

NOTICES OF RULEMAKING DOCKET OPENINGS

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening whenever an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

BOARD OF PHARMACY

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Article and its heading: 7, Non-pharmacy Licensed Outlets - General Provisions
Section number: R4-23-705
2. **Subject matter of the proposed rule:**
The rule establishes the requirements for the Compressed Medical Gas Distributor and Compressed Medical Gas Supplier permit created by the Forty-second legislative session in Laws 1995, Ch. 211.
The agency docket number, if applicable:
R9506.
3. **A citation to all published notices relating to the proceeding:**
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Dean Wright, Compliance Officer
Address: Board of Pharmacy
5060 North 19th Avenue, Suite 101
Phoenix, Arizona 85015
Telephone: (602) 255-5125, ext. 131
Fax: (602) 255-5740
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Board will accept written comments between 8 a.m. and 5 p.m. Monday through Friday.

The Board will accept oral comments between 8 a.m. and 4:30 p.m. at the address listed above.

Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.
6. **A timetable for agency decisions or other action in the proceeding:**
None.

BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 38, Board of Homeopathic Medical Examiners
Article and its heading: 1, General
Section number: R4-38-104
2. **Subject matter of the proposed rule:**
An amendment to this rule by deleting subsection (A). This rule lists fees for renewal of license, issuance of duplicate license, registration as a dispensing physician, and copying or creating documents and tapes. Pursuant to A.R.S. § 32-2914(A)(4), the Board will set renewal fees at its annual meeting. Based on statutory authority to set fees at its annual meeting, it is proposed that subsection (A) of the rule be deleted and subsections (B) through (H) be relabeled respectfully. Legislation granted legal authority to set fees at the Board's annual meeting which permits the Board to assess the need for revenue. Increases in licensure are presently permitting the Board to reduce the current renewal fee. The Board has determined that subsection (A) is unnecessary and inhibits the Board in performing its duties.
The agency docket number, if applicable:
None.

Notices of Rulemaking Docket Openings

3. **A citation to all published notices relating to the proceeding:**
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Cyndi Weaver, Executive Director
Address: Board of Homeopathic Medical Examiners
1400 West Washington, Room 230
Phoenix, Arizona 85007
Telephone: (602) 542-3095
Fax: (602) 542-3093
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Board will accept written comments between 8 a.m. and 5 p.m. Monday through Friday.

The Board will accept oral comments by appointment which can be scheduled by calling (602) 542-3095.

The Board will hold an open public meeting in July for approval of the proposed rules.
6. **A timetable for agency decisions or other action in the proceeding:**
None.

CORPORATION COMMISSION

1. **Title and its heading:** 14, Public Service Corporations; Corporations and Associations; Securities Regulation
Chapter and its heading: 4, Corporation Commission - Securities
Article and its heading: 1, In General Relating to the Arizona Securities Act
Section numbers: R14-4-101, R14-4-102, R14-4-126, and R14-4-135 through R14-4-138
2. **Subject matter of the proposed rules:**
The proposed amendments would modify each rule so that, if fraudulent activity is proved in connection with an issuance of securities conducted in reliance on one of the above-listed exemptions from registration, in either an administrative proceeding or in court, the persons who are the subject of the fraud violation would lose the ability to claim the exemption from registration, and there would be an automatic registration violation in addition to the fraud violation.
The agency docket number, if applicable:
R0000-95-270.
3. **A citation to all published notices relating to the proceeding:**
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Richard Weinroth, General Counsel
Address: Corporation Commission, Securities Division
1300 West Washington, Third Floor
Phoenix, Arizona 85007
Telephone: (602) 542-4242
Fax: (602) 542-3583
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Department will accept written comments between 8 a.m. and 5 p.m. Monday through Friday.

The Department will accept oral comments between 8 a.m. and 5 p.m. Monday through Friday at the address listed above. No hearing date has been set.
6. **A timetable for agency decisions or other action in the proceeding:**
None.

Arizona Administrative Register
Notices of Rulemaking Docket Openings

DEPARTMENT OF ENVIRONMENTAL QUALITY

1. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 4, Department of Environment Quality - Drinking Water and Certification
Article and its heading: 1, General Requirements
Section numbers: R18-4-124 and R18-4-125
2. **Subject matter of the proposed rules:**
R18-4-124 will clarify that a water supplier is responsible for compliance with safe drinking water requirements prescribed in A.A.C. Title 18, Chapter 4. The proposed rule will require that water suppliers maintain and keep in proper operating condition all facilities used in the production, treatment, and distribution of drinking water. R18-4-125 will prescribe requirements for water haulers. The proposed rule will require that hauled drinking water be obtained from a Department-approved source and that water-transport containers meet certain minimum construction standards. The proposed rule also will prescribe disinfection, monitoring, and recordkeeping requirements for water haulers.
The agency docket number, if applicable:
Not applicable.
3. **A citation to all published notices relating to the proceeding:**
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Mike Kleminski
Address: Department of Environmental Quality
3033 North Central Avenue
Phoenix, Arizona 85012
Telephone: (602) 207-4641
Fax: (602) 207-4634
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Department is currently accepting comments on preliminary draft rules. Oral proceedings to take comment on proposed rules have not yet been scheduled. The schedule of oral proceedings and the date of the close of the public comment period will be published in a Notice of Proposed Rulemaking for these rules. The Department will accept written public comments on the proposed rules until the published date of the close of the public comment period.
6. **A timetable for agency decisions or other action in the proceeding:**
ADEQ hopes to propose R18-4-124 and R18-4-125 in July 1995.

