

NOTICE OF FINAL RULEMAKING

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

RULE 370: FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

The Maricopa County Air Quality Department (MCAQD) revised Rule 370 (Federal Hazardous Air Pollutant Program). The Control Officer is posting this Notice of Final Rulemaking on the MCAQD website as required by A.R.S. § 49-471.07(G). This notice includes the preamble, as prescribed in A.R.S. § 49-471.05, and the full text of the final rule. This notice also includes a list of all previous notices posted on the Maricopa County Enhanced Regulatory Outreach Program (EROP) website addressing the proposed rule and the concise explanatory statement prescribed in A.R.S. § 49-471.07, subsection B.

PREAMBLE

1. Statutory authority for the rulemaking:

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:

Name: Will Adrian or Kimberly Butler
Maricopa County Air Quality Department
Planning and Analysis Division

Address: 301 W Jefferson Street, Suite 410
Phoenix, AZ 85003

Telephone: (602) 506-6010

Fax: (602) 506-6179

Email: AQPlanning@maricopa.gov

3. Rulemaking process:

This rulemaking (AQ-2019-003-Rule 370) followed procedures identified in state statutes and the Maricopa County EROP Policy. The following rulemaking steps were completed:

County Manager Briefing:	January 2019
Stakeholder Workshop:	February 24, 2021
Board of Health Meeting to Approve Expedited Process Rulemaking:	April 26, 2021
Notice of Proposed Rulemaking:	October 27, 2021
Board of Supervisors Formal Meeting to Set the Public Hearing:	January 12, 2022

4. Explanation of the rule, including the control officer's reasons for initiating the rulemaking:

Rule 370 establishes performance standards for federally listed hazardous air pollutants. Most of the performance standards in Rule 370 are National Emission Standards for Hazardous Air Pollutants (NESHAP) which are promulgated by the U.S. Environmental Protection Agency and are incorporated by reference into Rule 370. Section 301.9 of Rule 370 incorporates the asbestos NESHAP by reference and includes additional requirements for demolition and renovation projects in Maricopa County.

In this rulemaking, the MCAQD revised the local asbestos provisions in Section 301.9 of Rule 370 to clarify the requirements for demolition and renovation projects in Maricopa County and to remove requirements that are not protective of public health. Additionally Sections 100 and 200 of the rule were revised. With these revisions, Maricopa County improves and enhances the rule as it pertains to the regulation of asbestos.

The revisions to Rule 370 include the following:

- Added Section 104 (Exemptions) to exempt demolition and renovation projects from the requirements of Section 301.9 which take place on a single owner-occupied solely residential parcel which contains 4 or fewer detached dwelling units.
- Added the following definitions: AHERA Contractor/Supervisor, AHERA Building Inspector, AHERA Worker, and Dwelling Unit.
- Removed the following definitions: Existing Source, Federally Listed Hazardous Air Pollutant, Hazardous Air Pollutant, Major Source, Modification, NESHAP, New Source and Stationary Source.
- Revised the definition of Government-Issued Photo Identification Card to delete address from the list of information that needs to be provided on a government-issued photo ID.
- Clarified the inspection, sampling, and reporting requirements for asbestos.
- Delineated allowable laboratory test methods that can be used to determine the presence of asbestos in sampled material.
- Removed the requirement to thoroughly inspect the facility within 12 months of commencement of renovation or demolition activity. A thorough inspection of a facility is still required before the commencement of renovation or demolition activity, but it does not necessarily need to occur within 12 months of commencement of renovation or demolition activity.
- Added an exemption to the inspection requirement if the owner or operator assumes the materials present are regulated asbestos containing material (RACM) and complies with all of the reporting, removal, handling, and disposal requirements for RACM.
- Added an exemption to the sampling and analysis requirements if the owner or operator assumes the materials present contain asbestos. Any material assumed to contain asbestos does not have to be sampled and analyzed by a laboratory but a determination of its condition and category must still be made.

- Added a provision to require the re-inspection of all non-friable asbestos containing material identified during the initial inspection if more than 5 years elapses between the date of the initial inspection and the date when the demolition or renovation activity will commence.
- Added a provision to require the inspection of any new materials that are installed in the facility between the date when the facility was inspected for the presence of asbestos and the date when demolition or renovation activities will commence.
- Clarified the notification requirements for demolition and renovation projects.
- Clarified the viewing device requirements. Viewing devices shall allow the Control Officer to view the asbestos containing waste material and the area where RACM is stripped, removed, or otherwise handled or disturbed without entering the contained area.
- Added an exemption from viewing device requirement for projects that are easily viewable and for projects where the installation of a viewing device is infeasible.

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.

Not applicable.

6. An economic, small business and consumer impact statement:

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 rulemaking, including all of the following:

(a) The conduct and its frequency of occurrence that the rule is designed to change.

This rulemaking revised the local asbestos provisions in Rule 370 to clarify the requirements for demolition and renovation projects in Maricopa County and to remove requirements that are not protective of public health. With these revisions, the MCAQD improved and enhanced the rule as it pertains to the regulation of asbestos. 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.

This rulemaking revised the local asbestos provisions in Rule 370 to clarify the requirements for demolition and renovation projects in Maricopa County and to remove requirements that are not protective of public health. With these revisions, the MCAQD improved and enhanced the rule as it pertains to the regulation of asbestos. The revisions are explained in more detail in Item #4 of this notice.

(c) The estimated change in frequency of the targeted conduct expected from the rule change.

As with other rules, the MCAQD will use education, outreach, and other compliance assurance tools to increase the number of people in compliance with the revised rule. The MCAQD strives to achieve the highest possible compliance rates.

A brief summary of the information included in the economic, small business and consumer impact statement.

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 and 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.

Name: Will Adrian or Kimberly Butler
Maricopa County Air Quality Department
Planning and Analysis Division

Address: 301 W Jefferson Street, Suite 410
Phoenix, AZ 85003

Telephone: (602) 506-6010

Fax: (602) 506-6179

Email: AQPlanning@maricopa.gov

An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the rulemaking.

This rulemaking directly affects owners of buildings and facilities in Maricopa County that contain asbestos as well as contractors who conduct renovation and demolition activities.

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 rulemaking.

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

(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the rulemaking.

This rulemaking should not impose any new costs on political subdivisions of this state affected by the rulemaking.

(c) The probable costs and benefits to businesses directly affected by the rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the rulemaking.

This rulemaking should not impose any new costs on businesses in Maricopa County. The removal of certain provisions (such as the 12 month inspection requirement) will benefit businesses that conduct renovation or demolition work by extending the validity of their initial inspection for up to five years which will allow them to avoid additional costs associated with reinspection if work is not started within 12 months of the initial inspection.

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 rulemaking.

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 rulemaking on small businesses. The statement shall include:

(a) An identification of the small businesses subject to the rulemaking.

Small business owners that may be subject to the rulemaking include owners of commercial or residential properties and small contracting and consulting businesses.

(b) The administrative and other costs required for compliance with the rulemaking.

This rulemaking does not impose any significant new costs for small businesses.

(c) A description of the methods that the agency may use to reduce the impact on small businesses.

i. Establish less stringent compliance or reporting requirements in the rule for small businesses.

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.

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.

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.

This rulemaking does not impose any new design or operational requirements on small businesses.

v. Exempt small businesses from any or all requirements of the rule.

