



Report to the Board of Health To Approve For Expedited Process

Prepared by the Maricopa County Air Quality Department

Case #/Title:	AQ-2015-008-Rule 351
Meeting Date:	April 25, 2016
Supervisor Districts:	All Districts
Applicant:	Staff
Request:	Approve for Expedited Process revisions to Rule 351 (Loading Of Organic Liquids)

Discussion:

Rule 351 limits the emission of volatile organic compounds (VOCs) from organic liquids under actual loading conditions. The rule is applicable to the transfer of organic liquids having a true vapor pressure of 1.5 psia or greater under actual loading conditions. The rule regulates the transfer of organic liquids from a stationary storage tank located at a bulk plant or bulk terminal into and out of delivery vessels. Rule 351 applies to both the organic liquid (non-gasoline) and the gasoline industries. Rule 351 was last revised over twenty-five years ago. Technologies have changed over time. The gasoline industry and the organic liquid (non-gasoline) industry and use different terminology, definitions and methods of operation. Revisions proposed in Rule 351 include the separation of gasoline requirements from the organic liquids (non-gasoline). The organic liquid (non-gasoline) transfer requirements are proposed to be included in Rule 350 (Storage Of Organic Liquids At Bulk Plants And Bulk Terminals). The gasoline storage requirements currently in Rule 350 are proposed to be moved to Rule 351. These proposed rule revisions will update and clarify the county regulatory requirements and authority for the both the gasoline industry and the organic liquid (non-gasoline) industry. In addition, the proposed revisions to Rule 351 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 rule's applicability to gasoline
- Clarification and applicability of terms to be consistent throughout the department's rules pertaining to gasoline
- Clarification of tank inspections
- Clarification of the intent of the weekly monitoring requirement under vapor pressure records
- Clarification of the "horizontal fill" pipe maximum height from the rule

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 351 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 351: LOADING OF ORGANIC LIQUIDS

PREAMBLE

- | | | |
|------------------|--|---------------------------------|
| <u>1.</u> | <u>Rule affected</u> | <u>Rulemaking action</u> |
| | Rule 351: Loading Of Organic Liquids | Amend |
| <u>2.</u> | <u>Statutory authority for the rulemaking:</u> | |
| | Authorizing statutes: A.R.S. §§ 49-474, 49-479, and 49-480 | |
| | Implementing Statute: A.R.S. § 49-112 | |
| <u>3.</u> | <u>List of all previous notices appearing in the Register addressing the rulemaking:</u> | |
| | Notice Of Briefing To Maricopa County Manager: May 2015 | |
| | Notice Of Stakeholder Workshops: June 30, 2015, September 14, 2015, and February 22, 2016 | |
| <u>4.</u> | <u>Name and address of department personnel with whom persons may communicate regarding the rulemaking:</u> | |

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 351 limits the emission of volatile organic compounds (VOCs) from organic liquids under actual loading conditions. The rule is applicable to the transfer of organic liquids having a true vapor pressure of 1.5 psia or greater under actual loading conditions. The rule regulates the transfer of organic liquids from a stationary storage tank located at a bulk plant or bulk terminal into and out of delivery vessels. Rule 351 applies to both the organic liquid (non-gasoline) and the gasoline industries.

Rule 351 was last revised over twenty-five years ago. Technologies have changed over time. The gasoline industry and the organic liquid (non-gasoline) industry and use different terminology, definitions and methods of operation. Revisions proposed in Rule 351 include the separation of gasoline requirements from the organic liquids (non-gasoline). The organic liquid (non-gasoline) transfer requirements are proposed to be included in Rule 350 (Storage Of Organic Liquids At Bulk Plants And Bulk Terminals). The gasoline storage requirements currently in Rule 350 are proposed to be moved to Rule 351. These proposed rule revisions will update and clarify the county regulatory requirements and authority for the

both the gasoline industry and the organic liquid (non-gasoline) industry. In addition, the proposed revisions to Rule 351 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).

In addition, the proposed amendments correct typographical or other clerical errors; make minor grammatical changes to improve readability or clarity; modify the format, numbering, order, capitalization, punctuation, or syntax of certain text to increase standardization within and among rules; or make various other minor changes of a purely editorial nature. As these changes do not alter the sense, meaning, or effect of the rules, they are not described in detail here, but can be readily discerned in the “underline/ strikeout” version of the rules contained in Item 14 of this notice.

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...”¹ 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. Environment 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)². 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 NAAQS³. 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 Products⁴. This rule established requirements to control vapor loss during storage; submerged filling of tanks; loading dock requirements; and leak proof fill pipe connections.

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.

Current Rulemaking Background: The department originally adopted Rule 351 (Loading of Organic Liquids) and Rule 350 (Storage of Organic Liquids at Bulk Plants and Terminals) to be inclusive of both gasoline and non-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). Since that time, the gasoline industry and

the organic liquid (non-gasoline) have evolved into two distinct industries. The use of different terminology, definitions and methods of operation have created confusion in the applicability of Rule 351 to each industry. In this rulemaking, the department is proposing to draft rules specific to the gasoline storage and distribution industry and for the organic liquid (non-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.

The proposed revisions include the separation of the gasoline requirements and the organic liquid (non-gasoline) requirements in Rule 351. The gasoline storage requirements from Rule 350 and the gasoline loading requirements in Rule 351 are proposed to be combined and included into one rule, proposed Rule 351. The organic liquid (non-gasoline) loading requirements in Rule 351 are proposed to be moved into Rule 350. Along with this proposed separation of the two industry requirements, the department is proposing to rename the rule to reflect the proposed rule revisions.

Other proposed revisions include the relocation of any exemptions to Section 100; the deletion of definitions and terms specific to the organic liquid (non-gasoline) industry; the inclusion of definitions specific to the gasoline industry and in line with terms defined in 40 CFR 63.11100, the Gasoline Distribution Bulk Terminal, Bulk Plants and Pipeline Facilities NESHAP; to clarify the regulatory requirements for storing and loading gasoline at bulk plants and bulk terminals; to add monthly equipment leak inspection requirement; and to add optical gas imaging as an alternative work practice to monitor and identify leaking equipment.

The department is also including the recommendations set forth in the Maricopa Environmental Quality, Air Pollution Control Division, Technical Guidance TC-003, May 19, 1993, to clarify the vapor vent/vacuum valve requirement at bulk plants and bulk terminals.

Issues Raised and Discussed During This Rulemaking Process:

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 EPA.

Proposed Rule 351 is applicable to the storage of gasoline and the loading of gasoline at bulk plants and bulk terminals. Stakeholders questioned if the rule was only applicable to gasoline. Per one Stakeholder the proposed rule does not take into account other petroleum products such as denatured ethanol and transmix, a mixture of refined petroleum products such as gasoline, diesel, and/or jet fuel. There is a wide variety of other petroleum products. The department has defined gasoline in the rule as having a Reid vapor pressure between 4.0 and 14.7 psi and is used as a fuel for internal combustion engines. If a

petroleum product meets the definition of gasoline as defined in the proposed rule, then the rule is applicable.

The current definitions of bulk tank and bulk terminal were confusing. Stakeholders recommended clarification and applicability of terms to be consistent throughout the department's rules pertaining to gasoline.

Stakeholders requested the addition or revision of numerous definitions to reflect the rule applicability to the gasoline industry, specifically to include a definition for LEAK or LEAK FREE and PURGING. A request was made to clarify the definitions VAPOR TIGHT and GAS TIGHT. The department is proposing to revise the definitions in the proposed rule.