DEPARTMENT OF ENVIRONMENTAL QUALITY

1. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 7, Department of Environment Quality - Remedial Action
Article and its heading: 2, Soil Remediation Standards
Section numbers: R18-7-201 through R18-7-206
2. **Subject matter of the proposed rules:**
Pursuant to A.R.S. §§ 49-104, 49-151, and 49-152, these proposed rules are intended to establish uniform standards and procedures for soil-remediation activities under regulatory programs administered by the Department of Environmental Quality. These standards apply to soil remediation under solid waste, special waste, hazardous waste, the water quality assurance revolving fund (WQARF), the underground storage tank (UST) program, and the aquifer protection program (APP).
The agency docket number, if applicable:
Not applicable.
3. **A citation to all published notices relating to the proceeding:**
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Martha L. Seaman
Address: Department of Environmental Quality
3033 North Central Avenue, Eighth Floor
Phoenix, Arizona 85012
Telephone: (602) 207-2222
Fax: (602) 207-2251

Arizona Administrative Register
Notices of Rulemaking Docket Openings

5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**

The Department is developing these rules in two stages. In the first or "interim stage", emergency rules will be promulgated based on currently available information. The legislation authorizing these rules (see Laws 1995, Ch. 232) also establishes a deadline of December 15, 1995, for the completion of the first rulemaking. The second stage or "final rules", which will be adopted using non-emergency procedures, must be completed no later than August 1, 1996.

The interim emergency rulemaking will follow the procedures set out in A.R.S. Title 41, Ch. 6. However the legislation also specifically requires the Department to take public comment on these emergency rules. Toward that end, the Department is currently collecting and evaluating information regarding soil-remediation standards and procedures. Persons possessing and interested in sharing such data with the state are asked to contact the above-identified Department employee.

The Department intends to schedule a formal public comment period of at least 30 days following the publication of the proposed rules. After this comment period the Department also expects to hold one or more public meetings at which interested persons may submit written and verbal comments on the proposed action.

6. **A timetable for agency decisions or other action in the proceeding:**

At this time publication of the proposed rules is anticipated in the August 4, 1995, issue of the *Register*.

DEPARTMENT OF ENVIRONMENTAL QUALITY

1. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 11, Department of Environmental Quality - Water Quality Boundaries and Standards
Articles and their headings: 1, Water Quality Standards for Navigable Waters
2, Discharge Limitations
Section numbers: R18-11-101 through R18-11-105, R18-11-107 through R18-11-109, R18-11-112 through R18-11-116, R18-11-120, R18-11-121, Appendices A through C, and R18-11-201 through R18-11-205.

2. **Subject matter of the proposed rule:**

Under the Clean Water Act, the Department is required to review and modify, where necessary, its state-adopted water quality standards for surface waters every three years. The proposed rules will amend A.A.C. Title 18, Chapter 11, Articles 1 and 2 to comply with this triennial review requirement. The proposed rules will update water quality criteria and designated uses of surface waters, clarify antidegradation requirements, clarify the tributary rule, establish *E. coli* standards to protect the full-body-contact designated use, add unique waters designations, update listings of effluent dominated waters, revise dissolved oxygen standards for effluent dominated waters, repeal Appendix C which prescribes practical quantitation limits, and repeal Article 2, which prescribes certain discharge limitations.

The agency docket number, if applicable:

Not applicable.

3. **A citation to all published notices relating to the proceeding:**

None published.

4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Richard Meyerhoff
Address: Department of Environmental Quality
3033 North Central Avenue
Phoenix, Arizona 85012
Telephone: (602) 207-4539

5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**

The Department is currently preparing draft rules and will schedule public meetings to take informal public comments on the draft rules in August 1995. Interested persons may submit written comments on the draft rules through September 1995. Oral proceedings to take formal public comment on the proposed rules have not yet been scheduled. The schedule of oral proceedings and the date of the closure of the public comment period will be published in the Notice of Proposed Rulemaking for these rules. The Department will accept written public comments on the proposed rules until the published date of the close of the public comment period.

