



Enhanced Regulatory Outreach Program Maricopa County Air Quality Department Notice of Public Hearing

Subject: Rule 352 (Gasoline Cargo Tank Testing and Use)

Date/Time: Wednesday, October 1, 2025, at 9:30 a.m.

**Location: Board of Supervisors' Auditorium
205 W. Jefferson St., Phoenix, Arizona 85003**

The Maricopa County Board of Supervisors is scheduled to conduct a public hearing to solicit comments on the proposed revisions to Maricopa County Air Pollution Control Regulations, Rule 352 (Gasoline Cargo Tank Testing and Use) and the proposed submission of the amended rule as a revision to the Arizona State Implementation Plan (SIP).

You may comment on the proposed rule using the Enhanced Regulatory Outreach Program (EROP) [online comment form](#).

AQ-2025-002-Rule 352 (Gasoline Cargo Tank Testing and Use)

The Maricopa County Air Quality Department (MCAQD) is proposing to revise Rule 352 to address two rule deficiencies identified by the U.S. Environmental Protection Agency (EPA) to secure full approval of Rule 352 as a revision to the Arizona SIP.

On November 8, 2024, the EPA published a proposed limited approval and limited disapproval of Rule 352 in the Federal Register ([89 FR 88690](#)). The proposed action identified two deficiencies in the revised rule that prevented the rule from being approved into the SIP. On



January 10, 2025, the limited approval and limited disapproval was finalized with an effective date of February 10, 2025 ([90 FR 1903](#)).

Members of the public may attend the Board meeting in person or view the meeting online. Please check the [Board of Supervisors' website](#) at least 24 hours before the date of the public hearing for instructions for remote access. Live video feeds are also available at www.maricopa.gov.

For more information regarding this rulemaking, please refer to the Report to the Board of Supervisors attached to this notice and available on the [EROP Active Regulatory Process webpage](#). A copy of the SIP submittal will be available at least 30 days prior to the hearing for public inspection at the offices of the Maricopa County Air Quality Department, 301 West Jefferson Street, Suite 410, Phoenix, Arizona 85003. The SIP submittal will also be available on the [EROP Active Regulatory Process webpage](#) at least 30 days prior to the hearing. In addition, copies of the Report to the Board of Supervisors and the SIP submittal can be obtained by calling 602-506-6010.

MCAQD will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: 602-506-6443.

MCAQD tomará las medidas necesarias para brindar acceso a los servicios del departamento a personas que no dominan el idioma inglés y/o personas con discapacidades. Las solicitudes de servicios de interpretación de otro idioma o adaptaciones para discapacitados deben realizarse con al menos 48 horas de anticipación comunicándose con: 602-506-6443.





Executive Summary of the Report to the Board of Supervisors

Prepared by Maricopa County Air Quality Department

Board Hearing Date: October 1, 2025

Case Number/Title: AQ-2025-002-Rule 352 (Gasoline Cargo Tank Testing and Use)

Agenda Item: (Pending)

Supervisor Districts: All Districts

The Maricopa County Air Quality Department (MCAQD) complied with all statutory and county policies throughout this rulemaking process. Per the [Enhanced Regulatory Outreach Program \(EROP\) Policy](#): "In addition to the required staff report, an executive summary of the report including an overview of stakeholder input and staff responses will be provided to the Board of Supervisors at least one week prior to any Board of Supervisors' public hearing."

Overview of the Report to the Board of Supervisors:

The purpose of this rulemaking is to revise Rule 352 to address two deficiencies identified by the U.S. Environmental Protection Agency (EPA) in order to ensure approval of the rule into the Arizona State Implementation Plan (SIP). Failure to address the deficiencies could result in sanctions and the promulgation of a federal implementation plan.

On November 8, 2024, the EPA published a proposed limited approval and limited disapproval of Rule 352 that was adopted by the Board of Supervisors on November 18, 2020, in the Federal Register ([89 FR 88690](#)). The proposed action identified two deficiencies in the revised rule that prevented the rule from being approved into the SIP. On January 10, 2025, the limited approval and limited disapproval was finalized with an effective date of February 10, 2025 ([90 FR 1903](#)).

The first deficiency identified by the EPA is regarding test methods that may be used to detect vapor leaks. Sections 502 and 503 of Rule 352 detail specific tests that may be used to detect leaks beyond the annual certification test. However, there are no enforceable requirements to conduct the vapor leak detection tests on a periodic basis nor any associated recordkeeping and reporting. To address this deficiency, the EPA recommended adding appropriate and enforceable monitoring, recordkeeping, and reporting requirements. Additionally, the EPA



recommended that the County include procedures to be followed in case a leak is detected (e.g., repair timeframe and retesting).

The second deficiency identified by the EPA is regarding the alternative demonstration of the Maricopa County Vapor Tightness Test. The rule does not specify how the alternative demonstration is at least as stringent as the Maricopa County Vapor Tightness Test method. Additionally, there are no provisions establishing who determines whether such alternative compliance demonstration is as stringent.

Details about how MCAQD addresses each of the deficiencies and the related proposed rule language are included in the attached Draft Notice of Final Rulemaking.

Overview of Stakeholder Input and Staff Responses:

In accordance with the [EROP Policy](#), MCAQD is posting this Board of Supervisors Report as a continuation from November 18, 2020, rule adoption. As a result of the EPA limited approval and limited disapproval finalized on February 10, 2025, the above deficiencies were to be addressed within 18 months. No additional comments were received regarding the revisions made to address the deficiencies. The [Notice of Final Rulemaking](#) for the November 18, 2020, adoption of this rule contains information about comments received and addressed at that time.



October 2025

Report to the Board of Supervisors

Rule 352 (Gasoline Cargo Tank Testing and Use)

**Maricopa County
Air Quality Department
Planning and Analysis Division**



Board of Health Meeting Date: July 27, 2020

Board Hearing Date: October 1, 2025

Case Number/Title: AQ-2025-002-Rule 352 (Gasoline Cargo Tank Testing and Use)

Agenda Item: (Pending)

Supervisor Districts: All Districts

Applicant: Staff

Request: Approve revision of Maricopa County Air Pollution Control Regulations, Rule 352 (Gasoline Cargo Tank Testing and Use) and approve submission of the revised rule as a revision to the Arizona State Implementation Plan (SIP).

On November 8, 2024, the EPA published a proposed limited approval and limited disapproval of Rule 352 that was adopted by the Board of Supervisors on November 18, 2020, in the Federal Register ([89 FR 88690](#)). The proposed action identified two deficiencies in the revised rule that prevented the rule from being approved into the SIP. On January 10, 2025, the limited approval and limited disapproval was finalized with an effective date of February 10, 2025 ([90 FR 1903](#)).

The Maricopa County Air Quality Department (MCAQD) is proposing to revise Rule 352 to address the two rule deficiencies identified by the EPA to secure full approval of Rule 352 as a revision to the Arizona SIP.

A description of the rule, EPA deficiencies, MCAQD's proposed revisions to address the deficiencies, and the draft rule with strikethrough-underline are included in the attached Draft Notice of Final Rulemaking.

Support/Opposition: In accordance with the [EROP Policy](#), MCAQD is posting this Board of Supervisors Report as a continuation from November 18, 2020, rule adoption. As a result of the EPA limited approval and limited disapproval finalized on February 10, 2025, the above deficiencies were to be addressed within 18 months. No additional comments were received regarding the revisions made to address the deficiencies. The [Notice of Final Rulemaking](#) for the November 18, 2020, adoption of this rule contains

information about comments received and addressed at that time.

Staff

Recommendation:

Approve

Board of Health

Recommendation:

Approve

Additional Comments:

This regulatory change is following the Enhanced Regulatory Outreach Program (EROP) Policy and workflow process. The County Manager briefed the Board of Supervisors regarding this rulemaking in December 2017. Stakeholder Workshops were held on May 11, 2018; August 20, 2018; May 21, 2020; and April 22, 2025.

The Board of Health approved initiation of regulatory change on July 23, 2018, a Notice of Proposed Rulemaking was posted on the EROP website on June 12, 2020, and the Board of Health recommended approval to the Board of Supervisors on July 27, 2020. The Board of Supervisors adopted the rule on November 18, 2020, and the rule was submitted to the EPA on December 3, 2020.

Based on EPA's limited approval and limited disapproval of Rule 352 on February 10, 2025, and continuation of the EROP policy workflow, an email notification was sent to the Board of Health on February 18, 2025, and a second Notice of Proposed Rulemaking was posted on the EROP website on July 2, 2025.

A newspaper notice of the Board of Supervisors public hearing will be published in the Arizona Business Gazette on August 21, 2025, and August 28, 2025. This regulatory change will take effect immediately upon approval by the Board of Supervisors.

Presented By:

Philip A. McNeely, R.G., Director

Prepared By:

Planning and Analysis Division

Attachments:

[Preamble required by Arizona Revised Statutes \(A.R.S.\) § 49-471.07](#) (See the Draft Notice of Final Rulemaking)

[Summary of the proposed regulatory change](#) (See Item 4 of the Draft Notice of Final Rulemaking)

[Analysis of input received during the process and how that input was responded to](#) (See Item 9 of the Draft Notice of Final Rulemaking)

Language of proposed regulatory change or amendment
(See the Draft Notice of Final Rulemaking)

[Working Draft Rule 352_Strikethrough](#)

[Working Draft Rule 352_Clean](#)

[Minutes from Board of Health meeting – July 23, 2018](#)

[Minutes from Board of Health meeting – July 27, 2020](#)

[Board of Health Notification – February 18, 2025](#)

Copies of all written and electronic stakeholder input were included in the November 18, 2020 Rule 352 Board of Supervisors report. No further comments were received since.

August 2025

Draft Notice of Final Rulemaking

**Rule 352 (Gasoline
Cargo Tank Testing
and Use)**

**Maricopa County
Air Quality Department
Planning and Analysis Division**



**Draft Notice of Final Rulemaking
Maricopa County Air Pollution Control Regulations
Regulation III – Control of Air Contaminants**

Rule 352 (Gasoline Cargo Tank Testing and Use)

The Maricopa County Air Quality Department (MCAQD) is proposing to amend Rule 352 (Gasoline Cargo Tank Testing and Use). The Control Officer is posting this Draft Notice of Final Rulemaking on the Maricopa County Enhanced Regulatory Outreach Program (EROP) website as part of the Report to the Board of Supervisors, in accordance with the Maricopa County EROP Policy. This notice includes the preamble, as prescribed in Arizona Revised Statute (A.R.S.) § 49-471.05, and the full text of the rule, including the intended actions to make new sections or amend, repeal, or renumber the sections of the rule. This notice also includes a list of all previous notices posted on the Maricopa County EROP website addressing the proposed rule and the concise explanatory statement prescribed in A.R.S. § 49-471.07(B).

Preamble

1. Statutory authority for the rulemaking (A.R.S. § 49-471.05(1)):

A.R.S. §§ 49-112, 49-474, 49-479 and 49-480

2. Name and address of department personnel with whom persons may communicate regarding the rulemaking (A.R.S. § 49-471.05(2)):

Name: Hannah Luke or Kimberly Butler
Maricopa County Air Quality Department
Planning and Analysis Division

Address: 301 W. Jefferson St., Suite 410
Phoenix, AZ 85003

Telephone: 602-506-6010

Email: AQPlanning@maricopa.gov

Online: [Submit a Comment](#)

3. Rulemaking process (A.R.S. § 49-471.05(3)):

This rulemaking is following procedures identified in state statutes and the Maricopa County EROP Policy.

County Manager Briefing: December 2017

Stakeholder Workshops: May 11, 2018
August 20, 2018

Board of Health Meeting to Initiate Regulatory Change:	May 21, 2020
First Notice of Proposed Rulemaking:	July 23, 2018
Board of Health Meeting to Recommend Approval to the Board of Supervisors:	June 12, 2020
Board of Supervisors Formal Meeting to Set the Public Hearing:	July 27, 2020
Board of Supervisors Public Hearing:	October 7, 2020
Arizona State Implementation Plan (SIP) Revision Submittal:	November 18, 2020
EPA Final Limited Approval/Disapproval:	December 3, 2020
Email Notification to Board of Health:	January 10, 2025
Stakeholder Workshop:	February 18, 2025
Notice of Proposed Rulemaking:	April 22, 2025
Board of Supervisors Formal Meeting to Set the Public Hearing:	July 2, 2025
Board of Supervisors Public Hearing:	August 20, 2025
Board of Supervisors Public Hearing:	October 1, 2025

4. Explanation of the rule, including the control officer's reasons for initiating the rulemaking (A.R.S. § 49-471.05(4)):

[Return to list of attachments](#)

Rule 352 limits volatile organic compound (VOC) emissions from gasoline cargo tanks. The rule applies to any gasoline cargo tank which is used to load or unload gasoline within Maricopa County, and to all persons who own, operate, maintain, repair, or test such gasoline cargo tank.

MCAQD is proposing to revise Rule 352 to address two rule deficiencies identified by the U.S. Environmental Protection Agency (EPA) to secure full approval of Rule 352 as a revision to the Arizona State Implementation Plan (SIP).

On November 8, 2024, the EPA published a proposed limited approval and limited disapproval of Rule 352 that was adopted by the Board of Supervisors on November 18, 2020, in the Federal Register ([89 FR 88690](#)). The proposed action identified two deficiencies in the revised rule that prevented the rule from being approved into the SIP. On January 10, 2025, the limited approval and limited disapproval was finalized with an effective date of February 10, 2025 ([90 FR 1903](#)).

Below are the EPA deficiencies identified in Rule 352 along with MCAQD's proposed remedies to address the deficiencies.

Deficiency #1:

Sections 502 and 503 of Rule 352 detail specific tests that may be used to detect leaks beyond the annual certification test. However, there are no enforceable requirements to conduct leak detection tests on a periodic basis nor any associated recordkeeping and reporting. To address this deficiency, the EPA recommends adding appropriate and enforceable monitoring, recordkeeping, and reporting requirements. Additionally, the EPA recommends that the County include procedures to be followed in case a leak is detected (e.g., repair timeframe and retesting).

Remedy #1:

MCAQD is proposing revisions in three sections of the rule to correct this deficiency.

Section 303 (Equipment Repair and Retesting) is proposed to be added to the rule. This section establishes a correction action schedule for the owner or operator to comply with in the event the Control Officer determines there is a vapor leak in accordance with Sections 502 and 503. Depending on the leak concentration level, the owner or operator would need to repair equipment within either 24 hours or five working days after the vapor leak is detected and test equipment within 15 minutes of recommencing use.

Section 502 (Identifying a Potential Vapor Leak) and Section 503 (Determining Vapor Tight Status) are existing sections that are proposed to be revised. Current rule language refers to monitoring and vapor tightness determination requirements for both the owner or operator and the Control Officer. Historically, the 2016 version of the rule included language that allowed the Control Officer to monitor for a potential vapor leak at any time. When the rule was most recently revised in 2020, the language was revised to include monitoring and vapor tightness determination requirements for both the owner or operator and the Control Officer. Since the owner or operator must already pass the annual vapor tightness test, requiring further periodic monitoring and testing with calibrated equipment, such as a combustible gas detector (CGD) or organic vapor analyzer (OVA), is not necessary. Such requirement would involve the owner or operator to be properly trained on equipment calibration and use while also establishing appropriate recordkeeping methods to document such testing procedures on a regular basis. Therefore, proposed revisions remove the owner or operator from the monitoring and vapor tightness determination requirements, reverting the requirements back to the 2016 version of the rule, which allows the Control Officer to conduct the test procedures in both Sections 502 and 503 of the rule.

Proposed Section 504.6 (Vapor Leak Detection Records) is proposed to be added to the rule. This section details recordkeeping requirements for the Control Officer and the owner or operator. In the event the Control Officer conducts test procedures and determines there is not a vapor leak, the Control Officer shall maintain documentation detailed in Section 504.6(a). Should the Control Officer determine that there is a vapor leak, the owner or operator shall maintain documentation detailed in Section 504.6(b).

Regardless of whether a leak is detected, records must include the date the test was conducted, the equipment that was tested for a vapor leak, and the instrument that was used to conduct the test procedure (e.g., CGD or OVA). If a vapor leak is detected, additional documentation includes the dates the equipment was repaired and retested, and a decommission date if applicable.

Deficiency #2:

Rule 352 does not specify how the alternative demonstration of the Maricopa County Vapor Tightness Test detailed in Section 103.3(a) can be evaluated to show it is at least as stringent as the test method in Section 501.1. Additionally, there are no provisions establishing who determines whether such alternative compliance demonstration is as stringent.

Remedy #2:

MCAQD is proposing to remove the statement “at least as stringent as those” from Section 103.3(a) as recommended by the EPA to remedy this deficiency.

Upon adoption of the proposed rule revisions, MCAQD will submit the revised rule as a revision to the Arizona SIP.

5. Studies relied on in the control officer's evaluation of or justification for the rule and where the public may obtain or review the studies, all data underlying the studies, any analysis of the studies and other supporting material (A.R.S. § 49-471.05(5)).

United States Environmental Protection Agency Region IX Air Division (October 2024). Technical Support Document for EPA’s Rulemaking for the Arizona State Implementation Plan Regarding Rule 352, “Gasoline Cargo Tank Testing and Use.”

<https://www.regulations.gov/document/EPA-R09-OAR-2024-0349-0012>

6. An economic, small business and consumer impact statement (A.R.S. § 49-471.05(6)):

The following discussion addresses each of the elements required for an economic, small business and consumer impact statement, as prescribed by A.R.S. §§ 41-1055, subsections A, B and C, and 41-1035:

An identification of the proposed rulemaking, including all of the following (A.R.S. § 41-1055(A)(1)):

This rulemaking is proposing to revise Rule 352.

(a) The conduct and its frequency of occurrence that the rule is designed to change (A.R.S. § 41-1055(A)(1)(a)).

MCAQD is proposing to revise Rule 352 to remedy deficiencies identified by the EPA. This rulemaking is required to secure approval of Rule 352 into the Arizona SIP. The

revisions are explained in more detail in Item #4 of this notice.

(b) The harm resulting from the conduct the rule is designed to change and the likelihood it will continue to occur if the rule is not changed (A.R.S. § 41-1055(A)(1)(b)).

MCAQD is proposing to revise Rule 352 to remedy deficiencies identified by the EPA. This rulemaking is required to secure approval of Rule 352 into the Arizona SIP and avoid sanctions and imposition of a Federal Implementation Plan (FIP) under the Clean Air Act (CAA).

(c) The estimated change in frequency of the targeted conduct expected from the rule change (A.R.S. § 41-1055(A)(1)(c)).

MCAQD is proposing to revise Rule 352 to remedy deficiencies identified by the EPA. This rulemaking is required to secure approval of Rule 352 into the Arizona SIP. MCAQD will use continue to implement education, outreach, and other compliance assurance tools to increase the number of people in compliance with the revised rule.

A brief summary of the information included in the economic, small business and consumer impact statement (A.R.S. § 41-1055(A)(2)).

The economic, small business and consumer impact statement addresses each of the elements required for an economic, small business and consumer impact statement, as prescribed by A.R.S. §§ 41-1055, subsections A, B, C, and 41-1035.

Name and address of agency employees who may be contacted to submit or request additional data on the information included in the economic, small business and consumer impact statement (A.R.S. § 41-1055(A)(3)).

Name: Hannah Luke or Kimberly Butler
Maricopa County Air Quality Department
Planning and Analysis Division

Address: 301 W. Jefferson St., Suite 410
Phoenix, AZ 85003

Telephone: 602-506-6010

Email: AQPlanning@maricopa.gov

Online: [Submit a Comment](#)

An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the proposed rulemaking (A.R.S. § 41-1055(B)(2)).

This rulemaking will directly affect businesses in Maricopa County that operate any gasoline cargo tank which is used to load or unload gasoline within Maricopa County,

and to all persons who own, operate, maintain, repair, or test such a gasoline cargo tank.

The proposed revisions to Rule 352 will address deficiencies identified by the EPA. MCAQD considered the impacts of the proposed revisions on the regulated community and does not believe the proposed revisions will have a significant economic impact.

A cost benefit analysis of the following:

(a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the proposed rulemaking (A.R.S. § 41-1055(B)(3)(a)).

