



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

Prepared by the Maricopa County Air Quality Department

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<b>Case #/Title:</b>	AQ-2015-008-Rule 353
<b>Meeting Date:</b>	April 25, 2016
<b>Supervisor Districts:</b>	All Districts
<b>Applicant:</b>	Staff
<b>Request:</b>	Approve for Expedited Process revisions to Rule 353 (Gasoline In Stationary Dispensing Tanks)

### Discussion:

Rule 353 limits the emission of volatile organic compounds (VOCs) from gasoline stored in stationary dispensing tanks and from gasoline delivered into such tanks. Revisions to Rule 353 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 Maricopa County Air Quality Department (department) is proposing to revise Rule 353 to be consistent with current gasoline industry terms and definitions; to clarify the storage and loading requirements of an underground storage tank and an above ground storage tank; to update test methods to be consistent with state and federal test methods; and to clarify the inspection requirement for gasoline dispensing facilities that receive gasoline less than once per week.

### Support/Opposition:

Discussions with Stakeholders included the following:

- Clarification of current rule language and definitions to be consistent with the federal language for gasoline dispensing facilities
- Addition of an alternative to the installation of only California Air Resources Board (CARB) certified equipment
- Addition of the definition of “submerged fill” to be consistent throughout the gasoline-related rules
- Clarification of the requirements for above ground storage tanks and under ground storage tanks
- Clarification of availability of required records

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 353 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 353: GASOLINE IN STATIONARY DISPENSING TANKS**

**PREAMBLE**

- |                  |                                                                                                                    |                                 |
|------------------|--------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b><u>1.</u></b> | <b><u>Rule affected</u></b>                                                                                        | <b><u>Rulemaking action</u></b> |
|                  | Rule 353: Gasoline In Stationary Dispensing Tanks                                                                  | Amend                           |
| <b><u>2.</u></b> | <b><u>Statutory authority for the rulemaking:</u></b>                                                              |                                 |
|                  | Authorizing statutes: A.R.S. §§ 49-474, 49-479, and 49-480                                                         |                                 |
|                  | Implementing Statute: A.R.S. § 49-112                                                                              |                                 |
| <b><u>3.</u></b> | <b><u>List of all previous notices appearing in the Register addressing the rulemaking:</u></b>                    |                                 |
|                  | Notice Of Briefing To Maricopa County Manager: May 2015                                                            |                                 |
|                  | Notice Of Stakeholder Workshops: June 30, 2015, September 14, 2015, and February 22, 2016                          |                                 |
| <b><u>4.</u></b> | <b><u>Name and address of department personnel with whom persons may communicate regarding the rulemaking:</u></b> |                                 |
|                  | Name: Cheri Dale or Hether Krause                                                                                  |                                 |
|                  | Maricopa County Air Quality Department                                                                             |                                 |
|                  | Planning and Analysis Division                                                                                     |                                 |
|                  | Address: 1001 N Central Avenue, Suite 125                                                                          |                                 |
|                  | Phoenix, Arizona 85004                                                                                             |                                 |
|                  | Telephone: (602) 506-6010                                                                                          |                                 |
|                  | Fax: (602) 506-6179                                                                                                |                                 |
|                  | E-Mail: <a href="mailto:aqplanning@mail.maricopa.gov">aqplanning@mail.maricopa.gov</a>                             |                                 |

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

**Summary:** Rule 353 (Gasoline in Stationary Dispensing Tanks) limits the emission of volatile organic compounds (VOCs) from gasoline stored in stationary dispensing tanks and from gasoline delivered into such tanks. Revisions to Rule 353 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 Maricopa County Air Quality Department (department) is proposing to revise Rule 353 to be consistent with current gasoline industry terms and definitions; to clarify the storage and loading requirements of an underground storage tank and an above ground storage tank; to update test methods to be consistent with state and federal test methods; and to clarify the inspection requirement for gasoline dispensing facilities that receive gasoline less than once per week.

In addition, the proposed amendments will 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:** In the early 1970’s, the United States Environmental Protection Agency (EPA) issued transportation control plans that included requirements to control VOC emissions during the loading of gasoline into a storage tank. In 1978, the EPA followed up by issuing a Control Techniques Guideline (CTG) for the “Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems.” The purpose of this CTG was to “...define leak tight conditions and related test procedures for vapor collection systems and tank trucks while loading and unloading ...” The CTG represented the reasonably available control technology (RACT) that could be applied to existing facilities. The CTG was issued to provide a guideline for areas of nonattainment for the NAAQS.

The Clean Air Act Amendments (CAAA) of 1990 required ozone nonattainment areas to implement RACT to control VOC emissions. This RACT determination for the associated industry was to be incorporated into the SIP. RACT is defined by the EPA 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 FR53761, September 17, 1979) To assist state and local agencies in determining RACT, the EPA issues CTGs for specific sources. A CTG describes the “presumptive norm” for RACT and includes a review of current knowledge, technology and costs of a variety of emission control techniques. These guidelines provide state and local environmental agencies a guide in establishing RACT regulations for gasoline dispensing operations. The state or local agency can then use the presumptive norm for RACT or develop more stringent measures to meet the established ozone standards.

On January 10, 2008, the EPA issued the National Emission Standards for Hazardous Air Pollutant (NESHAP) for Source Category: Gasoline Dispensing Facilities (73 FR 1945). The NESHAP set forth national emission limits and identified management practices for the gasoline dispensing facilities. Most importantly, the NESHAP did not exclude any gasoline storage tank from the management practices, no matter what the gasoline storage tank capacity.

**Current Rulemaking Background:** Maricopa County drafted the first county-wide air quality rules pertaining to the storage and loading of gasoline in the 1970’s. Rule 33 put into rule requirements for the storage and handling of petroleum products. In the 1980’s, Rule 33 was broken into specific sections to address bulk loading facilities, delivery vessels, and loading into stationary storage tanks. Rule 33.3 (Loading into Stationary Storage Containers) specifically addressed the control of VOC emissions from gasoline service stations (now referred to as gasoline dispensing facilities). Rule 33.3 was submitted for inclusion in the 1982 Arizona State Implementation Plan (SIP). The rule included requirements for loading to include the use of submerged fill and the capture of at least 90% of the gasoline vapors displaced during the loading of gasoline. Gasoline storage tanks that were used “exclusively for the fueling of implements of normal cultural farm practices...” were exempted from the rule. Partial exemptions for provided for storage

tanks with under 1,000 gallon capacity; non-resale gasoline storage tanks; and tanks installed prior to specific dates. In 1985, Rule 33.3 was again submitted to the EPA for inclusion into the SIP. Per the department evaluation on February 11, 1986, Rule 33.3 was consistent with the requirements in the Clean Air Act and 40 CFR 51.22.

The department again revised Rule 33 in order to submit the rules as part of the NAAQS SIP. On July 13, 1988, the Maricopa County Board of Supervisors adopted revisions to Rule 33.3 to include the reformatting of Rule 33.3 to Rule 353 (Transfer of Gasoline Into Stationary Storage Tanks); and the reformatting of the rule

In 1992, the department revised Rule 353 to be consistent with the RACT guidance documents issued by the EPA in 1978. These revisions included the incorporation of EPA policy statements that were issued after the promulgation of the RACT guidance documents.

The 1999 revisions by the department clarified the responsibility of owners and operators of gasoline dispensing facilities with respect to vapor recovery equipment. The fill pipe and vapor recovery return provisions were expanded. A dual point vapor recovery system was required to be install in each new gasoline storage tank or when a major modification occurred. California Air Resources Board (CARB) certified equipment was required for Stage I vapor recovery systems. The installation of poppetted valves was required. Standards were included for spill containment devices. Leak detection test procedures were spelled out in detail. Record retention was expanded to five years. These revisions currently are in place.<sup>7</sup>

A limited scope revision to Rule 353 was drafted in 2013 (19 A.A.R. 3636, November 22, 2013) to delete the definition of non-precursor organic compound. The department relocated the list of EPA recognized “non-precursor organic compounds” (40 CFR 51.100(s)) into Maricopa County Air Pollution Control Regulations, Appendix G (Incorporated Materials) to provide a means to expeditiously update any revisions to the EPA definition of VOC.

