



## Report to the Board of Health To Approve For Expedited Process

Prepared by the Maricopa County Air Quality Department

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**Case #/Title:** AQ-2015-008-Rule 352

**Meeting Date:** April 25, 2016

**Supervisor Districts:** All Districts

**Applicant:** Staff

**Request:** Approve for Expedited Process revisions to Rule 352 (Gasoline Delivery Vessel Testing And Use)

### Discussion:

Rule 352 limits the emission of volatile organic compounds (VOCs) from gasoline delivery vessels and applies to any gasoline delivery vessel used to receive or deliver gasoline within Maricopa County. Rule 352 also applies to all persons who own, operate, maintain, repair or test the delivery vessel. Maricopa County Air Pollution Control Regulation, Rule 352 was last revised over fifteen years ago. The proposed revisions to Rule 352 will update the rule to use current industry language; update test methods; and clarify the loading requirements for bulk terminals, bulk plants and gasoline dispensing facilities. In addition, the proposed revisions to Rule 352 will address the requirements of the State Implementation Plan (SIP) for “moderate” nonattainment for the 2008 eight-hour ozone national ambient air quality standard (NAAQS).

### Support/Opposition:

Discussions with Stakeholders included the following:

- Clarification of the definitions of “bulk tank” and “bulk terminal”
- Clarification of pressure testing requirements for cargo tanks
- Clarification of the rule’s applicability to a cargo tank that only loads aviation gasoline

For a detailed discussion of comments received during and after the Stakeholder Workshops, please refer to Section 5 in the attached Notice of Proposed Rulemaking.

**Department Recommendation:** Approve for Expedited Process

Per the Enhanced Regulatory Outreach Program Policy, Section IV(E), the Expedited Process may only be used if the following criteria have been met:

1. The proposed amendment has been subject to at least one Stakeholder Workshop (posted on the County’s web site at least two weeks in advance) and one Citizens’ Board or Commission meeting;
2. A draft of the regulatory change was available on the Enhanced Regulatory Outreach Program web site at least two weeks prior to the Citizens’ Board or Commission meeting and was forwarded to the Board/Commission at least one week in advance of their review meeting;
3. No comments of opposition to the amendment have been received from the public;
4. The Citizens’ Board or Commission reviewing the amendment recommends approval.

AQ-2015-008-Rule 352 has met the criteria for the Expedited Process:

1. Three Stakeholder Workshops were held: June 30, 2015, September 14, 2015, and February 22, 2016. Announcements of the workshops were posted on the County’s web site at least two weeks in advance;

2. A draft of the regulatory change was available on the Enhanced Regulatory Outreach Program web site at least two weeks prior to the Board of Health meeting;
3. No comments of opposition to the amendment have been received from the public;
4. The department is requesting the Board of Health approve for Expedited Process.

**Regulatory Process:**

This regulatory change will follow the Enhanced Regulatory Outreach Program Policy and workflow process. The County Manager briefed the Board of Supervisors (BOS) regarding this rulemaking in May 2015.

Three Stakeholder Workshops were held: June 30, 2015, September 14, 2015, and February 22, 2016. Comments from the workshops have been incorporated into this rulemaking.

If the Board of Health approves this regulatory change for the Expedited Process, then this regulatory change will proceed with a 30-day public comment period through May 2016 and an anticipated Board of Supervisors' public hearing in late 2016. This regulatory change will take immediate effect upon approval by the Board of Supervisors.

**Presented By:** Philip A. McNeely, R.G., Director

**Prepared By:** Hether Krause

**Attachments:** [Preamble required by A.R.S. § 49-471.05](#) (See Notice of Proposed Rulemaking)

[Summary of the proposed regulatory change](#) (See Item 5 of the Notice of Proposed Rulemaking)

[Language of the proposed regulatory changes](#) (See Item 14 of the Notice of Proposed Rulemaking)

[Copies of all written and electronic Stakeholder input](#)

[County Manager Case Approval](#)

**DRAFT – FOR PURPOSES OF BOARD OF HEALTH MEETING ON APRIL 25, 2016**

**NOTICE OF PROPOSED RULEMAKING**

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**MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS**

**REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 352: GASOLINE DELIVERY VESSEL TESTING AND USE**

**PREAMBLE**

- |                  |  |                                 |
|------------------|--|---------------------------------|
| <b><u>1.</u></b> | <b><u>Rule affected</u></b>  | <b><u>Rulemaking action</u></b> |
|                  | Rule 352: Gasoline Delivery Vessel Testing And Use   | Amend                           |
| <b><u>2.</u></b> | <b><u>Statutory authority for the rulemaking:</u></b>  |                                 |
|                  | Authorizing statutes: A.R.S. §§ 49-474, 49-479, and 49-480   |                                 |
|                  | Implementing Statute: A.R.S. § 49-112  |                                 |
| <b><u>3.</u></b> | <b><u>List of all previous notices appearing in the Register addressing the rulemaking:</u></b>                    |                                 |
|                  | Notice Of Briefing To Maricopa County Manager: May 2015  |                                 |
|                  | Notice Of Stakeholder Workshops: June 30, 2015, September 14, 2015, and February 22, 2016                          |                                 |
| <b><u>4.</u></b> | <b><u>Name and address of department personnel with whom persons may communicate regarding the rulemaking:</u></b> |                                 |

Name: Cheri Dale or Hether Krause  
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Planning and Analysis Division

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

**Summary:** Rule 352 (Gasoline Delivery Vessel Testing And Use) limits the emission of volatile organic compounds (VOCs) from gasoline delivery vessels and applies to any gasoline delivery vessel used to receive or deliver gasoline within Maricopa County. Rule 352 also applies to all persons who own, operate, maintain, repair or test the delivery vessel.

Maricopa County Air Pollution Control Regulation, Rule 352, was last revised over fifteen years ago. The proposed revisions to Rule 352 will update the rule to use current industry language; update test methods; and clarify the loading requirements for bulk terminals, bulk plants and gasoline dispensing facilities. In addition, the proposed revisions to Rule 352 will address the requirements of the State Implementation Plan (SIP) for “moderate” nonattainment for the 2008 eight-hour ozone national ambient air quality standard (NAAQS).

**Background:** As early as the 1960’s, the Maricopa County Health Department (as the department was then called), Air Pollution Control regulations, Section IV, Handling of Materials, Regulation 1, required

“Material such as...gasoline or other volatile compounds...be kept, processed, used, and transported in such a manner and by such means that they will not unreasonably leak, escape, evaporate or be otherwise discharged into the ambient air so as to cause or contribute to air pollution...” This early rulemaking established the basis for the current Rule 350. In 1970, the passage of the Clean Air Act established federal air quality standards.

Congress established the basic structure of the Clean Air Act (CAA) in 1970. The CAA requires the U.S. Environmental Protection Agency (EPA) to establish national ambient air quality standards (NAAQS) for common and widespread pollutants based on the most current science available. For areas that were determined to be in nonattainment of the NAAQS, the state was required to adopt federally enforceable state implementation plans (SIP) in order to achieve and maintain air quality and meet the federally established air quality standards (the NAAQS)<sup>2</sup>. The states were responsible for developing and implementing rules that require reasonably available control technology (RACT) for sources of VOCs located in the designated ozone nonattainment areas. Local air agencies were required to establish RACT for source categories not already covered by EPA's Control Techniques Guidelines (CTGs) as well as tighten RACT for source categories for which RACT had already been defined in the NAAQS<sup>3</sup>. EPA defined RACT as “the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility” (44 FR 53762; September 17, 1979).

In the 1970's, using the EPA NAAQS and CTGs to identify the established RACT standards, the Maricopa County Bureau of Air Pollution Control (as the department was then called) revised and renumbered the county air pollution rules and regulations. The revised county rules established specific requirements for petroleum products in Regulation III, Rule 33: Storage and Handling of Petroleum Products.

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA or pre-amended Act). Maricopa County was included on such list 43 FR 8964, March 3, 1978). On February 24, 1984, EPA notified the Governor of Arizona, that the Maricopa County Air Pollution Control District's (MCAPCD, as the department was then called) portion of the Arizona SIP was inadequate and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call, 49 FR 18827, May 3, 1984). The department was in the process of revising Rule 33 to create Rules 350, 351, 352, and 353 to address the RACT requirements when EPA again notified the Governor of Arizona (May 26, 1988) that MCAPCD's portion of the Arizona SIP was inadequate and requested that deficiencies relating to VOC controls and the application of RACT in the existing SIP be corrected (EPA's second SIP-Call, 53 FR 34500, September 7, 1988).

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. In an amended section of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient RACT rules and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies. The department further revised Rules 350, 351, 352, and 353 to meet the RACT standards. Rule 350 (Storage of

Organic Liquids at Bulk Plants), revised July 13, 1988, and April 6, 1992, was approved by the EPA effective October 5, 1995 (60 FR 46024). Rule 351 (Loading Organic Liquids) revised July 13, 1988 and November 16, 1992, was approved effective October 5, 1995 (60 FR 46024). Rule 352 (Gasoline Delivery Vessel Testing and Use), revised July 13, 1988, and November 16, 1992, was approved effective October 5, 1995, (60 FR 46024). Rule 353 (Transfer of Gasoline into Stationary Dispensing Tanks) revised July 13, 1988, and April 6, 1992, was approved effective March 4, 1996 (61 FR 3578).

More recently, EPA developed national emission standards for hazardous air pollutants (NESHAPS) for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities (73 FR 1933, Jan. 10, 2008); a NESHAP for Gasoline-Dispensing Facilities (73 FR 1945, Jan. 10, 2008); and the NESHAP for Organic Liquid Distribution (non-gasoline) (69 FR 5063, Feb. 3, 2004). These NESHAPS are often referred to as the maximum achievable control technology (MACT) standards since they were developed to reflect the maximum achievable degree of HAP emission reduction. New MACT standards required additional or new emissions testing requirements reflecting the new technologies. New and revised test methods and leak detection methods were required in these MACT standards. Although the MACT standards typically apply to large sources, there are test methods and other good practices that are or may be applicable to small area sources of VOC emissions. Both MACT standards included requirements for cargo tanks, the industry term now used for delivery vessels.

**Current Rulemaking Background:** Rule 352 was revised in 1992 and 1999 in order for the county to comply with RACT and other policy statements published by the EPA. In 2013, a limited scope rulemaking was drafted to clarify the definition of volatile organic compounds within all of the Maricopa County Air Quality rules. For this rulemaking, the department is proposing revisions to improve the clarity of the loading requirements and update test methods. This rulemaking includes proposed revisions to improve the clarity and enforceability of the regulatory requirements for gasoline cargo tanks.

Other proposed revisions include the relocation of any exemptions to Section 100; the inclusion of definitions specific to the gasoline industry and in line with terms defined in the Code of Federal Regulations; clarification of the regulatory requirements for loading gasoline at bulk terminals, bulk plants and gasoline dispensing facilities; increasing the amount of notification time in advance of cargo tank testing; and the addition of optical gas imaging as an alternative work practice to monitor and identify leaking equipment.

**Issues Raised and Discussed During This Rulemaking Process:**

Prior to Stakeholder workshops, one Stakeholder submitted a written request to the department concerning the notification time for testing of cargo tanks. Rule 352 requires the owner or operator or tester of a gasoline cargo tank to notify the Control Officer "...no more than 24 hours in advance of [vapor tightness] testing." The Stakeholder expressed concern that gasoline cargo tanks operating in different regulatory jurisdictions require different notification requirements; this presented a challenge for the Stakeholder when conducting vapor tightness testing for cargo tanks that operate outside of Maricopa County. The department acknowledged this "challenge presented by the inconsistency of our [the department] testing

notification periods compared to those required by other jurisdictions.” (Department letter to Massey’s Truck and Tank Repair, June 11, 2014) At that time, the department agreed to allow the notification time of up to 72 hours in advance of the cargo tank testing. This time frame is proposed to be included in this rulemaking.

The department held three Stakeholder workshops: June 30, 2015, September 14, 2016, and February 22, 2016. Stakeholders included representatives from APS, Caljet, CDM Smith, Cemex, City of Glendale, City of Mesa, City of Phoenix, EnCore Consulting, Envirosure Solutions, Kiewit, Pinal County, SRP, Washington Elementary School, and the EPA.

The current definitions of “bulk tank” and “bulk terminal” were confusing. Stakeholders recommended clarification of the terms and their applicability to be consistent throughout the department’s rules that pertain to gasoline.

Stakeholders questioned if cargo tanks were subject to the required pressure testing requirements of Rule 352. The rule did not seem clear if there were any exceptions to this pressure test requirement. Rule 352, Section 305.1 does provide an exemption from the pressure testing requirements if a cargo tank meets all of the conditions listed in the section. The proposed rule retains the exemptions in Section 305.1 but is proposing to move the exemptions into the proposed Section 103 (Partial Exemptions). Additional questions were asked concerning the rule’s applicability to a cargo tank that only loads aviation gasoline. The MACT standards that include requirements for cargo tanks exempt the following: “...transfer of aviation gasoline within the airport, is not subject to this subpart. (40 CFR 63.11081(d) and 40 CFR 63.11111(g)).” Maricopa County is proposing in Section 103 to include an exemption from Rule 352 for cargo tanks that load only the following fuels: aviation fuel, diesel fuel and liquefied petroleum gas.