In proposed Section 400, the owner or operator "shall make the primary seal envelope available for inspection by the Control Officer for its full length every five years." Is it Maricopa County's intention to perform the inspection when the tank is in service or out of service? Does this requirement apply to internal floating roof tanks as well? Per discussions with the Stakeholder, the primary seal envelope can be inspected when the tank is "in-service." The department will not require the floating roof tank to be emptied prior to each five-year inspection if the primary seal envelope is available for inspection by the Control Officer.

Stakeholders questioned the intent of the weekly monitoring requirement under vapor pressure records? Monitoring the product temperature on a weekly basis for a facility that has more than 70 tanks requires a great deal of manpower and coordination. TVP of products stored in storage tanks operated at ambient temperature are typically calculated using meteorological data provided in the EPA TANKS 4.0 database. Stakeholders requested that the department reduce the monitoring requirement from weekly to monthly. The requirement for weekly monitoring of temperature came from Rule 350, Section 501. Reducing the temperature monitoring to once a month may be considered a relaxation of current rule; therefore, the department is not proposing to reduce the frequency of the current weekly requirement.

The department originally proposed to remove the "horizontal fill" pipe maximum height from the rule. Per Stakeholder comment, at least one terminal has multiple side fill pipes that would exceed the proposed maximum height of 18". These tanks were built between the 1950's and the 1990's. The Stakeholder suggested referencing the American Petroleum Institute storage tank design specifications API Standard 650, Welded Tanks for Oil Storage, 12th Edition, 2013. The department has included the storage tank specifications in Section 504 of the proposed rule.

Description of Proposed Amendments:

Propose to revise the following throughout the rule:

To delete references to organic liquid loading and storage

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 revise Section 101 (Purpose) to include the storage and loading of gasoline at a bulk plant or at a bulk terminal

To revise Section 102 (Applicability) to apply to the bulk storage and loading of gasoline at a bulk plant or a bulk terminals

To add Section 103 (Exemptions)

Propose the following in Section 200:

To delete BULK PLANT

To add BULK GASOLINE PLANT

To revise BULK TANK

To revise BULK TERMINAL to BULK GASOLINE TERMINAL

To delete DELIVERY VESSEL

To revise DISPENSING TANK

To revise EXCESS GASOLINE DRAINAGE

To add EXTERNAL FLOATINF ROOF STATIONARY STORAGE

To delete FUGITIVE LIQUID LEAK

To add INTERNAL FLOATING ROOF STATIONARY STORAGE TANK WITH FIXED ROOF

To add LEAK FREE

To add PURGING

To revise SUBMERGED FILL

To revise SWITCH LOADING

To delete TRUE VAPOR PRESSURE

To revise VAPOR LOSS CONTROL DEVICE

Propose the following in Section 300:

To delete Section 301 General Requirements for Loading Facilities

To renumber Section 302 to Section 305 Operating Requirements for Vapor Loss Control Devices

To add Section 301 Federal Standards of Performance for Bulk Gasoline Plants and Bulk Gasoline Terminals

To add Section 302 Gasoline Stationary Storage Tank Standards

To add Section 302.1 Submerged Fill Pipes

To add Section 302.2 All Gasoline Stationary Storage Tanks with a Capacity Between 250 Gallons And 40,000 Gallons (946 -151,400 L)

To add Section 302.3 Gasoline Storage Tanks with a Capacity Equal to or Greater Than 40,000 Gallons (151,400 L)

To add Section 303 Vapor Loss Control Device

To add Section 303.1 External Floating Roof Storage Tanks

To add Section 303.2 Internal Floating Roof Tanks With Fixed Covering

To add Section 303.3 Vapor Balance System

To add Section 303.4 Vapor Collection/Processing System

To add Section 303.5 Equipment Maintenance, Operation And Repair

To add Section 304 General Requirements for the Loading of Gasoline

To add Section 304.1 Loading of Gasoline into Storage Tanks

To add Section 304.2 Loading of Gasoline into Cargo Tanks

To add Section 304.3 Loading of Gasoline at Bulk Gasoline Terminals

To add Section 304.4 Loading of Gasoline at Bulk Gasoline Plants

To revise Section 305 Operating Requirements for Vapor Loss Control Devices

Propose the following in Section 400:

To delete Section 402 Compliance Schedules

To add Section 402 Gasoline Storage Tank Inspections

To add Section 402.1 Semi-Annual Inspections of External Floating Roof Tanks

To add Section 402.2 Inspection of External Floating Roof Tanks

To add Section 402.3 INSPECTIONS OF INTERNAL FLOATING ROOF TANKS

To add Section 402.4 FIVE-YEAR, FULL CIRCUMFERENCE INSPECTIONS OF EXTERNAL
FLOATING ROOF TANKS:

To add Section 403 Performance Testing

To add Section 404 GASOLINE STORAGE TANK INSPECTIONS-AVAILABILITY TO CONTROL
OFFICER

To add Section 404.1 ANNUAL INSPECTIONS OF EXTERNAL FLOATING ROOF TANKS

To add Section 404.2 ANNUAL INSPECTIONS OF INTERNAL FLOATING ROOF TANKS

To add Section 404.3 FIVE-YEAR, FULL CIRCUMFERENCE INSPECTIONS

Propose the following in Section 500:

To revise Section 501 Leak Detection to Monitoring for Leaks

To revise Section 501.1 Combustible Gas Detector OR Organic Vapor Analyzer (OVA)-Test Procedure

To revise Section 502 Compliance Inspections

To revise Section 503 Record Retention

To add Section 503 Vapor Pressure Records

To add Section 503.1 Vapor Pressure Records

To add Section 503.2 Leak Inspection Records

To revise Section 504 Compliance Determination-Test Methods

To add Section 505 Leak Concentrations

To add Section 506 Compliance Determination – Test Methods to include EPA Test Methods; California
Air Resources Board (CARB) Test Procedure; ASTM Standard Test Methods; and Leak Detection Test
Procedure

To add Section 504.1 EPA Test Methods

To add Section 504.2 California Air Resources Board (CARB) TEST PROCEDURES:

To add Section 504.3 ASTM Standards

To add Section 504.4 American Petroleum Institute Standard

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 PM₁₀ 24-hour standard. This is the only serious PM₁₀ nonattainment area in Arizona. Revisions to Rule 351 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 351 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 300 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
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Planning and Analysis Division
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Telephone: (602) 506-6010
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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 351, Section 504:

EPA Method 2A - Direct Measurement of Gas Volume Through Pipes and Small Ducts

EPA Method 2B- Determination of Exhaust Gas Volume Flow Rate From Gasoline Vapor Incinerators

EPA Method 18 - Measurement of Gaseous Organic Compound Emissions by Gas Chromatography

EPA Method 21 - Determination of Volatile Organic Compound Leaks

EPA Method 25A - Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer

EPA Method 25A - Determination of Total Gaseous Organic Concentration Using a Nondispersive Infrared Analyzer

EPA Method 27 - Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure Vacuum Test

California Air Resources Board (CARB) Test Procedures TP-201.1E Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, October 8, 2003.

ASTM D323-15a "Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)

ASTM D2879-10 Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope

ASTM D4953-15 "Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method)

ASTM D5191-15 "Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method)"

ASTM D6420-99 (Reapproved 2004), Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry

American Petroleum Institute: API STD 650 Welded Tanks for Oil Storage, Twelfth Edition, Includes Errata 1 (2013), Errata 2 (2014), and Addendum 1 (2014)

14. Full text of the rule follows:

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

RULE 351

**STORAGE AND LOADING OF ORGANIC LIQUIDS GASOLINE AT BULK GASOLINE PLANTS
AND BULK GASOLINE TERMINALS**
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SECTION 300 - STANDARDS

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

**RULE 351
STORAGE AND LOADING OF ORGANIC LIQUIDS GASOLINE AT BULK PLANTS AND BULK TERMINALS**

SECTION 100 - GENERAL

- 101 **PURPOSE:** To limit emissions of volatile organic compounds from gasoline during the storage and the loading of organic liquids gasoline at bulk gasoline plants and bulk gasoline terminals.