This rulemaking should not impose any new costs on MCAQD or on any other agencies affected by the proposed rulemaking.

(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the proposed rulemaking (A.R.S. § 41-1055(B)(3)(b)).

This rulemaking should not impose any new costs on any political subdivision of this state.

(c) The probable costs and benefits to businesses directly affected by the proposed rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the proposed rulemaking (A.R.S. § 41-1055(B)(3)(c)).

MCAQD is proposing to revise Rule 352 to remedy deficiencies identified by the EPA. This rulemaking is required to secure approval of Rule 352 into the Arizona SIP for reasonably available control technology (RACT) requirements and avoid sanctions and imposition of a FIP under the CAA.

The proposed revisions to Rule 352 will provide clarity and are not anticipated to have a significant impact on a person's income, revenue, or employment in this state.

A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the proposed rulemaking (A.R.S. § 41-1055(B)(4)).

This rulemaking should have no impact on private or public employment in businesses, agencies, and political subdivisions of this state.

A statement of the probable impact of the proposed rulemaking on small businesses. The statement shall include:

(a) An identification of the small businesses subject to the proposed rulemaking (A.R.S. § 41-1055(B)(5)(a)).

Small businesses subject to this rulemaking are those in Maricopa County with any gasoline cargo tank which is used to load or unload gasoline within Maricopa County, and to all persons who own, operate, maintain, repair, or test such a gasoline cargo tank.

(b) The administrative and other costs required for compliance with the proposed rulemaking (A.R.S. § 41-1055(B)(5)(b)).

The proposed revisions to Rule 352 will clarify existing provisions. MCAQD considered the impacts to the regulated community and the implementing agency and does not believe the proposed revisions will have a significant economic impact.

(c) A description of the methods that the agency may use to reduce the impact on small businesses (A.R.S. § 41-1055(B)(5)(c)).

MCAQD has a business assistance unit that provides administrative and technical assistance to business owners related to air quality rules and regulations. Courtesy site visits, on-site training, rule interpretation, and compliance assistance are offered to small businesses at no charge.

i. Establish less stringent compliance or reporting requirements in the rule for small businesses (A.R.S. § 41-1035(1)).

This rulemaking does not impose any significant new compliance requirements on small businesses and does not establish any significant new reporting requirements for small businesses.

ii. Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses (A.R.S. § 41-1035(2)).

This rulemaking does not impose any significant new compliance requirements on small businesses and does not establish any significant new reporting requirements for small businesses.

iii. Consolidate or simplify the rule's compliance or reporting requirements for small businesses (A.R.S. § 41-1035(3)).

This rulemaking does not impose any significant new compliance requirements on small businesses and does not establish any significant new reporting requirements for small businesses.

iv. Establish performance standards for small businesses to replace design or operational standards in the rule (A.R.S. § 41-1035(4)).

This rulemaking does not impose any significant new design or operational standards on small businesses and does not establish any significant new

reporting requirements for small businesses.

v. Exempt small businesses from any or all requirements of the rule (A.R.S. § 41-1035(5)).

This rulemaking does not impose any significant new requirements on small businesses.

(d) The probable cost and benefit to private persons and consumers who are directly affected by the proposed rulemaking (A.R.S. § 41-1055(B)(5)(d)).

This rulemaking should not result in any significant costs for private persons and consumers.

A statement of the probable effect on state revenues (A.R.S. § 41-1055(B)(6)).

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

A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking, including the monetizing of the costs and benefits for each option and providing the rationale for not using nonselected alternatives (A.R.S. § 41-1055(B)(7)).

The purpose of this rulemaking is to revise Rule 352 to remedy deficiencies identified by the EPA. This rulemaking is required to secure approval of Rule 352 into the SIP for RACT and avoid sanctions and imposition of a FIP under the CAA.

A description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data (A.R.S. § 41-1055(B)(8)).

Not applicable.

7. The proposed effective date of the rule (A.R.S. § 49-471.05(7)):

The proposed effective date of this rulemaking is October 1, 2025.

8. Such other matters as are prescribed by statute and that are applicable to the county or to any specific rule or class of rules (A.R.S. § 49-471.05(8)):

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

§ 49-112 County regulation; standards

§ 49-112(A)

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

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

§ 49-112(B)

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

The department is in compliance with A.R.S. §§ 49-112(A) and (B). Rule 352 meets A.R.S. § 49-112(A)(1) by demonstrating that the rule is necessary to address a peculiar local condition, in that Maricopa County fails to meet the 2008 8-hour NAAQS for ozone. Rule 352 meets the requirements of A.R.S. § 49-112(A)(2)(b), in that Maricopa County is required by federal law to revise existing rules to address RACT for Gasoline Cargo Tank Testing and Use. As there is no new fee or tax associated with this proposed rulemaking, the department also affirms that Rule 352 meets the requirements of A.R.S. § 49-112 (A)(3) and A.R.S § 49-112 (B).

9. List of all previous notices posted to the Maricopa County EROP website addressing the proposed rule and a concise explanatory statement, as prescribed by A.R.S. § 49-471.07(B):

(a) List of all previous notices posted to the Maricopa County EROP website addressing the proposed rule:

Notice	Date of Posting
Briefing Notification to County Manager:	January 26, 2018
Notice of Stakeholder Workshop #1:	April 27, 2018
Notice of Stakeholder Workshop #2:	August 2018
Notice of Stakeholder Workshop #3:	May 5, 2020
Notice of Stakeholder Workshop #4:	April 8, 2025
Notice of Board of Health Meeting to Initiate Regulatory Change:	February 8, 2019
Notice of Proposed Rulemaking #1:	June 11, 2020
Notice of Board of Health Meeting to Make Recommendation to the Board of Supervisors:	July 13, 2020
Notice of Public Hearing:	October 7, 2020
Notice of Proposed Rulemaking #2:	July 2, 2025

(b) The following discussion addresses each of the elements required for a concise explanatory statement, as prescribed by A.R.S. § 49-471.07(B):

i. A description of any change between the proposed rule or ordinance, the final rule or ordinance or notice of final supplemental rule or ordinance.

The following changes were made after the Notice of Proposed Rulemaking was published on July 2, 2025:

1. Added the following language to Section 102 Applicability:

“In addition to this rule, facilities may be subject to New Source Performance Standards in Rule 360 and/or to National Emission Standards for Hazardous Air Pollutants in Rule 370 of the Maricopa County Air Pollution Control Regulations (MCAPCR).”

2. Added the following section to Section 100 – General:

“**104 SECTION AND RULE CITATIONS:** All section citations refer to sections within this rule unless otherwise specified and all rule citations refer to rules within the MCAPCR unless otherwise specified.”

[Return to list of attachments](#)

ii. A summary of the comments and arguments for and against the notice and the county’s response to the comments and arguments.

In accordance with the [EROP Policy](#), MCAQD is posting this Board of Supervisors Report as a continuation from November 18, 2020, rule adoption. As a result of the EPA limited approval and limited disapproval finalized on February 10, 2025, the above deficiencies were to be addressed within 18 months. No additional comments were received regarding the revisions made to address the

deficiencies. The [Notice of Final Rulemaking](#) for the November 18, 2020, adoption of this rule contains information about comments received and addressed at that time.

Exact Wording of the Rule

[Return to list of attachments](#)

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

RULE 352 (GASOLINE CARGO TANK TESTING AND USE)

INDEX

SECTION 100 – GENERAL

- 101 PURPOSE
- 102 APPLICABILITY
- 103 EXEMPTIONS
- 104 SECTION AND RULE CITATIONS

SECTION 200 – DEFINITIONS

- 201 BULK GASOLINE PLANT
- 202 BULK GASOLINE TERMINAL
- 203 COAXIAL VAPOR BALANCE SYSTEM
- 204 CONTAINER
- 205 DUAL-POINT VAPOR BALANCE SYSTEM
- 206 EXCESS GASOLINE DRAINAGE
- 207 GASOLINE CARGO TANK
- 208 GASOLINE DISPENSING FACILITY (GDF)
- 209 GASOLINE VAPORS
- 210 LEAK FREE
- 211 MARICOPA COUNTY VAPOR TIGHTNESS TEST
- 212 PURGING
- 213 SPILL CONTAINMENT RECEPTACLE
- 214 STATIONARY GASOLINE STORAGE TANK
- 215 SUBMERGED FILL

- 216 SWITCH LOADING
- 217 THROUGHPUT
- 218 VAPOR BALANCE SYSTEM
- 219 VAPOR COLLECTION/PROCESSING SYSTEM
- 220 VAPOR LOSS CONTROL EQUIPMENT
- 221 VAPOR TIGHT

SECTION 300 – STANDARDS

- 301 GASOLINE CARGO TANK REQUIREMENTS
- 302 LOADING OF GASOLINE
- 303 EQUIPMENT REPAIR AND RETESTING

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

- 401 MARICOPA COUNTY VAPOR TIGHTNESS TEST
- 402 INSTALLATION OF CONTROL DEVICE

SECTION 500 – RECORDS AND MONITORING

- 501 MARICOPA COUNTY GASOLINE CARGO TANK VAPOR TIGHTNESS TESTING REQUIREMENTS
- 502 IDENTIFYING A POTENTIAL VAPOR LEAK
- 503 DETERMINING VAPOR TIGHT STATUS
- 504 RECORDKEEPING AND REPORTING REQUIREMENTS
- 505 COMPLIANCE
- 506 TEST METHODS INCORPORATED BY REFERENCE

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

RULE 352 (GASOLINE CARGO TANK TESTING AND USE)

SECTION 100 – GENERAL

- 101 PURPOSE:** To limit emissions of volatile organic compounds (VOCs) from gasoline cargo tanks.
- 102 APPLICABILITY:** This rule applies to any gasoline cargo tank which is used to load or unload gasoline within Maricopa County, and to all persons who own, operate, maintain, repair, or test such a gasoline cargo tank. In addition to this rule, facilities may be subject to New Source Performance Standards in Rule 360 and/or to National Emission Standards for Hazardous Air Pollutants in Rule 370 of the Maricopa County Air Pollution Control Regulations (MCAPCR).
- 103 EXEMPTIONS:**
- 103.1 Maricopa County Vapor Tightness Test and Maricopa County Vapor Tightness Certification Decal Exemption for Non Railcars:** The owner or operator of a gasoline cargo tank is exempt from Section 301.1 (~~Gasoline Cargo Tank Integrity – Maricopa County Vapor Tightness Test~~) and Section 301.2 (~~Maricopa County Vapor Tightness Certification Decal~~), if all of the following requirements are met:
- a. The gasoline cargo tank was placed in operation before July 13, 1988.
 - b. The gasoline cargo tank transported gasoline within Maricopa County before January 1, 1998.
 - c. The gasoline cargo tank only loads at a bulk gasoline plant exempted from vapor loss control by ~~Section 103.4 of Rule 351~~ Rule 351 § 103.4.
 - d. The gasoline cargo tank serves only farm tanks or ~~those~~ non-resale gasoline dispensing facilities that meet the requirements in ~~Section 103.2.a of Rule 353~~ Rule 353 § 103.2(a).
 - e. The owner or operator of the gasoline cargo tank submits a signed affidavit to the Control Officer documenting compliance with Sections ~~103.1.a~~ 103.1(a) through ~~103.1.d~~ 103.1(d).
 - f. The owner or operator has a complete copy of the signed affidavit available in the gasoline cargo tank for inspection by a bulk gasoline plant operator, a gasoline dispensing facility owner or operator, or the Control Officer. Maricopa County will not issue a Maricopa County Vapor Tightness Certification Decal to any gasoline cargo tank claiming this exemption.

- g. The owner or operator of a gasoline cargo tank meeting the requirements in Sections ~~103.1.a~~ 103.1(a) through Section ~~103.1.f~~ 103.1(f), shall comply with the following sections:

- (1) Section 302.1 (~~General Requirements for the Loading of Gasoline~~) except Section ~~302.1.b(2)~~ 302.1(b)(2).
- (2) Section 502 (~~Identifying a Potential Vapor Leak~~).
- (3) Section 504.1 (~~Recordkeeping and Reporting Requirements~~).
- (4) Section 504.2.
- (5) Section 504.3.
- (6) Section 504.4.

103.2 Maricopa County Vapor Tightness Test and Maricopa County Vapor Tightness Certification Decal Exemption for Railcars: The owner or operator of a gasoline cargo tank (railcar) is exempt from Section 301.1 (~~Gasoline Cargo Tank Integrity – Maricopa County Vapor Tightness Test~~) and Section 301.2 (~~Maricopa County Vapor Tightness Certification Decal~~), if the gasoline cargo tank (railcar) is currently certified in accordance with 40 CFR part 63.11092.

103.3 Alternative Demonstration of Maricopa County Vapor Tightness Test Compliance: A gasoline cargo tank is exempt from Section 301.1 (~~Gasoline Cargo Tank Integrity – Maricopa County Vapor Tightness Test~~) and is eligible to obtain a Maricopa County Vapor Tightness Certification Decal if the following two (~~2~~) conditions are met:

- a. The owner or operator of a gasoline cargo tank provides documentation from the gasoline cargo tank testing company to the Control Officer that certifies that the gasoline cargo tank was tested and verified vapor tight using the test method ~~at least as stringent as those listed~~ in Section 501.1 (~~Maricopa County Vapor Tightness Test~~).
- b. The owner or operator of a gasoline cargo tank complies with Section 401.4 (~~Registration~~).

103.4 Opening Hatches, Vent Valves, or Other Vapor Sealing Devices on Gasoline Cargo Tanks:

- a. When VOC vapors are present within a gasoline cargo tank, owners, or operators, their contractors, and authorized government agents may open vapor containment equipment while performing operations required by ~~these~~ the Maricopa County Air Pollution Control Regulations MCAPCR or by other statutory entities, but shall be restricted as follows:
 - (1) Wait at least ~~three (3)~~ 3 minutes before opening a hatch, vent valve, or other vapor sealing device on a gasoline cargo tank after:
 - (a) The loading of gasoline is complete.
 - (b) The gasoline cargo tank has come to a complete stop.

- (2) Reclose hatch or other sealing device within ~~three (3)~~ 3 minutes of completing the required procedures.
- (3) Limit wind speed at opened hatch, vent valve, or other opened vapor sealing device to not more than ~~three miles per hour (3 mph)~~ 3 mph, using a barrier if necessary.

b. Loading: A hatch, vent valve, or other vapor sealing device:

- (1) May be opened to avoid an unsafe operating condition; and
- (2) Shall be closed once the unsafe operating condition has been resolved.

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

104 SECTION AND RULE CITATIONS: All section citations refer to sections within this rule unless otherwise specified and all rule citations refer to rules within the MCAPCR unless otherwise specified.

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~~ the MCAPCR. In the event of any inconsistency between any of the ~~Maricopa County Air Pollution Control Rules and Regulations~~ MCAPCR, the definitions in this rule take precedence.

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

- 201.1** Loads gasoline from a pipeline, railcar, or gasoline cargo tank into a stationary gasoline storage tank.
- 201.2** Loads gasoline from the stationary gasoline storage tank into gasoline cargo tanks for transport to gasoline dispensing facility (GDF).
- 201.3** Has a gasoline throughput of less than 20,000 gallons per day. Gasoline throughput shall be the maximum calculated design throughput which may be limited by compliance with an enforceable condition under Federal, State, or local law, and discoverable by the Control Officer and any other person. ~~{40 CFR § 63.11100}~~

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

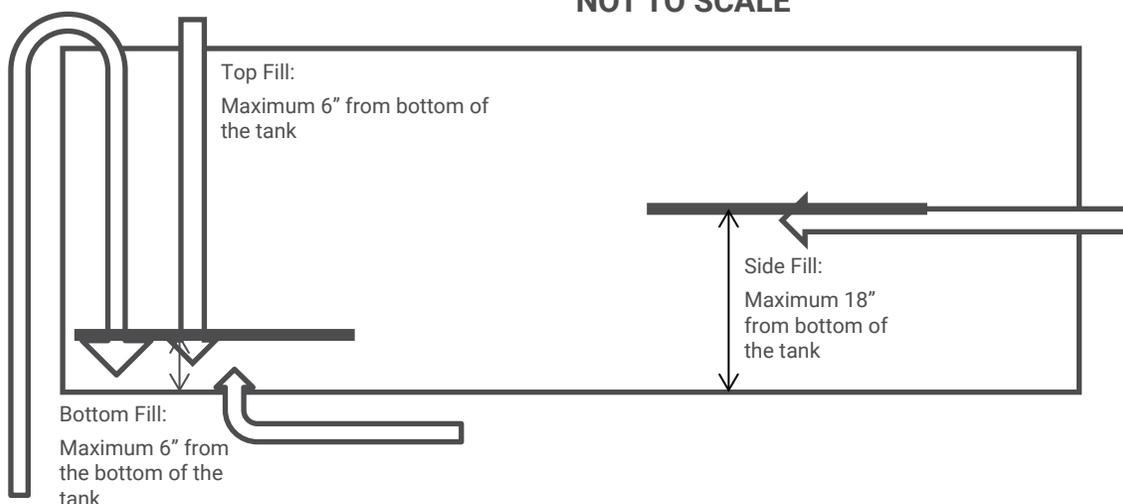
- 202.1** Loads gasoline from a pipeline, railcar, or gasoline cargo tank into a stationary gasoline storage tank.
- 202.2** Loads gasoline from the stationary gasoline storage tank into gasoline cargo tanks for transport to a GDF or a bulk gasoline plant.
- 202.3** Has a gasoline throughput of 20,000 gallons per day or greater. Gasoline throughput shall be the maximum calculated design throughput which may be limited by compliance with an enforceable condition under Federal, State, or local

law, and discoverable by the Control Officer and any other person. [~~40 CFR § 63.11100~~]

- 203 COAXIAL VAPOR BALANCE SYSTEM:** A type of vapor balance system in which the gasoline vapors are removed through the same fill pipe connection as which the fuel is delivered.
- 204 CONTAINER:** A portable unit in which a material can be stored, transported, treated, disposed of, or otherwise handled. Examples of containers include, but are not limited to, drums and portable cargo containers known as “portable tanks” or “totes”. [~~40 CFR § 63.2406~~]
- 205 DUAL-POINT VAPOR BALANCE SYSTEM:** A type of vapor balance system in which the stationary gasoline storage tank is equipped with an entry port for a gasoline fill pipe and a separate exit port for a vapor connection.
- 206 EXCESS GASOLINE DRAINAGE:** The quantity of gasoline that drains out of the end of a gasoline loading hose or vapor recovery hose during the process of connecting or disconnecting that is one or more of the following:
- 206.1** More than 0.34 fluid ounces or ~~two teaspoonsful (2 tsp)~~ 2 tsp of liquid gasoline lost from the end of a gasoline loading hose or a vapor recovery hose. This does not include drainage into a fill pipe’s spill containment receptacle.
 - 206.2** Wets any area(s) on the ground having an aggregate area greater than ~~113 square inches (113 in²)~~ 113 in².
 - 206.3** The perimeter of which would encompass a circle of ~~twelve inches (12”)~~ 12” diameter or larger. This does not include drainage into a fill pipe’s spill containment receptacle.
- 207 GASOLINE CARGO TANK:** A delivery tank truck or railcar which is loading or unloading gasoline, or which has loaded or unloaded gasoline on the immediately previous load [~~40 CFR §§ 63.11100 and 63.11132~~]. This includes any gasoline loading hose(s) that the gasoline cargo tank carries through which the loading of gasoline occurs.
- 208 GASOLINE DISPENSING FACILITY (GDF):** 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 [~~40 CFR § 63.11132~~]. This includes all stationary gasoline storage tanks and associated equipment located on one or more contiguous or adjacent properties under the control of the same owner or operator under common control.
- 209 GASOLINE VAPORS:** Vapors originating from liquid gasoline that are usually found in mixture with air, and have a lower explosive limit (LEL) of 1.4%. Included are any droplets of liquid gasoline or gasoline-vapor condensate that are entrained by the vapor.