This rulemaking contains an exemption for demolition or renovation activity involving any single owner-occupied solely residential parcel which contains 4 or fewer detached dwelling units.

(d) The probable cost and benefit to private persons and consumers who are directly affected by the rulemaking.

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

A statement of the probable effect on state revenues.

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 rulemaking, including the monetizing of the costs and benefits for each option and providing the rationale for not using nonselected alternatives.

This rulemaking revised the local asbestos provisions in Rule 370 to clarify the requirements for demolition and renovation projects in Maricopa County and to remove requirements that are not protective of public health. With these revisions, the MCAQD improved and enhanced the rule as it pertains to the regulation of asbestos.

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.

Not applicable.

7. The effective date of the rule:

The effective date of this rulemaking was February 23, 2022.

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:

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

§ 49-112 County regulation; standards

§ 49-112(A)

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

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

§ 49-112(B)

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

The MCAQD is in compliance with A.R.S. § 49-479(C) as the revisions to Rule 370 do not make the rule any stricter. The rulemaking clarifies the requirements for demolition and renovation projects in Maricopa County and removes requirements that are not protective of public health.

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

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

<u>Notice</u>	<u>Date of Posting</u>
Briefing Notification to County Manager	February 8, 2019
Notice of Stakeholder Workshop	February 3, 2021
Notice of Board of Health Meeting	April 12, 2021

Notice of Proposed Rulemaking

October 27, 2021

Notice of Public Hearing

January 12, 2022

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

One non-substantive change was made to Section 301.9a(4) after the Notice of Proposed Rulemaking was published on October 27, 2021. The “and” between the words owner and operator was changed to “or” so the section reads as follows:

If new materials are installed in the facility between the date when the facility was inspected for the presence of asbestos and the date when the demolition or renovation activity will commence, the owner or operator shall have each new material inspected for the presence of asbestos by an AHERA building inspector prior to the commencement of demolition or renovation activity. The inspection of new materials must be documented in a written report that meets the requirements in Section 301.9(a)(2) of this rule.

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

The following discussion evaluates the arguments for and against the rule and includes responses to comments received on the rule or the preamble in the Notice of Proposed Rulemaking. The MCAQD received written comments from three (3) stakeholders. All of the comments were reviewed and evaluated by the MCAQD.

Comment #1: [Our City] appreciates this opportunity to provide comments regarding the proposed revisions to Rule 370. The City has reviewed the proposed changes and agrees with the elimination of the 12-month inspection requirement coupled with the incorporation of a 5-year reinspection requirement for non-friable ACM and the requirement to inspect new materials. The City agrees this will ease the regulatory burden while still protecting the environment and health. The City also agrees with the proposed revision that ordered demolitions will no longer be exempt from the use of amended water, as using amended water is a best management practice that is protective of the environment. The City supports the proposed revisions to Rule 370. These revisions clarify requirements and reduce duplication.

Response #1: The MCAQD appreciates your support for the rule revisions. The exemption for the use of amended water for ordered demolitions was re-inserted into the revised rule as the Maricopa County Moratorium on Increased Regulatory Burden prevents the MCAQD from making the rule more stringent.

Comment #2: Sec. 104 (Exemptions)

Changes the wording so that 4 separate buildings would be exempt instead of 1 building with 4 units.

- Can a delegated jurisdiction circumvent the federal regulation?
- Is this circumvention?

- Is this like a “homestead exemption”?
- Or, is this actually exempting up to 4 buildings at one demo site?

(All references of “fully comply with all requirements of 40 CFR 61, Subpart M” have been removed (?)).

(I need to research and collect ADIs and FR notices on the subject.)

(I know that one of EPA’s justifications for the single residential building exemption was the national health agency at the time ruled that the demolition or renovation of a single house would not materially affect the ambient air level of asbestos.)

Response #2: Thank you for your comment. The MCAQD considered your comment and replaced the words “residential buildings” with “dwelling units”. Section 104 (Exemptions) reads as follows:

Section 301.9 shall not apply to demolition or renovation activity involving any single owner-occupied solely residential parcel which contains 4 or fewer detached dwelling units.

All references to “fully comply with all requirements of 40 CFR, Subpart M” were not removed. Section 301 of Rule 370 states: “Each owner or operator subject to the requirements of the following subparts [including Subpart M] shall comply with the requirements of those subparts and the additional requirements set forth herein.”

Comment #3: Definitions:

Good definitions of the 3 AHERA certified persons (I, CS, W).

Does this requirement for and definition of “AHERA Worker” give MCAQD authority to cite an owner/operator who employs a worker on a regulated (RACM) facility site that is not trained, but has an apparently valid certificate?

Dwelling Unit:

As defined here and used in the federal NESHAP definition of “Facility” seem to contradict the reasoning behind the Exemption at 104.

Response #3: Thank you for the comment. Any worker handling or disturbing RACM must be certified as either an AHERA worker or an AHERA contractor/supervisor. With regards to certification, all AHERA workers and contractor/supervisors must make available a legible copy of a current training certificate for inspection at all times. The MCAQD may cite an owner/operator who employs a worker to handle or disturb RACM that is not AHERA certified.

The MCAQD revised Section 104 (Exemptions) as follows:

Section 301.9 shall not apply to demolition or renovation activity involving any single owner-occupied solely residential parcel which contains 4 or fewer detached dwelling units.

Comment #4: Good statement under 301.9, a: Definition of a ‘thorough inspection’.

Response #4: The MCAQD appreciates your support for the rule revisions.

Comment #5: Good requirement for an inspection report and the elements of the report at 301.9, a, (2)

Response #5: The MCAQD appreciates your support for the rule revisions.

Comment #6: Good that the outline parallels the federal reg at 61.145: Applicability, Notification, Procedures. It looks intentional.

Response #6: The MCAQD appreciates your support for the rule revisions.

Comment #7: Good that it references electronic submittals.

Response #7: The MCAQD appreciates your support for the rule revisions.

Comment #8: Good that it clarifies that the rules apply to regulated (RACM) work, not non-regulated.

Response #8: The MCAQD appreciates your support for the rule revisions.

Comment #9: Good that the paragraph on transport requirements on Cat. 1 and Cat. 2 non-friable was removed. It should never have been in the asbestos NESHAP reg.

Response #9: The MCAQD appreciates your support for the rule revisions.

Comment #10: Good that waste is referred to as ACWM instead of RACM in several places.

Response #10: The MCAQD appreciates your support for the rule revisions.

Comment #11: I like the work that MCAQD did in cleaning up the local NESHAP. It is much more understandable and usable than the previous version. I especially like the inclusion of CARB 435 as an acceptable analytical method (not because I am a fan of the CARB method, but now we can easily prove that processed vermiculite is not ACM, and be done with that). It is easy to see that the goal was to make it simpler to understand and comply, instead of prescribing more rules for the sake of control as many local jurisdictions have done.

BUT: we need a clarification of “Exemption”. The intent is probably good, I don’t know, but to play with the words of the federal regulation to accomplish a goal is not good. I believe that the intent of the federal regulation was always 4 dwelling units in a SINGLE building. However, I am all for the concept of a “farmstead exemption”

Response #11: Thank you for your comment. The MCAQD considered your comment and revised Section 104 (Exemptions) as follows:

Section 301.9 shall not apply to demolition or renovation activity involving any single owner-occupied solely residential parcel which contains 4 or fewer detached dwelling units.

