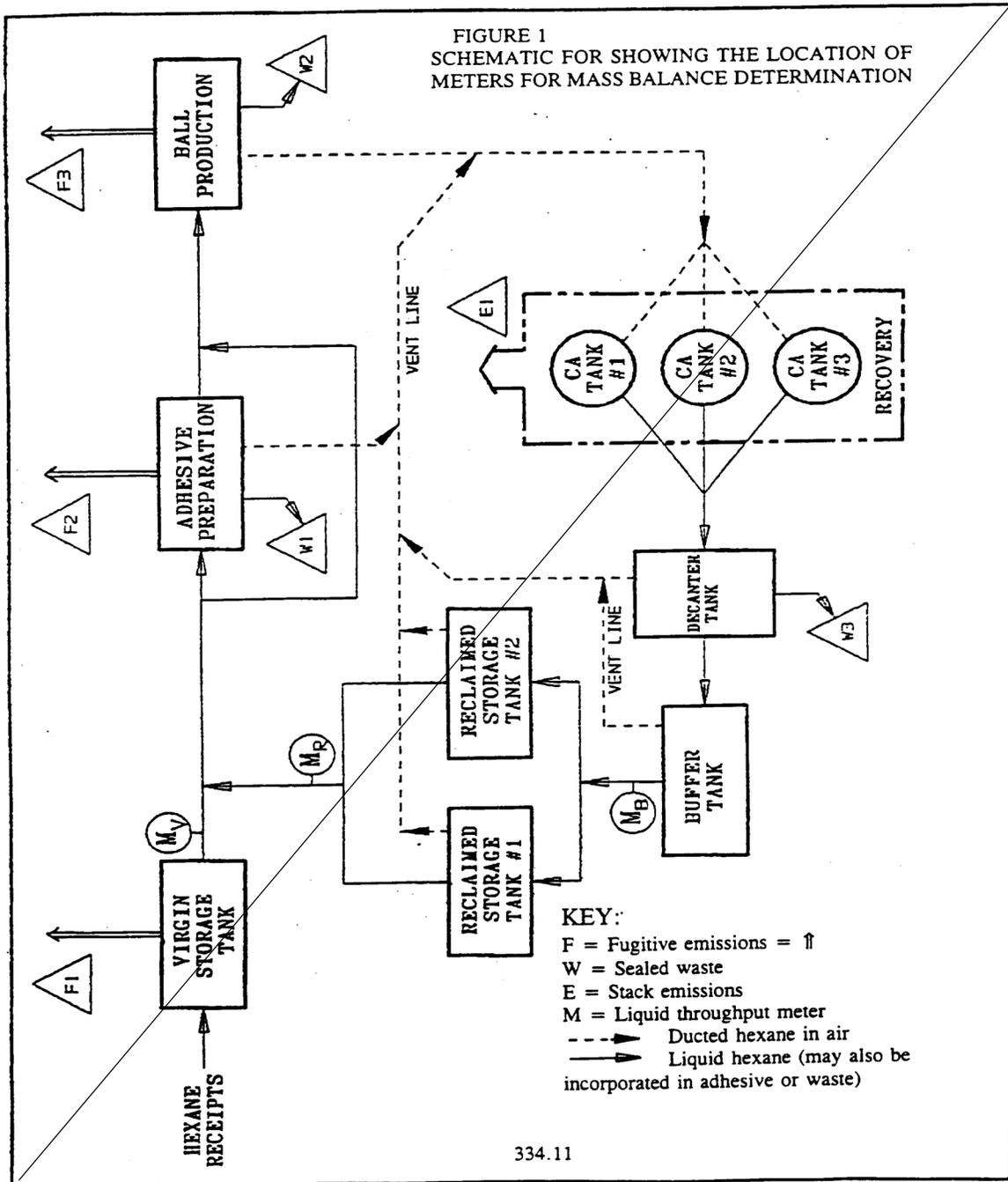
Where: M_B is the solvent throughput indicated by the meter immediately downstream of the buffer tank.

M_L is the solvent throughput indicated by the meter on the output pipe of the virgin solvent tank.

M_R is the solvent throughput indicated by the meter downstream of the junction connecting the output lines from each recovered solvent storage tank.

- (1) Adjustments for waste disposed of through statutorily prescribed procedures:** When the combined mass of all such waste is less than 0.5 percent of the total mass of solvent metered through meters MV and MR during the same 9-day rolling average period as the waste occurred, 95 percent of the mass of contaminated solvent and half the mass of any still fluid adhesive wasted may be subtracted from the denominator (MV + MR) in the recovery formula when determining efficiency. Except as allowed by the procedure set forth in the next paragraph, no adjustment credit will be given for waste adhesive which is no longer fluid. A Method 24 Test determination of VOC content(s) referenced in subsection 503.2 shall be performed if the owner or operator of an affected facility requests adjustment for a larger quantity of fluid and/or non-fluid waste(s). The request for adjustment and the results of the test shall be submitted to the Control Officer for approval.
- (2) Total shut-downs and start-ups:** The production statistics for the last production day prior to a complete production shutdown of at least five consecutive days shall not be included in the 9-day rolling average of control efficiency, as long as no adhesive is made on the last production day. At a start-up after a total shutdown "day one" of a 9-day rolling average period begins at the standard meter reading time on the third production day since start-up.
- (3) Non-production days:** On days during which a total of 100 gallons or less of adhesive enters adhesive application machines, the readings of meters " M_S ", " M_V ", and " M_R " shall not be entered in the same log sector as such readings made during actual production days, irrespective of whether adhesive was made on such days.

503.2 The method of determining both the solids and the volatile content of adhesives, and of determining compliance of an adhesive with the VOC limit specified in subsection 301.1 shall be the EPA Reference Method 24 (40 CFR, Part 60, Appendix A). Method 24 shall also be used to determine the volatile and non-volatile content of waste adhesive with reference to subsection 503.1.b.(1).



**NOTICE OF FINAL RULEMAKING
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS
RULE 339: VEGETABLE OIL EXTRACTION PROCESSES**

[M17-305]

PREAMBLE

- | | | |
|-----------|--|--|
| 1. | <u>Rule affected</u>
Rule 339: Vegetable Oil Extraction Processes | <u>Rulemaking action</u>
Rescind |
| 2. | <u>Statutory authority for the rulemaking:</u>
Authorizing statutes: A.R.S. §§ 49-474, 49-479, and 49-480
Implementing Statute: A.R.S. § 49-112 | |
| 3. | <u>The effective date of the rule:</u>
Date of Adoption: December 13, 2017 | |
| 4. | <u>List of public notices addressing the rulemaking:</u>
Notice of Briefing to Maricopa County Manager: May 15, 2017
Notice of Stakeholder Workshop: June 15, 2017
Notice of Maricopa County Board of Health Meeting: July 24, 2017
Notice of Proposed Rulemaking: 23 A.A.R. 2237, August 18, 2017 | |
| 5. | <u>Name and address of department personnel with whom persons may communicate regarding the rulemaking:</u>
Name: Greg Verkamp or Hether Krause
Maricopa County Air Quality Department
Planning and Analysis Division
Address: 1001 N. Central Ave., Suite 125
Phoenix, AZ 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179
E-mail: http://www.maricopa.gov/FormCenter/Regulatory-Outreach-17/Citizen-Comments-94 | |
| 6. | <u>Explanation of the rule, including the department's reasons for initiating the rulemaking:</u>
The Maricopa County Air Quality Department (department) rescinded Rule 339 (Vegetable Oil Extraction Processes). Rule 339 was originally adopted on November 16, 1992. The purpose of the rule is to limit the emissions of volatile organic compounds (VOCs) from the extraction of vegetable oil using solvents (hexane). Maricopa County currently has no vegetable oil production facilities subject to the rule and the department’s records indicate the only issued permit was closed (source was removed) in 1999.

Rule 339 was adopted as a result of the 1990 Clean Air Act Amendments (CAAA) which required ozone nonattainment areas such as Maricopa County to fix their deficient reasonably available control technology (RACT) rules for ozone. Also known as the RACT “Fix-Up”, Section 182 (a)(2)(A) of the 1990 CAAA required ozone nonattainment areas classified as marginal or above to adopt and correct RACT rules as previously requested by the U.S. Environmental Protection Agency (EPA) before the Clean Air Act was amended in 1990. The RACT Fix-Up included the adoption of rules for sources emitting over 100 tons of VOCs per year for which a Control Techniques Guidelines (CTG) had not been issued. At the time the 1990 CAAA were enacted, Maricopa County had one vegetable oil production facility that was emitting over 100 tons of VOCs per year, Western Cotton Services. There was no rule nor CTG specific to vegetable oil production at the time; therefore, the department adopted Rule 339 to comply with the RACT Fix-Up. Rule 339 is applicable only to vegetable oil production facilities emitting more than 100 tons/year of VOCs.

Since the adoption of Rule 339, hexane, the primary solvent used by Western Cotton Services is now regulated as a hazardous air pollutant (HAP), not as a VOC. In 2001, the EPA promulgated national emission standards for hazardous pollutants (NESHAP) for the use of hexane in vegetable oil production facilities. The vegetable oil production NESHAP has been incorporated into the county’s air quality regulations through Rule 370 (Federal Hazardous Air Pollution Program); therefore, Rule 339 is obsolete and the department rescinded it. | |

7. Demonstration of compliance with A.R.S. § 49-112:

Under A.R.S. § 49-479(C), a county may not adopt a rule or ordinance that is more stringent than the rules adopted by the Director of the Arizona Department of Environmental Quality (ADEQ) for similar sources unless it demonstrates compliance with the applicable requirements of A.R.S. §49-112.

§ 49-112 County regulation; standards

§ 49-112(A)

When authorized by law, a county may adopt a rule, ordinance or regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all of the following requirements are met:

1. The rule, ordinance or regulation is necessary to address a peculiar local condition.
2. There is credible evidence that the rule, ordinance or regulation is either:
 - (a) 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.
 - (b) 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, ordinance or regulation is equivalent to federal statutes or regulation.
3. Any fee or tax adopted under the rule, ordinance or regulation does not exceed the reasonable costs of the county to issue and administer the permit or plan approval program.

§ 49-112(B)

When authorized by law, a county may adopt rules, ordinances or regulations in lieu of a state program that are as stringent as a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if the county demonstrates that the cost of obtaining permits or other approvals from the county will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under this title or any rule adopted pursuant to this title. If the state has not adopted a fee or tax for similar permits or approvals, the county may adopt a fee when authorized by law in the rule, ordinance or regulation that does not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

The department is in compliance with A.R.S. §§ 49-112(A) and (B). The department rescinded Rule 339.

8. Documents and/or studies referenced and/or reviewed for this rulemaking:

Not applicable

9. Showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision:

Not applicable

10. Summary of the economic, small business, and consumer impact:

The following discussion addresses each of the elements required for an economic, small business and consumer impact statement under A.R.S. § 41-1055.

An identification of the rulemaking.

This rulemaking rescinded Rule 339 (Vegetable Oil Extraction Processes).

An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the rulemaking.

This rulemaking rescinded Rule 339. There are currently no sources subject to Rule 339 in Maricopa County and the department does not anticipate any new sources will come to Maricopa County that would potentially be subject to Rule 339.

A cost benefit analysis of the following:**(a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the rulemaking.**

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an economic impact on either the department or any other agency.

(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the rulemaking

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an economic impact on any political subdivision of this state.

(c) The probable costs and benefits to businesses directly affected by the rulemaking, including any anti-



pated effect on the revenues or payroll expenditures of employers who are subject to the rulemaking.

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an economic impact on any businesses.

A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the rulemaking.

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an impact on private and public employment for any businesses, agencies or political divisions.

A statement of the probable impact of the rulemaking on small businesses.

Because this rulemaking does not impose any new compliance burdens on permitted regulated entities or introduce additional regulatory requirements, the department does not anticipate this rulemaking will have an economic impact on any small businesses.

(a) An identification of the small businesses subject to the rulemaking.

There are no small businesses subject to Rule 339.

(b) The administrative and other costs required for compliance with the rulemaking.

This rulemaking rescinded Rule 339; there are no costs required for compliance. There are no sources subject to Rule 339.

(c) A description of the methods that the agency may use to reduce the impact on small businesses.

(i) Establishing less costly compliance requirements in the rulemaking for small businesses.

This rulemaking rescinded Rule 339 and there are no compliance costs required for small businesses.

(ii) Establishing less costly schedules or less stringent deadlines for compliance in the rulemaking.

This rulemaking rescinded Rule 339 and there are no compliance costs required for small businesses.

(iii) Exempting small businesses from any or all requirements of the rulemaking.

This rulemaking rescinded Rule 339 and there are no compliance costs required for small businesses.

(d) The probable cost and benefit to private persons and consumers who are directly affected by the rulemaking.

This rulemaking does not impose any new compliance burdens on regulated entities that are permitted or introduce additional regulatory requirements and will not impose increased monetary or regulatory costs on any permitted business, persons, or individuals so regulated. As such, there are no costs to pass through to consumers, which means there are no impacts on consumers.

