



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

**Subject: Rule 353 (Storage and Loading of Gasoline at a Gasoline Dispensing Facility (GDF))**

**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 353 (Storage and Loading of Gasoline at a Gasoline Dispensing Facility (GDF)) 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-2025-003-Rule 353 (Storage and Loading of Gasoline at a Gasoline Dispensing Facility (GDF))

The Maricopa County Air Quality Department (MCAQD) is proposing to revise Rule 353 to address two rule deficiencies identified by the U.S. Environmental Protection Agency (EPA) to secure full approval of Rule 353 as a revision to the Arizona SIP.

On November 8, 2024, the EPA published a proposed limited approval and limited disapproval of Rule 353 in the Federal Register ([89 FR 88690](#)). The proposed action identified two



deficiencies in the rule that prevented the rule from being approved into the SIP. On January 10, 2025, the limited approval and limited disapproval were 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](http://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

<b>Board Hearing Date:</b>	October 1, 2025
<b>Case Number/Title:</b>	AQ-2025-003-Rule 353 (Storage and Loading of Gasoline at a Gasoline Dispensing Facility (GDF))
<b>Agenda Item:</b>	(Pending)
<b>Supervisor Districts:</b>	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 353 to address the two deficiencies identified by the EPA in order to ensure approval of the rule into the Arizona 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 353 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 the allowance of the use of sight, sound, or smell as potentially the only mechanism used in determining a potential vapor leak. The EPA believes this would allow for the vapor tight status of equipment to be solely evaluated based on the operator's discretion and sensory inputs. The EPA recommended the rule require periodic use of methods other than sight, smell, or sound for determining a potential vapor leak.



The second deficiency identified by the EPA is regarding how the rule does not establish reporting requirements for the loading of aviation gasoline into a storage tank, which is regulated by Rule 353 but not 40 CFR 63, Subpart CCCCCC (Gasoline Dispensing Facilities).

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 353 (Storage and Loading of Gasoline at a Gasoline Dispensing Facility (GDF))**

**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-2025-003-Rule 353 (Storage and Loading of Gasoline at a Gasoline Dispensing Facility (GDF))

**Agenda Item:** (Pending)

**Supervisor Districts:** All Districts

**Applicant:** Staff

**Request:** Approve revision of Maricopa County Air Pollution Control Regulations, Rule 353 (Storage and Loading of Gasoline at a Gasoline Dispensing Facility (GDF)) 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 353 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 353 to address the two rule deficiencies identified by the EPA to secure full approval of Rule 353 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 August 20, 2018; May 21, 2020; and April 22, 2025.

The Board of Health approved initiation of regulatory change on February 25, 2019, 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 353 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 353\\_Strikethrough](#)

[Working Draft Rule 353\\_Clean](#)

[Minutes from Board of Health meeting - February 25, 2019](#)

[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 353 Board of Supervisors report. No further comments were received since.

**August 2025**

# **Draft Notice of Final Rulemaking**

## **Rule 353 (Storage and Loading of Gasoline at a Gasoline Dispensing Facility (GDF))**

**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 353 (Storage and Loading of Gasoline at a Gasoline Dispensing Facility (GDF))**

The Maricopa County Air Quality Department (MCAQD) is proposing to amend Rule 353 (Storage and Loading of Gasoline at a Gasoline Dispensing Facility (GDF)). 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](mailto: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: August 20, 2018

	May 21, 2020
Board of Health Meeting to Initiate Regulatory Change:	February 25, 2019
First Notice of Proposed Rulemaking:	June 12, 2020
Board of Health Meeting to Recommend Approval to the Board of Supervisors:	July 27, 2020
Board of Supervisors Formal Meeting to Set the Public Hearing:	October 7, 2020
Board of Supervisors Public Hearing:	November 18, 2020
Arizona State Implementation Plan (SIP) Revision Submittal:	December 3, 2020
EPA Final Limited Approval/Disapproval:	January 10, 2025
Email Notification to Board of Health:	February 18, 2025
Stakeholder Workshop:	April 22, 2025
Notice of Proposed Rulemaking:	July 2, 2025
Board of Supervisors Formal Meeting to Set the 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 353 limits emissions of volatile organic compounds (VOCs) during storage and loading of gasoline at a gasoline dispensing facility (GDF). Rule 353 applies to the storage and loading of gasoline in a stationary gasoline storage tank at a GDF with a capacity of more than 250 gallons, including, but not limited to underground gasoline storage tanks, above ground storage tanks, and those stationary gasoline storage tanks located at airports and marinas.

MCAQD is proposing to revise Rule 353 to address two rule deficiencies identified by the U.S. Environmental Protection Agency (EPA) to secure full approval of Rule 353 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 353 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 353 along with MCAQD's proposed remedies to address the deficiencies.

Deficiency #1:

Section 501 of Rule 353 requires a facility to determine if there is a potential vapor leak. Acceptable methods include the use of sight, sound, or smell, EPA Method 21, optical gas imaging, combustible gas detector, or organic vapor analyzer.

The deficiency identified by the EPA states that allowing the use of sight, sound, or smell as the only mechanism used in determining a potential vapor leak would allow for the vapor tight status of equipment to be solely evaluated based on the operator's discretion and sensory inputs. The EPA recommended the rule require periodic use of methods other than sight, smell, or sound for determining a potential vapor leak.

Remedy #1:

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

Section 307 (Equipment Repair and Retesting) is proposed to be added to the rule. This section establishes an exceedance notification schedule and corrective action schedule for when a vapor leak is detected per Sections 501 and 502 of the rule.

- Section 307.1 (Exceedance Notification Schedule) would require that once the owner or operator determines that equipment is not vapor tight by using test methods in Sections 501 and 502, they must notify the Control Officer via written notice within 48 hours from the date of discovery. The notification must include the date and time of the exceedance, a description of the exceedance, and steps taken to mitigate the exceedance.
- Section 307.2 (Corrective Action Schedule) would require certain time schedules for corrective actions. 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 fifteen minutes of recommencing use.

Section 405 (Annual Stage I Vapor Recovery System Testing) is proposed to be added to the rule. This section details existing annual testing requirements enforced by the Arizona Department of Agriculture, Weights and Measures Services Division (WMSD) in accordance with A.R.S. § 3-3512(C)(5). The WMSD oversees a vapor recovery program that mandates stage I vapor recovery systems (VRS) to be continuously operated and inspected annually at fuel dispensing sites in certain Arizona geographic areas.<sup>1</sup> The proposed language reiterates the required testing that is verified by WMSD; MCAQD is

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<sup>1</sup> <https://agriculture.az.gov/weights-measures/motor-fuels/gasoline-vapor-recovery>

not conducting the associated testing. However, MCAQD will ensure that applicable GDFs are conducting the annual testing. The intent is to reflect that a large majority of GDFs in Area A within Maricopa County are already required to conduct periodic testing with calibrated equipment.

Section 504.6(c) (Leak Detected) is proposed to be added to the rule. This section details recordkeeping requirements for the owner or operator in the event a vapor leak is detected in accordance with Sections 501 and 502 of the rule. Records shall include the corrective actions taken, including the date the leak was detected, the equipment determined to have a vapor leak, the instrument used to follow the test procedure, the date the equipment was repaired and retested, and a decommission date (if applicable).

#### Deficiency #2:

Section 301 of Rule 353 requires that the owner or operator of a GDF shall comply with applicable federal standards in the National Emission Standards for Hazardous Air Pollutants (NESHAP), including but not limited to 40 CFR 63, Subpart CCCCCC – Gasoline Dispensing Facilities. While Rule 353 applies to the loading of aviation gasoline at airports, such activity is not subject to Subpart CCCCCC. Furthermore, there are no specific reporting requirements in Section 500 of Rule 353 specific to the loading of aviation gasoline into a storage tank. The deficiency is due to such activity currently not having any reporting requirements in Rule 353 nor Subpart CCCCCC.

#### Remedy #2:

Section 504.8 (Federal Reporting Requirements) is proposed to be added to the rule. This section clarifies that an owner or operator of a GDF subject to Rule 353, including aviation gasoline storage tank operations, shall comply with the reporting requirements in Subpart CCCCCC.

In addition to the proposed revisions addressing the deficiencies, MCAQD is proposing other revisions to clarify or enhance the rule.

#### Additional Proposed Revision #1

Section 103.2 (Vapor Recovery System (VR System)) includes an exemption from VR system provisions based on certain operation requirements. The provision exempts applicable operations from Section 303 (General Requirements for Controlling Gasoline Vapors at a Gasoline Dispensing Facility (GDF)). MCAQD is proposing to add Section 306 (Control of VOC Vapors) as an exempted section as well.

#### Additional Proposed Revision #2

Section 215 (Underground Storage Tank (UST)) includes the definition for a UST which reflects the same definition in 40 CFR 280.12 and A.R.S. § 49-1001. However, the definition in the rule does not include the list of items to which the definition does not apply. MCAQD is proposing to add the list of items as reflected in 40 CFR 280.12 and A.R.S. § 49-1001.

### Additional Proposed Revision #3

Section 303 (General Requirements for Controlling Gasoline Vapors at a Gasoline Dispensing Facility (GDF)) includes general requirements for the owner or operator of a GDF. Section 303.1 includes requirements specific to California Air Resources Board (CARB) certified VR system. Similarly, Section 303.5 and 303.6 include component identification and replacement requirements. However, neither section clarifies that such requirements are related to the CARB-certified VR system. MCAQD is proposing to relocate Sections 303.5 and 303.6 to be subsections under Section 303.1 to provide clarification that those specific provisions are related to the CARB-certified VR system.

### Additional Proposed Revision #4

Section 303.1(b) includes specifications for when replacing CARB-certified components. Specifically, one option requires such replacement component to be rebuilt by a person who is authorized by CARB to rebuild that specific CARB-certified component. There is no known CARB authorization process for persons rebuilding CARB-certified components. MCAQD is proposing to clarify the language to require rebuilt components certified by CARB. Furthermore, this section is proposed to be relocated to Section 303.1(b)(2), as related to the additional proposed revision #3.

### Additional Proposed Revision #5

Section 303 (General Requirements for Controlling Gasoline Vapors at a Gasoline Dispensing Facility (GDF)) includes general requirements for the owner or operator of a GDF. Section 303.5 includes specifications related to the pressure-vacuum vent valve. Specifically, the pressure-vacuum vent valve shall be installed and maintained per manufacturer's specification. Table 1 of 40 CFR 63 Subpart CCCCCC establishes pressure-vacuum vent valve specifications for GDFs with a monthly throughput of 100,000 gallons of gasoline or more. MCAQD is proposing to establish pressure-vacuum vent valve specifications for both GDFs with a monthly throughput of less than or more than 100,000 gallons of gasoline, as reflected in Table 1 of 40 CFR 63 Subpart CCCCCC.

### Additional Proposed Revision #6

Section 502 (Determining Vapor Tight Status) includes test procedures to be used in the event a potential vapor leak is detected per Section 501 of the rule. MCAQD is proposing to establish a timeframe of no more than 72 hours after identification per Section 501 to determine vapor tight status.

Therefore, MCAQD is proposing to revise Rule 353 in order to address the deficiencies identified by the EPA while also clarifying or enhancing provisions within the rule. Upon adoption of the rule revision, 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 353 "Storage and Loading of Gasoline at a Gasoline Dispensing Facility (GDF)"

<https://www.regulations.gov/document/EPA-R09-OAR-2024-0349-0011>

**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 353.

**(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 353 to remedy deficiencies identified by the EPA. This rulemaking is required to secure approval of Rule 353 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 353 to remedy deficiencies identified by the EPA. This rulemaking is required to secure approval of Rule 353 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 353 to remedy deficiencies identified by the EPA. This rulemaking is required to secure approval of Rule 353 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](mailto: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 store and load gasoline in a stationary gasoline storage tank at a GDF with a capacity of more than 250 gallons, including, but not limited to underground gasoline storage tanks, above ground storage tanks, and those stationary gasoline storage tanks located at airports and marinas.

The proposed revisions to Rule 353 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 353 to remedy deficiencies identified by the EPA. This rulemaking is required to secure approval of Rule 353 into the Arizona SIP for RACT and avoid sanctions and imposition of a FIP under the CAA.

The proposed revisions to Rule 353 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 that store and load gasoline in a stationary gasoline storage tank at a GDF with a capacity of more than 250 gallons, including, but not limited to underground gasoline storage tanks, above ground storage tanks, and those stationary gasoline storage tanks located at airports and marinas.

**(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 353 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 353 to remedy deficiencies identified by the EPA. This rulemaking is required to secure approval of Rule 353 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.

MCAQD is in compliance with A.R.S. §§ 49-112(A) and (B). Rule 353 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 353 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 the Storage of Gasoline at Gasoline Dispensing Facilities. As there is no new fee or tax associated with this proposed rulemaking, the department also affirms that Rule 353 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:**

<b>Notice</b>	<b>Date of Posting</b>
Briefing Notification to County Manager:	January 26, 2018
Notice of Stakeholder Workshop #1:	August 2018
Notice of Stakeholder Workshop #2:	May 5, 2020
Notice of Stakeholder Workshop #3:	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 change was made after the Notice of Proposed Rulemaking was published on July 2, 2025:

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 Maricopa County Air Pollution Control Regulations unless otherwise specified.”

