

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 5. DEPARTMENT OF TRANSPORTATION COMMERCIAL PROGRAMS

[R07-136]

PREAMBLE

1. Sections Affected

Rulemaking Action

Article 6	Amend
R17-5-601	Amend
R17-5-602	Renumber
R17-5-602	New Section
R17-5-603	Renumber
R17-5-603	New Section
R17-5-604	Renumber
R17-5-604	Amend
R17-5-605	Renumber
R17-5-605	New Section
R17-5-606	Renumber
R17-5-606	Amend
R17-5-607	Renumber
Appendix A	Renumber
Appendix B	Renumber
Appendix C	Renumber
R17-5-607	Amend
R17-5-608	Renumber
R17-5-608	Amend
R17-5-609	Renumber
R17-5-609	Amend
R17-5-610	Renumber
Exhibit A	Renumber
Exhibit B	Renumber
Appendix A	Renumber
Appendix B	Renumber
Appendix C	Renumber
R17-5-610	Amend
Appendix A	Repeal
Appendix B	Repeal
Appendix C	Repeal
R17-5-611	Renumber
R17-5-611	Amend
R17-5-612	Renumber
R17-5-612	Amend
R17-5-613	New Section
Article 7	New Article
R17-5-701	New Section
R17-5-702	New Section
R17-5-703	Renumber

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Exhibit A	Renumber
Exhibit B	Renumber
R17-5-703	Amend
Exhibit A	Repeal
Exhibit B	Repeal
R17-5-704	New Section
R17-5-705	New Section
R17-5-706	New Section
R17-5-707	New Section

2. The statutory authority for the rulemaking, including both the authorizing statutes (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 28-366, 28-1462 and 28-1465

Implementing statutes: A.R.S. §§ 28-1301, 28-1462 through 28-1467, 41-1009, 41-1073, 41-1076, 41-1079, and A.R.S. Title 41, Chapter 6, Article 6

3. A list of all previous notices appearing in the Register addressing the proposed rules:

Notice of Rulemaking Docket Opening: 12 A.A.R. 3245, September 8, 2006

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: John Lindley, Administrative Rules Analyst
Address: Administrative Rules Unit
Department of Transportation, Motor Vehicle Division
1801 W. Jefferson St., Mail Drop 530M
Phoenix, AZ 85007
Telephone: (602) 712-8804
Fax: (602) 712-3081
E-mail: jlindley@azdot.gov

Please visit the ADOT web site to track progress of these rules and any other agency rulemaking matters at www.azdot.gov/mvd/mvdrules/rules.asp.

5. An explanation of the rules, including the agency's reasons for initiating the rules:

The Arizona Department of Transportation, Motor Vehicle Division, is amending existing rules, and creating additional rules, to incorporate recent legislative changes provided under Laws 2006, Ch. 271, §§ 3 and 6. The new laws modify the definitions of ignition interlock device manufacturer and installer, and require that the manufacturers and installers receive Division certification before installing or offering an ignition interlock device for installation under Arizona law. The rules provide for the administration, enforcement, certification, and de-certification of ignition interlock device manufacturers and installers. Additionally, minor changes were made to update related citations, provide modernization in the rule drafting style, and to improve the clarity, conciseness, and understandability of the rules.

6. A reference to any study relevant to the rules that the agency proposes to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of the study and other supporting material:

None

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The proposed rules add a new requirement for ignition interlock device manufacturers to ensure adequate and consistent levels of training for its authorized installers, and incorporate many of the best practices developed by the ignition interlock device industry, which some of the affected ignition interlock device manufacturers currently use when conducting ignition interlock device related business in other states. The Division anticipates these rules will have only a minimal economic impact, since the ignition interlock device manufacturers are currently required by rule to provide a certain degree of oversight regarding the certified ignition interlock device related activities of their authorized installers. Additional administrative costs may result from the initial programming and implementation of updated electronic reporting requirements. The Division anticipates these costs will be minimal to the ignition interlock device manufacturers and installers.

The Division anticipates a benefit of substantial savings for the manufacturer by streamlining all certified ignition interlock device reporting to an electronic process and eliminating the old cumbersome paper reporting process. Ignition interlock device manufacturers, installers, and their customers will benefit from the proposed rules, since the

electronic reporting system will be the same system they currently use to electronically report certified ignition interlock device information to the Division. Certified ignition interlock device program participants will receive a significant benefit, since their compliance information on file with the Division will be immediately updated.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: John Lindley, Administrative Rules Analyst
Address: Administrative Rules Unit
Department of Transportation, Motor Vehicle Division
1801 W. Jefferson St., Mail Drop 530M
Phoenix, AZ 85007
Telephone: (602) 712-8804
Fax: (602) 712-3081
E-mail: jlindley@azdot.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

No oral proceeding is scheduled for this rulemaking. A request for an oral proceeding may be made to the agency official listed in item #4. If no oral proceeding is requested, the public record for this rulemaking will close at 5:00 p.m. on June 11, 2007.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 17. TRANSPORTATION

CHAPTER 5. DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS

ARTICLE 6. IGNITION INTERLOCK DEVICES DEVICE MANUFACTURERS

Section

- ~~R17-5-601.~~ ~~Ignition Interlock Device Program~~ Definitions
~~R17-5-602.~~ ~~Ignition Interlock Device Manufacturer Certification; Expiration~~
~~R17-5-603.~~ ~~Device Requirements, Technical Specifications, and Standards for Setup and Calibration~~
~~R17-5-602.~~~~R17-5-604.~~ Ignition Interlock Device Certification; Application Requirements
~~R17-5-605.~~ ~~Application Processing; Time-frames; Exception~~
~~R17-5-603.~~~~R17-5-606.~~ Application Completeness; ~~Refusal to Certify an~~ Denial of Ignition Interlock Device Certification;
Hearing
~~R17-5-604.~~~~R17-5-607.~~ Cancellation of Certification; Hearing
~~R17-5-605.~~~~R17-5-608.~~ Modification of a Certified Ignition Interlock Device Model
~~R17-5-606.~~~~R17-5-609.~~ Manufacturer Referral to Authorized Division-certified Installers; Manufacturer Oversight of its
Authorized Installers
~~R17-5-607.~~~~R17-5-610.~~ Installation Verification; Accuracy Check; Noncompliance ~~Report and Removal Reporting~~
Appendix A. ~~Ignition Interlock Installation Verification Repealed~~
Appendix B. ~~Ignition Interlock Accuracy Check Repealed~~
Appendix C. ~~Ignition Interlock Noncompliance Report Repealed~~
~~R17-5-608.~~~~R17-5-611.~~ Emergency Assistance by Manufacturers and Authorized Installers; Continuity of Service to Participants
~~R17-5-609.~~~~R17-5-612.~~ Records Retention; Submission of Copies and Monthly Reports; Periodic ~~Audits~~ Inspections
~~R17-5-613.~~ Ignition Interlock Investigator

ARTICLE 7. ~~REPEALED~~ IGNITION INTERLOCK DEVICE INSTALLERS

Section

- R17-5-701. ~~Repealed~~ Definitions
- R17-5-702. ~~Repealed~~ Ignition Interlock Device Installer Certification; Application Requirements
- ~~R17-5-610-R17-5-703. Repealed~~ Ignition Interlock Device Installer Bond Requirements
- Exhibit A. ~~Ignition Interlock Installer Bond~~ Repealed
- Exhibit B. ~~Ignition Interlock Installer Bond~~ Repealed
- R17-5-704. ~~Repealed~~ Division-certified Installer Responsibilities
- R17-5-705. ~~Repealed~~ Installer-certified Service Representatives
- R17-5-706. ~~Repealed~~ Accuracy and Compliance Check; Requirements
- R17-5-707. Certification and Inspection of Service Centers; Application

ARTICLE 6. ~~IGNITION INTERLOCK DEVICES~~ DEVICE MANUFACTURERS

R17-5-601. ~~Ignition Interlock Device Program~~ Definitions

In Sections ~~R17-5-602 through R17-5-610~~ addition to the definitions under A.R.S. § 28-1301, in this Article and A.A.C. R17-4-408, unless the context otherwise requires:

“Alcohol” means ethyl alcohol, also called ethanol.

“Alcohol concentration” means the weight amount of alcohol contained in a unit volume of breath or air, measured in grams of ethanol/210 liters of breath or air and expressed as grams/210 liters.

“Alveolar breath sample” means the last portion of a prolonged, uninterrupted exhalation from which breath alcohol concentrations can be determined.

“Anticircumvention feature” means any feature or circuitry incorporated into the ignition interlock device that is designed to prevent human activity that would cause the device not to operate as intended.

“Audit” means an examination by Arizona Department of Transportation, Motor Vehicle Division personnel of participant records, and supplies of warning labels and written instructions.

“Authorized installer” means a person or entity appointed by a manufacturer, and certified by the Division, to install and service a certified ignition interlock ~~devices~~ device model provided by the manufacturer.

“Breath alcohol test” means analysis of a sample of the person’s expired alveolar breath to determine alcohol concentration.

“Calibration” means the testing, adjustment, or systematic standardization of an ignition interlock device to determine and verify the device’s accuracy.

“Cancellation” means withdrawal of a certification granted by the Division under this Article and any other applicable rule or statute, which prohibits a previously certified ignition interlock device manufacturer, its authorized installer, or the authorized installer’s service center from offering, installing, or servicing an ignition interlock device under Arizona law.

“Certification” means a status granted by the Division, under this Article and any other applicable rule or statute, which permits a certified ignition interlock device manufacturer, an authorized installer, or an authorized installer’s service center to offer, install, or service an ignition interlock device under Arizona law.

“Certified ignition interlock device” has the meaning prescribed in A.R.S. § 28-1301(1).

“Customer number” means the system-generated, or other distinguishing number, assigned by the Division to each person conducting business with the Division. The customer number of a private individual is generally the person’s driver license or non-operating identification license number.

“Data logger sheet” means a printed report generated from an ignition interlock device that contains all activities, data recordings, and actions pertaining to the device.

“Data storage system” means a computerized recording of all events monitored by an installed ignition interlock device, which may be reproduced in the form of specific reports.

“Director” means the Assistant Director for the Motor Vehicle Division of the Arizona Department of Transportation or the Assistant Director’s designee.

“Division” means the Arizona Department of ~~Transportation,~~ Transportation’s Motor Vehicle Division.

“Emergency bypass” means an event that permits a vehicle equipped with an ignition interlock device to be started without requiring the successful completion of a required breath alcohol test.

“Emergency situation” means a circumstance where the participant declares to a Division-certified installer that the vehicle needs to be moved as a condition of law or the participant has an urgent need to operate the vehicle.

“False sample” means any sample other than the unaltered, undiluted, or unfiltered alveolar breath sample coming from the participant.

“Filtered breath sample” means any mechanism by which there is an attempt to remove alcohol from the human breath sample.

“Fixed-site service center” means a permanent location operated by an installer for conducting business and providing services related to a certified ignition interlock device.

“Free restart” means a function of a certified ignition interlock device that will allow a participant to restart the vehicle, under the conditions provided in R17-5-603, without having to complete another breath alcohol test.

“Ignition interlock device” has the meaning prescribed in A.R.S. § 28-1301(4).

“Ignition interlock investigator” means the Division investigator, or other designated representative, authorized under R17-5-613 to ensure compliance with all provisions of this Article, which shall include monitoring manufacturers and installers, inspecting service centers under R17-5-707, and verifying continuous compliance with all provisions of this Article and Article 7.

“Illegal start” means the starting of a vehicle equipped with an ignition interlock device without successfully completing the required breath alcohol test.

“Independent laboratory” means a testing facility, not owned or operated by a manufacturer, that can test an ignition interlock device according to Sections 1 and 2 of the National Highway Traffic Safety Administration (NHTSA) Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs), 57 FR 11772 to 11787, April 7, 1992.

“Installer” means a manufacturer, a manufacturer’s authorized representative, or a person or entity responsible for the day-to-day operations of a service center, who is certified by the Division to install a certified ignition interlock device and provide related services to the public.

“Installer-certified service representative” means any individual who has successfully completed all requirements under R17-5-705, and has received certification from an installer to install, inspect, download, calibrate, repair, monitor, maintain, service, or remove a specific certified ignition interlock device.

“Interlock” means the mechanism which prevents a motor vehicle from starting when the breath alcohol concentration of a participant meets or exceeds a preset value.

“Lock-out condition” means the operational status of a certified ignition interlock device, which after recording any violation of A.R.S. Title 28, Chapter 4, Article 5, immobilizes a participant’s vehicle by disallowing further operation of the device. The lock-out feature is built into an ignition interlock device through manufacturer software or firmware, and once activated, the device must be re-set by the manufacturer’s authorized installer.

“Manufacturer” means a person or entity that provides ignition interlock devices, requests the Division to certify a model of ignition interlock device, and appoints and oversees authorized installers of the certified ignition interlock device produces a certified ignition interlock device and is certified by the Division to offer the device for installation under Arizona law.

“Manufacturer’s representative” means an individual or entity designated by a manufacturer to represent or act on behalf of the manufacturer of a certified ignition interlock device.

“Material modification” means a change to a certified ignition interlock device that affects the functioning functionality of the device.

“Mobile service center” means the mobile operation of an installer, whether contained within a vehicle or temporarily erected on location, which includes all personnel and equipment necessary for an installer to conduct ignition interlock device related business and services, separately and simultaneously, with its parent fixed-site service center.

“Negative result” means a test result indicating that the alcohol concentration is less than the startup set point value.

“NHTSA” means the United States Department of Transportation’s National Highway Transportation Safety Administration.

“NHTSA specifications” means the specifications for breath alcohol ignition interlock devices published at 57 FR 11772 to 11787, April 7, 1992.

“Participant” means a person who is ordered by an Arizona court or the Division to equip each motor vehicle operated by the person with a functioning certified ignition interlock device and who becomes an authorized installer’s customer for installation and servicing of the certified ignition interlock device.

“Positive result” means a test result indicating that the alcohol concentration meets or exceeds the startup set point value.

“Purge” means any mechanism which cleanses or removes a previous breath or reference sample from the device and specifically removes alcohol.

“Reference sample device” means a device containing a sample of known alcohol concentration.

“Retest set point” has the same meaning as startup set point.

“Rolling retest” means an additional breath alcohol test required of the participant at random intervals while operating the vehicle. This test is in addition to the initial test required to start the vehicle.

“Service center” means a certified ignition interlock device service center operated by an installer who meets and maintains all certification and inspection requirements of the Division under R17-5-707, whether operated on a fixed-site or mobile.

“Startup set point” means the alcohol concentration value, established by the Division under R17-5-603, which is determined by the Division to be the point at which, or above, an ignition interlock device shall disable the ignition of a motor vehicle.

“Use” means to install, operate, service, repair, or remove an ignition interlock device.

“Violation” means any of several events including, but not limited to, high alcohol concentrations, illegal starts, and failures to perform rolling retests.

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“Violation reset” means the unplanned servicing of a certified ignition interlock device and the downloading of information from its data storage system by a service center when required as a result of an over-accumulation of violations.

R17-5-602. Ignition Interlock Device Manufacturer Certification; Expiration

- A.** An ignition interlock device manufacturer shall obtain certification by the Division under this Article before offering an ignition interlock device model for installation under Arizona law.
- B.** After receiving Division certification for an ignition interlock device model under R17-5-604, the ignition interlock device manufacturer is effectively certified by the Division to offer the certified ignition interlock device for installation under Arizona law.
- C.** An ignition interlock device manufacturer shall submit a new application to the Division under R17-5-604 for the certification of each new ignition interlock device model the manufacturer intends to offer for installation.
- D.** Manufacturer certification issued by the Division under this Article shall automatically expire if:
 - 1.** The manufacturer no longer provides at least one currently certified ignition interlock device model for installation under Arizona law; and
 - 2.** The manufacturer has no pending application on file with the Division for device certification under R17-5-604.
- E.** Upon expiration of a manufacturer’s certification, unless previously cancelled for noncompliance under R17-5-606(B)(7), the manufacturer may submit to the Division a new application for the certification of a device under R17-5-604.