- 210 LEAK FREE:** A condition in which there is no liquid gasoline escape or seepage of more than ~~three (3)~~ 3 drops per minute from gasoline storage, handling, or ancillary equipment, including, but not limited to, seepage and escapes from above ground fittings, gasoline loading hose(s), and vapor recovery hose(s). This does not include the disconnecting or connecting of either a gasoline loading hose from a gasoline fill pipe or a vapor recovery hose from a vapor pipe.
- 211 MARICOPA COUNTY 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 Section 501 (~~Maricopa County Gasoline Cargo Tank Vapor Tightness Testing Requirements~~).
- 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.
- 213 SPILL CONTAINMENT RECEPTACLE:** An enclosed container installed around the fill pipe or vapor recovery connection point designed to contain drips and spills of gasoline that can occur during delivery or during the disconnection of a gasoline loading hose from a gasoline fill line or a vapor recovery hose from a vapor line.
- 214 STATIONARY GASOLINE STORAGE TANK:** Any stationary tank or reservoir used to store, but not transport gasoline. Any such tank that is connected to permanent piping and not moved to another service location within any ~~twelve (12)~~ 12-month period will be considered a stationary gasoline storage tank.
- 215 SUBMERGED FILL:** Any fill pipe or nozzle extension which meets at least one of the specifications below:
- 215.1 Top-Fill or Bottom-Fill:** The end of the fill pipe or nozzle extension is totally submerged when the liquid level is ~~six inches (6")~~ 6" from the bottom of the stationary gasoline storage tank.
- 215.2 Side-Fill:** The end of the discharge pipe or nozzle extension is totally submerged when the liquid level is ~~eighteen inches (18")~~ 18" from the bottom of the stationary gasoline storage tank. A side-fill pipe that is greater than 18" from the bottom of the stationary storage tank shall remain submerged at all times.

Submerged Fill Diagram NOT TO SCALE



- 216 SWITCH LOADING:** Loading diesel fuel into a gasoline cargo tank whose previous load was gasoline; or loading any liquid not subject to this rule into a gasoline cargo tank whose previous load was gasoline.
- 217 THROUGHPUT:** The amount of gasoline received.
- 218 VAPOR BALANCE SYSTEM:** Vapor loss control equipment that collects gasoline vapors displaced from the loading of gasoline into one of the following:
- 218.1** A gasoline cargo tank and routes the collected vapors to a stationary gasoline storage tank; or
 - 218.2** A stationary gasoline storage tank and routes the collected vapors to the gasoline cargo tank from which the storage tank is loaded; or
 - 218.3** A gasoline cargo tank and routes the collected vapors to the gasoline cargo tank from which the gasoline cargo tank is loaded.
- 219 VAPOR COLLECTION/PROCESSING SYSTEM:** A vapor loss control device consisting of a vapor gathering subsystem capable of collecting the gasoline vapors plus a second subsystem capable of processing such vapors and gases, reducing the inlet concentration of VOCs by at least 95% ~~percent~~ by weight.
- 220 VAPOR LOSS CONTROL EQUIPMENT:** Any piping, vapor recovery hose(s), equipment, or devices which are used to collect, store, and or process VOC vapors at a bulk gasoline plant, bulk gasoline terminal, gasoline dispensing facility, or any other operation handling gasoline.
- 221 VAPOR TIGHT:** A condition at the site of a (potential) vapor leak in which:
- 221.1** An organic vapor analyzer (OVA) at the site of (potential) leakage of vapor shows less than 10,000 ppmv when calibrated with methane; or

221.2 A combustible gas detector (CGD) shows less than ~~one-fifth~~ 1/5 lower explosive limit LEL (1/5 LEL) when:

- a.** Calibrated with a gas specified by the manufacturer; and
- b.** Used according to the manufacturer's instructions.

SECTION 300 – STANDARDS

301 GASOLINE CARGO TANK REQUIREMENTS:

301.1 Gasoline Cargo Tank Integrity – Maricopa County Vapor Tightness Test: A gasoline cargo tank shall pass the Maricopa County Vapor Tightness Test, and meet the requirements of Section 301.2, before storing, transporting, loading or unloading gasoline within Maricopa County, unless exempted by Sections ~~103.1 (Maricopa County Vapor Tightness Test and Maricopa County Vapor Tightness Certification Decal Exemption for Non Railcars)~~, ~~103.2 (Maricopa County Vapor Tightness Test and Maricopa County Vapor Tightness Certification Decal Exemption for Railcars)~~, or Section 103.3 (~~Alternative Demonstration of Maricopa County Vapor Tightness Test Compliance~~).

- a.** Scheduling and notification of a Maricopa County Vapor Tightness Test shall be done in accordance with Section 401.1 (~~Notification of Required Testing~~).
- b.** The Maricopa County Vapor Tightness Test shall be performed according to Section 501.1 (~~Maricopa County Vapor Tightness Test~~).
- c.** Results of the Maricopa County Vapor Tightness Test shall be recorded according to Section 504.2 (~~Recordkeeping and Reporting Requirements~~).

301.2 Maricopa County Vapor Tightness Certification Decal: Unless exempted in Section 103.1 (~~Maricopa County Vapor Tightness Test and Maricopa County Vapor Tightness Certification Decal Exemption for Non Railcars~~) or Section 103.2 (~~Maricopa County Vapor Tightness Test and Maricopa County Vapor Tightness Certification Decal Exemption for Railcars~~), an owner or operator of a gasoline cargo tank shall:

- a.** Comply with Section 401.4 (~~Registration~~) for registration requirements to obtain a valid Maricopa County Vapor Tightness Certification Decal after either:
 - (1)** Passing the Maricopa County Vapor Tightness Test as performed according to Section 501.1 (~~Maricopa County Vapor Tightness Test~~).
 - (2)** Complying with Section 103.3 (~~Alternative Demonstration of Maricopa County Vapor Tightness Test Compliance~~).
- b.** Clearly display a valid Maricopa County Vapor Tightness Certification Decal that is permanently mounted near the front right side (passenger) of the gasoline cargo tank.

301.3 Purging Prohibited:

- a. No person shall purge gasoline vapors into the atmosphere from a gasoline cargo tank unless the following two ~~(2)~~ conditions are met:
 - (1) VOC emissions shall be reduced at least 90% by weight, as determined by one or more of the test methods listed in Section 506 (~~Test Methods Incorporated by Reference~~), including capture and processing, by a control device having a Maricopa County Permit to Operate and/or Construct.
 - (2) Such purging shall be done only after all loading valves are opened and any liquid gasoline outflow is captured in a container having an attached lid which is kept closed when not receiving or pouring gasoline.
- b. An owner or operator of a gasoline cargo tank shall not purge gasoline vapors from such tank as a result of switch loading.

302 LOADING OF GASOLINE:

302.1 General Requirements for the Loading of Gasoline: The owner or operator of a gasoline cargo tank shall have the responsibility to:

- a. Ensure all parts of the gasoline loading process are observed.
- b. Maintain gasoline cargo tanks and equipment associated with the loading and unloading of the gasoline to be:
 - (1) Leak free.
 - (2) Vapor tight.
 - (3) In good working order.
- c. Properly connect/disconnect:
 - (1) The vapor recovery hose to prevent excess gasoline drainage.
 - (2) The gasoline loading hose to prevent excess gasoline drainage.
 - (3) Use a bucket or other effective capture device to catch any gasoline dripping during the connection or disconnection of the gasoline loading hose and the vapor recovery hose.
- d. Load gasoline:
 - (1) Into stationary gasoline storage tanks with a capacity of more than 250 gallons using submerged fill. Where because of government regulation, including, but not limited to, Fire Department codes, such a permanent submerged fill pipe cannot be installed, a nozzle extension that reaches within ~~six inches (6")~~ 6" of the tank bottom shall be used to fill the tank.
 - (2) Discontinue loading operation if a liquid leak or vapor leak is observed.
- e. Minimize gasoline spills [~~40 CFR § 63.11116(a)(1)~~] by:
 - (1) Disconnecting a gasoline loading hose or a vapor recovery hose in such a way as to prevent excess gasoline drainage from escaping from the hose in one connect/disconnect cycle.

(2) Collecting and containing any gasoline that escapes, spills, or leaks in a manner that will prevent evaporation into the atmosphere.

- f. Clean up gasoline spills as expeditiously as practicable. [~~40 CFR § 63.11116(a)(2)~~] This can include, but is not limited to, the correct use of buckets and or absorbent material designed for the purpose and the correct disposal of the collected gasoline.
- g. Cover all open gasoline containers when not in use. [~~40 CFR § 63.11116(a)(3)~~] Any gasoline that escapes, spills, or leaks shall be collected and contained in a manner that will prevent evaporation into the atmosphere.
- h. Minimize gasoline sent to waste collection systems that collect and transport gasoline to reclamation and recycling equipment such as an oil/water separator. [~~40 CFR § 63.11116(a)(4)~~]
- i. Properly dispose of any VOC-containing material.
- j. Prevent:
 - (1) Overfill.
 - (2) Excess gasoline drainage.

302.2 Loading of Gasoline at a Bulk Gasoline Plant: The owner or operator of a gasoline cargo tank shall:

- a. Ensure the gasoline cargo tank is properly connected to either:
 - (1) A vapor balance system; or
 - (2) A vapor collection/processing system.
- b. Connect an additional vapor recovery hose before connecting any additional gasoline loading hose, unless an assisted vapor collection/processing system is serving the vapor recovery hose that is already connected.

302.3 Loading of Gasoline at a Bulk Gasoline Terminal: The owner or operator of a gasoline cargo tank shall:

- a. Ensure the gasoline cargo tank is properly connected to a vapor collection/processing system.
- b. Connect an additional vapor recovery hose before connecting any additional gasoline loading hose, unless an assisted vapor collection/processing system is serving the vapor recovery hose that is already connected.

302.4 Loading of Gasoline into a Stationary Gasoline Storage Tank at any GDF: The owner or operator of a gasoline cargo tank shall:

- a. Coaxial vapor balance system:
 - (1) Ensure any locked cap can be removed.
 - (2) Verify the stationary gasoline storage tank does not have any broken or damaged fitting that prevent the correct coaxial connection.

- (3) Not remove the fill cap of a fill pipe unless every other fill pipe either has a fill cap fastened in place or a gasoline loading hose connecting it to the gasoline cargo tank.
- b. Dual-point vapor balance system:
- (1) Ensure the stationary gasoline storage tank is equipped with a vapor return poppetted valve.
 - (2) Ensure any locked cap can be removed.
 - (3) Verify the stationary gasoline storage tank does not have any broken or damaged fitting that prevent the correct connection of a gasoline loading hose or a vapor recovery hose.
 - (4) Ensure a vapor recovery hose is connected from the gasoline cargo tank to a vapor return-line serving the stationary gasoline storage tank prior to the connection of the gasoline loading hose.
 - (5) Do not connect more than one gasoline loading hose to the gasoline cargo tank if a gasoline cargo tank's vapor recovery hose is connected to a vapor return line that is not part of a dual-point vapor balance system.
 - (6) Not remove the fill cap of a fill pipe unless every other fill pipe either has a fill cap fastened in place or a gasoline loading hose connecting it to the gasoline cargo tank.
 - (7) Not simultaneously have more than one gasoline loading hose connected, unless each gasoline loading hose is connected to a gasoline cargo tank's dual-point vapor balance system that already has a vapor recovery hose connecting it to the gasoline cargo tank.
 - (8) Thoroughly drain the gasoline loading hose and the vapor recovery hose into the stationary gasoline storage tank prior to disconnecting any fittings.
 - (9) Disconnect a gasoline loading hose from a stationary gasoline storage tank before disconnecting the vapor recovery hose.

303 **EQUIPMENT REPAIR AND RETESTING:** If the Control Officer determines there is a vapor leak in accordance with Sections 502 and 503, the owner or operator of the gasoline cargo tank shall observe the following time schedule for corrective action:

303.1 Concentrations at or above the LEL of gasoline vapors shall be brought into compliance within 24 hours of detection.

303.2 An OVA showing a leak concentrations exceeding 10,000 ppmv when calibrated with methane shall be brought into compliance within five days of detection.

303.3 A CGD showing 1/5 the LEL of the calibration gas shall be brought into compliance within five days of detection.

303.4 Except as the Control Officer otherwise specifies, a vapor leak source shall be tested after presumed leak-correction within 15 minutes of recommencing use. If

vapor tight standards are exceeded in this test, the use of the faulty equipment shall be discontinued until correction is verified by retesting.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

401 MARICOPA COUNTY VAPOR TIGHTNESS TEST: The owner, operator, or tester of a gasoline cargo tank being tested to meet requirements of Section 301.1 ~~of this rule~~ shall:

401.1 Notification of Required Testing:

a. Notify the Control Officer:

(1) During normal business hours, 8:00 a.m. to 5:00 p.m.

(2) At least ~~four (4)~~ 4 hours prior to gasoline cargo tank vapor tightness testing.

(3) No more than 72 hours prior to gasoline cargo tank vapor tightness testing.

(4) **Weekend Testing:** Prior to 2:00 p.m. ~~PM~~ on Friday (or prior to 2:00 p.m. ~~PM~~ on the last business day before testing).

(5) **Testing Between 9:00 p.m. ~~P.M.~~ and 5:00 a.m. ~~A.M.~~:** Any testing that is performed in the ~~eight (8)~~ 8-hour period between 9:00 p.m. and 5:00 a.m. is not valid for purposes of satisfying Section 301.1 (~~Gasoline Cargo Tank Integrity – Maricopa County Vapor Tightness Test~~) requirements, except if the Control Officer gives specific, advanced written permission for a particular occasion.

b. Provide an estimated start time that is no more than ~~one (1)~~ 1 hour prior to actual gasoline cargo tank vapor tightness testing start time.

c. Provide the location of where the testing will occur.

401.2 Conduct the Vapor Tightness Test:

a. Between the hours of 5:00 a.m. and 9:00 p.m. unless approved by the Control Officer per Section 401.1.a(5) 401.1(a)(5).

b. Per the vapor tightness testing requirements in Section 501.1 (~~Maricopa County Vapor Tightness Test~~).

401.3 Vapor Tightness Testing – Availability to the Control Officer: The Control Officer shall, at their discretion, observe the vapor tightness testing.

401.4 Registration: To obtain a Maricopa County Vapor Tightness Certification Decal, the following information shall be submitted to the Control Officer for each gasoline cargo tank demonstrating the vapor integrity of the gasoline cargo tank:

a. A completed “Maricopa County Vapor Tightness Certification Decal Application” (application) that includes, at a minimum, all of the information required by Section ~~504.2~~ 504.5.

b. A completed copy of:

- (1) The “Maricopa County Air Quality Department Gasoline Cargo Tank Vapor Tightness Certification Check List” (checklist), and
- (2) If applicable, documentation from the gasoline cargo tank testing company to the Control Officer that attests to the vapor integrity of the gasoline cargo tank as described in Section 103.3 (~~Alternative Demonstration of Maricopa County Vapor Tightness Test Compliance~~).
- c. The annual fee remittance as listed in Rule 280 (Fees) of the MCAPCR.
- d. Upon receipt of the completed application, checklist, and fee remittance, a Maricopa County Vapor Tightness Certification Decal will be issued by the Control Officer.

401.5 Expiration:

- a. For a gasoline cargo tank that passed the Maricopa County Vapor Tightness Test, the certification of vapor tightness shall expire on the date indicated on the vapor tightness certification decal.
- b. For a gasoline cargo tank that has passed the Maricopa County Vapor Tightness Test:
 - (1) In the 4-month period beginning March 1 and ending June 30, the certification of vapor tightness shall expire at 11:59 ~~PM~~ p.m. local time on June 30 of the following year, as indicated on the decal.
 - (2) On or after July 1 through December 31, the certification of vapor tightness shall expire at 11:59 ~~PM~~ p.m. local time on June 30 of the following year, as indicated on the decal.
 - (3) On or after January 1, but prior to March 1, the certification of vapor tightness shall expire at 11:59 ~~PM~~ p.m. local time on June 30 of the current year, as indicated on the decal.

401.6 Lost, Defaced or Destroyed Maricopa County Vapor Tightness Certification Decal:

- a. An owner or operator shall notify the Control Officer immediately if a valid Maricopa County Vapor Tightness Certification Decal is lost, defaced, or destroyed.
- b. The Control Officer may require a demonstration of need for decal replacement.
- c. If Rule 280 (Fees) of the MCAPCR so provides, the Control Officer may charge a fee for a replacement decal [~~Rule 280, Section 307~~] if the Control Officer determines that the MCAQD is not at fault.

402 INSTALLATION OF CONTROL DEVICE: An owner or operator of a gasoline cargo tank testing company who chooses to comply with Section 301.3 (~~Purging Prohibited~~) through the use of a control device shall:

402.1 Submit an application for a Maricopa County Air Pollution Control Permit.

402.2 Properly:

- a. Install the control device.
 - b. Operate the control device.
 - c. Maintain the control device.
- 402.3** Submit an Operation and Maintenance Plan (~~O&M~~) for the control device.
- 402.4** Use the applicable test methods as incorporated by reference in Section 506 (~~Test Methods Incorporated by Reference~~), to determine compliance with Section ~~301.3.a~~ 301.3(a).

SECTION 500 – RECORDS AND MONITORING

501 MARICOPA COUNTY GASOLINE CARGO TANK VAPOR TIGHTNESS TESTING REQUIREMENTS:

501.1 Maricopa County Vapor Tightness Test: The following three subtests shall be used to determine the vapor tightness of a gasoline cargo tank. Each gasoline cargo tank shall pass all of the vapor tightness tests in the listed order of Section 501.1 using the same vapor recovery hose during each test as will be used for loading. If more than one vapor recovery hose is used for loading, the sequence of tests shall be performed for each vapor recovery hose.

- a. **Pressure Test:** Lose no more than ~~one inch (1")~~ 1" of water column in ~~five (5)~~ 5 minutes, when pressurized to a gauge pressure of ~~eighteen inches (18")~~ 18" of water column in two (~~2~~) consecutive runs, according to procedures in EPA Method 27, as incorporated by reference in Section 506 (~~Test Methods Incorporated By Reference~~).
- b. **Vapor Valve Loss Test:** Lose no more than ~~five inches (5")~~ 5" of water column in ~~five (5)~~ 5 minutes, measured in the vapor system after the gasoline cargo tank compartments are first collectively pressurized to a water gauge pressure of ~~eighteen inches (18")~~ 18" of water column and then the vapor valves are closed.
- c. **Vacuum Test:** Gain no more than ~~one inch (1")~~ 1" of water column in ~~five (5)~~ 5 minutes, when initially evacuated to a water gauge pressure of ~~six inches (6")~~ 6" of water column, in two (~~2~~) consecutive runs, according to procedures in EPA Method 27, as incorporated by reference in Section 506 (~~Test Methods Incorporated By Reference~~).
- d. **Pressure Instability:** A test is invalid if during the positive pressure test or the vapor valve loss test, ~~more than one-half inch (+1/2")~~ +1/2" of water column is gained. A test is invalid if during the vacuum test the vacuum is increased by more than ~~minus one-half inch (-1/2")~~ -1/2" of water column.

501.2 If a gasoline cargo tank does not pass all the tests listed in Section 501.1, the gasoline cargo tank shall be repaired, then retested. A gasoline cargo tank being retested shall pass all tests as listed in Section 501.1 in the same testing period within ~~fifteen (15)~~ 15 days of initial testing.

502 IDENTIFYING A POTENTIAL VAPOR LEAK: The Control Officer may at any time monitor a gasoline cargo tank for vapor leaks to determine if it is vapor tight. An owner or operator or The Control Officer shall follow one or more of the test procedures in Section 502 to identify a potential vapor leak. If a potential vapor leak is detected, the Control Officer shall refer to Section 503 (Determining Vapor Tight Status) to determine the vapor tight status.

502.1 For the purposes of identifying a potential vapor leak, the use of sight, sound, or smell are acceptable.

502.2 EPA Method 21= (“Determination of Volatile Organic Compound Leaks”), Alternative Screening Procedure 8.3.3:

- a. Spray a soap solution over all potential leak sources. The soap solution may be a commercially available leak detection solution or may be prepared using concentrated detergent and water. A pressure sprayer or squeeze bottle may be used to dispense the solution.
- b. Observe the potential vapor leak site to determine if any bubbles are formed.
 - (1) If no bubbles are observed, the source is presumed to have no detectable vapor leak.
 - (2) If any bubbles are observed, the instrument techniques of Section 503 (~~Determining Vapor Tight Status~~) shall be used to verify if a vapor leak exists.