**ii. A summary of the comments and arguments for and against the notice and the county’s response to the comments and arguments.** [Return to list of attachments](#)

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 deficiencies mentioned above 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 353 (STORAGE AND LOADING OF GASOLINE AT A GASOLINE DISPENSING FACILITY (GDF))**

### **INDEX**

#### **SECTION 100 – GENERAL**

101 PURPOSE

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

## **SECTION 200 – DEFINITIONS**

- 201 CALIFORNIA AIR RESOURCE BOARD (CARB)-CERTIFIED
- 202 COAXIAL VAPOR BALANCE SYSTEM
- 203 DUAL-POINT VAPOR BALANCE SYSTEM
- 204 EXCESS GASOLINE DRAINAGE
- 205 GASOLINE CARGO TANK
- 206 GASOLINE DISPENSING FACILITY (GDF)
- 207 GASOLINE VAPORS
- 208 LEAK-FREE
- 209 MARICOPA COUNTY VAPOR TIGHTNESS TEST
- 210 POPPETTED DRY BREAK
- 211 SPILL CONTAINMENT RECEPTACLE
- 212 STATIONARY GASOLINE STORAGE TANK
- 213 SUBMERGED FILL
- 214 THROUGHPUT
- 215 UNDERGROUND STORAGE TANK (UST)
- 216 VAPOR BALANCE SYSTEM
- 217 VAPOR LOSS CONTROL EQUIPMENT
- 218 VAPOR RECOVERY SYSTEM (VR SYSTEM)
- 219 VAPOR TIGHT

## **SECTION 300 – STANDARDS**

- 301 FEDERAL STANDARDS
- 302 GENERAL REQUIREMENTS AT A ~~GASOLINE DISPENSING FACILITY (GDF)~~ GDF
- 303 GENERAL REQUIREMENTS FOR CONTROLLING GASOLINE VAPORS AT A ~~GASOLINE DISPENSING FACILITY (GDF)~~ GDF
- 304 GASOLINE STORAGE AND OPERATION REQUIREMENTS
- 305 LOADING OF GASOLINE
- 306 CONTROL OF VOC VAPORS
- 307 EQUIPMENT REPAIR AND RETESTING

## **SECTION 400 – ADMINISTRATIVE REQUIREMENTS**

- 401 INSPECTIONS
- 402 BURDEN OF PROOF
- 403 CARB DECERTIFICATION
- 404 OTHER AGENCIES' REQUIREMENTS
- 405 ANNUAL STAGE I VAPOR RECOVERY SYSTEM TESTING

## **SECTION 500 – MONITORING AND RECORDS**

- 501 IDENTIFYING A POTENTIAL VAPOR LEAK
- 502 DETERMINING VAPOR TIGHT STATUS
- 503 COMPLIANCE INSPECTIONS
- 504 GDF RECORDKEEPING
- 505 COMPLIANCE DETERMINATION
- 506 TEST METHODS INCORPORATED BY REFERENCE

## **MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS**

### **REGULATION III – CONTROL OF AIR CONTAMINANTS**

### **RULE 353 (STORAGE AND LOADING OF GASOLINE AT A GASOLINE DISPENSING FACILITY (GDF))**

#### **SECTION 100 – GENERAL**

**101 PURPOSE:** To limit emissions of volatile organic compounds (VOCs) during storage and loading of gasoline at a gasoline dispensing facility (GDF).

**102 APPLICABILITY:** This rule applies to the storage and loading of gasoline in a stationary gasoline storage tank at a ~~gasoline dispensing facility (GDF)~~ GDF with a capacity of more than 250 gallons including, but not limited to underground gasoline storage tanks, above ground storage tanks, and those stationary gasoline storage tanks located at airports and marinas.

**103 EXEMPTIONS:**

**103.1 Stationary Gasoline Storage Tanks for Farm Operations:** An owner or operator of a stationary gasoline storage tank used exclusively for the dispensing of fuel into agricultural equipment used in normal farm operations is only subject to Sections 302.3 through 302.7.

**103.2 Vapor Recovery System (VR System):** The VR system provisions of Section 303 (~~General Requirements For Controlling Gasoline Vapors at a Gasoline Dispensing Facility (GDF)~~) and Section 306 shall not apply to a ~~gasoline dispensing facility~~ GDF that meets all the requirements of ~~103.2.a~~ Section 103.2(a) or a stationary gasoline storage tank that meets all the requirements of ~~103.2.b~~ Section 103.2(b).

**a. Non-Resale Gasoline Dispensing Facility:**

(1) Has a throughput of less than 120,000 gallons of gasoline in any ~~twelve~~ 12 consecutive calendar months.

(2) Does not dispense any resold gasoline.

(3) Is equipped with a permanent submerged fill pipe. Where, because of government regulation including, but not limited to, Fire Department codes, a permanent submerged fill pipe cannot be installed, the gasoline shall be loaded into the tank using a nozzle extension that reaches within ~~six inches (6")~~ 6" of the tank bottom.

(4) Shall become subject to the provisions of Section 303 (~~General Requirements For Controlling Gasoline Vapors at a Gasoline Dispensing~~

Facility (GDF)) and Section 306 by meeting or exceeding the 120,000-gallon throughput in any ~~twelve (12)~~ 12 consecutive calendar months and shall remain subject to such provisions even if annual throughput later falls below this threshold.

**b. Stationary Gasoline Storage Tank:**

- (1) Has a capacity of 1,000 gallons or less.
- (2) Was installed prior to October 2, 1978.
- (3) Is equipped with a permanent submerged fill pipe. Where, because of government regulation including, but not limited to, Fire Department codes, a permanent submerged fill pipe cannot be installed, the gasoline shall be loaded into the tank using a nozzle extension that reaches within ~~six inches (6")~~ 6" of the tank bottom.

**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 Maricopa County Air Pollution Control Regulations 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 Maricopa County Air Pollution Control ~~Rules and Regulations (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 CARB CALIFORNIA AIR RESOURCES BOARD (CARB)-CERTIFIED:** A vapor control system, subsystem, or component that has been specifically approved by system configuration and manufacturer's name and model number in an executive order of the ~~California Air Resources Board (CARB)~~ CARB, pursuant to Section 41954 of the California Health and Safety Code.
- 202 COAXIAL VAPOR BALANCE SYSTEM:** A type of vapor balance system in which the gasoline vapors are removed through the same fill pipe connection as the fuel is delivered.
- 203 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.
- 204 EXCESS GASOLINE DRAINAGE:** The quantity of gasoline that drains out of the end of a gasoline loading hose or gasoline vapor recovery hose during the process of connecting or disconnecting that is one or more of the following:
- 204.1** More than 0.34 fluid ounces or ~~two teaspoonsful (2 tsp)~~ 2 tsp of liquid gasoline lost from the end of the gasoline loading hose or gasoline vapor recovery hose. This does not include drainage into a fill pipe's spill containment receptacle.
  - 204.2** Wets any area(s) on the ground having an aggregate area greater than ~~113 square inches (113 in<sup>2</sup>)~~ 113 in<sup>2</sup>.

- 204.3** 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.
- 205** **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 § 63.11132~~]. This includes any gasoline loading hose(s) the gasoline cargo tank carries through which the loading of gasoline occurs.
- 206** **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.
- 207** **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.
- 208** **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. This does not include any excess gasoline drainage due to the disconnecting or connecting of either a gasoline loading hose from a gasoline fill line or a vapor recovery hose from a vapor line.
- 209** **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 Rule 352 (Gasoline Cargo Tank Testing and Use) of ~~these rules~~ the MCAPCR.
- 210** **POPPETTED DRY BREAK:** A type of vapor loss control equipment that opens only by connection to a mating device to ensure that no gasoline vapors escape from the stationary gasoline storage tank before the gasoline vapor recovery line is connected.
- 211** **SPILL CONTAINMENT RECEPTACLE:** An enclosed container around:
- 211.1** A gasoline fill pipe that is designed to collect any liquid gasoline spillage resulting from the connection, flow of gasoline during loading, or the disconnection between the gasoline delivery hose and the fill pipe.
- 211.2** A vapor return riser connection that is designed to collect any liquid gasoline spillage resulting from the connection, the condensation of gasoline vapor during

vapor recovery, or the disconnection between the vapor recovery hose and the poppetted valve.

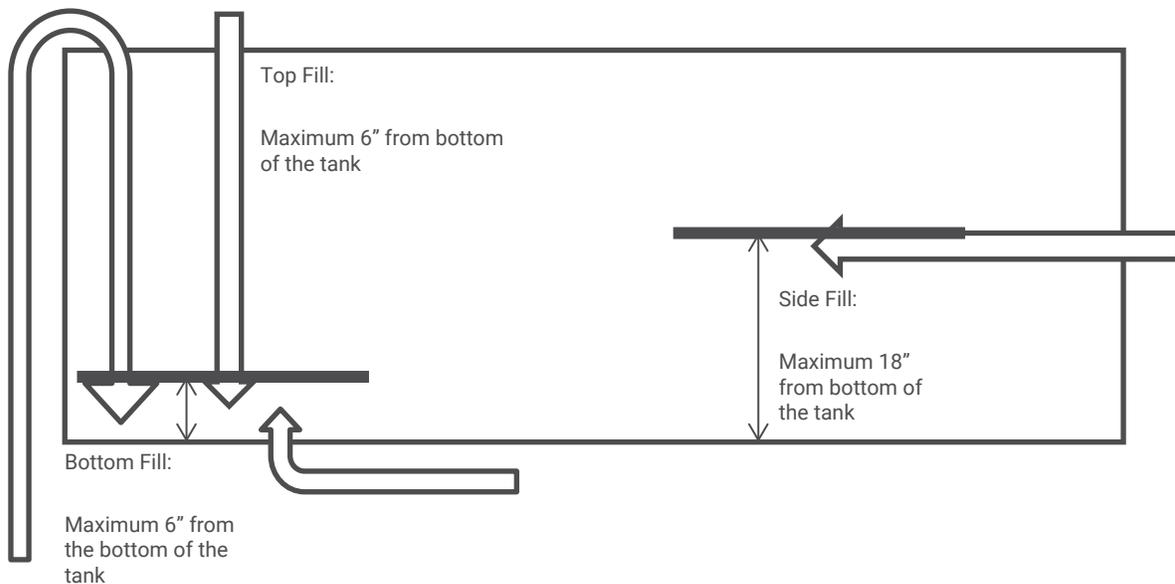
**212 STATIONARY GASOLINE STORAGE TANK:** Any stationary tank or reservoir used to store, but not transport gasoline. Any such tank that is connected to permanent piping and not moved to another service location within any ~~twelve (12)~~ 12-month period will be considered a stationary gasoline storage tank.

**213 SUBMERGED FILL:** Any fill pipe or nozzle extension which meets at least one of the specifications below:

**213.1 Top-Fill or Bottom-Fill:** The end of the fill pipe or nozzle extension is totally submerged when the liquid level is ~~six (6) inches~~ 6" from the bottom of the stationary gasoline storage tank.

**213.2 Side-Fill:** The end of the discharge pipe or nozzle extension is totally submerged when the liquid level is ~~eighteen (18) inches~~ 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



**214 THROUGHPUT:** The amount of gasoline received.

**215 UNDERGROUND STORAGE TANK (UST):** Any one or combination of tanks (including connecting underground pipes) that is used to contain an accumulation of gasoline, and the volume of which (including the volume of gasoline in the underground pipes) is 10% percent or more beneath the surface of the ground ~~[40 CFR § 280.12]~~. This definition does not include the following:

**215.1** A farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.

- 215.2 A tank used for storing heating oil for consumptive use on the premises where stored.
- 215.3 A septic tank.
- 215.4 A pipeline facility, including gathering lines, regulated under either:
  - a. The Natural Gas Pipeline Safety Act of 1968 (49 United States Code Sections 1671 through 1686).
  - b. The Hazardous Liquid Pipeline Safety Act of 1979 (49 United States Code Section 2001).
- 215.5 An intrastate pipeline facility regulated under a state law comparable to the provisions of law referred to in Section 215.4.
- 215.6 A surface impoundment, pit, pond or lagoon.
- 215.7 A storm water or wastewater collection system.
- 215.8 A flow-through process tank.
- 215.9 A liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.
- 215.10 A storage tank situated in an underground area, such as a basement, cellar, mine working, drift, shaft or tunnel, if the storage tank is situated on or above the surface of the floor.
- 215.11 Pipes connected to any of the structures described in Section 215.1 through 215.10.

- 216 VAPOR BALANCE SYSTEM:** Vapor loss control equipment that collects vapors displaced from the loading of gasoline into:
  - 216.1** A gasoline cargo tank and routes the collected vapors to a stationary gasoline storage tank; or
  - 216.2** A stationary gasoline storage tank and routes the collected vapors to the gasoline cargo tank from which the stationary gasoline storage tank is loaded; or
  - 216.3** A gasoline cargo tank and routes the collected vapors to the gasoline cargo tank from which the gasoline cargo tank is loaded.
- 217 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.
- 218 VAPOR RECOVERY SYSTEM (VR SYSTEM):** At a stationary GDF, the use of installed vapor recovery equipment designed to reduce by at least 95% the VOC vapor that would otherwise be displaced into the atmosphere from a stationary gasoline dispensing tank when gasoline is delivered into the tank by a gasoline cargo tank. This reduction may be done either by using a vapor balance system or by processing the vapors on site with an emission processing device.

- 219 VAPOR TIGHT:** A condition at the site of a (potential) vapor leak in which:
- 219.1** An organic vapor analyzer (OVA) ~~at the site of (potential) leakage of vapor~~ shows less than 10,000 ppmv when calibrated with ~~as~~ methane; or
- 219.2** 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 FEDERAL STANDARDS:** An owner or operator of a GDF shall meet the applicable federal standards of performance set forth in the national emission standards for hazardous air pollutants (NESHAP), but not limited to 40 CFR Part 63, Subpart CCCCCC—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities, as adopted and incorporated by reference in Rule 370 (Federal Hazardous Air Pollutant Program) of the ~~Maricopa County Air Pollution Control Regulations~~ MCAPCR.
- 302 GENERAL REQUIREMENTS AT A GASOLINE DISPENSING FACILITY (GDF) GDF:** The owner or operator of a GDF shall:
- 302.1** Install a permanent submerged fill pipe. 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.
- a. A side-fill pipe that is greater than 18" from the bottom of the stationary storage tank shall remain submerged at all times. Documentation demonstrating the side-fill pipe is submerged at all times shall be made available to the Control Officer during the course of a site visit.
- 302.2** Maintain all containers, stationary storage tanks, and equipment associated with the storage and loading of gasoline to be:
- a. Leak free.
  - b. Vapor tight.
  - c. In good working order.
- 302.3** Minimize gasoline spills.
- 302.4** Clean up spills as expeditiously as practicable.
- 302.5** Cover all open gasoline containers and storage tanks when not in use.
- 302.6** Minimize the amount of gasoline sent to waste collection systems that collect and transport gasoline to reclamation and recycling equipment such as an oil/water separator.
- 302.7** Properly dispose of any VOC containing material.