Comment #12: “Section 301.9a: ...The requirement to inspect for the presence of asbestos shall not apply if the owner or operator assumes that the materials present

are RACM and complies with all requirements that are applicable to the removal, handling, and disposal of RACM...”

[Our City], as an owner and operator of a water and gas utility, is aware of the presence of asbestos cement pipe (ACP) and asbestos-containing gas pipe coating buried throughout the city. These materials are easily visually identified as asbestos-containing and in most cases are identified in as-built drawings or in the City’s GIS utility maps. As a matter of policy, the City has chosen to forego the traditional approach to sampling these materials for confirmation of asbestos content, and we assume that they contain asbestos and treat them as non-regulated Category II Non-Friable asbestos containing materials (ACM). Our interpretation of Section 301.9a would be that these policies are no longer allowable as these materials are now to be considered regulated ACM (RACM) when asbestos content is assumed. By their nature, these materials are generally buried underground, leaving the City with no other option than to assume asbestos content absent a qualified inspector’s ability to access them prior to a project. According to the language of this section, the materials must now be sampled following excavation to eliminate the requirement to qualify them as RACM. This is untenable since, at a minimum, a qualified inspector must arrive at the site, collect a sample, wait for the laboratory’s report, then issue an inspection report in compliance with 301.9a(2)(a)-(d). Lastly, since the designation of RACM requires two elements (asbestos contents greater than 1%, and friability – ability of the material to be crushed into a powder using hand pressure), an intact and assumed asbestos containing material that is not friable should never be considered RACM.

[Our City] respectfully requests that the language of this section be changed to allow owners to assume asbestos content of traditionally non-friable asbestos containing materials without the automatic assumption that these materials will be considered RACM and be required to be removed, handled, and disposed of as such.

Response #12: Owners and operators may assume materials are asbestos-containing, however; they cannot assume the condition (i.e. friability) and category of the materials without a determination by an AHERA building inspector. A determination of the condition and category of the material does not require the material be sent to a laboratory. The condition and category can be determined by an examination of the material (i.e. can be crumbled, pulverized, or reduced to powder by hand pressure) and by considering the activity which will impact it during demolition or renovation. Bulk sampling and laboratory testing are only required to prove that materials in each homogenous area are not asbestos containing.

In the case of asbestos containing underground pipes (which are generally understood to be non-friable unless discovered to be damaged), only the areas that are being cut or broken through mechanical means should be considered in the RACM quantification. If the area of pipe being inspected for friability is found to be in good condition, then the length of the pipe being removed can be assumed to also be non-friable as one homogenous material.

Rule language was added to section 301.9a(1)(a) indicating that laboratory analysis of a material is not required if it is assumed to be asbestos-containing material, but that an AHERA building inspector must still provide determination and documentation of the condition and category of the material per 301.9a(2)(c) and (d). Additionally the term “category” was included within rule language of section 301.9a(2)(d) for the purpose of further describing asbestos-containing material condition during demolition and renovation activities.

Comment #13: “Section 301.9a(3): If more than 5 years has elapsed between the date when the facility was inspected for the presence of asbestos and the date when the demolition or renovation activity will commence, the owner or operator shall have each non-friable ACM re-inspected by an AHERA building inspector to determine if the ACM is still non-friable. This re-inspection shall occur prior to the commencement of demolition or renovation activity. The re-inspection must be documented in a written report that meets the requirements in Section 301.9(a)(2) of this rule.”

As written, this section indicates that if a facility has been inspected greater than 5 years prior to the commencement of demolition or renovation activity, then only the materials identified as non-friable need to be re-inspected to determine that they have not become friable in that time frame. If a qualified inspector were to assess that there were no new materials installed and that there were no materials identified as non-friable ACM in the original inspection report, the 5-year timeframe appears irrelevant.

[Our City] respectfully requests that the language of this section be clarified to reflect Maricopa County’s intent whether an owner is to assess all previously identified materials or only the non-friable ACMs after 5 years have elapsed.

Response #13: The MCAQD reviewed the language in this section and determined it is clear as currently written. It is correct that only previously sampled materials that were determined to contain non-friable ACM at the time of the initial inspection would need to be re-inspected after the five year period has elapsed. This is because the condition of ACM can change over time - particularly if the material is exposed to heat, sunlight, abrasion, or chemicals – and therefore, would need to be re-evaluated for friability. Reinspection is not necessary for materials that were originally determined to not contain any ACM.

EXACT WORDING OF THE RULE

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

RULE 370
FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

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Revised 07/13/1988; Revised 04/06/1992; Repealed and Adopted 11/15/1993; Revised 11/20/1996; Revised 05/14/1997; Revised 05/20/1998; Revised 08/19/1998; Revised 03/01/2000; Revised 03/07/2001; Revised 11/19/2003; Revised 03/15/2006; Revised 12/17/2008; Revised 09/16/2009; Revised 07/07/2010; Revised 08/17/2011; Revised 07/25/2012; Revised 03/26/2014; Revised 11/05/2014; Revised 11/18/2015; Revised 11/02/2016; Revised 12/13/2017; Revised 11/07/2018; Revised 10/23/2019; Revised 11/18/2020; Revised 10/20/2021; and **Revised 02/23/2022.**

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

**RULE 370
FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

SECTION 100 – GENERAL

- 101 PURPOSE:** To establish emission standards for federally listed hazardous air pollutants.
- 102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source for which a standard is prescribed under this rule, and for which federal delegation of the implementation and enforcement of the standards to the Maricopa County Air Quality Department (MCAQD) has been accomplished. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 FEDERAL DELEGATION AUTHORITY:** The MCAQD shall enforce the ~~national emission standards for hazardous air pollutants~~ National Emission Standards for Hazardous Air Pollutants (NESHAPs) (40 CFR 61 and 40 CFR 63) listed in Section 300 of this rule which have been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. The MCAQD in addition, may enforce such other NESHAPs as delegated for such enforcement by the EPA to the County.
- 104 EXEMPTIONS:** Section 301.9 shall not apply to demolition or renovation activity involving any single owner-occupied solely residential parcel which contains 4 or fewer detached dwelling units.

SECTION 200 – DEFINITIONS: For the purpose of this rule, the following definitions shall apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County Air Pollution Control Regulations, the definitions in this rule take precedence.

- 201 ADMINISTRATOR:** As used in Parts 61 and 63, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods, alternative standards/work practices, or exercise any other nondelegable authorities, except as specifically provided in each subpart.
- 202 AHERA BUILDING INSPECTOR:** A currently certified Asbestos Hazard Emergency Response Act (AHERA) Building Inspector, who has completed the building inspector training described in Appendix C to 40 CFR 763, Subpart E.