**Description of Proposed Amendments:**

Propose to revise the following throughout the rule:

- To change “transfer” to “loading”
- To change “delivery vessel” to “gasoline cargo tank”
- To delete the word “person” and inset the words “owner or operator”
- To delete past compliance dates
- To add or revise specific rule section references

Propose the following in Section 100:

- To add Section 103 (Exemptions)

Propose the following in Section 200:

- To delete 2-POINT SYSTEM
- To add BULK GASOLINE PLANT
- To add BULK GASOLINE TERMINAL
- To add COAXIAL VAPOR BALANCE SYSTEM
- To add DUAL-POINT VAPOR BALANCE SYSTEM

To delete GASOLINE DELIVERY VESSEL

To add GASOLINE CARGO TANK

To add GASOLINE DISPENSING FACILITY

To revise MARICOPA COUNTY (MC) PRESSURE VAPOR TIGHTNESS TEST

To add MOBILE REFUELER

To add SUBMERGED FILL

Propose the following in Section 300:

To delete Section 301 PREVENT LEAKS AND SPILLS

To delete Section 302 GASOLINE DELIVERY VESSEL LEAK TEST REQUIRED

To delete Section 303 DISPLAY A VALID DECAL

To delete Section 304 PURGING PROHIBITED

To delete Section 305 EXEMPTIONS

To add Section 301 GASOLINE CARGO TANK REQUIREMENT

To add Section 301.1 Gasoline Cargo Tank Integrity

To add Section 301.2 Maricopa County Air Pollution Vapor Tightness Certification

To add Section 301.3 Purging

To add Section 302 LOADING OF GASOLINE

To add Section 302.1 Loading of Gasoline Into a Gasoline Cargo Tank from a Bulk Plant

To add Section 302.2 Loading of Gasoline at a Bulk Terminal

To add Section 302.3 Loading of Gasoline into a Stationary Gasoline Storage Tank at a Non-Retail Gasoline Dispensing Facility

To add Section 302.4 Loading of Gasoline into a Stationary Gasoline Storage Tank at a Retail Gasoline Dispensing Facility

Propose the following in Section 400:

To revise Section 401 MARICOPA COUNTY AIR POLLUTION VAPOR TIGHTNESS TESTING

To revise Section 401.1 Notification of Required Testing

To revise Section 401.2 Registration

To revise Section 401.3 Expiration

To revise Section 401.4 Loss, Defaced or Destroyed Maricopa County Vapor Tightness Certification Decal

To revise Section 402 TIME FRAME FOR INSTALLATION OF CONTROL DEVICE

Propose the following in Section 500:

To renumber Section 501 RECORDKEEPING AND REPORTING REQUIREMENTS to Section 502

To add Section 501 GASOLINE CARGO TANK VAPOR TIGHTNESS TESTING REQUIREMENT

To renumber Section 502 MONITORING FOR LEAKS to Section 503

To renumber Section 503 COMPLIANCE to Section 504

To renumber Section 504 TEST METHODS to Section 505

To add Section 505.1 Alternative Work Practice for Monitoring Equipment Leaks

To add Section 505.2 EPA Method 21

To renumber Section 504.1 EPA Method 27 to Section 505.3

To renumber Section 504.2 ASTM D323 to Section 505.4

To renumber Section 504.3 Test of Internal Vapor Valves to Section 505.5

To renumber Section 504.4 Delivery Vessel Vapor Tightness Test to Section 505.6

**6. 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 other 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 conditions are met:

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

§ 49-112(B)

When authorized by law, a county may adopt rules, ordinances or other 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 other regulation that does not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

The department complies with A.R.S. § 49-112(A) in that Maricopa County fails to meet the National Ambient Air Quality Standards for both ozone and particulates. While currently classified as a “marginal”

ozone nonattainment area, the county recently failed to meet 2008 8-hour ozone standard by the marginal area attainment date and anticipates EPA will issue a notice proposing to re-classify the area to “moderate”. Further, a portion of the county was classified as a serious ozone nonattainment area under the previous 1-hour ozone standard requiring the county to continue to maintain the measures and requirements that allowed the county to attain that standard. Currently, a portion of Maricopa County and Apache Junction in Pinal County is designated serious nonattainment for the PM<sub>10</sub> 24-hour standard. This is the only serious PM<sub>10</sub> nonattainment area in Arizona. Revisions to Rule 352 are being proposed to address the requirements of the State Implementation Plan (SIP) for “moderate” nonattainment for the 2008 eight-hour ozone national ambient air quality standard (NAAQS).

The department complies with A.R.S. § 49-112(B) in that the proposed amendments to Rule 352 are not more stringent than or in addition to a provision of Title 49 or rule adopted by the director or any board or commission authorized to adopt rules pursuant to Title 49, address the peculiar local conditions in Maricopa County, are authorized under A.R.S. Title 49, Chapter 3, Article 3, and are not in lieu of a state program.

**7. Reference to any study relevant to the rule that the department reviewed and either proposes to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

Not applicable

**8. 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

**9. Preliminary summary of the economic, small business, and consumer impact:**

A detailed preliminary summary of the economic, small business, and consumer impact will appear in the Notice of Proposed Rulemaking that is anticipated to be published in the Arizona Administrative Register on May 6, 2016.

There are about 1000 sources in Maricopa County subject to this rule.

Permit fees are not changing due to this rulemaking.

**10. 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  
Maricopa County Air Quality Department  
Planning and Analysis Division  
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Phoenix, AZ 85004  
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Fax: (602) 506-6179

E-mail: aqplanning@mail.maricopa.gov

**11. Time, place, and nature of the proceedings for the rulemaking:**

Written oral proceeding requests or written comments or both will be accepted until the record is closed on June 6, 2016, 5:00 p.m. Written oral proceeding requests or written comments or both may be mailed, e-mailed, or hand delivered to the department (see Item #4 of this notice). An oral proceeding will be scheduled only upon receipt of a written request before the record is closed on June 6, 2016, 5:00 p.m. Written comments received during the comment period and before the record is closed on June 6, 2016, 5:00 p.m. will be considered formal comments to the Notice of Proposed Rulemaking and will be responded to in the Notice of Final Rulemaking.

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

Not applicable

**13. Incorporations by reference and their location in the rule:**

The following test methods are incorporated by reference in Rule 352, Section 505:

- Optical Gas Imaging: Alternative Work Practice for Monitoring Equipment Leaks, 40 CFR 60.18(g)
- EPA Method 21 - Determination of Volatile Organic Compound Leaks
- EPA Method 27 - Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure Vacuum Test
- ASTM D323-15a “Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)

**14. Full text of the rule follows:**

[Return to list of Attachments](#)

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

**RULE 352  
GASOLINE DELIVERY VESSEL CARGO TANK TESTING AND USE**

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Revised 07/13/1988; Revised 11/16/1992; Revised 05/05/1999; Revised 09/25/2013; and Revised MM/DD/YYYY

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

RULE 352  
GASOLINE ~~DELIVERY VESSEL~~ CARGO TANK TESTING AND USE

SECTION 100 – GENERAL

**101** **PURPOSE:** To limit emissions of volatile organic compounds (VOC) from gasoline ~~delivery vessels~~ cargo tanks.

**102** **APPLICABILITY:** This rule applies to any gasoline ~~delivery vessel~~ cargo tank which is used to ~~receive or deliver~~ load gasoline within Maricopa County, and to all persons who own, operate, maintain, repair, or test such a ~~vessel~~ cargo tank.

**103** **EXEMPTIONS:**

**103.1** This rule does not apply to a cargo tank when loading the following fuels:

- a.** Aviation fuel.
- b.** Diesel.
- c.** Liquefied petroleum gas (LPG).

**103.2** A gasoline cargo tank is exempt from the Maricopa County (MC) Vapor Tightness test requirements of Section 301 of this rule, if the gasoline cargo tank meets the requirements in Section 103.1(a), (b), or (c) of this rule.

- a.** A gasoline cargo tank is exempt from the MC vapor tightness test requirements of Section 301 of this rule, if the gasoline cargo tank meets all of the following conditions:
  - (1)** The gasoline cargo tank was placed in operation before July 13, 1988; and
  - (2)** The gasoline cargo tank transported gasoline within Maricopa County before January 1, 1998; and
  - (3)** The gasoline cargo tank never loads at a gasoline terminal; and
  - (4)** The gasoline cargo tank serves only farm tanks or those non-resale gasoline dispensing operations having a yearly throughput not exceeding 120,000 gallons of gasoline, verified by monthly records pursuant to Section 500 of this rule; and
  - (5)** The owner or operator of the gasoline cargo tank submits a signed affidavit to the Control officer documenting compliance with Sections 103.1(a) through 103.1(d) of this rule; and
  - (6)** The owner or operator has a complete copy of the signed affidavit available in the vehicle for inspection by a bulk gasoline plant operator or the Control Officer. Maricopa County will not issue a decal to any vehicle claiming this exemption.
- b.** A gasoline cargo tank is exempt from the MC vapor tightness test requirements of Section 301 of this rule, if at least one of the following conditions is met:

- (1) The gasoline load originated solely in another state.
- (2) The gasoline load originated within Maricopa County but is not delivered within Maricopa County.

c. A gasoline cargo tank is exempt from the MC vapor tightness test requirements of Section 301 of this rule, if the owner or operator of a gasoline cargo tank can provide documentation from another agency that attests to the vapor integrity of the cargo tank. Maricopa County will issue a decal to any vehicle claiming this exemption upon submittal of vapor tightness testing documentation.

**103.3** An owner or operator of a gasoline cargo tank exempted by Section 103.1(a) of this rule is allowed to incidentally purge gasoline vapors from such vessel as a passive result of loading, or briefly when lids or ports must be open for inspection.

**103.4** **Opening Hatches on Non-Exempt Gasoline Cargo Tanks:**

a. Owners or operators, their contractors, and authorized government agents may open vapor containment equipment on a nonexempt gasoline cargo tank while performing operations required by governmental agencies, but shall be restricted as follows, unless approved in advance by the Control Officer:

- (1) Wait at least 3 minutes before opening its hatch or other vapor seal on a gasoline cargo tank when:
  - (a) Loading of gasoline is complete.
  - (b) A gasoline cargo tank has stopped.
- (2) Reclose hatch or other sealing device within 3 minutes of completing the required procedures.
- (3) Limit wind speed at opened hatch or other opened sealing device to not more than 3 mph (1.34 m/sec), using a barrier if necessary.

b. **Loading:** Hatches of a gasoline cargo tank may be open for monitoring to prevent overflow during the period that the gasoline cargo tank is loading gasoline from a tank or other source, if so required by a local fire code or other ordinance.

c. **Connecting Coaxial Fittings:** Requirements for first connecting a vapor hose before a gasoline cargo tank hose do not apply to coaxial vapor recovery connection fittings.

**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 **2 POINT SYSTEM:** A fill pipe and a vapor recovery pipe pair which are in close proximity to one another and are connected directly to and emerge directly above the tank they serve.~~

**201** **BULK GASOLINE PLANT:** Any gasoline storage and distribution facility that meets all of the following:

**201.1** Loads gasoline from a pipeline, rail, or gasoline cargo tank into a stationary storage tank;

**201.2** Loads gasoline from the stationary storage tank into gasoline cargo tanks for transport to gasoline dispensing operations; and

**201.3** Has a gasoline throughput of less than 20,000 gallons per day. Gasoline throughput shall be the maximum calculated design throughput as may be limited by compliance with an enforceable condition under Federal, State, or local law, and discoverable by the Control Officer.

**202** **BULK GASOLINE TERMINAL:** Any gasoline storage and loading facility that meets all of the following:

- 202.1 Loads gasoline from a pipeline, rail, or gasoline cargo tank into a stationary storage tank;
- 202.2 Loads gasoline from the stationary storage tank into gasoline cargo tanks for transport to gasoline dispensing operations; and
- 202.3 Has a gasoline throughput of 20,000 gallons per day or greater. Gasoline throughput shall be the maximum calculated design throughput as may be limited by compliance with an enforceable condition under Federal, State, or local law, and discoverable by the Administrator and any other person.
- 203 **COAXIAL VAPOR BALANCE SYSTEM:** A type of vapor balance system in which the gasoline vapors are removed through the same fill pipe connection as which the fuel is delivered.
- 204 **DUAL-POINT VAPOR BALANCE SYSTEM:** A type of vapor balance system in which the storage tank is equipped with an entry port for a gasoline fill pipe and a separate exit port for a vapor connection.
- ~~202~~ 205 **EXCESS GASOLINE DRAINAGE:** More than 10 milliliters (2 teaspoonsful) of liquid gasoline lost from the end of a loading hose or vapor hose in the process of connecting or disconnecting a gasoline ~~delivery~~ loading hose; or any quantity of gasoline lost during those processes escaping out the end of such a hose that wets any area(s) on the ground having an aggregate area greater than 113 square inches, or the perimeter of which would encompass a circle of 12 inches (30.5 cm) diameter. This does not include drainage into a fill tube's spill containment receptacle.
- ~~203~~ 206 **GASOLINE:** Any petroleum distillate, petroleum distillate/alcohol blend, petroleum distillate/organic compound blend, or alcohol having ~~or blend of petroleum distillate with other combustible liquid(s), such as alcohol, that is used as a fuel for internal combustion engines and has a Reid vapor pressure between 4.0 and 14.7 psi (200–760 mm Hg.) as determined by Section 505 of this rule, and which is used as a fuel for internal combustion engines. For the purposes of this rule, liquefied petroleum gas (LPG) is excluded.~~
- ~~204~~ **GASOLINE DELIVERY VESSEL:** Any vehicular-mounted container such as a tanker truck, tank trailer, cargo tank or any other wheel-mounted container used to transport gasoline. This includes any hoses the vessel carries through which deliveries must be made.
- 207 **GASOLINE CARGO TANK:** A delivery tank truck or railcar which is loading or unloading gasoline, or which has loaded or unloaded gasoline on the immediately previous load. This includes any hoses the vessel carries through which deliveries must be made.
- 208 **GASOLINE DISPENSING FACILITY:** Any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition. These facilities include, but are not limited to, facilities that dispense gasoline into on- and off-road, street, or highway motor vehicles, lawn equipment, boats, test engines, landscaping equipment, generators, pumps, and other gasoline fueled engines and equipment.
- ~~205~~ 209 **GASOLINE VAPORS:** Vapors, originating from liquid gasoline, that are usually found in mixture with air. Included are any droplets of liquid gasoline or of gasoline-vapor condensate that are entrained by the vapor.
- ~~206~~ 210 **LEAK FREE:** Having no single liquid gasoline leak of more than 3 drops per minute from a gasoline delivery vessel, including fill hose(s) and vapor hose(s), but not including the disconnecting or connecting of either a gasoline hose from a gasoline fill line or a vapor hose from a vapor line.
- ~~207~~ 211 **MARICOPA COUNTY (MC)-PRESSURE VAPOR TIGHTNESS TEST:** The complete pressure, vacuum, and vapor-valve testing of a gasoline ~~delivery vessel~~ cargo tank that is performed according to Maricopa County specifications as described in ~~subsection 302.2~~ Section 501 of this rule.

**212** **MOBILE REFUELER:** A gasoline cargo tank transporting gasoline in an onboard storage tank and dispensing it directly into any motor vehicle fuel tank.

**208** **213** **PURGING:** Removing, cleaning, or scouring out gasoline vapors from all or a portion of a delivery-vessel-gasoline cargo tank by active or passive means and emitting the vapors into the atmosphere.