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

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

The department is proposing revisions to Rule 353 definitions for consistency with current gasoline industry terms and definitions; to clarify the storage and loading requirements of an underground storage tank and an above ground storage tank; to update test methods to be consistent with state and federal test methods; and to clarify the inspection requirement for gasoline dispensing facilities that receive gasoline less than once per week.

Previously (December 20, 2000) the department had issued a technical guidance, #TG00-002, addressing the issue of inspection of gasoline dispensing tanks that receive a load of gasoline once per week. Per the discussion in the document, “The intended purpose of requiring inspections...is to assure both that the fill and vapor return assemblies are fit to receive gasoline and that the integrity of these assemblies is

maintained so as to prevent gasoline evaporation between deliveries.” The guidance concluded that if gasoline was loaded at a frequency of less than once per week, that the inspection and recording of the inspection could be conducted at the time of each gasoline delivery. The department is proposing to incorporate this technical guidance into the rule.

The department is proposing to revise the rule title to “Storage And Loading Of Gasoline At Gasoline Dispensing Facilities” to clarify the specific activities at the site that this rule would apply to. In addition, the purpose and applicability sections are also proposed to be revised to further add clarification in the rule.

Current rule language and definitions are not consistent between the county rules relating to gasoline nor with the federal language for gasoline dispensing facilities. The department is proposing to revise rule language and definitions to be consistent with other Maricopa County rules and federal rule language. This will provide consistency between regulatory agencies as well as between rules to provide clear and consistent definitions and terms for Stakeholders. At the workshops, it was discussed as to how many terms used in the federal regulations should or are reasonable to include in local rules. The Stakeholders and department staff recommended that definitions that are applicable to the county should be included but not necessarily all the federal definitions.

The department is proposing to add an alternative to the installation of only California Air Resources Board (CARB) certified equipment. The proposed rule language would allow equipment approved by an industry recognized third party to be installed. Prior to installation of the non-CARB certified equipment, the proposed rule would require the owner or operator to provide a written request to the Control Officer to review and accept the non-CARB certified component. The department is proposing to include a requirement that the Control Officer shall provide written approval prior to the installation any non-CARB-certified component.

During the initial phase of the Rule 353 rulemaking process, the department initially proposed to consolidate Rule 352 (Gasoline Delivery Vessel Testing And Use) and Rule 353. At the workshops, Stakeholders expressed confusion and questioned the reasoning as to why the two rules should be combined. The department initially felt that combining the two rules would clarify the responsibilities of the cargo tank operators especially when loading gasoline into and out of stationary gasoline storage tanks. Further discussions with Stakeholders and department staff indicated the proposed consolidation of the two rules added confusion rather than clarified responsibilities. The department agreed and proceeded to revise Rule 352 and Rule 353 as separate rules.

Prior to the opening of the rule for revisions, Stakeholders were questioning the specific requirements for an above ground storage tank. Questions centered around the requirement and use of a spill containment receptacle for the fill pipe on an above ground storage tank. To clarify all the requirements for both the above ground storage tanks and the underground storage tanks, the department is proposing to add separate rule sections for each.

The department is proposing to revise Section 502.4 to require records to be made available to the Control Officer within 24 hours upon verbal or written request. This will provide the owner or operator of a gasoline dispensing facility to remotely access records stored off-site. This will also provide consistency

within the department when requesting records. There was no discussion brought up at any of the Stakeholder Workshops on this proposed revision.

The department is proposing to define “submerged fill” to be consistent throughout the gasoline rules. The inclusion of a graphic depicting the types of fill piping was proposed by the department. Stakeholders agreed the graphic added value to the definition and recommended including it in the rule.

**Description of Proposed Amendments:**

Propose to revise the following throughout the rule:

To delete the wording “stationary dispensing tank” and replace with “gasoline dispensing facility”

To delete the word “transfer” and replace with “load”

To delete the wording “2-Point” and replace with “dual-point”

To delete the word “person” and replace with “owner or operator”

To delete past compliance dates

To add or revise specific rule section references

To add “stationary” to describe the type of storage tank

Propose the following in Section 100:

To revise Section 101 (Purpose) to include the storage and loading of gasoline at gasoline dispensing facilities

To revise Section 102 (Applicability) to apply to an owner or operator of a gasoline dispensing facility

To add Section 103 (Exemptions)

Propose the following in Section 200:

To revise CARB-CERTIFIED

To add COAXIAL VAPOR BALANCE SYSTEM

To add DUAL-POINT VAPOR BALANCE SYSTEM

To revise GASOLINE

To delete GASOLINE DELIVERY VESSEL

To add GASOLINE CARGO TANK

To delete GASOLINE DISPENSING OPERATION

To add GASOLINE DISPENSING FACILITY

To delete INSTALLER

To add MARICOPA COUNTY (MC) VAPOR TIGHTNESS TEST

To delete OFFSET FILL LINE

To revise POPPETTED DRY BREAK

To add PURGING

To delete SIDE FILL PIPE

To revised STAGE I VAPOR RECOVERY

To revise STATIONARY DISPENSING TANK

To add SUBMERGED FILL

To delete TOP FILL or VERTICAL FILL PIPE

To revise VAPOR LOSS CONTROL DEVICE

To revise VAPOR TIGHT

Propose the following in Section 300:

To delete Section 301 (Basic Tank Integrity)

To delete Section 302 (Fill Pipe Requirements)

To delete Section 303 (Vapor Recovery System)

To delete Section 304 (Equipment Maintenance and Use Required)

To delete Section 305 (Exemptions)

To add Section 301 (Manufacturers, Suppliers and Owners or Operators)

To add Section 302 (General Housekeeping Requirements)

To add Section 303 (Gasoline Storage Equipment and Operation Requirements)

To add Section 303.1 (Underground Storage Tank (UST))

To add Section 303.2 (Above Ground Storage Tank (AST))

To add Section 304 (Loading of Gasoline)

To add Section 305 (Control of VOC Vapors)

Propose the following in Section 400:

To delete Section 401 (Tanks that Lost Their Exemption)

To add Section 401 (Inspections)

To revise Section 402 (Burden of Proof)

To revise Section 403 (CARB Decertification)

To revise Section 404 (Other Agencies Requirements)

Propose the following in Section 500:

To revise Section 501 (Compliance Inspections)

To revise Section 502 (Gasoline Dispensing Facility Recordkeeping)

To revise Section 502.2

To revise Section 502.4

To delete Section 503.4

To revise Section 503

To revise Section 503.1

To revise Section 503.2

To revise Section 503.3 (Vapor Leaks)

To delete Section 503.4

To revise Section 504 (Test Methods)

To revise Section 504.1 (EPA Test Methods)

To revise Section 504.2 (Gasoline Vapor Pressure)

To revise Section 504.3 (Leak Detection Test Method)

To revise Section 504.4 (CARB Certification and Test Procedures for Gasoline Vapor Recovery Systems).

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

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

§ 49-112 County regulation; standards

§ 49-112(A)

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

1. The rule, ordinance or other regulation is necessary to address a peculiar local condition.
2. There is credible evidence that the rule, ordinance or other regulation is either;
  - (a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible.
  - (b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or other regulation is equivalent to federal statutes or regulation.
3. Any fee or tax adopted under the rule, ordinance or other regulation will not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

§ 49-112(B)

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

The department complies with A.R.S. § 49-112(A) in that Maricopa County fails to meet the National Ambient Air Quality Standards for both ozone and particulates. While currently classified as a “marginal” ozone nonattainment area, the county recently failed to meet 2008 8-hour ozone standard by the marginal area attainment date and anticipates EPA will issue a notice proposing to re-classify the area to “moderate”. Further, a portion of the county was classified as a serious ozone nonattainment area under the previous 1-hour ozone standard requiring the county to continue to maintain the measures and requirements that allowed the county to attain that standard. Currently, a portion of Maricopa County and Apache Junction in Pinal County is designated serious nonattainment for the PM<sub>10</sub> 24-hour standard. This is the only serious PM<sub>10</sub> nonattainment area in Arizona. Revisions to Rule 353 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 353 are not more stringent than or in addition to a provision of Title 49 or rule adopted by the director or any board or commission authorized to adopt rules pursuant to Title 49, address the peculiar local conditions in Maricopa County, are authorized under A.R.S. Title 49, Chapter 3, Article 3, and are not in lieu of a state program.