- 203 **AHERA CONTRACTOR/SUPERVISOR:** A currently certified Asbestos Hazard Emergency Response Act (AHERA) Contractor/Supervisor, who has completed the contractor/supervisor training described in Appendix C to 40 CFR 763, Subpart E.
- 204 **AHERA WORKER:** A currently certified Asbestos Hazard Emergency Response Act (AHERA) Worker, who has completed the worker training described in Appendix C to 40 CFR 763, Subpart E.
- 202 205 **AMENDED WATER:** Water to which surfactant (wetting agent) has been added to increase the ability of the liquid to penetrate asbestos-containing material (ACM).
- 206 **DWELLING UNIT:** A building or structure, or a part of a building or structure, that is used for a home or residence by one or more persons who maintain a household, including a mobile home regardless of ownership of the land.
- 203 ~~EXISTING SOURCE: Any stationary source other than a new source.~~
- 204 ~~FEDERALLY LISTED HAZARDOUS AIR POLLUTANT: Any air pollutant listed pursuant to Section 112(b) of the Act.~~
- 205 207 **GOVERNMENT-ISSUED PHOTO IDENTIFICATION CARD:** Includes, but is not limited to, a valid driver's license, a valid non-operating identification license, a valid tribal enrollment card or tribal identification card, or other valid government issued photo identification that includes the name, address, and photograph of the card holder.
- 206 ~~HAZARDOUS AIR POLLUTANT: Any air pollutant regulated under Section 112 of the Act, any air pollutant subject to NESHAP, or any air pollutant designated by the Director as a hazardous air pollutant pursuant to A.R.S. § 49-426.04.~~
- 207 ~~MAJOR SOURCE: A stationary source or group of stationary sources located within a contiguous area, and under common control, and that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any federally listed hazardous air pollutant or 25 tons per year or more of any combination of federally listed hazardous air pollutants. A lesser quantity or, in the case of radionuclides, a different criteria may be established by the Administrator pursuant to Section 112 of the Act and may be adopted by the Board of Supervisors by rule.~~
- 208 ~~MODIFICATION: Any physical change in, or change in the method of operation of a major source which increases the actual emissions of any federally listed hazardous air pollutant emitted by such source by more than a de minimis amount, or which results in the emission of any federally listed hazardous air pollutant, not previously emitted by more than a de minimis amount.~~
- 209 ~~NESHAP: National emission standards for hazardous air pollutants pursuant to 40 CFR Part 61 and Part 63.~~
- 210 ~~NEW SOURCE: A stationary source, the construction or reconstruction of which commences after the Administrator first proposes regulations under Section 112 of the Act establishing an emission standard applicable to such source.~~

214 ~~STATIONARY SOURCE: Any building, structure, facility, or installation which emits or may emit any air pollutant.~~

SECTION 300 – STANDARDS

301 ~~EMISSION STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS:~~ The federally listed hazardous air pollutants as listed in TABLE 370-1. FEDERAL LIST OF HAZARDOUS AIR POLLUTANTS of this rule and the following federal regulations located in the U.S. Code of Federal Regulations, Part 61 of Title 40, Subchapter C (CFR) as codified on July 1, 2021, are herein incorporated by reference with the listed exclusions, in Maricopa County’s Air Pollution Control Regulations. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.

301.1 Subpart A—General Provisions; exclude any sections dealing with equivalency determinations that are nontransferable through Section 112(e)(3) of the Act.

301.2 Subpart C—National Emission Standard for Beryllium.

301.3 Subpart D—National Emission Standard for Beryllium Rocket Motor Firing.

301.4 Subpart E—National Emission Standard for Mercury.

301.5 Subpart F—National Emission Standard for Vinyl Chloride.

301.6 Subpart G—(Reserved)

301.7 Subpart J—National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.

301.8 Subpart L—National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants.

301.9 Subpart M—National Emission Standard for Asbestos. In addition, each owner or operator of a demolition or renovation activity involving a facility as defined in 40 CFR 61, Subpart M shall:

- a. Each owner or operator of a demolition activity or renovation activity involving a facility as defined in 40 CFR 61, Subpart M shall: Prior to the commencement of demolition or renovation activity listed in 40 CFR 61.145(a)(1)-(4), thoroughly inspect the facility, or the part of the facility where demolition activity or renovation activity will occur, for the presence of asbestos, including Category I and Category II nonfriable asbestos-containing material (ACM) and regulated asbestos-containing material (RACM). For the purpose of this rule, thoroughly inspect means that all ACM has been identified and quantified, and all RACM has been accurately categorized. The requirement to inspect for the presence of asbestos shall not apply if the owner or operator assumes that the materials present are RACM and complies with all requirements that are applicable to the removal, handling, and disposal of RACM. In addition:

- (1) Fully comply with all requirements of 40 CFR 61, Subpart M. The thorough inspection for the presence of asbestos must be conducted by an AHERA building inspector.
 - (a) An AHERA building inspector may assume a given material contains asbestos. Any material assumed to contain asbestos does not have to be sampled and analyzed by a laboratory but a determination of its condition (i.e. friability) and category must be made and documented as specified in 301.9(a)(2)(c) and (d).
- (2) Thoroughly inspect the facility within 12 months of commencement of demolition or renovation activity for the presence of asbestos, including Category I and Category II nonfriable ACM. Include the date of this inspection on the written notification. The inspection for the presence of asbestos must be documented in a written report that meets all of the following requirements:
 - (a) Clearly identifies all materials that were sampled and provides a legible copy of the laboratory chain of custody indicating who collected the samples;
 - (b) Includes analytical results from a laboratory accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) showing that samples analyzed for the presence of asbestos were analyzed using one of the following test methods:
 - (i) Interim Method of the Determination of Asbestos in Bulk Insulation Samples (as specified in Appendix E to Subpart E of 40 CFR Part 763);
 - (ii) Method for the Determination of Asbestos in Bulk Building Materials (EPA/600/R-93/116);
 - (iii) Electron Microscopy Analytical Method, as described in EPA/600/R-93/116; or
 - (iv) Determination of Asbestos Content of Serpentine Aggregate (California Air Resources Board Test Method 435), when applicable.
 - (c) Categorizes all ACM as Category I nonfriable ACM, Category II nonfriable ACM, or RACM, in accordance with the definitions in 40 CFR 61, Subpart M; and
 - (d) Clearly describes and identifies the location, condition, category, and quantity of all ACM. Determination of the category of the material must take into account the condition of the material during the demolition and renovation activity.
- (3) If more than five (5) years has elapsed between the date when the facility was inspected for the presence of asbestos and the date when the demolition or renovation activity will commence, the owner or operator shall have each non-friable ACM re-inspected by an AHERA building inspector to determine if the ACM is still non-friable. This re-inspection shall occur prior to the commencement of demolition or renovation activity. The re-

inspection must be documented in a written report that meets the requirements in Section 301.9(a)(2) of this rule.

(4) If new materials are installed in the facility between the date when the facility was inspected for the presence of asbestos and the date when the demolition or renovation activity will commence, the owner or operator shall have each new material inspected for the presence of asbestos by an AHERA building inspector prior to the commencement of demolition or renovation activity. The inspection of new materials must be documented in a written report that meets the requirements in Section 301.9(a)(2) of this rule.

(5) Each owner and operator shall maintain a complete copy of the written report required by Sections 301.9(a)(2), 301.9(a)(3), and 301.9(a)(4) of this rule for two years from the completion of the demolition or renovation activity. A complete copy of each written report shall be on-site and available for inspection during all demolition and renovation activities.

b. Prior to the commencement of any demolition or renovation activity listed in 40 CFR 61.145(a)(1)-(4), provide the Control Officer with notification of intention to demolish or renovate in the manner described in 40 CFR 61.145(b). In addition:

(1) The written notification shall include the date on which the facility was inspected for the presence of asbestos.