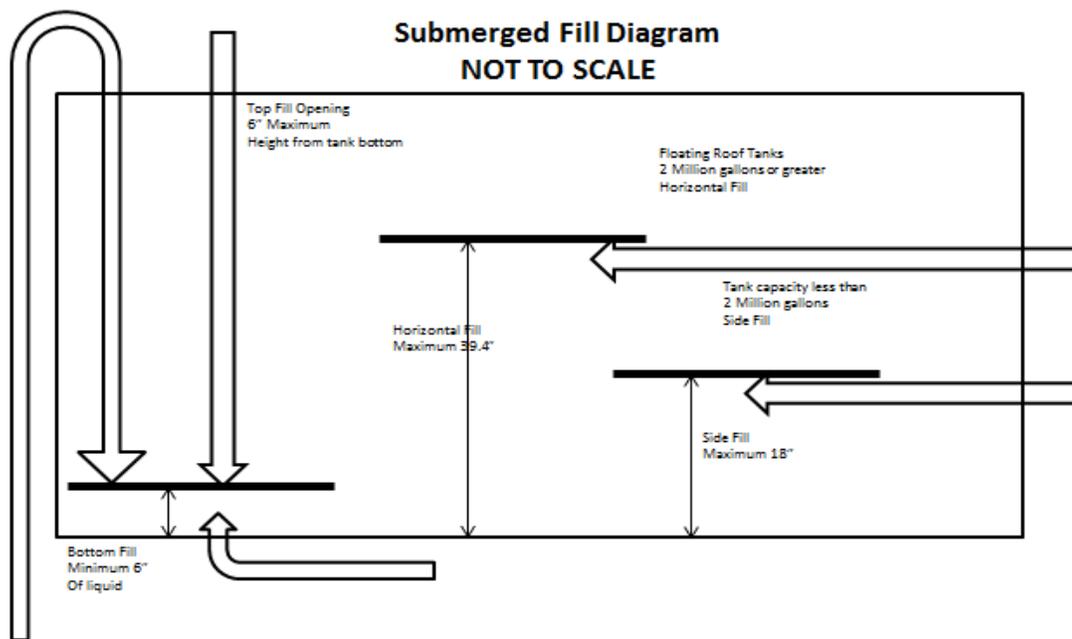
**209** **214** **STAGE 1 VAPOR RECOVERY SYSTEM (VR SYSTEM):** Any piping, hoses, equipment, and/or devices which are used to collect, store, or process gasoline vapors displaced by the delivery loading of gasoline and also by the onloading of gasoline into a vapor laden delivery vessel gasoline cargo tank.

**215** **SUBMERGED FILL:** Any discharge pipe or nozzle which meets the applicable specification as follows:

**215.1** **Top-Fill or Bottom-Fill Tanks:** The end of the discharge pipe or nozzle is totally submerged when the liquid level is six inches (15 cm) from the bottom of the tank.

**215.2** **Side-Fill:** At its highest point within the storage tank less 2,000,000 gallon capacity, the end of the discharge pipe or nozzle is totally submerged when the liquid level is 18 inches (46 cm) from the bottom of the tank.

**215.3** **Horizontal Fill:** At its highest point within a floating roof tank 2,000,000 gallons or greater (7,580,000 l) capacity, the end of the discharge pipe or nozzle may be up to 39.4 inches (1 meter) above the tank bottom if the discharge pipe or nozzle is kept completely submerged, including when the roof rests on its legs, except when the tank is being emptied completely.



**210** **216** **SWITCH LOADING:** Loading diesel fuel into a delivery vessel gasoline cargo tank whose previous load was gasoline; or loading any liquid not subject to this rule into a delivery vessel gasoline cargo tank whose previous load was gasoline.

**211** **217** **VAPOR TIGHT:** A condition in which a suitable detector at the site of (potential) leakage of vapor shows less than 10,000 ppmv when calibrated with methane; or the detector shows less than 1/5 LEL (lower explosive limit) subsequent to calibration with a gas specified by the manufacturer and is used according to the manufacturer's instructions.

## SECTION 300 – STANDARDS

### 301 PREVENT LEAKS AND SPILLS:

~~301.1 Vessel Integrity: In Maricopa County, no person shall store or transport gasoline in or otherwise use or operate any gasoline delivery vessel unless such vessel is designed and maintained to be vapor tight and leak free.~~

#### ~~301.2 Onloading Measures:~~

- ~~a. At any bulk loading rack, connect a vapor return hose before connecting any loading hose.~~
- ~~b. At a bulk plant, connect an additional vapor hose before connecting any additional loading hose, unless an assisted vapor return system is serving the vapor hose that is already connected.~~
- ~~c. Use a bucket or other effective capture device to catch any liquid dripping during the connection or disconnection of both the loading hose from the truck and the vapor hose from the loading dock's vapor receiving pipe.
  - ~~(1) Either dispose of the captured liquid in a tank designated for that purpose, or use a receptacle or a material designed to absorb the liquid.~~
  - ~~(2) Any gasoline that escapes or spills must be collected and contained.~~~~

#### ~~301.3 Prevent Spills and Excess Drainage: A driver/operator of a gasoline delivery vessel shall:~~

- ~~a. Thoroughly drain a fill hose and a vapor recovery hose into the dispensing tank before disconnecting it from the tank's fittings.~~
- ~~b. Connect and disconnect fill hoses and vapor recovery hoses in such a way as to prevent excess gasoline drainage (more than 2 teaspoonsful) from escaping from the hose in one connect/disconnect cycle.~~
- ~~c. Spills and any gasoline that is deposited in or on an area other than within the dispensing tank shall be collected and contained. This can include, but is not limited to, the correct use of buckets and/or absorbent material designed for the purpose, and the correct disposal of the collected gasoline.~~

#### ~~301.4 Vapor Hose use Required at Retail Gas Stations:~~

- ~~a. A driver/operator shall not deliver gasoline to a dispensing tank at a retail gas station unless a vapor hose is first connected from the vessel to a vapor return line serving the tank.~~
- ~~b. No delivery shall be made to a retail tank if:
  - ~~(1) it is not served by a vapor return, or~~
  - ~~(2) if it has a locked cap that cannot be removed, or~~
  - ~~(3) if broken fittings prevent correct connection of the vapor hose.~~~~

~~301.5 Prevent Vapor Escape During Deliveries: For gasoline dispensing tanks that are equipped with a Stage 1 vapor recovery system (VR System):~~

- a. ~~During delivery, the vessel operator shall not remove the lid of a fill tube unless every other fill tube either has a lid fastened in place or a delivery hose connecting it to the delivery vessel.~~
- b. ~~Connect a vapor recovery hose before connecting any gasoline delivery hose.~~
- c. ~~Disconnect a delivery hose from a tank before disconnecting the vapor recovery hose.~~
- d. ~~Restriction on Multiple Connection: A delivery vessel shall not simultaneously have more than one gasoline delivery hose connected, unless each delivery hose is connected to a dispensing tank's 2 point system that already has a vapor hose connecting it to the vessel.~~

~~301.6 Vapor Recovery Systems Having Remote Vapor Return Lines: If a delivery vessel's vapor hose is connected to a vapor return line that is not part of a 2 point system, then there shall not be more than one gasoline delivery hose connected to the vessel, and no other hoses connected to a fill tube; viz., no more than one compartment of the delivery vessel shall be emptied at a time.~~

~~302 GASOLINE DELIVERY VESSEL LEAK TEST REQUIRED: A gasoline delivery vessel shall first pass the MC Pressure Test before delivering or unloading gasoline within Maricopa County, and to continue, must pass the MC Pressure Test each year thereafter. This does not apply to loads that originate solely in another state, nor to loads originating in Maricopa County that are not delivered in Maricopa County.~~

~~302.1 Testing: The MC Pressure Test shall be performed according to subsection 302.2.~~

- a. ~~Scheduling and notification of an initial test or annual retest shall be done in accordance with subsection 401.1 and subsection 401.3.~~
- b. ~~A tester shall record the results of a Pressure Test according to the format in subsection 501.2.~~
- c. ~~A valid Maricopa County Air Quality Department decal shall be affixed to the vessel consequent to passing the MC Pressure Test before the vessel may deliver or unload gasoline.~~
- d. ~~An owner or operator of a delivery vessel shall comply with subsection 401.2 registration requirements to obtain a valid Maricopa County Air Quality Department decal after a successful MC Pressure Test.~~

~~302.2 MC Pressure Test: A vessel that is being MC Pressure Tested shall pass all 3 of the following pressure subtests, in the following order, and use the same vapor hose during the test as will be used for deliveries by that same unit:~~

- a. ~~Positive Pressure Subtest: Lose no more than 1.0 inch (25.4 mm) of water column in 5.0 minutes, when pressurized to a gauge pressure of 18 inches (45.7 cm) of water in 2 consecutive runs according to procedures in subsections 5.1.1 through 5.2.7 of EPA Method 27, as incorporated by reference in Section 504 of this rule; and~~
- b. ~~Vapor Valve Subtest: Lose no more than 5.0 inches (127 mm) of water column in 5.0 minutes, measured in the vapor system after the vessel compartments are first collectively pressurized to a gauge pressure of 18 inches (45.7 cm) of water and then the vapor valves are closed, per subsection 503.2 of this Rule 352; and~~
- c. ~~Partial Vacuum Subtest: Gain no more than 1.0 inch (25.4 mm) of water column in 5.0 minutes, when initially evacuated to a gauge pressure of 6 inches (15.2 cm) of water, in 2 consecutive runs, per subsections 5.3.1 through 5.3.7 of EPA Method 27, as incorporated by reference in Section 504 of this rule.~~

- d. ~~Pressure Instability: A subtest is invalidated if during either of the pressure subtests, more than 1/2 inch water pressure is gained, or if during the vacuum test the vacuum is increased by more than minus 1/2 inch.~~

~~302.3 A vessel shall be repaired, retested, and pass all 3 subtests in the same testing period within 15 days of testing if it does not pass all 3 subtests of subsection 302.2 of this rule.~~

~~303 DISPLAY A VALID DECAL: Each gasoline delivery vessel shall clearly display a valid Maricopa County Air Quality Department decal that is permanently mounted near the front on the right (passenger) side of the vessel.~~

~~304 PURGING PROHIBITED:~~

~~304.1 No person shall purge gasoline vapors into the atmosphere from a delivery vessel unless the following conditions are met:~~

- a. ~~VOC emissions shall be reduced at least 90% by weight, including capture and processing, by a control device having a Maricopa County Air Pollution Permit; and~~
- b. ~~Such purging shall be done only after all delivery valves are opened and any liquid gasoline outflow is captured in a container having an attached lid which is kept closed when not receiving or pouring gasoline.~~

~~304.2 An operator of a delivery vessel shall not purge gasoline vapors from such vessel as a passive result of switch loading, except for vessels exempted by subsection 305.1.~~

~~305 EXEMPTIONS:~~

~~305.1 A delivery vessel is exempt from pressure test requirements of Section 302 if all of the following conditions are met:~~

- a. ~~The vessel was placed in operation before July 13, 1988; and~~
- b. ~~The vessel transported gasoline within Maricopa County before January 1, 1998; and~~
- c. ~~The vessel never loads at a gasoline terminal; and~~
- d. ~~The vessel serves only farm tanks and/or those non-resale dispensing operations having a yearly throughput not exceeding 120,000 gallons of gasoline, verified by monthly records pursuant to subsection 501.1a; and~~
- e. ~~The vessel either has a sticker affixed to it that indicates to a bulk plant operator that the vessel may be loaded in Maricopa County, or has an affidavit signed by an owner or officer of the operating company filed with the Maricopa County Air Quality Department, with a complete copy of the signed affidavit available in the vehicle for inspection by a bulk plant operator or the Control Officer.~~

~~305.2 An operator of a delivery vessel exempted by subsection 305.1 is allowed to incidentally purge gasoline vapors from such vessel as a passive result of loading, or briefly when lids/ports must be open for inspection.~~

~~305.3 Opening Hatches on Non-Exempt Vessels:~~

- a. ~~Required by Rule: Owners/operators, their contractors, and authorized government agents may open vapor containment equipment on a nonexempt gasoline delivery vessel while performing operations required by governmental agencies, but shall be restricted as follows, unless approved in advance by the Control Officer:~~

- (1) ~~Wait at least 3 minutes after unloading is complete and after a delivery vessel has stopped before opening its hatch or other vapor seal.~~

- (2) ~~Reclose hatch or other sealing device within 3 minutes of completing the required procedures.~~
- (3) ~~Limit windspeed at opened hatch or other opened sealing device to not more than 3 mph (1.34 m/sec), using a barrier if necessary.~~
- b. ~~Defueling: Hatches of a delivery vessel may be open for monitoring to prevent overflow during the period that the vessel is receiving gasoline from a tank or other source, if so required by a local fire code or other ordinance.~~
- e. ~~Connecting Coaxial Fittings: Requirements for first connecting a vapor hose before a gasoline delivery hose do not apply to coaxial VR connection fittings.~~

**301 GASOLINE CARGO TANK REQUIREMENTS:**

**301.1 Gasoline Cargo Tank Integrity:** In Maricopa County, an owner or operator of a gasoline cargo tank shall not store or transport gasoline in or otherwise use or operate any gasoline cargo tank unless:

- a. The gasoline cargo tank is designed and maintained to be vapor tight and leak free.
- b. The gasoline cargo tank passes the Maricopa County Vapor Tightness Test unless exempted by Section 103.1 of this rule.
- c. A valid, permanently mounted Maricopa County Vapor Tightness Certification decal is clearly displayed near the front right (passenger) side of cargo tank, if not exempted by Section 103.1 of this rule.

**301.2 Maricopa County Air Pollution Vapor Tightness Certification:** A gasoline cargo tank shall pass the Maricopa County Air Pollution Vapor Tightness Test before loading gasoline within Maricopa County unless exempted by Section 103 of this rule.

- a. **Testing:** The vapor tightness test shall be performed according to Section 501 of this rule.
  - (1) Scheduling and notification of gasoline cargo tank vapor tightness testing shall be done in accordance with Section 401.1 of this rule.
  - (2) A tester shall record the results of the vapor tightness test according to Section 502.2 of this rule.
  - (3) If a gasoline cargo tank does not pass all three (3) subtests of the Maricopa County Air Pollution Vapor Tightness Test as listed in Section 502.2 of this rule, the gasoline cargo tank shall be repaired, retested, and pass all 3 subtests in the same testing period within 15 days of initial testing.
- b. **Maricopa County Vapor Tightness Certification Decal:** An owner or operator of a gasoline cargo tank shall:
  - (1) Comply with Section 401.2 of this rule for registration requirements to obtain a valid Maricopa County Vapor Tightness Certification decal after passing the Maricopa County Air Pollution vapor tightness test; and
  - (2) Each gasoline cargo tank shall clearly display a valid Maricopa County Vapor Tightness Certification decal that is permanently mounted near the front on the right (passenger) side of the vessel unless exempted by Section 103 of this rule.