**303 GENERAL REQUIREMENTS FOR CONTROLLING GASOLINE VAPORS AT A GASOLINE DISPENSING FACILITY (GDF) ~~GDF~~:** The owner or operator of a GDF shall:

**303.1** Install, operate, and maintain a CARB-certified VR System per the applicable CARB Executive Orders including the corresponding CARB approved Installation, Operation and Maintenance Manual.

~~303.5~~ **a.** After November 2, 2016, clearly identify each new or newly installed component with a permanent identification affixed by the certified manufacturer or rebuilder.

~~303.6~~ **b.** Install replacement CARB-certified components that meet at least one of the following:

~~303.6(a)~~ **(1)** Supplied by the manufacturer as a CARB-certified component.

~~303.6(b)~~ **(2)** ~~Rebuilt by a person who is authorized~~ components certified by CARB to rebuild that specific CARB-certified component.

~~303.6(c)~~ **(3)** Meets the manufacturer's specifications as certified by CARB using test methods incorporated by reference in Section 506 ~~(Test Methods Incorporated by Reference).~~

**303.2** Install a dual-point vapor balance system for any stationary gasoline storage tank installed or modified after June 16, 1999.

**303.3** Change out the coaxial vapor balance system to a dual-point vapor balance system with separate fill and vapor connection points whenever the top of the stationary gasoline storage tank is exposed and the vapor port bung is pre-configured to accept vapor recovery piping.

**303.4** Not reinstall a coaxial vapor balance system if the stationary gasoline storage tank is preconfigured to accept vapor recovery piping.

~~303.7~~ **303.5** Install and operate a pressure-vacuum (PV) vent valve as follows:

**a.** For a GDF with a monthly gasoline throughput of less than 100,000 gallons:

~~303.7(a)~~ **(1)** Install the PV vent valve per manufacturer's specifications; and

~~303.7(b)~~ **(2)** ~~Maintain a pressure-vacuum vent valve~~ Maintain the PV vent valve per manufacturer's specifications.

**b.** For a GDF with a monthly gasoline throughput of 100,000 gallons or more, the PV vent valves shall have:

**(1)** A positive pressure setting of 2.5 to 6.0 inches of water.

**(2)** A negative pressure setting of 6.0 to 10.0 inches of water.

**(3)** A total leak rate of all PV vent valves at the facility, including connections, not exceeding 0.17 cubic foot per hour at a pressure of 2.0 inches water and 0.63 cubic feet per hour at a vacuum of 4.0 inches of water.

**304 GASOLINE STORAGE AND OPERATION REQUIREMENTS:** An owner or operator of a gasoline storage tank with a capacity of more than 250 gallons shall:

**304.1 Underground Storage Tank (UST):**

- a. Equip and maintain the UST according to Section 302 (~~General Requirements at a Gasoline Dispensing Facility (GDF)~~) and Section 303 (~~General Requirements for Controlling Gasoline Vapors at a Gasoline Dispensing Facility (GDF)~~).
- b. Maintain and operate a VR system according to the manufacturer's specifications and the applicable CARB Executive Orders including the corresponding CARB approved Installation, Operation and Maintenance Manual.
- c. Equip each fill pipe with gasketed vapor tight cap.
- d. Equip each poppetted dry break with a gasketed vapor tight cap.
- e. Keep each gasketed vapor tight cap in a closed position except when the fill pipe or poppetted dry break it serves is actively in use.
- f. Ensure the fill pipe assembly, including the fill pipe, fittings and gaskets, is:
  - (1) Intact and not loose.
  - (2) Vapor tight.
- g. Install, operate, and ensure each spill containment receptacle is:
  - (1) Kept vapor tight.
  - (2) Free of standing gasoline.
  - (3) Free of standing liquid.
  - (4) Free of debris.
  - (5) Free of foreign matter.
  - (6) Free of cracks and rust.
  - (7) If the spill containment receptacle is equipped with an integral drain valve to return spilled gasoline to the UST, the drain valve shall be:
    - (a) CARB-certified equipment.
    - (b) Closed except when the valve is actively in use.
    - (c) Vapor tight.
- h. **Fill Pipe Obstructions:**
  - (1) Permanently remove any type of screen and/or other obstruction in a fill pipe assembly unless it is specifically allowed by a Maricopa County Air Pollution Permit or is CARB-certified, as referenced in Section 506 (~~Test Methods Incorporated by Reference~~).
  - (2) Temporarily remove a screen or other obstruction that is allowed by a Maricopa County Air Pollution Permit or by CARB prior to inspection by the Control Officer to allow for any measurements required to verify compliance with this rule.

### 304.2 Above Ground Storage Tank (AST):

- a. Equip and maintain the AST according to Section 302 (~~General Requirements at a Gasoline Dispensing Facility (GDF)~~) and Section 303 (~~General Requirements for Controlling Gasoline Vapors at a Gasoline Dispensing Facility (GDF)~~).
- b. Install and maintain a pressure-vacuum vent valve per manufacturer's specifications.
- c. Equip each fill pipe with a gasketed vapor tight cap.
- d. Maintain all threads, gaskets, and mating surfaces of the fill pipe assembly to:
  - (1) Be intact and not loose.
  - (2) Be maintained leak free.
  - (3) Prevent vapor leakage at the joints of the assembly. Vapor leakage can be identified using one or more of the methods found in Section 501 (~~Identifying a Potential Vapor Leak~~).
- e. Keep each gasketed vapor tight cap in a closed position except when actively in use.
- f. **An AST Manufactured Prior to November 2, 2016:** If an AST that was manufactured prior to November 2, 2016, is equipped with a spill containment receptacle, the spill containment receptacle shall be:
  - (1) Kept vapor tight.
  - (2) Free of standing gasoline.
  - (3) Free of standing liquid.
  - (4) Free of debris.
  - (5) Free of foreign matter.
  - (6) Free of cracks and rust.
- g. **An AST Manufactured On or After ~~December~~ November 2, 2016:** An AST that was manufactured on or after ~~December~~ November 2, 2016, shall be equipped with a spill containment receptacle that is:
  - (1) Kept vapor tight.
  - (2) Free of standing gasoline.
  - (3) Free of standing liquid.
  - (4) Free of debris.
  - (5) Free of foreign matter.
  - (6) Free of cracks and rust.
- h. Ensure any overflow prevention equipment is approved, installed and maintained vapor tight to the atmosphere. Any device mounted within the fill pipe shall be so designed and maintained so that no vapor from the vapor space above the gasoline within the tank can penetrate into the fill pipe or through any of the fill pipe assembly into the atmosphere.

## 305 LOADING OF GASOLINE:

**305.1 General Requirements for the Loading of Gasoline:** The owner or operator of a gasoline cargo tank and the owner or operator of the gasoline storage tank shall ensure:

- a. All parts of the gasoline loading process are observed.
- b. Dry break couplings:
  - (1) Are leak free.
  - (2) Are vapor tight.
  - (3) Automatically and immediately close upon disconnect.
- c. Proper connection of:
  - (1) The vapor recovery hose.
  - (2) The gasoline loading hose.
- d. Gasoline is loaded:
  - (1) Using submerged fill.
  - (2) In a leak free manner.
- e. Appropriate measures are implemented to prevent:
  - (1) Overfill.
  - (2) Excess gasoline drainage.
- f. The loading of gasoline is stopped immediately, and not resumed until the observed issue is repaired, if:
  - (1) A liquid leak is observed.
  - (2) A vapor leak is observed.
- g. Proper disconnection of:
  - (1) The vapor recovery hose to prevent excess gasoline drainage.
  - (2) The gasoline loading hose to prevent excess gasoline drainage.
- h. Use of 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.
- i. Collection and containment of any gasoline that escapes, drips, spills, or leaks in a manner that will prevent evaporation into the atmosphere.

**305.2** The owner or operator of the gasoline cargo tank shall load gasoline to prevent:

- a. The gauge pressure from exceeding ~~eighteen inches (18")~~ 18" of water column (33.6 mm Hg) pressure in the gasoline cargo tank.
- b. The vacuum pressure from exceeding ~~six inches (6")~~ 6" of water column (11.2 mm Hg) in the gasoline cargo tank.

**306 CONTROL OF VOC VAPORS:**

**306.1** Gasoline vapors displaced from a stationary gasoline storage tank during the loading of gasoline, shall be handled by a CARB-certified VR System.

**306.2 Equipment Maintenance and Use Required:**

- a. All vapor loss control equipment shall be:
  - (1) CARB-certified.
  - (2) Installed as required.
  - (3) Operated as recommended by the manufacturer.
  - (4) Maintained to be:
    - (a) Leak free.
    - (b) Vapor tight.
    - (c) In good working order.
- b. Coaxial Vapor Balance Systems: Both spring-loaded and fixed coaxial fill pipes shall be:
  - (1) Maintained according to the standards of their manufacturer(s).
  - (2) Operated so that there is no obstruction of vapor passage from the stationary gasoline storage tank to the gasoline cargo tank.
- c. The owner or operator of a gasoline dispensing facility shall not use a ~~vapor recovery~~ VR system that has any defects that substantially impair(s) effectiveness of the vapor recovery equipment including, but not limited to:
  - (1) Tank vent pipes that are not the proper height or properly capped with CARB-approved pressure and vacuum vent valves.
  - (2) A ~~vapor recovery~~ VR system that is not properly installed or maintained as evidenced by the following:
    - (a) Spill containment buckets are cracked, rusted, or not clean and empty of liquid; sidewalls are not attached or are otherwise improperly installed; and drain valves are non-functioning or do not seal.
    - (b) A fill adaptor collar or vapor poppet (dry break) is loose, damaged, or has a fill or vapor cap that is not installed or is missing, broken, or not securely attached.

**306.3** The owner or operator of a gasoline dispensing facility is allowed to have a combination ~~vapor recovery~~ VR system for any stationary gasoline storage tank installed or modified after June 16, 1999, that, in addition to having a separate dual-point vapor recovery line, also has vapor piping/fittings linking it to one or more (other) stationary gasoline storage tanks at a GDF.

**307** EQUIPMENT REPAIR AND RETESTING: Upon determination that equipment is not vapor tight using the test methods in Sections 501 and 502, the owner or operator of a GDF shall:

**307.1 Exceedance Notification Schedule:** Notify the Control Officer by written notice within 48 hours from the date of discovery documenting the exceedance of the standards of this rule.

a. The written notice shall be submitted through the AQD Online Portal, which shall include:

(1) The date and time of the exceedance.

(2) A description of the exceedance.

(3) Steps taken to mitigate the exceedance.

**307.2 Corrective Action Schedule:** Observe the following time schedule for corrective action:

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

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

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

d. 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 INSPECTIONS:** The owner or operator of a GDF shall conduct inspections as indicated below. A record shall be made pursuant to Section 504 (~~GDF Recordkeeping~~).

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

a. Verify the spill containment receptacles are:

(1) Free of standing gasoline.

(2) Free of standing liquid.

(3) Free of debris.

(4) Free of foreign matter.

(5) Free of cracks and rust.

(6) Equipped with a properly sealing drain valve if the receptacles contain a drain valve.

(7) Vapor tight. ~~Determine if a potential vapor leak exists by using one of the test procedures in Section 501 (Identifying a Potential Vapor Leak). If a vapor leak is identified, determine the vapor tight status using the test procedure in Section 502 (Determining Vapor-Tight Status).~~

- (a) Determine if a potential vapor leak exists by using one of the test procedures in Section 501.
  - (b) If a potential vapor leak is identified, determine the vapor tight status using the test procedure in Section 502.
  - (c) If a leak is detected, follow the corrective action in Section 307.
- b. Verify the external fittings of the fill pipe assembly are:
  - (1) Intact and not loose.
  - (2) Covered with a gasketed cap that fits securely onto the fill pipe.
  - (3) Vapor tight. ~~Determine if a potential vapor leak exists by using one of the test procedures in Section 501 (Identifying a Potential Vapor Leak). If a vapor leak is identified, determine the vapor tight status using the test procedure in Section 502 (Determining Vapor Tight Status).~~
    - (a) Determine if a potential vapor leak exists by using one of the test procedures in Section 501.
    - (b) If a potential vapor leak is identified, determine the vapor tight status using the test procedure in Section 502.
    - (c) If a leak is detected, follow the corrective action in Section 307.
- c. Verify the external fittings of the vapor recovery pipe assembly are:
  - (1) Intact and not loose.
  - (2) Covered with a gasketed cap that fits securely onto the fill pipe.
  - (3) Vapor tight. ~~Determine if a potential vapor leak exists by using one of the test procedures in Section 501 (Identifying a Potential Vapor Leak). If a vapor leak is identified, determine the vapor tight status using the test procedure in Section 502 (Determining Vapor Tight Status).~~
    - (a) Determine if a potential vapor leak exists by using one of the test procedures in Section 501.
    - (b) If a potential vapor leak is identified, determine the vapor tight status using the test procedure in Section 502.
    - (c) If a leak is detected, follow the corrective action in Section 307.
- d. Verify the poppetted dry break is:
  - (1) Equipped with a vapor tight seal.
  - (2) Covered with a gasketed cap that fits securely onto the poppetted dry break.
  - (3) Closed completely.
  - (4) Vapor tight. ~~Determine if a potential vapor leak exists by using one of the test procedures in Section 501 (Identifying a Potential Vapor Leak). If a vapor leak is identified, determine the vapor tight status using the test procedure in Section 502 (Determining Vapor Tight Status).~~

(a) Determine if a potential vapor leak exists by using one of the test procedures in Section 501.

(b) If a potential vapor leak is identified, determine the vapor tight status using the test procedure in Section 502.

