

NOTICE OF TERMINATION OF RULEMAKING
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS
RULE 325 – BRICK AND STRUCTURAL CLAY PRODUCTS (BSCP) MANUFACTURING

1. The Register citation and the date of the Notice of Rulemaking Docket Opening:

Notice of Rulemaking Docket Opening: 18 A.A.R. 528, February 17, 2012

2. The Register citation and the date of the Notice of Proposed Rulemaking:

Notice of Proposed Rulemaking: Not applicable

3. Explanation of the rule and reason for the termination:

On August 10, 2005, Rule 325 was adopted by the Maricopa County Board of Supervisors. Rule 325 included a particulate matter emissions limit of 0.42 lb. per ton of fired product. The particulate matter emissions limit was represented to incorporate Best Available Control Measures (BACM) and Most Stringent Measures (MSM) for brick manufacturing. Rule 325 included a requirement to conduct EPA Test Method 202 in addition to EPA Test Method 5 in order to demonstrate compliance with the particulate matter emissions limit and to provide consistency with other County rules relating to particulates. Rule 325, including the requirement to conduct EPA Test Method 202, was proposed as part of the “Final Revised PM₁₀ State Implementation Plan (SIP) for the Salt River Area” and was approved and made part of the SIP on August 21, 2007.

On June 22, 2011, Phoenix Brick Yard (the only source in Maricopa County subject to Rule 325) submitted a Petition for Rulemaking pursuant to Arizona Revised Statutes (A.R.S.) § 49-471.12 to delete from Rule 325 the reference and requirement to conduct EPA Test Method 202 when determining compliance with the particulate matter emission limit.

On August 17, 2011, the department granted the Petition for Rulemaking dependent on the outcome of a backsliding analysis pursuant to Section 110(l) of the Clean Air Act (42 USCA 7410(l)). In accordance with this determination, the department was proposing to revise Rule 325 to eliminate the reference and requirement to conduct EPA Test Method 202. In addition, the department was proposing to make grammatical changes and syntax modifications to improve readability and increase standardization within and among Maricopa County Air Pollution Control Regulations.

On April 27, 2012, the department received a permit close-out request from Phoenix Brick Yard. In the request, Phoenix Brick Yard noted that they were going out of business and would no longer be producing brick after April 30, 2012. Consequently, the department is terminating the rulemaking for Rule 325. However, the requirement to conduct EPA Test Method 202 will be considered again when the department conducts a rulemaking for New Source Review (NSR).