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

Not applicable

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

Not applicable

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

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

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

Permit fees are not changing due to this rulemaking.

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

Name: Cheri Dale or Hether Krause  
Maricopa County Air Quality Department  
Planning and Analysis Division  
Address: 1001 N Central Avenue, Suite 125  
Phoenix, AZ 85004  
Telephone: (602) 506-6010  
Fax: (602) 506-6179  
E-Mail: aqplanning@mail.maricopa.gov

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

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

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

Not applicable

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

The following EPA Test Method is incorporated by reference in Rule 353, Section 504:

- EPA Methods 2a (“Direct Measurement of Gas Volume Through Pipes and Small Ducts”), and 2b (“Determination of Exhaust-Gas Volume Flow-Rate From Gasoline Vapor Incinerators”).-40 CFR 60, Appendix A
- EPA Method 25 (“Determination of Total Gaseous Nonmethane Organic Emissions as Carbon”) and its submethods (40 CFR 60, Appendix A)
- EPA Method 27 (“Determination Of Vapor Tightness Of Gasoline Delivery Tank Using Pressure-Vacuum Test”) in 40 CFR 60, Appendix A
- Alternative Work Practice for Monitoring Equipment Leaks, 40 CFR 60.18(g). An owner or operator may use an optical gas imaging instrument instead of a [40 CFR part 60, Appendix A-7, Method 21](#) to monitor for equipment volatile organic compound leaks
- ASTM D323-15a “Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)
- ASTM D4953-15 “Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method)
- San Diego County Air Pollution Control District Test Procedure TP-96-1, March 1996, Third Revision, Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123-1096
- California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1B, Static Torque of Rotatable Phase 1 Adaptors
- California Air Resources Board Vapor Recovery Test Procedure TP-201.1,—Volumetric Efficiency for Phase I Vapor Recovery Systems, adopted April 12, 1996, and amended February 1, 2001, and October 8, 2003
- CARB Test Procedure TP-201.1A - “Determination of Efficiency of Phase I Vapor Recovery Systems of Dispensing Facilities with Assist Processors”
- California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1E, Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves
- California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1C, Leak Rate of Drop Tube/Drain Valve Assembly
- California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1D, Leak Rate of Drop Tube Overfill Protection Devices and Spill Container Drain Valves
- California Air Resources Board Vapor Recovery Test Procedure TP-201.3,—Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities
- Bay Area Air Quality Management District Source Test Procedure ST-30—Static Pressure Integrity Test—Underground Storage Tanks

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

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**REGULATION III – CONTROL OF AIR CONTAMINANTS  
RULE 353  
STORAGE AND LOADING OF GASOLINE IN STATIONARY DISPENSING TANKS AT GASOLINE  
DISPENSING FACILITIES**

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Revised 07/13/1988; Revised 04/06/1992; Revised 06/16/1999; Revised 09/25/2013; and Revised MM/DD/YYYY

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

**RULE 353**

**STORAGE AND LOADING OF GASOLINE IN STATIONARY DISPENSING TANKS AT GASOLINE DISPENSING FACILITIES**

**SECTION 100 – GENERAL**

- 101** **PURPOSE:** To limit ~~VOC (volatile organic compound)~~ emissions of volatile organic compounds (VOC) from gasoline ~~stored in stationary dispensing tanks and from gasoline delivered into such tanks.~~ during storage and loading of gasoline at gasoline dispensing facilities.
- 102** **APPLICABILITY:** This rule ~~applies to an owner or operator who operates a~~ is applicable to gasoline stored in or transferred into any stationary dispensing tank with a capacity of more than 250 gallons (946 l). This includes gas stations and other gasoline dispensing facility, including those located at airports.
- 103** **EXEMPTIONS:**
- 103.1** This rule does not apply to the loading of the following fuels:
- a.** Aviation fuel.
  - b.** Diesel.
  - c.** Liquefied petroleum gas (LPG).
- 103.2** **Bulk Gasoline Plant or Bulk Gasoline Terminal:** This rule does not apply to a bulk gasoline plant or a bulk gasoline terminal as defined in Rule 351 of these rules.
- 103.3** **Stationary Gasoline Dispensing Tanks for Farm Operations:** Any stationary gasoline dispensing tank used exclusively for the fueling of implements of normal farm operations must comply with Section 302 (General Housekeeping Requirements), but is exempt from all other requirements of this rule.
- 103.4** **Vapor Recovery System:** The Stage 1 Vapor Recovery System provisions of Section 305 of this Rule shall not apply to the following stationary gasoline dispensing tanks:
- a.** Non-Resale Gasoline Dispensing Operations: Any stationary gasoline dispensing facility receiving less than 120,000 gallons of gasoline in any 12 consecutive calendar months, dispensing no resold gasoline, and having each stationary gasoline dispensing tank equipped with a permanent submerged fill pipe, is exempt from Section 305 of this rule. However, any operation shall become subject to the provisions of Section 305 of this rule by exceeding the 120,000 gallon threshold, and shall remain subject to such provisions even if annual emissions later fall below this threshold.
  - b.** Stationary Gasoline Dispensing Tanks Of 1000 Gallons Or Less: Any stationary gasoline dispensing tank having a capacity of 1000 gallons (3785 l) or less which was installed prior to October 2, 1978, provided that such tank is equipped with a permanent submerged fill pipe. Where, because of government regulation including, but not limited to, Fire Department codes, such a fill pipe cannot be installed, the gasoline shall be delivered into the tank using a nozzle extension that reaches within 6 inches of the tank bottom.
- 103.5** **Section 304 Exemption:** The owner or operator of a gasoline dispensing facility that is unattended or when there is only one owner or operator under control of the gasoline dispensing facility present, the owner or operator of the gasoline dispensing facility is exempt from Section 304 of this rule.