A statement of the probable effect on state revenues.

The rulemaking will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated. Without costs to pass through to customers, there is no projected change in consumer purchase patterns and, thus, no impact on state revenues from sales taxes.

A description of any less intrusive or less costly alternative methods of achieving the purpose of the rulemaking.

This rulemaking rescinded Rule 339 and there are no compliance costs associated with this rulemaking.

11. Name and address of department personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact:

Name: Greg Verkamp or Hether Krause
Maricopa County Air Quality Department
Planning and Analysis Division
Address: 1001 N. Central Ave., Suite 125
Phoenix, AZ 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179
E-mail: <http://www.maricopa.gov/FormCenter/Regulatory-Outreach-17/Citizen-Comments-94>

12. Description of the changes between the proposed rule, including supplemental notices and final rule:

No additional changes were made, since the Notice of Proposed Rulemaking was published on August 18, 2017 (23 A.A.R. 2237).

13. Summary of the comments made regarding the rule and the department response to them:

No comments were submitted during the 30-day comment period – August 18-September 18, 2017.

- 14. **Any other matters prescribed by statute that are applicable to the specific department or to any specific rule or class of rules:**
Not applicable
- 15. **Incorporations by reference and their location in the rule:**
Not applicable
- 16. **Was this rule previously an emergency rule?**
No
- 17. **Full text of the rule follows:**

~~REGULATION III—CONTROL OF AIR CONTAMINANTS
RULE 339
VEGETABLE OIL EXTRACTION PROCESSES
INDEX~~

~~SECTION 100—GENERAL~~

- ~~101 PURPOSE~~
- ~~102 APPLICABILITY~~

~~SECTION 200—DEFINITIONS~~

- ~~201 APPROVED EMISSION CONTROL SYSTEM~~
- ~~202 CONVEYOR~~
- ~~203 COOLER~~
- ~~204 DESOLVENTIZER TOASTER (D-T)~~
- ~~205 EQUIPMENT IN SOLVENT SERVICE~~
- ~~206 EXTRACTOR~~
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- ~~208 MEAL~~
- ~~209 MINERAL OIL SCRUBBER~~
- ~~210 SOLVENT~~
- ~~211 SOLVENT EXTRACTION~~
- ~~212 VEGETABLE OIL PLANT~~

~~SECTION 300—STANDARDS~~

- ~~301 LIMITATION VOC EMISSIONS~~
- ~~302 EXTRACTORS AND DESOLVENTIZER TOASTERS~~
- ~~303 DESOLVENTIZER TOASTER CONVEYOR~~
- ~~304 OPERATION AND MAINTENANCE PLAN~~
- ~~305 EQUIPMENT IN SOLVENT SERVICE~~
- ~~306 EXEMPTIONS~~

~~SECTION 400—ADMINISTRATIVE REQUIREMENTS~~

- ~~401 COMPLIANCE SCHEDULE~~

~~SECTION 500—MONITORING AND RECORDS~~

- ~~501 PROVIDING AND MAINTAINING MONITORING DEVICES~~
- ~~502 RECORDKEEPING AND REPORTING~~
- ~~503 RECORDS RETENTION~~
- ~~504 COMPLIANCE DETERMINATION TEST METHODS~~

Adopted 11/16/92
Revised 09/25/13

~~MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III—CONTROL OF AIR CONTAMINANTS
RULE 339
VEGETABLE OIL EXTRACTION PROCESSES~~

~~SECTION 100—GENERAL~~

- ~~101 **PURPOSE:** To limit the emissions of volatile organic compounds (VOCs) from the extraction of vegetable oil using solvents.~~



- 102** **APPLICABILITY:** This rule applies to any vegetable oil extraction facility which has emitted 600 pounds (272 kg) or more of VOC in a day or 100 tons (90.7 Mg) or more of VOC in a year, or which would emit at such levels in the absence of existing VOC control measures, or reasonably could be expected to emit at such levels at current or proposed production rates.

SECTION 200—DEFINITIONS: For the purpose of this rule, the following definitions shall apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definitions in this rule take precedence.

- 201** **APPROVED EMISSION CONTROL SYSTEM:** A system for reducing emissions of organic compounds, consisting of both collection and control devices which are approved in writing by the Control Officer and are designed and operated in accordance with good engineering practice.
- 202** **CONVEYOR:** Any device which moves material from one location to another location.
- 203** **COOLER:** A device which reduces the temperature and/or moisture from meal being processed.
- 204** **DESOLVENTIZER-TOASTER (D-T):** A heated process unit in which air and/or steam are applied to solvated vegetable matter to volatilize the extraction solvent.
- 205** **EQUIPMENT IN SOLVENT SERVICE:** Any pump, valve, pressure relief valve, sight glass, sample connection, open-ended valve, connector, or other component which handles extraction solvent or material containing such solvent.
- 206** **EXTRACTOR:** Equipment which removes vegetable oil from vegetable material through the use of solvent.
- 207** **LEAK:** Any dripping or indication of dripping of liquid from equipment in solvent service, or an emission of gaseous VOC which exceeds 10,000 ppm (expressed as methane) above background when measurements are made using EPA Method 21.
- 208** **MEAL:** Pulverized vegetable matter from which oil has been extracted and which might still contain some extraction solvent.
- 209** **MINERAL OIL SCRUBBER:** A packed tower which uses mineral oil as a sorbent for the extraction solvent.
- 210** **SOLVENT:** The extraction medium used to extract oil from seeds, beans or other vegetable matter.
- 211** **SOLVENT EXTRACTION:** Removal of vegetable oil from vegetable matter using a liquid solvent in a contact system to dissolve and suspend the oil.
- 212** **VEGETABLE OIL PLANT:** Any facility or section of a facility engaged in the extraction or refining of vegetable oil through the use of solvent.

SECTION 300—STANDARDS

- 301** **LIMITATION—VOC EMISSIONS:** No person shall operate a vegetable oil extraction plant or facility unless the emissions do not exceed either of the following:
- 301.1** 2.5 pounds of VOC per ton of processed seed (1.13 kg/Mg) for any 30 consecutive days of operation; and
- 301.2** 3.0 pounds of VOC per ton of processed seed (1.36 kg/Mg) for any seven consecutive days of operation.
- 302** **EXTRACTORS AND DESOLVENTIZER-TOASTERS:** No person shall operate any extractor or desolventizer-toaster unless VOC emissions are controlled by both a condenser and a mineral oil scrubber. Such scrubber shall have an overall VOC control efficiency (capture with processing) of at least 90 percent by weight.
- 303** **DESOLVENTIZER-TOASTER CONVEYOR:** No person shall operate a vegetable oil plant unless the desolventizer-toaster discharge conveyor is vented to a mineral oil scrubber having an overall VOC control efficiency (capture with processing) of at least 90 percent by weight.
- 304** **OPERATION AND MAINTENANCE PLAN:** Owners or operators shall provide the Control Officer with an Operation and Maintenance (O&M) Plan. This Plan shall specify key system operating parameters, such as temperatures, pressures and/or flow rates, necessary to determine compliance with this rule and describe in detail procedures to maintain the Approved Emission Control System. The Control Officer's written approval of this plan shall be required for compliance with this rule to be achieved.
- 305** **EQUIPMENT IN SOLVENT SERVICE:** The owner or operator of a vegetable oil extraction plant shall inspect at least once a month all equipment in solvent service for any indication of VOC leakage in accordance with EPA Method 21. If the detected gaseous leakage level exceeds 10,000 ppm (expressed as methane) or if leak(s) are visible, the leak shall be tagged with a weatherproof tag. The date and time of the leak's discovery shall be recorded in a permanent logbook. The operator shall attempt to repair such leak(s) as soon as possible. The operator shall notify the Control Officer by the Division's next working day of leak(s) which cannot be fixed within 24 hours of discovery. No leak shall remain unrepaired by the end of any plant shutdown.
- 306** **EXEMPTIONS:** In determining compliance with subsection 301.2 of this rule, the Division shall exclude from calculations a startup day and the VOC added on that day, subsequent to purging the extractor and/or the refinery of all solvent.

SECTION 400—ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE SCHEDULE: By February 14, 1993, any person subject to Section 301, 302, or 303, who does not comply with all provisions of said section(s) shall submit to the Control Officer for approval an emission control plan describing the method to be used to achieve full compliance by November 15, 1993. The plan shall specify dates for completing increments of progress, such as the contractual arrival date of new control equipment. The Control Officer may require a person submitting such emission control plan to submit subsequent reports on progress in achieving compliance.

SECTION 500—MONITORING AND RECORDS

501 PROVIDING AND MAINTAINING MONITORING DEVICES: Any person sorbing or otherwise processing VOC emissions to reduce them pursuant to this rule, shall provide, properly install and maintain in calibration, in good working order and in operation, devices described in an approved O&M Plan for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine if air pollution control equipment is functioning properly and is properly maintained.

502 RECORDKEEPING AND REPORTING: Any person subject to this rule shall comply with the following requirements. Any records and lists required by this section shall be kept in a consistent and complete manner.

502.1 Material Usage: Maintain a current list of solvents, mineral oil and any other VOC-containing materials such as paints and cleaning liquids which annually exceed 20 gallons and state the VOC content of each in pounds per gallon or grams per liter. Daily record the amount of makeup solvent, the tons of vegetable matter subject to extraction, the amount of vegetable oil produced, and amount of mineral oil added.

502.2 Operation and Maintenance: Maintain a record of the times an Approved Emission Control Device is used to comply with this rule. Maintain daily records of the O&M Plan's key system operating parameters. Maintain records of all maintenance performed according to the O&M Plan.

502.3 Calculations: By the end of each day shift, calculate both the seven day and the thirty day rolling averages yielding daily VOC consumption figures, using data gathered up to and including the previous shift.

502.4 Logbook: A permanent logbook shall be kept of dates, times, and locations of all: leak detection activities, leaks found, leaks repaired, shutdowns and startups. During operating hours the logbook, as well as entries required under the preceding subsections 502.1, 502.2 and 502.3, shall immediately be made available to the Control Officer upon request.

503 RECORDS RETENTION: Copies of reports and supporting documentation required by the Control Officer shall be retained at least three years after the date of submittal. Records and information required by this rule shall be retained for at least three years.

504 COMPLIANCE DETERMINATION—TEST METHODS: An exceedance of the limits established in the rule determined by any of the applicable test methods constitutes a violation of this rule.

504.1 Control efficiency of an emissions control device shall be determined according to EPA Reference Method 25 or its applicable submethods, Title 40, CFR Part 60, Appendix A.

504.2 Gaseous leaks shall be tested for using EPA Method 21.

**NOTICE OF FINAL RULEMAKING
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS**

[M17-306]

PREAMBLE

AQ-2017-001-INCORPORATION BY REFERENCE 2016-2017

- | | |
|--|--------------------------|
| 1. Rules affected: | Rulemaking action |
| Rule 360: New Source Performance Standards | Amended |
| Rule 370: Federal Hazardous Air Pollutant Program | Amended |
| Rule 371: Acid Rain | Amended |
| Appendix G: Incorporated Materials | Amended |
| 2. Statutory authority for the rulemaking: | |
| Authorizing Statutes: A.R.S. §§ 49-474, 49-479, and 49-480 | |
| Implementing Statutes: A.R.S. §§ 41-1055, 49-112 and 49-471.08 | |
| 3. The effective date of the rule: | |
| Date of adoption: December 13, 2017 | |

**4. List of public notices addressing this rulemaking:**

Notice of Briefing to Maricopa County Manager: May 2017
Notice of Availability: Arizona Business Gazette, July 13, 2017 and July 20, 2017
Notice of Docket Opening: 23 A.A.R. 2011, July 21, 2017
Notice of Expedited Rulemaking: 23 A.A.R. 2071, July 28, 2017

5. Name and address of department personnel with whom persons may communicate regarding the rulemaking:

Name: Cheri Dale or Hether Krause
Planning and Analysis Division
Maricopa County Air Quality Department
Address: 1001 N. Central Ave., Suite 125
Phoenix, AZ 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179
E-mail: <http://www.maricopa.gov/FormCenter/Regulatory-Outreach-17/Citizen-Comments-94>

6. Explanation of the rule, including the department's reasons for initiating the rulemaking:**Background:**

The Maricopa County Air Quality Department ("department") incorporated by reference various federal regulations and documents promulgated by the U.S. Environmental Protection Agency ("EPA") and published in the Federal Register. The amendments in this "Notice of Final Rulemaking" implement federal requirements according to each federal program identified or applicable source type subject to these regulations. The rule amendments incorporate by reference actions relating to New Source Performance Standards ("NSPS"), National Emission Standards for Hazardous Air Pollutants ("NESHAP"), Acid Rain and other parts of Title 40 of the Code of Federal Regulations ("CFR"). These amendments implemented federal requirements according to each federal program identified or applicable source type subject to these regulations. The rulemaking amended the incorporation by reference date from July 1, 2016, to July 1, 2017, in each of the rules to remain current with federal regulations. The adoption of the amendments to Maricopa County Air Pollution Control Regulations Rules 360, 370, 371 and Appendix G was necessary prior to requesting the EPA's delegation of authority to the department for the implementation and enforcement of the federal regulations and documents.