(2) The written notification shall be submitted through MCAQD's online user portal with a verified CROMERR signature.

(3) At the time when the written notification is provided to the Control Officer, a copy of the applicable written report(s) required by Sections 301.9(a)(2), 301.9(a)(3), and 301.9(a)(4) of this rule shall be in the possession of the owner or operator. The owner or operator shall make the written report available without delay upon request of the Control Officer.

(4) ~~Update all notifications in accordance with 40 CFR 61.145(b). For renovations~~ All notifications, excluding notifications for renovation operations described in 40 CFR 61.145(a)(4)(iii), ~~notifications shall expire every December 31, with new notices required at least 10 working days before the end of the calendar year preceding the year for which notice is being given. All other notifications shall expire one year from either the original postmark date or commercial delivery date or date of hand delivery to the Control Officer.~~ the date of electronic submittal with a verified CROMERR signature.

(5) For a demolition activity or renovation activity that continues beyond the expiration date, the owner or operator of the demolition or renovation activity shall ~~notify~~ submit a new notification to the Control Officer in accordance with 40 CFR 61.145(b) ~~at least 10 working days~~ prior to the expiration of the original notice ~~and pay all applicable fees prescribed by Rule 280 of these rules.~~

(6) Notifications for renovation operations described in 40 CFR 61.145(a)(4)(iii) shall be submitted at least 10 working days before the end of the calendar

year preceding the year for which notice is being given and shall expire on December 31 of the calendar year for which notice is given.

(5)

~~(7)~~ Pay all applicable fees prescribed by Rule 280 of these rules.

~~b.~~ ~~In addition, each owner or operator of a demolition activity or renovation activity shall comply with the following requirements:~~

~~(1) Certification, training, and record keeping requirements:~~

~~(a) All facilities scheduled for demolition or renovation shall be inspected by a currently certified Asbestos Hazard Emergency Response Act (AHERA) accredited asbestos building inspector (herein referenced as inspector), as required by either AHERA or the Asbestos School Hazard Abatement Reauthorization Act (ASHARA).~~

~~(b) Each owner and operator of a facility shall maintain a copy of any reports of inspections made for a facility for two years from completion of project, including laboratory test results of samples collected. A copy of the inspection reports and laboratory test results shall be on-site and available for inspection at the facility, upon request of the MCAQD, during all demolition and renovation (asbestos setup, removal, handling, collecting, containerizing, cleanup and dismantling) activities.~~

~~(c) All asbestos workers shall maintain current AHERA worker certification. All asbestos contractor/supervisors shall maintain current AHERA/ASHARA contractor/supervisor certification and shall be on-site at all times during any active asbestos abatement work at or above NESHAP threshold amounts. A legible copy of all asbestos workers and contractor/supervisor's current training certificates from an EPA accredited training provider shall be available for inspection at all times at the demolition or renovation site.~~

~~(d) All asbestos workers and contractor/supervisors shall have color photo identification on-site and available for inspection, upon request of the MCAQD, at all times during asbestos setup, removal, handling, collecting, containerizing, cleanup and dismantling. The color photo identification shall be from an EPA accredited training provider verifying the certification requirements in section (b)(1)(c), or a current government issued photo identification card.~~

c. Comply with the following requirements for any demolition or renovation activities listed in 40 CFR 61.145(a)(1), 40 CFR 61.145(a)(3), and 40 CFR 61.145(a)(4):

(1) Any person that strips, removes, or otherwise handles or disturbs any RACM shall be an AHERA worker or an AHERA contractor/supervisor. In addition:

(a) At least one AHERA contractor/supervisor shall be on-site at all times when RACM is stripped, removed, or otherwise handled or disturbed.

(b) A legible copy of the current training certificate for each AHERA worker and each AHERA contractor/supervisor shall be available for inspection at all times.

(c) Clearly visible and legible photo identification for each AHERA worker and each AHERA contractor/supervisor shall be on-site and available for inspection, upon the request of the Control Officer, at all times when RACM is stripped, removed, or otherwise handled or disturbed. The photo identification shall be from the trainer who provided training in accordance with Appendix C to 40 CFR 763, Subpart E, or a current government-issued photo identification card.

~~(2) Asbestos renovation and demolition standards:~~

(2) All RACM, including Category I nonfriable ACM and Category II nonfriable ACM that have become friable, shall be contained in transparent, leak-tight wrapping and shall remain adequately wet to prevent emissions during removal, transport, storage, and proper landfill disposal in accordance with local, county, state, and federal regulations.

~~(a) A facility owner or operator shall not create visible dust emissions when removing or transporting to the disposal site Category I nonfriable asbestos-containing material (ACM) and Category II nonfriable ACM that remain nonfriable Category I ACM and nonfriable Category II ACM.~~

~~(b) (3) Inspection viewing devices at facilities are required at all asbestos renovation projects whregulated asbestos-containing material (RACM)times when RACM is stripped, removed, or otherwise handled or disturbed,being abated, except for roofing projects involving Category I nonfriable ACM and Category II nonfriable ACM exclusively. Viewing devices shall be so designed as to allow an inspector the Control Officer to view the facility from the outside asbestos-containing waste material (ACWM) and the area where RACM is stripped, removed, or otherwise handled or disturbed without entering the contained area where the ACWM is stored and the activity is occurring, either through ports or by video monitoring. Viewing devices are not required if walls or other barriers do not prevent the Control Officer from viewing the area where ACWM is stored and the area where RACM is stripped, removed, or otherwise handled or disturbed. Viewing devices are not required if the installation or use of a viewing device is infeasible for a specific area where RACM will be stripped, removed, or otherwise handled or disturbed.~~

~~(c) (4) All exposed RACM subject to cutting or dismantling demolition or renovation operations and all RACM being removed from a facility or a facility component shall be kept adequately wet by using amended water to control the release of asbestos fibers, except as provided below:- The use of amended water will not be required in the case of an ordered demolition, as defined in 40 CFR 61.145(a)(3), where the debris is suspected to contain or is known to contain ACM, however ordered demolitions are subject to 40 CFR 61.145(e)(9). Specific exemptions are listed under 40 CFR 61.145(e)(3)(i)(A); 40 CFR 61.145(e)(3)(ii) and/or 40 CFR 61.145(e)(7)(i). To claim these~~

exemptions, the owner or operator shall follow the requirements of 40 CFR 61.145(e)(3)(i)(B), 40 CFR 61.145(e)(3)(iii) and/or 61.145(e)(7)(ii) and (iii).

(a) The use of amended water is not required when the owner or operator has obtained prior written approval from the Administrator based on a written application that wetting would unavoidably damage equipment or present a safety hazard, however the owner or operator shall comply with 40 CFR 61.145(c)(3)(i)(B) or 40 CFR 61.145(c)(3)(ii) and (iii); and

(b) The use of amended water is not required when the temperature at the point of wetting is below 32 °F (0 °C), however the owner or operator shall comply with 40 CFR 61.145(c)(7)(ii) and (iii).

(c) The use of amended water is not required for ordered demolitions, as defined in 40 CFR 61.145(a)(3).

(d) (5) All ~~RACM ACWM~~ shall be contained in transparent, leak-tight wrapping and shall remain adequately wet to prevent dust emissions during removal, transport, storage, and proper landfill disposal following local, county, state, and federal regulations. Affix a visible and legible label to each individual wrapping with the name of the ~~site owner or operator~~ waste generator and the name and ~~address of the location of the facility~~ that generated the RACM ACWM.