**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** **CARB-CERTIFIED:** A vapor control system, subsystem, or component that has been specifically approved by system configuration and manufacturer’s name and model number in an executive order of the California Air Resources Board (CARB), pursuant to Section 41954 of the California Health and Safety Code. ~~Such orders are included in CARB’s publication, “Gasoline Facilities – Phase I & II”, which is available as set forth in subsection 503.4.~~
- 202** **COAXIAL VAPOR BALANCE SYSTEM:** A type of vapor balance system in which the gasoline vapors are removed through the same opening through which the fuel is delivered.
- 203** **204** **DUAL-POINT VAPOR BALANCE SYSTEM:** A type of vapor balance system in which the storage tank is equipped with an entry port for a gasoline fill pipe and a separate exit port for a vapor connection.
- 204** **205** **EXCESS GASOLINE DRAINAGE:** More than 10 milliliters (2 teaspoonsful) 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.
- 204** **205** **GASOLINE:** Any petroleum distillate ~~or blend of petroleum distillate with other combustible liquid(s), such as alcohol, that, petroleum distillate/alcohol blend, petroleum distillate/organic compound blend, or alcohol having a Reid vapor pressure between 4.0 and 14.7 psi (200–760 mm Hg.), as determined by Section 504.2 of this rule, and which is used as a fuel for internal combustion engines. and has a vapor pressure between 4.0 and 14.7 psi (200–760 mm Hg.), as determined by the applicable method pursuant to subsections 503.2 and 504.2. For the purposes of this rule, liquefied petroleum gas (LPG) is excluded.~~
- 205** **GASOLINE DELIVERY VESSEL:** ~~Any vehicular mounted container such as a tanker truck, tank trailer, cargo tank or any other wheel mounted container used to transport gasoline. This includes any hoses the vessel carries through which deliveries must be made.~~
- 206** **GASOLINE CARGO TANK:** A delivery tank truck or railcar which is loading or unloading gasoline, or which has loaded or unloaded gasoline on the immediately previous load. This includes any hoses the vessel carries through which deliveries must be made.
- 206** **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).~~
- 207** **GASOLINE DISPENSING FACILITY:** Any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition. These facilities include, but are not limited to, facilities that dispense gasoline into on- and off-road, street, or highway motor vehicles, lawn equipment, boats, test engines, landscaping equipment, generators, pumps, and other gasoline fueled engines and equipment.
- 207** **208** **GASOLINE VAPORS:** Vapors, originating from liquid gasoline, that are usually found in mixture with air. Included are any droplets of liquid gasoline or of gasoline vapor condensate that are entrained by the vapor.
- 208** **INSTALLER:** ~~The person, as defined in Rule 100, that installs VOC control equipment at a dispensing facility.~~
- 209** **209** **LEAK-FREE:** A condition in which there is no liquid gasoline escape or seepage of more than 3 drops per minute from gasoline storage, handling, and ancillary equipment, including, but not limited to, seepage and escapes from above ground fittings.

**210** MARICOPA COUNTY (MC) VAPOR TIGHTNESS TEST: The complete pressure, vacuum, and vapor-valve testing of a gasoline cargo tank that is performed according to Maricopa County specifications as described in Rule 352 of these rules.

**210** OFFSET FILL LINE: Any dispensing tank's gasoline fill line (piping and fittings) which contains one or more bends.

**211** POPPETTED DRY BREAK: A Stage 1 vapor recovery device A type of vapor loss control equipment that opens only by connection to a mating device to ensure that no gasoline vapors escape from the stationary dispensing tank before the vapor return line is connected.

**212** 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.

**212** SIDE FILL PIPE: A fill pipe that enters a dispensing tank through the tank's side.

**213** STAGE 1 VAPOR RECOVERY (VR) SYSTEM: At a gasoline dispensing facility, the use of installed vapor recovery equipment designed to reduce by at least 90% the VOC vapor that would otherwise be displaced into the atmosphere from a stationary dispensing tank when gasoline is delivered into the tank by a delivery vessel. This reduction may be done either by capturing the displaced vapors within the delivery vessel, and or by processing the vapors on site with an emission processing device. (such as a VOC oxidizer).

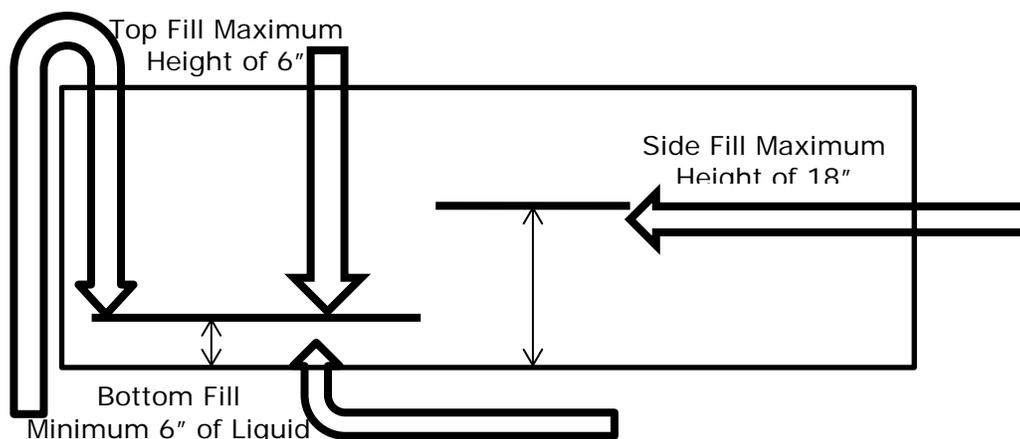
**214** STATIONARY DISPENSING TANK: Any stationary tank which dispenses gasoline directly into a motorized vehicle's fuel tank, dispenses gasoline into an aircraft's fuel tank, or dispenses gasoline into a watercraft's fuel tank that directly fuels its engine(s). This includes aircraft.

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

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

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

**215.3** Horizontal Fill: At its highest point within a floating roof tank 2,000,000 gallons (7,580,000 l) or greater 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.



**216** TANK CAPACITY: The maximum volume of liquid gasoline a particular tank is allowed to store while still complying with all applicable rules, including local, state, and Federal rules.

~~215 TOP FILL or VERTICAL FILL PIPE: A fill pipe that enters a dispensing tank through its top.~~

~~216 **217 VAPOR LOSS CONTROL DEVICE EQUIPMENT:** Any piping, hoses, equipment, or devices which are used to collect, store and/or process VOC vapors at a service station or other gasoline dispensing operation.~~

~~217 **218 VAPOR TIGHT:** A condition in which an organic vapor analyzer (OVA) or a combustible gas detector (CGD) at a potential VOC leak source shows either less than 10,000 ppm when calibrated with methane, or less than 1/5 of the lower explosive limit, when prepared according to the manufacturer and used according to subsection 504.3 of this rule. A condition in which a suitable detector at the site of (potential) leakage of vapor shows less than 10,000 ppmv when calibrated with methane; or the detector shows less than 1/5 LEL (lower explosive limit) subsequent to calibration with a gas specified by the manufacturer and is used according to the manufacturer's instructions.~~

~~SECTION 300—STANDARDS VAPOR LOSS CONTROL MEASURES REQUIRED: No person shall transfer or permit the transfer of gasoline from any delivery vessel into any stationary dispensing tank located above or below ground with a capacity of more than 250 gallons (946 l) unless the following conditions are met:~~

~~301 **BASIC TANK INTEGRITY:** No vapor or liquid escapes are allowed through a dispensing tank's outer surfaces, nor from any of the joints where the tank is connected to pipe(s), wires, or other system.~~

~~301.1 **VOC Emission Standard:**~~

- ~~a. Gasoline delivery operations shall be vapor tight, as defined in Section 218, except for tanks exempted by Section 305 from Stage 1 vapor recovery requirements.~~
- ~~b. Tanks and their fittings shall be vapor tight except for the outlet of a pressure/vacuum relief valve on a dispensing tank's vent pipe. Specifically, this means that at a probe tip distance of 1 inch (2.5 cm) from a surface, no vapor escape shall exceed 1/5 of the lower explosive limit. This applies to tanks containing gasoline regardless of whether they are currently being filled, and to caps and other tank fittings.~~

~~301.2 **Leakage Limits—Liquid Leaks and Spills:**~~

- ~~a. Gasoline storage and receiving operations shall be leak free. Specifically, no liquid gasoline escape of more than 3 drops per minute is allowed. This includes leaks through the walls of piping, fittings, fill hose(s), and vapor hose(s).~~
- ~~b. There shall be no excess gasoline drainage from the end of a fill hose or a vapor hose. Specifically, not more than 2 teaspoonsful of gasoline shall be lost in the course of a connect or disconnect process.~~

~~301.3 **Spill Containment Equipment:** The entire spill containment system including gaskets shall be kept vapor tight.~~

~~a. **The Spill Containment Receptacle:**~~

- ~~(1) The outer surface of the spill containment receptacle shall have no holes or cracks and shall allow no vapors to pass from the dispensing tank through it to the atmosphere.~~
- ~~(2) Spill containment receptacles shall be kept clean and free of foreign material at all times.~~
- ~~(3) Spill containment receptacles shall be inspected at least weekly. Records of inspection and cleaning shall be kept according to subsection 502.2.~~