In addition, the amendments corrected typographical or other clerical errors; made minor grammatical changes to improve readability or clarity; modified the format, numbering, order, capitalization, punctuation, or syntax of certain text to increase standardization within and among rules; or made various other minor changes of a purely editorial nature. As these amendments did not alter the sense, meaning, or effect of the rule, they are not described in detail here, but can be readily discerned in the "strikeout and underline" version of the rule contained in Item #17 of this notice.

Issues Raised and Discussed During This Rulemaking Process:

The MCAQD deleted specific federal standards from Rule 360 and Rule 370 because the MCAQD does not have authority from the State of Arizona to regulate these sources. Per the Arizona Revised Statutes ("A.R.S.") § 49-402, the State of Arizona "shall have original jurisdiction over such sources, permits and violations that pertain to..." metal ore smelting, petroleum refineries, coal fired electrical generating stations and Portland Cement plants. Previous MCAQD rulemakings included the incorporation of federal standards of performance into Rule 360 and Rule 370 for the listed sources; however, the MCAQD has no jurisdiction per A.R.S. § 49-402. With this rulemaking, the MCAQD deleted the applicable federal standards from Rule 360 and Rule 370 to come into compliance with the A.R.S. § 49-402 and will request the EPA rescind (remove) delegated authority from the MCAQD for these subparts. The specific subparts deleted from Rule 360 and Rule 370 are listed in the "Description of Amendments" below.

Description of Amendments:**Significant Amendments Common to Rules 360, 370, 371 and Appendix G:**

Amended the incorporation by reference date from "July 1, 2016" to "July 1, 2017."

Significant Amendments to Rule 360 (New Source Performance Standards):

This incorporation by reference is substantially identical to 40 CFR 60, Subparts A, Da, AAA, IIII, JJJJ, KKKK and OOOO. Updates to the federal NSPS regulations at 40 CFR 60 are incorporated by reference as of July 1, 2017, and no future editions or amendments.

Significant Amendments to Rule 370 (Federal Hazardous Air Pollutant Program):

This incorporation by reference is substantially identical to 40 CFR 61, Subpart A; and 40 CFR 63 Subparts A, GG, XXX, UUUUU,

and JJJJJ. Updates to the federal NESHAP regulations at 40 CFR 61 and 40 CFR 63 are incorporated by reference as of July 1, 2017, and no future editions or amendments.

Significant Amendments to Rule 371 (Acid Rain):

This incorporation by reference is substantially identical to 42 CFR 72, 74, 75 and 76. Updates to the federal Acid Rain regulations at 40 CFR 72, 74, 75 and 76 are incorporated by reference as of July 1, 2017, and no future editions or amendments.

Appendix G (Incorporated Materials):

This incorporation by reference includes updates to specific sections in the CFR. The amendments to Appendix G are substantially identical to 40 CFR 50; 40 CFR 51 with Subparts S, M, P and W; 40 CFR 52; 40 CFR 53; 40 CFR 58; 40 CFR 60 Appendices A, B and F; 40 CFR 61, Appendix B; and 40 CFR 63, Appendix A.

The department also made the following revisions:

Rule 360:

- Amended Section **301.10 Subpart F**—Standards of Performance for Portland Cement Plans to read “(Reserved per A.R.S. § 49-402)”
- Amended Section **301.15 Subpart J**—Standards of Performance for Petroleum Refineries to read “(Reserved per A.R.S. § 49-402)”
- Amended Section **301.16 Subpart Ja**—Standards of Performance for Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after May 14, 2007 to read “(Reserved per A.R.S. § 49-402)”
- Amended Section **301.20 Subpart L**—Standards of Performance for Secondary Lead Smelters to read “(Reserved per A.R.S. § 49-402)”
- Amended Section **301.25 Subpart P**—Standards of Performance for Primary Copper Smelters to read “(Reserved per A.R.S. § 49-402)”
- Amended Section **301.26 Subpart Q**—Standards of Performance for Primary Zinc Smelters to read “(Reserved per A.R.S. § 49-402)”
- Amended Section **301.27 Subpart R**—Standards of Performance for Primary Lead Smelters to read “(Reserved per A.R.S. § 49-402)”
- Amended Section **301.71 Subpart GGG**—Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after January 4, 1983, and on or before November 7, 2006 to read “(Reserved per A.R.S. § 49-402)”
- Amended Section **301.72 Subpart GGGa**—Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after November 7, 2006 to read “(Reserved per A.R.S. § 49-402)”
- Amended Section **301.82 Subpart QQQ**—Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems to read “(Reserved per A.R.S. § 49-402)”

Rule 370:

- Amended Section **301.11 Subpart O**—National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters to read “(Reserved per A.R.S. § 49-402)”
- Amended Section **302.20 Subpart X**—National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting to read “(Reserved per A.R.S. § 49-402)”
- Amended Section **302.24 Subpart CC**—National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries to read “(Reserved per A.R.S. § 49-402)”
- Amended Section **302.58 Subpart LLL**—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry to read “(Reserved per A.R.S. § 49-402)”
- Amended Section **302.63 Subpart QQQ**—National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting to read “(Reserved per A.R.S. § 49-402)”
- Amended Section **302.66 Subpart TTT**—National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting to read “(Reserved per A.R.S. § 49-402)”
- Amended Section **302.67 Subpart UUU**—National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units to read “(Reserved per A.R.S. § 49-402)”
- Amended Section **302.119 Subpart UUUUU**—National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units to read “(Reserved per A.R.S. § 49-402)”
- Amended Section **302.129 Subpart EEEEEEE**—National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Area Sources to read “(Reserved per A.R.S. § 49-402)”



- Amended Section **302.130 Subpart FFFFFF**—National Emission Standards for Hazardous Air Pollutants: Secondary Copper Smelting Area Sources to read “(Reserved per A.R.S. § 49-402)”

Appendix G: The revisions to Appendix G are substantially identical to the applicable code of federal regulations to which they apply.

- Added 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (also known as HFE-347pcf2), CAS number 406–78–0, in the table of federally listed non-precursor organic compounds, which have been determined to have negligible photochemical reactivity as listed in 40 CFR 51.100(s)

Corrected typographical or other clerical errors; made minor grammatical changes to improve readability or clarity; modified the format, numbering, order, capitalization, punctuation, or syntax of certain text to increase standardization within and among rules; and made various other minor changes of a purely editorial nature. As these changes did not alter the sense, meaning, or effect of the rule, they are not described in detail here, but can be readily discerned in the “strikeout and underline” version of the rule contained in Item #17 of this notice.

7. Demonstration of compliance with A.R.S. §§ 49-112 and 49-471.08:

The department declared this as an expedited rule making action as described in A.R.S. § 49-471.08(A).

A.R.S. § 49-471.08(A)(1):

Demonstration that the rule or ordinance making is substantially identical to the sense, meaning and effect of the federal or state rule or law from which it is derived.

Rule 360 is substantially identical to 40 CFR 60, Subparts A, Da, AAA, IIII, JJJJ, KKKK and OOOO.

Rule 370 (Federal Hazardous Air Pollutant Program) is substantially identical to 40 CFR 61, Subpart A; and 40 CFR 63 Subparts A, GG, XXX, UUUUU, and JJJJJ.

Rule 371 (Acid Rain) is substantially identical to 42 CFR 72, 74, 75 and 76.

Appendix G (Incorporated Materials) is substantially identical to 40 CFR 50; 40 CFR 51 with Subparts S, M, P and W; 40 CFR 52; 40 CFR 53; 40 CFR 58; 40 CFR 60 Appendices A, B and F; 40 CFR 61, Appendix B; and 40 CFR 63, Appendix A.

A.R.S. § 49-471.08(A)(2):

Written finding by the Control Officer setting forth the reasons why the rule or ordinance making is necessary and does not alter the sense, meaning or effect of the federal or state rule or law from which it is derived.

This rulemaking is required to update the applicability dates in these rules. It incorporates subparts that have been passed by the federal government which are required to be implemented by the department. Rules 360, 370, 371, and Appendix G do not alter the sense, meaning or effect of the state rules and federal regulations from which they are derived, as they incorporate language that is essentially the same as the state's applicable rules and the federal code of regulations.

A.R.S. § 49-471.08(A)(3):

Demonstration that fees established in the rule or ordinance do not exceed limits specified in § 49-112.

Rules 360, 370, 371, and Appendix G do not establish fees. Any costs associated with these rules will come from permit application fees for sources obtaining a permit revision to reflect new emission limits, due to applicability of a new standard. Therefore, fees associated with these rules will be exactly the same as fees associated with similar permits and would not exceed any limits specified in § 49-112.

8. Documents or studies referenced and/or reviewed for this rulemaking:

All studies relating to the incorporated subparts were conducted during the federal rulemaking process.

9. Showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision:

Not applicable

10. Summary of the economic, small business, and consumer impact:

The department incorporated by reference the following federal regulations and documents promulgated by the EPA and published in the Federal Register: New Source Performance Standards (“NSPS”), National Emission Standards for Hazardous Air Pollutants

(“NESHAP”), Acid Rain and other parts of Title 40 Code of Federal Regulations. These amendments should not have an economic impact on businesses in Maricopa County and should not impose additional costs on the regulated community, small businesses, political subdivisions, and members of the public beyond that already incurred by reason of federal or state rule or law. The costs of compliance with these rules have already occurred and were considered when the federal and state rule or law was proposed and adopted.

11. Name and address of department personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact:

Name: Cheri Dale or Hether Krause
Planning and Analysis Division
Maricopa County Air Quality Department
Address: 1001 N. Central Ave., Suite 125
Phoenix, AZ 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179
E-mail: <http://www.maricopa.gov/FormCenter/Regulatory-Outreach-17/Citizen-Comments-94>

12. Description of the changes between the proposed rule, including supplemental notices and final rule:

The department did not make any changes to the proposed rule.

13. Summary of the comments made regarding the rule and the department response to them:

No comments were received concerning the proposed expedited rulemaking.

14. Other matters prescribed by statute that are applicable to the specific department or to any specific rule or class of rules:

Not applicable

15. Incorporations by reference and their location in the rule:

<u>Incorporations</u>	<u>Location</u>
40 CFR 60, Subparts A, Da, AAA, IIII, JJJJ, KKKK and OOOO	Rule 360
40 CFR 61, Subpart A	Rule 370
40 CFR 63 Subparts A, GG, XXX, UUUUU, and JJJJJ	Rule 370
42 CFR 72, 74, 75 and 76	Rule 371
40 CFR 50; 40 CFR 51 with Subparts S, M, P and W; 40 CFR 52;	
40 CFR 53; 40 CFR 58; 40 CFR 60 Appendices A, B and F;	
40 CFR 61, Appendix B; and 40 CFR 63, Appendix A.	Appendix G

16. Was this rule previously an emergency rule?

No

17. The full text of the rules follows:

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 360
NEW SOURCE PERFORMANCE STANDARDS**

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Revised 07/13/1988; Revised 04/06/1992; Revised 11/20/1996; Revised 05/14/1997; Revised 08/19/1998; Revised 04/07/1999; Revised 03/01/2000; Revised 03/07/2001; Revised 11/19/2003; Revised 03/15/2006; Revised 12/17/2008; Revised 09/16/2009; Revised 07/07/2010; Revised 08/17/2011; Revised 07/25/2012; Revised 03/26/2014; Revised 11/05/2014; Revised 11/18/2015; ~~and~~ Revised 11/02/2016; Revised 12/13/2017

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 360
NEW SOURCE PERFORMANCE STANDARDS**

SECTION 100 – GENERAL

- 101 PURPOSE:** To establish acceptable design and performance criteria for specified new or modified emission sources.
- 102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source which contains an affected facility on which the construction, reconstruction, or a modification is commenced after the date of publication of any standard applicable to such facility in 40 CFR Part 60 and for which federal delegation of the implementation and enforcement of the standards to the Maricopa County Air Quality Department (~~department~~) (“department”) has been accomplished. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 AVAILABILITY OF INFORMATION:** Copies of all 40 CFR, Part 60 revisions currently enforced by the department are available as listed:
 - a. Maricopa County Air Quality Department, 1001 N. Central Ave, Suite 125, Phoenix, AZ, 85004.
 - b. Maricopa County Rules are available electronically at ~~http://www.maricopa.gov/ae~~ <http://www.maricopa.gov/1951/Adopted-Rules>.
 - c. EPA documents are available electronically at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collection-Code=CFR>.
 - d. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at www.astm.org.
- 104 FEDERAL DELEGATION AUTHORITY:** The department shall enforce the federal new source performance standards (~~NSPS~~) (“NSPS”) (40 CFR Part 60) listed in Section 300 of this rule which have been delegated to the County by the United States Environmental Protection Agency (~~EPA~~) (“EPA”) for such enforcement. The department may, in addition, enforce such

other NSPS as delegated for such enforcement by the EPA to the County.