(c) If a leak is detected, follow the corrective action in Section 307.

**401.2** The inspections shall be conducted:

- a. At least once per calendar week; or
- b. If the GDF receives a load of gasoline less than once per calendar week, upon completion of the receipt of the load of gasoline.

**402 BURDEN OF PROOF:**

**402.1 Proving Exempt Status:** The burden of proof of eligibility for exemption from a provision of this rule is on the owner or operator. An owner or operator seeking such an exemption shall maintain adequate records and furnish them to the Control Officer upon request.

**402.2 Providing Proof of Equipment Compliance:** It is the responsibility of the owner or operator to provide proof, when requested by the Control Officer, that a vapor recovery system or its modifications meet the requirements of this rule.

**403 CARB DECERTIFICATION:** An owner or operator shall not install or reinstall a component related to vapor recovery that has been decertified by CARB.

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

**405 ANNUAL STAGE I VAPOR RECOVERY SYSTEM TESTING:** Any GDF with a gasoline throughput of 10,000 gallons or more in any one given month of a calendar year shall comply with the Arizona Department of Agriculture, Weights and Measures Services Division (WMSD) annual testing requirements in accordance with Arizona Revised Statutes § 3-3512(C)(5).

## **SECTION 500 – MONITORING AND RECORDS**

**501 IDENTIFYING A POTENTIAL VAPOR LEAK:** An owner or operator or Control Officer shall follow one or more of the test procedures in Section 501 to identify a potential vapor leak. If a potential vapor leak is detected, refer to Section 502 (~~Determining Vapor Tight Status~~) to determine the vapor tight status.

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

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

- a. Spray a soap solution over all potential leak sources. The soap solution may be a commercially available leak detection solution or may be prepared using concentrated detergent and water. A pressure sprayer or squeeze bottle may be used to dispense the solution.
- b. Observe the potential 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 502 (~~Determining Vapor Tight Status~~) shall be used to verify if a vapor leak exists.

**501.3 Optical Gas Imaging:** An owner or operator of a GDF may use a calibrated optical gas imaging instrument to identify a potential vapor leak.

**501.4 ~~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 502 (~~Determining Vapor Tight Status~~) to identify a potential vapor leak.

**502 DETERMINING VAPOR TIGHT STATUS:** An owner or operator or Control Officer shall follow the test procedure in Section 502.1 as soon as a potential vapor leak is identified per Section 501, not to exceed 72 hours after identification to determine the vapor tight status of vapor loss control equipment or spill containment equipment at a stationary GDF or on a gasoline cargo tank.

**502.1 ~~Combustible Gas Detector (CGD) or Organic Vapor Analyzer (OVA)~~ CGD or OVA – **Test Procedure:** Check the peripheries of all potential sources of leakage during the storage and loading of gasoline at the GDF with a CGD or OVA as indicated below. 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.
- 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.

**503 COMPLIANCE INSPECTIONS:** Any stationary gasoline storage tank located at a GDF that is required by this rule to be equipped with a VR system may be subject to monitoring for vapor tightness and liquid leak tightness during any working hours. Such a tank may be opened for gauging or inspection when gasoline loading operations are not in progress, provided that such tank is part of an open system or is served by a positive-pressure relief valve with a relief setting not exceeding +½ lb psi.

**504 GDF RECORDKEEPING:** ~~The owner or operator of each stationary GDF in Maricopa County shall maintain records as follows:~~ 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.

504.1 **504.5** Record the gasoline throughput each month by the end of the following month.

504.2 **504.6** Record the weekly inspections in a permanent record or log book:

- a. By the end of Saturday of the following week; or
- b. If a GDF receives a load of gasoline less than once per calendar week, record the inspection within three days after the receipt of the load of gasoline.
- c. **Leak Detected:** If the owner or operator or Control Officer determines there is a vapor leak in accordance with Sections 501 and 502, documentation shall be maintained of the corrective actions taken. 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).

504.3 ~~Retain required records for at least five (5) years.~~

504.4 ~~Records of the past twelve (12) months shall be:~~

a. ~~Readily accessible.~~

b. ~~Made available, without delay, to the Control Officer upon verbal or written request.~~

**504.7 WMSD Stage I VRS Annual Testing:** For any GDF that is required to conduct WMSD annual testing as described in Section 405, inspection results from the most recent calendar year shall be readily available to the Control Officer upon written or verbal request.

**504.8 Federal Reporting Requirements:** An owner or operator of a GDF subject to this rule, including an owner or operator of an aviation gasoline storage tank at an airport, shall comply with the reporting requirements in 40 CFR 63 Subpart CCCCC (40 CFR 63.11126(b)).

## **505 COMPLIANCE DETERMINATION:**

**505.1** Control efficiency of vapor loss control equipment shall be determined according to EPA Method 2A and either EPA Method 25A or by EPA-approved CARB test methods listed in Section 506 (~~Test Methods Incorporated by Reference~~). EPA Method 2B shall be used for vapor incineration devices.

**505.2** Vapor pressure of gasoline shall be determined using American Society for Testing and Materials (ASTM) D323-06 "Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)" or ASTM D4953-06, "Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method)". ASTM D323-06 shall be used for gasoline either containing no oxygenates or MTBE (methyl tertiary butyl ether) as the sole oxygenate. ASTM 4953-06 shall be used for oxygenated gasoline.

### **505.3 Vapor Leaks:**

- a. If a determination of vapor tight status is to be made on a VR system or spill containment equipment at a stationary GDF or on a gasoline cargo tank at the GDF, the test method in Section 502 (~~Determining Vapor Tight Status~~) shall be used.
- b. If it has been established that there are no other interfering vapor escapes, it is an exceedance if a reading by the Control Officer from an established vapor escape above 1/5 LEL (or 10,000 ppmv as methane) is sustained for at least ~~five (5)~~ 5 seconds, and the probe is either consistently further than ~~one inch (1")~~ 1" from the source and/or the probe is consistently being moved faster than 1.6 inches per second (1.6"/sec).
- c. The Control Officer may count it as a failure to perform weekly inspections pursuant to Section 401 (~~Inspections~~) if foreign material is found in a spill containment receptacle and there is no record of an inspection being performed in the preceding ~~ten (10)~~ 10 days.

**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 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:**

- 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 21 = (“Determination of Volatile Organic Compound Leaks”) (40 CFR Part 60, Appendix A-7).
- c. EPA Method 21 = (“Determination of Volatile Organic Compound Leaks, Alternative Screening Procedure 8.3.3
- d. EPA Method 25 = (“Determination of Total Gaseous Non-Methane Organic Emissions as Carbon”), EPA Method 25A (“Determination of Total Gaseous Organic Concentration 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).
- e. ~~EPA Method 25A – Gaseous Organic Concentration – Flame Ionization. (40 CFR Part 60, Appendix A)~~
- f. ~~EPA Method 25B – Gaseous Organic Concentration – Infrared Analyzer. (40 CFR Part 60, Appendix A)~~
- 506.1(g) e. EPA Method 27 = (“Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test”) (40 CFR Part 60, Appendix A-8).
- 506.1(h) f. Optical Gas Imaging: Alternative Work Practice for Monitoring Equipment Leaks, 40 CFR § 60.18(g), (h) and (i).

**506.2 EPA-Approved ASTM Standards Incorporated by Reference:**

- a. ASTM D323-06 Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)
- b. ASTM D4953-06 Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method)

**506.3 EPA-Approved CARB Certification and Test Procedures:**

- 506.3(b) a. ~~California Air Resources Board CARB Vapor Recovery Test Procedure TP-201.1 (July 26, 2012), “Volumetric Efficiency for Phase I Vapor Recovery Systems”, adopted April 12, 1996, and amended February 1, 2001, and October 8, 2003.~~

- 506.3(c) **b.** ~~California Air Resources Board CARB Vapor Recovery Test Procedure TP-201.1A (February 1, 2001), "Emission Factor for Phase I Systems at Dispensing Facilities" Determination of Efficiency of Phase I Vapor Recovery Systems of Dispensing Facilities with Assist Processors.~~
- 506.3(a) **c.** ~~California Environmental Protection Agency, Air Resources Board CARB Vapor Recovery Test Procedure TP-201.1B (October 8, 2003), "Static Torque of Rotatable Phase I Adaptors" October 8, 2003 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.~~
- 506.3(e) **d.** ~~California Environmental Protection Agency, Air Resources Board CARB Vapor Recovery Test Procedure TP-201.1C (July 12, 2021), "Leak Rate of Drop Tube/Drain Valve Assembly", October 8, 2003, edition.~~
- 506.3(f) **e.** ~~California Environmental Protection Agency, Air Resources Board CARB Vapor Recovery Test Procedure TP-201.1D (July 12, 2021), "Leak Rate of Drop Tube Overfill Protection Devices and Spill Container Drain Valves", October 8, 2003 edition.~~
- 506.3(d) **f.** ~~California Environmental Protection Agency, Air Resources Board CARB Vapor Recovery Test Procedure TP-201.1E (October 8, 2003), "Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves", October 8, 2003 edition.~~
- g.** ~~California Air Resources Board CARB Vapor Recovery Test Procedure TP-201.3 (July 26, 2012), "Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities", adopted April 12, 1996, and amended March 17, 1999.~~

**506.4 Additional Test Methods:**

- a.** San Diego County Air Pollution Control District Test Procedure TP-96-1, March 1996, Third Revision.
- 506.3(h) **b.** ~~Bay Area Air Quality Management District Source Test Procedure ST-30 (September 9, 2002), "Static Pressure Integrity Test, =Underground Storage Tanks", adopted November 30, 1983, and amended December 21, 1994.~~

# **MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS**

## **REGULATION III – CONTROL OF AIR CONTAMINANTS**

### **RULE 353 (STORAGE AND LOADING OF GASOLINE AT A GASOLINE DISPENSING FACILITY (GDF))**

#### **INDEX**

#### **SECTION 100 – GENERAL**

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

#### **SECTION 200 – DEFINITIONS**

- 201 CALIFORNIA AIR RESOURCE BOARD (CARB)-CERTIFIED
- 202 COAXIAL VAPOR BALANCE SYSTEM
- 203 DUAL-POINT VAPOR BALANCE SYSTEM
- 204 EXCESS GASOLINE DRAINAGE
- 205 GASOLINE CARGO TANK
- 206 GASOLINE DISPENSING FACILITY (GDF)
- 207 GASOLINE VAPORS
- 208 LEAK-FREE
- 209 MARICOPA COUNTY VAPOR TIGHTNESS TEST
- 210 POPPETTED DRY BREAK
- 211 SPILL CONTAINMENT RECEPTACLE
- 212 STATIONARY GASOLINE STORAGE TANK
- 213 SUBMERGED FILL
- 214 THROUGHPUT
- 215 UNDERGROUND STORAGE TANK (UST)
- 216 VAPOR BALANCE SYSTEM
- 217 VAPOR LOSS CONTROL EQUIPMENT
- 218 VAPOR RECOVERY SYSTEM (VR SYSTEM)
- 219 VAPOR TIGHT

## **SECTION 300 – STANDARDS**

- 301 FEDERAL STANDARDS
- 302 GENERAL REQUIREMENTS AT A GDF
- 303 GENERAL REQUIREMENTS FOR CONTROLLING GASOLINE VAPORS AT A GDF
- 304 GASOLINE STORAGE AND OPERATION REQUIREMENTS
- 305 LOADING OF GASOLINE
- 306 CONTROL OF VOC VAPORS
- 307 EQUIPMENT REPAIR AND RETESTING

## **SECTION 400 – ADMINISTRATIVE REQUIREMENTS**

- 401 INSPECTIONS
- 402 BURDEN OF PROOF
- 403 CARB DECERTIFICATION
- 404 OTHER AGENCIES' REQUIREMENTS
- 405 ANNUAL STAGE I VAPOR RECOVERY SYSTEM TESTING

## **SECTION 500 – MONITORING AND RECORDS**

- 501 IDENTIFYING A POTENTIAL VAPOR LEAK
- 502 DETERMINING VAPOR TIGHT STATUS
- 503 COMPLIANCE INSPECTIONS
- 504 GDF RECORDKEEPING
- 505 COMPLIANCE DETERMINATION
- 506 TEST METHODS INCORPORATED BY REFERENCE

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

### **RULE 353 (STORAGE AND LOADING OF GASOLINE AT A GASOLINE DISPENSING FACILITY (GDF))**

#### **SECTION 100 – GENERAL**

**101 PURPOSE:** To limit emissions of volatile organic compounds (VOCs) during storage and loading of gasoline at a gasoline dispensing facility (GDF).

**102 APPLICABILITY:** This rule applies to the storage and loading of gasoline in a stationary gasoline storage tank at a GDF with a capacity of more than 250 gallons including, but not limited to underground gasoline storage tanks, above ground storage tanks, and those stationary gasoline storage tanks located at airports and marinas.

#### **103 EXEMPTIONS:**

**103.1 Stationary Gasoline Storage Tanks for Farm Operations:** An owner or operator of a stationary gasoline storage tank used exclusively for the dispensing of fuel into agricultural equipment used in normal farm operations is only subject to Sections 302.3 through 302.7.

**103.2 Vapor Recovery System (VR System):** The VR system provisions of Section 303 and Section 306 shall not apply to a GDF that meets all the requirements of Section 103.2(a) or a stationary gasoline storage tank that meets all the requirements of Section 103.2(b).

##### **a. Non-Resale Gasoline Dispensing Facility:**

(1) Has a throughput of less than 120,000 gallons of gasoline in any 12 consecutive calendar months.

(2) Does not dispense any resold gasoline.

(3) Is equipped with a permanent submerged fill pipe. Where, because of government regulation including, but not limited to, Fire Department codes, a permanent submerged fill pipe cannot be installed, the gasoline shall be loaded into the tank using a nozzle extension that reaches within 6" of the tank bottom.

(4) Shall become subject to the provisions of Section 303 and Section 306 by meeting or exceeding the 120,000-gallon throughput in any 12 consecutive calendar months and shall remain subject to such provisions even if annual throughput later falls below this threshold.