~~b. If the spill containment is equipped with a passageway to allow material trapped by the containment system to flow into the interior of the dispensing tank:~~

- ~~(1) The passageway shall be kept vapor tight at all times, except during the short period when a person opens the passageway to immediately drain material trapped by the containment system into the tank.~~
- ~~(2) The bottom of the receptacle shall be designed and kept such that no puddles of gasoline are left after draining through the passageway has ceased.~~

- e. The dispensing tank owner/operator is responsible for assuring that before a delivery vessel leaves the premises after a delivery:
  - (1) Any gasoline in a dispensing tank's spill containment receptacle has been removed.
  - (2) Any gasoline that a person has taken out of a spill receptacle, as a free liquid or as absorbed into/onto other material removed from the receptacle, shall be contained in such a way that VOC emission is prevented; disposal in conformance with applicable hazardous waste rules is sufficient to meet this requirement.
  - (3) Any plunger/stopper assembly is unimpeded and sealing correctly.
- d. ~~Criteria Of Violation/Exceedance for Spill Containment Receptacles: A reading on a CGD or OVA exceeding 1/5 LEL (10,000 ppm as methane) is an exceedance. The procedure for performing a determination is set forth in subsection 504.3.~~

302 ~~FILL PIPE REQUIREMENTS:~~

302.1 ~~Each fill line into a stationary dispensing tank shall be equipped with a permanent submerged fill pipe that has a discharge opening which is completely submerged when the liquid level is 6 inches above the tank bottom.~~

- a. ~~Threads, gaskets, and mating surfaces of the fill pipe assembly shall be designed and maintained tight. There shall be no liquid or vapor leakage at the joints of the assembly.~~
- b. ~~An owner/operator is responsible to assure that external fittings of a fill pipe assembly shall be inspected weekly to assure that cap, gasket, and piping are intact and are not loose.~~
  - (1) ~~A record of the inspection shall be made according to subsection 502.2.~~
  - (2) ~~An owner/operator shall act to prevent driver/deliverers from connecting the delivery hose coupling to a fill pipe coupling with so much twisting force that the fill pipe assembly is loosened. One method of complying is to have a CARB-certified swivel coupling as part of the fill pipe assembly (reference subsection 503.4 for CARB).~~

302.2 ~~Fill Pipe Caps:~~

- a. ~~The cap shall have a securely attached, intact gasket.~~
- b. ~~The cap and its gasket shall always function properly, latch completely so that it cannot then be easily twisted by hand, and have no structural defects.~~
- e. ~~The cap of a gasoline fill pipe shall always be fastened securely on the fill pipe except immediately before, during, and immediately after:~~
  - (1) ~~"Sticking" the tank to measure gasoline depth.~~
  - (2) ~~Delivering gasoline into the tank.~~
  - (3) ~~Doing testing, maintenance or inspection on the gasoline/vapor system.~~
- d. ~~Do not unfasten or remove a fill pipe cap unless every other fill pipe is either securely capped or connected to a delivery hose, except as otherwise needed for testing, maintenance, or inspection.~~

302.3 ~~Restrictions on Multiple Fill Pipes:~~

- a. ~~A tank installed after December 31, 1998, shall not be equipped with more than one fill pipe unless more than one fill pipe is specifically allowed in the Air Pollution Permit and there is a 2-point system having a properly installed vapor return pipe close to each fill pipe.~~
- b. ~~Restriction on Concurrent Delivery: An owner/operator of a dispensing tank fitted with more than 1 fill pipe shall prevent concurrent delivery of gasoline by a gasoline delivery vessel to more than 1 fill pipe of the tank by locking additional fill pipes shut or by using other permanent means, unless:~~
  - (1) ~~Concurrent delivery is specifically allowed in the facility's Air Pollution Permit; and~~
  - (2) ~~All fill pipes in use are part of a 2-point vapor recovery system; and~~

- (3) Before making a concurrent delivery through a tank's second fill pipe, an additional vapor return hose from the delivery vessel must first be attached to the vapor return line associated with the second fill pipe.

302.4 ~~Fill Pipe Obstructions:~~

- a. ~~Any type of screen and/or other obstructions in fill pipe assemblies shall be permanently removed by November 1, 1999, unless it is specifically allowed by an Air Pollution Permit or is CARB certified, as referenced in subsection 503.4.~~
- b. ~~A screen or other obstruction, allowed by Air Pollution Permit or CARB, shall be temporarily removed by the owner/operator of a dispensing tank prior to inspection by the Control Officer to allow measurements pursuant to this rule.~~

302.5 ~~Overfill Protection Equipment: Overfill prevention equipment shall be vapor tight to the atmosphere. Any device mounted within the fill pipe shall be so designed and maintained that no vapor from the vapor space above the gasoline within the tank can penetrate into the fill pipe or through any of the fill pipe assembly into the atmosphere.~~

303 ~~VAPOR RECOVERY SYSTEM:~~

303.1 ~~Gasoline vapors displaced from a dispensing tank by gasoline being delivered shall be handled by a Stage Vapor Recovery System, unless the tank is exempted by Section 305.~~

303.2 ~~Stage 1 Vapor Recovery System Configuration (Reference subsection 503.4 for identification of CARB certified components):~~

- a. ~~Replacement: After June 16, 1999, no part of a vapor recovery system for which there is a CARB specification shall be replaced with anything but CARB certified components.~~
- b. ~~Vapor Valves:~~
  - (1) ~~All vapor return lines from dispensing tanks shall be equipped with CARB certified, spring loaded, vapor tight, poppetted dry break valves.~~
  - (2) ~~Vapor valves shall be inspected weekly to determine if closure is complete and gaskets are intact; a record shall be made pursuant to subsection 502.2.~~
- c. ~~Above Ground Systems: After June 16, 1999, an above ground dispensing tank shall have CARB certified fittings wherever CARB so specifies.~~
- d. ~~New Systems: Each new gasoline tank installation shall use CARB certified fittings exclusively wherever CARB so specifies, and:~~
  - (1) ~~Shall have its own separate, functioning 2 point vapor return line;~~
  - (2) ~~Is allowed to have a combination vapor recovery system that in addition to having a separate 2 point Stage 1 vapor return line, also has stage 1 vapor piping/fittings linking it to one or more (other) gasoline dispensing tanks.~~
- e. ~~New Coaxial Prohibited:~~
  - (1) ~~No coaxial fill pipes shall be installed after June 16, 1999, in new installations; and~~
  - (2) ~~No coaxial fill pipes shall be reinstalled after June 16, 1999, in major modifications in which the top of the tank is exposed and the vapor port bung is pre configured to accept vapor recovery piping.~~

304 ~~EQUIPMENT MAINTENANCE AND USE REQUIRED: All vapor loss control equipment shall be installed as required, operated as recommended by the manufacturer, and maintained leak free, vapor tight and in good working order.~~

304.1 ~~Both the owner/operator of a dispensing tank and the driver/operator of a delivery vessel delivering gasoline to the fuel dispensing tank equipped with vapor recovery shall have responsibility to assure that vapor recovery equipment (if required by this rule) is properly connected and in use at all times while gasoline is actively being dropped/delivered.~~

- 304.2 ~~The owner/operator of a fuel dispensing tank not exempted by Section 305 shall refuse delivery of gasoline from a delivery vessel which does not bear a current pressure test certification decal issued by the Control Officer. This provision does not apply during times when the facility is unattended or there is only one person under control of the dispensing facility present.~~
- 304.3 ~~Coaxial Systems: Both spring loaded and fixed coaxial fill tubes shall be maintained according to the standards of their manufacturer(s) and be operated so that there is no obstruction of vapor passage from the tank to the delivery vessel.~~