R17-5-603. Device Requirements, Technical Specifications, and Standards for Setup and Calibration

- A.** Accuracy standards. The startup set point value for an ignition interlock device shall be an alcohol concentration of 0.030 g/210 liters of breath. The accuracy of a device shall be 0.030 g/210 liters plus or minus 0.010 g/210 liters. The accuracy shall be determined by analysis of an external standard generated by a reference sample device.
- B.** Alveolar breath sample. A device shall have a demonstrable feature designed to assure that a breath sample measured is essentially alveolar.
- C.** Specificity. A test of alcohol-free samples shall not yield a positive result. Endogenously produced substances capable of being present in the breath shall not yield or significantly contribute to a positive result.
- D.** Temperature. A device shall meet the requirements of subsection (A) when used at ambient temperatures of -20° Celsius to 83° Celsius.
- E.** Anticircumvention standards. A device shall be designed so that anticircumvention features will be difficult to bypass.
 - 1.** Anticircumvention provisions shall include, but are not limited to, prevention or preservation of any evidence of cheating by attempting to use a false or filtered breath sample or electronically bypassing the breath sampling requirements of a device.
 - 2.** A device shall use special seals or other methods that reveal attempts to bypass lawful device operation.
- F.** Operational features.
 - 1.** A device shall allow a free restart of a motor vehicle’s ignition, within 3 minutes after the ignition is switched off, without requiring another breath alcohol test.
 - 2.** A device shall automatically purge alcohol before allowing analysis.
 - 3.** A device shall have a data storage system with the capacity to sufficiently record and maintain a record of the participant’s daily driving activities that occur between each regularly scheduled accuracy and compliance check referenced under R17-5-610 and R17-5-706. All daily driving activity records in the device’s data storage system shall be maintained by the installer and the service center and made available to the Division upon request as provided under R17-5-612.
 - 4.** A device shall use the most current version of the manufacturer’s software and firmware to ensure compliance with this Article and any other applicable rule or statute. The manufacturer’s software and firmware:
 - a.** Shall require device settings and operational features to include, but are not limited to, sample delivery requirements, startup and retest set points, free restart, rolling retest requirements, violation settings and lock-out conditions; and
 - b.** Shall not allow modification of the device settings or operational features by a service center or service representative unless the Division approves the modification under subsection (G).
 - 5.** A device shall record all emergency bypasses in its data storage system.
 - 6.** A device shall require a participant to perform a rolling retest at random intervals ranging from 5 to 15 minutes after the initial test required to start an engine. The device shall continuously require additional rolling retests at random intervals of up to 45 minutes after each previously requested retest.
 - a.** A device shall emit a warning light, tone, or both, to alert a participant that a rolling retest is required.
 - b.** A device shall require a participant to perform a new test to restart an engine if it is inadvertently switched off during or after a rolling retest warning.
 - c.** A device shall use the startup set point value as its retest set point value.
 - d.** A device shall record, in its data storage system, the result of each rolling retest performed by a participant.
 - e.** A device shall immediately require another rolling retest each time a participant refuses to perform a requested

rolling retest.

7. Until a participant successfully performs a rolling retest, or the engine is switched off, a device shall record in its data storage system, each subsequent refusal of the participant to perform the requested rolling retest.
8. Upon recording a violation of A.R.S. Title 28, Chapter 4, Article 5, the device shall emit a unique cue, either auditory, visual, or both, to warn a participant that the device will enter into a lock-out condition in 72 hours.
9. When a violation results in a lock-out condition, the device shall:
 - a. Immobilize the participant's vehicle;
 - b. Uniquely record the event in the data storage system; and
 - c. Require a violation reset by the installer.

G. Modification. No modification shall be made to the design or operational concept of a device after the Division has certified the device for installation under Arizona law.

1. A software or firmware update required to maintain a device is permissible if the update does not modify the design or operational concept of the device.
2. Replacement, substitution, or repair of a part required to maintain a device is permissible if the part does not modify the design or operational concept of the device.
3. If a manufacturer determines that an existing Division-certified ignition interlock device model requires a modification that may affect the operational concept of a device, the manufacturer shall immediately notify the Division.

R17-5-602, R17-5-604. Ignition Interlock Device Certification; Application Requirements

A. A participant shall have installed in a motor vehicle manufacturer shall offer for installation only an ignition interlock device that is certified by the Division under R17-5-602 and R17-5-603 this Section.

B. For certification of an ignition interlock device model, a manufacturer shall submit to the Division a properly completed application form that provides:

1. The manufacturer's name;
2. The manufacturer's business address and telephone number;
3. The manufacturer's status as a sole proprietorship, partnership, limited liability company, or corporation;
4. The name of the sole proprietor or of each partner, officer, director, manager, member, agent, or 20% or more stockholder;
5. The name and model number of the ignition interlock device and the name under which the ignition interlock device will be marketed; and
6. The following statements, signed by an authorized representative ~~for~~ of the manufacturer and acknowledged by a notary public or Division agent:
 - a. A statement that all information provided on the application form and attachments, including all information provided on any attachment to the application form, are is complete, true, and correct;
 - b. A statement that the manufacturer agrees to indemnify and hold harmless the state of Arizona, the Division, and any department, division, agency, officer, employee, or agent of the state of Arizona harmless from all liability for:
 - i. Damage to property or injury to people arising, directly or indirectly, out of any act or omission by the manufacturer or its authorized installer relating to use the installation and operation of the ignition interlock device; and
 - ii. All court costs, expenses of litigation, and reasonable attorneys' fees;
 - c. A statement that the manufacturer agrees to comply with the alcohol setpoint established by the Division for certified ignition interlock devices and printed on the application form all requirements under this Article; and
 - d. A statement that the manufacturer agrees to comply with the requirements of R17-5-601 through R17-5-609 immediately notify the Division of any change to the information provided on the application form.

C. With the application form, the A manufacturer shall submit the following additional items with the application form:

1. A document that provides a detailed description of the ignition interlock device and a photograph, drawing, or other graphic depiction of the device;
2. A document that contains the complete technical specifications ~~of~~ for the accuracy, reliability, security, data collection, and recording, and tamper detection capabilities of the ignition interlock device;
3. An independent laboratory's report that:
 - a. Presents supporting data that to demonstrate that the ignition interlock device meets or exceeds the test results required by Sections 1 and 2 of the NHTSA specifications published at 57 FR 11772 to 11787, April 7, 1992. The NHTSA specifications are incorporated by reference and are on file with the Division and the Office of the Secretary of State. The NHTSA specifications are also available from the Office of Research & Traffic Records, Room 6240 (NTS-30), NHTSA Office of Research & Technology (NTS-131), 400 7th Street S.W., Washington, D.C. 20590, Telephone: (202) 366-5593. This incorporation by reference contains no future editions or amendments;
 - b. Provides the independent laboratory's name, address, and telephone number; and

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- c. Provides the name and model number of the ignition interlock device tested;
4. A laboratory certification form, signed by an authorized representative of the independent laboratory that prepared the report required in ~~in~~ under subsection (C)(3) and acknowledged by a notary public or Division agent, that states:
 - a. The laboratory is not owned or operated by a manufacturer and no other conflict of interest exists;
 - b. The laboratory tested the ignition interlock device in accordance with Sections 1 and 2 of the NHTSA specifications;
 - c. ~~The laboratory confirms that the~~ ignition interlock device ~~met or exceeded~~ meets or exceeds the test results required under Sections 1 and 2 of the NHTSA specifications;
 - d. The laboratory used properly maintained equipment and trained personnel to test the ignition interlock device; and
 - e. The laboratory presented accurate test results to the Division;
5. A list of all authorized installers of the ignition interlock device, including the name, location, telephone number, contact person, and hours of operation of each authorized installer;
6. ~~The~~ A copy of the complete written instructions provided the manufacturer will provide to its authorized installers under R17-5-609 for use installation and operation of the ignition interlock device ~~that include the requirement to affix a warning label, conforming to the design printed on the application form by the Division, to each installed certified ignition interlock device for which the manufacturer seeks certification. The written instructions shall include a requirement for the installer to affix, to each certified ignition interlock device installed, a warning label that conforms to the criteria prescribed under R17-5-609, as illustrated on the application form provided by the Division;~~
7. ~~The~~ A copy of the complete written instructions provided the Manufacturer shall provide to its authorized installers under R17-5-609 for distribution under R17-5-704 to participants and other operators of a vehicle equipped with the ignition interlock device for which the manufacturer seeks certification; and
8. A certificate of insurance, issued by an insurance company authorized to transact business in Arizona, specifying:
 - a. A product liability policy with a current effective date;
 - b. The name and model number of the ignition interlock device model covered by the policy;
 - c. ~~A policy limit~~ Policy coverage of at least \$1,000,000;
 - d. The manufacturer as the insured and the ~~Division~~ state of Arizona as an additional insured;
 - e. Product liability coverage for defects in manufacture, materials, design, calibration, ~~and use~~ installation, and operation of the ignition interlock device; and
 - f. The insurance company will notify the Division at least 30 days before canceling the product liability policy.

R17-5-605. Application Processing; Time-frames; Exception

- A.** The Division shall process an application for certification under this Article, and Article 7, only if an applicant meets all applicable application requirements.
- B.** The Division shall, within 10 days of receiving an application for certification, provide notice to the applicant that the application is either complete or incomplete.
 1. The date of receipt is the date the Division stamps on the application when received.
 2. If an application is incomplete, the notice shall specifically identify what required information is missing.
- C.** An applicant with an incomplete application shall provide all missing information to the Division within 15 days of the date indicated on the notice provided by the Division under subsection (B).
 1. After receiving all of the required information, the Division shall notify the applicant that the application is complete.
 2. The Division may deny certification if the applicant fails to provide the required information within 10 days of the date indicated on the notice.
- D.** Except as provided under subsection (F), the Director shall render a decision on an application for certification under this Article or Article 7, within 45 days of the date indicated on the notice acknowledging receipt of a complete application, provided to the applicant under subsections (B) or (C).
- E.** For the purpose of A.R.S. § 41-1073, the Division establishes the following time-frames for processing an application for certification under this Article or Article 7:
 1. Administrative completeness review time-frame: 15 days.
 2. Substantive review time-frame: 30 days.
 3. Overall time-frame: 45 days.
- F.** Established time-frames may be adjusted by the Division as needed to obtain all external agency approvals required for certifying a new ignition interlock device model submitted by a manufacturer under R17-5-604.

~~R17-5-603-R17-5-606. Application Completeness; Refusal to Certify an Denial of Ignition Interlock Device Certification; Hearing-~~

- A.** An application for certification of an ignition interlock device model is complete when the Division receives:
 1. ~~A~~ From the manufacturer, a properly filled out prepared application form;
 2. ~~All~~ From the manufacturer, all additional items required by R17-5-602(C), under R17-5-604(C); and

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3. ~~An outside reviewer's~~ From the Arizona Department of Public Safety, under A.R.S. § 28-1462, written confirmation or disapproval of the independent laboratory's report that the ignition interlock device meets the NHTSA specifications. ~~The Division shall choose an agency or individual outside the Division to review an independent laboratory's report.~~
- B. The Division shall ~~refuse to certify~~ deny an application for certification of an ignition interlock device model if all requirements of subsection (A) are not met, or upon finding any of the following:
 1. A defect in the design, materials, or workmanship ~~that causes~~ causing the ignition interlock device model to fail to function as intended;
 2. ~~Termination or cancellation of the A~~ manufacturer's liability insurance coverage is terminated or canceled;
 3. ~~The A~~ manufacturer no longer ~~provides~~ offers the ignition interlock device model for installation under Arizona law;
 4. ~~False or inaccurate information provided by the A~~ manufacturer or independent laboratory; provides false or inaccurate information to the Division relating to the performance of the ignition interlock device model; ~~or~~
 5. ~~Modification of the The~~ components, design, or ~~installing~~ installation and operating instructions ~~that causes were modified causing~~ the ignition interlock device model ~~no longer to satisfy the~~ to be unsatisfactory according to NHTSA specifications;
 6. The Division receives a report of device disapproval from an independent laboratory or other external reviewer; or
 7. The Division previously cancelled the manufacturer's certification for noncompliance with a provision of this Article or any other applicable rule or statute.
- C. The Division shall ~~send mail written notification~~ to the manufacturer, written notification of the certification or denial of an ignition interlock device model ~~or of refusal to certify the device. The A~~ notice of refusal to certify denying certification of an ignition interlock device model shall specify the basis for ~~the refusal~~ denial and indicate that the applicant may request a hearing on the decision to deny certification by filing a written request with the Division's Executive Hearing Office within 15 days of the date on the notice.
 1. The manufacturer shall address any request for a hearing on the refusal to certify an ignition interlock device to the Arizona Department of Transportation, Motor Vehicle Division, Executive Hearing Office, 1801 West Jefferson, Mail Drop 507M, Phoenix, Arizona 85007. The Division must receive the hearing request within 15 days after the date of mailing of the notice of refusal.
 2. ~~A.R.S. §§ 41-1061 through 41-1067 and R17-4-901 through R17-4-912 apply to a hearing on the refusal to certify an ignition interlock device.~~
- D. A written request for a hearing with the Division's Executive Hearing Office shall be addressed to the Arizona Department of Transportation, Motor Vehicle Division, Executive Hearing Office, 1801 West Jefferson St., Mail Drop 507M, Phoenix, Arizona 85007.
 1. The Division must receive the hearing request within 15 days of the date on the notice provided by the Division under subsection (C).
 2. The hearing for a denial of certification shall be held in accordance with A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5.

~~R17-5-604-R17-5-607. Cancellation of Certification; Hearing~~

- A. The Division shall cancel ~~the certification of an~~ ignition interlock device model certification and remove it from the list of certified ignition interlock devices upon finding any of the following:
 1. A defect in the design, materials, or workmanship ~~that causes~~ causing the ignition interlock device model to fail to function as intended;
 2. ~~Termination or cancellation of the A~~ manufacturer's liability insurance coverage is terminated or canceled;
 3. ~~The A~~ manufacturer no longer ~~provides~~ offers the ignition interlock device model for installation under Arizona law;
 4. ~~False or inaccurate information provided by the A~~ manufacturer or independent laboratory; provides false or inaccurate information to the Division relating to the performance of the ignition interlock device model;
 5. ~~Modification of the The~~ components, design, or ~~installing~~ installation and operating instructions ~~that causes were modified causing~~ the ignition interlock device model ~~no longer to satisfy the~~ to be unsatisfactory according to NHTSA specifications;
 6. ~~A voluntary request by the manufacturer to cancel the A~~ manufacturer instructs the Division to cancel certification of ~~the its~~ ignition interlock device model; ~~or~~
 7. ~~The manufacturer's noncompliance manufacturer, its authorized installer, or the device does not comply with R17-5-605 through R17-5-609 this Article or any other applicable rule or statute; or~~
 8. ~~An authorized installer's noncompliance with R17-5-606 through R17-5-609.~~
- B. The Division, upon finding any of the conditions described under subsection (A), shall ~~send mail to the manufacturer by certified mail, return receipt requested, the a~~ notice and order of cancellation of the certification of ~~an~~ for the specific ignition interlock device model. The notice and order of cancellation shall:
 1. Specify the basis for the action, and
 2. State ~~that the Division will schedule~~ manufacturer may file a written request with the Division's Executive Hearing

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Office for a hearing to show cause as to why the ignition interlock device certification should not be cancelled.