SECTION 200 – DEFINITIONS: For the purpose of this rule, the following definitions shall apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definitions in this rule take precedence.

- 201 ADMINISTRATOR:** As used in Part 60, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods or alternative standards/work practices, or other nondelegable authorities such as those listed in 40 CFR 60.4(d), except as specifically provided in each subpart.
- 202 AFFECTED FACILITY –** With reference to a stationary source, any apparatus to which a standard is applicable.
- 203 COMMENCED:** With respect to the definition of “new source” in Section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction, reconstruction, or modification or that an owner or operator has entered into a contracted obligation to undertake and complete, within a reasonable time, a continuous program of construction, reconstruction or modification.
- 204 CONSTRUCTION:** The fabrication, erection, or installation of an affected facility.
- 205 MODIFICATION:** Any physical change in, or change in the method of operation of, an existing facility which increases the amount of any contaminant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air contaminant (to which a standard applies) into the atmosphere not previously emitted.
- 206 OWNER OR OPERATOR:** Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.
- 207 STANDARD:** A standard of performance promulgated under this rule.
- 208 STATIONARY SOURCE:** Any building, structure, facility, or installation which emits or may emit any air pollutant.

SECTION 300 – STANDARDS

- 301 ADOPTED FEDERAL STANDARDS:** The following federal regulations located in the U.S. Code of Federal Regulations, Part 60 of Title 40, Subchapter C (~~CFR~~ (“CFR”)) as codified on ~~July 1, 2016~~ July 1, 2017, are herein incorporated by reference in Maricopa County’s Air Pollution Control Regulations. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.
- 301.1 Subpart A—**General Provisions; exclude any sections dealing with equivalency determinations or innovative technology waivers, as covered in Sections 111(h)(3) and 111(j) respectively of the Clean Air Act.
- 301.2 Subpart D—**Standards of Performance for Fossil-Fuel-Fired Steam Generators for which Construction is Commenced after August 17, 1971.
- 301.3 Subpart Da—**Standards of Performance for Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978.
- 301.4 Subpart Db—**Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.
- 301.5 Subpart Dc—**Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.
- 301.6 Subpart E—**Standards of Performance for Incinerators.
- 301.7 Subpart Ea—**Standards of Performance for Municipal Waste Combustors for which Construction is Commenced after December 20, 1989 and on or before September 20, 1994.
- 301.8 Subpart Eb—**Standards of Performance for Large Municipal Waste Combustors for which Construction is Commenced after September 20, 1994 or for which Modification or Reconstruction is Commenced after June 19, 1996.



- 301.9 Subpart Ec**—Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for which Construction is Commenced after June 20, 1996.
- 301.10 Subpart F**—~~Standards of Performance for Portland Cement Plants. (Reserved per A.R.S. § 49-402)~~
- 301.11 Subpart G**—Standards of Performance for Nitric Acid Plants.
- 301.12 Subpart Ga**—Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011.
- 301.13 Subpart H**—Standards of Performance for Sulfuric Acid Plants.
- 301.14 Subpart I**—Standards of Performance for Hot Mix Asphalt Facilities.
- 301.15 Subpart J**—~~Standards of Performance for Petroleum Refineries. (Reserved per A.R.S. § 49-402)~~
- 301.16 Subpart Ja**—~~Standards of Performance for Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after May 14, 2007. (Reserved per A.R.S. § 49-402)~~
- 301.17 Subpart K**—Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after June 11, 1973, and prior to May 19, 1978.
- 301.18 Subpart Ka**—Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after May 18, 1978, and prior to July 23, 1984.
- 301.19 Subpart Kb**—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23, 1984.
- 301.20 Subpart L**—~~Standards of Performance for Secondary Lead Smelters. (Reserved per A.R.S. § 49-402)~~
- 301.21 Subpart M**—Standards of Performance for Secondary Brass and Bronze Production Plants.
- 301.22 Subpart N**—Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for which Construction Commenced after June 11, 1973.
- 301.23 Subpart Na**—Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for which Construction Commenced after January 20, 1983.
- 301.24 Subpart O**—Standards of Performance for Sewage Treatment Plants.
- 301.25 Subpart P**—~~Standards of Performance for Primary Copper Smelters. (Reserved per A.R.S. § 49-402)~~
- 301.26 Subpart Q**—~~Standards of Performance for Primary Zinc Smelters. (Reserved per A.R.S. § 49-402)~~
- 301.27 Subpart R**—~~Standards of Performance for Primary Lead Smelters. (Reserved per A.R.S. § 49-402)~~
- 301.28 Subpart S**—Standards of Performance for Primary Aluminum Reduction Plants.
- 301.29 Subpart T**—Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
- 301.30 Subpart U**—Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
- 301.31 Subpart V**—Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
- 301.32 Subpart W**—Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.
- 301.33 Subpart X**—Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
- 301.34 Subpart Y**—Standards of Performance for Coal Preparation and Processing Plants.
- 301.35 Subpart Z**—Standards of Performance for Ferroalloy Production Facilities.



- 301.36 **Subpart AA**—Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974, and on or before August 17, 1983.
- ~~301.37~~ **Subpart AAa**—Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 17, 1983.
- 301.38 **Subpart BB**—Standards of Performance for Kraft Pulp Mills.
- 301.39 **Subpart BBa**—Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013.
- 301.40 **Subpart CC**—Standards of Performance for Glass Manufacturing Plants.
- 301.41 **Subpart DD**—Standards of Performance for Grain Elevators.
- 301.42 **Subpart EE**—Standards of Performance for Surface Coating of Metal Furniture.
- 301.43 **Subpart FF**—(Reserved)
- 301.44 **Subpart GG**—Standards of Performance for Stationary Gas Turbines.
- 301.45 **Subpart HH**—Standards of Performance for Lime Manufacturing Plants.
- 301.46 **Subpart II**—(Reserved)
- 301.47 **Subpart JJ**—(Reserved)
- 301.48 **Subpart KK**—Standards of Performance for Lead-Acid Battery Manufacturing Plants.
- 301.49 **Subpart LL**—Standards of Performance for Metallic Mineral Processing Plants.
- 301.50 **Subpart MM**—Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.
- 301.51 **Subpart NN**—Standards of Performance for Phosphate Rock Plants.
- 301.52 **Subpart OO**—(Reserved)
- 301.53 **Subpart PP**—Standards of Performance for Ammonium Sulfate Manufacture.
- 301.54 **Subpart QQ**—Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.
- 301.55 **Subpart RR**—Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
- 301.56 **Subpart SS**—Standards of Performance for Industrial Surface Coating: Large Appliances.
- 301.57 **Subpart TT**—Standards of Performance for Metal Coil Surface Coating.
- 301.58 **Subpart UU**—Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.
- 301.59 **Subpart VV**—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced after January 5, 1981, and on or before November 7, 2006.
- 301.60 **Subpart VVa**—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced after November 7, 2006.
- 301.61 **Subpart WW**—Standards of Performance for the Beverage Can Surface Coating Industry.
- 301.62 **Subpart XX**—Standards of Performance for Bulk Gasoline Terminals.
- 301.63 **Subpart YY**—(Reserved)



- 301.64 Subpart ZZ**—(Reserved)
- 301.65 Subpart AAA**—Standards of Performance for New Residential Wood Heaters.
- 301.66 Subpart BBB**—Standards of Performance for the Rubber Tire Manufacturing Industry.
- 301.67 Subpart CCC**—(Reserved)
- 301.68 Subpart DDD**—Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
- 301.69 Subpart EEE**—(Reserved)
- 301.70 Subpart FFF**—Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.
- 301.71 Subpart GGG**—Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after January 4, 1983, and on or before November 7, 2006. (Reserved per A.R.S. § 49-402)
- 301.72 Subpart GGGa**—Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after November 7, 2006. (Reserved per A.R.S. § 49-402)
- 301.73 Subpart HHH**—Standards of Performance for Synthetic Fiber Production Facilities.
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- 301.75 Subpart JJJ**—Standards of Performance for Petroleum Dry Cleaners.
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- 301.77 Subpart LLL**—Standards of Performance for Onshore Natural Gas Processing: SO₂ Emissions.
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- 301.80 Subpart OOO**—Standards of Performance for Nonmetallic Mineral Processing Plants.
- 301.81 Subpart PPP**—Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants.
- 301.82 Subpart QQQ**—Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems. (Reserved per A.R.S. § 49-402)
- 301.83 Subpart RRR**—Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.
- 301.84 Subpart SSS**—Standards of Performance for Magnetic Tape Coating Facilities.
- 301.85 Subpart TTT**—Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.
- 301.86 Subpart UUU**—Standards of Performance for Calciners and Dryers in Mineral Industries.
- 301.87 Subpart VVV**—Standards of Performance for Polymeric Coating of Supporting Substrates Facilities.
- 301.88 Subpart WWW**—Standards of Performance for Municipal Solid Waste Landfills.
- 301.89 Subpart XXX**—(Reserved)

- 301.90 Subpart YYY—(Reserved)
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 - 301.92 Subpart AAAA—Standards of Performance for Small Municipal Waste Combustion Units for which Construction is Commenced after August 30, 1999 or for which Modification or Reconstruction is Commenced after June 6, 2001.
 - 301.93 Subpart CCCC—Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for which Construction is Commenced after November 30, 1999 or for which Modification or Reconstruction is Commenced on or after June 1, 2001.
 - 301.94 Subpart EEEE—Standards of Performance for Other Solid Waste Incineration Units for which Construction is Commenced after December 9, 2004, or for which Modification or Reconstruction is Commenced on or after June 16, 2006.
 - 301.95 Subpart GGGG—(Reserved)
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 - 301.97 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.
 - 301.98 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.
 - 301.99 Subpart KKKK—Standards of Performance for Stationary Combustion Turbines.
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 - 301.102 Subpart OOOO—Standards for Crude Oil and Natural Gas Production, Transmission and Distribution.
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 - 301.104 Subpart QQQQ—Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces.
 - 301.105 Subpart RRRR—(Reserved)
 - 301.106 Subpart SSSS—(Reserved)
 - 301.107 Subpart TTTT—Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units
- 302 ADDITIONAL REQUIREMENTS: From the general standards identified in Section 301 of this rule, delete 40 CFR 60.4, §60.5, and §60.6. All requests, reports, applications, submittals, and other communications to the Control Officer pursuant to this rule shall be submitted to the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 125, Phoenix, AZ, 85004.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 370
FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

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SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

Revised 07/13/1988; Revised 04/06/1992; Repealed and Adopted 11/15/1993; Revised 11/20/1996; Revised 05/14/1997; Revised 05/20/1998; Revised 08/19/1998; Revised 03/01/2000; Revised 03/07/2001; Revised 11/19/2003; Revised 03/15/2006; Revised 12/17/2008; Revised 09/16/2009; Revised 07/07/2010; Revised 08/17/2011; Revised 07/25/2012; Revised 03/26/2014; Revised 11/05/2014; Revised 11/18/2015; and Revised 11/02/2016; Revised 12/13/2017

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 370
FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

SECTION 100 – GENERAL

- 101 PURPOSE:** To establish emission standards for federally listed hazardous air pollutants.
- 102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source for which a standard is prescribed under this rule, and for which federal delegation of the implementation and enforcement of the standards to the Maricopa County Air Quality Department (~~department~~) (“department”) has been accomplished. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.



- 103 AVAILABILITY OF INFORMATION:** Copies of all 40 CFR, Part 61 and Part 63 revisions currently enforced by the department are available as listed:
- a. Maricopa County Air Quality Department, 1001 N. Central Ave, Suite 125, Phoenix, AZ, 85004.
 - b. Maricopa County Rules are available electronically at ~~http://www.maricopa.gov/aaq~~ <http://www.maricopa.gov/1951/Adopted-Rules>.
 - c. EPA documents are available electronically at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.
 - d. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at www.astm.org.

104 FEDERAL DELEGATION AUTHORITY: The department shall enforce the national emission standards for hazardous air pollutants (~~NESHAPs~~) (“NESHAPs”) (40 CFR 61 and 40 CFR 63) listed in Section 300 of this rule which have been delegated to the County by the United States Environmental Protection Agency (~~EPA~~) (“EPA”) for such enforcement. The department in addition, may enforce such other NESHAPs as delegated for such enforcement by the EPA to the County.

SECTION 200 – DEFINITIONS: For the purpose of this rule, the following definitions shall apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definitions in this rule take precedence.