305 **EXEMPTIONS:**

- 305.1 ~~Dispensing Tanks for Farm Operations: Any stationary gasoline dispensing tank used exclusively for the fueling of implements of normal farm operations is exempt from this rule, except for cap, spills, and liquid leak age provisions in Section 301.~~
- 305.2 ~~The Vapor Recovery Provisions of Section 303 of this Rule Shall Not Apply to the Following Stationary Gasoline Dispensing Tanks:~~
- a. ~~Non-Resale Dispensing Operations From Non-Farm Tanks: Any stationary gasoline dispensing operation receiving less than 120,000 gallons of gasoline in any 12 consecutive calendar months, dispensing no resold gasoline, and having each gasoline dispensing tank equipped with a permanent submerged fill pipe pursuant to subsection 302.1, is exempt from Section 303. However, any operation shall become subject to the provisions of Section 303 of this rule by exceeding the 120,000-gallon threshold or not abiding by the restrictions, and shall remain subject to such provisions even if annual emissions later fall below this threshold.~~
  - b. ~~Dispensing Tanks Of 1000 Gallons Or Less: Any stationary dispensing tank having a capacity of 1000 gallons (3785 l) or less which was installed prior to October 2, 1978, provided that such tank is equipped with a permanent submerged fill pipe. Where, because of government regulation including, but not limited to, Fire Department codes, such a fill pipe cannot be installed, the gasoline shall be delivered into the tank using a nozzle extension that reaches within 6 inches of the tank bottom.~~
  - e. ~~Dispensing Tanks with Offset Fill Lines: Any stationary dispensing tank installed prior to October 2, 1978, where the fill line between the fill connection and tank is offset.~~

**SECTION 300 – STANDARDS**

**301 MANUFACTURERS, SUPPLIERS, AND OWNERS OR OPERATORS:**

- 301.1** As of [DATE OF THIS RULE], a manufacturer, supplier, owner or operator shall not supply, offer for sale, sell, install or allow the installation of an aboveground or underground storage tank, any type of vapor recovery system or any of its components unless the tank, system and components are clearly identified with a permanent identification affixed by the certified manufacturer or rebuilder and one of the following:
- a.** The equipment is supplied by the manufacturer as a CARB-certified component; or
  - b.** The equipment is rebuilt by a person who is authorized by CARB to rebuild that specific CARB-certified component; or
  - c.** The equipment is approved by a third party that is recognized by the industry and the Control Officer. Written approval from the Control Officer must be obtained prior to installing any non-CARB-certified component.
- 301.2** A licensed Vapor Recovery Registered Service Representative (RSR) in the State of Arizona shall install an aboveground or underground storage tank or vapor recovery system components.
- 301.3** Coaxial Vapor Balance System Prohibition: An owner or operator shall not install a coaxial fill pipe or reinstall a coaxial fill pipe during any changes to the tank when the top of the tank is exposed and the vapor port bung is pre-configured to accept vapor recovery piping.
- 301.4** The owner or operator of a stationary dispensing tank shall verify that vapor recovery equipment (if required by this rule) is properly connected and in use at all times while gasoline is actively

being loaded. If the gasoline dispensing facility is unattended or there is only one owner or operator under control of the gasoline dispensing facility on-site, the owner or operator of the cargo tank is responsible for the proper connection and use of the vapor recovery equipment (if required by this rule) while gasoline is being actively loaded.

**301.5** An owner or operator shall load, allow the loading, or provide equipment for the loading of gasoline from any cargo tank identified with a current Maricopa County Pressure Test decal into any stationary gasoline storage tank.

**302** **General Housekeeping Requirements:**

**302.1** An owner or operator shall not store gasoline or permit the loading of gasoline in any stationary gasoline storage tank located above or below ground by unless all of the following conditions are met:

- a.** Minimize gasoline spills;
- b.** Clean up spills as expeditiously as practicable;
- c.** Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use;
- d.** Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling equipment, such as oil/water separators;
- e.** Properly dispose of any VOC containing material.

**303** **Gasoline Storage Equipment and Operation Requirements:**

**303.1** **Underground Storage Tank (UST):** A UST must meet all of the following conditions unless exempt from the vapor recovery system requirements per Section 103.4 of this rule:

- a.** The UST is equipped and maintained according to Section 301.1 of this rule;
- b.** For an existing GDF, maintain a dual-point vapor recovery system OR a coaxial vapor balance system. For new installations or modifications to existing GDF, install and maintain a dual-point vapor recovery system with separate fill and vapor connection points;
- c.** A pressure vacuum vent is installed and maintained per manufacturer specifications;
- d.** The vapor recovery system is maintained and operated according to the manufacturer's specifications and the applicable CARB Executive Orders including the corresponding CARB approved Installation, Operation and Maintenance Manual;
- e.** A permanent submerged fill pipe is installed and maintained to ensure the highest point of the discharge opening is no more than six inches (6") from the bottom of the UST;
- f.** Each fill tube is equipped with gasketed vapor tight cap;
- g.** Each poppetted dry break is equipped with vapor tight seal and gasketed vapor tight cap;
- h.** Each gasketed vapor tight cap is maintained in a closed position except when the fill tube or poppetted dry break it serves is actively in use;
- i.** The fill tube assembly, including fill tube, fittings and gaskets, is maintained to prevent vapor leakage from any portion of the vapor recovery system; and
- j.** A spill containment receptacle is installed and maintained free of standing liquid, debris and other foreign matter. The spill containment receptacle shall be equipped with an integral drain valve or other CARB-certified equipment, to return spilled gasoline to the underground stationary storage tank. The drain valve shall be maintained closed and free of vapor emissions at all times except when the valve is actively in use.

**303.2** **Above Ground Storage Tank (AST):** An AST with a capacity greater than 250 gallons (946 l) must meet all of the following conditions:

- a.** A permanent submerged fill pipe is installed and maintained to ensure the highest point of the discharge opening is no more than six inches (6") from the bottom of the AST. If the AST is side filled, the fill pipe discharge opening is no more than 18 inches above the tank bottom;

- b. A pressure vacuum vent is installed and maintained per manufacturer specifications;
- c. Each fill tube is equipped with a gasketed vapor tight cap;
- d. Each poppetted dry break is equipped with a vapor tight seal and is covered with a gasketed vapor tight cap;
- e. All threads, gaskets, and mating surfaces of the drop tube assembly shall prevent liquid or vapor leakage at the joints of the assembly;
- f. Each gasketed vapor tight cap is maintained in a closed position except when the drop tube or dry break it serves is actively in use;
- g. If an AST is equipped with a spill containment receptacle, it shall be maintained to be free of standing liquid, debris and other foreign matter;
- h. A spill containment receptacle is installed at each fill pipe;
- i. Each spill containment receptacle equipped with an integral drain valve or other approved equipment that returns spilled gasoline to the aboveground storage tank shall be maintained closed vapor tight except when the valve is actively in use; and
- j. Any overfill prevention equipment shall be approved, installed and maintained vapor tight to the atmosphere. Any device mounted within the fill tube shall be so designed and maintained that no vapor from the vapor space above the gasoline within the tank can penetrate into the fill pipe or through any of the fill pipe assembly into the atmosphere.

**304** **LOADING OF GASOLINE:** Prior to accepting a load of gasoline, an owner or operator of a gasoline dispensing facility shall verify the all of the following unless exempted in Section 103.5 of this rule:

**304.1** The gasoline cargo tank clearly displays a valid Maricopa County Air Quality Department decal that is permanently mounted near the front on the right (passenger) side of the vessel.

**304.2** The owner or operator of the gasoline cargo tank connects the vapor return hose.

**305** **CONTROL OF VOC VAPORS:**

**305.1** Gasoline vapors displaced from a stationary dispensing tank by gasoline being delivered shall be handled by a Stage 1 Vapor Recovery System, unless the tank is exempted by Section 103.4 of this rule.