- C. ~~The notice of hearing shall be sent to the manufacturer by certified mail, return receipt requested. If a hearing is timely requested, as provided under A.A.C. R17-1-502, the Division shall mail a notice of hearing to the manufacturer.~~
1. The notice of hearing shall include the date, time, and place for the manufacturer's representative to appear and show cause as to why the ignition interlock device certification should not be cancelled.
 2. ~~A.R.S. §§ 41-1061 through 41-1067, A.A.C. R17-1-501, R17-1-504 through R17-1-511, and R17-1-513 apply to the show cause hearing. The hearing to show cause shall be held as prescribed under A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5.~~
- D. Within 60 days after the effective date of an order of cancellation, the manufacturer shall ~~do one of the following at the manufacturer's cost, at the manufacturer's own expense, ensure the removal of all decertified ignition interlock devices and facilitate the replacement of each device with a certified ignition interlock device.~~
1. ~~Remove all decertified ignition interlock devices and install certified ignition interlock devices;~~
 2. ~~Remove all decertified ignition interlock devices and have a second manufacturer provide and install certified ignition interlock devices; or~~
 3. ~~Have a second manufacturer remove all decertified ignition interlock devices and provide and install certified ignition interlock devices.~~
- E. The Division shall not accept an application for certification of an ignition interlock device from a manufacturer that ~~fails~~ has previously failed to comply with subsection (D).
- F. ~~A~~ The manufacturer of a previously decertified ignition interlock device model may ~~apply to have~~ reapply for certification of the ignition interlock device model recertified by complying with R17-5-602 under R17-5-604.

~~R17-5-605~~ **R17-5-608. Modification of a Certified Ignition Interlock Device Model**

- A. A manufacturer shall notify the Division in writing at least 10 days before a material modification is made to a certified ignition interlock device model.
- B. Before providing a previously certified but materially modified ignition interlock device model for installation in a motor vehicle under an order of an Arizona court or the Division, a manufacturer shall:
1. Submit to the Division a completed application form and all additional items required ~~by R17-5-602(C)~~ under R17-5-604(C), and
 2. Obtain certification of the materially modified ignition interlock device from the Division.
- C. The Division's certification of a materially modified ignition interlock device model does not affect the original certification of the unmodified model.

~~R17-5-606~~ **R17-5-609. Manufacturer Referral to ~~Authorized~~ Division-certified Installers; Manufacturer Oversight of its Authorized Installers**

- A. A manufacturer shall refer a participant only to ~~an authorized~~ a Division-certified installer.
- B. A manufacturer shall provide the Division with a toll-free telephone number for a participant to call to obtain names, locations, telephone numbers, contact people, and hours of operation ~~of~~ for its authorized installers.
- C. A manufacturer shall ensure that ~~an~~ its authorized installer follows the ~~use~~ installation and operation procedures established by the manufacturer.
- D. A manufacturer shall ensure that ~~an~~ its authorized installer ~~has the~~ receives and maintains all of the appropriate training and skills ~~specified by the manufacturer needed~~ needed to install, troubleshoot, examine, and verify proper operation of the certified ignition interlock device.
- E. A manufacturer shall ensure that ~~an~~ its authorized installer:
1. Complies with the manufacturer's procedures for removing a certified ignition interlock device from a vehicle, and
 2. ~~Notifies~~ Electronically notifies the Division ~~by certified mail, within 10 days~~ within 24 hours after removing a certified ignition interlock device, ~~of the device's removal.~~
- F. A manufacturer shall ensure that ~~an~~ its authorized installer ~~provides~~ distributes to every participant, and makes available for every person operating a motor vehicle equipped with a certified ignition interlock device, ~~with~~ the manufacturer's written instructions for the following:
1. Operating a motor vehicle equipped with the certified ignition interlock device;
 2. Cleaning and caring for the certified ignition interlock device; and
 3. ~~Dealing with~~ Identifying and addressing any vehicle malfunctions or repairs that may affect the certified ignition interlock device, ~~including a list of vehicle malfunctions or repairs that affect the device.~~
- G. A manufacturer shall ensure that ~~an~~ its authorized installer provides to every participant, and makes available for any person operating a motor vehicle equipped with a certified ignition interlock device, the manufacturer's specified training in how to operate a motor vehicle equipped with the device.
- H. A manufacturer or installer shall provide a warning label, for each certified ignition interlock device installed, which shall:
1. Be of a size appropriate to each device model;

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2. Have an orange background; and
 3. Contain the following language in black lettering: "Warning! Any person tampering with, circumventing, or otherwise misusing this Ignition Interlock Device, is guilty of a Class 1 misdemeanor."
- H-I.** A manufacturer shall ensure that an its authorized installer affixes conspicuously to each installed certified ignition interlock device a warning label conforming to the design adopted by the Division the warning label described under subsection (H).
- J.** A manufacturer shall submit to the Division an updated list of its authorized installers within 10 days after making any change to the list of authorized installers provided to the Division under R17-5-604.
- K.** A manufacturer shall ensure that each participant receives uninterrupted service for an installed certified ignition interlock device during the participant's certified ignition interlock device requirement period.
- L.** A manufacturer shall facilitate the immediate replacement of its authorized installer if the installer goes out of business or its Division certification is cancelled. The manufacturer shall notify the Division within 72 hours of replacing its authorized installer.
- M.** A manufacturer shall facilitate the immediate replacement of its authorized installer's service center if the service center goes out of business or its Division certification is cancelled. The manufacturer shall notify the Division within 72 hours of replacing a service center.
1. If an out-of-business or cancelled service center is replaced, all reasonable efforts shall be made to obtain the customer records and data from the service center being replaced. The records shall be provided to, and maintained by, the new service center.
 2. If an out-of-business or cancelled service center is not replaced, the manufacturer shall retain the records and data as required under R17-5-612. The Division shall be notified of this event within 72 hours.
 - a. The manufacturer shall facilitate removal of all installed certified ignition interlock devices no longer serviced by the out-of-business or cancelled service center, and shall bear the cost of replacing each device with a serviceable certified ignition interlock device, even if the replacement device must be provided through an alternate manufacturer.
 - b. The manufacturer shall, within 30 days, make every reasonable effort to notify its customers of the change of service center or replacement of a device.
 3. If neither subsection (1) nor (2) can be accomplished, the manufacturer shall, within 60 days:
 - a. Notify its customers and the Division that service will be terminated; and
 - b. Remove each device at no cost to the customer.

R17-5-607-R17-5-610. Installation Verification; Accuracy Check; Noncompliance Report and Removal Reporting

- A.** A manufacturer shall ensure that an authorized installer:
1. Complies with the manufacturer's procedures for installing a certified ignition interlock device, and
 2. Provides a completed and signed Arizona ignition interlock installation verification form (Appendix A) to the participant.
- B.** A manufacturer shall ensure that an authorized installer schedules a participant for accuracy checks as follows:
1. 30 days, 60 days, and 90 days after installation of a certified ignition interlock device; and
 2. After the 90-day accuracy check, at least every 60 days.
- C.** A manufacturer shall ensure that an authorized installer:
1. Submits to the Division within 10 days after an accuracy check of an installed certified ignition interlock device:
 - a. A completed and signed Arizona ignition interlock accuracy check form (Appendix B); or
 - b. If the certified ignition interlock device has signs of tampering, circumvention, or misuse, a completed and signed Arizona ignition interlock noncompliance report (Appendix C) plus the completed and signed Arizona ignition interlock accuracy check form; or
 2. Submits to the Division a completed and signed Arizona ignition interlock noncompliance report form within 10 days after a scheduled accuracy check of an installed certified ignition interlock device when a participant fails to present the motor vehicle with the installed certified ignition interlock device within five days after the scheduled accuracy check.
- D.** A manufacturer shall ensure that the Arizona ignition interlock accuracy check form completed by the authorized installer:
1. States the calibration of the certified ignition interlock device before recalibration;
 2. Has a data logger sheet attached, and
 3. Is signed by the authorized installer.
- A.** A participant shall have installed in a motor vehicle, only an ignition interlock device certified by the Division under R17-5-604.
- B.** A manufacturer shall comply, and ensure that its authorized installer complies, with its written procedures for the installation of a certified ignition interlock device.
- C.** Certified ignition interlock device installation verification.

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1. A manufacturer shall electronically transmit, or ensure that its authorized installer electronically transmits, a Certified Ignition Interlock Device Summarized Reporting Record to the Division within 24 hours of installing a certified ignition interlock device.
 2. The electronic Certified Ignition Interlock Device Summarized Reporting Record for installation verification shall contain all of the following information:
 - a. Installer ID;
 - b. Participant's full name (first, middle, last and suffix);
 - c. Date of birth;
 - d. Driver license or customer number;
 - e. Report date;
 - f. Install date;
 - g. Removal date; and
 - h. Report Type.
- D. Certified ignition interlock device accuracy and compliance check.**
1. A manufacturer shall ensure that its authorized installer schedules a participant for accuracy and compliance checks as follows:
 - a. 30 days, 60 days, and 90 days after installation of a certified ignition interlock device; and
 - b. At least once every 60 days after the 90-day accuracy and compliance check.
 2. A manufacturer shall electronically transmit, or ensure that its authorized installer electronically transmits, a Certified Ignition Interlock Device Summarized Reporting Record to the Division within 24 hours after performing an accuracy and compliance check on an installed certified ignition interlock device.
 3. The electronic Certified Ignition Interlock Device Summarized Reporting Record for the accuracy and compliance check shall contain all of the following information:
 - a. Installer ID;
 - b. Participant's full name (first, middle, last and suffix);
 - c. Date of birth;
 - d. Driver license or customer number;
 - e. Report date;
 - f. Install date;
 - g. Removal date;
 - h. Report Type; and
 - i. Non-compliance code and breath alcohol concentration violation count as applicable.
- E. Certified ignition interlock device noncompliance report.**
1. A manufacturer shall electronically transmit, or ensure that its authorized installer electronically transmits, a Certified Ignition Interlock Device Summarized Reporting Record to the Division, within 24 hours after conducting an accuracy and compliance check, when an installed certified ignition interlock device displays evidence of tampering, circumvention, or misuse.
 2. The electronic Certified Ignition Interlock Device Summarized Reporting Record for noncompliance shall indicate the condition of noncompliance and contain all of the following information:
 - a. Installer ID;
 - b. Participant's full name (first, middle, last and suffix);
 - c. Date of birth;
 - d. Driver license or customer number;
 - e. Report date;
 - f. Install date;
 - g. Removal date;
 - h. Report Type; and
 - i. Non-compliance code and breath alcohol concentration violation count as applicable.
- F. Certified ignition interlock device removal report.**
1. A manufacturer shall electronically transmit, or ensure that its authorized installer electronically transmits, a Certified Ignition Interlock Device Summarized Reporting Record to the Division within 24 hours if a certified ignition interlock device is removed before the end of a participant's certified ignition interlock device requirement period.
 2. The electronic Certified Ignition Interlock Device Summarized Reporting Record for removal of a device shall indicate the condition of noncompliance and contain all of the following information:
 - a. Installer ID;
 - b. Participant's full name (first, middle, last and suffix);
 - c. Date of birth;
 - d. Driver license or customer number;
 - e. Report date;

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- f. Install date;
- g. Removal date;
- h. Report Type; and
- i. Non-compliance code and breath alcohol concentration violation count as applicable.

Appendix A. Ignition Interlock Installation Verification

ARIZONA

IGNITION INTERLOCK INSTALLATION VERIFICATION

As Ordered by the Court or the Division

COURT OR DIVISION DOCKET No.: _____ TODAY'S DATE _____

PARTICIPANT NAME: _____

ADDRESS: _____

CITY _____ ST _____ ZIP _____

PHONE NUMBER: _____

DRIVER LICENSE No OR SS No.: _____

INSTALLER NAME: _____

ADDRESS: _____

CITY _____ ST _____ ZIP _____

PHONE NUMBER: _____

IGNITION INTERLOCK DEVICE MANUFACTURER and MODEL TYPE: _____

IGNITION INTERLOCK DEVICE SERIAL NUMBER(s): _____

VEHICLE IDENTIFICATION INFORMATION:

TITLE OWNER: _____ TITLE No.: _____

Make: _____ Model _____ VIN _____

Color _____ Year _____ License Plate No. _____

Odometer reading: _____

PARTICIPANT EDUCATION CHECKLIST

- _____ I have been instructed on the use of the system.
- _____ I understand how to power the system on and off.
- _____ I have delivered and passed a proper breath sample.
- _____ I have delivered and understand an abort test.
- _____ I understand how the alcohol retest feature works.
- _____ I understand that if I smoke cigarettes or drink alcohol before testing that I may receive a sensitive or fail reading.
- _____ I have been informed of how to obtain service for my system or to have questions answered.
- _____ I have received my operator's manual.
- _____ I have been informed of the penalties for tampering with, circumventing, or misusing the system.
- _____ I have been informed of what happens after failing three breath attempts.
- _____ I have been informed of what happens after failing "rolling retest."

MONITORING:

Your next monitoring check is _____. Your ignition system will remind you that you are due to make an appointment. If you fail to make an appointment, your ignition interlock device will shut down and you will be unable to start your car. It will be your responsibility to have your car towed to the Service Center. If you fail to appear you may be found in non-compliance, and your driver license can be suspended for at least one year under A.R.S. § 28-1463.

Signature of Participant: _____ Date _____

Signature of Installer: _____ Date _____

Attach copy of Court Order or Division Order for Installation of Ignition Interlock Device.

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Appendix B. Ignition Interlock Accuracy Check

ARIZONA

IGNITION INTERLOCK

ACCURACY CHECK

DATE: _____

INSTALLER _____

MANUFACTURER and MODEL TYPE: _____

SERIAL NUMBER(s): _____

MONITORING CHECK No. _____

PARTICIPANT NAME _____

DATE OF BIRTH: _____

DRIVER LICENSE No.: _____

VEHICLE LICENSE PLATE No.: _____ ODOMETER READING: _____

_____ CALIBRATION WAS _____ BEFORE RECALIBRATION.

THE SYSTEM IS NOW IN CALIBRATION: _____

THE SYSTEM HAS BEEN INSPECTED AND IS FUNCTIONING PROPERLY. _____

THERE IS NO EVIDENCE OF ATTEMPTED TAMPERING, CIRCUMVENTION, OR MISUSE. _____

(IF THERE ARE SIGNS OF TAMPERING, CIRCUMVENTION, OR MISUSE, COMPLETE "NONCOMPLIANCE REPORT")

COMMENTS: _____

Your next monitoring check is _____. Your ignition system will remind you that you are due to make an appointment. If you fail to make an appointment, your ignition interlock device will shut down and you will be unable to start your car. It will be your responsibility to have your car towed to the Service Center. If you fail to appear you may be found in noncompliance, and your driver license can be suspended for one year. If convicted of tampering with the ignition interlock device you can be required to use the device for additional time. A.R.S. §§ 28-1463 and 28-1464.

Signature of Participant _____ Date: _____

Signature of Installer: _____ Date: _____

ATTACH COPY OF DATA LOGGER SHEET AND SEND TO:

MOTOR VEHICLE DIVISION, DRIVER IMPROVEMENT UNIT

PO BOX 2100, MAIL DROP 530M

PHOENIX, AZ 85001-2100

Appendix C. Ignition Interlock Noncompliance Report

ARIZONA
IGNITION INTERLOCK
NONCOMPLIANCE REPORT

DATE:
INSTALLER:
MANUFACTURER and MODEL TYPE:
SERIAL NUMBER(s):
MONITORING CHECK No.:

PARTICIPANT NAME:
DATE OF BIRTH:
DRIVER LICENSE No.:

VEHICLE LICENSE PLATE No.:

THE PARTICIPANT FAILED TO KEEP APPOINTMENT:
Attempts have been made to contact customer on:

Date Time

Date Time

Date Time

THE DEVICE SHOWS EVIDENCE OF TAMPERING, CIRCUMVENTION, OR MISUSE:

Explanation:

Signature of Installer: Date:

SEND TO:

MOTOR VEHICLE DIVISION, DRIVER IMPROVEMENT UNIT
PO BOX 2100, MAIL DROP 530M
PHOENIX, AZ 85001-2100

R17-5-609, R17-5-611. Emergency Assistance by Manufacturers and Authorized Installers; Continuity of Service to Participants

- A. A manufacturer shall ensure that an its authorized installer provides a each participant with a 24-hour emergency phone number for assistance in the event the certified ignition interlock device fails or the vehicle experiences problems related to the ignition interlock device's operation of the certified ignition interlock device.
B. A manufacturer shall ensure uninterrupted service to a participant for the duration of the participant's Arizona court order or Division order certified ignition interlock device requirement.