**b. Stationary Gasoline Storage Tank:**

- (1) Has a capacity of 1,000 gallons or less.
- (2) Was installed prior to October 2, 1978.
- (3) Is equipped with a permanent submerged fill pipe. Where, because of government regulation including, but not limited to, Fire Department codes, a permanent submerged fill pipe cannot be installed, the gasoline shall be loaded into the tank using a nozzle extension that reaches within 6" of the tank bottom.

**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 Maricopa County Air Pollution Control Regulations 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 Maricopa County Air Pollution Control Regulations (MCAPCR). In the event of any inconsistency between any of the MCAPCR, the definitions in this rule take precedence.

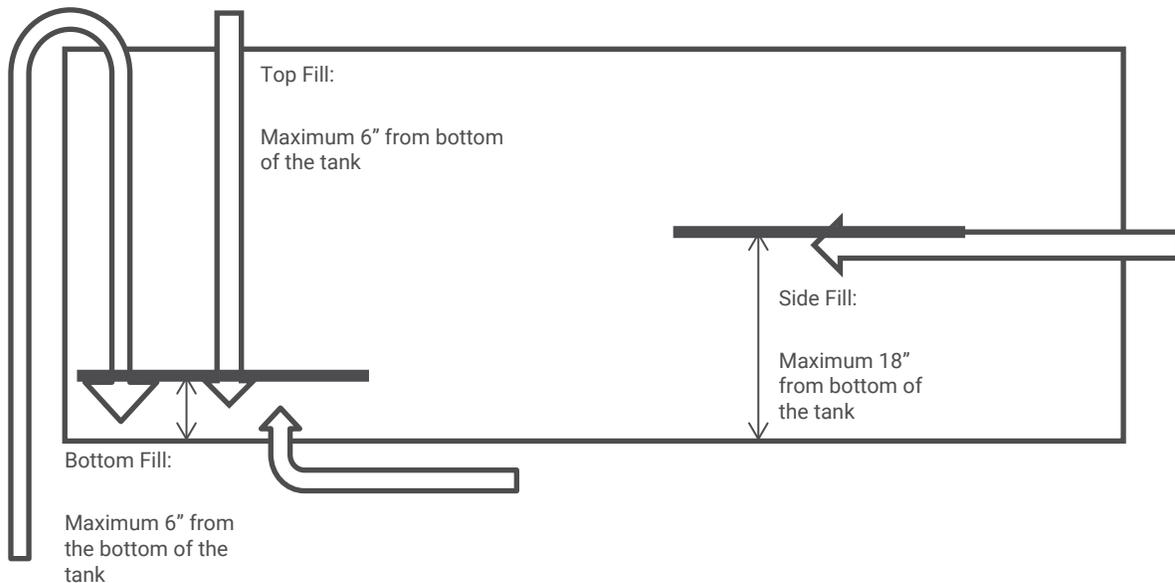
- 201 CALIFORNIA AIR RESOURCES BOARD (CARB)-CERTIFIED:** A vapor control system, subsystem, or component that has been specifically approved by system configuration and manufacturer's name and model number in an executive order of the CARB, pursuant to Section 41954 of the California Health and Safety Code.
- 202 COAXIAL VAPOR BALANCE SYSTEM:** A type of vapor balance system in which the gasoline vapors are removed through the same fill pipe connection as the fuel is delivered.
- 203 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.
- 204 EXCESS GASOLINE DRAINAGE:** The quantity of gasoline that drains out of the end of a gasoline loading hose or gasoline vapor recovery hose during the process of connecting or disconnecting that is one or more of the following:
- 204.1** More than 0.34 fluid ounce or 2 tsp of liquid gasoline lost from the end of the gasoline loading hose or gasoline vapor recovery hose. This does not include drainage into a fill pipe's spill containment receptacle.
  - 204.2** Wets any area(s) on the ground having an aggregate area greater than 113 in<sup>2</sup>.
  - 204.3** 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.
- 205 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) the gasoline cargo tank carries through which the loading of gasoline occurs.

- 206 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.
- 207 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.
- 208 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. This does not include any excess gasoline drainage due to the disconnecting or connecting of either a gasoline loading hose from a gasoline fill line or a vapor recovery hose from a vapor line.
- 209 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 Rule 352 (Gasoline Cargo Tank Testing and Use) of the MCAPCR.
- 210 POPPETTED DRY BREAK:** A type of vapor loss control equipment that opens only by connection to a mating device to ensure that no gasoline vapors escape from the stationary gasoline storage tank before the gasoline vapor recovery line is connected.
- 211 SPILL CONTAINMENT RECEPTACLE:** An enclosed container around:
- 211.1** A gasoline fill pipe that is designed to collect any liquid gasoline spillage resulting from the connection, flow of gasoline during loading, or the disconnection between the gasoline delivery hose and the fill pipe.
  - 211.2** A vapor return riser connection that is designed to collect any liquid gasoline spillage resulting from the connection, the condensation of gasoline vapor during vapor recovery, or the disconnection between the vapor recovery hose and the poppetted valve.
- 212 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.
- 213 SUBMERGED FILL:** Any fill pipe or nozzle extension which meets at least one of the specifications below:

**213.1 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.

**213.2 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



**214 THROUGHPUT:** The amount of gasoline received.

**215 UNDERGROUND STORAGE TANK (UST):** Any one or combination of tanks (including connecting underground pipes) that is used to contain an accumulation of gasoline, and the volume of which (including the volume of gasoline in the underground pipes) is 10% or more beneath the surface of the ground. This definition does not include the following:

**215.1** A farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.

**215.2** A tank used for storing heating oil for consumptive use on the premises where stored.

**215.3** A septic tank.

**215.4** A pipeline facility, including gathering lines, regulated under either:

a. The Natural Gas Pipeline Safety Act of 1968 (49 United States Code Sections 1671 through 1686).

b. The Hazardous Liquid Pipeline Safety Act of 1979 (49 United States Code Section 2001).

- 215.5 An intrastate pipeline facility regulated under a state law comparable to the provisions of law referred to in Section 215.4.
  - 215.6 A surface impoundment, pit, pond or lagoon.
  - 215.7 A storm water or wastewater collection system.
  - 215.8 A flow-through process tank.
  - 215.9 A liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.
  - 215.10 A storage tank situated in an underground area, such as a basement, cellar, mine working, drift, shaft or tunnel, if the storage tank is situated on or above the surface of the floor.
  - 215.11 Pipes connected to any of the structures described in Section 215.1 through 215.10.
- 216 **VAPOR BALANCE SYSTEM:** Vapor loss control equipment that collects vapors displaced from the loading of gasoline into:
- 216.1 A gasoline cargo tank and routes the collected vapors to a stationary gasoline storage tank; or
  - 216.2 A stationary gasoline storage tank and routes the collected vapors to the gasoline cargo tank from which the stationary gasoline storage tank is loaded; or
  - 216.3 A gasoline cargo tank and routes the collected vapors to the gasoline cargo tank from which the gasoline cargo tank is loaded.
- 217 **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.
- 218 **VAPOR RECOVERY SYSTEM (VR SYSTEM):** At a stationary GDF, the use of installed vapor recovery equipment designed to reduce by at least 95% the VOC vapor that would otherwise be displaced into the atmosphere from a stationary gasoline dispensing tank when gasoline is delivered into the tank by a gasoline cargo tank. This reduction may be done either by using a vapor balance system or by processing the vapors on site with an emission processing device.
- 219 **VAPOR TIGHT:** A condition at the site of a (potential) vapor leak in which:
- 219.1 An organic vapor analyzer (OVA) shows less than 10,000 ppmv when calibrated with methane; or
  - 219.2 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 FEDERAL STANDARDS:** An owner or operator of a GDF shall meet the applicable federal standards of performance set forth in the national emission standards for hazardous air pollutants (NESHAP), but not limited to 40 CFR Part 63, Subpart CCCCCC—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities, as adopted and incorporated by reference in Rule 370 (Federal Hazardous Air Pollutant Program) of the MCAPCR.
- 302 GENERAL REQUIREMENTS AT A GDF:** The owner or operator of a GDF shall:
- 302.1** Install a permanent submerged fill pipe. 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.
    - a. A side-fill pipe that is greater than 18” from the bottom of the stationary storage tank shall remain submerged at all times. Documentation demonstrating the side-fill pipe is submerged at all times shall be made available to the Control Officer during the course of a site visit.
  - 302.2** Maintain all containers, stationary storage tanks, and equipment associated with the storage and loading of gasoline to be:
    - a. Leak free.
    - b. Vapor tight.
    - c. In good working order.
  - 302.3** Minimize gasoline spills.
  - 302.4** Clean up spills as expeditiously as practicable.
  - 302.5** Cover all open gasoline containers and storage tanks when not in use.
  - 302.6** Minimize the amount of gasoline sent to waste collection systems that collect and transport gasoline to reclamation and recycling equipment such as an oil/water separator.
  - 302.7** Properly dispose of any VOC containing material.
- 303 GENERAL REQUIREMENTS FOR CONTROLLING GASOLINE VAPORS AT A GDF:** The owner or operator of a GDF shall:
- 303.1** Install, operate, and maintain a CARB-certified VR System per the applicable CARB Executive Orders including the corresponding CARB approved Installation, Operation and Maintenance Manual.
    - a. After November 2, 2016, clearly identify each new or newly installed component with a permanent identification affixed by the certified manufacturer or rebuilder.
    - b. Install replacement CARB-certified components that meet at least one of the following:

- (1) Supplied by the manufacturer as a CARB-certified component.
- (2) Rebuilt components certified by CARB.
- (3) Meets the manufacturer's specifications as certified by CARB using test methods incorporated by reference in Section 506.

**303.2** Install a dual-point vapor balance system for any stationary gasoline storage tank installed or modified after June 16, 1999.

**303.3** Change out the coaxial vapor balance system to a dual-point vapor balance system with separate fill and vapor connection points whenever the top of the stationary gasoline storage tank is exposed and the vapor port bung is pre-configured to accept vapor recovery piping.

**303.4** Not reinstall a coaxial vapor balance system if the stationary gasoline storage tank is preconfigured to accept vapor recovery piping.

**303.5** Install and operate a pressure-vacuum (PV) vent valve as follows:

- a. For a GDF with a monthly gasoline throughput of less than 100,000 gallons:
  - (1) Install the PV vent valve per manufacturer's specifications; and
  - (2) Maintain the PV vent valve per manufacturer's specifications.
- b. For a GDF with a monthly gasoline throughput of 100,000 gallons or more, the PV vent valves shall have:
  - (1) A positive pressure setting of 2.5 to 6.0 inches of water.
  - (2) A negative pressure setting of 6.0 to 10.0 inches of water.
  - (3) A total leak rate of all PV vent valves at the facility, including connections, not exceeding 0.17 cubic foot per hour at a pressure of 2.0 inches water and 0.63 cubic feet per hour at a vacuum of 4.0 inches of water.

**304 GASOLINE STORAGE AND OPERATION REQUIREMENTS:** An owner or operator of a gasoline storage tank with a capacity of more than 250 gallons shall:

**304.1 Underground Storage Tank (UST):**

- a. Equip and maintain the UST according to Section 302 and Section 303.
- b. Maintain and operate a VR system according to the manufacturer's specifications and the applicable CARB Executive Orders including the corresponding CARB approved Installation, Operation and Maintenance Manual.
- c. Equip each fill pipe with gasketed vapor tight cap.
- d. Equip each poppetted dry break with a gasketed vapor tight cap.
- e. Keep each gasketed vapor tight cap in a closed position except when the fill pipe or poppetted dry break it serves is actively in use.
- f. Ensure the fill pipe assembly, including the fill pipe, fittings and gaskets, is:
  - (1) Intact and not loose.

- (2) Vapor tight.
- g. Install, operate, and ensure each spill containment receptacle is:
  - (1) Kept vapor tight.
  - (2) Free of standing gasoline.
  - (3) Free of standing liquid.
  - (4) Free of debris.
  - (5) Free of foreign matter.
  - (6) Free of cracks and rust.
  - (7) If the spill containment receptacle is equipped with an integral drain valve to return spilled gasoline to the UST, the drain valve shall be:
    - (a) CARB-certified equipment.
    - (b) Closed except when the valve is actively in use.
    - (c) Vapor tight.
- h. **Fill Pipe Obstructions:**
  - (1) Permanently remove any type of screen and/or other obstruction in a fill pipe assembly unless it is specifically allowed by a Maricopa County Air Pollution Permit or is CARB-certified, as referenced in Section 506.
  - (2) Temporarily remove a screen or other obstruction that is allowed by a Maricopa County Air Pollution Permit or by CARB prior to inspection by the Control Officer to allow for any measurements required to verify compliance with this rule.

#### **304.2 Above Ground Storage Tank (AST):**

- a. Equip and maintain the AST according to Section 302 and Section 303.
- b. Install and maintain a pressure-vacuum vent valve per manufacturer's specifications.
- c. Equip each fill pipe with a gasketed vapor tight cap.
- d. Maintain all threads, gaskets, and mating surfaces of the fill pipe assembly to:
  - (1) Be intact and not loose.
  - (2) Be maintained leak free.
  - (3) Prevent vapor leakage at the joints of the assembly. Vapor leakage can be identified using one or more of the methods found in Section 501.
- e. Keep each gasketed vapor tight cap in a closed position except when actively in use.
- f. **An AST Manufactured Prior to November 2, 2016:** If an AST that was manufactured prior to November 2, 2016, is equipped with a spill containment receptacle, the spill containment receptacle shall be:
  - (1) Kept vapor tight.