**305.2** Stage 1 Vapor-Recovery System Configuration:

- a. Replacement: After June 16, 1999, no part of a vapor recovery system for which there is a CARB specification shall be replaced with anything but CARB-certified components.
- b. Vapor Valves:
  - (1) All vapor return lines from a stationary dispensing tank shall be equipped with CARB-certified, spring-loaded, vapor-tight, poppetted dry break valves.
  - (2) Vapor valves shall be inspected weekly to determine if closure is complete and gaskets are intact; a record shall be made pursuant to Section 502 of this rule.
- c. Above Ground Systems: After June 16, 1999, an above ground dispensing tank shall have CARB-certified fittings wherever CARB so specifies.
- d. New Systems: Each new gasoline tank installation shall use CARB-certified fittings exclusively wherever CARB so specifies, and:
  - (1) Shall have its own separate, functioning dual-point vapor return line;
  - (2) Is allowed to have a combination vapor recovery system that in addition to having a separate dual-point vapor return line, also has vapor piping/fittings linking it to one or more (other) stationary gasoline dispensing tanks.
- e. New Coaxial Prohibited:
  - (1) No coaxial fill pipes shall be installed in new installations; and

- (2) No coaxial fill pipes shall be reinstalled in major modifications in which the top of the tank is exposed and the vapor port bung is pre-configured to accept vapor recovery piping.

**305.3 EQUIPMENT MAINTENANCE AND USE REQUIRED:**

- a. All vapor loss control equipment shall be:
  - (1) Installed as required;
  - (2) Operated as recommended by the manufacturer; and
  - (3) Maintained leak-free, vapor-tight and in good working order.
- b. Coaxial Systems: Both spring-loaded and fixed coaxial fill tubes shall be
  - (1) Maintained according to the standards of their manufacturer(s); and
  - (2) Be operated so that there is no obstruction of vapor passage from the tank to the delivery vessel.

**SECTION 400 – ADMINISTRATIVE REQUIREMENTS**

401 ~~TANKS THAT LOST THEIR EXEMPTION: Tanks that were formerly exempt from a provision prior to June 16, 1999, shall come into compliance by December 1, 1999.~~

**401 INSPECTIONS:** The owner or operator of a gasoline dispensing facility shall conduct inspections.

**401.1** The inspection shall include, but is not limited to all of the following:

- a. The spill containment receptacle shall be maintained:
  - (1) Free of cracks, rust and defects;
  - (2) Free of foreign material; and
  - (3) Empty of liquid, including gasoline.
  - (4) The drain valve, if install, shall properly seal.
- b. The external fittings of the fill pipe assembly shall be:
  - (1) Intact and not loose;
  - (2) Covered with a gasketed cap that fits securely onto the fill pipe.
- c. The poppetted dry break shall be:
  - (1) Equipped with a vapor tight seal;
  - (2) Covered with a gasketed cap that fits securely onto the poppetted dry break.

**401.2** The inspections shall be conducted:

- a. At least once per calendar week; or
- b. If the gasoline dispensing facilities receives gasoline loads less than once per calendar week, the inspection shall take place upon completion of the receipt of the load of gasoline.

402 **BURDEN OF PROOF:**

- 402.1 Proving Exempt Status:** The burden of proof of eligibility for exemption from a provision of this rule is on the ~~applicant~~ owner or operator. ~~Persons~~ An owner or operator seeking such an exemption shall maintain adequate records and furnish them to the Control Officer upon request.
- 402.2 Providing Proof of Equipment Compliance:** ~~a. It is the responsibility of the installer of vapor control equipment~~ owner or operator, when so required by the Control Officer, to provide proof, when requested by the Control Officer, that a vapor recovery system or its modifications meet the requirements of this Rule 353.
- ~~b. If the owner/operator or the equipment supplier voluntarily provides such proof, the Control Officer has the option to waive the subsection 402.2a requirement that the installer provide this proof.~~
- 403 CARB DECERTIFICATION:** ~~A person~~ An owner or operator shall not install or reinstall a component related to vapor recovery that has been decertified by CARB. ~~in "Gasoline Facilities—Phase I & II" publication, referenced in subsection 503.4.~~
- 404 OTHER AGENCIES' REQUIREMENTS:** Compliance with this rule does not relieve or otherwise affect ~~a person's~~ the owner or operator'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:

- 501 COMPLIANCE INSPECTIONS:** Any ~~dispensing tank~~ gasoline dispensing facility required by this rule to be equipped with ~~vapor loss control devices~~ a VR system may be subject to monitoring for vapor tightness and liquid leak tightness during any working hours. Such a tank may be opened for gauging or inspection when loading operations are not in progress, provided that such tank is part of an open system or is served by a positive-pressure relief valve with a relief setting not exceeding +1/2 lb psig.
- 502 GASOLINE DISPENSING FACILITY RECORDKEEPING:** The owner or operator of each gasoline dispensing facility in Maricopa County shall maintain records as follows:
- 502.1** The total amount of gasoline received each month shall be recorded by the end of the following month.
- 502.2** The owner or operator of a gasoline dispensing facility shall ~~cause weekly records of fill tube, vapor valve and spill containment inspection to be kept. The findings of such weekly inspections shall be permanently entered in a record or log book by the end of Saturday of the following week.~~ record inspections in a permanent record or log book:
- a.** By the end of Saturday of the following week; or
- b.** If the gasoline dispensing facilities receives gasoline loads less than once per calendar week, the owner or operator shall record the inspection within three days after the receipt of the load of gasoline.
- 502.3** These records and any reports or supporting information required by this rule or by the Control Officer shall be retained for at least 5 years.
- 502.4** Records of the past 12 months shall be in a readily accessible location and must be made available to the Control Officer ~~without delay~~ within 24 hours upon verbal or written request.
- 503 COMPLIANCE DETERMINATION:** The test methods referenced in Section ~~503~~ 504 of this rule, shall be used in the ways given in the subsections that immediately follow. 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. For routine information collection, the Control Officer may accept a manufacturer's data sheet (MSDS), data certified by an officer of the supplying company, or test data for the product of inquiry.
- 503.1** Control efficiency of vapor ~~recovery systems~~ loss control equipment and vapor collection/processing systems shall be determined according to EPA Method 2A and either EPA Method

25A or 25B (~~Section 504 and subsection 504.1~~), or by CARB-approved test methods (~~Section 504 and subsection 504.4~~). EPA Method 2B shall be used for vapor incineration devices.

**503.2** Vapor pressure of gasoline (~~reference Section 204~~) shall be determined using ~~American Society for Testing and Materials (ASTM) Method D323-94~~ ASTM D323-15a Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method or ~~ASTM Method D4953-93~~ D4953-15, Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method. ASTM Method D323-94 D323-15a shall be used for gasoline either containing no oxygenates or MTBE (methyl tertiary butyl ether) as the sole oxygenate. ~~Method D4953-93~~ ASTM 4953-15 shall be used for oxygenated gasoline.

**503.3 Vapor Leaks:**

- a. If a determination of liquid leak tight status is to be made on Stage 1VR system or spill containment equipment at a gasoline dispensing facility or on a delivery vessel at the station, the method in ~~subsection 504.3~~ Section 504.3 of this rule shall be used.
- b. ~~Subsection 504.3~~ Section 504.3 of this rule probe distance and movement parameters not with-standing, if it has been established that there are no other interfering vapor escapes, it is an exceedance if a reading by the Control Officer from an established vapor escape above 1/5 LEL (or 10,000 ppm as methane) is sustained for at least 5 seconds, and the probe is either consistently further than 1 inch from the source and/or the probe is consistently being moved faster than 4 cm per second.
- c. The Control Officer may count it as a failure to perform weekly inspections pursuant to ~~subsection 301.3~~ Section 303 of this rule if foreign material is found in a spill containment receptacle and there is no record of an inspection's being performed in the preceding 10 days.

~~503.4~~ The CARB publication, "Gasoline Facilities – Phase I & II", pursuant to sections 41954 through 41962 of the California Health and Safety Code, is adopted by reference, as it exists on June 16, 1999. This publication is available for reference at the Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, AZ, 85004. This publication is available for purchase at the (California) Air Resources Board, PO Box 2815, 2020 L Street, Sacramento, CA, 95812-2815; (916) 323-0255 or (916) 322-2886.