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- b. ~~Ensure that an authorized installer uses a mobile facility for scheduled accuracy checks at specified locations within 100 miles of the Arizona residence of each participant with an installed certified ignition interlock device provided by the manufacturer; or~~
 - e. ~~Pay to remove a participant's installed certified ignition interlock device and install a certified ignition interlock device, including a model provided by a second manufacturer, that has an authorized installer with:~~
 - i. ~~A permanent facility within 100 miles of the participant's Arizona residence; or~~
 - ii. ~~A mobile facility for scheduled accuracy checks at a specified location within 100 miles of the participant's Arizona residence.~~
 - a. ~~Ensure that the new authorized installer operates either:~~
 - i. ~~A mobile service center that is located within 75 miles of the Arizona residence of each participant with an installed certified ignition interlock device provided by the manufacturer; or~~
 - ii. ~~A service center that is a permanent facility located within 125 miles of the Arizona residence of each participant with an installed certified ignition interlock device provided by the manufacturer; and~~
 - b. ~~Notify each participant affected by the appointment of the new authorized installer at least 30 days before the appointment becomes effective.~~
3. ~~A manufacturer shall notify a participant of the appointment of a new authorized installer or replacement of a certified ignition interlock device at least 30 days before the new authorized installer's appointment becomes effective or replacement of the device occurs. If a manufacturer does not appoint a new authorized installer, or its new authorized installer cannot provide service as prescribed under subsection (2), the manufacturer, at no cost to the participant, shall:~~
- a. ~~Provide written notification to all participants affected by the change of authorized installers at least 30 days before the authorized installer is to discontinue service. The written notification shall inform the participant of the manufacturer's responsibility to facilitate removal and replacement of the certified ignition interlock device and shall provide all of the instructions necessary for the participant to successfully exchange the device;~~
 - b. ~~Remove the device from the vehicle of each affected participant; and~~
 - c. ~~Facilitate the replacement of each device through a manufacturer with an authorized installer that can provide service as prescribed under subsection (2).~~
4. ~~Within 10 days after a change in the list of authorized installers submitted to the Division by a manufacturer, the manufacturer shall submit an updated list of authorized installers to the Division. A manufacturer shall submit to the Division an updated list of its authorized installers within 10 days after making a change to the list.~~
- C.** ~~Except in an emergency situation, a manufacturer or its authorized installer shall not remove another manufacturer's certified ignition interlock device without the express permission of that manufacturer.~~
- 1. ~~If in an emergency situation a manufacturer or its authorized installer removes another manufacturer's certified ignition interlock device, that manufacturer or authorized installer shall return the device to the original installer within 72 hours of the emergency removal; and~~
 - 2. ~~The original installer, upon receipt of the device, shall provide to the Division an electronic report of the device removal under R17-5-610, which shall include the transmission of all data stored in its data storage system.~~
- R17-5-609-R17-5-612. Records Retention; Submission of Copies and Monthly Reports; Periodic Audits Inspections**
- A.** ~~Records retention. A manufacturer shall retain, or ensure that an its authorized installer or the manufacturer retains, a participant's records for one year five years after the removal of a certified ignition interlock device. The retained records shall consist of every document relating to use installation and operation of the certified ignition interlock device.~~
- B.** ~~Copies of records and monthly reports.~~
- 1. ~~A manufacturer shall ensure that an its authorized installer or the manufacturer provides copies of participants' records to the Division within 10 days after Division personnel make a request for copies of records, including records of use relating to installation and operation of the certified ignition interlock device.~~
 - 2. ~~A manufacturer shall ensure that an its authorized installer submits a report to the Division so the Division receives the report by the 10th day of each month mails, faxes, or e-mails a report to the Division by the 10th day of each month. The monthly report shall contain the following information:~~
 - a. ~~The number of certified ignition interlock devices the authorized installer currently has in service,~~
 - b. ~~The number of certified ignition interlock devices installed since the previous monthly report,~~
 - c. ~~The number of pending installations, and~~
 - d. ~~The number of certified ignition interlock devices removed by the authorized installer since the previous monthly report.~~
- C.** ~~Periodic audits inspections. The Division shall periodically conduct an audit inspection at the premises of an a manufacturer or its authorized installer, or manufacturer, in accordance with under A.R.S. § 41-1009 and R17-5-613. The audit inspection shall determine the following: whether the manufacturer, its authorized installer, the service center of the authorized installer, and the installer-certified service representatives are in compliance with this Article and Article 7.~~
- 1. ~~Whether the authorized installer or manufacturer retains records in accordance with subsection (A);~~

2. Whether the authorized installer maintains adequate supplies of a warning label conforming to the warning label design adopted by the Division, and
3. Whether the authorized installer maintains adequate supplies of the written instructions provided to participants and other operators of a vehicle equipped with a certified ignition interlock device.

R17-5-613. Ignition Interlock Investigator

- A.** The Division's ignition interlock investigator shall investigate any complaint or report of misconduct brought against a certified ignition interlock device manufacturer, installer, service center, or installer-certified service representative under the provisions of this Article and Article 7.
- B.** Inspection of a manufacturer, installer, or service center under this Article, and Article 7, shall be conducted in accordance with A.R.S. § 41-1009. The inspection shall include an examination of participant records, and the verification of an adequate supply of the warning labels and written instructions required to be made available under R17-5-609 and R17-5-704.
- C.** The Division's ignition interlock investigator shall perform onsite inspections as needed to ensure compliance with this Article and Article 7.

ARTICLE 7. ~~REPEALED~~ IGNITION INTERLOCK DEVICE INSTALLERS

R17-5-701. ~~Repealed~~ Definitions

In addition to the definitions under A.R.S. § 28-1301, and unless the context otherwise requires, the definitions under A.A.C. R17-4-408 and R17-5-601 apply to this Article.

R17-5-702. ~~Repealed~~ Ignition Interlock Device Installer Certification; Application Requirements

- A.** A manufacturer's authorized installer shall be certified by the Division before installing a certified ignition interlock device under Arizona law.
- B.** A manufacturer's authorized installer shall obtain from the manufacturer, all appropriate training and skills needed to install, troubleshoot, examine, and verify proper operation of the manufacturer's certified ignition interlock device.
- C.** A manufacturer's authorized installer shall submit to the Division a properly completed application for installer certification. The application for installer certification shall provide:
 1. The authorized installer's name;
 2. The authorized installer's business address and telephone number;
 3. The authorized installer's status as a sole proprietorship, partnership, limited liability company, or corporation;
 4. The name of the sole proprietor or of each partner, officer, director, manager, member, agent, or 20% or more stockholder;
 5. The name and model number of each certified ignition interlock device the authorized installer intends to install; and
 6. The following statements, signed by the authorized installer and acknowledged by a notary public or Division agent:
 - a. A statement that all information provided on the application form, including all information provided on any attachment to the application form, is complete, true, and correct;
 - b. A statement that the authorized installer agrees to indemnify and hold harmless from all liability the state of Arizona and any department, division, agency, officer, employee, or agent of the state of Arizona;
 - c. A statement that the authorized installer agrees to comply with all requirements under this Article; and
 - d. A statement that the authorized installer agrees to immediately notify the Division of any change to the information provided on the application form.
- D.** The Division shall process an application for installer certification as provided under R17-5-605.
- E.** Division certification issued to an installer under this Article shall not expire as long as the installer remains authorized by a manufacturer to install its certified ignition interlock device model under Arizona law.
 1. If a Division-certified installer is no longer authorized by a manufacturer to install its certified ignition interlock device, the installer's certification is immediately expired.
 2. If the installer again becomes authorized by a manufacturer to install its certified ignition interlock device, the installer may reapply to the Division for certification under this Article by submitting a new application.
- F.** A Division-certified ignition interlock device installer shall notify the Division within 24 hours of making a decision to relocate a fixed-site service center.
- G.** A Division-certified ignition interlock device installer shall train and certify each of its service representatives on the proper installation of a certified ignition interlock device before allowing the service representative to install the certified ignition interlock device.
- H.** A Division-certified ignition interlock device installer shall provide to the Division a current list of the names of each of its certified service representatives. The installer shall electronically notify the Division within 24 hours of making a change to its list.

~~R17-5-610-R17-5-703. Repealed~~ Ignition Interlock Device Installer Bond Requirements

- A.** The amount of the ignition interlock installer bond is \$25,000.

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- ~~B. Exhibit A Ignition Interlock Installer Bond and Exhibit B Ignition Interlock Installer Bond, which follow this Section, are the approved bond forms.~~
- ~~C. Before installing, servicing, or removing a Division certified ignition interlock device, an installer shall:~~
 - ~~1. Be appointed by a manufacturer as an authorized installer of an ignition interlock device model certified by the Division or for which the manufacturer seeks certification;~~
 - ~~2. Obtain an ignition interlock installer bond in the approved form from a surety company authorized by the Arizona Department of Insurance to do general surety business in Arizona; and~~
 - ~~3. Submit the original completed Exhibit A or Exhibit B to the Arizona Department of Transportation, Motor Vehicle Division, Enforcement Services, 2500 West Broadway Road, Tempe, Arizona 85282.~~
- ~~D. An installer shall maintain an ignition interlock installer bond in an approved form while installing, servicing, or removing Division certified ignition interlock devices.~~
- ~~E. An installer appointed to install, service, or remove more than one certified ignition interlock device model needs only one bond.~~
- A. Before installing, servicing, or removing a certified ignition interlock device, an installer shall:
 - 1. Be appointed by a manufacturer as an authorized installer of its certified ignition interlock device;
 - 2. Obtain an ignition interlock installer bond from a surety company authorized by the Arizona Department of Insurance to conduct general surety business in Arizona. The ignition interlock installer bond shall be:
 - a. In the amount of \$25,000;
 - b. On the approved form provided by the Division; and
 - c. Maintained for as long as the installer intends to install, service, or remove Division-certified ignition interlock devices under Arizona law;
 - 3. Submit the original completed ignition interlock installer bond to the Arizona Department of Transportation, Motor Vehicle Division, Ignition Interlock Program, 1801 W. Jefferson St. MD530M, Phoenix, AZ 85007; and
 - 4. Receive Division certification under R17-5-702.
- B. An installer authorized by a manufacturer and certified by the Division to install, service, or remove more than one certified ignition interlock device model needs only one bond.

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Exhibit A. Ignition Interlock Installer Bond



Enforcement Services
 Motor Vehicle Division
 2500 W Broadway Rd
 Tempe AZ 85282

**IGNITION INTERLOCK INSTALLER
 BOND**

Bond Number

Principal Name (Ignition Interlock Device Installer)		Business Type <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation	
Trade Name/Doing Business As	Business Location City	State	
Surety Name		Surety State	

The Surety named above, a corporation duly organized and existing under and by virtue of the laws of the Surety State named above and duly authorized by the Arizona Department of Insurance under the laws of the State of Arizona to do a general surety business in the State of Arizona, and the Principal named above give this bond to the State of Arizona, as Obligee.

Recitals Principal and Surety jointly and severally bind themselves, their successors, assigns, and legal representatives to the Obligee in the sum of \$25,000.

1. The sum stated above establishes the limit of Surety's liability at any time after the effective date of the bond.
2. Principal is a manufacturer-appointed installer of ignition interlock devices certified by the Arizona Department of Transportation, Motor Vehicle Division (MVD).

Duration This bond becomes effective on the date of device certification or upon the execution of this document, whichever occurs last. This bond shall remain in effect until terminated by Surety as follows: Surety may terminate liability under this bond if surety gives 60 days written notice to the MVD Director of the intent to terminate liability. Written notice shall be delivered to MVD at the address above. Termination of liability occurs on the last day of the month that includes the end of the 60-day period. If a new bond is filed by the Principal and accepted by the MVD Director, termination of liability under this bond occurs on the effective date of the new bond. The Surety shall remain fully liable for acts or omissions of the Principal before termination of liability.

Condition of Obligation Principal shall make monetary payment in compensation to any person ordered by an Arizona court to equip a motor vehicle with a certified ignition interlock device and who suffers loss from:

1. Insolvency or discontinuance of business of Principal, or
2. Noncompliance of Principal or Principal's agent with the administrative rules made under ARS 28-1462.B.

Venue Any action or proceeding in connection with this bond or the obligations arising under this bond shall be brought in Maricopa County, Arizona.

Severability If a court of competent jurisdiction finds any provision of this bond unenforceable, all other provisions of this bond shall remain in effect.

The Principal and Surety executed this bond on _____.

A power of attorney must be attached designating the Surety Attorney-In-Fact.

Surety Attorney-in-Fact Name	Principal or Duly Authorized Officer Name	Signature
Phone ()	Partner Name	Signature
Signature	Partner Name	Signature

Surety Resident Agent Name	Title	Send Bond Claims To
Mailing Address		Mailing Address
City, State, Zip Code		City, State, Zip Code
Signature	Phone ()	Phone ()

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~~Exhibit B. Ignition Interlock Installer Bond~~



**Motor
Vehicle
Division**

Enforcement Services
Motor Vehicle Division
2500 W Broadway Rd
Tempe AZ 85282

**IGNITION INTERLOCK INSTALLER
BOND**

Bond Number

Principal Name (Ignition Interlock Device Installer)		Business Type <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation	
Trade Name/Doing Business As	Business Location City	State	
Surety Name		Surety State	

The Surety named above, a corporation duly organized and existing under and by virtue of the laws of the Surety State named above and duly authorized by the Arizona Department of Insurance under the laws of the State of Arizona to do a general surety business in the State of Arizona, and the Principal named above give this bond to the State of Arizona, as Obligee.

Recitals Principal and Surety jointly and severally bind themselves, their successors, assigns, and legal representatives to the Obligee in the sum of \$25,000.

1. The sum stated above establishes the limit of Surety's liability at any time after the effective date of the bond.
2. Principal is a manufacturer-appointed installer of ignition interlock devices certified by the Arizona Department of Transportation, Motor Vehicle Division (MVD).

Duration This bond becomes effective on the date of device certification or upon the execution of this document, whichever occurs last. This bond shall remain in effect until terminated by Surety as follows: Surety may terminate liability under this bond if surety gives 60 days written notice to the MVD Director of the intent to terminate liability. Written notice shall be delivered to MVD at the address above. Termination of liability occurs on the last day of the month that includes the end of the 60-day period. If a new bond is filed by the Principal and accepted by the MVD Director, termination of liability under this bond occurs on the effective date of the new bond. The Surety shall remain fully liable for acts or omissions of the Principal before termination of liability.

Condition of Obligation Principal shall make monetary payment in compensation to any person ordered by an Arizona court to equip a motor vehicle with a certified ignition interlock device and who suffers loss from:

1. Insolvency or discontinuance of business of Principal, or
2. Noncompliance of Principal or Principal's agent with the administrative rules made under ARS 28-1462.B.

Venue Any action or proceeding in connection with this bond or the obligations arising under this bond shall be brought in Maricopa County, Arizona.

Severability If a court of competent jurisdiction finds any provision of this bond unenforceable, all other provisions of this bond shall remain in effect.

The Principal and Surety executed this bond on _____.

A power of attorney must be attached designating the Surety Attorney-In-Fact.