**301.3 Purging:**

- a. An owner or operator is allowed to purge gasoline vapors from a gasoline cargo tank if the following conditions are met:
  - (1) VOC emissions shall be reduced at least 90% by weight, including capture and processing, by a control device having a Maricopa County Air Pollution Permit; and

(2) Such purging shall be done only after all loading valves are opened and any liquid gasoline outflow is captured in a container having an attached lid which is kept closed when not receiving or pouring gasoline.

b. An owner or operator of a gasoline cargo tank shall not purge gasoline vapors from such tank as a passive result of switch loading, except for gasoline cargo tanks exempted by Section 103 of this rule.

**302      LOADING OF GASOLINE:**

**302.1      Loading of Gasoline Into a Gasoline Cargo Tank From a Bulk Plant:** An owner or operator of a gasoline cargo tank shall load gasoline at a bulk gasoline plant loading rack when the following conditions are met:

a. The gasoline cargo tank integrity is maintained and verified by:

(1) The display of a Maricopa County Vapor Tightness Certification decal on the gasoline cargo tank; or

(2) An affidavit per Section 103.1(a)(6) of this rule is readily available.

b. A vapor return hose shall be connected prior to the connection of any gasoline loading hose at any bulk loading rack.

c. Connect an additional vapor hose before connecting any additional gasoline loading hose, unless an assisted vapor return system is serving the vapor hose that is already connected.

d. Disconnect fill hoses and vapor recovery hoses in such a way as to prevent excess gasoline drainage (more than 2 teaspoonsful) from escaping from the hose in one connect/disconnect cycle.

e. Use a bucket or other effective capture device to catch any liquid dripping during the connection or disconnection of both the gasoline loading hose from the truck and the vapor hose from the loading dock's vapor receiving pipe.

(1) Either dispose of the captured liquid in a tank designated for that purpose, or use a receptacle or a material designed to absorb the liquid.

(2) Any gasoline that escapes or spills must be collected and contained in a manner that will prevent evaporation into the atmosphere.

**302.2      Loading of Gasoline at a Bulk Terminal:** An owner or operator of a gasoline cargo tank shall load gasoline at a gasoline bulk terminal when the following conditions are met:

a. The gasoline cargo tank integrity shall be maintained and verified by the display of a Maricopa County Vapor Tightness Certification decal on the gasoline cargo tank.

b. A vapor return hose shall be connected prior to the connection of any gasoline loading hose at any bulk loading rack.

c. Connect an additional vapor hose before connecting any additional gasoline loading hose, unless an assisted vapor return system is serving the vapor hose that is already connected.

d. Disconnect fill hoses and vapor recovery hoses in such a way as to prevent excess gasoline drainage (more than 2 teaspoonsful) from escaping from the hose in one connect/disconnect cycle.

e. Use a bucket or other effective capture device to catch any liquid dripping during the connection or disconnection of both the gasoline loading hose from the truck and the vapor hose from the loading dock's vapor receiving pipe.

(1) Either dispose of the captured liquid in a tank designated for that purpose, or use a receptacle or a material designed to absorb the liquid.

(2) Any gasoline that escapes or spills must be collected and contained.

**302.3 Loading of Gasoline Into a Stationary Gasoline Storage Tank at a Non-Retail Gasoline Dispensing Facility:** An owner or operator of a gasoline cargo tank shall load gasoline at a non-retail gasoline dispensing facility when the following conditions are met:

- a. The gasoline cargo tank integrity is maintained and verified by:
  - (1) The display of a Maricopa County Vapor Tightness Certification decal on the gasoline cargo tank; or
  - (2) An affidavit per Section 103.1(a)(6) of this rule is readily available.
- b. A vapor return hose shall be connected prior to the connection of any gasoline loading hose if the stationary gasoline storage tank is configured to include a vapor return connection.
- c. Vapor Recovery Systems Having Remote Vapor Return Lines: If a gasoline cargo tank's vapor hose is connected to a vapor return line that is not part of a dual-point vapor balance system, then there shall not be more than one gasoline loading hose connected to the gasoline cargo tank, and no additional hoses connected to a fill tube.
- d. An owner or operator shall not remove the lid of a fill tube unless every other fill tube either has a lid fastened in place or a loading hose connecting it to the gasoline cargo tank.
- e. A portable fill tube shall be used to load gasoline into any stationary gasoline storage tank that is not equipped with a permanent submerged fill pipe.
- f. Restriction on Multiple Connections: A gasoline cargo tank shall not simultaneously have more than one gasoline loading hose connected, unless each loading hose is connected to a gasoline cargo tank's dual-point vapor balance system that already has a vapor hose connecting it to the gasoline cargo tank.
- g. Thoroughly drain a fill hose and a vapor recovery hose into the gasoline cargo tank before disconnecting it from the gasoline cargo tank's fittings.
- h. Disconnect fill hoses and vapor recovery hoses in such a way as to prevent excess gasoline drainage (more than 2 teaspoonsful) from escaping from the hose in one connect/disconnect cycle.
- i. Spills and any gasoline that is deposited in or on an area other than within the gasoline cargo tank shall be collected and contained. This can include, but is not limited to, the correct use of buckets and/or absorbent material designed for the purpose, and the correct disposal of the collected gasoline.

**302.4 Loading of Gasoline Into a Stationary Gasoline Storage Tank at a Retail Gasoline Dispensing Facility:** An owner or operator of a gasoline cargo tank shall load gasoline at a retail gasoline dispensing facility when the following conditions are met:

- a. The owner or operator of a gasoline cargo tank shall:
  - (1) Maintain the cargo tank integrity; and
  - (2) Clearly display a Maricopa County Vapor Tightness Certification decal on the gasoline cargo tank.
- b. An owner or operator of a gasoline cargo tank shall only load gasoline into a stationary gasoline storage tank when:
  - (1) The stationary gasoline storage tank is equipped with a vapor return poppetted valve.
  - (2) Any locked cap can be removed.
  - (3) The stationary gasoline storage tank does not have any broken or damaged fitting that prevent the correct connection of a loading hose or a vapor hose.

- c. An owner or operator shall not load gasoline to a stationary gasoline storage tank at a retail gasoline dispensing facility unless a vapor hose is first connected from the gasoline cargo tank to a vapor return-line serving the tank.
- d. Vapor Recovery Systems Having Remote Vapor Return Lines: If a gasoline cargo tank's vapor hose is connected to a vapor return line that is not part of a dual-point vapor balance system, then there shall not be more than one gasoline delivery hose connected to the gasoline cargo tank, and no additional hoses connected to a fill tube.
- e. An owner or operator shall not remove the lid of a fill tube unless every other fill tube either has a lid fastened in place or a delivery hose connecting it to the gasoline cargo tank.
- f. Restriction on Multiple Connection: A gasoline cargo tank shall not simultaneously have more than one gasoline delivery hose connected, unless each delivery hose is connected to a gasoline cargo tank's dual-point vapor balance system that already has a vapor hose connecting it to the gasoline cargo tank.
- g. Thoroughly drain a fill hose and a vapor recovery hose into the gasoline cargo tank before disconnecting it from the gasoline cargo tank's fittings.
- h. Disconnect a delivery hose from a stationary gasoline storage tank before disconnecting the vapor recovery hose.
- i. Disconnect fill hoses and vapor recovery hoses in such a way as to prevent excess gasoline drainage (more than 2 teaspoonsful) from escaping from the hose in one connect/disconnect cycle.
- j. Spills and any gasoline that are deposited in or on an area other than within the gasoline cargo tank shall be collected and contained. This can include, but is not limited to, the correct use of buckets and/or absorbent material designed for the purpose, and the correct disposal of the collected gasoline.

## SECTION 400 – ADMINISTRATIVE REQUIREMENTS

**401** MARICOPA COUNTY AIR POLLUTION VAPOR TIGHTNESS TESTING: Testing required by ~~subsections 302.2a, b, and c~~ Section 301.2 of this rule, shall be conducted by the owner or operator of the ~~delivery vessel gasoline cargo tank,~~ or by a consultant, at the expense of the owner or operator. The Control Officer may at any time observe the tests. An owner or operator shall comply with the following provisions:

**401.1** Notification of Required Testing: The owner, operator, or tester shall notify the Control Officer as follows for each ~~vessel gasoline cargo tank~~ being tested to meet requirements of Section 302 or subsection 301.2 Section 301 of this rule:

- a. Contact the Control Officer during normal business hours of the Department at least 4 hours prior to ~~gasoline cargo tank vapor tightness testing;~~ and
- b. ~~Give~~ Provide an estimated start time that is no more than 1 hour prior to actual ~~gasoline cargo tank vapor tightness testing~~ start time;
- c. Except for weekend testing, the Control Officer shall be notified no more than ~~24 hours in advance of~~ 72 hours ~~prior to gasoline cargo tank vapor tightness testing;~~
- d. For weekend testing, the notification shall be given, along with the date of testing, prior to 2 PM on Friday (or Thursday, if Friday is a County holiday);
- e. Give the location of the testing;
- f. Any testing that is performed in the 8 hour period between 9 PM and 5 AM is not valid for purposes of satisfying ~~Section 302~~ 301.2 of this rule requirements, except if the Control Officer gives specific, advance permission for a particular occasion.

- 401.2 Registration:** To obtain a Maricopa County Vapor Tightness Certification decal, ~~the~~ the following information shall be submitted to the Department for each vessel and each vapor recovery hose that passes the required annual gasoline cargo tank vapor tightness test:
- a. ~~Assemble in 1 packet the following 3 items: (1) A properly~~ A completed “APPLICATION FOR AIR POLLUTION VAPOR RECOVERY TIGHTNESS CERTIFICATION” (also called “The Application” application), and that includes, at a minimum, all of the following information required by Section 502.2 of this rule.
  - (2) ~~b. A properly~~ b. A properly completed copy of the MCESD “Maricopa County Air Quality Department Gasoline Cargo Tank Vapor Tightness “Tank Truck Leak Certification Check List” (checklist), and
  - (3) ~~c. The annual fee remittance. (The fee amount appears in Rule 280.)~~
  - ~~b. Send or convey this single packet to the Maricopa County Air Quality Department at the address on the top of the application.~~
  - e. ~~d. Upon receipt of these 3 properly completed items~~ d. Upon receipt of the completed application, checklist and fee remittance, a Maricopa County Vapor Tightness Certification decal will be issued by the Control Officer.

**401.3 Expiration:**

- a. A Maricopa County Vapor Tightness Certification decal that is issued to a vessel gasoline cargo tank that passed its test in the 4-month period between March 1 through June 30 shall expire at 11:59 PM on June 30 of the following year.
- b. A Maricopa County Vapor Tightness Certification decal that is issued to a vessel gasoline cargo tank that passed its test in the period after June 30 of the previous year and before March 1 of the current year shall expire at 11:59 PM on June 30 of the year. ~~For example, if the test is passed between July 1, 2000, through February 28, 2001, the decal expires on June 30, 2001.~~

**401.4 Loss, Defaced or Destroyed Maricopa County Vapor Tightness Certification Decal:**

- a. An owner or operator shall notify the Control Officer immediately if a valid ~~decal/sticker~~ Maricopa County Vapor Tightness Certification decal is lost, defaced, or destroyed.
- b. The Control Officer may require a demonstration of need for replacement.
- c. If Rule 280 so provides, the Control Officer may charge a fee for reissue or substitute issue of a lost, defaced, or destroyed ~~decal/sticker~~ Maricopa County Vapor Tightness Certification Decal, if the Control Officer determines that the Department is not at fault.

**402** ~~TIME FRAME FOR INSTALLATION OF CONTROL DEVICE:~~ An owner or operator of a vessel gasoline cargo tank testing operation who chooses to comply with the Section ~~304~~ 301.3 of this rule purging provisions through the use of a control device shall submit ~~by August 1, 1999,~~ an application for a Maricopa County Air Pollution Control Permit and an Operation and Maintenance Plan for the control device. ~~The device shall be fully functioning by May 1, 2000.~~

**SECTION 500 – RECORDS AND MONITORING**

**501 GASOLINE CARGO TANK VAPOR TIGHTNESS TESTING REQUIREMENT:**

**501.1** Each gasoline cargo tank shall pass all of the vapor tightness tests in the listed order of Section 501.1 of this rule, using the same vapor hose during each test as will be used for loading. If more than one vapor recovery hose is used for loading, the sequence of tests shall be performed for each vapor hose.

- a. **Pressure Test:** Lose no more than 1.0 inch (25.4 mm) of water column in 5.0 minutes, when pressurized to a gauge pressure of 18 inches (45.7 cm) of water in 2 consecutive runs according to procedures in subsections 5.1.1 through 5.2.7 of EPA Method 27, as incorporated by reference in Section 505 of this rule; and
- b. **Vapor Valve Loss Test:** Lose no more than 5.0 inches (127 mm) of water column in 5.0 minutes, measured in the vapor system after the vessel compartments are first collectively pressurized to a gauge pressure of 18 inches (45.7 cm) of water and then the vapor valves are closed, per Section 504.2 of this rule; and
- c. **Vacuum Test:** Gain no more than 1.0 inch (25.4 mm) of water column in 5.0 minutes, when initially evacuated to a gauge pressure of 6 inches (15.2 cm) of water, in 2 consecutive runs, per subsections 5.3.1 through 5.3.7 of EPA Method 27, as incorporated by reference in Section 505 of this rule.
- d. **Pressure Instability:** A test is invalidated if during the positive pressure test or the vapor valve loss test, more than ½ inch water pressure is gained. A test is invalid if during the vacuum test the vacuum is increased by more than minus ½ inch.

**501.2** A vessel shall be repaired, retested, and pass all three (3) tests in the same testing period within 15 days of testing if it does not pass all three (3) tests of Section 501.1 of this rule.

504 **502 RECORDKEEPING AND REPORTING REQUIREMENTS:**

501.1 **502.1** The owner or operator of a gasoline ~~delivery vessel~~ cargo tank subject to this rule shall maintain records of all certification, testing, and repairs.

- a. Such records must be maintained in a legible, readily available condition for at least 5 years after the date the testing and repair is completed.
- b. Upon verbal or written request by the Control Officer, or a designee of the Control Officer, records shall be provided within a reasonable time. If the Control Officer is at the site where requested records are kept, records shall be provided without delay.