102 **APPLICABILITY:** This rule is applicable to: ~~the transfer of organic liquids having a true vapor pressure of 1.5 psia (77.5 mm Hg) or greater under actual loading conditions. It regulates transfers at bulk terminals and bulk plants from stationary storage tanks to delivery vessels and from delivery vessels to stationary storage tanks.~~

102.1 The storage of gasoline in a stationary storage tank at a bulk gasoline plant or bulk gasoline terminal.

102.2 The loading of gasoline from a gasoline cargo tank, railroad tank car or pipeline into or out of a stationary storage tank at a bulk gasoline plant or bulk gasoline terminal.

103 **EXEMPTIONS:**

103.1 The owner or operator is exempted from the requirements for secondary seals and the secondary seal gap criteria when performing gap measurements or inspections of the primary seal.

103.2 A pressure tank maintaining working pressure sufficient at all times to prevent VOC vapor loss to the atmosphere is exempt from Sections [XXX] of this rule.

103.3 A floating roof is exempt from the requirement that its roof be floating as long as either of the following processes is accomplished continuously and as rapidly as practicable:

a. When the tank is being drained completely.

b. When the tank is being filled.

103.4 **Bulk Gasoline Plants with a Throughput of Less Than 120,000 Gallons Per 30-Day Period:** At bulk gasoline plants built before October 2, 1978, vapor loss control specified in Section 302 is not required at the loading rack when all of the following are complied with:

a. The bulk gasoline plant loads less than 120,000 gallons (454,800 l) of gasoline into gasoline cargo tanks in any consecutive 30-day period. Any bulk gasoline plant that becomes subject to all of the provisions of Section 302 of this rule by exceeding this threshold will remain subject to these provisions even if its throughput later falls below the threshold.

b. Keep current records of amount of gasoline loaded and keep them readily accessible to the Department upon request for at least five (5) years.

c. Load gasoline using submerged fill only.

d. The owners or operators of the bulk gasoline plant shall observe all parts of the gasoline loading process and shall discontinue the gasoline loading if any leaks are observed.

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 ~~**BULK PLANT**—Any loading facility at which gasoline and/or other organic liquids with a true vapor pressure of 1.5 psia (77.5 mm Hg) or greater under any actual storage conditions are received from delivery vessels for storage in on-site stationary tanks, and from which such liquids also are transferred to delivery vessels.~~ **BULK GASOLINE PLANT:** Any gasoline storage and distribution facility that meets all of the following:

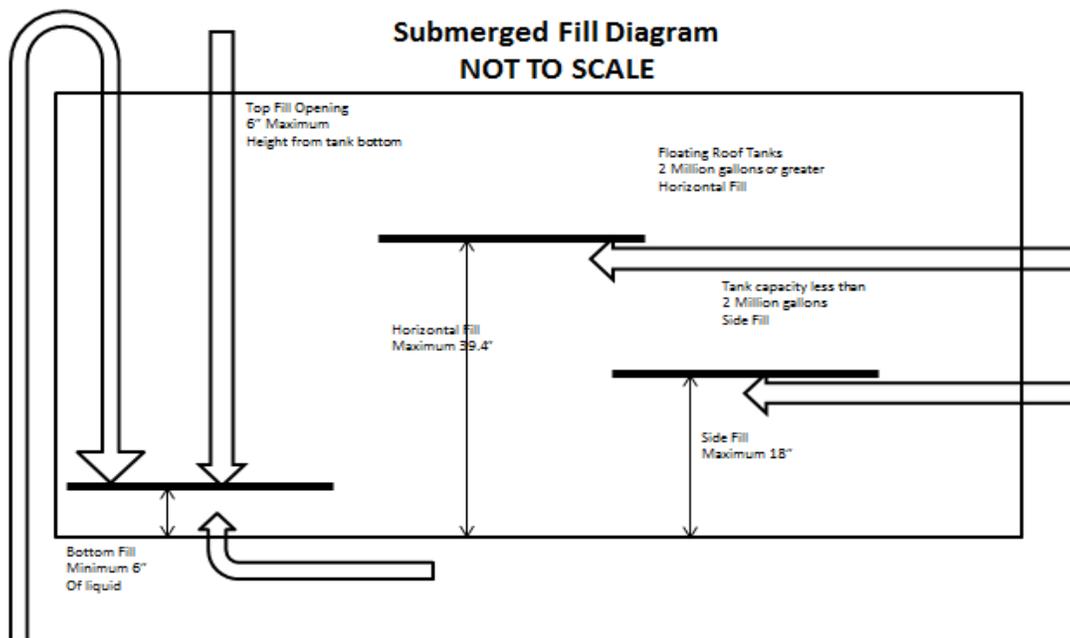
201.1 Loads gasoline from a pipeline, rail, or gasoline cargo tank into a stationary storage tank;

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 TANK:** Any stationary storage tank serving a loading rack which loads ~~delivery vessels~~ gasoline cargo tanks with organic liquids gasoline.
- 203 **BULK GASOLINE TERMINAL:** Any ~~primary distributing~~ gasoline storage and loading facility that meets all of the following: which has ever received in any consecutive 30-day period over 600,000 gallons (2,271,180 l) of gasoline and/or other organic liquids with a true vapor pressure of 1.5 psia (77.5 mm Hg) or greater under actual storage conditions; or any loading facility where delivery of such liquids to the facility is primarily by pipeline.
- 203.1 Loads gasoline from a pipeline, rail, or gasoline cargo tank into a stationary storage tank;
- 203.2 Loads gasoline from the stationary storage tank into gasoline cargo tanks for transport to gasoline dispensing operations; and
- 203.3 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.
- 204 ~~DELIVERY VESSEL—Any vehicular mounted container such as a railroad tank car, tanker truck, tank trailer or any other mobile container used to transport organic liquids.~~
- 205 204 **DISPENSING TANK:** Any stationary tank which dispenses ~~organic liquid fuel~~ gasoline directly into the ~~fuel tanks of motor vehicles including aircraft.~~ a motorized vehicle's fuel tank, dispenses gasoline into an aircraft's fuel tank, or dispenses gasoline into a watercraft's fuel tank that directly fuels its engine(s). ~~This includes aircraft.~~
- 206 205 **EXCESS ORGANIC LIQUID GASOLINE DRAINAGE:** More than 10 milliliters (0.34 fluid ounces or 2 teaspoonsful) ~~per disconnect.~~ of liquid gasoline lost from the end of a fill hose or vapor hose in the process of connecting or disconnecting the hose; or any quantity of gasoline 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.
- 206 **EXTERNAL FLOATING ROOF TANK:** An open top stationary storage tank with a floating roof consisting of a double deck or pontoon single deck that rests upon and is supported by the liquid being contained.
- 207 ~~FUGITIVE LIQUID LEAK: An organic liquid leak of more than three drops per minute from any single leak source other than the disconnect operation of liquid fill line and vapor line.~~
- ~~208~~207 **GAS TIGHT:** Having no leak of gaseous organic compound(s) exceeding 10,000 ppm above background when measurements are made using EPA Method 21 with a methane calibration standard.
- ~~209~~208 **GASOLINE:** Any petroleum distillate, petroleum distillate/alcohol blend, petroleum distillate/organic compound blend, or alcohol ~~having a true vapor pressure of 1.5 psia (77.5 mm Hg) or greater under any actual conditions of storage and handling, and which is~~ that meets all of the following conditions:
- 208.1 Has a Reid vapor pressure between 4.0 and 14.7 psi (200–760 mm Hg.), as determined by ASTM [need method number]; and
- 208.2 Is ~~and which is~~ used as a fuel for internal combustion engines.
- 209 **GASOLINE CARGO TANK:** A delivery tank truck or railcar which is loading gasoline or which has loaded gasoline on the immediately previous load.