301.10 Subpart N—National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants.

301.11 Subpart O—(Reserved per A.R.S. § 49-402)

301.12 Subpart P—National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.

301.13 Subpart S—(Reserved)

301.14 Subpart U—(Reserved)

301.15 Subpart V—National Emission Standard for Equipment Leaks (Fugitive Emission Sources).

301.16 Subpart X—(Reserved)

301.17 Subpart Y—National Emission Standard for Benzene Emissions from Benzene Storage Vessels.

301.18 Subpart Z—(Reserved)

301.19 Subpart AA—(Reserved)

301.20 Subpart BB—National Emission Standard for Benzene Emissions from Benzene Transfer Operations.

301.21 Subpart CC—(Reserved)

301.22 Subpart DD—(Reserved)

301.23 Subpart EE—(Reserved)

301.24 Subpart FF—National Emission Standard for Benzene Waste Operations.

EMISSION STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES:

The federally listed hazardous air pollutants as listed in TABLE 370-1. FEDERAL LIST OF HAZARDOUS AIR POLLUTANTS of this rule and the following federal regulations located in the U.S. Code of Federal Regulations, Part 63 of Title 40, Subchapter C (CFR), as codified on July 1, 2021, are herein incorporated by reference with the listed exclusions, in Maricopa County's Air Pollution Control Regulations. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.

- 302.1 Subpart A**—General Provisions.
- 302.2 Subpart F**—National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.
- 302.3 Subpart G**—National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.
- 302.4 Subpart H**—National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.
- 302.5 Subpart I**—National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.
- 302.6 Subpart J**—National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production.
- 302.7 Subpart K**—(Reserved)
- 302.8 Subpart L**—National Emission Standards for Coke Oven Batteries.
- 302.9 Subpart M**—National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.
- 302.10 Subpart N**—National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
- 302.11 Subpart O**—Ethylene Oxide Emissions Standards for Sterilization Facilities.
- 302.12 Subpart P**—(Reserved)
- 302.13 Subpart Q**—National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.
- 302.14 Subpart R**—National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).
- 302.15 Subpart S**—National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.
- 302.16 Subpart T**—National Emission Standards for Halogenated Solvent Cleaning.
- 302.17 Subpart U**—National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.

- 302.18 **Subpart V**—(Reserved)
- 302.19 **Subpart W**—National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production.
- 302.20 **Subpart X**—(Reserved per A.R.S. § 49-402)
- 302.21 **Subpart Z**—(Reserved)
- 302.22 **Subpart AA**—National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants.
- 302.23 **Subpart BB**—National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants.
- 302.24 **Subpart CC**—(Reserved per A.R.S. § 49-402)
- 302.25 **Subpart DD**—National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.
- 302.26 **Subpart EE**—National Emission Standards for Magnetic Tape Manufacturing Operations.
- 302.27 **Subpart FF**—(Reserved)
- 302.28 **Subpart GG**—National Emission Standards for Aerospace Manufacturing and Rework Facilities.
- 302.29 **Subpart HH**—National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities.
- 302.30 **Subpart JJ**—National Emission Standards for Wood Furniture Manufacturing Operations.
- 302.31 **Subpart KK**—National Emission Standards for the Printing and Publishing Industry.
- 302.32 **Subpart LL**—National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants.
- 302.33 **Subpart MM**—National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfitic, and Stand-Alone Semicemical Pulp Mills.
- 302.34 **Subpart NN**—National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources.
- 302.35 **Subpart OO**—National Emission Standards for Tanks – Level 1.
- 302.36 **Subpart PP**—National Emission Standards for Containers.
- 302.37 **Subpart QQ**—National Emission Standards for Surface Impoundments.
- 302.38 **Subpart RR**—National Emission Standards for Individual Drain Systems.
- 302.39 **Subpart SS**—National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.
- 302.40 **Subpart TT**—National Emission Standards for Equipment Leaks – Control Level 1.

- 302.41 Subpart UU**—National Emission Standards for Equipment Leaks – Control Level 2 Standards.
- 302.42 Subpart VV**—National Emission Standards for Oil-Water Separators and Organic-Water Separators.
- 302.43 Subpart WW**—National Emission Standards for Storage Vessels (Tanks) – Control Level 2.
- 302.44 Subpart XX**—National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.
- 302.45 Subpart YY**—National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.
- 302.46 Subpart ZZ**—(Reserved)
- 302.47 Subpart AAA**—(Reserved)
- 302.48 Subpart BBB**—(Reserved)
- 302.49 Subpart CCC**—National Emission Standards for Hazardous Air Pollutants for Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants.
- 302.50 Subpart DDD**—National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.
- 302.51 Subpart EEE**—National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.
- 302.52 Subpart FFF**—(Reserved)
- 302.53 Subpart GGG**—National Emission Standards for Pharmaceuticals Production.
- 302.54 Subpart HHH**—National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities.
- 302.55 Subpart III**—National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.
- 302.56 Subpart JJJ**—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.
- 302.57 Subpart KKK**—(Reserved)
- 302.58 Subpart LLL**—(Reserved per A.R.S. § 49-402)
- 302.59 Subpart MMM**—National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.
- 302.60 Subpart NNN**—National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.
- 302.61 Subpart OOO**—National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins.
- 302.62 Subpart PPP**—National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production.
- 302.63 Subpart QQQ**—(Reserved per A.R.S. § 49-402)

- 302.64 **Subpart RRR**—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.
- 302.65 **Subpart SSS**—(Reserved)
- 302.66 **Subpart TTT**—(Reserved per A.R.S. § 49-402)
- 302.67 **Subpart UUU**—(Reserved per A.R.S. § 49-402)
- 302.68 **Subpart VVV**—National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.
- 302.69 **Subpart WWW**—(Reserved)
- 302.70 **Subpart XXX**—National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese.
- 302.71 **Subpart YYY**—(Reserved)
- 302.72 **Subpart ZZZ**—(Reserved)
- 302.73 **Subpart AAAA**—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.
- 302.74 **Subpart BBBB**—(Reserved)
- 302.75 **Subpart CCCC**—National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast.
- 302.76 **Subpart DDDD**—National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products.
- 302.77 **Subpart EEEE**—National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline).
- 302.78 **Subpart FFFF**—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing.
- 302.79 **Subpart GGGG**—National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production.
- 302.80 **Subpart HHHH**—National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production.
- 302.81 **Subpart IIII**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks.
- 302.82 **Subpart JJJJ**—National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating.
- 302.83 **Subpart KKKK**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans.
- 302.84 **Subpart LLLL**—(Reserved)
- 302.85 **Subpart MMMM**—National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.
- 302.86 **Subpart NNNN**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances.