501.2 **502.2** The records of the gasoline cargo tank vapor tightness certification testing required by Section 302 ~~301~~ of this rule, must be recorded in both of the following documents: the “Application for Air Pollution Vapor ~~Recovery~~ Tightness Certification” and the “Maricopa County Air Quality Department Gasoline Cargo Tank Vapor Tightness “Tank Truck Leak Certification Check List””. Pressure and vacuum shall be recorded to no less than the nearest quarter inch or half-centimeter of water column. The minimum requirements for each of these 2 documents follow:

- a. For the “Application for Air Pollution Vapor ~~Recovery~~ Tightness Certification”:
  - (1) Owner's name and address.
  - (2) Tank ID number, the location of the test, the time of the test, and the date of the test. The manufacturer’s Tank ID-gasoline cargo tank serial number.
  - (3) The location of the test.
  - (4) The time of the test.
  - (5) The date of the test.
- (3) (6) For the pressure ~~subtest~~ test, ~~2~~ two (2) readings: the change in pressure (in inches ~~H<sub>2</sub>O~~ of water) for Run 1 and the change in pressure for Run 2.
- (4) (7) For the vapor-valve ~~loss test~~ ~~subtest~~ (subsection 302.2b), ~~1~~ one (1) reading: the total change in pressure during the test.
- (5) (8) For the vacuum test, ~~2~~ two (2) readings: the total change in vacuum during Run 1 and the same for Run 2.
- (9) The signature of the person conducting the vapor tightness test.

- b. The “Maricopa County Air Quality Department Gasoline Cargo Tank Vapor Tightness “Tank-~~Truck Leak~~ Certification Check List” (or its successor document) shall contain at least the following information:
- ~~(1) The same information required in subsections a(1) and a(2) of this subsection 501.2; and~~
  - ~~(2) The time the subtest began, the initial pressure of the subtest, the finish time, the final pressure of the subtest, and the pressure change between the start and end of the subtest; the vessel’s unit number, manufacturer’s serial number, the tank capacity, whether the tank was purged of gasoline vapors, and the date of the next leakage test if the set of 3 subtests are not all passed.~~
  - ~~(3) If the initial pressure test was not passed, one set of readings in the row “Initial Test”, also giving the elapsed time if the pressure reached zero before 5 minutes. For example, the row marked “Initial Test” will normally contain the results of the initial failed subtest if any repairs were made subsequent to any pressurization or evacuation of the tank.~~
  - (1) Owner's name and address.
  - (2) Manufacturer’s gasoline cargo tank serial number.
  - (3) The gasoline cargo tank unit number.
  - (4) The gasoline cargo tank capacity.
  - (5) Whether the gasoline cargo tank was purged of gasoline vapors.
  - (6) The location of the test,
  - (7) The time of the test, and
  - (8) The date of the test.
  - (9) Initial testing information:
    - (a) The time the test began;
    - (b) The initial pressure in inches of water;
    - (c) The finish time of the test;
    - (d) The final pressure of the test; and
    - (e) The pressure change between the start and end of the test.
    - (f) If the initial pressure test failed:
      - (i) Record one set of readings in the row “Initial Test.”
      - (ii) Record the elapsed time if the pressure reached zero before five (5) minutes.
      - (iii) Record any repairs conducted.
  - (10) Testing Information for each test:
    - (a) The time the test began;
    - (b) The initial pressure in inches of water;
    - (c) The finish time of the test;
    - (d) The final pressure of the test; and
    - (e) The pressure change between the start and end of the test.
  - (11) The date of the next leakage test if the set of three (3) subtests are not all passed.
  - (12) The signature of the person conducting the vapor tightness test.

502 **503**

**MONITORING FOR LEAKS:** The Control Officer may at any time monitor a delivery vessel gasoline cargo tank, including the vapor collection system, for vapor and liquid leaks to ascertain if it is vapor tight and leak free. Leakage of vapor exceeding 1/5 of the lower explosive limit, or 10,000 ppm as methane, when performed according to subsection 504.4, shall be an exceedance of the vapor tight standard of subsection 301.1. The Control Officer may use one or more of the following to determine vapor tight and leak free conditions:

**503.1** Combustible gas detector or an organic vapor analyzer:

- a. Calibration:** Within 4 hours prior to monitoring, the combustible gas detector or organic vapor analyzer shall be suitably calibrated for a 20 percent LEL response, or to 10,000 ppm with methane.
- b. Probe Distance:** The probe inlet shall be 1 inch (2.5 cm) or less from the potential leak source when searching for leaks. The probe inlet shall be 1 inch (2.5 cm) from the leak source when the highest detector reading is being determined for a discovered leak. When the probe is obstructed from moving within 1 inch (2.5 cm) of an actual or potential leak source, the closest practicable probe distance shall be used.
- c. Probe Movement:** The probe shall be moved slowly, not faster than 1.6 inches per second (4 centimeters per second). If there is any meter deflection at a potential or actual leak source, the probe shall be positioned to locate the point of highest meter response.
- d. Probe Position:** The probe inlet shall be positioned in the path of the vapor flow from a leak such that the central axis of the probe-tube inlet shall be positioned coaxially with the path of the most concentrated vapors.
- e. Data Recording:** The highest detector reading and location for each incidence of detected leakage shall be recorded, along with the date and time. If no gasoline vapor is detected, that fact shall be entered into the record.

**503.2** Method 21-Determination of Volatile Organic Compound Leaks, Alternative Screening Procedure 8.3.3:

- a.** Spray a soap solution over all potential leak sources. The soap solution may be a commercially available leak detection solution or may be prepared using concentrated detergent and water. A pressure sprayer or squeeze bottle may be used to dispense the solution.
- b.** Observe the potential leak sites to determine if any bubbles are formed.
  - (1) If no bubbles are observed, the source is presumed to have no detectable vapor leaks.
  - (2) If any bubbles are observed, the instrument techniques of Section 503.1 of this rule, shall be used to determine if a vapor leak exists.

**503.3** Optical Gas Imaging: An owner or operator may use an optical gas imaging instrument to identify vapor leaks. If a vapor leak is detected, the instrument techniques listed in Section 503.1 of this rule shall be used to determine if a vapor leak exists.

503 **504**

**COMPLIANCE:** When more than one test method is permitted for a determination, an exceedance of the limits established in the rule determined by any of the applicable test methods constitutes a violation of this rule. An exceedance of the limits established in this rule, determined by any of the applicable test methods, constitutes a violation of this rule. The EPA test methods, ASTM International (ASTM) standards and other documents as they exist in the Code of Federal Regulations (CFR) as listed below, are adopted and incorporated by reference in Appendix G of the Maricopa County Air Pollution Control Regulations. These documents are available at the Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, AZ 85004. ASTM standards are also available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at [www.astm.org](http://www.astm.org).

- 503.1 **504.1 Pressure and Vacuum Tests:** The subtests to determine compliance with ~~subsection 302.2a and subsection 302.2e~~ Section 301 of this rule shall be performed according to EPA Method 27 - Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure Vacuum Test, except that the definition of gasoline shall be according to this ~~Rule 352~~ rule.
- 503.2 **504.2 Test of Internal Vapor Valves:** The test to determine compliance with ~~subsection 302.2b~~ Section 301 of this rule, shall be performed immediately after successfully passing the pressure subtest (~~pursuant to subsection 302.2a~~), without performing any intervening maintenance or repair on the vapor valves.
- 503.3 **504.3** Confirmation of a vapor leak detected on a vessel during ~~onloading~~ loading shall be determined by properly deploying a pressure tap adapter that conforms to Method 27 provisions, and demonstrating the leak according to ~~subsection 504.4~~ Section 505 of this rule, while the pressure is less than 20 inches of water column.
- 503.4 **504.4** Pursuant to Section 203, Reid vapor pressure shall be determined using ~~American Society for Testing and Materials (ASTM) Method D 323-90~~ ASTM D323 - 15a: Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method).
- 504 **505 TEST METHODS:** The EPA test ~~method~~ methods as ~~it exists~~ they exist in the Code of Federal Regulations (CFR) (~~July 1, 1998~~ July 1, 2016), as listed below, ~~is~~ are adopted by reference. The other test methods listed here are ~~also adopted by reference, each having paired with it a specific date that identifies the particular version/revision of the method that is adopted by reference.~~ These adoptions by reference include no future editions or amendments. Copies of test methods referenced in this Section ~~504~~ 505 of this rule, are available at the Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, Arizona 85004.
- 504.1 **505.1** Alternative Work Practice for Monitoring Equipment Leaks, 40 CFR 60.18(g). An owner or operator may use an optical gas imaging instrument instead of a 40 CFR part 60, Appendix A-7, Method 21 to monitor for equipment volatile organic compound leaks.
- 505.2** EPA Method 21 – Determination of Volatile Organic Compound Leaks.
- 505.3** EPA Method 27 (“Determination Of Vapor Tightness Of Gasoline Delivery Tank Using Pressure-Vacuum Test.”) in 40 CFR 60, Appendix A.
- 504.2 **505.4** ~~American Society for Testing and Materials (ASTM) Method D 323-90, 1990 (Reid vapor pressure).~~ ASTM D323 - 15a: Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method).
- 504.3 **505.5 Test of Internal Vapor Valves:**
- a. Pressurize the delivery vessel to 18 inches (45.7 cm) of water column, using the first 2 procedures of the "Pressure Test" section of EPA Method 27.
  - b. Close all the vessel's internal valves, including the internal vapor valves, thereby isolating the vapor system (vapor return line plus vapor manifold) from the compartments.
  - c. Relieve the pressure in the vapor return line (to atmospheric pressure).
  - d. Seal the vapor return line and after 5.0 minutes record the pressure present in the vapor system.
- 504.4 **505.6 Delivery Vessel Vapor Tightness Test:** A vapor tight condition will be determined for vessels by the following method:
- a. **Calibration:** Within 4 hours prior to monitoring, the combustible gas detector or organic vapor analyzer shall be suitably calibrated for a 20 percent LEL response, or to 10,000 ppm with methane.
  - b. **Probe Distance:** The probe inlet shall be 1 inch (2.5 cm) or less from the potential leak source when searching for leaks. The probe inlet shall be 1 inch (2.5 cm) from the leak source when the highest detector reading is being determined for a discovered leak. When the probe

is obstructed from moving within 1 inch (2.5 cm) of an actual or potential leak source, the closest practicable probe distance shall be used.

- c. **Probe Movement:** The probe shall be moved slowly, not faster than 1.6 inches per second (4 centimeters per second). If there is any meter deflection at a potential or actual leak source, the probe shall be positioned to locate the point of highest meter response.
- d. **Probe Position:** The probe inlet shall be positioned in the path of the vapor flow from a leak such that the central axis of the probe-tube inlet shall be positioned coaxially with the path of the most concentrated vapors.
- e. **Data Recording:** The highest detector reading and location for each incidence of detected leakage shall be recorded, along with the date and time. If no gasoline vapor is detected, that fact shall be entered into the record.

[Return to list of Attachments](#)

COPIES OF ALL WRITTEN AND ELECTRONIC STAKEHOLDER INPUT

---

**From:** Cheri Dale - AQDX  
**Sent:** Thursday, June 11, 2015 4:11 PM  
**To:** todd@tamuraenv.com  
**Cc:** Johanna Kuspert - AQDX  
**Subject:** Stakeholder Workshop Information for Maricopa County, AZ

Todd,

Good talking with you this afternoon. Per your inquiry concerning Maricopa County Air Quality Rules 350, 351 352 and 353, the Maricopa County Board of Supervisors has recently approved the revision of several County rules that control the emissions of volatile organic compounds (VOCs) and Nitrogen Oxides (NOx) that contribute to the formation of ground-level ozone. The revisions will serve to reduce the levels of these ozone precursors while also providing technology updates and clarification of rule elements.

If you are interested in these rule revisions please visit the County's Enhanced Regulatory Outreach Program (EROP) Website at <http://www.maricopa.gov/regulations/aa/process.aspx>. The EROP page will also post notices of future workshops – the first already scheduled for June 29 and 30, 2015. The workshop notices will contain first draft language for the rule revisions. Attending a workshop will also provide the opportunity to receive rule updates on a regular basis. For more information contact Johanna Kuspert at 602-506-6710 or [JohannaKuspert@mail.maricopa.gov](mailto:JohannaKuspert@mail.maricopa.gov).

I will look into accessing the workshop via teleconference and get back with you by June 19, 2015. Have a great day.

Cheri

**Cheri Dale, MEPM, REHS/RS**  
Senior Planner  
Maricopa County Air Quality Department  
1001 N. Central Avenue, #125 | Phoenix, AZ 85004  
*Located at the Central Ave. & Roosevelt METRO stop*  
Desk 602.506.3476 | [CleanAirMakeMore.com](http://CleanAirMakeMore.com)



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**From:** Hether Krause - ENVX  
**Sent:** Friday, June 12, 2015 4:58 PM  
**To:** Johanna Kuspert - AQDX  
**Subject:** FW: Regulatory Outreach

Please cc me on your response. Thank you

## Hether Krause, R.S., CPM

### Ombudsman | Citizen Advocate

Air Quality & Environmental Services Departments  
Maricopa County

1001 N. Central Avenue, Phoenix, AZ 85004  
Desk: 602.506.6707 | Fax: 602.506.6179  
[hkrause@mail.maricopa.gov](mailto:hkrause@mail.maricopa.gov)

**From:** Regulatory [<mailto:regulations@mail.maricopa.gov>]  
**Sent:** Friday, June 12, 2015 4:47 PM  
**To:** Hether Krause - ENVX; Valerie Beckett - PLANDEVX; Jennifer Pokorski - FCDX  
**Subject:** FW: Regulatory Outreach

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**From:** [todd@tamuraenv.com](mailto:todd@tamuraenv.com)[SMTP:TODD@TAMURAENV.COM]  
**Sent:** Friday, June 12, 2015 4:46:46 PM  
**To:** Regulatory  
**Subject:** Regulatory Outreach  
**Auto forwarded by a Rule**

### Citizen Comments

**Issue:** AQ-2015-008 Rule 350, Rule 351, Rule 352, Rule 353

Citizen's Name: Todd Tamura  
Organization: Tamura Environmental, Inc.  
City: Petaluma  
Zip: 94952  
Phone Number: 707-773-3737  
Phone Type: work  
Email: [todd@tamuraenv.com](mailto:todd@tamuraenv.com)

Does citizen want to be contacted: no

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Comment is regarding: other

### Comments:

I would like to attend the June 29 and June 30 workshops by telephone or webcast.

Time of Request: 6/12/2015 4:46:46 PM

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**From:** Cheri Dale - AQDX  
**Sent:** Thursday, June 18, 2015 9:36 AM  
**To:** Johanna Kuspert - AQDX; Corky Martinkovic - AQDX  
**Subject:** FW: Maricopa County Gasoline Rules 350, 351, 352 and 353

*Johanna and Corky,*

*Below is the first draft of a response to Amanda. Should I direct her to submit her question through EROP; reply via email; or just give her a call with a follow-up email requesting further questions route through EROP comments?  
Cheri*

Hi Amanda,

Maricopa County Monday, June 29, 2015, the Rule 350 and 351 discussion will describe the PROPOSED revision of Rules 350 and 351 into separate rules; one rule specifically for non-gasoline organic liquid storage and transfer and one rule specifically for gasoline storage and loading. After a brief description of the separation of the rules, the focus of Monday's discussion will be organic liquids and not gasoline. The focus of Tuesday's workshops will again describe the PROPOSED revision of Rules 350 and 351 into separate rules with the focus being on the gasoline storage and loading at bulk plants and bulk terminals as well as requirements for gasoline cargo tanker trucks. The second workshop for Rules 352 and 353 will focus on the PROPOSED rule revisions for gasoline cargo tanker truck requirements; and gasoline loading and storage at gasoline dispensing facilities.