- 210 **GASOLINE DISPENSING OPERATION:** All gasoline dispensing tanks and associated equipment located on one or more contiguous or adjacent properties under the control of the same person or persons under common control.
- 211 **GASOLINE LOADING FACILITY:** Any operation or facility such as a gasoline storage tank farm, pipeline terminal, bulk gasoline plant, bulk gasoline terminal loading dock or combination thereof, where ~~organic liquids are transferred or~~ gasoline is loaded into or out of delivery vessels gasoline cargo tanks for future distribution. Included are all related pollutant-emitting activities which are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control.
- 212 **INTERNAL FLOATING ROOF TANK WITH FIXED COVERING:** A stationary storage tank with a floating cover or roof that rests upon or is floated upon the liquid being contained, and that also has a fixed roof on top of the tank shell. An external floating roof tank that has been retrofitted with a geodesic dome or other fixed roof shall be considered to be an internal floating roof tank for the purposes of this rule.
- 213 **LEAK FREE:** An organic liquid leak of more than three drops per minute from any single leak source other than the disconnect operation of liquid fill line and vapor line.
- 212 ~~OFFSET FILL LINE:~~ Any organic liquid fill line (piping and fittings) which contains one or more bends.
- 213 214 **ORGANIC LIQUID:** Any organic compound which exists as a liquid under any actual conditions of use, transport or storage.
- 215 **PURGING:** Removing, cleaning, or scouring out gasoline vapors from all or a portion of a gasoline cargo tank by active or passive means and emitting the vapors into the atmosphere.
- 214 216 **STATIONARY STORAGE TANK:** Any tank, reservoir or other container used to store, but not transport, ~~organic liquids~~ gasoline.
- 215 217 **SUBMERGED FILL PIPE:** ~~Any discharge pipe or nozzle which meets the applicable specification as follows:~~ The end of the discharge pipe or nozzle is totally submerged when the gasoline is loaded.
- 215.1 217.1 **Top-Filled Fill Or Bottom-Filled 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.
- 215.2 217.2 **Side-Filled Fill:** 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.
- 217.3 **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.
- 217.4 **API Standard 650 Compliant:** A floating roof gasoline storage tank with a capacity of 2,000,000 gallons or greater (7,580,000 l) capacity, may meet the calculated API Standard 650 gasoline discharge pipe height 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.



216 **218** **SWITCH LOADING:** Loading diesel fuel into a delivery vessel gasoline cargo tank whose previous load was gasoline; or loading any organic liquid not subject to this rule into a delivery vessel gasoline cargo tank whose previous load was an organic liquid subject to this rule.

210 **TRUE VAPOR PRESSURE (TVP):** Absolute vapor pressure of a liquid at its existing temperature of storage and handling.

218 219 **VAPOR COLLECTION/PROCESSING SYSTEM:** A vapor loss control device consisting of a vapor gathering subsystem capable of collecting the organic vapors and organic gases plus a second subsystem capable of processing such vapors and gases, preventing at least 95 percent of the volatile organic compounds entering it from entering the atmosphere.

219 220 **VAPOR LOSS CONTROL DEVICE:** Any piping, hoses, equipment, and devices which are used to collect, store and/or process organic vapors at a bulk gasoline terminal, bulk gasoline plant, service station or other operation handling gasoline and/or other organic liquids.

220 221 **VAPOR TIGHT:** A condition where no organic vapor leak reaches or exceeds 100 percent of the lower explosive limit at a distance of one inch (2.5 cm) from a vapor leak when measured with a combustible gas detector or an organic vapor analyzer, both calibrated with propane.

SECTION 300 – STANDARDS

301 **FEDERAL STANDARDS OF PERFORMANCE FOR BULK GASOLINE PLANTS AND BULK GASOLINE TERMINALS:** An owner or operator of a bulk gasoline plant or bulk gasoline terminal must meet the applicable federal standards of performance set forth in 40 CFR 60, Subparts K, Ka and Kb; and the national emission standards set forth in 40 CFR 63, Subpart BBBBBB, and all accompanying appendices, excluding the authorities that cannot be delegated to the department. These federal standards are adopted and incorporated by reference in Rule 360 and Rule 370.

302 **GASOLINE STATIONARY STORAGE TANK STANDARDS:**

302.1 Submerged Fill Pipes: The owner or operator of a gasoline stationary storage tank shall not allow the loading of gasoline into a stationary storage tank or a gasoline cargo tank unless at least one of the following requirements is met:

- a. **Top-Fill Or Bottom-Fill:** The end of the fill pipe is totally submerged when the gasoline liquid level is no more than six inches (15 cm) from the bottom of the tank.
- b. **Side-Fill:** The end of the fill pipe is totally submerged when the gasoline liquid level is no more than 18 inches (46 cm) from the bottom of the tank.
- c. **Horizontal Fill:** For a floating roof tank with a capacity of 2,000,000 gallons or greater (7,580,000 l), the end of the discharge pipe or nozzle is completely submerged when the gasoline liquid level is no more than 39.4 inches (1 meter) above the bottom of the tank. This included when the roof rests on its legs, except when the tank is being emptied completely.

302.2 All Gasoline Stationary Storage Tanks With A Capacity Between 250 Gallons And 40,000 Gallons (946 -151,400 L): An owner or operator shall store gasoline in a stationary storage tank that meets all of the following requirements for gasoline stationary storage tanks with a capacity greater than 250 gallons but less than 40,000 gallons:

- a. Each tank has a fill pipe that is always covered with a gasketed seal when gasoline is not in the process of being loaded.
- b. Each tank has a permanently installed submerged fill pipe. Where, because of government regulation including, but not limited to, Fire Department codes, such a fill pipe cannot be installed, a nozzle extension that reaches within 6 inches of the tank bottom shall be used to fill the tank.
- c. Each fixed roof tank has a pressure/vacuum valve that complies with both Section 302.2.c.i and 302.2(c)(2) of this rule. An owner or operator shall:
 - (1) Install a pressure/vacuum vent valve that is either:
 - (a) Set the within ten percent of the tank's maximum, safe working-pressure; or
 - (b) Set at least at 0.5 psia (25.8 mm Hg)
 - (2) Maintain the pressure/vacuum vent in good working order.
- d. The tank is equipped with a vapor recovery system which collects and returns displaced vapors to the gasoline cargo tank using vapor-tight fittings and lines; or such tank uses at least one of the vapor loss control methods in Sections 303.1, 303.2, 303.3 or 303.4 of this rule.

302.3 Gasoline Storage Tanks With A Capacity Equal To Or Greater Than 40,000 Gallons (151,400 L): An owner or operator of a stationary gasoline storage tank with a capacity equal to or greater than 40,000 gallons, shall store gasoline in a stationary storage tank that is equipped with at least one of the vapor loss control systems listed below:

- a. Install and maintain an external floating roof storage tank; or
- b. Install and maintain an internal floating roof storage tank with a fixed cover; or
- c. Install and maintain a vapor collection/processing system.