Surety Attorney-In-Fact Name	Principal or Duly Authorized Officer Name	Signature
Phone ()	Partner Name	Signature
Signature	Partner Name	Signature

Surety Resident Agent Name	Title	Send Bond Claims To
Mailing Address		Mailing Address
City, State, Zip Code		City, State, Zip Code
Signature	Phone ()	Phone ()

R17-5-704. ~~Repealed~~ Division-certified Installer Responsibilities

An authorized installer certified by the Division to install a certified ignition interlock device shall:

1. Follow the installation and operating procedures established, and provided, by the manufacturer;
2. Acquire and maintain all necessary training and skills specified by the manufacturer for installing, troubleshooting, examining, and verifying the proper operation of its certified ignition interlock device;
3. Comply with all of the manufacturer's procedures for removing the certified ignition interlock device from a vehicle;
4. Electronically notify the Division within 24 hours after removing a certified ignition interlock device under R17-5-611;
5. Provide to the manufacturer, or to the Division if delegated by the manufacturer, an accurate electronic reporting of all applicable information required of the manufacturer under R17-5-610;
6. Provide to every participant, and make available for every person operating a motor vehicle equipped with the certified ignition interlock device, a copy of the manufacturer's written instructions for the following:
 - a. Operating a motor vehicle equipped with the certified ignition interlock device;
 - b. Cleaning and caring for the certified ignition interlock device; and
 - c. Identifying and addressing vehicle malfunctions or repairs that may affect the certified ignition interlock device;
7. Ensure that each participant:
 - a. Receives and understands the instructions on how to use the system;
 - b. Demonstrates the proper delivery of an alveolar breath sample;
 - c. Demonstrates an understanding of how the abort test feature works;
 - d. Understands how the alcohol retest feature works;
 - e. Understands that drinking alcohol before a test may result in a reading of sensitive or fail;
 - f. Receives information on how to obtain service for the system and how to find answers to any additional questions;
 - g. Receives the operator's manual;
 - h. Understands the penalties for tampering with, circumventing, or misusing the system;
 - i. Understands that the handset of the device shall not be removed, except by an installer-certified service representative;
 - j. Understands what will happen after failing a start-up breath alcohol test;
 - k. Understands what will happen after failing a rolling retest;
 - l. Understands that if an appointment for a regularly scheduled accuracy check is missed, the certified ignition interlock device will enter into a lock-out condition that will emit a unique cue, either auditory, visual, or both, to warn the driver that after 72 hours the vehicle will not start. It shall be the responsibility of each participant to have the car towed to the service center if a lock-out condition occurs; and
 - m. Understands that noncompliance with regularly scheduled accuracy checks shall result in a suspension of the participant's driver license until proof of compliance is submitted to the Division under A.R.S. § 28-1463; and the duration of the participant's certified ignition interlock device requirement shall be extended under A.R.S. § 28-1464 and A.A.C. R17-4-408.
8. Affix conspicuously, the warning label provided by the Manufacturer under R17-5-609.
9. Check each device for evidence of tampering at least once every 60 days or more frequently if needed. This anticircumvention check shall be conducted at each participant's regularly scheduled accuracy and compliance check required under R17-5-610.
10. Notify the Division electronically under R17-5-610 if any evidence of tampering is discovered.

R17-5-705. ~~Repealed~~ Installer-certified Service Representatives

A. Initial certification.

1. To achieve certification as a service representative, an individual shall obtain written documentation from a Division-certified ignition interlock device installer documenting that the individual is currently trained in all aspects involved with the specific certified ignition interlock device for which the individual seeks certification.
2. An installer shall not certify as a service representative, any individual with a felony conviction in the five years preceding the individual's request for certification. In this Section, conviction means that a court of competent jurisdiction adjudicated the individual guilty.
3. The Division, with advance notice to installers, may require additional standards for an installer's certification of its service representatives when needed to ensure compliance with the Division's certified ignition interlock device program.

B. Proficiency requirements.

1. It is the responsibility of the installer to ensure that its certified service representatives maintain proficiency in all aspects involved with each specific certified ignition interlock device model the individual is certified to install.
2. The Division's ignition interlock investigator may at any time require an installer-certified service representative to demonstrate competency in the installation, inspection, downloading, calibrating, repairing, monitoring, maintaining,

Notices of Proposed Rulemaking

servicing or removal of a specific certified ignition interlock device. A failure of the installer-certified service representative to demonstrate proficiency to the Division's ignition interlock investigator may result in disciplinary action against the installer as provided under R17-5-707.

R17-5-706. ~~Repeated~~ Accuracy and Compliance Check: Requirements

- A.** An installer-certified service representative shall inspect, maintain, and check each certified ignition interlock device for calibration accuracy and operational performance before the device is placed into, or returned to, service.
- B.** The installer-certified service representative shall perform each accuracy and compliance check in accordance with NHTSA specifications at a service center authorized by the installer and certified by the Division under R17-5-707.
- C.** The accuracy and compliance check performed under R17-5-610 shall include an inspection of the device to verify that it is properly functioning in accordance with all of the following criteria:
 - 1.** Accuracy standards as prescribed under R17-5-603:
 - a.** The device shall be calibrated before placed into, or returned to, service.
 - b.** The device shall be subjected to a calibration test before returning it to service. This test shall consist of introducing to the device a known alcohol concentration from a reference sample device, the analysis of which indicates the device's agreement with the known concentration. The installer's software shall be capable of performing, documenting, and reporting the result of this calibration test. The test result described herein shall verify the accuracy of the ignition interlock device according to the standards prescribed under R17-5-603; and
 - 2.** Anticircumvention standards and operational features as prescribed under R17-5-603.
- D.** The calibration test referenced under subsection (C)(1) shall be performed when downloaded device information indicates that the device has experienced an interruption in service or was completely disconnected. Additionally, the complete device shall be examined for evidence of tampering and circumvention while it is still attached to the vehicle.
- E.** If calibration confirmation test results reveal that the device is not properly calibrated, the device shall be recalibrated to restore the accuracy standards prescribed under R17-5-603 before the device is returned to service.
- F.** If at any time an individual device fails to meet the provisions of this Section, the manufacturer, installer, service center, or installer-certified service representative shall either:
 - 1.** Repair, recalibrate, and retest the device to ensure that it does meet all applicable standards; or
 - 2.** Remove the device from service.
- G.** If a device failure affects any data stored in the device, the manufacturer, installer, service center, or installer-certified service representative shall notify the Division within 72 hours of discovering that the device failed to meet the requirements of this Section.

R17-5-707. Certification and Inspection of Service Centers: Application

- A.** A service center, whether located on a fixed site or mobile, shall be approved and certified by the Division under this Article before it is used by an authorized installer to conduct certified ignition interlock device related business in this state.
- B.** For Division approval and certification of a service center, an authorized ignition interlock device installer, or a manufacturer's representative, shall submit to the Division, a separate application for each individual service center the authorized installer intends to use for conducting certified ignition interlock device related business in this state.
- C.** On an application for the approval and certification of a service center, available from the Division, an authorized installer or manufacturer's representative shall identify:
 - 1.** The physical location of the service center;
 - 2.** The ignition interlock device, or devices, to be merchandised and serviced at the location; and
 - 3.** The reference sample device, or devices, that will be used at the location.
- D.** An authorized installer or manufacturer's representative shall attach to the application, provided to the Division under subsection (B), a statement from the manufacturer acknowledging that the installer is authorized to install the certified ignition interlock device, or devices, described on the application.
- E.** An installer applying for Division approval and certification of a service center shall agree to:
 - 1.** Allow access to the service center for Division inspection under subsection (G); and
 - 2.** Comply with this Article and any other applicable rule or statute.
- F.** For Division approval and certification of a service center, the installer's ignition interlock device testing facilities, equipment, and procedures used in the service center shall meet, but are not limited to, the following conditions:
 - 1.** A fixed-site service center shall be located in a facility that properly and successfully accommodates installing, inspecting, downloading, calibrating, repairing, monitoring, maintaining, servicing and removing a specific ignition interlock device. An installer shall:
 - a.** Provide a designated waiting area for the participant that is separate from the installation area; and
 - b.** Ensure that no participant witnesses installation of the certified ignition interlock device.
 - 2.** A mobile service center shall be equipped with the same materials and capacities prescribed under subsection (1). An installer or service representative operating a mobile service center shall:
 - a.** Designate a waiting area for the participant that is separate from the area used for the installation; and

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- 4. Inspections;
- 5. Methods of operations and testing protocol;
- 6. Personnel training and qualifications;
- 7. Criminal history considerations for installer-certified service representatives; and
- 8. Records custodian.
- L.** Certification issued under this Section may be cancelled by the Division if the installer, service center, installer-certified service representative, or the certified ignition interlock device equipment:
 - 1. Violates or is not in compliance with any provision of this Article; or
 - 2. Violates any law of this state that applies to the installer.
- M.** If the Director has reason to believe that a manufacturer or installer certified under this Article is violating a provision of this Article, the Director shall immediately issue and serve a cease and desist order on the manufacturer or installer by personal delivery or by mail to the person's last known address.
 - 1. On receipt of a cease and desist order, a manufacturer or installer shall immediately take action as specified in the order or cease and desist from engaging in any further activity authorized under this Article.
 - 2. On failure of a manufacturer or installer to comply with a cease and desist order, the Director shall issue an immediate cancellation of its manufacturer or installer certification.
- N.** Appeal of a denial of application or cancellation of certification. An installer whose pending application for certification is denied, or a service center whose certification is cancelled, may appeal the action as follows:
 - 1. Within 15 days after receipt of a notice of denial of application, or a notice of the cancellation of its certification, a manufacturer or installer may petition the Department in writing for a hearing on the issue of the denial or cancellation by sending a written letter of appeal to the Division's Executive Hearing Office requesting a hearing on the issue. Upon filing the petition, the Executive Hearing Office shall fix a date, as soon as practicable for the hearing. The request for a hearing stays a summary cancellation of the manufacturer or installers certified activities.
 - 2. The Executive Hearing Office shall conduct its hearing and procedures in accordance with A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5. The manufacturer or installer has the right to be present at the hearing to testify on its own behalf, and if desired, may have other persons attend and testify at the hearing.
 - 3. Within ten days after the hearing, the Hearing Officer shall make written findings of fact and conclusions and shall either grant or finally deny the application or cancel the certification.
 - 4. If a denial of application or a cancellation of certification is affirmed at the hearing, a manufacturer or installer may, within thirty days from the date of the decision and order, seek judicial review under A.R.S. Title 12, Chapter 7, Article 6. The denial of application or order of cancellation shall not be suspended during pendency of the appeal.
- O.** After denial of an application, or cancellation of a certification, an installer may reapply to the Division for a new certification by completing a new application and meeting all of the certification requirements under this Section. A cancellation does not prohibit a manufacturer or installer from submitting a subsequent application for certification if all certification requirements are met.

NOTICE OF PROPOSED RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR POLLUTION CONTROL

[R07-134]

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| 1. <u>Sections Affected</u> | <u>Rulemaking Action</u> |
| R18-2-210 | Amend |
| R18-2-333 | Amend |
| R18-2-901 | Amend |
| R18-2-902 | Amend |
| R18-2-1101 | Amend |
| R18-2-1102 | Amend |
| Appendix 2 | Amend |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
 Authorizing statutes: A.R.S. §§ 49-104(A)(10) and 49-404(A)
 Implementing statutes: A.R.S. § 49-425(A)

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 13 A.A.R. 312, February 9, 2007

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking.

Name: Carrie Bojda

Address: ADEQ, Air Quality Planning Section
1110 W. Washington
Phoenix, AZ 85007

Telephone: (602) 771-4210 (Any ADEQ number may be reached in-state by dialing 1-800-234-5677, and asking for that extension.)

Fax: (602) 771-2366

E-mail: cb7@azdeq.gov

5. An explanation of the rule, including the agency's reasons for initiating the rule:

Summary. The Arizona Department of Environmental Quality (ADEQ) is adopting new and updated incorporations by reference of the following federal regulations in state rules: New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain, and other parts of Title 40 Code of Federal Regulations (CFR). The federal regulations would be incorporated as of July 1, 2006.

In addition to the incorporations by reference listed above, ADEQ is also making technical changes to rules in Articles 9, 11, and Appendix 2. These technical changes include updating the mailing address used in R18-2-902(B)(1) and R18-2-1102(B), adding the phrase "as applicable requirements" to the incorporations by reference at R18-2-210 and Appendix 2, and improving the clarity and consistency of language used in Appendix 2.

Acid Rain. Federal Regulations already incorporated by reference from Title 40 CFR Parts 72, 74, 75, and 76, have been updated from July 1, 2004, to July 1, 2006, at R18-2-333. There was one major rulemaking promulgated by the Environmental Protection Agency (EPA) amending federal acid rain rules. It was the Clean Air Interstate Rule (CAIR) promulgated on May 12, 2005 (70 FR 25162). ADEQ is obligated under state and federal law to incorporate federal acid rain requirements in the permits issued by ADEQ. (See R18-2-306(A)(2) and 40 CFR 70.6(a)(1)).

NSPS and NESHAP Regulations. Federal Regulations already incorporated by reference from Title 40 CFR Parts 60, 61, and 63, have been updated from July 1, 2004, to July 1, 2006, at R18-2-901, R18-2-1101(A), and R18-2-1101(B). As explained further below, this includes new subparts and significantly revised subparts in Title 40 CFR Parts 60 and 63. Only minor and technical changes were made to Title 40 CFR Part 61.

Miscellaneous Incorporations by Reference in R18-2-210 and Appendix 2. The provisions in Appendix 2 have been updated from July 1, 2004, to July 1, 2006. These provisions are cited throughout 18 A.A.C. 2, but are incorporated by reference once in Appendix 2 for convenience. The provisions in R18-2-210 have been updated from July 1, 2004, to July 1, 2006. R18-2-210 incorporates by reference area attainment status designations for Arizona approved or designated by EPA pursuant to section 107 of the CAA.

ADEQ's intention in updating all of the incorporations by reference is to continue its delegated authority from EPA to implement and enforce NSPS, NESHAP, and acid rain programs in Arizona.

Descriptions of new federal subparts recently incorporated into Arizona's rules and significantly revised subparts, taken from EPA's Notices of Final Rulemakings appear below.

Federal Regulations Proposed to be Incorporated.

NSPS - 40 CFR PART 60

SUBPARTS ADDED:

Title 40 CFR 60 Subpart EEEE – Standards of Performance for New Stationary Sources: Other Solid Waste Incineration Units [Added at 70 FR 74870; 12/16/05]. EPA is promulgating new source performance standards (NSPS) for new "other" solid waste incineration units (OSWI). A source is subject to the NSPS if construction began on the incineration unit after December 9, 2004. The final rule for OSWI fulfills the requirements of sections 111 and 129 of the CAA. Under CAA section 111, NSPS must be developed for new sources that cause or contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. The final rule, which addresses only the incineration of nonhazardous solid wastes, will protect public health by reducing exposure to air pollution.

Title 40 CFR 60 Subpart FFFF – Standards of Performance for Existing Sources: Other Solid Waste Incineration Units [Added at 70 FR 74870; 12/16/05]. EPA is promulgating emission guidelines for existing "other" solid waste incineration units (OSWI). A source will be subject to the emission guidelines if construction began on an incineration unit on or before December 9, 2004. The final rule for OSWI units fulfills the requirements of sections 111 and 129 which require EPA to promulgate emission guidelines for solid waste incineration units. The final rule,

which addresses only the incineration of nonhazardous solid wastes, will protect public health by reducing exposure to air pollution.

SUBPARTS SIGNIFICANTLY REVISED:

Title 40 CFR 60 Subpart Da - Standards of Performance for Electric Utility Steam Generating Units for which Construction is Commenced After September 18, 1978 [Amended at 70 FR 51266; 08/30/05]. This action corrects and clarifies certain text of the final rule 70 FR 28606; 05/18/05. These corrections do not affect the substance of the action, nor do they change the rights of obligations of any party. Rather this action merely corrects certain section designations to eliminate duplication with other rules.

[Amended at 71 FR 9866; 02/27/06]. This amendment revises the existing standards for PM emissions by reducing the numerical emission limits for both utility and industrial-commercial-institutional steam generating units and revises the existing standards for NO_x emissions by reducing the numerical emission limits for utility steam generating units. The amendments also revise the standards for SO₂ emissions for both electric utility and industrial-commercial-institutional steam generating units. The numerical standard for electric utility steam generating units has been reduced, and the maximum percent reduction requirement has been increased. A numerical standard has been added for units presently subject to the NSPS and new industrial-commercial-institutional steam generating units, and the maximum percent reduction requirement for new units has been increased. Both utility and industrial steam generating units can either meet a numerical limit or demonstrate a percent reduction. Several technical clarifications and compliance alternatives have been added to the existing provisions of the current rules. See also Subparts Db and Dc.

[Amended at 71 FR 33388; 06/09/06]. This action's purpose is to advise that revisions will not be made to the March 29, 2005, final rule entitled "Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants From Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units from the Section 112(c) List", other than explaining in more detail what is meant by the effectiveness element in the term "necessary". A final decision is also being made regarding reconsideration of certain issues in the May 18, 2005 final rule entitled "Standards of Performance for New and Existing Utility Steam Generating Units" (CAMR). The only two substantive changes being made to CAMR involve revisions to the state mercury (Hg) allocations, and to the new source performance standards. Regulatory text is also being finalized that clarifies the applicability of CAMR to municipal waste combustors (MWC) and certain industrial boilers. See also Subparts Db and HHHH.

