

NOTICES OF RULEMAKING DOCKET OPENING

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

NOTICE OF RULEMAKING DOCKET OPENING DEPARTMENT OF HEALTH SERVICES COMMUNICABLE DISEASES AND INFESTATIONS

[R07-254]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 6, Department of Health Services – Communicable Diseases and Infestations
Article and its heading: 6, Reporting Post-Exposure Rabies Prophylaxis (New Article – Tuberculosis Control will be renumbered to Article 12); 7, Vaccine-Preventable Diseases; 12, Tuberculosis Control (New Article)
Sections numbers: R9-6-601 to R9-6-604, R9-6-701, R9-6-702, R9-6-706, R9-6-707, Table 1, Table 2, R9-6-1201 to R9-6-1204 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of proposed rule:

This Notice of Rulemaking Docket Opening replaces the Notice of Rulemaking Docket Opening that was published May 25, 2007. The purpose of this rulemaking is to add the meningococcal vaccine (MV) to the list of required immunizations for school entry. The Department will amend the definitions in R9-6-701 to reflect the changes made to the Article. In R9-6-702, the Department is changing the age at which a child is to receive the Hepatitis A vaccine (Hep A) from 2 years to 1 year because the Hep A is now allowed for use at 1 year. In R9-6-706, the Department has amended the age at which a child is exempt from the pertussis immunization requirement. In R9-6-707, the Department is amending the electronic submission requirements for child immunization information reporting.

The Department is also amending the tetanus and diphtheria requirements to include tetanus, diphtheria, and acellular pertussis vaccine (Tdap) for a child that is 11 years old or older for protection against pertussis. Currently, the requirement allows for three doses of DTP, DTaP, or any combination of DTP and Td for child that is 11 years old or older. The amended rules are requiring that at least one dose of the three dose minimum of tetanus and diphtheria containing vaccine include one dose of Tdap for a child that is 11 years old or older. Tables 1 and 2 will be amended to reflect the changes that have been made to the Article. The Department is also renumbering the Tuberculosis Control rules in Article 6 to a new Article 12. Article 6 will now contain the post-exposure rabies prophylaxis reporting requirements that were in R9-6-707(I). The amended rules will also conform to current rulemaking format and style requirements, industry practice, and departmental policy.

The agency docket number, if applicable:

RE-017-07

3. A citation to all published notices relating to this proceeding:

Notice of Rulemaking Docket Opening: 12 A.A.R. 3813, October 13, 2006

Notice of Rulemaking Docket Opening: 13 A.A.R. 1808, May 25, 2007

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

Name: Kathy Fredrickson, Office Chief
Arizona Immunization Program Office

Address: Department of Health Services
150 N. 18th Ave., Suite 120
Phoenix, AZ 85007

Telephone: (602) 364-3630

Fax: (602) 364-3285

E-mail: fredrik@azdhs.gov

or

Name: Kathleen Phillips, Rules Administrator and Administrative Counsel

Address: Department of Health Services
Office of Administrative Rules and Administrative Counsel

Notices of Rulemaking Docket Opening

1740 W. Adams St., Suite 200
Phoenix, AZ 85007

Telephone: (602) 542-1264
Fax: (602) 364-1150
E-mail: phillik@azdhs.gov

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

The Department will accept written comments until close of the record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING**

[R07-264]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 10, Department of Health Services – Health Care Institutions: Licensing
Article and its heading: 1, General
Section numbers: R9-10-113 and R9-10-114 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:

In 2003 the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services permitted nursing homes to use paid feeding assistants in states with state-approved training programs. 68 FR 55528, September 26, 2003. The use of paid feeding assistants must meet the applicable requirements in 42 CFR 483.35, 42 CFR 483.75, and 42 CFR 483.160, and the definition of “paid feeding assistant” in 42 CFR 488.301.

In 2004 the Arizona Legislature enacted House Bill 2345, which was approved by the Governor and codified at A.R.S. § 36-413. This statute authorizes the Arizona Department of Health Services (Department) to make administrative rules setting standards for nutrition and feeding assistants training programs. The statute also authorizes the Department to regulate nutrition and feeding assistants training programs.

The Department is proceeding with rulemaking for nutrition and feeding assistants training programs at R9-10-113 and R9-10-114.