Further rule comments are encouraged to be submitted through the County's Enhanced Regulatory Outreach Program (EROP) Website at <http://www.maricopa.gov/regulations/aq/process.aspx>. Comments submitted through EROP are included verbatim in the rulemaking documents. For more information contact Johanna Kuspert at 602-506-6710 or [JohannaKuspert@mail.maricopa.gov](mailto:JohannaKuspert@mail.maricopa.gov). Thank you for your interest in the AQ-3015-008 rulemaking.

Cheri

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**From:** Amanda Gray [mailto:[amanda@apma4u.org](mailto:amanda@apma4u.org)]  
**Sent:** Wednesday, June 17, 2015 8:57 AM  
**To:** Cheri Dale - AQDX  
**Subject:** Re: Maricopa County Gasoline Rules 350, 351, 352 and 353

Cheri,

I saw the Stakeholder Workshop notification for these rules posted online. Can you tell me why Rules 350 and 351 are noticed for workshops on both Monday 6/29 AND Tuesday 6/30? Want to be clear with my membership if these are either/or or if there will different topics addressed on the different days...

Thanks,  
Amanda

Amanda Gray

*Executive Director*

Arizona Petroleum Marketers Association



---

**From:** Cheri Dale - AQDX <[CheriDale@mail.maricopa.gov](mailto:CheriDale@mail.maricopa.gov)>  
**Date:** Thursday, May 7, 2015 at 11:37 AM  
**To:** "[danderso@circlek.com](mailto:danderso@circlek.com)" <[danderso@circlek.com](mailto:danderso@circlek.com)>, Amanda Gray <[amanda@apma4u.org](mailto:amanda@apma4u.org)>  
**Cc:** Johanna Kuspert - AQDX <[JKuspert@mail.maricopa.gov](mailto:JKuspert@mail.maricopa.gov)>, Michelle Wilson <[mwilson@azdwm.gov](mailto:mwilson@azdwm.gov)>  
**Subject:** Maricopa County Gasoline Rules 350, 351, 352 and 353

Amanda and Denise,

Good to talk with you at yesterday's ADWM Oral Proceeding. Per our brief conversation, I have been researching the following rules that may be of interest to you:

- Rule 350: Storage Of Organic Liquids At Bulk Plants And Terminals;
- Rule 351: Loading Of Organic Liquids;
- Rule 352: Gasoline Delivery Vessel Testing And Use; and
- Rule 353: Gasoline In Stationary Dispensing Tanks.

On May 01, 2015, a meeting with Philip McNeely, MCAQD Director, and other staff members was held to discuss a timeline per the Maricopa County Enhanced Regulatory Outreach Program (EROP) for revisions to the above rules. We are anticipating Director McNeely to brief the Maricopa County Board of Supervisors on the proposed rulemaking sometime in June 2015 with the first stakeholder meeting to be scheduled in July 2015.

If you have specific concerns with any of the above rules, please email me or submit your comments, concerns and suggestions through the [EROP website comment page](#). Your comments early on will allow me time to research and revise the rules so the process proceeds smoothly. Please note, at this time a case number has not been assigned so this proposed rulemaking has NOT been posted on the EROP website as of today. By signing up for automatic notices of meetings and board hearings and to review department documents submitted through the EROP process, go to the [Maricopa County EROP website](#) and click on the "Stay Informed" icon located in the upper right of the page. This will ensure you will receive notices and have up-to-date draft documents to review and comment on.



My goal is to work together with regulators and stakeholders to draft a rule that is understandable, reasonable and timely. I appreciate your comments and look forward to working with you.

Cheri

**Cheri Dale, MEPM, REHS/RS**

Senior Planner

Maricopa County Air Quality Department

1001 N. Central Avenue, #125 | Phoenix, AZ 85004

*Located at the Central Ave. & Roosevelt METRO stop*

Desk 602.506.3476 | [CleanAirMakeMore.com](http://CleanAirMakeMore.com)



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**From:** Cheri Dale - AQDX  
**Sent:** Thursday, June 18, 2015 11:27 AM  
**To:** amanda@apma4u.org  
**Subject:** FW: Maricopa County Gasoline Rules 350, 351, 352 and 353

Amanda,  
AQ-3015-008 should be AQ-2015-008 rulemaking.  
Thanks.  
Cheri

---

**From:** Cheri Dale - AQDX  
**Sent:** Thursday, June 18, 2015 11:23 AM  
**To:** 'Amanda Gray'  
**Subject:** RE: Maricopa County Gasoline Rules 350, 351, 352 and 353

Hi Amanda,

On Monday, June 29, 2015, the Maricopa County Air Quality stakeholder workshop for Rule 350 and 351 will describe the PROPOSED revision of Rules 350 and 351 into separate rules; one rule specifically for non-gasoline organic liquid storage and transfer and one rule specifically for gasoline storage and loading. After a brief description of the separation of the rules, the focus of Monday's discussion will be organic liquids and not gasoline. The focus of Tuesday's workshops will again describe the PROPOSED revision of Rules 350 and 351 into separate rules with the focus being on the gasoline storage and loading at bulk plants and bulk terminals as well as requirements for gasoline cargo tanker trucks. The second workshop for Rules 352 and 353 will focus on the PROPOSED rule revisions for gasoline cargo tanker truck requirements; and gasoline loading and storage at gasoline dispensing facilities.

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Thank you for your interest in the AQ-3015-008 rulemaking.

Cheri

**Cheri Dale, MEPM, REHS/RS**  
Senior Planner  
Maricopa County Air Quality Department  
1001 N. Central Avenue, #125 | Phoenix, AZ 85004  
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**From:** Amanda Gray [<mailto:amanda@apma4u.org>]  
**Sent:** Wednesday, June 17, 2015 8:57 AM  
**To:** Cheri Dale - AQDX  
**Subject:** Re: Maricopa County Gasoline Rules 350, 351, 352 and 353

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Amanda

Amanda Gray

*Executive Director*

Arizona Petroleum Marketers Association

602-330-6762



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**From:** Cheri Dale - AQDX <[CheriDale@mail.maricopa.gov](mailto:CheriDale@mail.maricopa.gov)>  
**Date:** Thursday, May 7, 2015 at 11:37 AM  
**To:** "[danderso@circlek.com](mailto:danderso@circlek.com)" <[danderso@circlek.com](mailto:danderso@circlek.com)>, Amanda Gray <[amanda@apma4u.org](mailto:amanda@apma4u.org)>  
**Cc:** Johanna Kuspert - AQDX <[JKuspert@mail.maricopa.gov](mailto:JKuspert@mail.maricopa.gov)>, Michelle Wilson <[mwilson@azdwm.gov](mailto:mwilson@azdwm.gov)>  
**Subject:** Maricopa County Gasoline Rules 350, 351, 352 and 353

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Cheri

Cheri Dale, MEPM, REHS/RS  
 Senior Planner  
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 1001 N. Central Avenue, #125 | Phoenix, AZ 85004  
*Located at the Central Ave. & Roosevelt METRO stop*  
 Desk 602.506.3476 | [CleanAirMakeMore.com](#)



---

**From:** Cheri Dale - AQDX  
**Sent:** Friday, June 19, 2015 2:39 PM  
**To:** todd@tamuraenv.com  
**Cc:** Johanna Kuspert - AQDX  
**Subject:** UPDATE: Teleconference Request for Stakeholder Workshop Information for Maricopa County, AZ

Todd,

We are making progress on your request for a teleconference but are still working on some logistics. I will keep in touch and forward you the teleconference information when I know it. Have a great weekend.

Cheri

---

**From:** Cheri Dale - AQDX  
**Sent:** Thursday, June 11, 2015 4:11 PM  
**To:** 'todd@tamuraenv.com'  
**Cc:** Johanna Kuspert - AQDX  
**Subject:** Stakeholder Workshop Information for Maricopa County, AZ

Todd,

Good talking with you this afternoon. Per your inquiry concerning Maricopa County Air Quality Rules 350, 351 352 and 353, the Maricopa County Board of Supervisors has recently approved the revision of several County rules that control the emissions of volatile organic compounds (VOCs) and Nitrogen Oxides (NOx) that contribute to the formation of ground-level ozone. The revisions will serve to reduce the levels of these ozone precursors while also providing technology updates and clarification of rule elements.

If you are interested in these rule revisions please visit the County's Enhanced Regulatory Outreach Program (EROP) Website at <http://www.maricopa.gov/regulations/aq/process.aspx>. The EROP page will also post notices of future workshops – the first already scheduled for June 29 and 30, 2015. The workshop notices will contain first draft language for the rule revisions. Attending a workshop will also provide the opportunity to receive rule updates on a regular basis. For more information contact Johanna Kuspert at 602-506-6710 or [JohannaKuspert@mail.maricopa.gov](mailto:JohannaKuspert@mail.maricopa.gov).

I will look into accessing the workshop via teleconference and get back with you by June 19, 2015. Have a great day.

Cheri

**Cheri Dale, MEPM, REHS/RS**

Senior Planner

Maricopa County Air Quality Department

1001 N. Central Avenue, #125 | Phoenix, AZ 85004

*Located at the Central Ave. & Roosevelt METRO stop*

Desk 602.506.3476 | [CleanAirMakeMore.com](http://CleanAirMakeMore.com)



---

**From:** Cheri Dale - AQDX  
**Sent:** Friday, June 26, 2015 3:06 PM  
**To:** Todd Tamura  
**Cc:** Johanna Kuspert - AQDX  
**Subject:** RE: UPDATE: Teleconference Request for Stakeholder Workshop Information for Maricopa County, AZ

Todd,

We have just successfully completed a test run of the "Go To Meeting" access. I will be sending you a meeting invitation for the Rule 350 and Rule 351 Organic Liquids (non-gasoline) PROPOSED rulemaking workshop. This brings up the next question, are you interested in all three of the stakeholder workshops concerning Maricopa County Air Quality Rules 350, 351, 352 and 353? If so, I will need to create two additional meeting invitations in order for you to "attend." Let me know if you are interested in "attending" the additional workshops scheduled for June 30, 2015.

Thanks for your inquiry as well as your patience as we learn how to use a new tool for our meetings. Have a great weekend.

Cheri

**Cheri Dale, MEPM, REHS/RS**  
Senior Planner  
Maricopa County Air Quality Department  
1001 N. Central Avenue, #125 | Phoenix, AZ 85004  
*Located at the Central Ave. & Roosevelt METRO stop*  
Desk 602.506.3476 | [CleanAirMakeMore.com](http://CleanAirMakeMore.com)



---

**From:** Todd Tamura [<mailto:todd@tamuraenv.com>]  
**Sent:** Friday, June 19, 2015 3:15 PM  
**To:** Cheri Dale - AQDX  
**Subject:** RE: UPDATE: Teleconference Request for Stakeholder Workshop Information for Maricopa County, AZ

oK thank you Cheri

---

**From:** Cheri Dale - AQDX [<mailto:CheriDale@mail.maricopa.gov>]  
**Sent:** Friday, June 19, 2015 2:39 PM  
**To:** [todd@tamuraenv.com](mailto:todd@tamuraenv.com)  
**Cc:** Johanna Kuspert - AQDX  
**Subject:** UPDATE: Teleconference Request for Stakeholder Workshop Information for Maricopa County, AZ

Todd,

We are making progress on your request for a teleconference but are still working on some logistics. I will keep in touch and forward you the teleconference information when I know it. Have a great weekend.

Cheri

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**From:** Cheri Dale - AQDX  
**Sent:** Thursday, June 11, 2015 4:11 PM  
**To:** 'todd@tamuraenv.com'  
**Cc:** Johanna Kuspert - AQDX  
**Subject:** Stakeholder Workshop Information for Maricopa County, AZ

Todd,

Good talking with you this afternoon. Per your inquiry concerning Maricopa County Air Quality Rules 350, 351 352 and 353, the Maricopa County Board of Supervisors has recently approved the revision of several County rules that control the emissions of volatile organic compounds (VOCs) and Nitrogen Oxides (NOx) that contribute to the formation of ground-level ozone. The revisions will serve to reduce the levels of these ozone precursors while also providing technology updates and clarification of rule elements.

If you are interested in these rule revisions please visit the County's Enhanced Regulatory Outreach Program (EROP) Website at <http://www.maricopa.gov/regulations/aq/process.aspx>. The EROP page will also post notices of future workshops – the first already scheduled for June 29 and 30, 2015. The workshop notices will contain first draft language for the rule revisions. Attending a workshop will also provide the opportunity to receive rule updates on a regular basis. For more information contact Johanna Kuspert at 602-506-6710 or [JohannaKuspert@mail.maricopa.gov](mailto:JohannaKuspert@mail.maricopa.gov).

I will look into accessing the workshop via teleconference and get back with you by June 19, 2015. Have a great day.

Cheri

**Cheri Dale, MEPM, REHS/RS**  
Senior Planner  
Maricopa County Air Quality Department  
1001 N. Central Avenue, #125 | Phoenix, AZ 85004  
*Located at the Central Ave. & Roosevelt METRO stop*  
Desk 602.506.3476 | [CleanAirMakeMore.com](http://CleanAirMakeMore.com)



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**From:** Johanna Kuspert - AQDX  
**Sent:** Thursday, August 20, 2015 1:57 PM  
**To:** Cheri Dale - AQDX  
**Cc:** Corky Martinkovic - AQDX; Hether Krause - ENVX  
**Subject:** FW: Comments regarding Proposed Rules 350 and 351  
**Attachments:** MCAQD Proposed Rule Comments.pdf

Cheri:

Attached are comments that were submitted to EROP. If you would send Martin Hook an e-mail message (with cc. to Hether, Corky, and me) letting him know that we received his comments and that we're reviewing them, I'd appreciate it.

Thanks.  
Johanna.