Title 40 CFR 60 Subpart Db – Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units [Amended at 71 FR 9866; 02/27/06]. This amendment revises the existing standards for PM emissions by reducing the numerical emission limits for both utility and industrial-commercial-institutional steam generating units and revises the existing standards for NO_x emissions by reducing the numerical emission limits for utility steam generating units. The amendments also revise the standards for SO₂ emissions for both electric utility and industrial-commercial-institutional steam generating units. The numerical standard for electric utility steam generating units has been reduced, and the maximum percent reduction requirement has been increased. A numerical standard has been added for units presently subject to the NSPS and new industrial-commercial-institutional steam generating units, and the maximum percent reduction requirement for new units has been increased. Both utility and industrial steam generating units can either meet a numerical limit or demonstrate a percent reduction. Several technical clarifications and compliance alternatives have been added to the existing provisions of the current rules. See also Subparts Da and Dc.

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Title 40 CFR 60 Subpart Dc – Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units [Amended at 71 FR 9866; 02/27/06]. This amendment revises the existing standards for PM emissions by reducing the numerical emission limits for both utility and industrial-commercial-institutional steam generating units and revises the existing standards for NO_x emissions by reducing the numerical emission limits for utility steam generating units. The amendments also revise the standards for SO₂ emissions for both electric utility and industrial-commercial-institutional steam generating units. The numerical standard for electric utility steam generating units has been reduced, and the maximum percent reduction requirement has been increased. A numerical standard has been added for units presently subject to the NSPS and new industrial-commercial-institutional steam generating units, and the maximum percent reduction requirement for new units has been increased. Both utility and industrial steam generating units can either meet a numerical limit or demonstrate a percent reduction. Several technical clarifications and compliance alternatives have been added to the existing provisions of the current rules. See also Subparts Da and Db.

Title 40 CFR Subpart 60 Eb – Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Large Municipal Waste Combustors [Amended at 71 FR 27324; 05/10/06]. This action promulgated amendments to the air emission standards for existing and new large Municipal Waste Combustors (MWC) units. For existing MWC units, the goal of this action is to amend the standards to reflect the actual performance levels being achieved by existing MWC units. For new MWC units, the goal of this action is to amend the standard to reflect the performance level achievable by MWC units constructed in the future. Other technical improvements are also being made to the standards for MWC units.

Title 40 CFR 60 Subpart AA - Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983 [Amended at 70 FR 8523; 02/22/05]. This action promulgated amendments to the new source performance standards for electric arc furnaces constructed after October 21, 1974, and on or before August 17, 1983, and the new source performance standards for electric arc furnaces constructed after August 17, 1983. The final amendments added alternative requirements for monitoring emissions from furnace exhausts and made minor editorial corrections.

Title 40 CFR 60 Subpart AAa - Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 [Amended at 70 FR 8523; 02/22/05]. This action promulgated amendments to the new source performance standards for electric arc furnaces constructed after October 21, 1974, and on or before August 17, 1983, and the new source performance standards for electric arc furnaces constructed after August 17, 1983. The final amendments added alternative requirements for monitoring emissions from furnace exhausts and made minor editorial corrections.

Title 40 CFR 60 Subpart GG - Standards of Performance for Stationary Gas Turbines [Amended at 69 FR 41346; 07/08/04]. This action promulgated amendments to several sections of the standards of performance for stationary gas turbines in 40 CFR Part 60, subpart GG. The amendments codified several alternative testing and monitoring procedures that have routinely been approved by EPA. The amendments also reflect changes in nitrogen oxides (NOX) emission control technologies and turbine design since the standards were promulgated.

[Amended at 71 FR 9453; 02/24/06]. This action promulgates final action to revise certain portions of the standards of performance for stationary gas turbines. Direct final action is being taken to revise the standards to clarify that EPA is not imposing new requirements for turbines constructed after 1977. Owners and operators of existing and new turbines may use monitoring that meets the pre-existing monitoring requirements. In addition, EPA has described a number of acceptable compliance monitoring options that owners and operators may elect to use for these units.

Title 40 CFR 60 Subpart CCCC – Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units [Amended at 70 FR 55568; 09/22/2005]. This action promulgates amendments to the standards of performance for commercial and industrial solid waste incineration units in 40 CFR Part 60, subpart CCCC. The EPA has completed its reconsideration of certain regulatory definitions that determine the type of sources subject to the EPA's new source performance standards (NSPS) and emission guidelines (EG) for commercial and industrial solid waste incineration (CISWI) units under section 129 of the CAA. With this action, EPA is promulgating revised definitions for the terms "solid waste," "commercial or industrial waste," and "commercial and industrial solid waste incineration unit." The final CISWI definitions of these terms promulgated today are consistent with EPA's February 2004 reconsideration proposal in that EPA will continue to identify CISWI units based on whether such units combust waste without energy recovery. However, the revised definitions promulgated today do not include certain regulatory language proposed in February 2004 to include units with only waste heat recovery in the CISWI source category.

Title 40 CFR 60 Appendix A – Update of Continuous Instrumental Test Methods [Amended at 71 FR 28082; 05/15/06]. This document updates five instrumental test methods that are used to measure air pollutant emissions from stationary sources. These amendments are finalized in this document and reflect changes to the proposal to accommodate public comments. This action is made to improve the methods by simplifying, harmonizing, and updating their procedures. A large number of industries are already subject to provisions that require the use of these methods.

NESHAP - 40 CFR PART 61

SUBPARTS ADDED: None

SUBPARTS SIGNIFICANTLY REVISED: None

NESHAP - 40 CFR PART 63

SUBPARTS ADDED:

Title 40 CFR 63 Subpart DDDD - National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products [Added at 69 FR 45944; 07/30/04]. This action promulgated a NESHAP for the plywood and composite wood products (PCWP) source category under the CAA. The EPA has determined that the PCWP source category contains major sources of hazardous air pollutants (HAP), including, but not limited to, acetaldehyde, acrolein, formaldehyde, methanol, phenol, and propionaldehyde. This action will implement section 112(d) of the CAA by requiring all major sources subject to the final rule to meet HAP emission standards reflecting

the application of the maximum achievable control technology (MACT). The final rule will reduce HAP emissions from the PCWP source category by approximately 5,900 to 9,900 megagrams per year (Mg/yr) (6,600 to 11,000 tons per year (tons/yr)). In addition, the final rule will reduce emissions of volatile organic compounds (VOC) by 13,000 to 25,000 Mg/yr (14,000 to 27,000 tons/yr). The EPA is also amending the effluent limitations, guidelines and standards for the timber products processing point source category (vener, plywood, dry process hardboard, particle-board manufacturing subcategories).

Title 40 CFR 63 Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters [Added at 69 FR 55218; 09/13/04]. EPA promulgated NESHAP for industrial, commercial, and institutional boilers and process heaters in this action. The EPA identified industrial, commercial, and institutional boilers and process heaters as major sources of HAP emissions. The final rule implements section 112(d) of the CAA by requiring all major sources to meet HAP emissions standards reflecting the application of MACT. EPA expects the final rule to reduce HAP emissions by 50,600 to 58,000 tpy. HAPs emitted by facilities in the boiler and process heater source category include arsenic, cadmium, chromium, hydrogen chloride (HCl), hydrogen fluoride, lead, manganese, mercury, nickel, and various organic HAPs. The final rule contains numerous compliance provisions including health-based compliance alternatives for the hydrogen chloride and total selected metals emission limits.

SUBPARTS SIGNIFICANTLY REVISED:

Title 40 CFR 63 Subpart A – National Emission Standards for Hazardous Air Pollutants: General Provisions [Amended at 71 CFR 20446; 04/20/06]. This action promulgates amendments to certain aspects of startup, shutdown, and malfunction (SSM) requirements affecting sources subject to the national emission standards for hazardous air pollutants (NESHAP) in response to a July 29, 2003, petition to reconsider certain aspects of the amendments to the NESHAP General Provisions published on May 30, 2003.

Title 40 CFR 63 Subpart B – National Emission Standards for Hazardous Air Pollutants: Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j) [Amended at 70 CFR 39662; 07/11/05]. Table 1 to subpart B of part 63 is amended to reflect the revised deadlines in a recently amended consent decree. The final rule amendment (and amended consent decree) relates to boilers and hydrochloric acid production furnaces that burn hazardous waste.

Title 40 CFR 63 Subpart C - List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List [Amended at 70 CFR 75047; 12/19/05]. The compound methyl ethyl ketone (MEK) is being removed from the list of HAPs in response to a petition submitted by the Ketones Panel of the American Chemistry Council on behalf of the MEK producers and consumers. Based on available information, concerning the potential hazards of and projected exposure to MEK, the EPA has determined that there are adequate data on the health and environmental effects of MEK to determine that emissions, ambient concentrations, bioaccumulation, or deposition of the substance may not reasonably be anticipated to cause adverse effects to human health or adverse environmental effects.

Title 40 CFR 63 Subpart L - National Emission Standards for Coke Oven Batteries [Amended at 70 CFR 19992; 04/15/05]. On October 27, 1993 (58 FR 57898), pursuant to section 112 of the CAA, the EPA issued technology-based national emission standards to control HAP emitted by coke oven batteries. The April 15, 2005 action, amends the standards to address residual risks under section 112(f) and the 8-year review requirements of section 112(d)(6).

Title 40 CFR 63 Subpart M – National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities [Amended at 70 FR 75320; 12/19/05]. This action is to finalize permanent exemptions from the title V operating permit program for five categories of nonmajor (area) sources that are subject to the national emission standards for hazardous air pollutants (NESHAP). The five source categories are dry cleaners, halogenated solvent degreasers, chrome electroplaters, ethylene oxide (EO) sterilizers and secondary aluminum smelters. A sixth category, area sources subject to NESHAP for secondary lead smelters, did not have a finding of being exempt. See also Subparts N, O, T, RRR, and X.

Title 40 CFR 63 Subpart N - National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks [Amended at 69 FR 42885; 07/19/04]. On January 25, 1995, the EPA promulgated national emission standards for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks under section 112 of the CAA. On June 5, 2002, the EPA proposed amendments to the rule. The July 19, 2004, action, promulgated amendments to the emission limits, definitions, compliance provisions and performance test requirements in the standards for chromium emissions from hard and decorative chromium electroplating and anodizing tanks

[Amended at 70 FR 75320; 12/19/05]. This action is to finalize permanent exemptions from the title V operating permit program for five categories of nonmajor (area) sources that are subject to the national emission standards for hazardous air pollutants (NESHAP). The five source categories are dry cleaners, halogenated solvent degreasers, chrome electroplaters, ethylene oxide (EO) sterilizers and secondary aluminum smelters. A sixth category, area sources subject to NESHAP for secondary lead smelters, was not found to be exempt. See also Subparts M, O, T, RRR, and X.

Title 40 CFR 63 Subpart O – Ethylene Oxide Emissions Standards for Sterilization Facilities [Amended at 70 FR 75320; 12/19/05]. This action is to finalize permanent exemptions from the title V operating permit program for five categories of nonmajor (area) sources that are subject to the national emission standards for hazardous air pollutants (NESHAP). The five source categories are dry cleaners, halogenated solvent degreasers, chrome electroplaters, ethylene oxide (EO) sterilizers and secondary aluminum smelters. A sixth category, area sources subject to NESHAP for secondary lead smelters, was not found to be exempt. See also Subparts M, N, T, RRR, and X.

Title 40 CFR 63 Subpart T – National Emission Standards for Halogenated Solvent Cleaning [Amended at 70 FR 75320; 12/19/05]. This action is to finalize permanent exemptions from the title V operating permit program for five categories of nonmajor (area) sources that are subject to the national emission standards for hazardous air pollutants (NESHAP). The five source categories are dry cleaners, halogenated solvent degreasers, chrome electroplaters, ethylene oxide (EO) sterilizers and secondary aluminum smelters. A sixth category, area sources subject to NESHAP for secondary lead smelters, was not found to be exempt. See also Subparts M, N, O, RRR, and X.

Title 40 CFR 63 Subpart X – National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting [Amended at 70 FR 75320; 12/19/05]. This action is to finalize permanent exemptions from the title V operating permit program for five categories of nonmajor (area) sources that are subject to the national emission standards for hazardous air pollutants (NESHAP). The five source categories are dry cleaners, halogenated solvent degreasers, chrome electroplaters, ethylene oxide (EO) sterilizers and secondary aluminum smelters. A sixth category, area sources subject to NESHAP for secondary lead smelters, was not found to be exempt. See also Subparts M, N, O, T, and RRR.

Title 40 CFR 63 Subpart KK – National Emission Standards for the Printing and Publishing Industry [Amended at 71 CFR 29792; 05/24/06]. EPA is taking direct and final action on amendments to the national emission standards for HAPs (NESHAP) for the printing and publishing industry which were promulgated on May 30, 1996, under the authority of section 112 of the CAA. The direct final rule amendments amend specific provisions in the Printing and Publishing Industry NESHAP to resolve issues and questions raised after promulgation of the final rule and to correct errors in the regulatory text. This action also makes direct final rule amendments to the Paper and Other Web Coating NESHAP and the Printing, Coating, and Dyeing of Fabric and Other Textiles NESHAP to clarify the interaction between these rules and the Printing and Publishing Industry NESHAP. See also Subparts JJJJ and OOOO.

Title 40 CFR 63 Part LL – National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants [Amended at 70 CFR 66280; 11/02/05]. The amendments to the national emission standards for HAPs (NESHAP) for primary aluminum reduction plants will revise the emission limit for polycyclic organic matter (POM) applicable to one potline subcategory. The amendments will revise the compliance provisions to clarify the dates by which all plants must meet the NESHAP requirements and to specify the time allowed to demonstrate the initial compliance for a new or reconstructed potline, anode bake furnace, or pitch storage tank as well as an existing potline or anode bake furnace that has been shutdown and subsequently restarted. These amendments are being made to reduce compliance uncertainties and improve understanding of the NESHAP requirements.

Title 40 CFR 63 Subpart EEE – National Emission Standards for Hazardous Air Pollutants: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors [Amended at 70 CFR 59402; 10/12/05]. This action finalizes national emission standards (NESHAP) for HAPs for hazardous waste combustors (HWCs): hazardous waste burning incinerators, cement kilns, lightweight aggregate kilns, industrial/commercial/institutional boilers and process heaters, and hydrochloric acid production furnaces. EPA has identified HWCs as major sources of HAP emissions. These standards implement section 112(d) of the CAA by requiring hazardous waste combustors to meet HAP emission standards reflecting the performance of the maximum achievable control technology (MACT). This action also presents the decision of the EPA regarding the February 28, 2002, petition for rulemaking submitted by the Cement Kiln Recycling Coalition, relating to EPA's implementation of the so-called omnibus permitting authority under section 3005(c) of the Resource Conservation and Recovery Act (RCRA).

Title 40 CFR 63 Subpart RRR – National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production [Amended at 70 FR 75320; 12/19/05]. This action is to finalize permanent exemptions from the title V operating permit program for five categories of nonmajor (area) sources that are subject to the national emission standards for HAPs (NESHAP). The five source categories are dry cleaners, halogenated solvent degreasers, chrome electroplaters, ethylene oxide (EO) sterilizers and secondary aluminum smelters. A sixth category, area sources subject to NESHAP for secondary lead smelters, was not found to be exempt. See also Subparts M, N, O, T, and X.

Title 40 CFR 63 Subpart UUU - National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units [Amended at 70 FR 6930; 02/09/05]. On April 11, 2002, pursuant to section 112 of the CAA, the EPA issued national emission standards to control HAPs emitted from catalytic cracking units, catalytic reforming units, and sulfur recovery units at petroleum refineries. The February 9, 2005, action promulgated amendments to several sections of the existing standards. The amendments changed the affected source designations and add new compliance options for catalytic reforming units that use different types of emission control systems, new monitoring alternatives for catalytic cracking units and catalytic reforming units, and a new procedure for determining the metal or total chloride concentration

on catalyst particles. The amendments also defer technical requirements for most continuous parameter monitoring systems, clarify testing and monitoring requirements, and make editorial corrections.