- 201 ADMINISTRATOR:** As used in Parts 61 and 63, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods, alternative standards/work practices, or other nondelegable authorities, except as specifically provided in each subpart.
- 202 AMENDED WATER:** Water to which surfactant (wetting agent) has been added to increase the ability of the liquid to penetrate asbestos-containing material (ACM).
- 203 EXISTING SOURCE:** Any stationary source other than a new source.
- 204 FEDERALLY LISTED HAZARDOUS AIR POLLUTANT:** Any air pollutant listed pursuant to Section 112(b) of the Act.
- 205 GOVERNMENT-ISSUED PHOTO IDENTIFICATION CARD:** Includes, but is not limited to, a valid driver's license, a valid non-operating identification license, a valid tribal enrollment card or tribal identification card, or other valid government issued photo identification that includes the name, address, and photograph of the card holder.
- 206 HAZARDOUS AIR POLLUTANT:** Any air pollutant regulated under Section 112 of the Act, any air pollutant subject to NESHAP, or any air pollutant designated by the Director as a hazardous air pollutant pursuant to A.R.S. § 49-426.04.
- 207 MAJOR SOURCE:** A stationary source or group of stationary sources located within a contiguous area, and under common control, and that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any federally listed hazardous air pollutant or 25 tons per year or more of any combination of federally listed hazardous air pollutants. A lesser quantity or, in the case of radionuclides, a different criteria may be established by the Administrator pursuant to Section 112 of the Act and may be adopted by the Board of Supervisors by rule.
- 208 MODIFICATION:** Any physical change in, or change in the method of operation of a major source which increases the actual emissions of any federally listed hazardous air pollutant emitted by such source by more than a de minimis amount, or which results in the emission of any federally listed hazardous air pollutant, not previously emitted by more than a de minimis amount.
- 209 NESHAP:** National emission standards for hazardous air pollutants pursuant to 40 CFR Part 61 and Part 63.
- 210 NEW SOURCE:** A stationary source, the construction or reconstruction of which commences after the Administrator first proposes regulations under Section 112 of the Act establishing an emission standard applicable to such source.
- 211 STATIONARY SOURCE:** Any building, structure, facility, or installation which emits or may emit any air pollutant.

SECTION 300 – STANDARDS



- 301 STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS:** The federally listed hazardous air pollutants as listed in TABLE 370-1. FEDERAL LIST OF HAZARDOUS AIR POLLUTANTS of this rule and the following federal regulations located in the U.S. Code of Federal Regulations, Part 61 of Title 40, Subchapter C (~~CFR~~ (“CFR”) as codified on ~~July 1, 2016~~ July 1, 2017, are herein incorporated by reference with the listed exclusions, in Maricopa County’s Air Pollution Control Regulations. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.
- 301.1 Subpart A**—General Provisions; exclude any sections dealing with equivalency determinations that are nontransferable through Section 112(e)(3) of the Act.
- 301.2 Subpart C**—National Emission Standard for Beryllium.
- 301.3 Subpart D**—National Emission Standard for Beryllium Rocket Motor Firing.
- 301.4 Subpart E**—National Emission Standard for Mercury.
- 301.5 Subpart F**—National Emission Standard for Vinyl Chloride.
- 301.6 Subpart G**—(Reserved).
- 301.7 Subpart J**—National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.
- 301.8 Subpart L**—National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants.
- 301.9 Subpart M**—National Emission Standard for Asbestos.
- a.** Each owner or operator of a demolition activity or renovation activity involving a facility as defined in 40 CFR 61, Subpart M shall:
- (1)** Fully comply with all requirements of 40 CFR 61, Subpart M.
 - (2)** Thoroughly inspect the facility within 12 months of commencement of demolition or renovation activity for the presence of asbestos, including Category I and Category II nonfriable ACM. Include the date of this inspection on the written notification.
 - (3)** Provide the Control Officer with written notification of intention to demolish or to renovate in the manner described in 40 CFR 61.145.
 - (4)** Update all notifications in accordance with 40 CFR 61.145(b). For renovations described in 40 CFR 61.145(a)(4)(iii), notifications shall expire every December 31, with new notices required at least 10 working days before the end of the calendar year preceding the year for which notice is being given. All other notifications shall expire one year from either the original postmark date or commercial delivery date or date of hand delivery to the Control Officer. For a demolition activity or renovation activity that continues beyond the expiration date, the owner or operator of the demolition or renovation activity shall notify the Control Officer in accordance with 40 CFR 61.145(b) at least 10 working days prior to the expiration of the original notice and pay all applicable fees prescribed by Rule 280 of these rules.
 - (5)** Pay all applicable fees prescribed by Rule 280 of these rules.
- b.** In addition, each owner or operator of a demolition activity or renovation activity shall comply with the following requirements:
- (1)** Certification, training, and record keeping requirements:
 - (a)** All facilities scheduled for demolition or renovation shall be inspected by a currently certified Asbestos Hazard Emergency Response Act (AHERA) accredited asbestos building inspector (herein referenced as inspector), as required by either AHERA or the Asbestos School Hazard Abatement Reauthorization Act (ASHARA).

- (b) Each owner and operator of a facility shall maintain a copy of any reports of inspections made for a facility for two years from completion of project, including laboratory test results of samples collected. A copy of the inspection reports and laboratory test results shall be on-site and available for inspection at the facility, upon request of the department, during all demolition and renovation (asbestos setup, removal, handling, collecting, containerizing, cleanup and dismantling) activities.
- (c) All asbestos workers shall maintain current AHERA worker certification. All asbestos contractor/supervisors shall maintain current AHERA/ASHARA contractor/supervisor certification and shall be on-site at all times during any active asbestos abatement work at or above NESHAP threshold amounts. A legible copy of all asbestos workers and contractor/supervisor's current training certificates from an EPA accredited training provider shall be available for inspection at all times at the demolition or renovation site.
- (d) All asbestos workers and contractor/supervisors shall have color photo identification on-site and available for inspection, upon request of the department, at all times during asbestos setup, removal, handling, collecting, containerizing, cleanup and dismantling. The color photo identification shall be from an EPA accredited training provider verifying the certification requirements in section (b)(1)(c), or a current government-issued photo identification card.

(2) Asbestos renovation and demolition standards:

- (a) A facility owner or operator shall not create visible dust emissions when removing or transporting to the disposal site Category I nonfriable asbestos-containing material (ACM) and Category II nonfriable ACM that remain nonfriable Category I ACM and nonfriable Category II ACM.
- (b) Inspection viewing devices at facilities are required at all asbestos renovation projects where regulated asbestos-containing material (RACM) is being abated, except for roofing projects involving Category I nonfriable ACM and Category II nonfriable ACM exclusively. Viewing devices shall be so designed as to allow an inspector to view the facility from the outside, either through ports or by video monitoring.
- (c) All exposed RACM subject to cutting or dismantling operations and all RACM being removed from a facility or a facility component shall be kept adequately wet by using amended water to control the release of asbestos fibers. The use of amended water will not be required in the case of an ordered demolition, as defined in 40 CFR 61.145(a)(3), where the debris is suspected to contain or is known to contain ACM, however ordered demolitions are subject to 40 CFR 61.145(c)(9). Specific exemptions are listed under 40 CFR 61.145(c)(3)(i)(A), 40 CFR 61.145(c)(3)(ii) and/or 40 CFR 61.145(c)(7)(i). To claim these exemptions, the owner or operator shall follow the requirements of 40 CFR 61.145(c)(3)(i)(B), 40 CFR 61.145(c)(3)(iii) and/or 61.145(c)(7)(ii) and (iii).
- (d) All RACM shall be contained in transparent, leak-tight wrapping and shall remain adequately wet to prevent dust emissions during removal, transport, storage, and proper landfill disposal following local, county, state, and federal regulations. Affix a visible and legible label to each individual wrapping with the name of the site owner or operator and the name and address of the location that generated the RACM.

301.10 Subpart N—National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants.

301.11 Subpart O—~~National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters.~~ (Reserved per A.R.S. § 49-402)

301.12 Subpart P—National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.

301.13 Subpart S—(Reserved)

301.14 Subpart U—(Reserved)

301.15 Subpart V—National Emission Standard for Equipment Leaks (Fugitive Emission Sources).



- 301.16 **Subpart X**—(Reserved)
- 301.17 **Subpart Y**—National Emission Standard for Benzene Emissions from Benzene Storage Vessels.
- 301.18 **Subpart Z**—(Reserved)
- 301.19 **Subpart AA**—(Reserved)
- 301.20 **Subpart BB**—National Emission Standard for Benzene Emissions from Benzene Transfer Operations.
- 301.21 **Subpart CC**—(Reserved)
- 301.22 **Subpart DD**—(Reserved)
- 301.23 **Subpart EE**—(Reserved)
- 301.24 **Subpart FF**—National Emission Standard for Benzene Waste Operations.

302 STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES: The federally listed hazardous air pollutants as listed in TABLE 370-1. FEDERAL LIST OF HAZARDOUS AIR POLLUTANTS of this rule and the following federal regulations located in the U.S. Code of Federal Regulations, Part 63 of Title 40, Subchapter C (~~CFR~~ (“CFR”)), as codified on ~~July 1, 2016~~ July 1, 2017, are herein incorporated by reference with the listed exclusions, in Maricopa County’s Air Pollution Control Regulations. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include non-delegable functions of the EPA Administrator.

- 302.1 **Subpart A**—General Provisions.
- 302.2 **Subpart F**—National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.
- 302.3 **Subpart G**—National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.
- 302.4 **Subpart H**—National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.
- 302.5 **Subpart I**—National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.
- 302.6 **Subpart J**—National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production.
- 302.7 **Subpart K**—(Reserved)
- 302.8 **Subpart L**—National Emission Standards for Coke Oven Batteries.
- 302.9 **Subpart M**—National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.
- 302.10 **Subpart N**—National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
- 302.11 **Subpart O**—Ethylene Oxide Emissions Standards for Sterilization Facilities.
- 302.12 **Subpart P**—(Reserved)
- 302.13 **Subpart Q**—National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.
- 302.14 **Subpart R**—National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).



- 302.15 **Subpart S**—National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.
- 302.16 **Subpart T**—National Emission Standards for Halogenated Solvent Cleaning.
- 302.17 **Subpart U**—National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.
- 302.18 **Subpart V**—(Reserved)
- 302.19 **Subpart W**—National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production.
- 302.20 **Subpart X**—~~National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting.~~ (Reserved per A.R.S. § 49-402)
- 302.21 **Subpart Z**—(Reserved)
- 302.22 **Subpart AA**—National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants.
- 302.23 **Subpart BB**—National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants.
- 302.24 **Subpart CC**—~~National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.~~ (Reserved per A.R.S. § 49-402)
- 302.25 **Subpart DD**—National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.
- 302.26 **Subpart EE**—National Emission Standards for Magnetic Tape Manufacturing Operations.
- 302.27 **Subpart FF**—(Reserved).
- 302.28 **Subpart GG**—National Emission Standards for Aerospace Manufacturing and Rework Facilities.
- 302.29 **Subpart HH**—National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities.
- 302.30 **Subpart JJ**—National Emission Standards for Wood Furniture Manufacturing Operations.
- 302.31 **Subpart KK**—National Emission Standards for the Printing and Publishing Industry.
- 302.32 **Subpart LL**—National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants.
- 302.33 **Subpart MM**—National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfitite, and Stand-Alone Semichemical Pulp Mills.
- 302.34 **Subpart NN**—National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources.
- 302.35 **Subpart OO**—National Emission Standards for Tanks – Level 1.
- 302.36 **Subpart PP**—National Emission Standards for Containers.
- 302.37 **Subpart QQ**—National Emission Standards for Surface Impoundments.
- 302.38 **Subpart RR**—National Emission Standards for Individual Drain Systems.
- 302.39 **Subpart SS**—National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.
- 302.40 **Subpart TT**—National Emission Standards for Equipment Leaks – Control Level 1.



- 302.41 Subpart UU**—National Emission Standards for Equipment Leaks – Control Level 2 Standards.
- 302.42 Subpart VV**—National Emission Standards for Oil-Water Separators and Organic-Water Separators.
- 302.43 Subpart WW**—National Emission Standards for Storage Vessels (Tanks) – Control Level 2.
- 302.44 Subpart XX**—National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.
- 302.45 Subpart YY**—National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.
- 302.46 Subpart ZZ**—(Reserved)
- 302.47 Subpart AAA**—(Reserved)
- 302.48 Subpart BBB**—(Reserved)
- 302.49 Subpart CCC**—National Emission Standards for Hazardous Air Pollutants for Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants.
- 302.50 Subpart DDD**—National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.
- 302.51 Subpart EEE**—National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.
- 302.52 Subpart FFF**—(Reserved)
- 302.53 Subpart GGG**—National Emission Standards for Pharmaceuticals Production.
- 302.54 Subpart HHH**—National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities.
- 302.55 Subpart III**—National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.
- 302.56 Subpart JJJ**—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.
- 302.57 Subpart KKK**—(Reserved)
- 302.58 Subpart LLL**—~~National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry. (Reserved per A.R.S. § 49-402)~~
- 302.59 Subpart MMM**—National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.
- 302.60 Subpart NNN**—National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.
- 302.61 Subpart OOO**—National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins.
- 302.62 Subpart PPP**—National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production.
- 302.63 Subpart QQQ**—~~National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting. (Reserved per A.R.S. § 49-402)~~
- 302.64 Subpart RRR**—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.
- 302.65 Subpart SSS**—(Reserved)
- 302.66 Subpart TTT**—~~National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting. (Reserved per A.R.S. § 49-402)~~



- 302.67 **Subpart UUU**—~~National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units. (Reserved per A.R.S. § 49-402)~~
- 302.68 **Subpart VVV**—National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.
- 302.69 **Subpart WWW**—(Reserved)
- 302.70 **Subpart XXX**—National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese.
- 302.71 **Subpart YYY**—(Reserved)
- 302.72 **Subpart ZZZ**—(Reserved)
- 302.73 **Subpart AAAA**—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.
- 302.74 **Subpart BBBB**—(Reserved)
- 302.75 **Subpart CCCC**—National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast.
- 302.76 **Subpart DDDD**—National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products.
- 302.77 **Subpart EEEE**—National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline).
- 302.78 **Subpart FFFF**—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing.
- 302.79 **Subpart GGGG**—National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production.
- 302.80 **Subpart HHHH**—National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production.
- 302.81 **Subpart IIII**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks.
- 302.82 **Subpart JJJJ**—National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating.
- 302.83 **Subpart KKKK**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans.
- 302.84 **Subpart LLLL**—(Reserved)
- 302.85 **Subpart MMMM**—National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.
- 302.86 **Subpart NNNN**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances.
- 302.87 **Subpart OOOO**—National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles.
- 302.88 **Subpart PPPP**—National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.
- 302.89 **Subpart QQQQ**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products.
- 302.90 **Subpart RRRR**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture.
- 302.91 **Subpart SSSS**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.