502.3 Optical Gas Imaging: An operator of a calibrated optical gas imaging device may use an optical gas imaging instrument to identify a potential vapor leak.

502.4 ~~Combustible Gas Detector (CGD) or Organic Vapor Analyzer (OVA)~~ **CGD or OVA:** An operator of a calibrated CGD or an OVA may use the test procedure described in Section 503 (~~Determining Vapor Tight Status~~) to identify a potential vapor leak.

503 DETERMINING VAPOR TIGHT STATUS:

503.1 ~~Combustible Gas Detector (CGD) or Organic Vapor Analyzer (OVA)~~ **CGD or OVA – Test Procedure:** ~~An owner or operator or~~ The Control Officer shall follow the test procedure below to determine the vapor tight status of a gasoline cargo tank. A CGD or an OVA meeting the specifications and performance criteria contained in EPA Method 21 and this section shall be used to determine vapor tight status.

- a. **Calibration:** Within ~~four (4)~~ 4 hours prior to monitoring;
 - (1) The CGD ~~or OVA~~ shall be properly calibrated for a 20% percent lower explosive limit (20% LEL) LEL response; or
 - (2) The OVA shall be properly calibrated to 10,000 ppmv with methane.
- b. **Probe Distance:** The probe inlet shall be:
 - (1) At the surface of the potential leak source when searching for leaks.
 - (2) At the surface of the leak source when the highest detector reading is being determined for a discovered leak.

(3) At the closest practical probe distance when the probe is either obstructed from moving on the surface of an actual or potential leak source, or if the source is a rotating shaft.

- c. **Probe Movement:** The probe shall be moved slowly, not faster than 1.6 inches per second (1.6"/sec). If there is any meter deflection at an actual or potential 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 an actual or potential leak such that the central axis of the probe-tube inlet shall be positioned coaxially with the path of the most concentrated vapors.
- e. **Wind:** Wind shall be blocked as much as possible from the space being monitored. A determination of vapor tight status shall be valid only when wind speed in the space being monitored is ~~five miles per hour (5 mph)~~ 5 mph or less.
- f. **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 RECORDKEEPING AND REPORTING REQUIREMENTS: ~~The owner or operator of a gasoline cargo tank subject to this rule shall:~~ An owner or operator subject to this rule shall comply with the following recordkeeping requirements:

~~504.1 Maintain the records and information required by this rule. The records shall be:~~

- ~~a. Legible.~~
- ~~b. Signed by the person performing the activity.~~
- ~~c. Retained for at least five (5) years.~~
- ~~d. Provided to the Control Officer upon verbal or written request, within a reasonable time. If the Control Officer is at the site where requested records are kept, records shall be provided without delay.~~

504.1 Records shall be retained for a period of five years.

504.2 Records shall be made available to the Control Officer no later than five business days upon verbal or written request.

504.3 Records shall be made available to the Control Officer upon request by members of the public using the County's public records request process.

504.4 Records shall be kept on site at all times in a consistent and complete manner.

~~504.2~~ 504.5 The records of the gasoline cargo tank vapor tightness certification testing required by Section 301.1 (~~Gasoline Cargo Tank Integrity-Maricopa County Vapor Tightness Test~~), shall be recorded in both of the following documents: "Maricopa County Vapor Tightness Certification Decal Application" and the "Maricopa County Air Quality Department Gasoline Cargo Tank Vapor Tightness Certification Check List". The minimum requirements for each of these two ~~(2)~~ documents are:

- a. For the ~~The~~ “Maricopa County Vapor Tightness Certification Decal Application” shall include the following information:
- (1) Owner's name and address.
 - (2) The manufacturer's gasoline cargo tank vehicle identification number (VIN).
 - (3) The gasoline cargo tank unit number.
 - (4) The location of the test.
 - (5) The time of the test.
 - (6) The date of the test.
 - (7) **Pressure Test:** For the pressure test, record the following two ~~(2)~~ readings:
 - (a) Change in pressure (in inches of water column) for Run 1.
 - (b) Change in pressure (in inches of water column) for Run 2.
 - (8) **Vapor Valve Loss Test:** For the vapor valve loss test record the total change in pressure during the test.
 - (9) **Vacuum Test:** For the vacuum test, record the following two ~~(2)~~ readings:
 - (a) Change in vacuum (in inches of water column) for Run 1.
 - (b) Change in vacuum (in inches of water column) for Run 2.
 - (10) Name of the gasoline cargo tank testing company.
 - (11) The printed name and signature of the person conducting the vapor tightness test.
 - (12) Title of the person conducting the vapor tightness test.
 - (13) Contact information of the person or company conducting the vapor tightness test.
- b. The “Maricopa County Air Quality Department Gasoline Cargo Tank Vapor Tightness Certification Check List” shall contain at least the following information:
- (1) Owner's name and address.
 - (2) Manufacturer's gasoline cargo tank ~~vehicle identification number (VIN)~~ VIN.
 - (3) The gasoline cargo tank unit number.
 - (4) The gasoline cargo tank capacity.
 - (5) Whether the gasoline cargo tank was purged of gasoline vapors.
 - (6) The location of the test.
 - (7) The time of the test.
 - (8) The date of the test.

(9) Initial testing information:

- (a) The time the test began.
- (b) The initial pressure in inches of water column.
- (c) The finish time of the test.
- (d) The final pressure of the test.
- (e) The pressure change between the start and end of the test.
- (f) If the initial pressure test failed:
 - (i) Record one set of readings in the row "Initial Test."
 - (ii) Record the elapsed time if the pressure reached zero before five ~~(5)~~ 5 minutes.
 - (iii) Record any repairs conducted.

(10) Testing Information for each test:

- (a) The time the test began.
- (b) The initial pressure in inches of water column.
- (c) The finish time of the test.
- (d) The final pressure of the test.
- (e) The pressure change between the start and end of the test.

(11) The date of the next leakage test if the set of three ~~(3)~~ subtests are not all passed.

(12) Name of the gasoline cargo tank testing company.

(13) The printed name and signature of the person conducting the vapor tightness test.

(14) Title of the person conducting the vapor tightness test.

(15) Contact information of the person or company conducting the vapor tightness test.

504.6 Vapor Leak Detection Records:

a. No Leak Detected: If the Control Officer monitors a gasoline cargo tank for vapor leaks in accordance with Sections 502 and 503, documentation shall be maintained by the Control Officer. The record shall include the following:

- (1) The date the test was conducted.
- (2) The equipment that was determined to not have a vapor leak.
- (3) The instrument used to follow the test procedure as described in Section 502.

b. Leak Detected: Should the Control Officer determine there is a vapor leak in accordance with Sections 502 and 503, the owner or operator of the gasoline

cargo tank shall document the corrective actions taken in accordance with Section 303. At a minimum, the repair records shall include the following:

- (1) The date the leak was detected.
- (2) The equipment that was determined to have a vapor leak.
- (3) The instrument used to follow the test procedure as described in Section 502.
- (4) The date(s) the equipment was repaired and retested.
- (5) Decommission date (if applicable).

505 COMPLIANCE:

505.1 Pressure and Vacuum Tests: The tests to determine compliance with Section 501.1 (~~Maricopa County Vapor Tightness Test~~) shall be performed according to EPA Method 27 (~~“Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure Vacuum Test”~~), except that the definition of gasoline shall be according to this rule.

505.2 Test of Internal Vapor Valves: The vapor valve loss test shall be performed immediately after successfully passing the pressure subtest, without performing any intervening maintenance or repair on the vapor valves.

505.3 Confirmation of a vapor leak detected on a gasoline cargo tank during loading of gasoline shall be determined by properly deploying a pressure tap adapter that conforms to EPA Method 27 provisions, and demonstrating the leak according to Section 503 (~~Determining Vapor Tight Status~~), while the pressure is less than ~~twenty inches (20”) 20”~~ of water column.

505.4 Reid vapor pressure shall be determined using American Society for Testing and Materials (ASTM) D323-06; “Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)”.

506 TEST METHODS INCORPORATED BY REFERENCE: The following test methods are approved for use for the purpose of determining compliance with this rule. The test methods are ~~adopted~~ incorporated by reference in Rule 360 and Appendix G of the Maricopa County Air Pollution Control Regulations MCAPCR. Alternative test methods as approved by the EPA Administrator or other EPA-approved test methods may be used upon prior written approval from the Control Officer. When more than one test method is permitted for the same determination, an exceedance under any method will constitute a violation. ~~Copies of test methods referenced in this section are available at the Maricopa County Air Quality Department.~~

506.1 EPA-Approved Test Methods Incorporated by Reference:

506.2 ~~EPA Method 2B – Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators.~~

- 506.1** 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”) (40 CFR Part 60, Appendix A-1).

- 506.3 **b.** EPA Method 18 = ~~Measurement of Gaseous~~ (“Volatile Organic Compounds Emissions by Gas Chromatography”) (40 CFR Part 60, Appendix A-6).
- 506.4 **c.** EPA Method 21 = (“Determination of Volatile Organic Compound Leaks”) (40 CFR Part 60, Appendix A-7).
- 506.5, 506.6 **d.** EPA Methods 25A = (“Determination of Total Gaseous Organic Concentrations Using a Flame Ionization Analyzer”) and ~~EPA Method~~ 25B = (“Determination of Total Gaseous Organic Concentration Using a Nondispersive Infrared Analyzer”) (40 CFR Part 60, Appendix A-7).
- 506.7 **e.** EPA Method 27 = (“Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure–Vacuum Test”) (40 CFR Part 60, Appendix A-8).
- 506.8 **f.** Optical Gas Imaging: Alternative Work Practice for Monitoring Equipment Leaks, 40 CFR § 60.18(g), (h), and (i).
- 506.9 **506.2 EPA-Approved ASTM Standard Incorporated by Reference:**
- a.** ASTM D323-06; “Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)”.

MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS
RULE 352 (GASOLINE CARGO TANK TESTING AND USE)

INDEX

SECTION 100 – GENERAL

- 101 PURPOSE
- 102 APPLICABILITY
- 103 EXEMPTIONS
- 104 SECTION AND RULE CITATIONS

SECTION 200 – DEFINITIONS

- 201 BULK GASOLINE PLANT
- 202 BULK GASOLINE TERMINAL
- 203 COAXIAL VAPOR BALANCE SYSTEM
- 204 CONTAINER
- 205 DUAL-POINT VAPOR BALANCE SYSTEM
- 206 EXCESS GASOLINE DRAINAGE
- 207 GASOLINE CARGO TANK
- 208 GASOLINE DISPENSING FACILITY (GDF)
- 209 GASOLINE VAPORS
- 210 LEAK FREE
- 211 MARICOPA COUNTY VAPOR TIGHTNESS TEST
- 212 PURGING
- 213 SPILL CONTAINMENT RECEPTACLE
- 214 STATIONARY GASOLINE STORAGE TANK
- 215 SUBMERGED FILL
- 216 SWITCH LOADING
- 217 THROUGHPUT
- 218 VAPOR BALANCE SYSTEM
- 219 VAPOR COLLECTION/PROCESSING SYSTEM
- 220 VAPOR LOSS CONTROL EQUIPMENT

221 VAPOR TIGHT

SECTION 300 – STANDARDS

301 GASOLINE CARGO TANK REQUIREMENTS

302 LOADING OF GASOLINE

303 EQUIPMENT REPAIR AND RETESTING

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

401 MARICOPA COUNTY VAPOR TIGHTNESS TEST

402 INSTALLATION OF CONTROL DEVICE

SECTION 500 – RECORDS AND MONITORING

501 MARICOPA COUNTY GASOLINE CARGO TANK VAPOR TIGHTNESS TESTING REQUIREMENTS

502 IDENTIFYING A POTENTIAL VAPOR LEAK

503 DETERMINING VAPOR TIGHT STATUS

504 RECORDKEEPING AND REPORTING REQUIREMENTS

505 COMPLIANCE

506 TEST METHODS INCORPORATED BY REFERENCE

MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

REGULATION III – CONTROL OF AIR CONTAMINANTS

RULE 352 (GASOLINE CARGO TANK TESTING AND USE)

SECTION 100 – GENERAL

- 101 PURPOSE:** To limit emissions of volatile organic compounds (VOCs) from gasoline cargo tanks.
- 102 APPLICABILITY:** This rule applies to any gasoline cargo tank which is used to load or unload gasoline within Maricopa County, and to all persons who own, operate, maintain, repair, or test such a gasoline cargo tank. In addition to this rule, facilities may be subject to New Source Performance Standards in Rule 360 and/or to National Emission Standards for Hazardous Air Pollutants in Rule 370 of the Maricopa County Air Pollution Control Regulations (MCAPCR).
- 103 EXEMPTIONS:**
- 103.1 Maricopa County Vapor Tightness Test and Maricopa County Vapor Tightness Certification Decal Exemption for Non Railcars:** The owner or operator of a gasoline cargo tank is exempt from Section 301.1 and Section 301.2, if all of the following requirements are met:
- a. The gasoline cargo tank was placed in operation before July 13, 1988.
 - b. The gasoline cargo tank transported gasoline within Maricopa County before January 1, 1998.
 - c. The gasoline cargo tank only loads at a bulk gasoline plant exempted from vapor loss control by Rule 351 § 103.4.
 - d. The gasoline cargo tank serves only farm tanks or non-resale gasoline dispensing facilities that meet the requirements in Rule 353 § 103.2(a).
 - e. The owner or operator of the gasoline cargo tank submits a signed affidavit to the Control Officer documenting compliance with Sections 103.1(a) through 103.1(d).
 - f. The owner or operator has a complete copy of the signed affidavit available in the gasoline cargo tank for inspection by a bulk gasoline plant operator, a gasoline dispensing facility owner or operator, or the Control Officer. Maricopa County will not issue a Maricopa County Vapor Tightness Certification Decal to any gasoline cargo tank claiming this exemption.
 - g. The owner or operator of a gasoline cargo tank meeting the requirements in Sections 103.1(a) through 103.1(f), shall comply with the following sections:

- (1) Section 302.1 except Section 302.1(b)(2).
- (2) Section 502.
- (3) Section 504.1.
- (4) Section 504.2.
- (5) Section 504.3.
- (6) Section 504.4.

103.2 Maricopa County Vapor Tightness Test and Maricopa County Vapor Tightness Certification Decal Exemption for Railcars: The owner or operator of a gasoline cargo tank (railcar) is exempt from Section 301.1 and Section 301.2, if the gasoline cargo tank (railcar) is currently certified in accordance with 40 CFR 63.11092.

103.3 Alternative Demonstration of Maricopa County Vapor Tightness Test Compliance: A gasoline cargo tank is exempt from Section 301.1 and is eligible to obtain a Maricopa County Vapor Tightness Certification Decal if the following two conditions are met:

- a. The owner or operator of a gasoline cargo tank provides documentation from the gasoline cargo tank testing company to the Control Officer that certifies that the gasoline cargo tank was tested and verified vapor tight using the test method listed in Section 501.1.
- b. The owner or operator of a gasoline cargo tank complies with Section 401.4.

103.4 Opening Hatches, Vent Valves, or Other Vapor Sealing Devices on Gasoline Cargo Tanks:

- a. When VOC vapors are present within a gasoline cargo tank, owners, or operators, their contractors, and authorized government agents may open vapor containment equipment while performing operations required by the MCAPCR or by other statutory entities, but shall be restricted as follows:
 - (1) Wait at least 3 minutes before opening a hatch, vent valve, or other vapor sealing device on a gasoline cargo tank after:
 - (a) The loading of gasoline is complete.
 - (b) The gasoline cargo tank has come to a complete stop.
 - (2) Reclose hatch or other sealing device within 3 minutes of completing the required procedures.
 - (3) Limit wind speed at opened hatch, vent valve, or other opened vapor sealing device to not more than 3 mph, using a barrier if necessary.
- b. **Loading:** A hatch, vent valve, or other vapor sealing device:
 - (1) May be opened to avoid an unsafe operating condition; and
 - (2) Shall be closed once the unsafe operating condition has been resolved.

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

104 SECTION AND RULE CITATIONS: All section citations refer to sections within this rule unless otherwise specified and all rule citations refer to rules within the MCAPCR unless otherwise specified.

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 the MCAPCR. In the event of any inconsistency between any of the MCAPCR, the definitions in this rule take precedence.

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

201.1 Loads gasoline from a pipeline, railcar, or gasoline cargo tank into a stationary gasoline storage tank.

201.2 Loads gasoline from the stationary gasoline storage tank into gasoline cargo tanks for transport to gasoline dispensing facility (GDF).

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

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

202.1 Loads gasoline from a pipeline, railcar, or gasoline cargo tank into a stationary gasoline storage tank.

202.2 Loads gasoline from the stationary gasoline storage tank into gasoline cargo tanks for transport to a GDF or a bulk gasoline plant.

202.3 Has a gasoline throughput of 20,000 gallons per day or greater. Gasoline throughput shall be the maximum calculated design throughput which may be limited by compliance with an enforceable condition under Federal, State, or local law, and discoverable by the Control Officer and any other person.

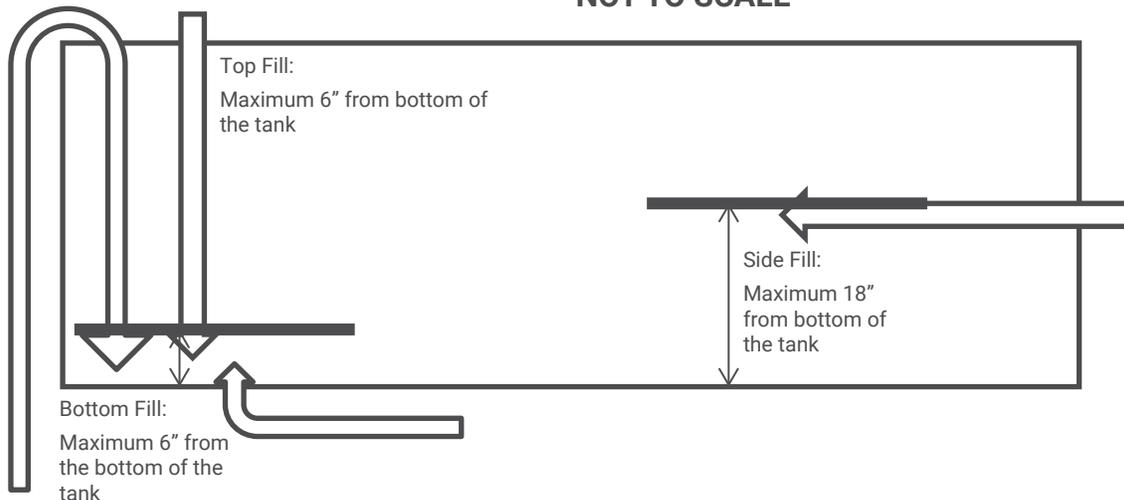
203 COAXIAL VAPOR BALANCE SYSTEM: A type of vapor balance system in which the gasoline vapors are removed through the same fill pipe connection as which the fuel is delivered.

204 CONTAINER: A portable unit in which a material can be stored, transported, treated, disposed of, or otherwise handled. Examples of containers include, but are not limited to, drums and portable cargo containers known as “portable tanks” or “totes”.