Title 40 CFR 63 Subpart DDDD – National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products; List of Hazardous Air Pollutants, Lesser Quantity Designations, Source Category List [Amended at 71 CFR 8342; 02/16/06]. On July 30, 2004, EPA promulgated national emission standards for HAPs (NESHAP) for the plywood and composite wood products (PCWP) source category. The Administrator subsequently received a petition for the reconsideration of certain provisions in the final rule. In addition, following promulgation, stakeholders expressed concern with some of the final rule requirements including definitions, the emissions testing procedures required for facilities demonstrating eligibility for the low-risk subcategory, stack height calculations to be used in low-risk subcategory eligibility demonstrations, and permitting and timing issues associated with the low risk subcategory eligibility demonstrations. In two separate Federal Register notices published on July 29, 2005, EPA announced reconsideration of certain aspects of the final rule and proposed amendments to the final rule. This action promulgates amendments to the PCWP NESHAP and provides conclusions following the reconsideration process.

[Amended at 70 CFR 76918; 12/28/05]. EPA is promulgating amendments to the national emission standards for hazardous air pollutants (NESHAP) for industrial, commercial and institutional boilers and process heaters which EPA promulgated on September 13, 2004. After promulgation of the final rule for boilers and process heaters, the Administrator received petitions for reconsideration of certain provisions in the final rule. On July 27, 2005, EPA published a notice of reconsideration and requested public comment on certain aspects of the health-based compliance alternatives. After evaluating public comment on the notice of reconsideration, EPA is retaining the health-based compliance alternatives in the final rule in substantially the same form. However, EPA is making a limited number of amendments to the final rule to improve and clarify the process for demonstrating eligibility to comply with the health-based compliance alternatives contained in the final rule.

Title 40 CFR 63 Subpart FFFF – National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing [Amended at 70 CFR 38554; 07/01/05]. This action amends the NESHAP for miscellaneous organic chemical manufacturing under section 112 of the CAA by clarifying the compliance requirements for flares and the alternative standard, which limits the outlet concentration to 20 parts per million. The NESHAP is amended by extending the vapor balancing alternative to cover transfers from barges to storage tanks, amending the procedures for correcting measured concentrations at the outlet of combustion devices to correct for dilution by supplemental gas, and clarifying the signature requirements for the notification of compliance status report. The direct final rule amendments also specify requirements for effluent from control devices, clarify the definition of the term continuous process vent, and correct several reference and drafting errors.

[Amended at 70 CFR 51270; 08/30/05]. EPA is withdrawing parts of the direct final rule because adverse comments were received. Adverse comments were received from several commenters regarding requirements for effluent from control devices. Commenters also pointed out erroneous changes made to Table 1 of Subpart FFFF of part 63. Accordingly, the amendments to 40 CFR 63.2485(c)(4) and Table 1 of Subpart FFFF of part 63 are being withdrawn as of August 30, 2005. The provisions for which adverse comments were not received became effective on August 30, 2005.

Title 40 CFR 63 Subpart JJJJ – National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating [Amended at 71 CFR 29792; 05/24/06]. EPA is taking direct and final action on amendments to the national emission standards for hazardous air pollutants (NESHAP) for the printing and publishing industry that were promulgated on May 30, 1996, under the authority of section 112 of the CAA. The direct final rule amendments amend specific provisions in the Printing and Publishing Industry NESHAP to resolve issues and questions raised after promulgation of the final rule and to correct errors in the regulatory text. This action also makes direct final rule amendments to the Paper and Other Web Coating NESHAP and the Printing, Coating, and Dyeing of Fabric and Other Textiles NESHAP to clarify the interaction between these rules and the Printing and Publishing Industry NESHAP. See also Subparts KK and OOOO.

Title 40 CFR 63 Subpart KKKK – National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans [Amended at 71 CFR 1378; 01/06/06]. Direct final action is being taken on amendments to the national emission standards for hazardous air pollutants (NESHAP) for surface coating of metal cans, which were promulgated on November 13, 2003, under section 112 of the CAA. The direct final rule amendments correct errors and add clarification to sections of the rule.

Title 40 CFR 63 Subpart NNNN – National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers [Amended at 71 FR 17729; 04/07/06]. On September 8, 1994, the EPA promulgated national emission standards for hazardous air pollutants for industrial process cooling towers. The rule prohibits the use of chromium-based water treatment chemicals that are known or suspected to cause cancer or have a serious health or environmental effect.

Section 112(f)(2) of the CAA directs EPA to assess the risk remaining (residual risk) after the application of national emissions standards for hazardous air pollutants and to promulgate more stringent standards, if warranted, to provide ample margin of safety to protect public health or prevent adverse environmental effect. Also, section

112(d)(6) of the CAA requires EPA to review and revise the standards, as necessary at least every 8 years, taking into account developments in practices, processes, and control technologies. On October 25, 2005, based on the findings from EPA's residual risk and technology review, EPA proposed no further action to revise the standards and requested public comment. Today's final action amends the applicability section of the rule in response to public comments received on the proposed action. The final amendment provides that sources that are operated with chromium-based water treatment chemicals are subject to this standard; other industrial process cooling towers are not covered.

Title 40 CFR 63 Subpart OOOO – National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles [Amended at 71 CFR 29792; 05/24/06]. EPA is taking direct and final action on amendments to the national emission standards for HAPs (NESHAP) for the printing and publishing industry which were promulgated on May 30, 1996, under the authority of section 112 of the CAA. The direct final rule amendments amend specific provisions in the Printing and Publishing Industry NESHAP to resolve issues and questions raised after promulgation of the final rule and to correct errors in the regulatory text. This action also makes direct final rule amendments to the Paper and Other Web Coating NESHAP and the Printing, Coating, and Dyeing of Fabric and Other Textiles NESHAP to clarify the interaction between these rules and the Printing and Publishing Industry NESHAP. See also Subparts JJJJ and KK.

Title 40 CFR 63 Subpart SSSS – National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing [Amended at 71 FR 7415; 02/13/06]. The EPA is taking direct final action on the amendments to the national emission standards for hazardous air pollutants (NESHAP) for new and existing refractory products manufacturing facilities that were promulgated on April 16, 2003, under section 112(d) of the CAA. The amendments clarify testing and monitoring requirements and startup and shutdown requirements for batch processes, make certain technical corrections, and add recent changes to be consistent with the NESHAP General Provisions.

Title 40 CFR 63 Subpart UUUU – National Emission Standards for Hazardous Air Pollutants: Cellulose Products Manufacturing [Amended at 70 FR 46684; 08/10/05]. The EPA is taking direct final action on amendments to the national emission standards for hazardous air pollutants (NESHAP) for cellulose products manufacturing, which were issued on June 11, 2002, under section 112 of the CAA. The amendments revise the work practice standards, general and initial compliance requirements, definitions, and General Provisions applicability, as well as correct typographical, formatting, and cross-referencing errors in the final rule. The amendments are being issued as a direct final rule because no adverse comments are expected.

Title 40 CFR 63 Subpart WWWW – National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production [Amended at 70 FR 50118; 08/25/05]. The EPA is taking direct final action on amendments to the national emissions standards for HAPs (NESHAP) for reinforced plastic composites production which were issued April 12, 2003, under section 112 of the CAA. The direct final amendments revise compliance options for open molding, correct errors, and add clarification to sections of the rule.

ACID RAIN - 40 CFR PART 72, 74, 75, 76

SUBPARTS ADDED:

Title 40 CFR 75 Subpart I – Mercury (Hg) Mass Emission Provisions [Added at 70 FR 28684; 05/18/05]. Within the document that finalizes the Clean Air Mercury Rule (CAMR), 70 FR 28606, Subpart I is to added part 75 to implement requirements for the applicable state or Federal Hg mass emission reduction program for new and existing coal-fired electric utility steam generating units.

SUBPARTS SIGNIFICANTLY REVISED:

Title 40 CFR 72 and 74 – Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NO_x SIP Call [Amended at 70 FR 25162; 05/12/05]. Based on state obligations to address interstate transport of pollutants under section 110(a)(2)(D) of the CAA, EPA is specifying statewide emissions reduction requirements for SO₂ and NO_x. The EPA is specifying that the emissions reductions be implemented in two stages. The first phase of NO_x reductions starts in 2009 and the first phase on SO₂ reductions starts in 2010; the second phase of reductions for both starts in 2015.

Today's action also includes model rules for multi-state cap and trade programs for annual SO₂ and NO_x emissions for PM_{2.5} and seasonal NO_x emissions for ozone that States can choose to adopt to meet the required emissions reductions in a flexible and cost-effective manner.

Today's action also includes revisions to the Acid Rain Program regulations under Title IV of the CAA, particularly the regulatory provisions governing the SO₂ cap and trade program. The revisions are made because they streamline the operation of the Acid Rain SO₂ cap and trade program and/or facilitate the interaction of that cap and trade program with the model SO₂ cap and trade program included in today's action. In addition, today's action provides for the NO_x SIP Call cap and trade program to be replaced by the CAIR ozone-season NO_x trading program.

6. A reference to any study relevant to the rules that the agency proposes to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of the study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

Rule Identification

NSPS/NESHAP/Acid Rain 2006: A.A.C. Title 18, Chapter 2, Articles 2, 3, 9 and 11; Appendix 2, sections R18-2-210, R18-2-333, R18-2-901, R18-2-902, R18-2-1101, R18-2-1102, Appendix 2.

Costs

There are no additional costs to the regulated community when a state agency incorporates an already effective federal standard verbatim. The costs of compliance have already occurred, and were considered when the federal regulation was proposed and adopted. These rules impose no additional costs on the regulated community, small businesses, political subdivisions, or members of the public.

Costs to ADEQ are those that may accrue for implementation and enforcement of the new standards. Although there were some small incremental costs due to this rulemaking, ADEQ does not intend to hire any additional employees to implement or enforce these rules.

Benefits

Benefits accrue to the regulated community when a state agency incorporates a federal regulation in order to become the primary implementer of the regulation, because the state agency is closer to those being regulated and, therefore, is generally easier to contact and to work with to resolve differences, compared with the U.S. EPA, whose regional office for Arizona is in San Francisco. Local implementation also reduces travel and communication costs.

Health benefits accrue to the general public whenever enforcement of environmental laws takes place. Adverse health effects from air pollution result in a number of economic and social consequences, including:

1. Medical costs. These include personal out-of-pocket expenses of the affected individual (or family), plus costs paid by insurance or Medicare, for example.
2. Work loss. This includes lost personal income, plus lost productivity whether the individual is compensated for the time or not. For example, some individuals may perceive no income loss because they receive sick pay, but sick pay is a cost of business and reflects lost productivity.
3. Increased costs for chores and caregiving. These include special caregiving and services that are not reflected in medical costs. These costs may occur because some health effects reduce the affected individual's ability to undertake some or all normal chores, and he or she may require caregiving.
4. Other social and economic costs. These include restrictions on or reduced enjoyment of leisure activities, discomfort or inconvenience, pain and suffering, anxiety about the future, and concern and inconvenience to family members and others.

Conclusion

In conclusion, the incremental costs associated with this rule are generally low, and apply solely to ADEQ, while the air quality benefits are generally high. In addition, there are benefits to industry from being regulated by a geographically nearer government entity. There are no adverse economic impacts on political subdivisions. There are no adverse economic impacts on private businesses, their revenues or expenditures. The fact that no new employment is expected to occur has been discussed above, in the context of the impact on state agencies. There are no adverse economic impacts on small businesses, although some regulatory benefits will accrue to them. There are no economic impacts for consumers; benefits to private persons as members of the general public are discussed above in terms of enforcement. There will be no direct impact on state revenues. There are no other, less costly alternatives for achieving the goals of this rulemaking. The rules are no less stringent and no more stringent than the federal regulations on each subject.

Rule impact reduction on small businesses. A.R.S. § 41-1035 requires ADEQ to reduce the impact of a rule on small businesses by using certain methods when they are legal and feasible in meeting the statutory objectives for the rulemaking. The five listed methods are:

1. Establish less stringent compliance or reporting requirements in the rule for small businesses.
2. Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses.
3. Consolidate or simplify the rule's compliance or reporting requirements for small businesses.
4. Establish performance standards for small businesses to replace design or operational standards in the rule.

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

The statutory objectives which are the basis of the rulemaking. The general statutory objectives that are the basis of this rulemaking are contained in the statutory authority cited in number 2 of this preamble. The specific objectives are as follows:

1. Implement rules necessary for EPA delegation of Clean Air Act § 111 (NSPS) program to Arizona.
2. Implement rules necessary for EPA § 112(l) program delegation to Arizona (NESHAP).
3. Implement rules necessary for acid rain program delegation to ADEQ.

ADEQ has determined that there is a beneficial impact on small businesses in transferring implementation of these rules to ADEQ. In addition, for all of these objectives, ADEQ is required to adopt the federal rules without reducing stringency. ADEQ, therefore, has found that it is not legal or feasible to adopt any of the five listed methods in ways that reduce the impact of these rules on small businesses. Finally, where federal rules impact small businesses, EPA is required by both the Regulatory Flexibility Act and the Small Business Regulatory Enforcement and Fairness Act to make certain adjustments in its own rulemakings. Information related to such may be found in the individual rules described in Section 5.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: David Lillie
Address: ADEQ, Air Quality Planning Section
1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-4210 (Any ADEQ number may be reached in-state by dialing 1-800-234-5677, and asking for that extension.)
Fax: (602) 771-2366
E-mail: Lillie.David@azdeq.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when and how persons may request an oral proceeding on the proposed rule:

Date: June 11, 2007
Time: 2:00 p.m.
Location: ADEQ
1110 W. Washington Street
Phoenix, AZ 85007
Conference Room #145
Nature: Public Hearing
Close of Comment: June 12, 2007 at 5:00 p.m.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable.

12. Incorporation by reference and their location in the rule:

<u>New incorporations by reference (subparts or larger) as of 7/1/06</u>	<u>Location</u>
40 CFR 60, Subparts FFFF and EEEE	R18-2-1101(B)
40 CFR 63, Subparts DDDD and DDDDD	R18-2-1101(B)
40 CFR 75, Subpart I	R18-2-333(A)
<u>Incorporations by reference updated to 7/1/06 (may include new sections)</u>	<u>Location</u>
40 CFR 81.303	R18-2-210
40 CFR 72, 74, 75, and 76	R18-2-333(A)
40 CFR 60, listed subparts and accompanying appendices	R18-2-901
40 CFR 61, listed subparts and accompanying appendices	R18-2-1101(A)
40 CFR 63, listed subparts and accompanying appendices	R18-2-1101(B)
40 CFR 50	Appendix 2

40 CFR 50, Appendices A through N	Appendix 2
40 CFR Part 51, Appendix M, Appendix S, Section IV, and Appendix W	Appendix 2
40 CFR 52, Appendices D and E	Appendix 2
40 CFR 53	Appendix 2
40 CFR 58	Appendix 2
40 CFR 58, all appendices	Appendix 2
40 CFR Part 60, all appendices	Appendix 2
40 CFR Part 61, all appendices	Appendix 2
40 CFR Part 63, all appendices	Appendix 2
40 CFR Part 75, all appendices	Appendix 2

13. The full text of the rule follows:

TITLE 18. ENVIRONMENTAL QUALITY

**CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL**

ARTICLE 2. AMBIENT AIR QUALITY STANDARDS; AREA DESIGNATIONS; CLASSIFICATIONS

Section

R18-2-210. Attainment, Nonattainment, and Unclassifiable Area Designations

ARTICLE 3. PERMITS AND PERMIT REVISIONS

Section

R18-2-333. Acid Rain

ARTICLE 9. NEW SOURCE PERFORMANCE STANDARDS

Section

R18-2-901. Standards of Performance for New Stationary Sources

R18-2-902. General Provisions

ARTICLE 11. FEDERAL HAZARDOUS AIR POLLUTANTS

Section

R18-2-1101. National Emission Standards for Hazardous Air Pollutants (NESHAPs)

R18-2-1102. General Provisions

APPENDIX 2. TEST METHODS AND PROTOCOLS

ARTICLE 2. AMBIENT AIR QUALITY STANDARDS; AREA DESIGNATIONS; CLASSIFICATIONS

R18-2-210. Attainment, Nonattainment, and Unclassifiable Area Designations

40 CFR 81.303 as amended as of July 1, ~~2004~~ 2006 (and no future amendments or editions) is incorporated by reference as an applicable requirement and on file with the Department of Environmental Quality. 40 CFR 81.303 is available from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

ARTICLE 3. PERMITS AND PERMIT REVISIONS

R18-2-333. Acid Rain

- A.** 40 CFR 72, 74, 75 and 76 and all accompanying appendices, adopted as of July 1, ~~2004~~ 2006, (and no future amendments) are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.
- B.** When used in 40 CFR 72, 74, 75 or 76, "Permitting Authority" means the Arizona Department of Environmental Quality and "Administrator" means the Administrator of the United States Environmental Protection Agency.