- (2) Free of standing gasoline.
  - (3) Free of standing liquid.
  - (4) Free of debris.
  - (5) Free of foreign matter.
  - (6) Free of cracks and rust.
- g. An AST Manufactured On or After November 2, 2016:** An AST that was manufactured on or after November 2, 2016, shall be equipped with a spill containment receptacle that is:
- (1) Kept vapor tight.
  - (2) Free of standing gasoline.
  - (3) Free of standing liquid.
  - (4) Free of debris.
  - (5) Free of foreign matter.
  - (6) Free of cracks and rust.
- h.** Ensure any overfill prevention equipment is approved, installed and maintained vapor tight to the atmosphere. Any device mounted within the fill pipe shall be so designed and maintained so that no vapor from the vapor space above the gasoline within the tank can penetrate into the fill pipe or through any of the fill pipe assembly into the atmosphere.

### **305 LOADING OF GASOLINE:**

**305.1 General Requirements for the Loading of Gasoline:** The owner or operator of a gasoline cargo tank and the owner or operator of the gasoline storage tank shall ensure:

- a.** All parts of the gasoline loading process are observed.
- b.** Dry break couplings:
  - (1) Are leak free.
  - (2) Are vapor tight.
  - (3) Automatically and immediately close upon disconnect.
- c.** Proper connection of:
  - (1) The vapor recovery hose.
  - (2) The gasoline loading hose.
- d.** Gasoline is loaded:
  - (1) Using submerged fill.
  - (2) In a leak free manner.
- e.** Appropriate measures are implemented to prevent:
  - (1) Overfill.

- (2) Excess gasoline drainage.
  - f. The loading of gasoline is stopped immediately, and not resumed until the observed issue is repaired, if:
    - (1) A liquid leak is observed.
    - (2) A vapor leak is observed.
  - g. Proper disconnection of:
    - (1) The vapor recovery hose to prevent excess gasoline drainage.
    - (2) The gasoline loading hose to prevent excess gasoline drainage.
  - h. Use of 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.
  - i. Collection and containment of any gasoline that escapes, drips, spills, or leaks in a manner that will prevent evaporation into the atmosphere.
- 305.2** The owner or operator of the gasoline cargo tank shall load gasoline to prevent:
- a. The gauge pressure from exceeding 18" of water column (33.6 mm Hg) pressure in the gasoline cargo tank.
  - b. The vacuum pressure from exceeding 6" of water column (11.2 mm Hg) in the gasoline cargo tank.

**306 CONTROL OF VOC VAPORS:**

**306.1** Gasoline vapors displaced from a stationary gasoline storage tank during the loading of gasoline, shall be handled by a CARB-certified VR System.

**306.2 Equipment Maintenance and Use Required:**

- a. All vapor loss control equipment shall be:
  - (1) CARB-certified.
  - (2) Installed as required.
  - (3) Operated as recommended by the manufacturer.
  - (4) Maintained to be:
    - (a) Leak free.
    - (b) Vapor tight.
    - (c) In good working order.
- b. Coaxial Vapor Balance Systems: Both spring-loaded and fixed coaxial fill pipes shall be:
  - (1) Maintained according to the standards of their manufacturer(s).
  - (2) Operated so that there is no obstruction of vapor passage from the stationary gasoline storage tank to the gasoline cargo tank.

- c. The owner or operator of a gasoline dispensing facility shall not use a VR system that has any defects that substantially impair(s) effectiveness of the vapor recovery equipment including, but not limited to:
  - (1) Tank vent pipes that are not the proper height or properly capped with CARB-approved pressure and vacuum vent valves.
  - (2) A VR system that is not properly installed or maintained as evidenced by the following:
    - (a) Spill containment buckets are cracked, rusted, or not clean and empty of liquid; sidewalls are not attached or are otherwise improperly installed; and drain valves are non-functioning or do not seal.
    - (b) A fill adaptor collar or vapor poppet (dry break) is loose, damaged, or has a fill or vapor cap that is not installed or is missing, broken, or not securely attached.

**306.3** The owner or operator of a gasoline dispensing facility is allowed to have a combination VR system for any stationary gasoline storage tank installed or modified after June 16, 1999, that, in addition to having a separate dual-point vapor recovery line, also has vapor piping/fittings linking it to one or more (other) stationary gasoline storage tanks at a GDF.

**307 EQUIPMENT REPAIR AND RETESTING:** Upon determination that equipment is not vapor tight using the test methods in Sections 501 and 502, the owner or operator of a GDF shall:

**307.1 Exceedance Notification Schedule:** Notify the Control Officer by written notice within 48 hours from the date of discovery documenting the exceedance of the standards of this rule.

- a. The written notice shall be submitted through the AQD Online Portal, which shall include:
  - (1) The date and time of the exceedance.
  - (2) A description of the exceedance.
  - (3) Steps taken to mitigate the exceedance.

**307.2 Corrective Action Schedule:** Observe the following time schedule for corrective action:

- a. Concentrations at or above the LEL of gasoline vapors shall be brought into compliance within 24 hours of detection.
- b. An OVA showing a leak concentrations exceeding 10,000 ppmv when calibrated with methane shall be brought into compliance within five days of detection.
- c. A CGD showing 1/5 the LEL of the calibration gas shall be brought into compliance within five days of detection.
- d. 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 INSPECTIONS:** The owner or operator of a GDF shall conduct inspections as indicated below. A record shall be made pursuant to Section 504.

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

- a. Verify the spill containment receptacles are:
  - (1) Free of standing gasoline.
  - (2) Free of standing liquid.
  - (3) Free of debris.
  - (4) Free of foreign matter.
  - (5) Free of cracks and rust.
  - (6) Equipped with a properly sealing drain valve if the receptacles contain a drain valve.
  - (7) Vapor tight.
    - (a) Determine if a potential vapor leak exists by using one of the test procedures in Section 501.
    - (b) If a potential vapor leak is identified, determine the vapor tight status using the test procedure in Section 502.
    - (c) If a leak is detected, follow the corrective action in Section 307.
- b. Verify the external fittings of the fill pipe assembly are:
  - (1) Intact and not loose.
  - (2) Covered with a gasketed cap that fits securely onto the fill pipe.
  - (3) Vapor tight.
    - (a) Determine if a potential vapor leak exists by using one of the test procedures in Section 501.
    - (b) If a potential vapor leak is identified, determine the vapor tight status using the test procedure in Section 502.
    - (c) If a leak is detected, follow the corrective action in Section 307.
- c. Verify the external fittings of the vapor recovery pipe assembly are:
  - (1) Intact and not loose.
  - (2) Covered with a gasketed cap that fits securely onto the fill pipe.
  - (3) Vapor tight.
    - (a) Determine if a potential vapor leak exists by using one of the test procedures in Section 501.

(b) If a potential vapor leak is identified, determine the vapor tight status using the test procedure in Section 502.

(c) If a leak is detected, follow the corrective action in Section 307.

d. Verify the poppetted dry break is:

(1) Equipped with a vapor tight seal.

(2) Covered with a gasketed cap that fits securely onto the poppetted dry break.

(3) Closed completely.

(4) Vapor tight.

(a) Determine if a potential vapor leak exists by using one of the test procedures in Section 501.

(b) If a potential vapor leak is identified, determine the vapor tight status using the test procedure in Section 502.

(c) If a leak is detected, follow the corrective action in Section 307.

**401.2** The inspections shall be conducted:

a. At least once per calendar week; or

b. If the GDF receives a load of gasoline less than once per calendar week, upon completion of the receipt of the load of gasoline.

## **402 BURDEN OF PROOF:**

**402.1 Proving Exempt Status:** The burden of proof of eligibility for exemption from a provision of this rule is on the owner or operator. An owner or operator seeking such an exemption shall maintain adequate records and furnish them to the Control Officer upon request.

**402.2 Providing Proof of Equipment Compliance:** It is the responsibility of the owner or operator to provide proof, when requested by the Control Officer, that a vapor recovery system or its modifications meet the requirements of this rule.

**403 CARB DECERTIFICATION:** An owner or operator shall not install or reinstall a component related to vapor recovery that has been decertified by CARB.

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

**405 ANNUAL STAGE I VAPOR RECOVERY SYSTEM TESTING:** Any GDF with a gasoline throughput of 10,000 gallons or more in any one given month of a calendar year shall comply with the Arizona Department of Agriculture, Weights and Measures Services Division (WMSD) annual testing requirements in accordance with Arizona Revised Statutes § 3-3512(C)(5).

## SECTION 500 – MONITORING AND RECORDS

**501 IDENTIFYING A POTENTIAL VAPOR LEAK:** An owner or operator or Control Officer shall follow one or more of the test procedures in Section 501 to identify a potential vapor leak. If a potential vapor leak is detected, refer to Section 502 to determine the vapor tight status.

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

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

- a. Spray a soap solution over all potential leak sources. The soap solution may be a commercially available leak detection solution or may be prepared using concentrated detergent and water. A pressure sprayer or squeeze bottle may be used to dispense the solution.
- b. Observe the potential 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 502 rule shall be used to verify if a vapor leak exists.

**501.3 Optical Gas Imaging:** An owner or operator of a GDF may use a calibrated optical gas imaging instrument to identify a potential vapor leak.

**501.4 CGD or OVA:** An operator of a calibrated CGD or an OVA may use the test procedure described in Section 502 to identify a potential vapor leak.

**502 DETERMINING VAPOR TIGHT STATUS:** An owner or operator or Control Officer shall follow the test procedure in Section 502.1 as soon as a potential vapor leak is identified per Section 501, not to exceed 72 hours after identification to determine the vapor tight status of vapor loss control equipment or spill containment equipment at a stationary GDF or on a gasoline cargo tank.

**502.1 CGD or OVA – Test Procedure:** Check the peripheries of all potential sources of leakage during the storage and loading of gasoline at the GDF with a CGD or OVA as indicated below. 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.
- 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.

**503 COMPLIANCE INSPECTIONS:** Any stationary gasoline storage tank located at a GDF that is required by this rule to be equipped with a VR system may be subject to monitoring for vapor tightness and liquid leak tightness during any working hours. Such a tank may be opened for gauging or inspection when gasoline loading operations are not in progress, provided that such tank is part of an open system or is served by a positive-pressure relief valve with a relief setting not exceeding +½ lb psi.

**504 GDF RECORDKEEPING:** 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** Record the gasoline throughput each month by the end of the following month.

**504.6** Record the weekly inspections in a permanent record or log book:

- a. By the end of Saturday of the following week; or
- b. If a GDF receives a load of gasoline less than once per calendar week, record the inspection within three days after the receipt of the load of gasoline.
- c. **Leak Detected:** If the owner or operator or Control Officer determines there is a vapor leak in accordance with Sections 501 and 502, documentation shall be maintained of the corrective actions taken. 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).

**504.7 WMSD Stage I VRS Annual Testing:** For any GDF that is required to conduct WMSD annual testing as described in Section 405, inspection results from the most recent calendar year shall be readily available to the Control Officer upon written or verbal request.

**504.8 Federal Reporting Requirements:** An owner or operator of a GDF subject to this rule, including an owner or operator of an aviation gasoline storage tank at an airport, shall comply with the reporting requirements in 40 CFR 63 Subpart CCCCCC (40 CFR 63.11126(b)).

## **505 COMPLIANCE DETERMINATION:**

**505.1** Control efficiency of vapor loss control equipment shall be determined according to EPA Method 2A and either EPA Method 25A or by EPA-approved CARB test methods listed in Section 506. EPA Method 2B shall be used for vapor incineration devices.

**505.2** Vapor pressure of gasoline shall be determined using American Society for Testing and Materials (ASTM) D323-06 "Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)" or ASTM D4953-06, "Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method)". ASTM D323-06 shall be used for gasoline either containing no oxygenates or MTBE (methyl tertiary butyl ether) as the sole oxygenate. ASTM 4953-06 shall be used for oxygenated gasoline.

### **505.3 Vapor Leaks:**

- a. If a determination of vapor tight status is to be made on a VR system or spill containment equipment at a stationary GDF or on a gasoline cargo tank at the GDF, the test method in Section 502 shall be used.
- b. If it has been established that there are no other interfering vapor escapes, it is an exceedance if a reading by the Control Officer from an established vapor escape above 1/5 LEL (or 10,000 ppmv as methane) is sustained for at least 5 seconds, and the probe is either consistently further than 1" from the source and/or the probe is consistently being moved faster than 1.6 inches per second (1.6"/sec).
- c. The Control Officer may count it as a failure to perform weekly inspections pursuant to Section 401 if foreign material is found in a spill containment receptacle and there is no record of an inspection being performed in the preceding 10 days.

**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 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 21 (“Determination of Volatile Organic Compound Leaks”) (40 CFR Part 60, Appendix A-7).
- c. EPA Method 21 (“Determination of Volatile Organic Compound Leaks, Alternative Screening Procedure 8.3.3
- d. EPA Method 25 (“Determination of Total Gaseous Non-Methane Organic Emissions as Carbon”), EPA Method 25A (“Determination of Total Gaseous Organic Concentration 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).
- 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 Standards Incorporated by Reference:**

- a. ASTM D323-06 Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)
- b. ASTM D4953-06 Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method)

**506.3 EPA-Approved CARB Certification and Test Procedures:**

- a. CARB Vapor Recovery Test Procedure TP-201.1 (July 26, 2012), “Volumetric Efficiency for Phase I Vapor Recovery Systems”.
- b. CARB Vapor Recovery Test Procedure TP-201.1A (February 1, 2001), “Emission Factor for Phase I Systems at Dispensing Facilities”.
- c. CARB Vapor Recovery Test Procedure TP-201.1B (October 8, 2003), “Static Torque of Rotatable Phase I Adaptors”.
- d. CARB Vapor Recovery Test Procedure TP-201.1C (July 12, 2021), “Leak Rate of Drop Tube/Drain Valve Assembly”.
- e. CARB Vapor Recovery Test Procedure TP-201.1D (July 12, 2021), “Leak Rate of Drop Tube Overfill Protection Devices and Spill Container Drain Valves”.
- f. CARB Vapor Recovery Test Procedure TP-201.1E (October 8, 2003), “Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves”.

- g.** CARB Vapor Recovery Test Procedure TP-201.3 (July 26, 2012), "Determination of 2Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities".