303 VAPOR LOSS CONTROL DEVICE:

303.1 EXTERNAL FLOATING ROOF STORAGE TANKS: An external floating roof storage tank must meet the following requirements:

- a. The owner or operator of an external floating roof tank and associated emission control equipment shall properly install, properly maintain and operate the equipment.
- b. **Floating Roof Requirements:**

- (1) The floating roof shall rest on and be supported by the surface of the liquid contents.
- (2) The floating roof shall be equipped with a continuous primary seal to close the space between the roof eave and tank wall, except as provided in Section 103.3 of this rule.
- (3) The floating roof shall have a continuous secondary seal which is of a design that is in accordance with accepted standards of the petroleum industry. The secondary seal shall meet the following requirements: of Section 303.1.c of this rule.

c. Secondary Seal Requirements:

- (1) The secondary seal is to be installed above the primary seal so that it completely covers the space between the roof edge or primary seal and the tank wall, except as provided in Section 302.1.c.ii of this rule. Storage tanks constructed after July 13, 1988, shall have a secondary seal that is rim-mounted. Except for tanks having metallic shoe primary seals onto which secondary seals were installed prior to July 13, 1988, owner or operator shall operate an external floating roof tank subject to the provisions of this rule unless a secondary seal extends from the roof to the tank shell (a rim-mounted seal) and is not attached to the primary seal.
- (2) The accumulated area of gaps between the tank wall and the secondary seal shall not exceed 1.0 square inch per foot (21.2 cm² per meter) of tank diameter. Determinations of gap area shall only be made at the point(s) where the gaps exceed 1/8 inch (3 mm). The width of any portion of any gap shall not exceed 1/2 inch (1.27 cm).

d. Floating Roof Openings:

- (1) Floating roof tanks subject to the provisions of Section 303.1 of this rule shall have no visible holes, tears or other openings in the seal or in any seal fabric.
- (2) The accumulated area of gaps between a tank's wall and primary seal shall not exceed 10 square inches per foot of tank diameter (212 cm² per meter)
- (3) The width of any portion of any gap shall not exceed 1½ inches (3.8 cm).
- (4) Where applicable, all openings except drains shall be equipped with a cover seal or lid.
- (5) Where applicable, the cover seal or lid shall be in a closed position at all times, except when the system is in actual use.
- (6) Automatic bleeder vents shall be closed at all times, except when the roof is floated off or landed on the roof leg supports.
- (7) Rim vents, if provided, shall be set to open only when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting.

303.2 INTERNAL FLOATING ROOF TANKS WITH FIXED COVERING: An internal floating roof tank with fixed coverings and its appurtenances shall meet the applicable requirements as follows:

- a.** The owner or operator of an internal floating roof tank and associated emission control equipment shall properly install, properly maintain and be operate the equipment.
- b.** Gasoline stationary storage tanks for which construction, reconstruction or modification commenced after July 23, 1984, must comply with all applicable requirements of the EPA New Source Performance Standard (NSPS), 40 CFR Part 60, Subpart Kb- Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984, as incorporated by reference July 1, 2016.
- c.** All tanks not subject to Section 303.2.b must comply with one of the following:
 - (1)** Comply with 40 CFR Part 60, Subpart Kb, notwithstanding the type of facility and the date of tank construction, reconstruction or modification; or

(2) Have at least one continuous seal which completely covers the space between the roof edge and tank wall, except as provided in subsection 309.1, and meet at least one of the following requirements:

(a) Have a contact-type roof resting completely on the liquid surface.

(b) Have a liquid mounted seal.

(c) Have two seals, a primary and a secondary.

d. Floating Roof Openings:

(1) Floating roof tanks subject to the provisions of Section 303.2 of this rule shall have no visible holes, tears or other openings in the seal or in any seal fabric.

(2) The accumulated area of gaps between a tank's wall and primary seal shall not exceed 10 square inches per foot of tank diameter (212 cm² per meter)

(3) The width of any portion of any gap shall not exceed 1½ inches (3.8 cm).

(4) Where applicable, all openings except drains shall be equipped with a cover seal or lid.

(5) Where applicable, the cover seal or lid shall be in a closed position at all times, except when the system is in actual use.

(6) Automatic bleeder vents shall be closed at all times, except when the roof is floated off or landed on the roof leg supports.

(7) Rim vents, if provided, shall be set to open only when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting.

303.3 VAPOR BALANCE SYSTEM: An owner or operator of a bulk gasoline plant that has a gasoline throughput of 600,000 gallons or less in any consecutive 30-day period, shall install, operate and maintain a vapor balance system.

303.4 VAPOR COLLECTION/PROCESSING SYSTEM: This vapor loss control system consists of a vapor gathering subsystem capable of collecting the organic vapors and organic gases plus a second subsystem capable of processing such vapors and gases, preventing at least 95 percent by weight of the volatile organic compounds entering it from escaping to the atmosphere.

a. An owner or operator of a bulk gasoline terminal that has a gasoline throughput greater than 600,000 gallons in any consecutive 30-day period, shall install, operate and maintain a vapor loss control system.

b. The vapor processing subsystem shall be vapor-tight except for the designated exhaust.

c. Any tank gauging or sampling device on a tank, vented to such a vapor loss control system, shall be equipped with a vapor-tight cover which shall be closed at all times except during gauging or sampling procedures.

d. All pressure-vacuum vent valves shall be constructed and maintained in a vapor-tight condition except when the operating pressure exceeds the valve release setting.

303.5 Equipment Maintenance, Operation and Repair: The owner or operator of a bulk gasoline plant or bulk gasoline terminal shall:

a. Maintain the equipment associated with the storage and loading of gasoline as follows:

(1) Leak free;

(2) Vapor tight; and

(3) In good working order.

b. Repair and Retest: The owner or operator of a vapor loss control system that exceeds the standards of this rule shall notify the Control Officer and observe the following time schedule in ending such exceedances:

- (1) Concentrations at or above the lower explosive limit must be brought into compliance within 24 hours of detection.
- (2) Vapor Leak concentrations exceeding 10,000 ppm but less than 50,000 ppm as methane for vapor collection/processing equipment subject to gas-tight standard shall be brought into compliance within 5 days of detection.
- (3) Except as the Control Officer otherwise specifies, a leak source subject to Section 303.5(b)(1) or Section 303.5(b)(2) of this rule must be tested after presumed leak-correction within 15 minutes of recommencing use; if leak standards are exceeded in this test, the use of the faulty equipment shall be discontinued within 15 minutes until correction is verified by retesting.

~~301 GENERAL REQUIREMENTS FOR LOADING FACILITIES: All bulk terminals and plants must have submerged fill pipes in all tanks over 250 gallons (946 l) storing organic liquids, observe designated procedures and be equipped with applicable equipment as follows:~~

304 GENERAL REQUIREMENTS FOR THE LOADING OF GASOLINE: The owner or operator of bulk gasoline tank or bulk gasoline terminal shall comply with the following:

304.1 Loading of Gasoline into Storage Tanks:

- a. Comply with Section 302.1 of this rule.
- b. Verify the proper connection to a vapor balance system or other vapor loss control systems prior to loading gasoline at facilities that utilize a vapor balance system.
- c. Verify the proper disconnection from a vapor balance system or other vapor loss control systems at the completion of loading gasoline at facilities that utilize a vapor balance system.
- d. Minimize spills during storage and loading of gasoline.
- e. Clean up spills as expeditiously as practicable.
- f. Cover all open containers of gasoline or gasoline soaked material when not in use.
- g. Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

304.2 Loading of Gasoline into Cargo Tankers:

- a. Verify that the cargo tanker has a current Maricopa County (MC) Vapor Tightness Test Certification Decal or a signed affidavit indicating an exemption from vapor tightness testing
- b. Verify the proper connection to a vapor balance system or other vapor loss control systems prior to the loading of gasoline.
- c. Verify the proper disconnection from a vapor balance system or other vapor loss control systems at the completion of loading gasoline.
- d. Minimize spills during storage and loading of gasoline.
- e. Clean up spills as expeditiously as practicable.
- f. Cover all open containers of gasoline and gasoline soaked material when not in use.
- g. Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.
- h. Purging of gasoline vapors and of JP-4 (jet petrol) vapors is prohibited.