- 205 DUAL-POINT VAPOR BALANCE SYSTEM:** A type of vapor balance system in which the stationary gasoline storage tank is equipped with an entry port for a gasoline fill pipe and a separate exit port for a vapor connection.
- 206 EXCESS GASOLINE DRAINAGE:** The quantity of gasoline that drains out of the end of a gasoline loading hose or vapor recovery hose during the process of connecting or disconnecting that is one or more of the following:
- 206.1** More than 0.34 fluid ounce or 2 tsp of liquid gasoline lost from the end of a gasoline loading hose or a vapor recovery hose. This does not include drainage into a fill pipe's spill containment receptacle.
 - 206.2** Wets any area(s) on the ground having an aggregate area greater than 113 in².
 - 206.3** The perimeter of which would encompass a circle of 12" diameter or larger. This does not include drainage into a fill pipe's spill containment receptacle.
- 207 GASOLINE CARGO TANK:** A delivery tank truck or railcar which is loading or unloading gasoline, or which has loaded or unloaded gasoline on the immediately previous load. This includes any gasoline loading hose(s) that the gasoline cargo tank carries through which the loading of gasoline occurs.
- 208 GASOLINE DISPENSING FACILITY (GDF):** 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. This includes all stationary gasoline storage tanks and associated equipment located on one or more contiguous or adjacent properties under the control of the same owner or operator under common control.
- 209 GASOLINE VAPORS:** Vapors originating from liquid gasoline that are usually found in mixture with air, and have a lower explosive limit (LEL) of 1.4%. Included are any droplets of liquid gasoline or gasoline-vapor condensate that are entrained by the vapor.
- 210 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, or ancillary equipment, including, but not limited to, seepage and escapes from above ground fittings, gasoline loading hose(s), and vapor recovery hose(s). This does not include the disconnecting or connecting of either a gasoline loading hose from a gasoline fill pipe or a vapor recovery hose from a vapor pipe.
- 211 MARICOPA COUNTY 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 Section 501.
- 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.

- 213 **SPILL CONTAINMENT RECEPTACLE:** An enclosed container installed around the fill pipe or vapor recovery connection point designed to contain drips and spills of gasoline that can occur during delivery or during the disconnection of a gasoline loading hose from a gasoline fill line or a vapor recovery hose from a vapor line.
- 214 **STATIONARY GASOLINE STORAGE TANK:** Any stationary tank or reservoir used to store, but not transport gasoline. Any such tank that is connected to permanent piping and not moved to another service location within any 12-month period will be considered a stationary gasoline storage tank.
- 215 **SUBMERGED FILL:** Any fill pipe or nozzle extension which meets at least one of the specifications below:
 - 215.1 **Top-Fill or Bottom-Fill:** The end of the fill pipe or nozzle extension is totally submerged when the liquid level is 6" from the bottom of the stationary gasoline storage tank.
 - 215.2 **Side-Fill:** The end of the discharge pipe or nozzle extension is totally submerged when the liquid level is 18" from the bottom of the stationary gasoline storage tank. A side-fill pipe that is greater than 18" from the bottom of the stationary storage tank shall remain submerged at all times.

**Submerged Fill Diagram
NOT TO SCALE**



- 216 **SWITCH LOADING:** Loading diesel fuel into a gasoline cargo tank whose previous load was gasoline; or loading any liquid not subject to this rule into a gasoline cargo tank whose previous load was gasoline.
- 217 **THROUGHPUT:** The amount of gasoline received.
- 218 **VAPOR BALANCE SYSTEM:** Vapor loss control equipment that collects gasoline vapors displaced from the loading of gasoline into one of the following:
 - 218.1 A gasoline cargo tank and routes the collected vapors to a stationary gasoline storage tank; or

218.2 A stationary gasoline storage tank and routes the collected vapors to the gasoline cargo tank from which the storage tank is loaded; or

218.3 A gasoline cargo tank and routes the collected vapors to the gasoline cargo tank from which the gasoline cargo tank is loaded.

219 VAPOR COLLECTION/PROCESSING SYSTEM: A vapor loss control device consisting of a vapor gathering subsystem capable of collecting the gasoline vapors plus a second subsystem capable of processing such vapors and gases, reducing the inlet concentration of VOCs by at least 95% by weight.

220 VAPOR LOSS CONTROL EQUIPMENT: Any piping, vapor recovery hose(s), equipment, or devices which are used to collect, store, and or process VOC vapors at a bulk gasoline plant, bulk gasoline terminal, gasoline dispensing facility, or any other operation handling gasoline.

221 VAPOR TIGHT: A condition at the site of a (potential) vapor leak in which:

221.1 An organic vapor analyzer (OVA) shows less than 10,000 ppmv when calibrated with methane; or

221.2 A combustible gas detector (CGD) shows less than 1/5 LEL when:

- a. Calibrated with a gas specified by the manufacturer; and
- b. Used according to the manufacturer's instructions.

SECTION 300 – STANDARDS

301 GASOLINE CARGO TANK REQUIREMENTS:

301.1 Gasoline Cargo Tank Integrity – Maricopa County Vapor Tightness Test: A gasoline cargo tank shall pass the Maricopa County Vapor Tightness Test, and meet the requirements of Section 301.2, before storing, transporting, loading or unloading gasoline within Maricopa County, unless exempted by Sections 103.1, 103.2, or 103.3.

- a. Scheduling and notification of a Maricopa County Vapor Tightness Test shall be done in accordance with Section 401.1.
- b. The Maricopa County Vapor Tightness Test shall be performed according to Section 501.1.
- c. Results of the Maricopa County Vapor Tightness Test shall be recorded according to Section 504.5.

301.2 Maricopa County Vapor Tightness Certification Decal: Unless exempted in Section 103.1 or Section 103.2, an owner or operator of a gasoline cargo tank shall:

- a. Comply with Section 401.4 for registration requirements to obtain a valid Maricopa County Vapor Tightness Certification Decal after either:

- (1) Passing the Maricopa County Vapor Tightness Test as performed according to Section 501.1.
 - (2) Complying with Section 103.3.
- b. Clearly display a valid Maricopa County Vapor Tightness Certification Decal that is permanently mounted near the front right side (passenger) of the gasoline cargo tank.

301.3 Purging Prohibited:

- a. No person shall purge gasoline vapors into the atmosphere from a gasoline cargo tank unless the following two conditions are met:
- (1) VOC emissions shall be reduced at least 90% by weight, as determined by one or more of the test methods listed in Section 506, including capture and processing, by a control device having a Maricopa County Permit to Operate and/or Construct.
 - (2) Such purging shall be done only after all loading valves are opened and any liquid gasoline outflow is captured in a container having an attached lid which is kept closed when not receiving or pouring gasoline.
- b. An owner or operator of a gasoline cargo tank shall not purge gasoline vapors from such tank as a result of switch loading.

302 LOADING OF GASOLINE:

302.1 General Requirements for the Loading of Gasoline: The owner or operator of a gasoline cargo tank shall have the responsibility to:

- a. Ensure all parts of the gasoline loading process are observed.
- b. Maintain gasoline cargo tanks and equipment associated with the loading and unloading of the gasoline to be:
 - (1) Leak free.
 - (2) Vapor tight.
 - (3) In good working order.
- c. Properly connect/disconnect:
 - (1) The vapor recovery hose to prevent excess gasoline drainage.
 - (2) The gasoline loading hose to prevent excess gasoline drainage.
 - (3) Use a bucket or other effective capture device to catch any gasoline dripping during the connection or disconnection of the gasoline loading hose and the vapor recovery hose.
- d. Load gasoline:
 - (1) Into stationary gasoline storage tanks with a capacity of more than 250 gallons using submerged fill. Where because of government regulation, including, but not limited to, Fire Department codes, such a permanent

submerged fill pipe cannot be installed, a nozzle extension that reaches within 6" of the tank bottom shall be used to fill the tank.

(2) Discontinue loading operation if a liquid leak or vapor leak is observed.

e. Minimize gasoline spills by:

(1) Disconnecting a gasoline loading hose or a vapor recovery hose in such a way as to prevent excess gasoline drainage from escaping from the hose in one connect/disconnect cycle.

(2) Collecting and containing any gasoline that escapes, spills, or leaks in a manner that will prevent evaporation into the atmosphere.

f. Clean up gasoline spills as expeditiously as practicable. This can include, but is not limited to, the correct use of buckets and or absorbent material designed for the purpose and the correct disposal of the collected gasoline.

g. Cover all open gasoline containers when not in use. Any gasoline that escapes, spills, or leaks shall be collected and contained in a manner that will prevent evaporation into the atmosphere.

h. Minimize gasoline sent to waste collection systems that collect and transport gasoline to reclamation and recycling equipment such as an oil/water separator.

i. Properly dispose of any VOC-containing material.

j. Prevent:

(1) Overfill.

(2) Excess gasoline drainage.

302.2 Loading of Gasoline at a Bulk Gasoline Plant: The owner or operator of a gasoline cargo tank shall:

a. Ensure the gasoline cargo tank is properly connected to either:

(1) A vapor balance system; or

(2) A vapor collection/processing system.

b. Connect an additional vapor recovery hose before connecting any additional gasoline loading hose, unless an assisted vapor collection/processing system is serving the vapor recovery hose that is already connected.

302.3 Loading of Gasoline at a Bulk Gasoline Terminal: The owner or operator of a gasoline cargo tank shall:

a. Ensure the gasoline cargo tank is properly connected to a vapor collection/processing system.

b. Connect an additional vapor recovery hose before connecting any additional gasoline loading hose, unless an assisted vapor collection/processing system is serving the vapor recovery hose that is already connected.

302.4 Loading of Gasoline into a Stationary Gasoline Storage Tank at any GDF: The owner or operator of a gasoline cargo tank shall:

- a. Coaxial vapor balance system:
 - (1) Ensure any locked cap can be removed.
 - (2) Verify the stationary gasoline storage tank does not have any broken or damaged fitting that prevent the correct coaxial connection.
 - (3) Not remove the fill cap of a fill pipe unless every other fill pipe either has a fill cap fastened in place or a gasoline loading hose connecting it to the gasoline cargo tank.
- b. Dual-point vapor balance system:
 - (1) Ensure the stationary gasoline storage tank is equipped with a vapor return poppetted valve.
 - (2) Ensure any locked cap can be removed.
 - (3) Verify the stationary gasoline storage tank does not have any broken or damaged fitting that prevent the correct connection of a gasoline loading hose or a vapor recovery hose.
 - (4) Ensure a vapor recovery hose is connected from the gasoline cargo tank to a vapor return-line serving the stationary gasoline storage tank prior to the connection of the gasoline loading hose.
 - (5) Do not connect more than one gasoline loading hose to the gasoline cargo tank if a gasoline cargo tank's vapor recovery hose is connected to a vapor return line that is not part of a dual-point vapor balance system.
 - (6) Not remove the fill cap of a fill pipe unless every other fill pipe either has a fill cap fastened in place or a gasoline loading hose connecting it to the gasoline cargo tank.
 - (7) Not simultaneously have more than one gasoline loading hose connected, unless each gasoline loading hose is connected to a gasoline cargo tank's dual-point vapor balance system that already has a vapor recovery hose connecting it to the gasoline cargo tank.
 - (8) Thoroughly drain the gasoline loading hose and the vapor recovery hose into the stationary gasoline storage tank prior to disconnecting any fittings.
 - (9) Disconnect a gasoline loading hose from a stationary gasoline storage tank before disconnecting the vapor recovery hose.

303 EQUIPMENT REPAIR AND RETESTING: If the Control Officer determines there is a vapor leak in accordance with Sections 502 and 503, the owner or operator of the gasoline cargo tank shall observe the following time schedule for corrective action:

303.1 Concentrations at or above the LEL of gasoline vapors shall be brought into compliance within 24 hours of detection.

303.2 An OVA showing a leak concentrations exceeding 10,000 ppmv when calibrated with methane shall be brought into compliance within five days of detection.

303.3 A CGD showing 1/5 the LEL of the calibration gas shall be brought into compliance within five days of detection.

303.4 Except as the Control Officer otherwise specifies, a vapor leak source shall be tested after presumed leak-correction within 15 minutes of recommencing use. If vapor tight standards are exceeded in this test, the use of the faulty equipment shall be discontinued until correction is verified by retesting.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

401 MARICOPA COUNTY VAPOR TIGHTNESS TEST: The owner, operator, or tester of a gasoline cargo tank being tested to meet requirements of Section 301.1 shall:

401.1 Notification of Required Testing:

a. Notify the Control Officer:

(1) During normal business hours, 8:00 a.m. to 5:00 p.m.

(2) At least 4 hours prior to gasoline cargo tank vapor tightness testing.

(3) No more than 72 hours prior to gasoline cargo tank vapor tightness testing.

(4) **Weekend Testing:** Prior to 2:00 p.m. on Friday (or prior to 2:00 p.m. on the last business day before testing).

(5) **Testing Between 9:00 p.m. and 5:00 p.m.:** Any testing that is performed in the 8-hour period between 9:00 p.m. and 5:00 a.m. is not valid for purposes of satisfying Section 301.1 requirements, except if the Control Officer gives specific, advanced written permission for a particular occasion.

b. Provide an estimated start time that is no more than 1 hour prior to actual gasoline cargo tank vapor tightness testing start time.

c. Provide the location of where the testing will occur.

401.2 Conduct the Vapor Tightness Test:

a. Between the hours of 5:00 a.m. and 9:00 p.m. unless approved by the Control Officer per Section 401.1(a)(5).

b. Per the vapor tightness testing requirements in Section 501.1.

401.3 Vapor Tightness Testing – Availability to the Control Officer: The Control Officer shall, at their discretion, observe the vapor tightness testing.

401.4 Registration: To obtain a Maricopa County Vapor Tightness Certification Decal, the following information shall be submitted to the Control Officer for each gasoline cargo tank demonstrating the vapor integrity of the gasoline cargo tank:

a. A completed “Maricopa County Vapor Tightness Certification Decal Application” (application) that includes, at a minimum, all of the information required by Section 504.5.

- b. A completed copy of:
 - (1) The "Maricopa County Air Quality Department Gasoline Cargo Tank Vapor Tightness Certification Check List" (checklist), and
 - (2) If applicable, documentation from the gasoline cargo tank testing company to the Control Officer that attests to the vapor integrity of the gasoline cargo tank as described in Section 103.3.
- c. The annual fee remittance as listed in Rule 280 (Fees) of the MCAPCR.
- d. Upon receipt of the completed application, checklist, and fee remittance, a Maricopa County Vapor Tightness Certification Decal will be issued by the Control Officer.

401.5 Expiration:

- a. For a gasoline cargo tank that passed the Maricopa County Vapor Tightness Test, the certification of vapor tightness shall expire on the date indicated on the vapor tightness certification decal.
- b. For a gasoline cargo tank that has passed the Maricopa County Vapor Tightness Test:
 - (1) In the 4-month period beginning March 1 and ending June 30, the certification of vapor tightness shall expire at 11:59 p.m. local time on June 30 of the following year, as indicated on the decal.
 - (2) On or after July 1 through December 31, the certification of vapor tightness shall expire at 11:59 p.m. local time on June 30 of the following year, as indicated on the decal.
 - (3) On or after January 1, but prior to March 1, the certification of vapor tightness shall expire at 11:59 p.m. local time on June 30 of the current year, as indicated on the decal.

401.6 Lost, Defaced or Destroyed Maricopa County Vapor Tightness Certification Decal:

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

402 INSTALLATION OF CONTROL DEVICE: An owner or operator of a gasoline cargo tank testing company who chooses to comply with Section 301.3 through the use of a control device shall:

- 402.1** Submit an application for a Maricopa County Air Pollution Control Permit.

402.2 Properly:

- a. Install the control device.
- b. Operate the control device.
- c. Maintain the control device.

402.3 Submit an Operation and Maintenance Plan for the control device.

402.4 Use the applicable test methods as incorporated by reference in Section 506, to determine compliance with Section 301.3(a).

SECTION 500 – RECORDS AND MONITORING

501 MARICOPA COUNTY GASOLINE CARGO TANK VAPOR TIGHTNESS TESTING REQUIREMENTS:

501.1 Maricopa County Vapor Tightness Test: The following three subtests shall be used to determine the vapor tightness of a gasoline cargo tank. Each gasoline cargo tank shall pass all of the vapor tightness tests in the listed order of Section 501.1 using the same vapor recovery hose during each test as will be used for loading. If more than one vapor recovery hose is used for loading, the sequence of tests shall be performed for each vapor recovery hose.

- a. **Pressure Test:** Lose no more than 1" of water column in 5 minutes, when pressurized to a gauge pressure of 18" of water column in two consecutive runs, according to procedures in EPA Method 27, as incorporated by reference in Section 506.
- b. **Vapor Valve Loss Test:** Lose no more than 5" of water column in 5 minutes, measured in the vapor system after the gasoline cargo tank compartments are first collectively pressurized to a water gauge pressure of 18" of water column and then the vapor valves are closed.
- c. **Vacuum Test:** Gain no more than 1" of water column in 5 minutes, when initially evacuated to a water gauge pressure of 6" of water column, in two consecutive runs, according to procedures in EPA Method 27, as incorporated by reference in Section 506.
- d. **Pressure Instability:** A test is invalid if during the positive pressure test or the vapor valve loss test, more than +1/2" of water column is gained. A test is invalid if during the vacuum test the vacuum is increased by more than -1/2" of water column.

501.2 If a gasoline cargo tank does not pass all the tests listed in Section 501.1, the gasoline cargo tank shall be repaired, then retested. A gasoline cargo tank being retested shall pass all tests as listed in Section 501.1 in the same testing period within 15 days of initial testing.

502 IDENTIFYING A POTENTIAL VAPOR LEAK: The Control Officer may at any time monitor a gasoline cargo tank for vapor leaks to determine if it is vapor tight. The Control Officer shall follow one or more of the test procedures in Section 502 to identify a potential

vapor leak. If a potential vapor leak is detected, the Control Officer shall refer to Section 503 to determine the vapor tight status.

502.1 For the purposes of identifying a potential vapor leak, the use of sight, sound, or smell are acceptable.

502.2 EPA Method 21 (“Determination of Volatile Organic Compound Leaks”), Alternative Screening Procedure 8.3.3:

- a. Spray a soap solution over all potential leak sources. The soap solution may be a commercially available leak detection solution or may be prepared using concentrated detergent and water. A pressure sprayer or squeeze bottle may be used to dispense the solution.
- b. Observe the potential vapor leak site to determine if any bubbles are formed.
 - (1) If no bubbles are observed, the source is presumed to have no detectable vapor leak.
 - (2) If any bubbles are observed, the instrument techniques of Section 503 shall be used to verify if a vapor leak exists.

502.3 Optical Gas Imaging: An operator of a calibrated optical gas imaging device may use an optical gas imaging instrument to identify a potential vapor leak.

502.4 CGD or OVA: An operator of a calibrated CGD or an OVA may use the test procedure described in Section 503 to identify a potential vapor leak.

503 DETERMINING VAPOR TIGHT STATUS:

503.1 CGD or OVA – Test Procedure: The Control Officer shall follow the test procedure below to determine the vapor tight status of a gasoline cargo tank. A CGD or an OVA meeting the specifications and performance criteria contained in EPA Method 21 and this section shall be used to determine vapor tight status.

- a. **Calibration:** Within 4 hours prior to monitoring:
 - (1) The CGD shall be properly calibrated for a 20% LEL response; or
 - (2) The OVA shall be properly calibrated to 10,000 ppmv with methane.
- b. **Probe Distance:** The probe inlet shall be:
 - (1) At the surface of the potential leak source when searching for leaks.
 - (2) At the surface of the leak source when the highest detector reading is being determined for a discovered leak.
 - (3) At the closest practical probe distance when the probe is either obstructed from moving on the surface of an actual or potential leak source, or if the source is a rotating shaft.
- c. **Probe Movement:** The probe shall be moved slowly, not faster than 1.6 inches per second (1.6"/sec). If there is any meter deflection at an actual or potential 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 an actual or potential leak such that the central axis of the probe-tube inlet shall be positioned coaxially with the path of the most concentrated vapors.
- e. **Wind:** Wind shall be blocked as much as possible from the space being monitored. A determination of vapor tight status shall be valid only when wind speed in the space being monitored is 5 mph or less.
- f. **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 RECORDKEEPING AND REPORTING REQUIREMENTS: An owner or operator subject to this rule shall comply with the following recordkeeping requirements:

504.1 Records shall be retained for a period of five years.

504.2 Records shall be made available to the Control Officer no later than five business days upon verbal or written request.

504.3 Records shall be made available to the Control Officer upon request by members of the public using the County's public records request process.