- C. If the provisions or requirements of the regulations incorporated in this Section conflict with any of the remaining portions of this Title, the regulations incorporated in this Section apply and take precedence.

ARTICLE 9. NEW SOURCE PERFORMANCE STANDARDS

R18-2-901. Standards of Performance for New Stationary Sources

Except as provided in R18-2-902 through R18-2-905, the following subparts of 40 CFR 60, New Source Performance Standards (NSPS), and all accompanying appendices, adopted as of July 1, ~~2004~~ 2006, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.

1. Subpart A - General Provisions.
2. Subpart D - Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971.
3. Subpart Da - Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.
4. Subpart Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.
5. Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.
6. Subpart E - Standards of Performance for Incinerators.
7. Subpart Ea - Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced after December 20, 1989 and on or Before September 20, 1994.
8. Subpart Eb - Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced after September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996.
9. Subpart Ec - Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996.
10. Subpart F - Standards of Performance for Portland Cement Plants.
11. Subpart G - Standards of Performance for Nitric Acid Plants.
12. Subpart H - Standards of Performance for Sulfuric Acid Plants.
13. Subpart I - Standards of Performance for Hot Mix Asphalt Facilities.
14. Subpart J - Standards of Performance for Petroleum Refineries.
15. Subpart K - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.
16. Subpart Ka - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.
17. Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984.
18. Subpart L - Standards of Performance for Secondary Lead Smelters.
19. Subpart M - Standards of Performance for Secondary Brass and Bronze Production Plants.
20. Subpart N - Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.
21. Subpart Na - Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.
22. Subpart O - Standards of Performance for Sewage Treatment Plants.
23. Subpart P - Standards of Performance for Primary Copper Smelters.
24. Subpart Q - Standards of Performance for Primary Zinc Smelters.
25. Subpart R - Standards of Performance for Primary Lead Smelters.
26. Subpart S - Standards of Performance for Primary Aluminum Reduction Plants.
27. Subpart T - Standards of Performance for Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
28. Subpart U - Standards of Performance for Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
29. Subpart V - Standards of Performance for Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
30. Subpart W - Standards of Performance for Phosphate Fertilizer Industry: Triple Superphosphate Plants.
31. Subpart X - Standards of Performance for Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
32. Subpart Y - Standards of Performance for Coal Preparation Plants.
33. Subpart Z - Standards of Performance for Ferroalloy Production Facilities.
34. Subpart AA - Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983.
35. Subpart AAa - Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.

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36. Subpart BB - Standards of Performance for Kraft Pulp Mills.
37. Subpart CC - Standards of Performance for Glass Manufacturing Plants.
38. Subpart DD - Standards of Performance for Grain Elevators.
39. Subpart EE - Standards of Performance for Surface Coating of Metal Furniture.
40. Subpart GG - Standards of Performance for Stationary Gas Turbines.
41. Subpart HH - Standards of Performance for Lime Manufacturing Plants.
42. Subpart KK - Standards of Performance for Lead-Acid Battery Manufacturing Plants.
43. Subpart LL - Standards of Performance for Metallic Mineral Processing Plants.
44. Subpart MM - Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.
45. Subpart NN - Standards of Performance for Phosphate Rock Plants.
46. Subpart PP - Standards of Performance for Ammonium Sulfate Manufacture.
47. Subpart QQ - Standards of Performance for Graphic Arts Industry: Publication Rotogravure Printing.
48. Subpart RR - Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
49. Subpart SS - Standards of Performance for Industrial Surface Coating: Large Appliances.
50. Subpart TT - Standards of Performance for Metal Coil Surface Coating.
51. Subpart UU - Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.
52. Subpart VV - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
53. Subpart WW - Standards of Performance for Beverage Can Surface Coating Industry.
54. Subpart XX - Standards of Performance for Bulk Gasoline Terminals.
55. Subpart AAA - Standards of Performance for New Residential Wood Heaters.
56. Subpart BBB - Standards of Performance for Rubber Tire Manufacturing Industry.
57. Subpart DDD - Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
58. Subpart FFF - Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.
59. Subpart GGG - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.
60. Subpart HHH - Standards of Performance for Synthetic Fiber Production Facilities.
61. Subpart III - Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
62. Subpart JJJ - Standards of Performance for Petroleum Dry Cleaners.
63. Subpart KKK - Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
64. Subpart LLL - Standards of Performance for Onshore Natural Gas Processing; SO₂ Emissions.
65. Subpart NNN - Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.
66. Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants.
67. Subpart PPP - Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants.
68. Subpart QQQ - Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems.
69. Subpart RRR - Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.
70. Subpart SSS - Standards of Performance for Magnetic Tape Coating Facilities.
71. Subpart TTT - Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.
72. Subpart UUU - Standards of Performance for Calciners and Dryers in Mineral Industries.
73. Subpart VVV - Standards of Performance for Polymeric Coating of Supporting Substrates Facilities.
74. Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills.
75. Subpart AAAA - Standards of Performance for Small Municipal Waste Combustion Units for Which Construction Is Commenced after August 30, 1999, or for Which Modification or Reconstruction Is Commenced after June 6, 2001.
76. Subpart CCCC - Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced after November 30, 1999, or for Which Modification or Reconstruction Is Commenced on or after June 1, 2001.
77. Subpart EEEE - Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004.
78. Subpart FFFF - Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced On or Before December 9, 2004.

R18-2-902. General Provisions

- A. As used in 40 CFR 60: "Administrator" means the Director of the Arizona Department of Environmental Quality, except that the Director shall not be authorized to approve alternate or equivalent test methods or alternative standards or work

practices.

- B. From the general standards identified in R18-2-901, delete the following:
1. 40 CFR 60.4. All requests, reports, applications, submittals, and other communications to the Director pursuant to this Article shall be submitted to the Arizona Department of Environmental Quality, Air Quality Division, ~~3033 North Central Avenue~~ 1110 West Washington Street, Phoenix, Arizona ~~85012~~ 85007.
 2. 40 CFR 60.5 and 60.6.
- C. The Director shall not be delegated authority to deal with equivalency determinations or innovative technology waivers as covered in Sections 111(h)(3) and 111(j) of the Act.

ARTICLE 11. FEDERAL HAZARDOUS AIR POLLUTANTS

R18-2-1101. National Emission Standards for Hazardous Air Pollutants (NESHAPs)

- A. Except as provided in R18-2-1102, the following subparts of 40 CFR 61, National Emission Standards for Hazardous Air Pollutants (NESHAPs), and all accompanying appendices, adopted as of July 1, ~~2004~~ 2006, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.
1. Subpart A - General Provisions.
 2. Subpart C - Beryllium.
 3. Subpart D - Beryllium Rocket Motor Firing.
 4. Subpart E - Mercury.
 5. Subpart F - Vinyl Chloride.
 6. Subpart J - Equipment Leaks (Fugitive Emission Sources) of Benzene.
 7. Subpart L - Benzene Emissions from Coke By-Product Recovery Plants.
 8. Subpart M - Asbestos.
 9. Subpart N - Inorganic Arsenic Emissions from Glass Manufacturing Plants.
 10. Subpart O - Inorganic Arsenic Emissions from Primary Copper Smelters.
 11. Subpart P - Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production.
 12. Subpart V - Equipment Leaks (Fugitive Emission Sources).
 13. Subpart Y - Benzene Emissions From Benzene Storage Vessels.
 14. Subpart BB - Benzene Emissions from Benzene Transfer Operations.
 15. Subpart FF - Benzene Waste Operations.
- B. Except as provided in R18-2-1102, the following subparts of 40 CFR 63, NESHAPs for Source Categories, and all accompanying appendices, adopted as of July 1, ~~2004~~ 2006, ~~or the specific date provided below~~, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.
1. Subpart A - General Provisions.
 2. Subpart B - Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j).
 3. Subpart C - List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List; ~~includes amendments adopted as of November 29, 2004.~~
 4. Subpart D - Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants.
 5. Subpart F - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.
 6. 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.
 7. Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.
 8. Subpart I - National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.
 9. Subpart J - National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production.
 10. Subpart L - National Emission Standards for Coke Oven Batteries.
 11. Subpart M - National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.
 12. Subpart N - National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
 13. Subpart O - Ethylene Oxide Emissions Standards for Sterilization Facilities.
 14. Subpart Q - National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.
 15. Subpart R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline

- Breakout Stations).
16. Subpart S - National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.
 17. Subpart T - National Emission Standards for Halogenated Solvent Cleaning.
 18. Subpart U - National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.
 19. Subpart W - National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production.
 20. Subpart X - National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting.
 21. Subpart AA - National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants.
 22. Subpart BB - National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants.
 23. Subpart CC - National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.
 24. Subpart DD - National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.
 25. Subpart EE - National Emission Standards for Magnetic Tape Manufacturing Operations.
 26. Subpart GG - National Emission Standards for Aerospace Manufacturing and Rework Facilities.
 27. Subpart HH - National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities.
 28. Subpart JJ - National Emission Standards for Wood Furniture Manufacturing Operations.
 29. Subpart KK - National Emission Standards for the Printing and Publishing Industry.
 30. Subpart LL - National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants.
 31. Subpart MM - National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills.
 32. Subpart OO - National Emission Standards for Tanks - Level 1.
 33. Subpart PP - National Emission Standards for Containers.
 34. Subpart QQ - National Emission Standards for Surface Impoundments.
 35. Subpart RR - National Emission Standards for Individual Drain Systems.
 36. Subpart SS - National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.
 37. Subpart TT - National Emission Standards for Equipment Leaks - Control Level 1.
 38. Subpart UU - National Emission Standards for Equipment Leaks - Control Level 2 Standards.
 39. Subpart VV - National Emission Standards for Oil-Water Separators and Organic-Water Separators.
 40. Subpart WW - National Emission Standards for Storage Vessels (Tanks) - Control Level 2.
 41. Subpart XX - National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.
 42. Subpart YY - National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.
 43. Subpart CCC - National Emission Standards for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants.
 44. Subpart DDD - National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.
 45. Subpart EEE - National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors.
 46. Subpart GGG - National Emission Standards for Pharmaceuticals Production.
 47. Subpart HHH - National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities.
 48. Subpart III - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.
 49. Subpart JJJ - National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.
 50. Subpart LLL - National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry.
 51. Subpart MMM - National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.
 52. Subpart NNN - National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.
 53. Subpart OOO - National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins.
 54. Subpart PPP - National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production.
 55. Subpart QQQ - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting.
 56. Subpart RRR - National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.
 57. Subpart TTT - National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.
 58. Subpart UUU - National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.

- 59. Subpart VVV - National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.
- 60. Subpart XXX - National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese.
- 61. Subpart AAAA - National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.
- 62. Subpart CCCC - National Emission Standards for Hazardous Air Pollutants: Manufacture of Nutritional Yeast.
- 63. Subpart DDDD - National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products.
- ~~63-64.~~ Subpart EEEE - National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline).
- ~~64-65.~~ Subpart FFFF - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing.
- ~~65-66.~~ Subpart GGGG - National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production.
- ~~66-67.~~ Subpart HHHH - National Emissions Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production.
- ~~67-68.~~ Subpart IIII - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks.
- ~~68-69.~~ Subpart JJJJ - National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating.
- ~~69-70.~~ Subpart KKKK - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans.
- ~~70-71.~~ Subpart MMMM - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.
- ~~71-72.~~ Subpart NNNN - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances.
- ~~72-73.~~ Subpart OOOO - National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles.
- ~~73-74.~~ Subpart PPPP - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.
- ~~74-75.~~ Subpart QQQQ - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products.
- ~~75-76.~~ Subpart RRRR - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture.
- ~~76-77.~~ Subpart SSSS - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.
- ~~77-78.~~ Subpart TTTT - National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations.
- ~~78-79.~~ Subpart UUUU - National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing.
- ~~79-80.~~ Subpart VVVV - National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing.
- ~~80-81.~~ Subpart WWWW - National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production.
- ~~81-82.~~ Subpart XXXX - National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing.
- ~~82-83.~~ Subpart YYYYY - National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.
- ~~83-84.~~ Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.
- ~~84-85.~~ Subpart AAAAA - National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.
- ~~85-86.~~ Subpart BBBBB - National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.
- ~~86-87.~~ Subpart CCCCC - National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.
- 88. Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters.
- ~~87-89.~~ Subpart EEEEE - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.
- ~~88-90.~~ Subpart FFFFF - National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing.
- ~~89-91.~~ Subpart GGGGG - National Emission Standards for Hazardous Air Pollutants: Site Remediation.
- ~~90-92.~~ Subpart HHHHH - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing.
- ~~91-93.~~ Subpart IIIII - National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants.
- ~~92-94.~~ Subpart JJJJJ - National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.
- ~~93-95.~~ Subpart KKKKK - National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.
- ~~94-96.~~ Subpart LLLLL - National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing.
- ~~95-97.~~ Subpart MMMMM - National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fab-

rication Operations.

~~96-98.~~ Subpart NNNNN - National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production.

~~97-99.~~ Subpart PPPPP - National Emission Standards for Hazardous Air Pollutants: Engine Test Cells/Stands.

~~98-100.~~ Subpart QQQQQ - National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.

~~99-101.~~ Subpart RRRRR - National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing.

~~100-102.~~ Subpart SSSSS - National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.

~~101-103.~~ Subpart TTTTT - National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining.

R18-2-1102. General Provisions

- A. When used in 40 CFR 61 or 63, “Administrator” means the Director of the Arizona Department of Environmental Quality except that the Director shall not be authorized to approve alternate or equivalent test methods or alternate standards or work practices, except as specifically provided in Part 63, Subpart B.
- B. From the general standards identified in R18-2-1101(A), delete 40 CFR 61.04. All requests, reports, applications, submittals, and other communications to the Director pursuant to this Article shall be submitted to the Arizona Department of Environmental Quality, Air Quality Division, ~~3033 North Central Avenue~~ 1110 West Washington Street, Phoenix, Arizona ~~85012~~ 85007.
- C. The Director shall not be delegated authority to deal with equivalency determinations that are nontransferable through Section 112(e)(3) of the Act.

APPENDIX 2. TEST METHODS AND PROTOCOLS

The following test methods and protocols are approved for use as directed by the Department under this Chapter. These standards are incorporated by reference as applicable requirements revised as of July 1, ~~2004~~ 2006, and no future editions or amendments. These standards are on file with the Department, and are also available from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

- 1. 40 CFR 50;
- 2. 40 CFR 50, Appendices A through N;
- 3. 40 CFR ~~Part~~ 51, Appendix M, ~~Appendix S~~, Section IV of Appendix S, and Appendix W;
- 4. 40 CFR 52, Appendices D and E;
- 5. 40 CFR 53;
- 6. 40 CFR 58;
- 7. 40 CFR 58, all appendices;
- 8. 40 CFR ~~Part~~ 60, all appendices;
- 9. 40 CFR ~~Part~~ 61, all appendices;
- 10. 40 CFR ~~Part~~ 63, all appendices;
- 11. 40 CFR ~~Part~~ 75, all appendices.