~~301.1~~ **304.3 Loading of Gasoline at Bulk Gasoline Terminals:** No person shall load organic liquids having a TVP of 1.5 psia (77.5 mm Hg) or greater into any delivery vessel. An owner or operator of a bulk gasoline terminal shall load gasoline from a stationary storage tank at a bulk gasoline terminal if the following conditions are met:

- a. ~~unless the vessel and the~~ The owner or operator meets all the conditions in Section 304 of this rule; and
- b. The gasoline cargo tank bears a current ~~pressure test~~ Maricopa County Air Pollution Vapor Tightness Certification decal issued by the Control Officer; and
- b. The terminal uses a vapor collection/processing system which reduces the emissions of volatile organic compounds to not more than .08 pounds per 1000 gallons of such liquids ~~transferred~~ loaded (10 grams per 1000 liters). Switch loading shall be subject to this standard. ~~The terminal owner or operator and the operator of the receiving vessel shall act to ensure that the vapor line is connected before such liquids are transferred.~~

301.2 **304.4 Bulk Gasoline Plant Tanks Over 250 Gallons (>946 L):**

- a. ~~Transfer To~~ **Loading of Gasoline Into Bulk Gasoline Plant Tanks:** No person shall ~~transfer load~~ load gasoline from a ~~delivery vessel~~ gasoline cargo tank into a bulk gasoline plant tank exceeding 250 gallons (946 l) capacity unless the ~~delivery vessel~~ gasoline cargo tank bears a current ~~county pressure test~~ Maricopa County Air Pollution Vapor Tightness Certification decal and uses a vapor balance system equipped with fittings which are vapor tight; or, alternatively, a vapor loss control system is used which emits to atmosphere less than 0.6 pound of volatile organic compounds per 1000 gallons ~~transferred~~ loaded (72 grams per 1000 liters).
- b. **Loading From Bulk Gasoline Plant Tanks:** No person shall ~~transfer load~~ load gasoline from a bulk plant tank exceeding 250 gallons (946 l) into a ~~delivery vessel~~ gasoline cargo tank unless both the loading rack and ~~delivery vessel~~ gasoline cargo tank use a vapor balance system equipped with fittings which are vapor tight; or, alternatively, a vapor loss control system is used which emits to atmosphere less than 0.6 pounds of volatile organic compounds per 1000 gallons loaded (72 grams per 1000 liters).

302 **305 OPERATING REQUIREMENTS FOR VAPOR LOSS CONTROL DEVICES:** The owner or operator of a vapor loss control device subject to this rule shall operate the device and ~~organic liquid transfer~~ gasoline loading equipment as follows:

- 302.1 **305.1** Loading shall be accomplished in a manner that prevents gauge pressure from exceeding 18 inches of water (33.6 mm Hg) and vacuum from exceeding six inches of water (11.2 mm Hg) in the tank truck. Each owner or operator of a facility shall act to ensure that any vapor recovery system required by this Rule 351 is connected between the ~~delivery vessel~~ gasoline cargo tank and the storage tank during ~~all organic liquid transfers~~ loading of gasoline.
- 302.2 **305.2** Loading shall be accomplished in a manner that is leak free, prevents overfills, ~~fugitive liquid leaks~~ or excess organic liquid gasoline drainage. Owners or operators of bulk gasoline plants and bulk gasoline terminals or operators of ~~delivery vessels~~ gasoline cargo tank shall observe all parts of the ~~transfer~~ loading and shall discontinue ~~transfer~~ loading if any leaks are observed. Measures shall be taken to prevent liquid leaks from the loading device when it is not in use, and to complete drainage before the loading device is disconnected. During loading ~~or unloading~~ operations, potential leak sources shall be vapor tight as demonstrated by the test procedure described in Section 501 of this rule.
- 302.3 **305.3** Loading operations which use vapor collection/processing equipment shall be accomplished in such a manner that the displaced vapor and air will be vented only to the vapor collection/processing system, which shall be operated gas-tight and in a manner such that the vapor processing capacity is not exceeded. Diaphragms used in vapor storage tanks shall be maintained gas-tight.
- 302.4 **305.4** Vapor ~~transfer lines~~ recovery hoses shall be equipped with fittings that are vapor tight and that automatically and immediately close upon disconnection. Vapor balance systems shall be designed to prevent any vapors collected at one loading rack from passing to another loading rack.

303 **REPAIR AND RETESTING REQUIREMENT:** ~~Except as superseded by Division actions pursuant to the procedures of Rule 100, Section 501 ("Malfunctions"), the owner/operator of a vapor loss control device that~~

exceeds the standards of this rule shall notify the Control Officer and observe the following time schedule in ending such exceedances:

- 303.1 Concentrations at or above the lower explosive limit must be brought into compliance within 24 hours of detection.
- 303.2 Leak concentrations exceeding 10,000 ppm but less than 50,000 ppm as methane for vapor collection/processing equipment subject to gas tight standard shall be brought into compliance within 5 days of detection.
- 303.3 Except as the Control Officer otherwise specifies, a leak source subject to Sections 303.1 or 303.2 must be tested after presumed leak correction within 15 minutes of recommencing use; if leak standards are exceeded in this test, the use of the faulty equipment shall be discontinued within 15 minutes until correction is verified by retesting.

304 ~~EQUIPMENT MAINTENANCE AND OPERATING PRACTICES: All equipment associated with delivery and loading operations shall be maintained to be leak free, vapor tight and in good working order. Gasoline shall not be spilled, discarded in sewers, stored in open containers, or handled in any other manner that would result in evaporation to the atmosphere. Purging of gasoline vapors and of JP 4 (jet petrol) vapors is prohibited.~~

305 ~~EXEMPTIONS:~~

- 305.1 ~~Less Than 120,000 Gallons Per 30 Day Period: At bulk plants built before October 2, 1978, vapor loss control specified in Section 301.2b is not required at the outloading rack when all of the following are complied with:~~
 - a. ~~After April 6, 1992, the bulk plant loads less than 120,000 gallons (454,800 l) of gasoline into delivery vessels in any consecutive 30 day period. Any plant that becomes subject to all of the provisions of Section 301.2b by exceeding this threshold will remain subject to these provisions even if its output later falls below the threshold.~~
 - b. ~~Keep current records of amount of gasoline loaded and keep them readily accessible to the Division upon request for at least three (3) years.~~
 - c. ~~Load outgoing gasoline using submerged fill only.~~
 - d. ~~The owners or operators of the bulk plant or the owners or operators of the delivery vessel shall observe all parts of the transfer and shall discontinue the transfer if any leaks are observed.~~
- 305.2 ~~Opening Hatches: When VOC vapors from organic liquids are present within a non exempt delivery vessel, authorized government agents as well as owners/operators and their contractors may open vapor containment equipment while performing operations required by Division rules or by other statutory entities, but shall be restricted as follows unless approved in advance by the Control Officer:~~
 - a. ~~Wait at least 3 minutes after onloading is complete or delivery vessel has stopped before opening hatch or other vapor seal.~~
 - b. ~~Reclose hatch or other sealing device within 3 minutes of opening.~~
 - c. ~~Limit windspeed at opened hatch or other opened sealing device to not more than 3 mph (1.34 m/sec).~~

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 ~~EQUIPMENT LEAKS:~~

- 401.1 The owner or operator shall also perform monthly inspections, while vapor is being transferred, for liquid and vapor leaks and for faulty equipment. In these monthly inspections detection methods incorporating sight, sound, smell and/or touch may be used or methods listed in Section 501 of this rule.

401.2 A log book shall be used and shall be signed by the owner or operator at the completion of each monthly inspection for equipment leaks. A section of the log shall contain a list, summary description, or diagram(s) showing the location of all equipment in gasoline service at the facility.