504.4 Records shall be kept on site at all times in a consistent and complete manner.

504.5 The records of the gasoline cargo tank vapor tightness certification testing required by Section 301.1, shall be recorded in both of the following documents: "Maricopa County Vapor Tightness Certification Decal Application" and the "Maricopa County Air Quality Department Gasoline Cargo Tank Vapor Tightness Certification Check List". The minimum requirements for each of these two documents are:

- a. The "Maricopa County Vapor Tightness Certification Decal Application" shall include the following information:
 - (1) Owner's name and address.
 - (2) The manufacturer's gasoline cargo tank vehicle identification number (VIN).
 - (3) The gasoline cargo tank unit number.
 - (4) The location of the test.
 - (5) The time of the test.
 - (6) The date of the test.
 - (7) **Pressure Test:** For the pressure test, record the following two readings:
 - (a) Change in pressure (in inches of water column) for Run 1.
 - (b) Change in pressure (in inches of water column) for Run 2.
 - (8) **Vapor Valve Loss Test:** For the vapor valve loss test record the total change in pressure during the test.
 - (9) **Vacuum Test:** For the vacuum test, record the following two readings:

- (a) Change in vacuum (in inches of water column) for Run 1.
 - (b) Change in vacuum (in inches of water column) for Run 2.
 - (10) Name of the gasoline cargo tank testing company.
 - (11) The printed name and signature of the person conducting the vapor tightness test.
 - (12) Title of the person conducting the vapor tightness test.
 - (13) Contact information of the person or company conducting the vapor tightness test.
- b. The "Maricopa County Air Quality Department Gasoline Cargo Tank Vapor Tightness Certification Check List" shall contain at least the following information:
- (1) Owner's name and address.
 - (2) Manufacturer's gasoline cargo tank VIN.
 - (3) The gasoline cargo tank unit number.
 - (4) The gasoline cargo tank capacity.
 - (5) Whether the gasoline cargo tank was purged of gasoline vapors.
 - (6) The location of the test.
 - (7) The time of the test.
 - (8) The date of the test.
 - (9) Initial testing information:
 - (a) The time the test began.
 - (b) The initial pressure in inches of water column.
 - (c) The finish time of the test.
 - (d) The final pressure of the test.
 - (e) The pressure change between the start and end of the test.
 - (f) If the initial pressure test failed:
 - (i) Record one set of readings in the row "Initial Test."
 - (ii) Record the elapsed time if the pressure reached zero before 5 minutes.
 - (iii) Record any repairs conducted.
 - (10) Testing Information for each test:
 - (a) The time the test began.
 - (b) The initial pressure in inches of water column.
 - (c) The finish time of the test.
 - (d) The final pressure of the test.

- (e) The pressure change between the start and end of the test.
- (11) The date of the next leakage test if the set of three subtests are not all passed.
- (12) Name of the gasoline cargo tank testing company.
- (13) The printed name and signature of the person conducting the vapor tightness test.
- (14) Title of the person conducting the vapor tightness test.
- (15) Contact information of the person or company conducting the vapor tightness test.

504.6 Vapor Leak Detection Records:

- a. **No Leak Detected:** If the Control Officer monitors a gasoline cargo tank for vapor leaks in accordance with Sections 502 and 503, documentation shall be maintained by the Control Officer. The record shall include the following:
 - (1) The date the test was conducted.
 - (2) The equipment that was determined to not have a vapor leak.
 - (3) The instrument used to follow the test procedure as described in Section 502.
- b. **Leak Detected:** Should the Control Officer determine there is a vapor leak in accordance with Sections 502 and 503, the owner or operator of the gasoline cargo tank shall document the corrective actions taken in accordance with Section 303. At a minimum, the repair records shall include the following:
 - (1) The date the leak was detected.
 - (2) The equipment that was determined to have a vapor leak.
 - (3) The instrument used to follow the test procedure as described in Section 502.
 - (4) The date(s) the equipment was repaired and retested.
 - (5) Decommission date (if applicable).

505 COMPLIANCE:

505.1 Pressure and Vacuum Tests: The tests to determine compliance with Section 501.1 shall be performed according to EPA Method 27 (“Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure Vacuum Test”), except that the definition of gasoline shall be according to this rule.

505.2 Test of Internal Vapor Valves: The vapor valve loss test shall be performed immediately after successfully passing the pressure subtest, without performing any intervening maintenance or repair on the vapor valves.

505.3 Confirmation of a vapor leak detected on a gasoline cargo tank during loading of gasoline shall be determined by properly deploying a pressure tap adapter that

conforms to EPA Method 27 provisions, and demonstrating the leak according to Section 503, while the pressure is less than 20" of water column.

505.4 Reid vapor pressure shall be determined using American Society for Testing and Materials (ASTM) D323-06, "Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)".

506 TEST METHODS INCORPORATED BY REFERENCE: The following test methods are approved for use for the purpose of determining compliance with this rule. The test methods are incorporated by reference in Rule 360 and Appendix G of the MCAPCR. Alternative test methods as approved by the EPA Administrator or other EPA-approved test methods may be used upon prior written approval from the Control Officer. When more than one test method is permitted for the same determination, an exceedance under any method will constitute a violation.

506.1 EPA-Approved Test Methods Incorporated by Reference:

- 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") (40 CFR Part 60, Appendix A-1).
- b. EPA Method 18 ("Volatile Organic Compounds by Gas Chromatography") (40 CFR Part 60, Appendix A-6).
- c. EPA Method 21 ("Determination of Volatile Organic Compound Leaks") (40 CFR Part 60, Appendix A-7).
- d. EPA Methods 25A ("Determination of Total Gaseous Organic Concentrations Using a Flame Ionization Analyzer") and 25B ("Determination of Total Gaseous Organic Concentration Using a Nondispersive Infrared Analyzer") (40 CFR Part 60, Appendix A-7).
- e. EPA Method 27 ("Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test") (40 CFR Part 60, Appendix A-8).
- f. Optical Gas Imaging: Alternative Work Practice for Monitoring Equipment Leaks, 40 CFR 60.18(g), (h), and (i).

506.2 EPA-Approved ASTM Standard Incorporated by Reference:

- a. ASTM D323-06, "Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)".

MARICOPA COUNTY BOARD OF HEALTH MEETING MINUTES

Monday, July 23, 2018 at 3:00 pm
205 W. Jefferson Street, Phoenix, Arizona 85003
Board of Supervisors Auditorium

Vice President Hughes called the meeting to order at 1:39 p.m.

[Return to list of attachments](#)

ROLL CALL:

Members Present:

Don Cassano
Henri Cournand
Kristen Acton (via phone)
Robert MacMillan
Nedra Halley (via phone)
Don Hughes
Debra Baldauff

Members Not Present:

Bill Gates

Ex-Officio: Max Porter

CALL TO THE PUBLIC:

Vice President Hughes announced that we have speaker slips for anyone wishing to speak on any action items. Speakers will be called after the item is heard. Each speaker will have 2 minutes to speak.

DISCUSSION/ACTION ITEMS

1. Approval of Minutes: Vice President Hughes asked for a motion to approve the minutes from the BOH Meeting held on April 23, 2018. Motion was made by Mr. Cassano to approve the BOH minutes as presented. Motion was seconded by Mr. MacMillan and all were in favor. The motion passed unanimously.

2. Election for Board of Health president/vice president

Mr. Don Hughes was nominated as President of the Board of Health. **A motion was made by Mr. Don Cassano and seconded by Mr. Cournand and all were in favor. The motion passed unanimously.**

Mr. Robert MacMillan was nominated as Vice President of the Board of Health. **A motion was made by Mr. Don Cassano and seconded by Dr. Baldauff and all were in favor. The motion passed unanimously.**

3. Appointment for Finance Committee vacancies

Mr. Henri Cournand and Ms. Kristen Acton were appointed to the Finance Committee.

4. Fee Waiver Applications

Ms. Jeannie Taylor

Ms. Jeannie Taylor presented thirty-eight (38) fee waivers for review and consideration of approval. A summary sheet document was provided.

Motion to approve the thirty-eight (38) fee waiver applications was made by Mr. Cassano, seconded by Mr. Cournand and all were in favor. The motion passed unanimously.

5. Approval of initiation of regulatory change for Rule 352 (Gasoline Cargo Tank Testing and Use) and the New Source Review (NSR) rules

**Mr. Philip A. McNeely
Gregory Verkamp**

AQ-2017-009-Rule 352 (Gasoline Cargo Tank Testing and Use): The Maricopa County Air Quality Department (MCAQD) is proposing to revise Rule 352 to address Environmental Protection Agency comments to ensure the revised rule meets Reasonably Available Control Technology (RACT) requirements as required by the Clean Air Act.

AQ-2017-010-NSR (New Source Review): The MCAQD is revising the NSR rules in order to secure their approval as part of the State Implementation Plan (SIP) under the Federal Clean Air Act.

Mr. Philip A. McNeely director of Air Quality introduced Gregory Verkamp, supervisor of the rules division of the department.

Mr. Verkamp presented on item number 5. He explained that this is air quality departments request for approval of the initiation of the regulatory change. Rule 352 (Gasoline Cargo Tank testing and Use) rule and the New Source Review (NSR) rules. Both rule makings have been before this board before and they've also been before the Board of Supervisors. Both these rules have been submitted to the EPA for inclusion in the Arizona State implementation plan. The EPA has reviewed the rules and they have some comments they would like us to address in the rules. We are here today requesting the initiation of the rule makings so we can address the EPA comments so they can be incorporated into the Arizona State implementation plan. They have had stake holder workshops previous to this meeting today and they will have more in the future after this meeting, will have future stake holder workshops and then they'll come back later after they've gone through stakeholder workshops. This is just the first step requesting these rule makings today.

President Hughes asked we're just responding to the comments from the EPA and are those are the only changes? Mr. Verkamp explain that yes they are responding to the EPA comments and there are some smaller changes from our internal department, rule improvements, but the major changes are EPA. The changes will be going before our stakeholders for review and comment and this just initiates the process.

Vice President MacMillan asked if as far as the purpose of the rule making is it because of trying to address RACT for the EPA. Mr. Verkamp explained that is correct, with RACT there's the control technique guidelines that we use and the EPA uses to determine RACT. They also look at the GAP rules and the NESHAP rules and the NSPS rules (New Source Performance Standard Rules) and then they also look at other air districts that have the same non-attainment status as ourselves. The EPA will look at non-attainment, particularly in region nine, most of the California districts, they'll look at those districts and see what their rules look like for districts that are in moderate non-attainment for ozone such as ours.

Motion was made by Mr. MacMillan for approval of the initiation of regulatory change for Rule 352 (Gasoline Cargo Tank Testing and Use) and for approval of the New Source Review (NSR) rules. Motion was seconded by Mr. Cournand and the motion passed unanimously.

6. Make recommendations to the Board of Supervisors on the proposed revisions to Rule 316 (Nonmetallic Mineral Processing) and Rule 320 (Odors and Gaseous Air Contaminants)

**Mr. Philip A. McNeely
Gregory Verkamp**

AQ-2013-001-Rule 316 (Nonmetallic Mineral Processing): The MCAQD is proposing to revise Rule 316 to make the rule more clear for the regulated community by incorporating alternative control measures and information from department guidance documents and consolidating all applicable requirements for control of particulate matter emissions from nonmetallic mineral processing and related operations in a single rule.

Mr. Philip A. McNeely presented on Rule 316. He explained that they put all the standards into one rule, streamlining the rule to make it easier to understand for better compliance.

Mr. McNeely commented that he thinks we should take these rules, 316 and 320 separately. They are two separate rules.

President Hughes asked what Rule 316 deals with exactly? Mr. McNeely replied sand and gravel, asphalt plants and concrete plants. It's a PM-10 Rule. 320 is an odor rule, hydrogen sulfide rule, stack height.

Mr. Cassano clarified that they can make a motion on these rules separately.

Rule 316

There was 1 request for public comment received.

- 1st speaker Linda Butler

Vice President MacMillan asked that you mentioned that 316 was not a loosening of the standard, it was just a consolidation of different rules, right? Mr. McNeely replied yes, federal standards, 310 and 316 plus some safety issues. Plus this is in the SIP so this will be approved by EPA, we'll have to submit this to EPA for approval.

Motion to approve recommendations to the Board of Supervisors on the proposed revisions to Rule 316 (Nonmetallic Mineral Processing) was made by Mr. Cassano, seconded by Ms. Halley and all were in favor. Roll call vote was requested.

Vice President MacMillan – AYE

Mr. Cassano – AYE

Ms. Halley – AYE

Ms. Acton – AYE

Mr. Cournand – AYE

Dr. Baldauff – AYE

President Hughes - AYE

Motion passed unanimously.

AQ-2016-004-Rule 320 (Odors and Gaseous Air Contaminants): The MCAQD is proposing to revise Rule 320 to update and enhance the rule and to clarify MCAQD's authority so that it is consistent with the intent of the Maricopa County Air Pollution Control Regulations and the general air pollution prohibition standard in Rule 100.

Mr. Philip A. McNeely presented on Rule 320.

He explained that they had an oral proceeding at the request of the residents and stakeholders on April 4th and they've revised the rule and made some changes to it. The rule was about 40 years old so the intent was to enhance it, to clarify the language and to bring it in line with intent of rule 100. There's nothing in this rule that prevents us from responding to odor complaints. We have that authority completely in rule 100. There's nothing in this rule that's going to change the way we do our procedures. We're trying to make it consistent with our other rules.

Mr. McNeely reviewed the various changes and explained that with the changes they've tried to be responsive to the stakeholder concerns.

- Added definition of odor tied to regulated air pollutant back in.
- Section 305 Titled Odors from Regulated Air Pollutants (Added the word Odor).
- Returned stack height, how high you can put stacks.
- Hydrogen sulfide standard.
- Adding in for reduction animal matter.

- Added a monitoring and record keeping section.

There were 18 request for public comment received.

- 1st speaker Jackie Avilla (deferred time to Dan Blackson)
- 2nd speaker Dan Blackson
- 3rd speaker Sonia Lopez
- 4th speaker Billie Fidlin
- 5th speaker Paul Burton
- 6th speaker Sandy Larson
- 7th speaker Carolyn Burton
- 8th speaker Rhonda Mack
- 9th speaker Dan Mack
- 10th speaker Scott Manka
- 11th speaker Timothy Avilla
- 12th speaker Linda Butler
- 13th speaker Lorna Proper
- 14th speaker Steve Love
- 15th speaker Tom Martinez
- 16th speaker Leslie Saunders
- 17th speaker Brent Backus
- 18th speaker Linda Kinman

After all the discussion and all the public comments Mr. President stated that he's concerned about a number of things that were discussed today. The fact that you've made some major changes in the rule and the community doesn't seem to have had the opportunity to review those rule to see if they address the concerns that they have. I'm bothered by a number of other things and at this point I would like to either deny or table this for further study.

Mr. Cournand stated that he thinks there's a lot of questions still within the community that need to be answered. He doesn't think there's a major driving need to try to force this through either way. At this point I think further study and review make the most sense.

Motion to table the initiation of the rulemaking for proposed revisions to Rule 320 was made by Mr. Cournand seconded by Dr. Baldauff. Roll call vote was requested.

Vice President MacMillan – AYE

Mr. Cassano – AYE

Ms. Halley – AYE

Ms. Acton – AYE

Mr. Cournand – AYE

Dr. Baldauff – AYE

President Hughes - AYE

Discussion Items:

1. Public Health Report
 - i. Human Resources
 - ii. Communication
 - iii. Infrastructure
 - iv. Strategic Planning
 - v. Programs
 - vi. Disease Update
 - vii. Future Topics

Max Porter and Dr. Rebecca Sunenshine

Max Porter stated that as far as the Director's report we have several initiative, several grants that are new, but I think we can cover all of that in our next meeting. There's two issues that have a medical bearing that I'd like you to hear about from Dr. Sunenshine. They have to do with us. We are critically pushing our herd immunity with childhood immunization. It's something that you'll hear about in the news, especially as we hit our back to school rush.

Dr. Sunenshine presented on the following (Review attached handouts for details):

- Immunizations
 - Maricopa County immunization rates in Kindergarteners have dropped below the threshold for herd immunity
 - We just got our numbers back from Arizona Department of Health Services from 2017. From 2016 to 2017, the nonmedical immunization exemption rates have risen from five point four percent to five point nine percent. The reason why that's important is because 94 to 95 percent of the population being immunized is that critical threshold for Herd Immunity to measles. Measles is the most contagious disease. While we worry about all the vaccine preventable diseases, Measles is the one we use as a marker. And so right now if we've got almost six percent of our population who are exempted from receiving vaccines, we have now crossed the 95 percent threshold. Combined with medical exemptions, we are just below 94 percent. And this has shown a downward trend for the last several years.
 - There are already six countries in Europe that have lost herd immunity to measles and these are not developing countries. Belgium, France, Germany, Italy, Poland, and Romania have already lost herd immunity. If we lose that threshold for herd immunity, it means that the measles will spread rapidly through our population. Whereas when we're above that threshold, it exposes a couple of people but then stops. So because we're at this critical point, we are going to work with Maricopa County and try to do an educational campaign within Maricopa County employees and all the different departments as well as with the public.
 - We're working closely with Arizona Department of Health Services who developed an educational module, which is an evidence based intervention. Basically anyone who wants to exempt their child from vaccines would be required to take a five minute educational course online for each vaccine they want to exempt, and then obtain a certificate so that they could exempt their child. And what this has been shown to do is make it less convenient to exempt your child. So it's equally as challenging to go get an appointment at the doctor's office as it is to exempt their children from vaccines. Whereas now all they have to do is take a form, sign it and fill it out. We have reason to believe that some folks are actually being handed the form and think that it's their only option for their children to continue to go to school. We're working with schools to let them know, to give parents some lead time that they need to go get their kids immunized and not tell them the day before it's due. So we're trying to get at these convenience exemptions with this module. This module was developed two years ago. We piloted it in Maricopa County at about 10 schools. It was really successful. But they have not implemented it yet. They're doing another pilot this year and our understanding is that there is some push back from certain folks in implementing the module and we know it's effective, it worked in Michigan and in several other states, so we want you to be

aware of this. If you're hearing about pushback, please know that this module could be the difference between having these diseases spreading again in our community or not.

Mr. President commented that losing herd immunity is pretty scary. To have measles and some of these other diseases that really have not been a threat for since I was a kid or before and to have them come back is just pretty scary.

Dr. Sunenshine commented that Max pointed out that Pima County already has a similar system in place and they have one of the highest rates of immunizations in the State and we are one of the lower.

Max commented that one reason Dr. Sunenshine is bringing that to your attention is we're getting a little bit of pushback and it's not from the individual schools were also getting pushback from the Department of Education who doesn't want to add another item for their schools to do. This is of vital importance and we need you to be aware of the situation as it develops.

Mr. President commented would the Department of Education prefer schools dealing with a big outbreak of measles.

Max replied No, they are worried about education and the piece and health aspect is not foremost on their plate. We try to put it foremost on their plate. That's our job and that's what we're trying to do. So as Dr. Sunenshine goes through these things, we're doing our best to do that, but if we're not successful you need to understand that, that might be something that we will have to bring back before you in order to take action that will get them on board with us. But right now we're trying to work with them so they see the importance as you do.

Mr. President stated Thank you, I don't want to belabor this, but I would simply point out for the record that a kid who has measles is not getting educated because he's at home.

Mr. Courmand asked just a quick question you mentioned, 95 percent is kind of the threshold for herd immunity. If you were to break apart that five percent, that's not getting the vaccine, could you either separate between, a tourist coming in from even developed countries that haven't been vaccinated, that can be an issue. How much of it is really in the schools versus some of the other ways that I'm anti vaccinated folks can come in. Is it, if we get there, if we got the school situated, we're at 98. If we got the school situated, we're at 99 or if we got the school situated, it's at 96 and they're still 4 percent out there for tourists and what have you.

Dr. Sunenshine replied if we're above that threshold of 95 percent, then if someone in a school is exposed, what we would do is we would remove everyone who is unvaccinated who is exempt from school so that they couldn't spread it and they would have to stay home for a minimum of 21 days, but then it would not spread efficiently in the school. If we drop below that threshold of 94 and 95 percent, then there's nothing we can do. It will just spread through the population regardless of who we keep on. We keep them home anyway, but it would spread efficiently.

Mr. Courmand responded Thanks. For what it's worth, the sooner that we can help you in any way please let us know. Not having Herd Immunity is a non-option, that can't happen.

Dr. Sunenshine continued with her remaining items.