**506.4 Additional Test Methods:**

- a.** San Diego County Air Pollution Control District Test Procedure TP-96-1, March 1996, Third Revision.
- b.** Bay Area Air Quality Management District Source Test Procedure ST-30 (September 9, 2002), "Static Pressure Integrity Test, Underground Storage Tanks".

**MARICOPA COUNTY BOARD OF HEALTH MEETING MINUTES**

**Monday, February 25, 2019 at 1:00 pm**  
**301 W. Jefferson Street, 10<sup>th</sup> Floor, Phoenix, Arizona 85003**  
**Board of Supervisors Conference Room**

President Hughes called the meeting to order at 1:02 p.m.

[Return to list of attachments](#)

**ROLL CALL:**

**Members Present:**

Don Cassano  
Henri Courmand (via phone)  
Robert MacMillan  
Andrew Rascón  
Nedra Halley  
Don Hughes  
Debra Baldauff  
Bill Gates

**Members Not Present:**

Kristen Acton

Ex-Officio: Max Porter

**CALL TO THE PUBLIC:**

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. No speaker slips were received.

President Hughes introduced our newest member to the Board of Health. Mr. Andrew Rascón, District 5 Board of Supervisor Appointment. Mr. Rascón works for Southwest Center for HIV/AIDS and runs his own non-profit as well. Welcome and congratulations Mr. Rascón on your appointment as our newest member.

**DISCUSSION/ACTION ITEMS**

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

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

**2. Approval of FY20 OMB budget request**

**Mr. Scot Pitcairn**

Mr. Scot Pitcairn presented Department of Public Health's budget request for FY2020.

For Fiscal Year 2020 Public Health Department's total base budget request for this year is \$58,150,751, a decrease of 6.2% from the FY19 Revised budget. *This consists of no increase to the General Fund budget, this fund remaining flat and on target, a 9.8% decrease in the Grant Fund budget, and 1% increase in the Special Revenue Fund budget.*

A summary of our base budget request is as follows:

General Fund	\$ 12,868,622
Grants Fund	36,271,166
Special Revenue (Fee) Fund	9,010,963
TOTAL	\$ 58,150,751

## **Operating Budget**

### **General Fund**

The general fund request is shown at target baseline level. No increases are being requested at this time. This is not intended to imply that all service levels are being adequately met. In order to remain at baseline targets we have budgeted 100% vacancy savings for one division administrator position and our PIO position and have eliminated one program coordinator position.

### **Fee Fund**

The Fee Fund operating budget is submitted \$322,248 below the FY19 Revised budget, reflecting a reduction in the Childhood Immunization budget that keeps expenditures within anticipated revenues. (This budget will be supplemented by non-recurring funding).

### **Grant Fund**

The decrease of \$4,159,112 in the Grant Fund results from the loss and reduction in several grants, including cuts to WIC, moving the Ryan White Dental Program to the Ryan White Office, reductions to Healthy Start, and various other grant losses or reductions.

## **Non-Recurring Budget**

### **General Fund**

The \$237,775 in one-time funding in the FY19 budget for the replacement X-Ray equipment at our TB Clinic was removed from the FY20 budget.

### **Grant Fund**

For FY20 the grant carryover/non-recurring budget is \$500,000, an increase of \$215,000 over the FY19 budget. This increase reflects additional carry forward from the Smoke Free Grant and the HPHC (Healthy People Healthy Communities) integrated IGA grants.

### **Fee Fund**

Following the model used last budget year, we have budgeted funds from our fee fund balance, increasing it from \$593,300 in the current year to \$1,000,000 in FY20. Of this amount, \$200,000 is budgeted for our policy group. This group will use these funds for childhood vaccination advocacy and in addressing the opioid epidemic in our county. In addition, Vital Registration is budgeted \$125,000 for expanding the east valley office. The Refugee Medical Assistance Program is budgeted to use \$125,000 since they have run short in funding as a result of the current administration reducing the number of refugees admitted to the country. The remaining \$550,000 is being allocated to address needs in the STD Control program, Childhood Immunization and other mandated areas.

## **CSCA and ISF**

Last year we requested a review above baseline from the Board of Supervisors due to large deficiencies in our funding. We are not requesting a review this year but there is a funding gap that the Budget Office and county management are aware of due to the CSCA and ISF charges placed on the Department. Last year in order to balance our budget, \$913,296 was used from our Fee Fund balance and \$547,457 was designated from non-departmental funds in the event our indirect collections were insufficient to cover expenses.

Due to two factors, first the reduction of grant receipts and second the increase over the last several years in CSCA and Internal Service Charges, our indirect collections are not sufficient to cover our administrative costs, ISF charges and CSCA

charges combined. Over the past ten years we have internally reduced our administrative staff by 10 positions, saving over \$850,000. However, these reductions have increased the workload on existing staff to the point that we cannot reduce internally further and still function properly. Our rent is a sizable part of our internal charges but we cannot reduce that amount unless we are allowed to purchase a facility. Our current lease runs through 2023 and we are not certain whether we will be able to legally get out of the lease obligation before the lease expires. This shortfall is projected in our budget at \$685,549. The solution to fill this gap is left open for further discussion before our budget recommendation is finalized.

For this current fiscal year's budget, the County Budget Office obligated \$547,457 for this projected shortfall. We have held positions and generated vacancy savings with our director's position to help reduce the use of this commitment, but those options will probably not exist in the next budget cycle. We also could tap further into our fee fund balance. Regardless of the solution for this problem, both of these options are only a Band-Aid and will not solve the problem of uncontrolled escalations of CSCA and ISF charges being pushed into limited grant funds. Further increases in our indirect rates will only further decrease the delivery of services for mandated and other services that public health is expected to provide to our community. Therefore, a more viable, longer-term solution needs to be researched.

We should also note with this budget submission that the base-level operating budget is likely unable to handle an outbreak or emergency should one occur. The two items we see as likely are: 1) measles epidemiology responses and; 2) the treatment of MDR or XDR Tuberculosis cases.

During this last year our community, along with large parts of the world, have dropped below the required vaccination rates in our schools to accomplish the herd immunity effect for disease prevention of vaccine preventable diseases. The most contagious of these is Measles. Measles outbreaks have occurred throughout Europe and other parts of the world and have occurred in 26 states during 2018. Europe has been fighting this previously contained disease spread for over a year. During last year, with a 93% vaccination rate (we are just under 95%) European nations had 64,000 cases of the disease. The main cost of our response will be in the epidemiological tracking of the outbreak; the cost of these can range from \$50,000 to hundreds of thousands of dollars. This is why we have been so active in the work with the state to decrease the personal exemptions being given out to parents who do not vaccinate their children with the school-required immunizations. While the financial costs of these outbreaks are staggering, the risk of blindness, hearing impairment, pneumonia and death (1-2 deaths out of every 1,000 cases) can have drastic consequences for children and families.

The second concern is one that we have seen during the last few budget years but the frequency seems to be escalating. This is the occurrence of multi-drug resistant (MDR) and extreme drug resistant (XDR) Tuberculosis (TB). This strain of TB is immune to the normal cost-effective drugs that we use to treat standard cases and requires two other types of drugs that are extremely expensive. A single case can easily cost between \$100,000 and \$150,000 over the course of their 18-month to 24-month treatment, and this does not include any surgically required responses. Non-compliant patients also incur court costs and isolation costs. We cannot predict the number of cases we will have, but if they do occur we will need to request additional funds as we have in the past.

SUMMARY OF PUBLIC HEALTH'S FY 2019/2020 BUDGET REQUEST  
FOR BOARD OF HEALTH MEETING - FEB 25, 2019

	FY 19 Revised Budget	FY 20 Budget Request	Variance \$	Variance %	Notes
<b>Fund 100 - General Fund</b>					
Recurring - MCBO Baseline for FY20	\$ 12,868,622	\$ 12,868,622	\$ -	0.0%	Level funding
Non-Recurring	\$ 237,775	\$ -	\$ (237,775)	-100.0%	Removal of funding to replace X-ray equipment
Combined Total	\$ 13,106,397	\$ 12,868,622	\$ (237,775)	-1.8%	
<b>Fund 265 - Special Revenue (Fee) Fund</b>					
Recurring	\$ 8,333,211	\$ 8,333,211	\$ -	0.0%	
Immunization Funding Structural Balancing	\$ -	\$ (322,248)	\$ (322,248)		To bring Immunizations expenses in line with revenues
	\$ 8,333,211	\$ 8,010,963	\$ (322,248)	-3.9%	
Non-Recurring:					
Office of Vital Registration	\$ 125,000	\$ 125,000	\$ -	0.0%	For one-time improvements at locations
Refugee Program	\$ 125,000	\$ 125,000	\$ -	0.0%	To cover revenue shortfall due to client reductions
Policy Program Funding	\$ 343,300	\$ 200,000	\$ (143,300)	-41.7%	For FY20, focus on child vaccination and opioid epidemic
To Supplement Mandated Programs	\$ -	\$ 550,000	\$ 550,000		To supplement General Funds for mandates
	\$ 593,300	\$ 1,000,000	\$ 406,700	68.5%	
Combined Fund 265 Total	\$ 8,926,511	\$ 9,010,963	\$ 84,452	0.9%	
<b>Fund 532 - Grant Fund</b>					
Recurring Funding	\$ 39,930,278	1/ \$ 35,771,166	2/ \$ (4,159,112)	-10.4%	3/ See below for grant reductions and terminations
Non-Recurring (carryover/grant fund balances)	\$ 285,000	\$ 500,000	4/ \$ 215,000	75.4%	See below for sources of grant carryover funding
Combined Fund 532 Total	\$ 40,215,278	\$ 36,271,166	\$ (3,944,112)	-9.8%	

Notes: 1/ FY19 budget includes \$547,457 of Non-Departmental support for Grant indirect shortfall.

2/ FY20 budget includes \$685,549 for Grant indirect shortfall (to be resolved).

3/ Grants reduced or terminated/additional grants from FY19 to FY20:

- Ryan White Dental Insurance	\$ (2,286,112)	(taken over by Ryan White Program department)
- Healthy Start	\$ (801,457)	(approx half of total Healthy Start grant funding)
- WIC Grant	\$ (441,542)	(operating grant reduction, infrastructure reduction)
- PHEP Opioid Grant	\$ 119,094	(one year grant)
- Prescription Drug Abuse Prev'n	\$ (63,803)	(end of contract period - not renewed)
- Homeless Program Income	\$ (206,627)	(final expenditures of AHCCCS collections for terminated HCH grant)
- Dental Sealant grant	\$ (141,434)	(net adjustment from FTF increase, ADHS decrease)
- Non-Departmental subsidy	\$ (547,457)	(approved for FY19, awaiting negotiation for FY20)
- Indirect Shortfall	\$ 238,182	(projected shortfall for FY20 projected less than FY19)
- Other net grant changes	\$ (27,956)	
	\$ (4,159,112)	

4/ Grant carryover funding from Healthy People/Healthy Communities and Smoke Free Compliance grants

**Motion to approve the FY20 OMB budget request for Public Health was made by Ms. Halley, seconded by Mr. Cassano and all were in favor. The motion passed unanimously**

**3. Approval of FY20 OMB budget request**

**Mr. Gus Martinez**

Mr. Gus Martinez presented Department of Environmental Services' budget request for FY2020.

**FUND 100 (County General Fund)**

Requested budget for Fund 100 operating is \$247,221 in revenues and \$9,459,591 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. Requested budgeted revenues remain at \$247,221 with no change between FY2019 adopted and FY2020 requested.

In FY2019 Environmental Services acquired the waste resources department which is tasked with operating the counties six transfer stations. These transfer stations collect approximately 220K in transfer station fees annually.

## **Expenditures**

Environmental Services General Fund Agency recommended operating budget expenditures are \$9,459,591 or **.73%** increase from FY19 adopted.

Requested budget includes a slight increase in the amount of supplies and services by **2%** or **\$103,140** for increased costs in equipment repairs.

## **Non-Reoccurring Expenditures**

The Departments recommended budget includes non-reoccurring expenses in Fund 100 in the amount of \$100,003 for the following:

- IT Recommendations – \$100,003

## **FUND 505 (County Grant Fund)**

Requested budget for Fund 505 operating is \$67,198 in revenues and \$67,198 in expenditures.

## **Grant Funds**

Agency 881 is a grant from the Food and Drug Administration Department of Health and Human Services. Environmental Services was awarded the grant on September 10, 2015 in the amount of \$67,198 for FY2020. The grant was approved by the Board of Supervisors on October 21, 2015. The purpose of the grant is to advance conformance with the voluntary national retail food regulatory program standards. The purpose of the grant is to advance conformance with the voluntary national retail food regulatory program standards. This grant will serve in assessing foodborne illness risk factors in Maricopa County and also provide permitted food operations with educational strategies to reduce the occurrence of foodborne illness risk factors. In Year 2, Environmental Services is providing education to all Environmental Health staff for implementing Active Managerial Control (AMC) principles during their inspections and train the operators to do the same (Train the Trainer). This training is based on the results of the survey conducted in Year 1. Also, MCESD will develop an AMC Toolbox, consisting of guidance documents, templates, logs, videos, and handouts on policies, training, and verification. These materials will emphasize the shift to a population that learns through the oral and visual delivery of information. Access to these materials will be streamlined via inspection reports, website design, and other mobile platforms. AMC will be further incentivized by increasing public awareness of the Department's voluntary AMC program: the "Cutting Edge Food Safety Partnership." Our Department will develop media to showcase Cutting Edge Program participants.

## **Revenues**

Revenues remain unchanged from FY2019 to FY2020 requested and are mandated by the terms of the grant.

## **Expenditures**

Expenditures remain unchanged from FY2019 to FY2020 recommended and are mandated by the terms of the grant.

## **FUND 290 (Waste Tire Fund)**

Requested 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. These fees are not directly collected by the county; they are collected through the purchase of a tire.

## **Expenditures**

The Tire Fund expense budget has increased **14.97%** from FY2019 to FY2020 to accommodate the increase tires received at the tire recycling facility. Year over year, the fund has seen increased costs based on the number of registered vehicles in Maricopa County.