- 302.92 **Subpart TTTT**—National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations.
- 302.93 **Subpart UUUU**—National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing.
- 302.94 **Subpart VVVV**—National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing.
- 302.95 **Subpart WWWW**—National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production.
- 302.96 **Subpart XXXX**—National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing.
- 302.97 **Subpart YYYYY**—National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.
- 302.98 **Subpart ZZZZ**—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.
- 302.99 **Subpart AAAAA**—National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.
- 302.100 **Subpart BBBBB**—National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.
- 302.101 **Subpart CCCCC**—National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.
- 302.102 **Subpart DDDDD**—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters.
- 302.103 **Subpart EEEEE**—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.
- 302.104 **Subpart FFFFF**—National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities.
- 302.105 **Subpart GGGGG**—National Emission Standards for Hazardous Air Pollutants: Site Remediation.
- 302.106 **Subpart HHHHH**—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing.
- 302.107 **Subpart IIIII**—National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants.
- 302.108 **Subpart JJJJJ**—National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.
- 302.109 **Subpart KKKKK**—National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.
- 302.110 **Subpart LLLLL**—National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing.
- 302.111 **Subpart MMMMM**—National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations.
- 302.112 **Subpart NNNNN**—National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production.
- 302.113 **Subpart OOOOO**—(Reserved)
- 302.114 **Subpart PTTTT**—National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands.
- 302.115 **Subpart QQQQQ**—National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.
- 302.116 **Subpart RRRRR**—National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing.
- 302.117 **Subpart SSSSS**—National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.

- 302.118 Subpart TTTTTT**—National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining.
- 302.119 Subpart UUUUU**—~~National Emission Standards for Hazardous Air Pollutants: Coal and Oil-Fired Electric Utility Steam Generating Units. (Reserved per A.R.S. § 49-402)~~
- 302.120 Subpart VVVVVV**—(Reserved)
- 302.121 Subpart WWWW**—National Emission Standards for Hospital Ethylene Oxide Sterilizers.
- 302.122 Subpart XXXXX**—(Reserved)
- 302.123 Subpart YYYYYY**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities.
- 302.124 Subpart ZZZZZ**—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.
- 302.125 Subpart AAAAAA**—(Reserved)
- 302.126 Subpart BBBB**—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.
- 302.127 Subpart CCCCC**—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.
- 302.128 Subpart DDDDD**—National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.
- 302.129 Subpart EEEEE**—~~National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Area Sources. (Reserved per A.R.S. § 49-402)~~
- 302.130 Subpart FFFFF**—~~National Emission Standards for Hazardous Air Pollutants: Secondary Copper Smelting Area Sources. (Reserved per A.R.S. § 49-402)~~
- 302.131 Subpart GGGGG**—National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources--Zinc, Cadmium, and Beryllium.
- 302.132 Subpart HHHHH**—National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.
- 302.133 Subpart IIIII**—(Reserved)
- 302.134 Subpart JJJJJ**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers.
- 302.135 Subpart KKKKK**—(Reserved)
- 302.136 Subpart LLLLL**—National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.
- 302.137 Subpart MMMM**—National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources.
- 302.138 Subpart NNNNN**—National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds.
- 302.139 Subpart OOOOO**—National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.
- 302.140 Subpart PPPPP**—National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area.

- 302.141 **Subpart QQQQQQ**—National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.
- 302.142 **Subpart RRRRRR**—National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.
- 302.143 **Subpart SSSSSS**—National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources.
- 302.144 **Subpart TTTTTT**—National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources.
- 302.145 **Subpart UUUUUU**—(Reserved)
- 302.146 **Subpart VVVVVV**—National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources
- 302.147 **Subpart WWWWWW**—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.
- 302.148 **Subpart XXXXXX**—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.
- 302.149 **Subpart YYYYYY**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities.
- 302.150 **Subpart ZZZZZZ**—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.
- 302.151 **Subpart AAAAAA**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing.
- 302.152 **Subpart BBBBBB**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry.
- 302.153 **Subpart CCCCCC**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing.
- 302.154 **Subpart DDDDDD**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.
- 302.155 **Subpart EEEEEEE**—National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category.
- 302.156 **Subpart FFFFFFFF**—(Reserved)
- 302.157 **Subpart GGGGGG**—(Reserved)
- 302.158 **Subpart HHHHHH**—National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production.

303 ADDITIONAL REQUIREMENTS:

- 303.1 From the general standards identified in Section 301 of this rule, delete 40 CFR 61.04. All requests, reports, applications, submittals, and other communications to the Control Officer pursuant to this rule shall be submitted to the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 125, Phoenix, AZ, 85004.
- 303.2 Where the Act has established provisions, including specific schedules, for the regulation of source categories pursuant to Sections 112(e)(5) and 112(n) of the Act, the Control Officer may enforce those provisions.
- 303.3 For any category or subcategory of sources licensed by the U.S. Nuclear Regulatory Commission, the Board of Supervisors shall not adopt and the Control Officer shall not enforce any standard or limitation respecting emissions of radionuclides which is more stringent than the standard or limitation adopted by the Administrator pursuant to Section

112 of the Act.

303.4 If the Administrator finds by rule that regulation is not appropriate or necessary or that alternative control strategies should be applied, the Control Officer shall administer and enforce this rule based on the Administrator's findings.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

401 CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES IN ACCORDANCE WITH CLEAN AIR ACT SECTIONS, SECTIONS 112(g) AND 112(j): 40 CFR 63.40 through 40 CFR 63.44 and 40 CFR 63.50 through 40 CFR 63.56 are adopted by reference as of ~~July 1, 2016~~ July 1, 2017.

402 COMPLIANCE EXTENSIONS FOR EARLY REDUCTION OF FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS: 40 CFR 63.70 through 40 CFR 63.81 and Table 370.1 are adopted by reference as of ~~July 1, 2016~~ July 1, 2017.

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

TABLE 370-1. FEDERAL LIST OF HAZARDOUS AIR POLLUTANTS

A. All of the following are federally listed hazardous air pollutants:

CAS No.	Chemical Name
75-07-0	Acetaldehyde
60-35-5	Acetamide
75-05-8	Acetonitrile
98-86-2	Acetophenone
53-96-3	2-Acetylaminofluorene
107-02-8	Acrolein
79-06-1	Acrylamide
79-10-7	Acrylic acid
107-13-1	Acrylonitrile
107-05-1	Allyl chloride
92-67-1	4-Aminobiphenyl
62-53-3	Aniline
90-04-0	o-Anisidine
1332-21-4	Asbestos
71-43-2	Benzene (including benzene from gasoline)
92-87-5	Benzidine
98-07-7	Benzotrichloride
100-44-7	Benzyl chloride
92-52-4	Biphenyl
117-81-7	Bis(2-ethylhexyl)phthalate (DEHP)
542-88-1	Bis(chloromethyl)ether
75-25-2	Bromoform
106-99-0	1,3-Butadiene
156-62-7	Calcium cyanamide
133-06-2	Captan
63-25-2	Carbaryl
75-15-0	Carbon disulfide
56-23-5	Carbon tetrachloride
463-58-1	Carbonyl sulfide
120-80-9	Catechol
133-90-4	Chloramben
57-74-9	Chlordane
7782-50-5	Chlorine
79-11-8	Chloroacetic acid
532-27-4	2-Chloroacetophenone
108-90-7	Chlorobenzene
510-15-6	Chlorobenzilate
67-66-3	Chloroform
107-30-2	Chloromethyl methyl ether
126-99-8	Chloroprene
1319-77-3	Cresols/Cresylic acid (isomers and mixture)
95-48-7	o-Cresol
108-39-4	m-Cresol
106-44-5	p-Cresol



CAS No.	Chemical Name
98-82-8	Cumene
94-75-7	2,4-D, salts and esters
3547-04-4	DDE
334-88-3	Diazomethane
132-64-9	Dibenzofurans
96-12-8	1,2-Dibromo-3-chloropropane
84-74-2	Dibutylphthalate
106-46-7	1,4-Dichlorobenzene(p)
91-94-1	3,3-Dichlorobenzidine
111-44-4	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542-75-6	1,3-Dichloropropene
62-73-7	Dichlorvos
111-42-2	Diethanolamine
121-69-7	N,N-Diethyl aniline (N,N-Dimethylaniline)
64-67-5	Diethyl sulfate
119-90-4	3,3-Dimethoxybenzidine
60-11-7	Dimethyl aminoazobenzene
119-93-7	3,3'-Dimethyl benzidine
79-44-7	Dimethyl carbamoyl chloride
68-12-2	Dimethyl formamide
57-14-7	1,1-Dimethyl hydrazine
131-11-3	Dimethyl phthalate
77-78-1	Dimethyl sulfate
534-52-1	4,6-Dinitroocresol, and salts
51-28-5	2,4-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
123-91-1	1,4-Dioxane (1,4-Diethyleneoxide)
122-66-7	1,2-Diphenylhydrazine
106-89-8	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106-88-7	1,2-Epoxybutane
140-88-5	Ethyl acrylate
100-41-4	Ethyl benzene
51-79-6	Ethyl carbamate (Urethane)
75-00-3	Ethyl chloride (Chloroethane)
106-93-4	Ethylene dibromide (Dibromoethane)
107-06-2	Ethylene dichloride (1,2-Dichloroethane)
107-21-1	Ethylene glycol
151-56-4	Ethylene imine (Aziridine)
75-21-8	Ethylene oxide
96-45-7	Ethylene thiourea
75-34-3	Ethylidene dichloride (1,1-Dichloroethane)
50-00-0	Formaldehyde
76-44-8	Heptachlor
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
77-47-4	Hexachlorocyclopentadiene
67-72-1	Hexachloroethane
822-06-0	Hexamethylene-1,6-diisocyanate
680-31-9	Hexamethylphosphoramide
110-54-3	Hexane
302-01-2	Hydrazine
7647-01-0	Hydrochloric acid
7664-39-3	Hydrogen fluoride (Hydrofluoric acid)
123-31-9	Hydroquinone
78-59-1	Isophorone
58-89-9	Lindane (all isomers)
108-31-6	Maleic anhydride
67-56-1	Methanol
72-43-5	Methoxychlor
74-83-9	Methyl bromide (Bromomethane)
74-87-3	Methyl chloride (Chloromethane)
71-55-6	Methyl chloroform (1,1,1-Trichloroethane)
60-34-4	Methyl hydrazine
74-88-4	Methyl iodide (Iodomethane)
108-10-1	Methyl isobutyl ketone (Hexone)
624-83-9	Methyl isocyanate