The agency docket number:

RE-015-07

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

Notice of Rulemaking Docket Opening: 11 A.A.R. 2750, July 22, 2005

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

Name: Sylvia Balistreri, Program Manager

Address: Department of Health Services
Division of Licensing Services
Office of Long-term Care Licensing
150 N. 18th Ave., 4th Floor
Phoenix, AZ 85007

Telephone: (602) 364-2675

Fax: (602) 364-4765

E-mail: balists@azdhs.gov

or

Name: Kathleen Phillips, Rules Administrator and Administrative Counsel

Address: Department of Health Services
Office of Administrative Rules and Administrative Counsel
1740 W. Adams St., Suite 200
Phoenix, AZ 85007

Notices of Rulemaking Docket Opening

Telephone: (602) 542-1264
Fax: (602) 364-1150
E-mail: phillik@azdhs.gov

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

The Department will accept written comments at the addresses listed in item 4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF WATER RESOURCES

[R07-263]

- 1. Title and its heading:** 12, Natural Resources
Chapter and its heading: 15, Department of Water Resources
Article and its heading: 7, Assured and Adequate Water Supply
Section numbers: R12-15-701 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

The Department is considering changes to the assured water supply rules that would address the unique needs and conditions in the Santa Cruz Active Management Area.

The agency docket number, if applicable:

Not applicable

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

Notice of Rulemaking Docket Opening: 12 A.A.R. 2517, July 14, 2006

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

Name: Doug Dunham
Address: 3550 N. Central Ave.
Phoenix, AZ 85012
Telephone: (602) 771-8599
Fax: (602) 771-8689
E-mail: dwdunham@azwater.gov

or

Name: Nicole D. Swindle
Address: 3550 N. Central Ave.
Phoenix, AZ 85012
Telephone: (602) 771-8472
Fax: (602) 771-8683
E-mail: ndswindle@azwater.gov

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

To be announced in the Notice of Proposed Rulemaking

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

**CORPORATION COMMISSION
SECURITIES**

[R07-265]

- 1. Title and its heading:** 14, Public Service Corporations; Corporations and Associations;

Notices of Rulemaking Docket Opening

- Securities Regulation
4, Corporation Commission – Securities
1, In General Relating to the Arizona Securities Act
R14-4-116 (Sections may be added, deleted, or modified as necessary.)
- Chapter and its heading:**
Article and its heading:
Section number:
- 2. The subject matter of the proposed rule:**
Section R14-4-116 (rule 116) identifies the North American Securities Administrator’s (NASAA) Statements of Policy applied by the Securities Division to applications for registration of specified securities transactions. On May 7, 2007, NASAA amended its Statements of Policy for Asset-Backed Securities, Commodity Pool Programs, Equipment Programs, Mortgage Programs, Oil and Gas Programs, Real Estate Investment Trusts, and Real Estate Programs and its Omnibus Guidelines. The Securities Division proposes amending rule 116 to incorporate the amended statements of policy and guidelines.
- The agency docket number:**
RS-00000A-07-0421
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Cheryl T. Farson, General Counsel
Address: Corporation Commission, Securities Division
1300 W. Washington, Third Floor
Phoenix, AZ 85007
Phone: (602) 542-0193
Fax: (602) 594-7476
E-mail: cfarson@azcc.gov
- 5. The time during which agency will accept written comments and the time and place where oral comments may be made:**
Monday through Friday, 8:00 a.m. to 5:00 p.m. at the Securities Division as noted in item 4. No hearing date has been set.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
Not known

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY
SAFE DRINKING WATER

[R07-260]

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 4, Department of Environmental Quality – Safe Drinking Water
Article and its heading: 1, General Requirements; 2, Maximum Contaminant Levels and Monitoring Requirements; Monitoring Assistance Program; 3, Treatment Techniques; 4, Special Monitoring Requirements; 6, Capacity Development Requirements for a New Public Drinking Water System; 7, Consumer Confidence Reports; 8, Technical Assistance
Section numbers: To be determined
- 2. The subject matter of the proposed rule:**
The primary purpose of this rulemaking is to incorporate EPA’s safe drinking water regulations by reference. The rulemaking will update Arizona’s safe drinking water rules by incorporating the rule amendments that EPA has adopted since the department last updated its safe drinking water rules, and facilitate future updates to the department’s safe drinking water rules.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Sean McCabe
Address: Department of Environmental Quality
1110 W. Washington St. (5415B-2)
Phoenix, AZ 85007