## **FUND 506 (Environmental Fee Fund)**

Requested budget for Fund 506 operating are \$21,012,670 in revenues and \$21,001,478 in expenditures.

## Revenues

Requested budgeted revenues for Fund 506 are \$21,012,670 or **\$540,701 (3%)** above FY2019 adopted.

Pool, food permitting, and environmental plan review are all experiencing a higher than average permit and plan review submittals resulting in above budgeted revenue. This is primarily due to an uptick in construction projects as the economy improves.

As plan review in both the Water and Waste and Environmental Health division's continue to rise, so do the number of permits being added. Environmental Services expects these trends to continue through FY2020.

## Expenditures

Requested budgeted expenses at **\$21,001,478** or **\$599,204 (2.85%)** above FY19 adopted. Requested budget includes overall increase in personnel services by **\$348,968** or 2% with reductions to personal savings to accommodate the increased workloads. Supplies and services have been increased by **\$250,236** due to an increase in central services cost allocations.

## Non-Reoccurring Expenditures

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

- Vehicles - \$750,000
- Overtime – \$125,000
- Rent – \$93,954
- Contracting Services - \$350,000
- IT Recommendations – \$798,472

**Motion to approve the FY20 OMB budget request for Environment Health was made by Mr. MacMillan, seconded by Mr. Cassano and all were in favor. The motion passed unanimously**

### 4. Fee Waiver Applications

**Ms. Jeannie Taylor**

Ms. Jeannie Taylor presented 60 fee waivers for review and consideration of approval. A summary sheet document was provided.

**Motion to approve the 60 fee waivers applications was made by Ms. Halley, seconded by Mr. Cassano and all were in favor. The motion passed unanimously.**

### 5. Approval of initiation of regulatory change for the following rules:

**Gregory Verkamp  
Kimberly Butler**

Gregory Verkamp and Kimberly Butler presented 9 Rules for approval of initiation of regulatory changes. Gregory explained that all rules are the beginning/initiation process. 8 If the 9 rules EPA is behind them and will ultimately have to be approved by the EPA.

#### A. AQ-2017-002

Rule 321 (Municipal Solid Waste Landfills)

The Maricopa County Air Quality Department (MCAQD) is proposing to revise Rule 321 to reflect the federal municipal solid waste landfill emission guidelines as promulgated August 29, 2016 and codified at Title 40 (Protection of Environment) of the Code of Federal Regulations (CFR), Part 60 (Standards of Performance for New Stationary Sources), Subpart Cf (Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills). In addition, the MCAQD is proposing to incorporate changes recommended by stakeholders, and to make other changes to improve and clarify the rule.

**Motion to approve Rule 321 (Municipal Solid Waste Landfills) was made by Ms. Halley, seconded by Mr. MacMillan and all were in favor. The motion passed unanimously.**

B. AQ-2017-007

Rule 322 (Power Plant Operations)

Rule 323 (Fuel Burning Equipment from Industrial/Commercial/Institutional Sources)

Rule 324 (Stationary Reciprocating Internal Combustion Engines)

The MCAQD is proposing to revise Rules 322, 323, and 324 to address rule approvability comments provided by the Environmental Protection Agency (EPA). These changes are required in order for the EPA to approve these rules as Reasonably Available Control Technology (RACT) for control of nitrogen oxides, which are precursors to ozone formation. The MCAQD is also proposing changes to address rule improvement comments provided by the EPA, to incorporate changes recommended by stakeholders, and to make other changes to improve and clarify the rules.

**Motion to approve Rule 322 (Power Plan Operations), Rule 323 (Fuel Burning Equipment from Industrial/Commercial/Institutional Sources) and Rule 324 (Stationary Reciprocating Internal Combustion Engines) was made by Mr. Cassano, seconded by Ms. Halley, and all were in favor. The motion passed unanimously.**

C. 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 353 (Storage and Loading of Gasoline at Gasoline Dispensing Facilities)

MCAQD is proposing to revise Rules 350, 351, and 353 to address rule approvability comments provided by the Environmental Protection Agency (EPA). These changes are required in order for the EPA to approve these rules as Reasonably Available Control Technology (RACT) to reduce volatile organic compound (VOC) emissions. The MCAQD is also proposing changes to address rule improvement comments provided by the EPA, to incorporate changes recommended by stakeholders, and to make other changes to improve and clarify the rules.

**Motion to approve 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) and Rule 353 (Storage and Loading of Gasoline at Gasoline Dispensing Facilities) was made by Mr. MacMillan, seconded by Mr. Cassano and all were in favor. The motion passed unanimously.**

D. AQ-2017-010

Rule 210 (Title V Permit Provisions)

The MCAQD is proposing to revise the MCAQD's NSR rules in order to secure their approval as part of the State Implementation Plan (SIP) under the federal Clean Air Act. The MCAQD's NSR rulemaking is comprised of seven (7) rules, including Rule 210. All of the NSR rules, with the exception of Rule 210, were approved for the initiation of regulatory change by the Board of Health at the July 23, 2018 meeting. Rule 210 was not initiated at that time because revisions to the rule were not anticipated. However, upon review of the U.S. Environmental Protection Agency's (EPA's) recommendations, the MCAQD is requesting approval for the initiation of regulatory change in order to revise Rule 210.

**Motion to approve Rule 210 (Title V Permit Provisions) was made by Mr. Cassano, seconded by Dr. Baldauff and all were in favor. The motion passed unanimously.**

E. AQ-2017-011

Rule 204 (Emission Reduction Credits for Use with the Arizona Emissions Bank)

The MCAQD is proposing to revise Rule 204 to add provisions for nontraditional sources of emission reduction credits. Currently, the rule only allows for the generation, certification and utilization of emission reduction credits from permitted

sources. Proposed revisions include new provisions for the generation, certification, and utilization of emission reduction credits from nontraditional sources that use truck stop electrification, electric standby equipped transport refrigeration units, and electric onsite equipment. Revising the rule will provide additional sources of emission reduction credits that will allow Maricopa County to move towards attainment of the National Ambient Air Quality Standards while still allowing industrial growth.

**Motion to approve Rule 204 (Emission Reduction Credits for Use with the Arizona Emissions Bank) was made by Mr. Cassano, seconded by Dr. Baldauff and all were in favor. The motion passed unanimously.**

**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**

Max Porter presented the Director's Public Health Report.

The budget isn't quite as depressing as the picture that was presented to you. Yes we have some concerns when it comes to our indirect balance, the central service cuts, the ISF funds (administrative costs) that we're hit with. This isn't just a concern for us, it's a concern for all grant funded departments or any department that has a grant. Budget office is looking into it and is looking for a solution. They understand that it's not sustainable the way it's going. We are working with them. We have sufficient funds for this year to get through. We have a year to work through this and get to a solution.

Our department (Public Health) and Human Services are both heavily, heavily grant funded. We are both under the same Assistant County Manager Lee Ann Bohn. She is dedicated to working through this year to try to find a solution for that problem. We will get through this year. We will do what we always do and we will have a successful year. I do want you to be aware that it's not quite as bleak as the picture would look on paper. We are a viable department and we are doing some wonderful things.

We are part of the Big Cities Health Coalition. We're not a city, we're a county but we are the 3<sup>rd</sup> largest Health jurisdiction in the Country behind New York and LA. Majority of Health departments are run through the City organizations throughout the Country, your large metropolis areas. Back in the 50's it was consolidated that all to the Counties because we could consolidate better across city borders if we did it all in one. We're the 3<sup>rd</sup> largest. Part of being a part of this Big Cities Health Coalition it allowed us to go back to the meetings this year and we meet with the head of the CDC. We explained to them that part of the problem we are seeing in our Health Departments is that you're (the CDC) is sending funding from the federal government, majority of our funding comes from the federal government, to the State. The State dictates how they will meet deliverables which often don't work for an urban area like we are and rural areas. So the funding they are sending down is going through another massaging at the State level. The State is taking out administrative expenses and then it goes down to the County department level and fewer and fewer services after each one of these things happen are reaching the people. The CDC heard us. So in three months from that meeting we received our first notice from the CDC that they are sending out instead of a grant a cooperative agreement. It's a guaranteed receipt of funds. We will be getting a new addition of 2.5 million dollars directly from the CDC for OPIOID control. The OPIOID Cooperative Agreement guaranteed funding will hit us in August. We are hoping that this will be a beginning of the way grant funding will flow to us. It gives us a lot better ability to change direction when a new problem hits us. Rather than waiting for the State to determine that it is a problem this will give us the ability to change a grant deliverable directly. We're hoping that, that will be a good change for the future of the way our funding comes in.

As part of the director's report here, the big question that if you don't have you should have is when are we going to get a new director? We are moving towards that direction. We have some very viable candidates that are in, we have some good resumes and we're doing interviews now. So we are hopeful that by your next meeting you will have a real director that will be giving you this report. We're hopeful that someone will be here and if they're not here we will at least have the name and date of when they will be here.

### Childhood Vaccinations

You're seeing reports almost daily in the news about childhood vaccinations. There is a huge debate with a large amount of anti-vaxxers, I shouldn't say large, there is a loud contingency of anti-vaxxers that are in the community. You have to remember that we lost our herd immunity with our childhood immunizations.

- The majority of the population understand the importance of immunizations. They understand that they have to participate if we're going to protect the entire populous.
- There are also 2-3% can't get vaccinations, they are people that are under treatment for cancer or they are immune suppressed.
- The anti-vaxxers make up about 3% and they are extremely loud and they're campaigning against vaccinations.
- 6 bills in legislature
  - 3 of the bills could really damage our vaccinations
  - The anti-vaxxers are pushing harder and harder to give people personal exemptions for whatever reason.
  - With legislation we can't lobby, all we can do is educate.
  - The Arizona Partnership for Immunization (TAPI),

Right now should be our peak of flu season

- H1N1 is hitting again

### Congenital Syphilis

- Maricopa County Congenital Syphilis rates have doubled in the last 2 years.
- We have been said to be #1 in the nation, we are actually #5
- By statute – 1<sup>st</sup> trimester tested, 3<sup>rd</sup> trimester tested
  - While it's horrible the fix is simple
- Tested at delivery
- AHCCCS is on board
- Physicians reminded to test for syphilis in pregnant women

### Community Health Survey

- [MaricopaHealthMatters.org](http://MaricopaHealthMatters.org)
- Why the Health Survey Matters
  - Every three years, Maricopa County Department of Public Health, in collaboration with health care and community partners, conducts a Community Health Survey to develop a deeper understanding from residents about issues that relate to quality of life, availability of services, physical and mental health, and more.
  - The survey is part of a larger review of community health. This goes beyond individual health to look at what is affecting the community overall, what health issues are affecting some communities more than others, and what other factors contribute to those issues.
  - This research is supported by Synapse, a collaboration of healthcare partners, and the Health Improvement Partnership of Maricopa County (HIPMC).
  - It is part of a broader review of the community's health conducted in collaboration with seven healthcare partners and over one hundred community organizations.
  - MCDPH needs this to remain an accredited health department.
  - Questions come from the National Association of County and City Health Organizations (NACCHO), the Institute for Healthcare Improvement (IHI) and MCDPH staff, and are finalized for 2019.
  - Data from this survey and the countywide health review are used to target programs, funds, and attention to health needs with the greatest potential for impact and improvement.

- How the Survey is Being Conducted
  - Goal is 15,000 surveys countywide with representation from all cities and towns
  - Responses will be collected from March 1-May 31, 2019
  - Robust outreach plan developed with partner organizations assisting in data collection
- What You Get and How You Can Help
- What you can get
  - Access to de-identified data
  - More responses will allow for more segmentation in data analysis
- How you can help
  - Take the survey as a county resident
  - Utilize MCDPH outreach toolkit to share the survey with your personal and professional networks
  - Possible partnership with MCDPH epidemiologists to clean and analyze data

#### Community Health Improvement Plan – Grant Opportunity

- Shared Use - <https://www.maricopa.gov/4386/Shared-Use>
- Opening doors to physical activity and healthy eating.
- Opportunities for physical activity and access to healthy food are essential for health at all ages and stages of life.
- Many neighborhoods throughout Maricopa County have limited access to spaces for children, youth, adults, and seniors to easily choose to be active and to eat more nutritious food.
- By opening doors and expanding access to existing facilities, we can improve health and well-being across the community.
- Maricopa County Department of Public Health (MCDPH) is offering grant funding up to \$5000, per site, to increase the number of spaces in under-served areas, so those community residents can: play exercise and take part in recreational activities, grow healthy food and participate in nutrition related activities.
- Goal 100 schools opened
- \$100,000 (\$1500 - \$5000 increments)
- School, Church or any public access
- Grant open until June 30<sup>th</sup> or until funding is gone
- Interested candidates must submit their response either by mail or email no later than May 31, 2019. For full details, a copy of the request for quote (RFQ), or to submit a response, please visit: [bit.ly/opendoorsgrant](http://bit.ly/opendoorsgrant)

#### ANNOUNCEMENTS AND CURRENT EVENTS

- **Next Meeting – April 22, 2019**

**ADJOURNMENT:** There being no further business, **motion to adjourn the meeting was made by Ms. Halley, seconded by Mr. Cassano and motion was passed unanimously.** The meeting was adjourned.

# 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 27<sup>th</sup>, 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 1<sup>st</sup>, 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 9<sup>th</sup>, a fee waiver application summary sheet for July 27<sup>th</sup>, 2020, and a Deferred Fee Waiver Summary Sheet dated July 27<sup>th</sup>.

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 7<sup>th</sup>. 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](#)

[Return to list of attachments](#)

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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.

Maricopa County Logo



**Nicole Harden (She/Her)**

OSCO Division Office Assistant

**Public Health**

**Organizational Support & Community Operations**

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**Maricopa County  
Air Quality Department  
Planning and Analysis Division  
[Maricopa.gov/AQ](http://Maricopa.gov/AQ)**