- 302.87 Subpart OOOO**—National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles.
- 302.88 Subpart PPPP**—National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.
- 302.89 Subpart QQQQ**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products.
- 302.90 Subpart RRRR**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture.
- 302.91 Subpart SSSS**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.
- 302.92 Subpart TTTT**—National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations.
- 302.93 Subpart UUUU**—National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing.
- 302.94 Subpart VVVV**—National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing.
- 302.95 Subpart WWWW**—National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production.
- 302.96 Subpart XXXX**—National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing.
- 302.97 Subpart YYYYY**—National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.
- 302.98 Subpart ZZZZ**—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.
- 302.99 Subpart AAAAA**—National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.
- 302.100 Subpart BBBB**—National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.
- 302.101 Subpart CCCC**—National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.
- 302.102 Subpart DDDD**—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters.
- 302.103 Subpart EEEE**—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.
- 302.104 Subpart FFFF**—National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities.
- 302.105 Subpart GGGG**—National Emission Standards for Hazardous Air Pollutants: Site Remediation.

- 302.106 **Subpart HHHHH**—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing.
- 302.107 **Subpart IIIII**—National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants.
- 302.108 **Subpart JJJJJ**—National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.
- 302.109 **Subpart KKKKK**—National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.
- 302.110 **Subpart LLLLL**—National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing.
- 302.111 **Subpart MMMMM**—National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations.
- 302.112 **Subpart NNNNN**—National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production.
- 302.113 **Subpart OOOOO**—(Reserved)
- 302.114 **Subpart PTTTT**—National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards.
- 302.115 **Subpart QQQQQ**—National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.
- 302.116 **Subpart RRRRR**—National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing.
- 302.117 **Subpart SSSSS**—National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.
- 302.118 **Subpart TTTTT**—National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining.
- 302.119 **Subpart UUUUU**—(Reserved per A.R.S. § 49-402)
- 302.120 **Subpart VVVVV**—(Reserved)
- 302.121 **Subpart WWWW**—National Emission Standards for Hospital Ethylene Oxide Sterilizers.
- 302.122 **Subpart XXXXX**—(Reserved)
- 302.123 **Subpart YYYYY**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities.
- 302.124 **Subpart ZZZZZ**—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.
- 302.125 **Subpart AAAAA**—(Reserved)
- 302.126 **SubpartBBBBB**—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.

- 302.127 Subpart CCCCCC**—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.
- 302.128 Subpart DDDDDD**—National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.
- 302.129 Subpart EEEEEEE**—(Reserved per A.R.S. § 49-402)
- 302.130 Subpart FFFFFFF**—(Reserved per A.R.S. § 49-402)
- 302.131 Subpart GGGGGG**—National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources--Zinc, Cadmium, and Beryllium.
- 302.132 Subpart HHHHHH**—National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.
- 302.133 Subpart IIIIII**—(Reserved)
- 302.134 Subpart JJJJJJ**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers.
- 302.135 Subpart KKKKKK**—(Reserved).
- 302.136 Subpart LLLLLL**—National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.
- 302.137 Subpart MMMMMM**—National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources.
- 302.138 Subpart NNNNNN**—National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds.
- 302.139 Subpart OOOOOO**—National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.
- 302.140 Subpart PPPPPP**—National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area.
- 302.141 Subpart QQQQQQ**—National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.
- 302.142 Subpart RRRRRR**—National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.
- 302.143 Subpart SSSSSS**—National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources.
- 302.144 Subpart TTTTTT**—National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources.
- 302.145 Subpart UUUUUU**—(Reserved)
- 302.146 Subpart VVVVVV**—National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources.
- 302.147 Subpart WWWWWW**—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.

- 302.148 **Subpart XXXXXX**—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.
- 302.149 **Subpart YYYYYY**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities.
- 302.150 **Subpart ZZZZZZ**—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.
- 302.151 **Subpart AAAAAA**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing.
- 302.152 **Subpart BBBBBB**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry.
- 302.153 **Subpart CCCCCC**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing.
- 302.154 **Subpart DDDDDD**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.
- 302.155 **Subpart EEEEEEE**—National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category.
- 302.156 **Subpart FFFFFFFF**—(Reserved).
- 302.157 **Subpart GGGGGG**—(Reserved).
- 302.158 **Subpart HHHHHH**—National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production.

303 ADDITIONAL REQUIREMENTS:

- 303.1 From the general standards identified in Section 301 of this rule, delete 40 CFR 61.04. All requests, reports, applications, submittals, and other communications to the Control Officer pursuant to this rule shall be submitted to the Maricopa County Air Quality Department.
- 303.2 Where the Act has established provisions, including specific schedules, for the regulation of source categories pursuant to Sections 112(e)(5) and 112(n) of the Act, the Control Officer may enforce those provisions.
- 303.3 For any category or subcategory of sources licensed by the U.S. Nuclear Regulatory Commission, the Board of Supervisors shall not adopt and the Control Officer shall not enforce any standard or limitation respecting emissions of radionuclides which is more stringent than the standard or limitation adopted by the Administrator pursuant to Section 112 of the Act.
- 303.4 If the Administrator finds by rule that regulation is not appropriate or necessary or that alternative control strategies should be applied, the Control Officer shall administer and enforce this rule based on the Administrator's findings.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

401 CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES IN ACCORDANCE WITH CLEAN AIR ACT SECTIONS, SECTIONS 112(g) AND 112(j): 40 CFR 63.40 through 40 CFR 63.44 and 40 CFR 63.50 through 40 CFR 63.56 are adopted by reference as of July 1, 2021.

402 COMPLIANCE EXTENSIONS FOR EARLY REDUCTION OF FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS: 40 CFR 63.70 through 40 CFR 63.81 and Table 370.1 are adopted by reference as of July 1, 2021.

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

TABLE 370-1. FEDERAL LIST OF HAZARDOUS AIR POLLUTANTS

A. All of the following are federally listed hazardous air pollutants:

CAS No.	Chemical Name	CAS No.	Chemical Name
75-07-0	Acetaldehyde	7782-50-5	Chlorine
60-35-5	Acetamide	79-11-8	Chloroacetic acid
75-05-8	Acetonitrile	532-27-4	2-Chloroacetophenone
98-86-2	Acetophenone	108-90-7	Chlorobenzene
53-96-3	2-Acetylaminofluorene	510-15-6	Chlorobenzilate
107-02-8	Acrolein	67-66-3	Chloroform
79-06-1	Acrylamide	107-30-2	Chloromethyl methyl ether
79-10-7	Acrylic acid	126-99-8	Chloroprene
107-13-1	Acrylonitrile	1319-77-3	Cresols/Cresylic acid (isomers and mixture)
107-05-1	Allyl chloride		
92-67-1	4-Aminobiphenyl	95-48-7	o-Cresol
62-53-3	Aniline	108-39-4	m-Cresol
90-04-0	o-Anisidine	106-44-5	p-Cresol
1332-21-4	Asbestos	98-82-8	Cumene
71-43-2	Benzene (including benzene from gasoline)	94-75-7	2,4-D, salts and esters
		3547-04-4	DDE
92-87-5	Benzidine	334-88-3	Diazomethane
98-07-7	Benzotrichloride	132-64-9	Dibenzofurans
100-44-7	Benzyl chloride	96-12-8	1,2-Dibromo-3-chloropropane
92-52-4	Biphenyl	84-74-2	Dibutylphthalate
117-81-7	Bis(2-ethylhexyl)phthalate (DEHP)	106-46-7	1,4-Dichlorobenzene(p)
542-88-1	Bis(chloromethyl)ether	91-94-1	3,3-Dichlorobenzidine
75-25-2	Bromoform	111-44-4	Dichloroethyl ether (Bis(2-chloroethyl)ether)
106-99-0	1,3-Butadiene		
156-62-7	Calcium cyanamide	542-75-6	1,3-Dichloropropene
133-06-2	Captan	62-73-7	Dichlorvos
63-25-2	Carbaryl	111-42-2	Diethanolamine
75-15-0	Carbon disulfide	121-69-7	N,N-Diethyl aniline (N,N-Dimethylaniline)
56-23-5	Carbon tetrachloride		
463-58-1	Carbonyl sulfide	64-67-5	Diethyl sulfate
120-80-9	Catechol	119-90-4	3,3-Dimethoxybenzidine
133-90-4	Chloramben	60-11-7	Dimethyl aminoazobenzene
57-74-9	Chlordane	119-93-7	3,3'-Dimethyl benzidine