CAS No.	Chemical Name
624-83-9	Methyl isocyanate
80-62-6	Methyl methacrylate
1634-04-4	Methyl tert butyl ether
101-14-4	4,4-Methylene bis (2-chloroaniline)
75-09-2	Methylene chloride (Dichloromethane)
101-68-8	Methylene diphenyl diisocyanate (MDI)
101-77-9	4,4'-Methylenedianiline
91-20-3	Naphthalene
98-95-3	Nitrobenzene
92-93-3	4-Nitrobiphenyl
100-02-7	4-Nitrophenol
79-46-9	2-Nitropropane
684-93-5	N-NitrosoNmethylurea
62-75-9	N-Nitrosodimethylamine
59-89-2	N-Nitrosomorpholine
56-38-2	Parathion
82-68-8	Pentachloronitrobenzene (Quintobenzene)
87-86-5	Pentachlorophenol
108-95-2	Phenol
106-50-3	p-Phenylenediamine
75-44-5	Phosgene
7803-51-2	Phosphine
7723-14-0	Phosphorus
85-44-9	Phthalic anhydride
1336-36-3	Polychlorinated biphenyls (Aroclors)
1120-71-4	1,3-Propane sultone
57-57-8	beta-Propiolactone
123-38-6	Propionaldehyde
114-26-1	Propoxur (Baygon)
78-87-5	Propylene dichloride (1,2-Dichloropropane)
75-56-9	Propylene oxide
75-55-8	1,2-Propylenimine (2-Methylaziridine)
91-22-5	Quinoline
106-51-4	Quinone
100-42-5	Styrene
96-09-3	Styrene oxide
1746-01-6	2,3,7,8-Tetrachlorodibenzopdioxin
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethylene (Perchloroethylene)
7550-45-0	Titanium tetrachloride
108-88-3	Toluene
95-80-7	2,4-Toluene diamine
584-84-9	2,4-Toluene diisocyanate
95-53-4	o-Toluidine
8001-35-2	Toxaphene (chlorinated camphene)
120-82-1	1,2,4-Trichlorobenzene
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethylene
95-95-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol
121-44-8	Triethylamine
1582-09-8	Trifluralin
540-84-1	2,2,4-Trimethylpentane
108-05-4	Vinyl acetate
593-60-2	Vinyl bromide
75-01-4	Vinyl chloride
75-35-4	Vinylidene chloride (1,1-Dichloroethylene)
1330-20-7	Xylenes (isomers and mixture)
95-47-6	o-Xylenes
108-38-3	m-Xylenes
106-42-3	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds



CAS No.	Chemical Name
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds ^[1]
0	Glycol ethers ^[2]
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers ^[3]
0	Nickel Compounds
0	Polycyclic Organic Matter ^[4]
0	Radionuclides (including radon) ^[5]
0	Selenium Compounds

B. The following applies for all listings above which contain the word “compounds” or are glycol ethers: unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

- [1] X'CN where X = H' or any other group where a formal dissociation may occur (e.g. KCN or Ca(CN)2).
- [2] a. Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)_n-OR' where:
 - n = 1, 2, or 3;
 - R = alkyl C7 or less; or
 - R = phenyl or alkyl substituted phenyl;
 - R' = H or alkyl C7 or less; or
 - OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate.
- b. Glycol ethers do not include ethylene glycol monobutyl ether (EGBE, 2-Butoxyethanol) (CAS No. 111-76-2).
- [3] Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter one micrometer or less.
- [4] Includes organic compounds which have more than one benzene ring and which have a boiling point greater than or equal to 212 °F (100 °C).
- [5] A type of atom which spontaneously undergoes radioactive decay.

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 371
ACID RAIN**

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SECTION 300 – STANDARDS

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- 302 FEDERAL REGULATORY REVISIONS

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

Adopted 02/15/1995; Revised 04/03/1996; Revised 03/01/2000; Revised 03/07/2001; Revised 11/19/2003; Revised 03/15/2006; Revised 12/17/2008; Revised 09/16/2009; Revised 07/07/2010; Revised 08/17/2011; Revised 07/25/2012; Revised 03/26/2014; Revised 11/05/2014; Revised 11/18/2015; ~~and Revised 11/02/2016;~~ **Revised 12/13/2017**

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 371
ACID RAIN**

SECTION 100 – GENERAL

- 101 PURPOSE:** To incorporate by reference the Acid Rain federal regulations in order to obtain delegated authority to enforce portions of the Clean Air Act Amendments of 1990 (~~CAAA~~) (“CAAA”).
- 102 APPLICABILITY:** This rule applies to those affected units as described in 40 CFR 72.6 which has been adopted by reference and no future additions or amendments. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 SEVERABILITY:** If the provisions or requirements of the regulations incorporated pursuant to this rule conflict with any of the remaining portions of these rules, the regulations incorporated pursuant to this rule shall apply and shall take precedence.
- 104 AVAILABILITY OF INFORMATION:** Copies of 40 CFR Part 72 (Permits Regulation), 40 CFR Part 74 (Sulfur Dioxide Opt-Ins), 40 CFR Part 75 (Continuous Emission Monitoring), and 40 CFR 76 (Acid Rain Nitrogen Oxides Emission Reduction Program) and all accompanying appendices currently enforced by the ~~department~~ Maricopa County Air Quality Department (department) are available as listed:
 - a. Maricopa County Air Quality Department, 1001 N. Central Ave, Suite 125, Phoenix, AZ, 85004.
 - b. Maricopa County Rules are available electronically at ~~http://www.maricopa.gov/eq~~ http://www.maricopa.gov/1951/Adopted-Rules.
 - c. EPA documents are available electronically at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collection-Code=CFR>.
 - d. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at www.astm.org.
- 105 FEDERAL DELEGATION AUTHORITY:** The department shall enforce the Federal Acid Rain Regulations which have been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. The department may, in addition, enforce such other Acid Rain Rules as delegated for such enforcement by the EPA to the County.

SECTION 200 – DEFINITIONS: See Rule 100 (General Provisions and Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule.

SECTION 300 – STANDARDS

- 301 INCORPORATED SUBPARTS OF THE FEDERAL ACID RAIN REGULATIONS:** The following federal regulations located in the U.S. Code of Federal Regulations, Title 40, Subchapter C (~~CFR~~) (“CFR”) as codified on ~~July 1, 2016~~ July 1, 2017, are herein incorporated by reference in Maricopa County’s Air Pollution Control Regulations. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does



not include nondelegable functions of the EPA Administrator.

- a. 40 CFR Part 72 – Permits Regulation
- b. 40 CFR Part 74 – Sulfur Dioxide Opt-Ins
- c. 40 CFR Part 75 – Continuous Emission Monitoring
- d. 40 CFR Part 76 – Acid Rain Nitrogen Oxides Emission Reduction Program

302 FEDERAL REGULATORY REVISIONS: The Maricopa County Board of Supervisors shall take action following promulgation by the Environmental Protection Agency (~~EPA~~ (“EPA”)) of regulations implementing Section 407 and Section 410 of the Clean Air Act (~~CAA~~ (“CAA”)), or revising either Part 72, 74, 75, and/or 76 of the regulations implementing Section 407 or Section 410 of the CAA, to either incorporate such new or revised provisions by reference or to submit, for the EPA approval, the Maricopa County Air Pollution Control Regulations implementing these provisions.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

Adopted 03/15/2006; Revised 12/17/2008; Revised 09/16/2009; Revised 07/07/2010; Revised 08/17/2011; Revised 07/25/2012; Revised 09/25/2013; Revised 03/26/2014; Revised 11/05/2014; Revised 11/18/2015; ~~and~~ Revised 11/02/2016; **Revised 12/13/2017**

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS**

**APPENDIX G
Incorporated Materials**

1. The following federal regulations located in the U.S. Code of Federal Regulations, Title 40, Subchapter C (~~CFR~~ (“CFR”)) as codified on ~~July 1, 2016~~ **July 1, 2017**, are herein incorporated by reference in Maricopa County’s Air Pollution Control Regulations. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.
 - a. 40 CFR Part 50 – National Primary and Secondary Ambient Air Quality Standards
 - b. The following appendices to 40 CFR Part 51:
 1. Appendix A to Subpart A of Part 51 – Table 2A: Facility Inventory Data Elements for Reporting Emissions From Point Sources, Where Required by 40 CFR 51.30
 2. Appendix M to Part 51 – Recommended Test Methods for State Implementation Plans
 3. Appendix S to Part 51, Section IV – Sources That Would Locate in a Designated Nonattainment Area
 4. Appendix W to Part 51 – Guideline on Air Quality Models
 - c. The following appendices to 40 CFR Part 52:
 1. Appendix D to Part 52 – Determination of Sulfur Dioxide Emissions From Stationary Sources by Continuous Monitors
 2. Appendix E to Part 52 – Performance Specifications and Specification Test Procedures for Monitoring Systems for Effluent Stream Gas Volumetric Flow Rate
 - d. 40 CFR Part 53 – Ambient Air Monitoring Reference and Equivalent Methods
 - e. 40 CFR Part 58 – Ambient Air Quality Surveillance
 - f. The following appendices to 40 CFR Part 60 – Standards of Performance for New Stationary Sources:

1. Appendix A-1 to Part 60 – Test Methods 1 through 2F
 2. Appendix A-2 to Part 60 – Test Methods 2G through 3C
 3. Appendix A-3 to Part 60 – Test Methods 4 through 5I
 4. Appendix A-4 to Part 60 – Test Methods 6 through 10B
 5. Appendix A-5 to Part 60 – Test Methods 11 through 15A
 6. Appendix A-6 to Part 60 – Test Methods 16 through 18
 7. Appendix A-7 to Part 60 – Test Methods 19 through 25E
 8. Appendix A-8 to Part 60 – Test Methods 26 through 30B
 9. Appendix B to Part 60 – Performance Specifications
 10. Appendix C to Part 60 – Determination of Emission Rate Change
 11. Appendix D to Part 60 – Required Emission Inventory Information
 12. Appendix F to Part 60 – Quality Assurance Procedures
- g. The following appendices to 40 CFR Part 61 – National Emission Standards for Hazardous Air Pollutants:
1. Appendix A to Part 61 – National Emission Standards for Hazardous Air Pollutants Compliance Status Information.
 2. Appendix B to Part 61 – Test Methods
 3. Appendix C to Part 61 – Quality Assurance Procedures
- h. The following appendices to 40 CFR Part 63 – National Emission Standards for Hazardous Air Pollutants for Source Categories:
1. Appendix A to Part 63 – Test Methods Pollutant Measurement Methods from Various Waste Media
 2. Appendix C to Part 63 – Determination of the Fraction Biodegraded (Fbio) in a Biological Treatment Unit.
 3. Appendix E to Part 63 – Monitoring Procedure for Nonthoroughly Mixed Open Biological Treatment Systems at Kraft Pulp Mills Under Unsafe Sampling Conditions
2. The following are federally listed non-precursor organic compounds, organic compounds which have been determined to have negligible photochemical reactivity as listed in 40 CFR 51.100(s). This list is incorporated by reference as of ~~July 1, 2016~~ July 1, 2017, and no future editions or amendments:

CAS NUMBER	COMPOUND NAME
1615-75-4	1 chloro-1-fluoroethane (HCFC-151a);
163702-07-6	1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C ₄ F ₉ OCH ₃ or HFE-7100);
375-03-1	1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE-7000);
132182-92-4	1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);
431-89-0	1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);
431-63-0	1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
138495-42-8	1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
431-31-2	1,1,1,2,3-pentafluoropropane (HFC-245eb);
811-97-2	1,1,1,2-tetrafluoroethane (HFC-134a);

CAS NUMBER	COMPOUND NAME
690-39-1	1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
406-58-6	1,1,1,3,3-pentafluorobutane (HFC-365mfc);
460-73-1	1,1,1,3,3-pentafluoropropane (HFC-245fa);
71-55-6	1,1,1-trichloroethane (methyl chloroform);
306-83-2	1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
420-46-2	1,1,1-trifluoroethane (HFC-143a);
679-86-7	1,1,2,2,3-pentafluoropropane (HFC-245ca);
359-35-3	1,1,2,2-tetrafluoroethane (HFC-134);
406-78-0	1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (HFE-347pcf2)
24270-66-4	1,1,2,3,3-pentafluoropropane (HFC-245ea);
76-13-1	1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
1717-00-6	1,1-dichloro 1-fluoroethane (HCFC-141b);
75-34-3	1,1-difluoroethane (HFC-152a);
76-14-2	1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
354-23-4	1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
507-55-1	1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
75-68-3	1-chloro 1,1-difluoroethane (HCFC-142b);
163702-05-4	1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C ₄ F ₉ OC ₂ H ₅ or HFE-7200);
124-68-5	2-amino-2- methyl-1-propanol (AMP)
163702-08-7	2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF ₃) ₂ CFCF ₂ OCH ₃);
163702-06-5	2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF ₃) ₂ CFCF ₂ OC ₂ H ₅);
754-12-1	2,3,3,3-tetrafluoropropene;
2837-89-0	2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
422-56-0	3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
297730-93-9	3-ethoxy- 1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);
67-64-1	acetone;
75-45-6	chlorodifluoromethane (HCFC-22);
593-70-4	chlorofluoromethane (HCFC-31);
76-15-3	chloropentafluoroethane (CFC-115);