Notices of Rulemaking Docket Opening

Telephone: (602) 771-4600 (metro Phoenix area) or toll free in Arizona at (800) 234-5677, ext. 4600

Fax: (602) 771-4634

E-mail: mccabe.sean@azdeq.gov

or

Name: Anna M. Ochoa

Address: Department of Environmental Quality
1110 W. Washington St. (5415B-2)
Phoenix, AZ 85007

Telephone: (602) 771-4589 (metro Phoenix area) or toll free in Arizona at (800) 234-5677, ext. 4589

Fax: (602) 771-4634

E-mail: ochoa.anna@azdeq.gov

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

To be announced in the Notice of Proposed Rulemaking

6. **A timetable for agency decisions or other action on the proceeding, if known:**

To be announced in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY STANDARDS

[R07-261]

1. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 11, Department of Environmental Quality – Water Quality Standards
Article and its heading: 4, Aquifer Water Quality Standards
Section numbers: R18-11-401, R18-11-403, R18-11-404, R18-11-405, R18-11-406, R18-11-407, R18-11-408 (Sections may be added, deleted and modified as necessary.)

2. **The subject matter of the proposed rules:**

This Article establishes aquifer water quality standards. These standards apply to facilities licensed under the Aquifer Protection Permit (APP) program, which discharge pollutants to groundwater and guide remedial and corrective actions by various Department programs, such as Water Quality Assurance Revolving Fund (WQARF), Underground Storage Tank (UST), and Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

This rulemaking will adjust aquifer water quality standards for uranium, arsenic, and disinfection byproducts to be consistent with the new federal primary drinking water standards adopted by the Environmental Protection Agency (EPA) as required by A.R.S. § 49-223(A).

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

None

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

Name: Sean McCabe

Address: Department of Environmental Quality
1110 W. Washington St. (5415B-2)
Phoenix, AZ 85007

Telephone: (602) 771-4600 (metro Phoenix area) or toll free in Arizona at (800) 234-5677, ext. 4600

Fax: (602) 771-4634

E-mail: mccabe.sean@azdeq.gov

or

Name: Anna M. Ochoa

Address: Department of Environmental Quality

Notices of Rulemaking Docket Opening

1110 W. Washington St. (5415B-2)
Phoenix, AZ 85007

Telephone: (602) 771-4589 (metro Phoenix area) or toll free in Arizona at
(800) 234-5677, ext. 4589

Fax: (602) 771-4634

E-mail: ochoa.anna@azdeq.gov

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

Written comments will be accepted at the address listed in item 4 between 8:00 a.m. and 5:00 p.m., Monday through Friday. Comments will be accepted until the close of record which has not yet been determined.

6. A timetable for agency decisions or other action on the proceeding, if known:

Unknown

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF ENVIRONMENTAL QUALITY
PERMITS AND COMPLIANCE FEES**

[R07-262]

1. Title and its heading:

18, Environmental Quality

Chapter and its heading:

14, Department of Environmental Quality – Permits and Compliance
Fees

Articles and their headings:

2, Public Water Systems Engineering Review Fees

Section numbers:

To be determined

2. The subject matter of the proposed rule:

Pursuant to 18 A.A.C. 5, Article 5, Minimum Design Criteria, the Department prescribes minimum design standards for public water systems, and reviews plans and specifications for the systems. The purpose of this rulemaking is to establish, by administrative rule, fees for performing technical reviews of plans for public water systems. The Department has a statutory responsibility to review plans for these facilities, and to assess fees for its reviews, pursuant to A.R.S. § 49-353(A).

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

None

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

Name: Sean McCabe

Address: Department of Environmental Quality
1110 W. Washington St. (5415B-2)
Phoenix, AZ 85007

Telephone: (602) 771-4600 (metro Phoenix area) or toll free in Arizona at
(800) 234-5677, ext. 4600

Fax: (602) 771-4634

E-mail: mccabe.sean@azdeq.gov

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

To be announced in the Notice of Proposed Rulemaking

6. A timetable for agency decisions or other action on the proceeding, if known:

Unknown