CAS No.	Chemical Name	CAS No.	Chemical Name
79-44-7	Dimethyl carbamoyl chloride	71-55-6	Methyl chloroform (1,1,1-Trichloroethane)
68-12-2	Dimethyl formamide	60-34-4	Methyl hydrazine
57-14-7	1,1-Dimethyl hydrazine	74-88-4	Methyl iodide (Iodomethane)
131-11-3	Dimethyl phthalate	108-10-1	Methyl isobutyl ketone (Hexone)
77-78-1	Dimethyl sulfate	624-83-9	Methyl isocyanate
534-52-1	4,6-Dinitro-o-cresol, and salts	80-62-6	Methyl methacrylate
51-28-5	2,4-Dinitrophenol	1634-04-4	Methyl tert butyl ether
121-14-2	2,4-Dinitrotoluene	101-14-4	4,4-Methylene bis (2-chloroaniline)
123-91-1	1,4-Dioxane (1,4-Diethyleneoxide)	75-09-2	Methylene chloride (Dichloromethane)
122-66-7	1,2-Diphenylhydrazine	101-68-8	Methylene diphenyl diisocyanate (MDI)
106-89-8	Epichlorohydrin (1-Chloro-2,3-epoxypropane)	101-77-9	4,4'-Methylenedianiline
106-88-7	1,2-Epoxybutane	91-20-3	Naphthalene
140-88-5	Ethyl acrylate	98-95-3	Nitrobenzene
100-41-4	Ethyl benzene	92-93-3	4-Nitrobiphenyl
51-79-6	Ethyl carbamate (Urethane)	100-02-7	4-Nitrophenol
75-00-3	Ethyl chloride (Chloroethane)	79-46-9	2-Nitropropane
106-93-4	Ethylene dibromide (Dibromoethane)	684-93-5	N-Nitroso-N-methylurea
107-06-2	Ethylene dichloride (1,2-Dichloroethane)	62-75-9	N-Nitrosodimethylamine
107-21-1	Ethylene glycol	59-89-2	N-Nitrosomorpholine
151-56-4	Ethylene imine (Aziridine)	56-38-2	Parathion
75-21-8	Ethylene oxide	82-68-8	Pentachloronitrobenzene (Quintobenzene)
96-45-7	Ethylene thiourea	87-86-5	Pentachlorophenol
75-34-3	Ethylidene dichloride (1,1-Dichloroethane)	108-95-2	Phenol
50-00-0	Formaldehyde	106-50-3	p-Phenylenediamine
76-44-8	Heptachlor	75-44-5	Phosgene
118-74-1	Hexachlorobenzene	7803-51-2	Phosphine
87-68-3	Hexachlorobutadiene	7723-14-0	Phosphorus
77-47-4	Hexachlorocyclopentadiene	85-44-9	Phthalic anhydride
67-72-1	Hexachloroethane	1336-36-3	Polychlorinated biphenyls (Aroclors)
822-06-0	Hexamethylene-1,6-diisocyanate	1120-71-4	1,3-Propane sultone
680-31-9	Hexamethylphosphoramide	57-57-8	beta-Propiolactone
110-54-3	Hexane	123-38-6	Propionaldehyde
302-01-2	Hydrazine	114-26-1	Propoxur (Baygon)
7647-01-0	Hydrochloric acid	78-87-5	Propylene dichloride (1,2-Dichloropropane)
7664-39-3	Hydrogen fluoride (Hydrofluoric acid)	75-56-9	Propylene oxide
123-31-9	Hydroquinone	75-55-8	1,2-Propylenimine (2-Methylaziridine)
78-59-1	Isophorone	91-22-5	Quinoline
58-89-9	Lindane (all isomers)	106-51-4	Quinone
108-31-6	Maleic anhydride	100-42-5	Styrene
67-56-1	Methanol	96-09-3	Styrene oxide
72-43-5	Methoxychlor	1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin
74-83-9	Methyl bromide (Bromomethane)	79-34-5	1,1,2,2-Tetrachloroethane
74-87-3	Methyl chloride (Chloromethane)		

CAS No.	Chemical Name	CAS No.	Chemical Name
127-18-4	Tetrachloroethylene (Perchloroethylene)	95-47-6	o-Xylenes
7550-45-0	Titanium tetrachloride	108-38-3	m-Xylenes
108-88-3	Toluene	106-42-3	p-Xylenes
95-80-7	2,4-Toluene diamine	0	Antimony Compounds
584-84-9	2,4-Toluene diisocyanate	0	Arsenic Compounds inorganic including arsine)
95-53-4	o-Toluidine	0	Beryllium Compounds
8001-35-2	Toxaphene (chlorinated camphene)	0	Cadmium Compounds
120-82-1	1,2,4-Trichlorobenzene	0	Chromium Compounds
79-00-5	1,1,2-Trichloroethane	0	Cobalt Compounds
79-01-6	Trichloroethylene	0	Coke Oven Emissions
95-95-4	2,4,5-Trichlorophenol	0	Cyanide Compounds ^[1]
88-06-2	2,4,6-Trichlorophenol	0	Glycol ethers ^[2]
121-44-8	Triethylamine	0	Lead Compounds
1582-09-8	Trifluralin	0	Manganese Compounds
540-84-1	2,2,4-Trimethylpentane	0	Mercury Compounds
108-05-4	Vinyl acetate	0	Fine mineral fibers ^[3]
593-60-2	Vinyl bromide	0	Nickel Compounds
75-01-4	Vinyl chloride	0	Polycyclic Organic Matter ^[4]
75-35-4	Vinylidene chloride (1,1-Dichloroethylene)	0	Radionuclides (including radon) ^[5]
1330-20-7	Xylenes (isomers and mixture)	0	Selenium Compounds

B. The following applies for all listings above which contain the word "compounds" or are glycol ethers: unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

1. X'CN where X = H' or any other group where a formal dissociation may occur (e.g. KCN or Ca(CN)₂).
2.
 - a. Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)_n-OR' where:
 - n = 1, 2, or 3;
 - R = alkyl C7 or less; or
 - R = phenyl or alkyl substituted phenyl;
 - R' = H or alkyl C7 or less; or
 - OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate.
 - b. Glycol ethers do not include ethylene glycol monobutyl ether (EGBE, 2-Butoxyethanol) (CAS No. 111-76-2).
3. Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter one micrometer (1μ) or less.

4. Includes organic compounds which have more than one benzene ring and which have a boiling point greater than or equal to 212 °F (100 °C).
5. A type of atom which spontaneously undergoes radioactive decay.