**504 TEST METHODS:** The EPA test methods as they exist in the Code of Federal Regulations (CFR) (~~July 1, 1998 Date of rule adoption~~), as listed below, are adopted by reference. The CARB test methods as they exist in Stationary Source Test Methods, Volume 2, on April 8, 1999, as listed in ~~subsection~~ Section 504.4 of this rule, are adopted by reference. The other test methods listed here are also adopted by reference, each having paired with it a specific date that identifies the particular version/revision of the method that is adopted by reference. These adoptions by reference include no future editions or amendments. Copies of test methods referenced in this Section 504 are available at the Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, AZ, 85004.

**504.1 EPA Test Methods:**

- a. EPA Methods 2a ("Direct Measurement of Gas Volume Through Pipes and Small Ducts"), and 2b ("Determination of Exhaust-Gas Volume Flow-Rate From Gasoline Vapor Incinerators"). ~~Both of the foregoing methods are in~~ 40 CFR 60, Appendix A.
- b. EPA Method 25 ("Determination of Total Gaseous Nonmethane Organic Emissions as Carbon") and its submethods (40 CFR 60, Appendix A).
- c. EPA Method 27 ("Determination Of Vapor Tightness Of Gasoline Delivery Tank Using Pressure-Vacuum Test") in 40 CFR 60, Appendix A.
- d. Alternative Work Practice for Monitoring Equipment Leaks, 40 CFR 60.18(g). An owner or operator may use an optical gas imaging instrument instead of a 40 CFR part 60, Appendix A-7, Method 21 to monitor for equipment volatile organic compound leaks.

**504.2 Gasoline Vapor Pressure:**

- a. ~~American Society for Testing and Materials (ASTM) Method D323-94~~ (1994) ASTM D323-15a "Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method).

- b. ~~American Society for Testing and Materials (ASTM) Method D4953-93 (1993)~~ ASTM D4953-15 “Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method)

#### 504.3 Leak Detection Test Method:

- a. Calibration: Within four hours prior to monitoring, the CGD or OVA shall be suitably calibrated in a manner and with the gas specified by the manufacturer for 20 percent LEL response, or calibrated with methane for a 10,000 ppm response.
- 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 greater than 1 inch shall be used.
- c. Probe Movement: The probe shall be moved slowly, not faster than 1.6 inches per second (4 centimeters per second). If there is any meter deflection at a potential or actual leak source, the probe shall be positioned to locate the point of highest meter response.
- d. Probe Position: The probe inlet shall be positioned in the path of the vapor flow from a leak, such that the central axis of the probe-tube inlet shall be positioned coaxially with the path of the most concentrated vapors.
- e. Data Recording: The highest detector reading and location for each incidence of detected leakage shall be recorded, along with the date and time. If no gasoline vapor is detected, that fact shall be entered into the record.

#### 504.4 CARB Certification and Test Procedures for Gasoline Vapor Recovery Systems:

- a. *San Diego County Air Pollution Control District Test Procedure TP-96-1*, March 1996, Third Revision, Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123-1096.
- b. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1B, Static Torque of Rotatable Phase 1 Adaptors, October 8, 2003 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
- c. CARB Test Procedure TP 201.1 – “Determination of Efficiency of Phase I Vapor Recovery Systems of Dispensing Facilities without Assist Processors” California Air Resources Board Vapor Recovery Test Procedure TP-201.1,— Volumetric Efficiency for Phase I Vapor Recovery Systems, adopted April 12, 1996, and amended February 1, 2001, and October 8, 2003.
- d. CARB Test Procedure TP-201.1A - “Determination of Efficiency of Phase I Vapor Recovery Systems of Dispensing Facilities with Assist Processors”.
- e. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1E, Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, October 8, 2003 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
- f. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1C, Leak Rate of Drop Tube/Drain Valve Assembly, October 8, 2003 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
- g. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1D, Leak Rate of Drop Tube Overfill Protection Devices and Spill Container Drain Valves, October 8, 2003 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
- h. California Air Resources Board Vapor Recovery Test Procedure TP-201.3,—Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, adopted April 12, 1996, and amended March 17, 1999.

- i.** Bay Area Air Quality Management District Source Test Procedure ST-30—Static Pressure Integrity Test—Underground Storage Tanks, adopted November 30, 1983, and amended December 21, 1994.

[Return to list of Attachments](#)

COPIES OF ALL WRITTEN AND ELECTRONIC STAKEHOLDER INPUT

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

Todd,

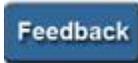
Good talking with you this afternoon. Per your inquiry concerning Maricopa County Air Quality Rules 350, 351 352 and 353, the Maricopa County Board of Supervisors has recently approved the revision of several County rules that control the emissions of volatile organic compounds (VOCs) and Nitrogen Oxides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

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

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

Cheri

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



---

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

Please cc me on your response. Thank you

## Hether Krause, R.S., CPM

### Ombudsman | Citizen Advocate

Air Quality & Environmental Services Departments  
Maricopa County

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

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

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

### Citizen Comments

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

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

Does citizen want to be contacted: no

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Comment is regarding: other

### Comments:

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

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

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

*Johanna and Corky,*

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

Hi Amanda,

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

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

Cheri

---

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

Cheri,

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

Thanks,  
Amanda

Amanda Gray

*Executive Director*

Arizona Petroleum Marketers Association



---

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

Amanda and Denise,

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

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

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

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



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

Cheri

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

Senior Planner

Maricopa County Air Quality Department

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

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

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



---

**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,

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

Cheri

**Cheri Dale, MEPM, REHS/RS**  
Senior Planner  
Maricopa County Air Quality Department  
1001 N. Central Avenue, #125 | Phoenix, AZ 85004  
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**From:** Amanda Gray [<mailto:amanda@apma4u.org>]  
**Sent:** Wednesday, June 17, 2015 8:57 AM  
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Amanda Gray

*Executive Director*

Arizona Petroleum Marketers Association

602-330-6762



---

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

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Cheri

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



---

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

Todd,

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

Cheri

---

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

Todd,

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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*

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



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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](http://CleanAirMakeMore.com)



---

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

oK thank you Cheri

---

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

Todd,

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

Cheri

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

Todd,

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

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

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

Cheri

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



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

Cheri:

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

Thanks.  
Johanna.

---

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

Johanna,  
Please notify me upon response. Thank you

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

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

Please see the attached comments.

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

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

Martin,

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

Cheri

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**How are we doing? [Send us your feedback.](#)**

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



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

Ms. Dale,

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

Thank you,

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

Rule 351 Comments on Second Draft 9/14/15

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

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

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

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

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

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

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

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



---

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

Ms. Dale,

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

Thank you,

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

Rule 351 Comments on Second Draft 9/14/15

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

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

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

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

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

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

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

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

#### Citizen Comments

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

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

Does citizen want to be contacted: yes

---

Comment is regarding: other

#### Comments:

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

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

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

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

FYI

---

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

Hi Cheri,

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

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

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

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

Thanks again for your info.

Jim

---

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

Jim,

Thank you for your phone call this morning.

To summarize our conversation:

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

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

Cheri

Third party certified vapor recovery components:

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

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

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

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

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

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

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

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

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

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

## APPROVED EQUIPMENT

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

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

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

#### EQUIPMENT APPROVED BY THE DEPARTMENT:

##### CARB-APPROVED EQUIPMENT:

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

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

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

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

Statement of Interpretation, November 2004, for CARB Certified components

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

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

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

Senior Planner

Maricopa County Air Quality Department

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

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

Desk 602.506.3476



---

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

---

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



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

**March 25, 2016**

**Transmittal of EPA Rule Review Comments**

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

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

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

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

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

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

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

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

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COUNTY MANAGER CASE APPROVAL



**Maricopa County**  
Air Quality Department

**MEMORANDUM**

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

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

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

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

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

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

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



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Approved by Tom Manos, County Manager