401.3 Leak detection tests shall be conducted annually by the owner of each bulk loading facility or by a consultant, at the expense of the owner. Testing shall be done according to procedures in Section ~~504~~504, except that EPA Method 21 shall be used to test for leaks from a vapor collection/ processing unit and its associated piping outside the loading area. Equipment shall conform to the specifications of those test methods cited in Section ~~504.2~~504. Prior to testing, the owner shall notify the Control Officer of the date, time and location of the testing. The Control Officer or his representatives shall at their discretion observe the tests.

~~402 COMPLIANCE SCHEDULE: By September 30, 1995, the owner or operator of any loading facility which requires modification subject to a requirement of Section 300 of this rule shall submit to the Control Officer for approval an emission control plan and a schedule for achieving compliance with all requirements by April 30, 1996. The plan shall specify the date of completion of each major step leading to compliance.~~

402 GASOLINE STORAGE TANK INSPECTIONS

402.1 SEMI-ANNUAL INSPECTIONS BY OWNER OR OPERATOR: The owner or operator of any floating roof tank subject to this rule shall inspect the tank and seals at least once every six months to determine ongoing compliance with both the applicable standards of this rule and any permit conditions pertaining to the tank. Determinations of secondary seal gap area on external floating roofs need be made only once per year. Records of these inspections shall be maintained and shall be made available to the Control Officer upon request.

402.2 INSPECTIONS OF EXTERNAL FLOATING ROOF TANKS:

a. The owner or operator of any tank which uses an external floating roof to meet the vapor loss control requirements of this rule shall conduct a visual inspection each time the external floating roof tank is emptied and degassed or at least once a year. The visual inspection shall include all of the following:

(1) Verify the secondary seal covers the space between the roof edge and the tank.

(2) Measure the gaps between the tank wall and the secondary seal. The accumulated area of gaps between the tank wall and the secondary seal shall not exceed 21.2 cm² per meter of tank diameter, and the width of any portion of any gap shall not exceed 1.27 cm.

(3) Verify there are no holes, tears, or other openings in the seal or seal fabric.

402.3 INSPECTIONS OF INTERNAL FLOATING ROOF TANKS:

a. The owner or operator of any tank which uses an internal floating roof to meet the vapor loss control requirements of this rule shall conduct a visual inspection each time the internal floating roof tank is emptied and degassed or at least once a year. The visual inspection shall include all of the following:

(1) The internal floating roof shall be free of any defects.

(2) The primary seal shall not have any holes, tears or other openings.

(3) The secondary seal if one is in service, shall not have any holes, tears or other openings.

(4) Gaskets shall prevent liquid surfaces from exposure to atmosphere.

(5) The slotted membrane shall not have more than a ten percent (10%) open area.

402.4 FIVE-YEAR, FULL CIRCUMFERENCE INSPECTIONS OF EXTERNAL FLOATING ROOF TANKS: The owner or operator of a floating roof tank of 20,000 gallons (75,700 l) or more storing gasoline shall conduct a complete inspection of the external floating roof tank each

time the tank is emptied and degassed or at least once every five (5) years. The inspection shall include all of the following:

a. Perform a complete inspection of the gasoline storage tank as described in Section 402.1 of this rule.

b. Perform a complete inspection of the primary seal and floating roof.

c. Measure gap areas and maximum gap. The accumulated area of gaps between the tank wall and the mechanical shoe or liquid-mounted primary seal shall not exceed 212 cm² per meter of tank diameter, and the width of any portion of any gap shall not exceed 3.81 cm.

403 **PERFORMANCE TESTING:** A pressure tap shall be placed in the loading facility's vapor control system, as close as possible to the gasoline cargo tank. The pressure shall be recorded periodically during performance testing, at least once every minute. Instantaneous maximum pressure shall be recorded either automatically or by visual observation. A pressure measurement device capable of measuring 20 inches (50.8 cm) of water pressure with a precision of 0.1 (2.5 mm) inch of water shall be calibrated. This device shall fit the tap and shall either be permanently installed or shall be kept available at all times at the facility.

404 **GASOLINE STORAGE TANK INSPECTIONS-AVAILABILITY TO CONTROL OFFICER:**

404.1 **ANNUAL INSPECTIONS OF EXTERNAL FLOATING ROOF TANKS:** The owner or operator of any tank which uses an external floating roof to meet the vapor loss control requirements of this rule shall make the primary seal envelope and the secondary seal available for unobstructed inspection by the Control Officer on an annual basis. The primary seal envelope shall be made available for inspection at a minimum of four locations selected along its circumference at random by the Control Officer. If the Control Officer detects a violation as a result of any such inspection, the Control Officer may require such further unobstructed inspection of the seals as may be necessary to determine the seal condition for its entire circumference.

404.2 **ANNUAL INSPECTIONS OF INTERNAL FLOATING ROOF TANKS:** The owner or operator of any tank which uses an internal floating roof to meet the vapor loss control requirements of this rule shall make the entire tank including the internal floating roof available for inspection prior to filling. It shall be made available for visual inspection through the manholes or roof hatches on the fixed covering on an annual basis.

404.3 **FIVE-YEAR, FULL CIRCUMFERENCE INSPECTIONS:** The owner or operator of a floating roof tank of 20,000 gallons (75,700 l) or more storing gasoline shall make the primary seal envelope available for inspection by the Control Officer for its full length every five years. This inspection can be performed while the tank is in-service. However, if the secondary seal is removed or if the tank is drained and cleaned by the owner or operator for any reason, it shall be made available for such inspection at that time. The owner or operator shall provide notification to the Control Officer no less than seven working days prior to removal of the secondary seal.

403405 **OTHER AGENCIES' REQUIREMENTS:** Compliance with this rule does not relieve or otherwise affect a person's obligation to comply with any other applicable federal, state, or local legal requirement, including, but not limited to, rules promulgated by the Arizona Department of Weights and Measures, local fire department codes, and local zoning ordinances.

SECTION 500 - MONITORING AND RECORDS: In addition to any federal testing, monitoring and recording requirements, an owner or operator of a gasoline bulk gasoline plant or gasoline bulk gasoline terminal shall comply with the following:

501 **MONITORING FOR LEAKS**

501.1 ~~LEAK DETECTION~~ **COMBUSTIBLE GAS DETECTOR OR ORGANIC VAPOR ANALYZER (OVA) - TEST PROCEDURE:** During loading ~~into or unloading out of delivery vessels of cargo tanks,~~ the peripheries of all potential sources of leakage at the loading facility are checked with a combustible gas detector or organic vapor analyzer (OVA) as follows:

- 501.1 ~~**Pressure:** A pressure tap shall be placed in the loading facility's vapor control system, as close as possible to the delivery vessel's gasoline cargo tank. The pressure shall be recorded periodically during testing, at least once every minute. Instantaneous maximum pressure shall be recorded either automatically or by visual observation. A pressure measurement device capable of measuring 20 inches (50.8 cm) of water pressure with a precision of 0.1 (2.5 mm) inch of water shall be calibrated. This device shall fit the tap and shall either be permanently installed or shall be kept available at all times at the facility.~~
- 501.2 **a. Calibration:** Within 4 hours prior to monitoring the combustible gas detector or OVA shall be calibrated with 10,600 ppm propane by volume in air for a 50 percent lower explosive limit (LEL) response.
- 501.3 **b. Probe Distance:** The probe inlet shall be one inch (2.5 cm) or less from the potential leak source when searching for leaks. The probe inlet shall be one 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 one inch (2.5 cm) of an actual or potential leak source, the closest practicable probe distance shall be used.
- 501.4 **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.
- 501.5 **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 coaxial with the path of the most concentrated vapors.
- 501.6 **e. Wind:** Wind shall be blocked as much as possible from the space being monitored. The annual leak detection test required by Section 401 shall be valid only when wind speed in the space being monitored is 5 mph or less.
- 501.7 **e. Data Recording:** The highest detector reading and location for each incidence of leakage shall be recorded along with the date and time.