- STDs going up nationwide. Specifically syphilis.
 - Maricopa County is the third highest rate of syphilis and gonorrhea in the entire nation. And one of the tragic pieces of having one of the highest rates of syphilis is that we also have one of the highest rates of congenital syphilis or babies born with syphilis or born deceased, (still birth). The numbers went from 16
- Maricopa County • Air Quality Department • Rule 352 Report to the Board of Supervisors Page 63 of 79

babies with syphilis in 2016 and it nearly doubled in 2017 to 30. Nineteen of those were in Maricopa County. Of the 16 babies with congenital syphilis in 2018, 12 of them are in Maricopa County. What are we doing about that? Jeanene Fowler can talk to you more about an ad campaign that was rolled out in the last couple of weeks. We've already seen a near doubling of users on our STD site which is a good thing. We still have some other things to do with Provider Education. They are required to test pregnant women twice during pregnancy rather than the standard recommendation of just once because of our high congenital syphilis rates. So we have some education to do with our healthcare providers.

- Those are the two things that we're working right now with the state. We also have some issues in our tribal areas across the state and we need to be focused on a comprehensive approach.

Max stated we tried to keep it brief. We're very busy in public health, so we have a lot of things that we could tell you. We, we're tired just like you so if you do have questions, we're not trying to avoid the questions, so if you have anything you would like to know, we'll be glad to answer anything.

ANNOUNCEMENTS AND CURRENT EVENTS

- Next meeting is October 22, 2018

ADJOURNMENT: There being no further business, **motion to adjourn the meeting was made by Ms. Halley, seconded by Mr. MacMillan and motion was passed unanimously.** The meeting was adjourned at 3:56p.m.

ADJOURNMENT: There being no further business, motion to adjourn the meeting was made by Ms. Halley, seconded by Mr. MacMillan and motion was passed unanimously. The meeting was adjourned at 5:23p.m.

MARICOPA COUNTY BOARD OF HEALTH MEETING MINUTES

Monday, July 27, 2020, at 3:00 PM

Virtual Meeting due to COVID-19 and social distancing guidelines

President Hughes called the meeting to order at 3:00 p.m.

[Return to list of attachments](#)

ROLL CALL:

Members Present:

Andrew Rascon
Don Hughes
Debra Baldauff
Don Cassano
Paul Dr. Stander
Paula Banahan
Robert MacMillan
Scott Celley
Supervisor Bill Gates

Members Absent:

Kristen Acton

Ex-Officio: Marcy Flanagan

CALL TO THE PUBLIC:

DISCUSSION/ACTION ITEMS:

Appointment for New Board Member Ms. Robin Schaeffer

Ms. Marcy Flanagan

Ms. Schaeffer is the Executive Director of the Arizona Nurses Association (AzNA). She has been a Registered Nurse for over 40 years with a varied nursing career that includes staff nursing, administration, and teaching. Robin holds a Master of Science Degree in Nursing and is a Certified Association Executive (CAE). Ms. Schaeffer also serves as Executive Director of the Arizona Foundation for the Future of Nursing the philanthropic arm of AzNA that awards nursing scholarships and secures grants that focus on the nursing workforce. She was recently awarded the Legend in Nursing Award by the March of Dimes Arizona. The award recognizes a nurse who has dedicated his or her life to making outstanding contributions to the nursing profession in Arizona. Ms. Schaeffer recently served two terms on the Maricopa County Workforce Development Board. Ms. Schaeffer was welcomed by all.

- 1. Approval of Minutes:** President Hughes asked for a motion to approve the minutes from the Board of Health (BOH) Meeting held on April 27th, 2020. A motion was made by Mr. Cassano to approve the BOH minutes as presented. The motion was seconded by Mr. MacMillan. President Hughes noted one change, it was President Hughes who called the meeting to order not Mr. MacMillan. Mr. Cassano amended his motion to include the change. Mr. MacMillan seconded the motion of the minutes and all were in favor. The motion passed unanimously.

- 2. Approval of FY21 OMB budget**

Mr. Scott Pitcairn

Fund 100 – General Fund

General Fund is \$13,483,023, a net decrease of \$1,508,582. FY20 non-recurring funding for the Hepatitis A response for \$1,693,222 is removed for FY21, which was part of a two-year program started in FY19 to address the outbreak. This is offset by an increase of \$184,640, including \$44,881 in annualized funding for the prior year's Performance Pay, \$130,014 in benefits adjustments, and \$9,858 for central cost adjustments.

Fund 265 - Special Revenue Fund

The Special Revenue (Fee) Fund totals \$8,172,982, including \$7,672,982 of operating funding and \$500,000 of non-recurring funding from accumulated fee fund balances. This is a decrease of \$337,981 in the operating budget from the FY20 funding level, due primarily to the contraction of the Refugee medical examination program. It is a reduction of \$1,190,000 in the non-recurring/fee fund balance funding, from \$1,690,000 in FY20 to \$500,000 in FY21. Part of this reduction (\$625,000) reflects the completion of the renovations for the move of the Vital Registration East Valley Office to the County's Southeast complex in Mesa in FY20.

Fund 532 – Grant Fund

The FY21 Grant Fund budget is \$50,399,748, an \$8,578,810 increase from FY20. This increase is the net result of absorbing the Ryan White grants and the award of the CDC Opioid Data grants, offset by the termination of the federal Adolescent Health grant and a few grant reductions in our Healthy People/Healthy Communities multi-grant IGA with ADHS.

This total does not include the COVID-related grants---the CARES Act funding assigned to MCDPH in FY20 and the OPR program's CDC grant in the amount of \$2.5 million. The CARES Act funding is being consolidated into a new department (D890) effective in FY21. The CDC COVID-related grant will remain in our department, and the budget may be adjusted as necessary in the next month or two to accommodate this grant's funding.

Maricopa County created a department that will sunset on June 30, 2021, for one-year with CARES ACT dollars that's one hundred percent funded through CARES ACT. The department will consolidate all the financial happenings concerning CARES ACT money. The purpose is to effectively and efficiently watch money being spent both in and out, the department will sunset after the end of this fiscal year. This action was actioned by the Board of Supervisors.

Supervisor Gates further explained that primarily Public Health and Emergency Management have been physically together, doing so allows for a smoother process. Direction provides that all monies must be spent by the end of the fiscal year, the Board wanted to ensure that all resources were available to fight COVID-19. The department's Director, Marcy Flanagan oversees the employees that spend one hundred percent working the pandemic, hours spent are charged to the CARES ACT department and any other time spent doing their actual position work will be budgeted to their home department.

President Hughes recommends that the FY21 budget be presented to the Board of Supervisors for approval. A motion was made by Dr. Stander and seconded by Mr. Celley, all were in favor. The motion passed unanimously.

The budget does not include any CARES ACT funding, or COVID-19 related expenditures those budgets are included in Fund 200.

FUND 100 (County General Fund)

Adopted budget for Fund 100 operating are \$327,221 in revenues and \$10,248,820 in expenditures.

Revenues

Agency 880 is funded by the County General Fund subsidy. Environmental Services collects enforcement revenue from non-permitted activities. These fines are associated with violations of the Environmental Health Code by persons and organizations not subject to obtaining a permit. Additionally, fees are collected for transfer station trash services. Adopted budgeted revenues for Fund 100 are \$327,221 or **\$80,000 (24%)** above FY20 adopted.

In FY20 the Maricopa County Board of Supervisors approved an increase in transfer station fees. Phase II of those fees are set to be implemented on August 1st, 2020.

Expenditures

Environmental Services General Fund Agency adopted operating budget expenditures are \$10,248,820 an increase of **\$783,409**, or an **8%** increase from FY20 adopted.

The adopted budget includes an increase in personnel in the amount of **307K** for three additional vector control technicians, an increase to fuel in the amount of **56K**, increases to general services in the amount of **88K**, and increases to risk in the amount of **295K**.

Non-Recurring Expenditures

The Department’s adopted budget includes non-reoccurring expenses in Fund 100 in the amount of \$164,000 for the following:

- Laptops – \$9,000
- PCR Machines - \$50,000
- Vehicles – \$105,000

FUND 290 (Waste Tire Fund)

Revenues collected from the State for any purchase of tires, the fund will remain flat this year. Adopted budget for Fund 290 operating are \$5,825,000 in revenues and \$5,825,000 in expenditures.

Revenues

Revenues are received from the State of Arizona to fully cover the expenses to the county to operate a tire recycling program. These fees are not directly collected by the county instead they are collected through the purchase of a tire and distributed to the counties based upon the number of vehicles registered in the county.

Expenditures

The Tire Fund expense budget has remained flat from FY20 to FY21.

FUND 506 (Environmental Fee Fund)

Adopted budget for Fund 506 operating are \$21,972,166 in revenues and \$21,940,071 in expenditures.

Revenues

Adopted budgeted revenues for Fund 506 are \$21,972,166 or **\$959,496 (4%)** above FY20 adopted.

In response to the COVID-19 pandemic, the Governor issued several Executive Orders that imposed restrictions on the restaurant and hospitality industry. This resulted in many establishments closing temporarily, closing permanently, or limiting the scope of their operations to take out or delivery service. Despite some of those restrictions being lifted, permit renewal delinquency rates are approximately 400% higher than pre-COVID months

and have already resulted in more than \$839K in uncollected outstanding revenue in FY20. Fortunately, the construction industry has not shown any signs of a slowdown and has increased 3% year over year or roughly \$800K over-budgeted revenue in FY20.

The department will adopt the continued monitor process and evaluate revenue trends, permit renewals, and closed establishments on an ongoing basis to obtain structural balance. These activities will include the following:

- Line item quarterly forecast of both revenue and expenses
- Weekly permit renewal models
- Weekly outstanding revenue reports
- Weekly closed establishment reporting

Expenditures

Adopted budgeted expenses at **\$21,940,071** or **\$938,323 (4%)** above FY20 adopted. The adopted budget includes an overall increase in personnel services by **\$757K** or 4% with increases to medical, retirement contributions, and a budgeted line for performance pay. Supplies and services have been increased by **\$181K** due to an increase in central services cost allocations, telecom, risk, and rent.

Non-Reoccurring Expenditures

The Departments adopted budget includes non-reoccurring expenses in Fund 506 in the amount of \$2,117,426 for the following:

- Vehicles - \$390,000
- Overtime – \$125,000
- Rent – \$93,954
- 301 Move Costs - \$797,525
- IT Recommendations – \$710,947

There is some flexibility or a plan if the revenue is below the targeted 4%. The structural balance will always be maintained through the vacancy savings as positions become vacant. Positions are always reviewed to determine their need for the current workload and how many restaurants are remaining open and how many inspections are needed, this allows for the department to adjust throughout the year.

President Hughes asked for a motion to approve the FY21 adopted budget. A motion was made by Mr. MacMillan and seconded by Mr. Cassano, all were in favor. The motion passed unanimously.

4. EROP Case ES-2019-002/Repeal MCEHC Chapter XI, Regulations Piggeries Mr. Ken Conklin (Presentation attached – ES-2019-002BOH) Request BOH approval to proceed according to EROP Expedited Process

Mr. Conklin directed all to the presentation slide regards to the enhanced regulatory outreach program for MCESD 2019-002, and it's to repeal the Maricopa County Environmental Health Code Regulations, and that's found in Chapter 11, Regulation two for piggeries. The department's requesting the border fence approval to proceed, according to the EROP expedited process. The Departments' vision and the mission were noted from the slide. MCEHC Chapter XI Section 1 – Animals Regulation 2. Piggeries show the code markup with the strikeouts, which is in code right now and that's the section being asked to repeal. There are quite a few requirements that appear to be outdated and not currently useful. Maricopa County has never had a definition for Pigsty or Piggery, especially the 300-foot distance to an inhabited, Taos or occupied building tends to be problematic for us. The language appears to have been written for a large operation rather than the residential setting of one or two animals, much of the old requirements are outdated.

The State of Arizona code dates back to 1943 for many of the codes, the pygmy code was repealed by the state in 1997, no longer a state regulation reasoning was that they used the word obsolete. If repealed, MCEHC

would still be able to enforce or address any nuisance associated with pigs including manure and fly breeding, stagnant water for wallowing, and mosquito breeding. In a review of all facts, MCESD is advising that the regulations are no longer relevant. The D-regulation is that if the swine are at least 300 feet from a residential property if the area is kept clean and doesn't create an environmental nuisance, it's viewed as more of a learning opportunity for the youth.

Mr. Hughes referred to a prior hearing Environmental Services wanted to change the regulation of smell. Both hearings were full of residents upset and voiced the smells, so hearings on regulations for changes to enforce the laws of odors were big. The concern is the unanswered question as to how many swine or pigs can be housed on one property. In answer, Mr. Conklin advised that Environmental Services is not aware of any restrictions based on Environmental Services codes and regulations. Maricopa County Planning and Development in a rural area has no limit on the swine in their codes. Maricopa County residential, not zoned for animals, you can't have pigs, hogs, or swine, same as the cities. In the unincorporated areas of Maricopa County, there are no limits in the number of animals.

Concerning the odors, it's believed that hearing may have related to Air Quality Department, not Environmental Services. There is no equipment to monitor odors, the complaints received are from neighbors who voiced the areas are not being well kept causing an increase in flies. Cities have their own ordinances. MCESD still has the right to enforce nuisances if piggeries are repealed.

President Hughes asked if there was a recommendation for the expediated EROP Case ES-2019-002/Repeal MCEHC Chapter XI, Regulation on Piggeries presented go forward to the Board of Supervisors. A Motion was made by Mr. Celley and seconded by Mr. Cassano, all were in favor. The motion passed unanimously.

5. Environmental Services - Fee Waiver Applications

Ms. Darcy Kober

29 fee waivers & 2 sponsoring School District fee waivers for classes

(see attached document – Summary Sheet for 7-27-2020 BOH Mgt)

Ms. Kober discussed a possible change to the Maricopa County Environmental Health Code, to address some of the concerns related to fee waivers. A vote on approval or denial of 32 total fee waiver applications that were presented to the Board before today's meeting. A staff report dated July 9th, a fee waiver application summary sheet for July 27th, 2020, and a Deferred Fee Waiver Summary Sheet dated July 27th.

Thirty-one (31) new applications were received, of those twenty-nine (29) were for permits and 2 classes. The applications were reviewed to determine if they met the Environmental health code. 1 application was carried over from both the January and April 2020 meetings. a reminder, only, an operator, of a Charitable non-profit establishment, which operates to, provide relief solely, for the poor distressed, and underprivileged may apply to the Board of Health for a waiver of a permit fee. A waiver of permit fee may be granted only to the operator of an establishment, which maintains a 501 C 3 from the IRS, and who also demonstrates to the board of health, that payment of said fee will cause financial hardship. 27 new permit fee waiver applications were reviewed and met the criteria. one applicant does not appear to meet the criteria, and that is the one labeled as P 28. And then there is one applicant that submitted 2 for 2 permits. one of which we feel does not meet the criteria because it was for a swimming pool permit. Both applicants were invited to call in to today's meeting if they wished to speak on behalf of their applications.

In addition to sponsoring school districts have submitted fee waiver applications for food employee training classes. The sponsoring school district must demonstrate that payment of said fee will cause financial hardship to their culinary arts students. They met the criteria. Item P27, the Desert Botanical Gardens applied for 59 permits for a special event called devour Culinary Classic. The event occurred in February, but the applicant applied for the waivers in May due to impacts from Kogod 19 that occurred shortly after the event was held. Events are a joint fundraising venture for three non-profits. The Desert Botanical Gardens, local first Arizona, and the Southern Arizona Arts and Culture Alliance, the applicant position is that money to support community outreach programs to the underprivileged at the botanical gardens and the support local businesses with education and technical assistance to local first. They also do therapy therapeutic arts programming for veterans in assisting in assisted living, including the VA for the Southern Arizona Arts and Culture Alliance.

Marcia Flynn, Director of Events Services of Botanical Garden a 501 C (3) Organization presented to the Board and advised that on the call was also. It was confirmed by Ms. Kober that the operations of the applicants, their operations, or proceeds have to be for the poorly, distressed, and underprivileged. speaking on behalf of local first as well as Socka on this call today. All three of us are 501 C 3 organizations. Seeds from this event, in particular, help us, you know, with community outreach with under privilege distressed groups, you know, whether it's, for example, the garden offering, our monthly community day, which provides free admission into the garden or butterfly exhibit, or, for example, we provide in a school field trips to approximately 3600 youth and teachers from Title one schools. So, these proceeds help fund those programs, and our ability to open our doors to our community.

Jennifer Gordon, Director, Child Nutrition – Laveen Education Center, presented to the Board that funds primarily go to a scholarship fund and the Levene Education Foundation when asked, if those funds were solely for the poor distressed, and underprivileged, it's believed the answer was that it is part of the criteria, it is not the only criteria. The awardee of those scholarships may or may not be poor distress and underprivileged to clarify, it is more heavily weighted than other factors. As the Organization grows revenue increases and allows for a number the opportunity to offer more. Three to four Scholarships have been awarded annually ranging in the low 100's which paints a picture of the school district demographics. About 70% of the demographics of the area qualify for free or reduced-price meals which support that there is a financial need. It's estimated that the awarded 10 points, stressing the financial need, Levene applied for a fee waiver for the \$85.00 permit fee.

Mr. Celley purposed a recommendation to adopt the list excluding, Desert Botanical, Midwest Foodbank, Teen Challenge of Arizona, and Indo American Cultural and Religious Foundation of Arizona. A motion was made to move forward with P1 – P17, P19 through P27, P29, C-1, and C-2 with a partial approval for just the food permit on P18 and the denial of P28. The motion was *not* carried.

A motion was made by Mr. MacMillan to move forward with P1 – P17, P19 through P27, P29, C-1, and C-2 with a partial approval for just the food permit on P18 and the denial of P28. Mr. Celley Motion was seconded by Mr. Cassano, all were in favor. The motion passed unanimously. Mr. Celley recused himself from the vote.

Ms. Kober asked for a vote to approve or deny the P1 – Levene Education Foundation on the deferred list.

President Hughes recommended approving P1 – Levene Education Foundation on the deferred list. Mr. Cassano made a motion to approve the P1 – Levene Education Foundation on the deferred list. Mr. Celley seconded the motion. All were in favor, the motion carried with one opposed.

6. Deferred Fee Waivers – 1 fee waiver deferred from 4/27/2020 BOH Meeting **Ms. Darcy Kober**
(see attached document – Summary Sheet for 7-27-2020 BOH Mgt)

Questions and concerns regarding the fee waiver approval process have been discussed a great deal this past year. The April 2020 meeting Environmental Services committed to drafting some recommendations to allow for flexibility and approval criteria and to address special event fee waivers that grown in scope and a number over the last couple of years. A presentation was presented outlining Environmental Health Code and the three

criteria, which is solely the words for the poor distressed, and underprivileged, must be a 501 c (3) and demonstrate hardship.

History of Fee Waiver Code

History shows that the code was adopted in 1998 and was primarily aimed at assisting food banks and food pantries, over time the language for the poor distress and under privilege was originally derived from the IRS code for charitable when it talks about 501, C (3) and charitable organizations. Most of the permits that are waived are food-related permits for kitchens and temporary food establishments. Ranging anywhere from \$85 to \$1,030. Two categories of permits are waived. Annual and temporary brick and mortar food establishments fall, under annual, examples, would be kitchens that youth centers, food, banks, etc.

The terms solely are extremely limiting, because it's been interpreted over the years to meet 100%. Making it difficult for non-profits to qualify that all their organization or profit proceeds will go 100% to the poor distressed and underprivileged.

Financial hardship is not defined in the code, old interpretation from the County Attorney's Office stated that it was generally meant that it met financial hardship if the operator could not pay the fee without being rendered, unable to pay other necessary business expenses. This definition also, like, solely, is narrow, and it's very difficult for non-profits to meet in addition to the fact that our staff is not doing a deep dive into their finances. To see what would go unpaid if they were unable to pay other expenses.

The second category of permits is temporary permits, which we often refer to as our special event permits, are issued to vendors for temporary events. Permits continue to increase, and the size or scope of special events, in general, has expanded. They bring in multiple outside, often for-profit vendors, to work at their events, some of the applicants and ask for, over 25 permits per event making it difficult for staff to decipher how much of the proceeds from those vendors make it back to the poor distressed and underprivileged. The high number of permits continues to solicit questions regularly from the board when it's brought forward, as some of those are upwards of 80, some of them 60 per event.

