



June 28, 2023

Matthew Lakin  
Acting Director  
Air and Radiation Division  
U.S. EPA Pacific Southwest, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

RE: Rule 42 (Testing and Sampling) Justification to Rescind from the Arizona State  
Implementation Plan (SIP) Without Replacement

Dear Mr. Lakin:

The Maricopa County Air Quality Department (MCAQD) is submitting to the U.S. Environmental Protection Agency (EPA) this request for approval to rescind (remove) Rule 42 (Testing and Sampling) from the Arizona SIP without replacement. Rule 42 was adopted in August 1971 and approved into the Arizona SIP in July 1972 (37 FR 15080). The rule requires owners or operators of stationary sources to provide reasonable and necessary test openings in the system or stack to allow for samples of emissions to be obtained. If the existing facilities for sampling are inadequate to perform the required testing, the Control Officer is required to notify the owner or operator of the requirements necessary to provide for adequate sampling and the owner or operator must comply with the stated requirements. Rule 42 does not specify emission limits or reduce emissions.

In 1988, MCAQD transitioned from a two-digit rulemaking process to a three-digit rulemaking process. The reasoning for this changeover was the two-digit rules were either outdated or no longer relevant within Maricopa County. In doing so, MCAQD incorporated a standardized structure in all of the rules by organizing each rule into five sections, sections 100, 200, 300, 400, and 500. Section 500 represents the "Monitoring and Records" in the three-digit rules and contains all the relevant testing requirements in the applicable rules.

In 2017, MCAQD initiated a SIP recodification process to either rescind or replace the two-digit rules in the Arizona SIP, including Rule 42. Rule 42 is no longer necessary in the SIP as it does not specify emission limits or achieve emission reductions and all relevant testing requirements, including EPA-approved American Society for Testing and Materials (ASTM) test methods and the test methods outlined in the Code of Federal Regulations (CFR) part 60 (Standards of Performance for New Stationary Sources), are incorporated into section 500 (Monitoring and



Records) of all applicable MCAQD rules. Since 1971 when Rule 42 was initially submitted to the SIP there have been improvements to many test methods. Newer versions of test methods require reasonable and necessary test openings for proper testing, such as EPA Reference Methods 5 and 7E. In addition, to conduct many of the test methods incorporated in the rules and to ensure compliance with emissions standards, facilities must have reasonable and necessary test openings in the system or stack to allow for samples of emissions to be obtained. Essentially, facilities cannot demonstrate compliance without being able to conduct the reference methods that require a test opening.

The table below provides examples of the EPA reference methods and EPA-approved ASTM test methods that are incorporated into MCAQD rules for compliance determination:

<b>MCAQD Rules</b>	<b>EPA Reference Method(s) and ASTM Test Method(s) Specified in Section 500 of the listed rule.</b>
Rule 323 (Fuel Burning Equipment from Industrial/Commercial/Institutional (ICI) Sources)	EPA Reference Methods:1, 2, 3, 4, 5, 7, 7E, 9, 10, 20, 202  ASTM: D2622-05, D2880-96, D4294-02, D4294-03, D5504-01, D5504-08
Rule 324 (Stationary Reciprocating Internal Combustion Engines (RICE))	EPA Reference Methods:1, 2, 3, 4, 5, 202, 7, 7A through 7E, 9, 10, 18, 25A  ASTM: D2622-05, D4294-02, D4294-03, D5504-01, D5504-08
Rule 350 (Storage and Transfer of Organic Liquids (Non-Gasoline))	EPA Reference Methods: 2A, 18, 21, 25A, 25B, 27, AP 42  ASTM: 323-06, D2879-83, D2879-96, D2879-97, D2879-10, D6420-99
Rule 351 (Storage and Loading of Gasoline at Bulk Gasoline Plants and at Bulk Gasoline Terminals)	EPA Reference Methods: 2A, 2B, 18, 21, 25A, 25B, 27, AP-42  ASTM: D323-06, D2879-10, D4953-06, D5191-13, D6420-99
Rule 352 (Gasoline Cargo Tank and Use)	EPA Reference Methods: 2A, 2B, 18, 21, 25A, 25B, 27  ASTM D323-06
Rule 353 (Storage and Loading of Gasoline at a Gasoline Dispensing Facility (GDF))	EPA Reference Methods: 2A, 21, 25, 25A, 25B, 27  ASTM: D323-06, D4953-06



MCAQD is requesting the EPA rescind Rule 42 without replacement in the Arizona SIP.  
You may direct any questions to Kimberly Butler, Manager of the Planning & Analysis Division, at 602-506-6731 or [Kimberly.Butler@Maricopa.Gov](mailto:Kimberly.Butler@Maricopa.Gov).

Sincerely,



Philip A. McNeely  
Director

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