---

**From:** Hether Krause - ENVX  
**Sent:** Thursday, August 20, 2015 1:10 PM  
**To:** Johanna Kuspert - AQDX  
**Cc:** Corky Martinkovic - AQDX; Jennifer Pokorski - FCDX  
**Subject:** FW: Comments regarding Proposed Rules 350 and 351

Johanna,  
Please notify me upon response. Thank you

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**From:** Regulatory [<mailto:regulations@mail.maricopa.gov>]  
**Sent:** Thursday, August 20, 2015 12:54 PM  
**To:** Hether Krause - ENVX; Valerie Beckett - PLANDEVX; Jennifer Pokorski - FCDX  
**Subject:** FW: Comments regarding Proposed Rules 350 and 351

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**From:** Martin Hook [[SMTP:MHOOK@CALJET.COM](mailto:SMTP:MHOOK@CALJET.COM)]  
**Sent:** Thursday, August 20, 2015 12:52:28 PM  
**To:** Regulatory  
**Subject:** Comments regarding Proposed Rules 350 and 351  
**Auto forwarded by a Rule**

Please see the attached comments.

Martin A. Hook, P.E.  
The Jet Companies, Inc.  
5601 W. Van Buren St.  
Phoenix, AZ 85043  
Office (602) 272-5522 x-106  
Cel (602) 909-8582

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**From:** Cheri Dale - AQDX  
**Sent:** Thursday, August 20, 2015 2:20 PM  
**To:** 'MHOOK@CALJET.COM'  
**Cc:** Hether Krause - ENVX; Johanna Kuspert - AQDX; Corky Martinkovic - AQDX  
**Subject:** Comments on Maricopa County rulemaking AQ 2015-008

Martin,

Thank you for your comments on specific sections of the proposed Rules 350 and 351. The department will review your comments. The next stakeholder workshop on Proposed Rules 350 and 351 is tentatively being scheduled for September 14, 2015. You should be receiving a Stakeholder Workshop notice in a couple weeks. I encourage you to attend the workshop to further discuss your comments with department staff and other attendees. I really would like the workshops to be discussion sessions rather than me just reviewing proposed rule language. This helps me to better understand the process and draft a rule that is acceptable to all involved. Thanks again for your comments and don't hesitate to submit additional comments or suggestions as we move through the rulemaking process. Hope to see you in September.

Cheri

**The Air Quality Department strives to provide excellent customer service to residents of Maricopa County.**  
**How are we doing? [Send us your feedback.](#)**

Cheri Dale, MEPM, REHS/RS  
Senior Planner  
Maricopa County Air Quality Department  
1001 N. Central Avenue, #125 | Phoenix, AZ 85004  
*Located at the Central Ave. & Roosevelt METRO stop*  
Desk 602.506.3476



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**From:** Harbin Zachary J <Zachary.Harbin@srpnet.com>  
**Sent:** Thursday, October 08, 2015 4:52 PM  
**To:** Cheri Dale - AQDX  
**Subject:** Proposed Rules 351 and 353 Comments  
**Attachments:** Rule 351 Comments on Second Draft\_9\_28\_15.docx; Rule 353 Comments on Second Draft\_9\_28\_15.docx

Ms. Dale,

SRP appreciates the opportunity to provide feedback to MCAQD on the proposed Rules 351 and 353. Attached are two documents which contain comments for proposed Rule 351 and Rule 353. If you have any questions or comments please feel free to contact me.

Thank you,

Zachary J. Harbin  
Salt River Project  
Environmental Compliance Engineer  
(w) 602-236-5779 - (m) 480-217-0126  
Mail Station PAB352 – PO Box 52025 – Phoenix, AZ 85072

Rule 351 Comments on Second Draft 9/14/15

<b>Rule Clarifications and Comments</b>	
<b>Section</b>	<b>Comment</b>
General	PR351 is for “Storage and Loading of Gasoline at Bulk Plants and Bulk Terminals”. It is requested that all requirements associated with cargo tanks and their testing be retained as a separate rule (i.e., Rule 352.). The owners and operators of cargo tanks are not necessarily the same as the owners and operators of bulk plants and bulk terminals. Retaining the requirements as two separate rules more easily differentiates the two.
201	Define “gasoline dispensing facilities” as defined in PR353.
201	Need to include a threshold that determines applicability to the rule. The current Rule 350 Section 102 states “...stationary storage tank which is used primarily to fill delivery vessels.” It is recommended that this language also be used to determine the applicability of the proposed rule.
202	Include the following language, “...and subsequently loads gasoline into gasoline cargo tanks for transport to gasoline dispensing facilities...” This language is found currently in Section 201.
205	Definition of gasoline should be consistent with PR 353.
306	It is recommended that the reference to JP-4 be removed as JP-4 is not applicable to this rule.
401	Please expand on each subsection contained within as the requirements are very unclear. What facilities are subject to these submittal requirements? What are the content requirements? When do the documents need to be submitted?
401	The proposed language requires all bulk plants and bulk terminals to submit an O&M Plan. If an Emission Control System is not installed, there would be no additional monitoring parameters to record. Therefore, an O&M plan should not be required in this situation.
501	Please clarify applicability to this rule. Who is required to install an emissions control system to control particulate matter?
501	Please clarify the requirements of this section. How is proper installation and operation of the system determined? Is this based on manufacturer’s recommendations, good engineering practices, etc?
506	The current Rule 350 allows the owner or operator to record either the true vapor pressure or the Reid vapor pressure. It is recommended that the same language be used to provide the owner or operator flexibility.
511	This section does not state any requirements for testing and is not referenced within the rule. It is recommended that references be made to each applicable test method.

<b>Grammar and References</b>	
<b>Section</b>	<b>Comment</b>
General	Review all references to Sections and update as needed. Add placeholder references.
101	The wording of this section should be revised to reflect the current Rule 351 language. "...gasoline under actual storage and loading <b>conditions</b> ..."
302.2	Should this be its own section "303"? It currently references Section 302.
402.1 and 403	Section 402.1 and 403 are duplicate.
507.2	Paragraph f, g, and h are not currently required information on the "Application for Air Pollution Vapor Recovery Certification." It is recommended that Paragraphs f, g, and h be moved to a new subsection.
511.1b	References Section 503.2 of Rule 352.

<b>Rule Clarifications and Comments</b>	
<b>Section</b>	<b>Comment</b>
General	PR353 is for “Storage and Loading of Gasoline at Gasoline Dispensing Facilities”. It is requested that all requirements associated with cargo tanks and their testing be retained as a separate rule (i.e., Rule 352.). The owners and operators of cargo tanks are not necessarily the same as the owners and operators of gasoline dispensing facilities. Retaining the requirements as two separate rules more easily differentiates the two.
104.1	An exemption is currently provided for “Bulk Tank or Bulk Terminal” as defined in PR351. Should “Bulk Tank” be “Bulk Gasoline Plant”? PR351 covers “Bulk Gasoline Plants” and “Bulk Tank” is not defined in PR351.
104.3a.	Define “Non-Farm Tanks”.
303.1b	Please defined “GDF”. It is assumed that “GDF” is gasoline dispensing facility but this is not defined anywhere in the rule.
502.2	Records of weekly inspections are required to be maintained, but the rule does not specify what the inspection requirements are. Also, it is recommended that if deliveries are less than once a week, inspections are then required to be during each delivery rather than weekly.

<b>Grammar and Reference</b>	
<b>Section</b>	<b>Comment</b>
General	Review all references to Sections and update as needed. Add placeholder references.

---

**From:** Cheri Dale - AQDX  
**Sent:** Thursday, October 08, 2015 5:02 PM  
**To:** Harbin Zachary J (Zachary.Harbin@srpnet.com)  
**Cc:** Johanna Kuspert - AQDX; 'Hether Krause - ENVX'  
**Subject:** FW: Proposed Rules 351 and 353 Comments  
**Attachments:** Rule 351 Comments on Second Draft\_9\_28\_15.docx; Rule 353 Comments on Second Draft\_9\_28\_15.docx

Zachary,  
Thank you for your comments on Maricopa County Air Quality Rules 351 and 353.  
Cheri

*The Air Quality Department strives to provide excellent customer service to residents of Maricopa County. How are we doing? [Send us your feedback.](#)*

Cheri Dale, MEPM, REHS/RS  
Senior Planner  
Maricopa County Air Quality Department  
1001 N. Central Avenue, #125 | Phoenix, AZ 85004  
*Located at the Central Ave. & Roosevelt METRO stop*  
Desk 602.506.3476



---

**From:** Harbin Zachary J [<mailto:Zachary.Harbin@srpnet.com>]  
**Sent:** Thursday, October 08, 2015 4:52 PM  
**To:** Cheri Dale - AQDX  
**Subject:** Proposed Rules 351 and 353 Comments

Ms. Dale,

SRP appreciates the opportunity to provide feedback to MCAQD on the proposed Rules 351 and 353. Attached are two documents which contain comments for proposed Rule 351 and Rule 353. If you have any questions or comments please feel free to contact me.

Thank you,

Zachary J. Harbin  
Salt River Project  
Environmental Compliance Engineer  
(w) 602-236-5779 - (m) 480-217-0126  
Mail Station PAB352 – PO Box 52025 – Phoenix, AZ 85072

Rule 351 Comments on Second Draft 9/14/15

<b>Rule Clarifications and Comments</b>	
<b>Section</b>	<b>Comment</b>
General	PR351 is for “Storage and Loading of Gasoline at Bulk Plants and Bulk Terminals”. It is requested that all requirements associated with cargo tanks and their testing be retained as a separate rule (i.e., Rule 352.). The owners and operators of cargo tanks are not necessarily the same as the owners and operators of bulk plants and bulk terminals. Retaining the requirements as two separate rules more easily differentiates the two.
201	Define “gasoline dispensing facilities” as defined in PR353.
201	Need to include a threshold that determines applicability to the rule. The current Rule 350 Section 102 states “...stationary storage tank which is used primarily to fill delivery vessels.” It is recommended that this language also be used to determine the applicability of the proposed rule.
202	Include the following language, “...and subsequently loads gasoline into gasoline cargo tanks for transport to gasoline dispensing facilities...” This language is found currently in Section 201.
205	Definition of gasoline should be consistent with PR 353.
306	It is recommended that the reference to JP-4 be removed as JP-4 is not applicable to this rule.
401	Please expand on each subsection contained within as the requirements are very unclear. What facilities are subject to these submittal requirements? What are the content requirements? When do the documents need to be submitted?
401	The proposed language requires all bulk plants and bulk terminals to submit an O&M Plan. If an Emission Control System is not installed, there would be no additional monitoring parameters to record. Therefore, an O&M plan should not be required in this situation.
501	Please clarify applicability to this rule. Who is required to install an emissions control system to control particulate matter?
501	Please clarify the requirements of this section. How is proper installation and operation of the system determined? Is this based on manufacturer’s recommendations, good engineering practices, etc?
506	The current Rule 350 allows the owner or operator to record either the true vapor pressure or the Reid vapor pressure. It is recommended that the same language be used to provide the owner or operator flexibility.
511	This section does not state any requirements for testing and is not referenced within the rule. It is recommended that references be made to each applicable test method.

<b>Grammar and References</b>	
<b>Section</b>	<b>Comment</b>
General	Review all references to Sections and update as needed. Add placeholder references.
101	The wording of this section should be revised to reflect the current Rule 351 language. "...gasoline under actual storage and loading <b>conditions</b> ..."
302.2	Should this be its own section "303"? It currently references Section 302.
402.1 and 403	Section 402.1 and 403 are duplicate.
507.2	Paragraph f, g, and h are not currently required information on the "Application for Air Pollution Vapor Recovery Certification." It is recommended that Paragraphs f, g, and h be moved to a new subsection.
511.1b	References Section 503.2 of Rule 352.

<b>Rule Clarifications and Comments</b>	
<b>Section</b>	<b>Comment</b>
General	PR353 is for “Storage and Loading of Gasoline at Gasoline Dispensing Facilities”. It is requested that all requirements associated with cargo tanks and their testing be retained as a separate rule (i.e., Rule 352.). The owners and operators of cargo tanks are not necessarily the same as the owners and operators of gasoline dispensing facilities. Retaining the requirements as two separate rules more easily differentiates the two.
104.1	An exemption is currently provided for “Bulk Tank or Bulk Terminal” as defined in PR351. Should “Bulk Tank” be “Bulk Gasoline Plant”? PR351 covers “Bulk Gasoline Plants” and “Bulk Tank” is not defined in PR351.
104.3a.	Define “Non-Farm Tanks”.
303.1b	Please defined “GDF”. It is assumed that “GDF” is gasoline dispensing facility but this is not defined anywhere in the rule.
502.2	Records of weekly inspections are required to be maintained, but the rule does not specify what the inspection requirements are. Also, it is recommended that if deliveries are less than once a week, inspections are then required to be during each delivery rather than weekly.

<b>Grammar and Reference</b>	
<b>Section</b>	<b>Comment</b>
General	Review all references to Sections and update as needed. Add placeholder references.

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**From:** Hether Krause - AQDX  
**Sent:** Tuesday, March 15, 2016 4:41 PM  
**To:** Johanna Kuspert - AQDX  
**Subject:** FW: Regulatory Outreach

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**From:** Jennifer Pokorski - FCDX  
**Sent:** Tuesday, March 15, 2016 4:19 PM  
**To:** Hether Krause - AQDX  
**Cc:** Lynne Hilliard - MCDOTX  
**Subject:** FW: Regulatory Outreach

**From:** Regulatory [<mailto:regulations@mail.maricopa.gov>]  
**Sent:** Tuesday, March 15, 2016 4:17 PM  
**To:** Hether Krause - ENVX; Valerie Beckett - PLANDEVX; Jennifer Pokorski - FCDX  
**Subject:** FW: Regulatory Outreach

-----  
**From:** [anne.carlton@aps.com](mailto:anne.carlton@aps.com)[SMTP:ANNE.CARLTON@APS.COM]  
**Sent:** Tuesday, March 15, 2016 4:17:02 PM  
**To:** Regulatory  
**Subject:** Regulatory Outreach  
**Auto forwarded by a Rule**

#### Citizen Comments

**Issue:** AQ-2015-008 Rule 350, Rule 351, Rule 352, Rule 353

Citizen's Name: Anne Carlton  
Organization: APS  
City: Phoenix  
Zip: 85004  
Phone Number: 4803229313  
Phone Type: mobile  
Email: [anne.carlton@aps.com](mailto:anne.carlton@aps.com)

Does citizen want to be contacted: yes

---

Comment is regarding: other

#### Comments:

Regarding Rule 353: 301.1: Do our existing tanks need to be marked with stated identifiers? 301.4: How do we show that stage 1 vapor recovery equipment is functional? What is an inspector going to ask for? 301.5 The decal comes from testing the cargo tanks which is required by rule 352. The owners/operators of the cargo tanks should be responsible for their own compliance, not us. Also, how is compliance shown – a record indicating that the decal was present? Also, what if gasoline is delivered to an unmanned facility and there is no one there to check for a decal? 302.1e: What is proper disposal of VOC containing material? I know what this means because I am familiar with VOC rules, but the general public

may need clarification. 303.2g & h– We have been told time and time again by inspectors and compliance managers that spill containment is not required on ASTs even though the existing rule requires them. The language in section 303.2g and 303.2h is confusing. In section 303.2 g they state IF a spill containment is installed then ensure it is kept clean, but section 303.2 h states that spill containment is required. So is a spill containment receptacle required or not?? 304: Loading of Gasoline I don't believe anyone should be required to this for the reasons stated above in 301.5. Also, this requirement is already stated in 301.5. If it is going to stay in the rule, why have it stated twice?