CAS NUMBER	COMPOUND NAME
0	cyclic, branched, or linear completely methylated siloxanes;
75-71-8	dichlorodifluoromethane (CFC-12);
95508-16-0	difluoromethane (HFC-32);
616-38-6	dimethyl carbonate;
74-84-0	ethane;
95508-16-0	ethylfluoride (HFC-161);
188690-78-0	HCF ₂ OCF ₂ CF ₂ OCF ₂ H (HFE-338pcc13);
1691-17-4	HCF ₂ OCF ₂ H (HFE-134);
188690-77-9	HCF ₂ OCF ₂ OCF ₂ CF ₂ OCF ₂ H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));
78522-47-1	HCF ₂ OCF ₂ OCF ₂ H (HFE-236cal2);
72-84-8	methane;
79-20-9	methyl acetate;
107-33-3	methyl formate (HCOOCH ₃);
75-09-2	methylene chloride (dichloromethane);
98-56-6	parachlorobenzotrifluoride (PCBTF);
354-33-6	pentafluoroethane (HFC-125);
127-18-4	perchloroethylene (tetrachloroethylene);
108-32-7	propylene carbonate;
102687-65-0	<i>trans</i> 1-chloro-3,3,3-trifluoroprop-1-ene (Solstice™ 1233zd(E))
29118-24-9	<i>trans</i> -1,3,3,3-tetrafluoropropene;
75-69-4	trichlorofluoromethane (CFC-11);
75-46-7	trifluoromethane (HFC-23);
0	and perfluorocarbon compounds which fall into these classes: (i) Cyclic, branched, or linear, completely fluorinated alkanes; (ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations; (iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and (iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

3. The following documents are incorporated by reference and are approved for use as directed by the department under the Maricopa County Air Pollution Control Regulations. These documents are incorporated by reference as of the year specified below, and no future editions or amendments.
- a. Section 1 and Section 7 of the Arizona Department of Environmental Quality's (~~ADEQ~~) ("ADEQ") "Arizona Testing Manual for Air Pollutant Emissions," amended as of March 1992, and no future editions or amendments.
 - b. The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987", published by the Executive Office of the President, Office of Management and Budget, and no future editions or amendments.
 - c. EPA Publication No. AP-42, 1995, "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, Fifth Edition, including Supplements A, B, C, D, E, F, Updates 2001, 2002, 2003, and 2004 and all updates as of ~~July 1, 2016~~ July 1, 2017, and no future editions or amendments.
 - d. EPA guidance document "Guidelines for Determining Capture Efficiency", January 9, 1995, and no future editions or amendments.
 - e. 2002 US NAICS Manual, "North American Industry Classification System United States", National Technical Information Service, US Census Bureau, 2002, and no future editions or amendments.



4. **Availability of Information:** Incorporated materials are available as listed:
- a. Maricopa County Air Quality Department, 1001 N. Central Ave, Suite 125, Phoenix, AZ, 85004.
 - b. Maricopa County Rules are available electronically at ~~http://www.maricopa.gov/aa~~ <http://www.maricopa.gov/1951/Adopted-Rules>.
 - c. EPA documents are available electronically at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collection-Code=CFR>.
 - d. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at www.astm.org.

REGISTER INDEXES

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Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

PN = Proposed new Section
PM = Proposed amended Section
PR = Proposed repealed Section
P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING

SPN = Supplemental proposed new Section
SPM = Supplemental proposed amended Section
SPR = Supplemental proposed repealed Section
SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING

FN = Final new Section
FM = Final amended Section
FR = Final repealed Section
F# = Final renumbered Section

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PSMM = Proposed Summary amended Section
PSMR = Proposed Summary repealed Section
PSM# = Proposed Summary renumbered Section

FINAL SUMMARY

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FSMM = Final Summary amended Section
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FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING**PROPOSED EXPEDITED**

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PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED

SPEN = Supplemental Proposed Expedited new Section
SPEM = Supplemental Proposed Expedited amended Section
SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

FEN = Final Expedited new Section
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FER = Final Expedited repealed Section
FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING**EXEMPT PROPOSED**

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PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

SPXN = Supplemental Proposed Exempt new Section
SPXR = Supplemental Proposed Exempt repealed Section
SPXM = Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULEMAKING

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FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING

EN = Emergency new Section
EM = Emergency amended Section
ER = Emergency repealed Section
E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

TN = Terminated proposed new Sections
TM = Terminated proposed amended Section
TR = Terminated proposed repealed Section
T# = Terminated proposed renumbered Section

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EXP = Rules have expired
See also “emergency expired” under emergency rulemaking

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Health Services, Department of - Communicable Diseases and Infes- tations			F#-2605; FN-2605	R9-6-327.
		R9-6-311.	P#-1524; PM-1524;	P#-1524; PM-1524;
R9-6-101.	PM-1524; FM-2605		F#-2605; FM-2605	R9-6-328.
R9-6-201.	PM-1524; FM-2605	R9-6-312.	P#-1524; PM-1524;	P#-1524; PM-1524;
R9-6-202.	PM-1524; FM-2605		F#-2605; FM-2605	R9-6-329.
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Table 2.1.	PN-1524; FN-2605		F#-2605; FM-2605	R9-6-330.
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Table 2.	PM-1524; F#-2605		F#-2605; FM-2605	R9-6-331.
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Table 3.	PR-1524; FR-2605	R9-6-316.	P#-1524; PM-1524;	P#-1524; PM-1524;
Table 2.3.	PN-1524; FN-2605		F#-2605; FM-2605	R9-6-333.
R9-6-205.	PM-1524; FM-2605	R9-6-317.	P#-1524; PM-1524;	P#-1524; PM-1524;
R9-6-206.	PM-1524; FM-2605		F#-2605; FM-2605	R9-6-334.
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Table 2.4.	PN-1524; FN-2605		F#-2605; FN-2605	R9-6-335.
R9-6-207.	PM-1524; FM-2605	R9-6-319.	P#-1524; PM-1524;	P#-1524; PM-1524;
R9-6-301.	PM-1524; FM-2605		F#-2605; FM-2605	R9-6-336.
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R9-6-303.	PM-1524; FM-2605		F#-2605; FM-2605	R9-6-337.
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R9-6-305.	P#-1524; PN-1524;		F#-2605; FN-2605	R9-6-338.
	F#-2605; FN-2605	R9-6-322.	P#-1524; PM-1524;	P#-1524; PM-1524;
R9-6-306.	P#-1524; PM-1524;		F#-2605; FM-2605	R9-6-339.
	F#-2605; FM-2605	R9-6-323.	P#-1524; PM-1524;	P#-1524; PM-1524;
R9-6-307.	PR-1524; PN-1524;		F#-2605; FM-2605	R9-6-340.
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R9-6-341.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-358.	F#-2605; FM-2605 P#-1524; PN-1524;	R9-6-374.	F#-2605; FM-2605 P#-1524; PM-1524;
R9-6-342.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-359.	F#-2605; FN-2605 P#-1524; PM-1524;	R9-6-375.	F#-2605; FM-2605 P#-1524; PM-1524;
R9-6-343.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-360.	F#-2605; FM-2605 P#-1524; PM-1524;	R9-6-376.	F#-2605; FM-2605 P#-1524; PM-1524;
R9-6-344.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-361.	F#-2605; FM-2605 P#-1524; PN-1524;	R9-6-377.	F#-2605; FM-2605 P#-1524; PN-1524;
R9-6-345.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-362.	F#-2605; FN-2605 P#-1524; PM-1524;	R9-6-378.	F#-2605; FN-2605 P#-1524; PM-1524;
R9-6-346.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-363.	F#-2605; FM-2605 P#-1524; PM-1524;	R9-6-379.	F#-2605; FM-2605 P#-1524; PM-1524;
R9-6-347.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-364.	F#-2605; FM-2605 PR-1524; P#-1524;	R9-6-380.	F#-2605; FM-2605 P#-1524; PM-1524;
R9-6-348.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-365.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-381.	F#-2605; FM-2605 P#-1524; PM-1524;
R9-6-349.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-366.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-382.	F#-2605; FM-2605 P#-1524; PM-1524;
R9-6-350.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-367.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-383.	F#-2605; FM-2605 P#-1524; PM-1524;
R9-6-351.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-368.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-384.	F#-2605; FM-2605 P#-1524; PM-1524;
R9-6-352.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-369.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-385.	F#-2605; FM-2605 P#-1524; PM-1524;
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R9-6-354.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-371.	PN-1524; F#-2605; FN-2605 P#-1524;	R9-6-387.	F#-2605; FM-2605 PR-1524; P#-1524;
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R9-6-356.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-373.	P#-1524; PM-1524; F#-2605; FM-2605	R9-6-389.	F#-2605; FM-2605 P#-1524; PM-1524;
R9-6-357.	P#-1524; PM-1524;		P#-1524; PM-1524;		P#-1524; PM-1524;

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R9-6-394.	P#-1524; PM-1524; F#-2605; FM-2605	R9-25-1304.	P#-1067; PM-1067; F#-2656; FM-2656	R9-8-201.	PEM-3053
R9-6-395.	P#-1524; PM-1524; F#-2605; FM-2605	R9-25-1305.	PR-1067; P#-1067; PM-1067; FR-2656; F#-2656; FM-2656	R9-8-203.	PEM-3053
R9-6-396.	P#-1524; PM-1524; F#-2605; FM-2605	R9-25-1306.	PR-1067; PN-1067; FR-2656; F#-2656; FM-2656	R9-8-205.	PEM-3053
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RULES EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

Table with 12 columns: January, February, March, April, May, June. Each month has sub-columns for Date Filed and Effective Date. Rows list dates from 1/1 to 1/31 and corresponding effective dates.



July		August		September		October		November		December	
Date Filed	Effective Date										
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1



REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
November 3, 2017	November 24, 2017	December 26, 2017
November 10, 2017	December 1, 2017	January 2, 2018
November 17, 2017	December 8, 2017	January 8, 2018
November 24, 2017	December 15, 2017	January 16, 2018
December 1, 2017	December 22, 2017	January 22, 2018
December 8, 2017	December 29, 2017	January 29, 2018
December 15, 2017	January 5, 2018	February 5, 2018
December 22, 2017	January 12, 2018	February 12, 2018
December 29, 2017	January 19, 2018	February 20, 2018
January 5, 2018	January 26, 2018	February 26, 2018
January 12, 2018	February 2, 2018	March 5, 2018
January 19, 2018	February 9, 2018	March 12, 2018
January 26, 2018	February 16, 2018	March 19, 2018
February 2, 2018	February 23, 2018	March 26, 2018
February 9, 2018	March 2, 2018	April 2, 2018
February 16, 2018	March 9, 2018	April 9, 2018
February 23, 2018	March 16, 2018	April 16, 2018



GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor’s Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines as a courtesy.

All rules and Five-Year Review Reports are due in the Council office by 5 p.m. of the deadline date. The Council’s office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit <http://grrc.az.gov>.

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2018

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> November 21, 2017	<i>Tuesday</i> December 19, 2017	<i>Wednesday</i> January 3, 2018	<i>Tuesday</i> January 9, 2018
<i>Tuesday</i> December 19, 2017	<i>Tuesday</i> January 23, 2018	<i>Tuesday</i> January 30, 2018	<i>Tuesday</i> February 6, 2018
<i>Tuesday</i> January 23, 2018	<i>Tuesday</i> February 20, 2018	<i>Tuesday</i> February 27, 2018	<i>Tuesday</i> March 6, 2018
<i>Tuesday</i> February 20, 2018	<i>Tuesday</i> March 20, 2018	<i>Tuesday</i> March 27, 2018	<i>Tuesday</i> April 3, 2018
<i>Tuesday</i> March 20, 2018	<i>Tuesday</i> April 17, 2018	<i>Tuesday</i> April 24, 2018	<i>Tuesday</i> May 1, 2018
<i>Tuesday</i> April 17, 2018	<i>Tuesday</i> May 22, 2018	<i>Wednesday</i> May 30, 2018	<i>Tuesday</i> June 5, 2018
<i>Tuesday</i> May 22, 2018	<i>Tuesday</i> June 19, 2018	<i>Tuesday</i> June 26, 2018	<i>Tuesday</i> July 10, 2018
<i>Tuesday</i> June 19, 2018	<i>Tuesday</i> July 24, 2018	<i>Tuesday</i> July 31, 2018	<i>Tuesday</i> August 7, 2018
<i>Tuesday</i> July 24, 2018	<i>Tuesday</i> August 21, 2018	<i>Tuesday</i> August 28, 2018	<i>Wednesday</i> September 5, 2018
<i>Tuesday</i> August 21, 2018	<i>Tuesday</i> September 18, 2018	<i>Tuesday</i> September 25, 2018	<i>Tuesday</i> October 2, 2018
<i>Tuesday</i> September 18, 2018	<i>Tuesday</i> October 23, 2018	<i>Tuesday</i> October 30, 2018	<i>Tuesday</i> November 6, 2018
<i>Tuesday</i> October 23, 2018	<i>Tuesday</i> November 20, 2018	<i>Tuesday</i> November 27, 2018	<i>Tuesday</i> December 4, 2018
<i>Tuesday</i> November 20, 2018	<i>Tuesday</i> December 18, 2018	<i>Thursday</i> January 3, 2019	<i>Tuesday</i> January 8, 2019
<i>Tuesday</i> December 18, 2018	<i>Tuesday</i> January 22, 2019	<i>Tuesday</i> January 29, 2019	<i>Tuesday</i> February 5, 2019

* Materials must be submitted by **5 PM** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.