501.2 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 501.1 of this rule shall be used to determine if a vapor leak exists.

501.3 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 501.1 of this rule shall be used to determine if a vapor leak exists.

502 **COMPLIANCE INSPECTIONS:** The Control Officer, at any time, may monitor a ~~delivery vessel~~ gasoline cargo tank vapor collection system, a loading rack's vapor loss control devices, a loading facility or a vapor collection/processing system for vapor leaks by the methods described in Section 501 of this rule or by applicable EPA Reference Methods specified in Section 504 of this rule.

503 **RECORDS RETENTION:** Records and information required by this rule shall be retained for at least ~~three~~ five years.

503.1 VAPOR PRESSURE RECORDS:

- a. Bulk Gasoline Plant:** An owner or operator of a storage tank located at a bulk gasoline plant that is subject to the provisions of this rule shall keep accurate records of the following:
 - (1) The amount of gasoline stored in such tanks.
 - (2) The Reid vapor pressure ranges of each such liquid.
 - (3) These records shall be kept a minimum of five years.
- b. Bulk Gasoline Terminal:** An owner or operator of a storage tank located at a bulk gasoline terminal shall keep accurate records of the following:
 - (1) The temperature of the contents of each affected tank located at bulk gasoline terminals shall be recorded at least weekly.
 - (2) The Reid vapor pressure of each shall be recorded at least once each month.
 - (3) These records shall be kept a minimum of five years.

503.2 LEAK INSPECTION RECORDS: The owner or operator of a bulk gasoline plant or bulk gasoline terminal shall keep a log documenting each leak inspection. The log shall include, but is not limited to the items listed in Sections 502.1, 502.2, 503.3, 502.5 and 502.5 of this rule.

- a.** The owner or operator shall sign the log at the completion of each monthly inspection for equipment leaks.
- b.** Each monthly inspection shall include shall contain a list, summary description or diagram(s) showing the location of all equipment at the bulk gasoline plant or bulk gasoline terminal.
- c.** Each monthly inspection shall include any maintenance that occurred.
- d.** Each annual inspection shall include any maintenance that occurred.
- e.** For an external floating roof, record the seal gap measurements, including the raw data obtained and any calculations performed.
- f.** The date the gasoline storage tank was removed from service, if applicable.
- g.** These records shall be kept a minimum of five years.
- h.** Additional Record Requirements for use of optical gas imaging instruments: An owner or operator using an optical gas imaging instrument for leak inspections shall date and time stamp the video records of every monitoring event where an optical gas imaging instrument was used.

504 COMPLIANCE DETERMINATION - TEST METHODS: When more than one test method is permitted for a determination, an exceedance of the limits established in this rule determined by any of the applicable test methods constitutes a violation of this rule. Copies of the code of federal regulations are available electronically at: <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>; at the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 125, Phoenix, AZ, 85004; or by calling (602) 506-6010 for information. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at www.astm.org.

504.1 EPA Test Methods:

- a.** EPA Method 2A - Direct Measurement of Gas Volume Through Pipes and Small Ducts.
- b.** EPA Method 2B—Determination of Exhaust Gas Volume Flow Rate From Gasoline Vapor Incinerators.
- c.** EPA Method 18 - Measurement of Gaseous Organic Compound Emissions by Gas Chromatography.

- d. EPA Method 21 - Determination of Volatile Organic Compound Leaks.
- e. EPA Method 25A - Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer.
- f. EPA Method 25A - Determination of Total Gaseous Organic Concentration Using a Nondispersive Infrared Analyzer.
- g. EPA Method 27 - Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure Vacuum Test.
- h. Alternative Work Practice for Monitoring Equipment Leaks. 40 CFR 60.18(g). An owner or operator may use an Optical Gas Imaging instrument to comply with the alternative work practice requirements in 40 CFR 40.18(g) instead of using the 40 CFR 60, Appendix A-7, Method 21 monitor to identify leaking equipment.

504.2 California Air Resources Board (CARB) TEST PROCEDURES:

- a. TP-201.1E Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, October 8, 2003.

504.3 ASTM

- a. ASTM D323-15a "Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method).
- b. ASTM D2879-10 Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope.
- c. ASTM D4953-15 "Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method).
- d. ASTM D5191-15 "Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method)."
- e. ASTM D6420-99 (Reapproved 2004), Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry.

504.4 American Petroleum Institute: API STD 650 Welded Tanks for Oil Storage, Twelfth Edition, Includes Errata 1 (2013), Errata 2 (2014), and Addendum 1 (2014).

- 504.1 ~~Vapor Collection/Processing System: Control efficiency of a vapor collection/processing system shall be determined according to EPA Reference Method 25A or Method 25B subsequent to the Control Officer's approval of the test protocol. Leak tests to verify a gas tight state of the equipment associated with the vapor collection/processing device, including the piping outside of the loading area, shall be conducted according to EPA Reference Method 21. Gas volume flow rates shall be determined by Method 2B for a thermal oxidizer; otherwise, by Method 2A.~~
- 504.2 ~~Vapor Balance And Loading Systems: Vapor tightness shall be determined using the method described in Section 501 of this rule.~~
- 504.3 ~~True Vapor Pressure shall be determined by ASTM Method 2879-83 and by temperature measurement under actual conditions using an instrument accurate to within ± 1 degree Fahrenheit or ± 0.5 degree Celsius. For purposes of recording and reporting, the Reid vapor pressure and the foregoing temperature determination may be used in conjunction with the method of American Petroleum Institute Bulletin 2517, February, 1980, to determine true vapor pressure, unless the Control Officer specifies ASTM Method 2879-83.~~
- 504.4 ~~Reid Vapor Pressure shall be determined by ASTM Method D 323-82 or by ASTM Method D 5191~~

[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.

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



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

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

From: 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

Does citizen want to be contacted: no

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

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

Cheri

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

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>
Date: Thursday, May 7, 2015 at 11:37 AM
To: "danderso@circlek.com" <danderso@circlek.com>, Amanda Gray <amanda@apma4u.org>
Cc: Johanna Kuspert - AQDX <JKuspert@mail.maricopa.gov>, Michelle Wilson <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



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.

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Amanda Gray

Executive Director

Arizona Petroleum Marketers Association

602-330-6762



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

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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

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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

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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



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
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.

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

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MORE**



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

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

From: Martin Hook [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

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.](#)

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Senior Planner
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Located at the Central Ave. & Roosevelt METRO stop
Desk 602.506.3476



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

Rule Clarifications and Comments	
Section	Comment
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.

Grammar and References	
Section	Comment
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 conditions ..."
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.

Rule Clarifications and Comments	
Section	Comment
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.

Grammar and Reference	
Section	Comment
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

Rule Clarifications and Comments	
Section	Comment
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.

Grammar and References	
Section	Comment
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101	The wording of this section should be revised to reflect the current Rule 351 language. "...gasoline under actual storage and loading conditions ..."
302.2	Should this be its own section "303"? It currently references Section 302.
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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.
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Rule Clarifications and Comments	
Section	Comment
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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.

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

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

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[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

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

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 "3rd 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)
 - 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)
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
Marina Mejia, Arizona Department Of Environmental Quality
mejia.marina@azdeq.gov

From: Andrew Steckel, Rulemaking Office Chief
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..

[Return to list of Attachments](#)

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 *PHM*
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".



Approved by Tom Manos, County Manager