Top Six Most Requested Fee Waiver Permit Types

The highest volume is applications for temporary permits, annually fee waivers are \$210,000 per year. FY20 is a bit off because events were canceled as a result of COVID-19 but like FY19 request for temporary permits. So, this is just a special event permit, 72% of the 297 temporary permits waived in fiscal year 19, were requested by just five organizations. The average number of temporary permits issued per organization was 14.9 or about 15, which would come in around \$1,275 that was waived per event. Those waivers cost \$80 and permits are \$85 apiece. Averaging just under 12, or \$1,000 per event that was waived.

A staff report with recommendations is provided to the Board of Health, and the Board of Health approves or denies those applications, which then is forwarded to the Board of Supervisors. The General Fund reimburses any of those fees back into the environmental services budget because they are a revenue-driven department, but these come out of the general fund. The term "EROP" is a code change process, to replace the word, "solely" in the code with the word, predominantly, a definition to define predominantly of 75% or more. That would be in terms of their operations for the poor distressed and underprivileged and would also initiate an EROP to limit the number of waivers. Recommended leaving "poor, distressed and underprivileged" "as is". Temporary permits to 15 per event, and the reason it was mention that, the average of those top larger event holders is 25 is that we would love some feedback on whether or not the Board of Health thinks 15 is too low or if it is recommended to go to 25 to represent the average of the numbers from large events.

1. Maricopa County Environmental Services Department recommendation
for code changes to the fee waiver process and discussion of fee waiver
qualification criteria. (presentation attached ESD Fee Waiver)

Ms. Darcy Kober

A Code Change

To define poor distress, and under privilege, the Environmental Services department discussed, the definition and consulted with the county attorney and others. It was recommended to leave that as it is. In terms of common applications from Veterans and Homeless, it is recommended that we're on the same page with the Board of Health, in terms of how the Board agrees to process those so forward a discussion with the Board of Health on common requests for veterans, homeless, seniors, etc. The brick and mortar establishments have changed over time and don't necessarily want to box this in by making such a narrow definition of poor distress and underprivileged that we'd have to come back for another code change before we know it when there's a new business model or a new event model or something else that we haven't anticipated.

There's an old legal opinion on financial hardship, conversations with the county attorney's office, noted that they believe that we have the latitude to show, a little bit more discretion based on basically, the old interpretation was that if you didn't get this fee waiver, you weren't going to operate. The impression is that this isn't practical in talking to most of the applicants. The recommendation is to put together a revision to our internal policy here and environmental services that would provide us a little bit more discretion when looking at that financial hardship component. Veterans homeless and seniors would be included in those groups if it makes sense in the application with the other criteria. Under the umbrella of poor distress and underprivileged, unless something is glaring that's not the case, especially if programming and sometimes meals and other things to some of those groups. Update legal opinion and Substantive Policy Statement on "financial hardship".

The EROP process included discussions with the Stakeholders and will take off over the next few weeks moving forward to the Board of Supervisors for approval. The Board of Health encouraged the use of the word "majority" as opposed to a 15-25 percent average used to avoid additional prolonging of approval. It was agreed to the criteria mentioned and will take action after MCEHC has provided the recommendations to the stakeholders as a part of the process and the Board of Health will then take action at the next scheduled meeting.

Discussion Item

7. Recommendation to the Board of Supervisors to approve the proposed revisions **Greg Verkamp**
to AQ-2017-009-Organic Liquids (Non-Gasoline) and Gasoline Rules (Rules 350-353) **Kimberly Butler**

A. AQ-2017-009

Rule 350 (Storage and Transfer of Organic Liquids (Non-Gasoline) at an Organic Liquid Distribution Facility)

Rule 351 (Storage and Loading of Gasoline at Bulk Gasoline Plants and Bulk Gasoline Terminals)

Rule 352 (Gasoline Cargo Tank Testing and Use)

Rule 353 (Storage and Loading of Gasoline at Gasoline Dispensing Facilities)

The Maricopa County Air Quality Department (MCAQD) is proposing to revise these rules to address rule deficiencies identified by the Environmental Protection Agency (EPA). The proposed revisions are required to secure the rules' approval as part of the Arizona State Implementation Plan under the federal Clean Air Act. The MCAQD is also proposing revisions to address rule recommendations provided by the EPA, incorporate revisions recommended by stakeholders and make other revisions to improve and clarify the rules.

Revisions to these rules were made primarily to address rule deficiencies identified by the Environmental Protection Agency after the Department submitted these rules to the EPA in 2017. The deficiencies and the associated revisions are outlined in the report to the Board of Health. The proposed revisions are required to secure the rule's approval as part of the Arizona State Implementation Plan under the Federal Clean Air Act. Besides, the Department made revisions to address rule recommendations provided by the EPA, incorporate

revisions, recommended by stakeholders, and make other revisions to improve and clarify the roles. The Department held several workshops to discuss the rule revisions with stakeholders. Most recently, in May, we held a separate workshop for each rule to discuss the specific revisions of each rule with stakeholders.

In June, posting for notices of proposed rulemaking to the Maricopa County Regulatory Outreach Program website, as required by state statute explaining the reasons for the revisions and outlining the specific revisions. For these rules to be approved into our state implementation plan, and to avoid any sanctions from the federal government, Air Quality had to make the majority of them. Some of the other ones were recommendations, and it didn't follow through with most of the EPA recommendations.

The Department held several workshops to discuss the rule revisions with stakeholders. A separate workshop was held for each rule to discuss the specific revisions of each rule the stakeholders. Appropriately 12 Stakeholders were included in the various Workshops, which were major players in some of the consulting companies. The Department worked closely with the EPA and there is no concern with the EPA approving these. Emails were distributed to several thousand, maybe even 10,000.

The rules were previously submitted to the EPA back in 2015 and 2016, and it was believed that it implemented interact, however once submitted, the EPA responded that there were a few things that weren't racked, so the Department is redoing all the rules to address the EPA deficiencies.

Air Quality respectfully ask for the Board of Health's recommendation, to the Board of Supervisors, to approve the revisions outlined in the rules.

President Hughes asked if there was a recommendation to approve the revisions presented to forward to the Board of Supervisors. A recommendation motion was made by Dr. Stander and seconded by Mr. Cassano; all were in favor. The motion passed unanimously.

Discussion Items

8. Public Health Report

Ms. Marcy Flanagan

- I. Human Resources
- II. Communication
- III. Infrastructure
- IV. Strategic Planning
- V. Programs
- VI. Disease Update
- VII. Future Topics

Coronavirus/Covid-19 Pandemic

Ms. Flanagan wanted to ensure that all members of the Board of Health regularly receive updates related to the COVID-19 pandemic. The email updates are usually distributed by Lee Ann Bohn and or Michelle Hindman, if any member is not receiving the updates, please reach out to Marcy or her assistant Vera Sampler.

This morning's numbers show the County received 1,178 new cases that brings our total case count to 109,190. We had four additional deaths, which brings our total to 1734. Today's numbers are significantly less than we have been seeing. The numbers reported seem less on the weekends when we get our reports and so, part of that is given that it was a Sunday, the report you were just provided are Sunday's numbers. The other thing that is happening is that significant delays are happening. Unfortunately, with Lab Reporting, we were advised that Sonora Quest as of late last week is working on this issue. Sonora Quest is believed to have had over 65,000 samples. It was also reported by others that Sonora Quest had lost some samples, but this information was not verified by ADHS. Significant lab delays are certainly causing Maricopa County numbers, maybe to not be as accurate as we would like to be able to see, and report, and know.

The county's positivity rate continues to decline at the peak, when we're seeing the most cases, which was the middle of June, we reached about 21% positivity rate. The World Health Organization and CDC recommend that

a standard of under 5%, ideally more around 3%, to be able to say that you have better control. As of Aug. 1, Sonora Quest hopes to have the issues under control, they have added additional machines and individuals should receive the test results. Moving forward they should notify individuals within 72 hours or 3 days. Currently, it's been reported that it takes up to three weeks to get test results to individuals. This affects the County's ability to do good case investigations, and in contact tracing with individuals, not knowing if they are positive or not for more than three weeks.

Those aged Twenty to Forty-four hold the largest percentage of positive residents in Maricopa County, and that trend is continuing, but even with that trend of those continuing our overall positivity rate at about twenty-one percent. Currently, we're right around 16%, which is a decrease even with the lab delays in reporting, we think that's an accurate decrease, and it's hard to distinguish and be able to attribute that to either the mask requirement or that bars and gyms closing.

Pressure in Hospitals

A combination of all things contributes to slow our case rates, relieve the pressure that was happening in the hospital system and positive numbers go down. Unfortunately, because of those high peaks of numbers in mid to late June. Our cases increase about two weeks after our hospitalization rates increase and that's when we sell our hospital system being stressed a few weeks after that.

Pressure with Funeral Homes and Medical Examiners

The County is now seeing our funeral homes and medical examiner office feel more of the pressure and need some assistance. So, there's been a lot of media attention lately over the 14 coolers that we ordered from the Unified Command (UC). The purpose of coolers was brought in as a planning purpose and thankfully the county hasn't had to use them yet. The goal is to not have to use them at all, but the department wanted to ensure that we're prepared, and we have them if they need it. So, the overall process is a system, so the Funeral Homes, hospitals, and the Office of Medical Examiner, (morgues). All are a part of a system or network, so when a decedent goes to the Office of the Medical Examiner, that's only about 20% of the deaths that occur in Maricopa County.

Our medical examiner experienced a few weeks ago was that they were reaching out to the funeral homes that they are contracted with and letting them know that they had to students that were ready for final disposition and are funeral home partners. We're telling them that they were full and could not come and pick up the bodies. So, when the normal capacity, was exceeded in the office of the medical examiner and they were at surge capacity, that's when Public health started to plan and it wasn't that the examiner office wasn't surging capacity because they had all of these students waiting for them to perform autopsies on. It was because they had a significant number.

UC stepped in to identify possible reasons and found funeral home partners were waiting for certifications from physicians, for the medical records. So, before, there can be the final disposition of a decedent. A death certificate cannot be issued without a medical certification. The hospitals, because of the pressure they were feeling, and physicians being overwhelmed, they were not taking the time to log into the electronic system to certify adapt. So that was holding up the process. So, we stepped in to help our federal partners provide staff. ADHS was also asked to encourage physicians and hospitals to certify deaths. Public Health also identified that so many families were experiencing financial crises so the county started to develop the process for the Board to approve a mechanism that would assist those in financial need. The latest numbers revealed that we are no longer a surge capacity issue resulting in relief for all and are positivity rates are going down, hospitalizations rates have continued to decrease. This is attributed to the Board of Supervisors, which our entire network and the department can't say thank you enough, to our Board of Supervisors, for supporting public health recommendations to implement a countywide mask policy, which they did. And so, that, in addition to the closing of bars and gyms is having this positive effect on the spread that happening in our community.

Moving forward, Public Health is focusing its efforts on hotspots within the county. Guadalupe was recognized as one of those hotspots. Guadalupe received support from the department and assistance was provided with testing and services, resulting in them no longer being a hotspot.

Districts - Cities and Town Meetings

Public Health worked with our government relations at our board offices, and for each supervisor district, a virtual meeting was held with all the cities and towns that lie within their district. At the conclusion, the department produced a monthly distribution sheet for each city and town, that will provide infection rates and then let them know that they are being identified as a hotspot in Maricopa County, and then how we plan to work with them, to get more testing available in their jurisdiction, and help them with Wraparound services, if necessary. Then, moving forward, they will be produced and provided to government relations and the cities and towns by the 15th of every month. And then, they will go on our website by the 20th of every month, and that's the timeline for moving forward.

Unified Command Moving

The UC will be moving from our current location where the response team was housed at 225 West Madison to the Santa Fe Building at the 501 location. Our department is grateful for this new home to assist us with the required space to attend to the pandemic, we truly appreciate the space provided by the County Attorney's Office over the last few months, but the department required a more permanent space. The move is scheduled for late August.

Flu Campaign

Next coming months Public Health will push for a flu campaign to get as many individuals as possible vaccinated for flu. The State also has a campaign that they'll be pushing the flu vaccine. We did release an RFP for organizations to apply, to partner with us to provide flu vaccines throughout Maricopa County. We purchased large quantities of flu vaccine a few months ago. The County is encouraging as many people as possible and although it's important every year to get your flu vaccine, especially this year when our hospital systems can be easily stressed and overwhelmed with ... patients, and adding flu patients on top of that, is just very concerning. Also, the symptoms can be very similar for flu encoded, so, again, helping our urgent care centers. When people present, if they've already gotten their flu shot being able to just test for COVID-19 and not for both and must figure out what's going on with an individual. And then finally, as I already talked about, our labs are being overwhelmed already even though there are putting some measures and a place to relieve the pressure, they're feeling if they now get overwhelmed with the flu. Rapid flu tests and flu confirmation test we're going to be in a lot of trouble again. So, very important that we get flu vaccine out in the community as much as possible. And we have some partners on board that will be doing that with. Typically, in an average year, we recommend the flu vaccine for the high-risk elderly: EMEA, Compromised, and Healthcare Workers.

Preliminary re-opening Schools

The Department is working with ADHS and our other local health departments and ADE and some of our schools to come up with guidance for schools re-opening the Governor's executive order last week. Set forth a timeline for ADH us to develop metrics to re-open schools by August 7th. They have a draft of those. Make metrics that they are going to share with all the health officers at our call we have tomorrow, I have a feeling there'll be some discussion and preliminary, maybe approval of those by the end of this week. There'll be due next week, so more to come on that.

Starter kits of PPE were provided to schools but also foreseen what schools may need moving forward in the future and how we can help get them the resources or ensure that they have open channels to procure and get the resources they need to safely allow students back in schools.

Ms. Flanagan extended an invite to the Board that if they had any topics of interest the board would like for any member to present at the next Board of Health meeting, from any employee within the unified command it can certainly be arranged. The Emergency Management Department has overseen logistics. They have some great stories about what we've been able to thrive to long-term care facilities and others. Dr. Sunenshine has had lots

of discussions with hospitals and long-term facilities, get everything possible they need and their needs from Public Health. The Board expressed a sincere thank you for all the efforts of all.

The biggest concern for right now is the delay in lab tests, giving the results back and 9 to 12 days, and the impact that has throughout the system, but particularly in nursing homes. ADHS announced last week that they're going to be getting these Sofia to machines into all CMS certified long-term care facilities. That doesn't cover even half of the long-term care and congregate settings in Maricopa County. So, we're also trying to procure some of those rapid test machines, but, unfortunately, they, they don't do bulk testing at one time, but they are extremely helpful, in some of those situations, where, like a long-term care facility, to continue ongoing testing to ensure there are that other outbreaks. Getting this testing issue worked out, is going to be extremely important for us to be able to get things under control here.

Mask Mandate

The mask ordinance or mandate is indefinite and there was not a timeline put on it. Some questions recently from board offices and our recommendation, again, it's going to be up to the will of the board of supervisors, but we would recommend that until there's a vaccine, it's going to be hard for public health to say that a mask mandate isn't necessary anymore. Certainly, as we're still seeing these numbers and the thousands daily, it would not be a good time to lead out at all, on the mask mandate. I think that if, if, at all, it was important to see if there was a time, in the future, where we could ease up on the mask regulation. It would be once we get our numbers or our positivity rate somewhere more under control around the three to 5% range, but as of right now, it is indefinite.

Contact Tracing

At least 20 states and other jurisdictions have reached out and asked Maricopa County for templates and guidance on how they could implement the process we have adopted in Maricopa County. Every positive case that is reported to Maricopa County Department of Public Health, that has an accurate contact phone number, those individuals all receive 100% of them receive contact from a member of public health, three different times, using three different modalities. Initially, a text message, a phone call, and then a phone call from a live person. If they don't have any contact information, we have a whole team that is working to try to find their contact information. About 30% of our cases come in without contact information. The State works around trying to find contact information, and so do we. If they identify that they have an underlying medical condition, or they live in a congregate setting all are considered high priority and are sent directly to our public health team for case investigations. The rest and primarily the 20 to 44 age group which are in another queue that's being worked on by ADHS at ASU and U of A to do those case investigations. A case investigation is done, and they are then sent over to the Crisis response network. 211 will begin in July and then they are enrolled in the system by the CDC for performing contact tracing. It has individuals check-in daily to alert whether they've developed any symptoms, or, know if they have any questions or issues, And then if they indicate they do, the crisis response network reaches out to them, helps them get tested, and gives them all the recommendations moving forward.

Asymptomatic

When it is asymptomatic, spread happening, contact tracing is not going to solve reducing our numbers if there's asymptomatic spread. However, it's still important for us to do this work and to let individuals know who are positive and who have been in contact with a positive person and let them know that so they can quarantine and isolate appropriately, but just as covert 19 works and knowing that up to 40% of individuals are asymptomatic. That means they're out there being what some of now called the super spreaders that are spreading the virus without realizing that they're even positive or infectious, and unfortunately. Contact tracing doesn't do a lot to help in those circumstances. Policies such as mask mandates, much more outweigh the benefits when it comes to reducing the numbers and positivity rates, we're seeing in Maricopa County, so, that's why the mask mandate was so important.

Supervisor Gates thanked Ms. Flanagan and her entire team on behalf of the Board of Supervisors for all their hard work, long hours, and efforts to continue to educate all and work on this pandemic. Members of the Board of Health joined in agreement.

Announcements and Current Events - None

Board Members

Adjournment

President Hughes

There being no further business, a motion to adjourn the meeting was made by Mr. Cassano, seconded by Mr. Celley and the motion passed unanimously. The meeting was adjourned at 5:17 p.m.

From: [Nicole Harden \(PHS\)](#)
To: [Vera Sampler \(PHS\)](#); [Amy Windus \(PHS\)](#)
Cc: [Gregory Verkamp \(AQD\)](#)
Subject: Board of Health Notification for MCAQD Rules 352 and 353
Date: Tuesday, February 18, 2025 2:06:31 PM
Attachments: [353 - EPA-R09-OAR-2024-0349-0011_content.pdf](#)
[352 - EPA-R09-OAR-2024-0349-0012_content.pdf](#)
[90 FR 1903 Final Disapproval Rules 352 and 353 1 9 2025.pdf](#)
[EROP AQ Policy Updated Flowcharts 202404251233003325.pdf](#)
[image001.png](#)

Members of the Board,

Below is a message from the Maricopa County Department of Air Quality, along with attachments.

Dear Members of the Board of Health,

This email is to notify you that on January 10, 2025, the U.S. Environmental Protection Agency (EPA) finalized a limited approval and limited disapproval of revisions to Maricopa County Air Pollution Control Regulations, Rule 352 (Gasoline Cargo Tank Testing and Use) and Rule 353 (Storage and Loading of Gasoline at a Gasoline Dispensing Facility (GDF)). Both rules were originally approved by the Board of Supervisors following recommendations of approval from the Board of Health in 2020. The final limited approval and limited disapproval identified deficiencies in Rules 352 and 353 that must be corrected and approved by the EPA. Failure to do so could result in sanctions and the promulgation of a federal implementation plan (FIP). Per the Maricopa County Air Quality Department (MCAQD) Enhanced Regulatory Outreach Program flow chart (attached), MCAQD is notifying the Board of Health that MCAQD is revising the rules to address the EPA deficiencies. MCAQD plans to hold a stakeholder workshop in Spring 2025 to discuss the deficiencies and remedies with stakeholders.

For further information regarding EPA's action on Rules 352 and 353 please see the attached federal register notice and associated technical support documents.

Thank you.



Nicole Harden (She/Her)
OSCO Division Office Assistant
Public Health
Organizational Support & Community Operations
4041 North Central Avenue, Suite 1400 Phoenix, AZ 85012
O: 480.271.8374
[\[Maricopa.Gov \]](#)
[Facebook](#) | [Instagram](#) | [X](#) | [YouTube](#) | [LinkedIn](#)



**Maricopa County
Air Quality Department
Planning and Analysis Division
Maricopa.gov/AQ**