6. **A timetable for agency decisions or other action in the proceeding:**

Prepare draft rules: June 1995
Schedule public meetings to take comment on draft rules: July 1995
Hold public meetings to take comment on draft rules: August 1995

Notices of Rulemaking Docket Openings

Evaluate public comments, finalize propose rules: November 1995
Notice of Proposed Rulemaking: December 1995
Oral proceedings: January 1996
Close of public comment period: February 1996
Adopt rules: June 1996
Completion of review by Governor's Regulatory Review Council: September 1996
Goal for effective rules: October 1996

DEPARTMENT OF ENVIRONMENTAL QUALITY

1. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 11, Department of Environmental Quality - Water Quality Boundaries and Standards
Article and its headings: 3, Reclaimed Water Quality Standards
Section numbers: R18-11-301 through R18-11-303
2. **Subject matter of the proposed rule:**
The Department is repealing the currently effective water quality standards that apply to the reuse of effluent found in A.A.C. R18-9-703. The Department proposes to adopt revised water quality standards which will be located in A.A.C. Title 18, Chapter 11, Article 3. The new reclaimed water quality standards will establish two classes of reclaimed water, Class A and Class B. The proposed Class A reclaimed water is defined as an effluent which has received a minimum of secondary treatment, filtration, and high-level disinfection. Class A reclaimed water may be reused safely for any Department-approved reuse application, including the landscape irrigation of parks and common areas where access by the general public is unrestricted and there is greater risk of human exposure to the reclaimed water. The proposed Class B reclaimed water is defined as an effluent which has received a minimum of secondary treatment and disinfection. Class B reclaimed water may be reused safely in reuse applications where the risk of human exposure to the reclaimed water is relatively low and appropriate reuse areas controls and worker safeguards are in place.
The agency docket number, if applicable:
Not applicable.
3. **A citation to all published notices relating to the proceeding:**
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Steven Pawlowski
Address: Department of Environmental Quality
3033 North Central Avenue
Phoenix, Arizona 85012
Telephone: (602) 207-2227
Fax: (602) 207-2251
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Oral proceedings to take formal public comment on proposed rules have not yet been scheduled. The schedule of oral proceedings and the date of the close of the public comment period will be published in the Notice of Proposed Rulemaking for these rules. ADEQ will accept written public comments on the proposed rules until the published date of the close of the public comment period.
6. **A timetable for agency decisions or other action in the proceeding:**
Prepare draft rules: July 1995
Schedule public meetings to take comment on draft rules: August 1995
Hold public meetings to take comment on draft rules: September 1995
Evaluate public comments, finalize propose rules: October 1995
Notice of Proposed Rulemaking: November 1995
Oral proceedings: December 1995
Close of public comment period: January 1996
Adopt rules: May 1996
Completion of review by Governor's Regulatory Review Council: August 1996
Goal for effective rules: September 1996

Arizona Administrative Register
Notices of Rulemaking Docket Openings

DEPARTMENT OF ENVIRONMENTAL QUALITY

1. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 12, Department of Environmental Quality - Underground Storage Tanks
Articles and their headings: 1, Definitions
2, Technical Requirements
3, Financial Responsibility
4, Excise Tax
Section numbers: R18-12-101 through R18-12-103, R18-12-210, R18-12-211, R18-12-220, R18-12-222, R18-12-230, R18-12-234, R18-12-240, R18-12-241 through R18-12-245, R18-12-270, through R18-12-274, R18-12-280, R18-12-281, R18-12-300 through R18-12-303, R18-12-307 through R18-12-324, and R18-12-401.
2. **Subject matter of the proposed rule:**

These rules will revise Article 1 by consolidating in one Article the definition of terms used throughout Chapter 12. Article 2 will provide standards which UST system owners and operators must meet with respect to applicability and prohibition for the installation of certain types of UST systems unless specific requirements are met. The rule will cover installation of new UST systems, upgrading of existing UST systems, notification provisions, and operation and maintenance requirements including leak detection. In addition the rule will contain standards for conducting temporary closure, permanent closure, and change-in-service. The rule will set forth specific codes of practice to be used when complying with requirements of the rule and will provide requirements for soil and groundwater sampling, preservation, and transportation. Article 3 will be amended and added to in order to address financial responsibility requirements and will include those mechanisms currently contained in the federal UST financial responsibility rule; it will require that the facility number be added to financial responsibility mechanisms submitted to the Department; and it will add a certificate of deposit (CD) as a financial responsibility mechanism which Arizona owners and operators may choose to utilize. The definition Section of Article 4 (Excise Tax) will be repealed and those definitions consolidated into Article 1.

The agency docket number, if applicable:
Not applicable.
3. **A citation to all published notices relating to the proceeding:**
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Martha L. Seaman
Address: Department of Environmental Quality
3033 North Central Avenue
Phoenix, Arizona 85012
Telephone: (602) 207-2222
Fax: (602) 207-2251
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Department will accept written comments for 30 days following publication of the draft rulemaking.

The Department shall schedule an oral proceeding, within the statutorily mandated timeframe, to be noticed in the *Register*.
6. **A timetable for agency decisions or other action in the proceeding:**
At this time it is anticipated that proposed rules will be published in the *Register* in November 1995.