Time of Request: 3/15/2016 4:17:02 PM

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**From:** Cheri Dale - AQDX  
**Sent:** Thursday, March 24, 2016 4:44 PM  
**To:** Hether Krause - AQDX; Johanna Kuspert - AQDX  
**Subject:** FW: Maricopa County (AZ) Rule 353 Follow-up

FYI

---

**From:** Shears, James [mailto:Shears.James@epa.gov]  
**Sent:** Friday, March 18, 2016 11:06 AM  
**To:** Cheri Dale - AQDX  
**Subject:** RE: Maricopa County (AZ) Rule 353 Follow-up

Hi Cheri,

Thank you for this info. Your summary pretty much agrees with what we discussed, but I would point out for the exempted farm tanks submerged fill pipe issue, that not having a submerged fill pipe requirement on these tanks may be considered to be a RACT rule approvability issue. Hopefully they are so equipped, and a minor language clarification is all that is needed.

Re your suggested test procedures, in TP-201.1E, in several instances throughout the procedure, it references the certification procedure CP-201. I guess my point is CARB-certified vapor recovery systems are certified under CP-201, and as such, most, if not all, gasoline facilities in Maricopa would already comply with the CP-201 VOC reduction spec as long as they are operating correctly. So there should be no tightening of the current VOC reduction requirement in my view – the 90% number is just out of date. Please let me know if you find otherwise.

I've read the statutes below about the "3<sup>rd</sup> party" vapor recovery systems, but the AZ Dept of Weights and Measures document interpretation of R-20-903 seems clear: "The piping of both a stage I and stage II vapor recovery system shall be designed and constructed as certified by CARB for that specific vapor recovery system." ...."Interpretation: The Department feels the use of non-CARB certified components would the violate the State Implementation Plan." That is our concern too unless we can put in some kind of safeguard in the rule language.

Just a point to keep in mind: Since this is to be a RACT SIP rule, it is usually necessary for air districts to adopt measures that are similar to RACT measures established by other districts in order to be considered RACT and approvable.

Thanks again for your info.

Jim

---

**From:** Cheri Dale - AQDX [mailto:CheriDale@mail.maricopa.gov]  
**Sent:** Friday, March 18, 2016 9:18 AM  
**To:** Shears, James <Shears.James@epa.gov>  
**Cc:** Hether Krause - AQDX <HetherKrause@mail.maricopa.gov>; Johanna Kuspert - AQDX <JKuspert@mail.maricopa.gov>  
**Subject:** Maricopa County (AZ) Rule 353 Follow-up

Jim,

Thank you for your phone call this morning.

To summarize our conversation:

- Maricopa County Air Quality Rule 353 is intended to be submitted for the RACT SIP.
- Section 103.3 of Rule 353, Farm Tank exemption.
  - I don't know how many farm tanks as described in Rule 353 are in Maricopa County.
  - I will investigate further if submerged fill is required for these farm tanks over the 250 gallon capacity.
  - You suggested clarifying that submerged fill is required, if it is intended to be required.
  - Overall, the EPA may have concerns that farm tanks are totally exempt from Rule 353.
- Section 213 definition of Stage I Vapor Recovery System. A 95% reduction rate has been suggested. An alternative to stating a VOC reduction rate may be to reference a compliance with CARB CP-201.
  - CARB CP-201, Table 3-1 requires a Phase I efficiency of  $\geq 98.0\%$  (Page 6, accessed at [http://www.arb.ca.gov/testmeth/vol2/cp201\\_april2013.pdf](http://www.arb.ca.gov/testmeth/vol2/cp201_april2013.pdf) )
  - Suggestion: Define Stage I as complying with the Arizona Department of Weights and Measures test procedures for Stage I: TP-201.3 (Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities); TP-201.1E (Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves); and TP-201.3C (Determination of Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test)) <https://dwm.az.gov/resource/vapor-recovery>
- Background information on the third party certification of vapor recovery equipment is listed below.
- Section 305.2 requirement for CARB certified equipment date issue. I will work on this to clarify compliance dates within rule.

Thanks for your time today to discuss these items. I am including Hether and Johanna on this email so they are aware of your questions and suggestions.

Cheri

Third party certified vapor recovery components:

Arizona Revised Statute 41-2132. [Stage I vapor recovery systems](#)

(L14, Ch. 132, sec. 7. Eff. [until](#) 7/1/16)

- A. A person shall not offer for sale, sell, install or use a new gasoline stage I vapor recovery system, or any new or rebuilt component parts of the system, unless the system or component part has been certified by the California air resources board as of March 31, 2001 or after that date, or **has been approved by a third party accredited to test equipment and recognized by industry and the department**, and has not been rejected by the department. Accessed at <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/41/02132.htm&Title=41&DocType=ARS>

### **R20-2-1003. Equipment and Installation**

**A.** The Department shall reject a vapor recovery system or component from future installation if:

1. Federal regulations prohibit its use;
2. The vapor recovery system or component does not meet the manufacturer's specifications as certified by CARB using test methods approved in R20-2-1001; or
3. The vapor recovery system or component fails greater than 20% of Department inspections for that system or component or the Department receives equivalent failure results from a vapor recovery registered service agency or from another jurisdiction's vapor recovery program, and the Department provides at least 30 days public notice of its proposed rejection.

**B.** The piping of a stage I vapor recovery system shall be designed and constructed as certified by CARB for that specific vapor recovery system. A person shall not alter a stage I vapor recovery system or component from the CARB-certified configuration without obtaining Department approval under R20-2-1004. **All components installed with the stage I vapor recovery system shall be certified by CARB or approved by the Department as required under A.R.S. § 41-2132.**

Notice of Final Rulemaking, 21 A.A.R. 1693, August 28, 2015. Accessed at

<https://dwm.az.gov/sites/default/files/documents/files/StageII2015.pdf>

Equipment certified by a third part and approved for use in the State of Arizona can be accessed from the Arizona Department of Weights and Measures website, at <https://dwm.az.gov/resource/approved-equipment>

## APPROVED EQUIPMENT

### APPROVED STAGE I AND STAGE II VAPOR RECOVERY EQUIPMENT

Arizona Revised Statutes §41-2132 requires vapor recovery systems and components that have been certified by CARB or that have been approved by a third party accredited to test equipment and recognized by industry and the department. Additionally, equipment that has been rejected by the department may not be used. Listed below are the vapor recovery systems and components that are approved by department.

More information regarding the certification process for equipment by a third party.

#### EQUIPMENT APPROVED BY THE DEPARTMENT:

##### CARB-APPROVED EQUIPMENT:

- Phase I Pre-EVR or EVR equipment certified by CARB as identified in the CARB Executive Order or approval letter <http://www.arb.ca.gov/vapor/eo.htm>
- Phase II Pre-EVR, EVR, or Pre-EVR ORVR Compatible equipment certified by CARB as identified in the CARB Executive Order or approval letter <http://www.arb.ca.gov/vapor/eo.htm>
- Clarification of Department Policy Use of CARB EVR Phase I Pressure/Vacuum Vent (PV) Valves with Pre-EVR Stage II Vapor Recovery Systems.

#### EQUIPMENT CERTIFIED BY A THIRD PARTY AND APPROVED BY THE DEPARTMENT:

The equipment listed below has been approved in accordance with Arizona Revised Statutes (ARS) 41-2132 (A) for use as indicated in the approval letter for the system or component.

- April 24-2013 - Husky V34-6200 for use with Gilbarco VaporVac Vapor Recovery System.
- Title "February 7, 2014 - Catlow Model CTMVA Coaxial Breakaway for use with CARB Executive Orders G-70-150AE, G-70-153AD, G-70-204A, G-70-209".

Statement of Interpretation, November 2004, for CARB Certified components

<https://dwm.az.gov/sites/all/themes/azdwmomega/documents/EVR%20STATEMENT%20OF%20INTERPRETATION.pdf>

*The Air Quality Department strives to provide excellent customer service to residents of Maricopa County. How are we doing? [Send us your feedback.](#)*

**Cheri Dale, MEPM, REHS/RS**

Senior Planner

Maricopa County Air Quality Department

1001 N. Central Avenue, #125 | Phoenix, AZ 85004

*Located at the Central Ave. & Roosevelt METRO stop*

Desk 602.506.3476



---

**From:** Hether Krause - AQDX  
**Sent:** Monday, March 28, 2016 11:30 AM  
**To:** Johanna Kuspert - AQDX  
**Subject:** FW: EPA comments on Maricopa Rules 300-304

---

**From:** Steckel, Andrew [<mailto:Steckel.Andrew@epa.gov>]  
**Sent:** Friday, March 25, 2016 1:39 PM  
**To:** Hether Krause - AQDX; Marina Mejia ([Mejia.Marina@azdeq.gov](mailto:Mejia.Marina@azdeq.gov))  
**Cc:** Shears, James; McKaughan, Colleen  
**Subject:** EPA comments on Maricopa Rules 300-304



**United States Environmental  
Protection Agency  
Region IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901**

**March 25, 2016**

**Transmittal of EPA Rule Review Comments**

**To:** Hether Krause, Maricopa County Environmental Services Department  
[hkrause@mail.maricopa.gov](mailto:hkrause@mail.maricopa.gov)  
Marina Mejia, Arizona Department Of Environmental Quality  
[mejia.marina@azdeq.gov](mailto:mejia.marina@azdeq.gov)

**From:** Andrew Steckel, Rulemaking Office Chief  
[steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov)

**Re:** Maricopa Rule 350; Storage and Transfer of Organic Liquids (Non-Gasoline) at an Organic Liquid Distribution Facility, March 15, 2016; Rule 351; Storage and Loading of Gasoline at Bulk Gasoline Plants and Bulk Gasoline Terminals, March 15, 2016; Rule 352; Cargo Tank Testing and Use, March 14, 2016; Rule 353; Storage and Loading of Gasoline at Gasoline Dispensing Facilities, March 9, 2016.

We are providing comments based on our preliminary review of the draft rules identified above. Please direct any questions about our comments to me at (415) 947-4115 or to James Shears at (213) 244-1810

1. Rule 350, Section 502: we recommend requiring an annual compliance inspection of the vapor recovery system in addition to the inspection at the APCO's discretion (see e.g., BAAQMD Rule 8-5-502).
2. Rule 351: we have no comments at this time.
3. Rule 352: we have no comments at this time.
4. Rule 353, Section 103.3: this rule exempts agricultural stationary gasoline dispensing tanks from vapor control

requirements except for general housekeeping. We recommend instead a 550 gallon tank exemption limit, with a provision stating that such exempt tanks must have a permanent submerged fill pipe (see, e.g., SJVUAPCD Rule 4621, Section 4.1, and Placer County APCD Rule 213, Section 102.1.1).

5. Rule 353, Section 213: for Stage 1 vapor recovery, the rule requires 90% VOC reduction. This older value generally no longer represents the state of CARB-certified vapor recovery technology. Please revise to at least a 95% reduction requirement (see, e.g., Placer County APCD Rule 213, Section 301.1.1 (95% for all storage tanks), SCAQMD Rule 461(c)(1)(A) (98% for underground storage tanks) and SCAQMD Rule 461(c)(1)(B) (95% for above ground storage tanks)).

6. Rule 353, Section 301.1c: we recommend deleting this option for a non-CARB certified vapor recovery system. We do not believe there is a technical need to provide this option for a non-CARB-certified system as a number of CARB-certified vapor recovery systems are available. In addition, this section seems to conflict with Section 305.2a which requires that, "...no part of a vapor recovery system for which there is a CARB specification shall be replaced with anything but CARB-certified components." We concur with Section 305.2a..

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COUNTY MANAGER CASE APPROVAL



**Maricopa County**  
Air Quality Department

**MEMORANDUM**

**Date:** May 4, 2015  
**To:** Tom Manos, County Manager  
**Via:** Joy Rich, AICP, Deputy County Manager  
**From:** Philip A. McNeely, R.G., Director   
**Subject:** AQ-2015-008-Organic Liquids And Gasoline Rulemaking – County Manager's Approval

In accordance with the "Moratorium on Increased Regulatory Burdens", the Air Quality Department is seeking your approval to proceed with revisions to the following rules which constitute AQ-2015-008-Organic Liquids And Gasoline Rulemaking:

- Rule 350: Storage Of Organic Liquids At Bulk Plants And Terminals
- Rule 351: Loading Of Organic Liquids
- Rule 352: Gasoline Delivery Vessel Testing And Use
- Rule 353: Gasoline In Stationary Dispensing Tanks

The Air Quality Department originally adopted (early 1990s) Rules 350, 351, 352 and 353 to be inclusive of both non-gasoline and gasoline organic liquids. The purpose of the rules was to control the emission of volatile organic compounds (VOCs) from all organic liquids. These rules were required in order for the county to comply with the reasonably available control technology (RACT) documents and other policy statements published by the U.S. Environmental Protection Agency (EPA).

As the organic liquid (non-gasoline) industry and the gasoline industry have evolved, it has become increasingly apparent to both the regulated community and the Air Quality Department that there are different requirements for the two industries. In this rulemaking, the Air Quality Department is proposing to draft rules specific to the organic liquid (non-gasoline) storage and distribution industry and to the gasoline storage and distribution industry. This rulemaking is not proposing new rules for the industries but rather proposing revisions to current rules that will improve the clarity and enforceability of the regulatory requirements for each industry.

In addition, the revisions being proposed in Rule 353 will coincide with the Arizona Department of Weights and Measures' rule revisions regarding the decommissioning of Stage II vapor recovery.

These rule revisions qualify for County Manager approval under the moratorium, as the rule revisions will lessen or ease a regulatory burden and will comply with a federal statutory or regulatory requirement or state statutory requirement. We are requesting your approval to move these rule revisions, to be referenced as "AQ-2015-008-Organic Liquids And Gasoline Rulemaking," forward in accordance with the "Moratorium on Increased Regulatory Burdens".



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Approved by Tom Manos, County Manager