

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 ADMINISTRATION PERSONNEL ADMINISTRATION

[R08-86]

- 1. Title and its heading:** 2, Administration
Chapter and its heading: 5, Department of Administration – Personnel Administration
Article and its heading: 1, General
Section numbers: R2-5-101 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
The Department is adding a definition of “older child” and amending the definition of “eligible dependent” to include an older child. This will make it possible for certain older children of an employee, officer, retiree, or former elected official to participate in the insurance plans made available by the state.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Philip Hamilton, Benefit Services Division
Address: Department of Administration
100 N. 15th Ave., Suite 103
Phoenix, AZ 85007
Telephone: (602) 542-4501
Fax: (602) 542-4048
E-mail: Philip.hamilton@azdoa.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 comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be decided

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ARIZONA EMERGENCY RESPONSE COMMISSION

[R08-85]

- 1. Title and its heading:** 8, Emergency and Military Affairs
Chapter and its heading: 4, Arizona Emergency Response Commission
Article and its heading: 1, Emergency Planning and Community Right to Know
Section numbers: R8-4-101 through R8-4-110 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
The Commission is making rules regarding emergency planning and preparedness, hazardous chemical reporting, reportable release notification, and the community’s right to know about hazardous chemicals or extremely hazardous substances in the community.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Mark Howard, Executive Director

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Address: Arizona Emergency Response Commission
5636 E. McDowell Road
Phoenix, AZ 85008

Telephone: (602) 231-6346

Fax: (602) 392-7519

E-mail: Mark.howard@azdema.gov

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

The Commission will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

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

To be decided

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF WATER RESOURCES

[R08-81]

- 1. Title and its heading:** 12, Natural Resources
Chapter and its heading: 15, Department of Water Resources
Article and its heading: 14, Transportation of Groundwater Associated with Historically Irrigated Acres in the Big Chino Sub-basin of the Verde River Groundwater Basin

Section numbers: Sections may be added, deleted, or modified as necessary.

2. The subject matter of the proposed rule:

The Department proposes to adopt new rules to implement A.R.S. § 45-555(A) through (D). Those statutory provisions authorize cities and towns in the Prescott AMA that own or lease historically irrigated acres in the Big Chino sub-basin of the Verde River groundwater basin to transport the groundwater associated with those acres into the Prescott AMA.

The agency docket number, if applicable:

Not applicable

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: Ken Slowinski
Address: 3550 N. Central Ave.
Phoenix, AZ 85012
Telephone: (602) 771-8472
Fax: (602) 771-8683
E-mail: kcslowinski@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

**DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL**

[R08-80]

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 2, Department of Environmental Quality – Air Pollution Control
Article and its heading: 7, Existing Stationary Source Performance Standards

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Section numbers: R18-2-733; R18-2-733.01; R18-2-734 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

The Arizona Department of Environmental Quality is considering amending its rules that require reductions in mercury emissions from coal-fired power plants (A.A.C. R18-2-733, R18-2-733.01 and R18-2-734) to take into account the decision of the D.C. Circuit Court of Appeals in *New Jersey v. EPA*, No. 05-1097 (D.C. Cir. Feb. 8, 2008) vacating EPA's Clean Air Mercury Rule. The amendments would adopt state-enforceable program requirements, including monitoring, recordkeeping and reporting.

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: Steve Burr
Address: ADEQ
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4251
Fax: (602) 771-2366

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:

To be announced in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT

[R08-88]

1. Title and its heading:

18, Environmental Quality

Chapter and its heading:

13, Department of Environmental Quality – Solid Waste Management

Articles and their headings:

13, Special Waste; 6, Best Management Practices for Petroleum Contaminated Soil

Section numbers:

R18-13-1301 through R18-13-1307, including Table A, Exhibit 1 and Appendices A and B; R18-13-1601 through R18-13-1614 (Sections may be added, modified, or deleted as necessary.)

2. The subject matter of the proposed rule:

The Department is considering amendments to the regulations governing the management, treatment, storage, and disposal of special waste. Special waste is defined by A.R.S. § 49-852 as waste that contains petroleum contaminated soils and waste from shredding motor vehicles, and is currently regulated by two sets of rules. The first, Title 18, Chapter 13, Article 13, regulates registration, manifesting, and fees for both petroleum contaminated soil (PCS), and shredder residue, and provides best management practices (BMPs) for facilities shredding motor vehicles. The second, Title 18, Chapter 13, Article 16, provides BMPs for handling PCS only. Although both Articles address the handling of special waste, they were written at different times using different regulatory philosophies, often resulting in inconsistencies. In some cases the rules did not envision numerous special waste handling scenarios which have since become issues that must be addressed in rule in order to provide clear direction for the safe and proper handling of special waste.

The Department proposes to combine Title 18, Chapter 13, Article 13 (Special Waste) with Chapter 13, Article 16 (Best Management Practices for Petroleum Contaminated Soil) into one rule as Title 18, Chapter 13, Article 13 (Special Waste). These revisions will rectify contradictions between the two original sets of rules and existing rules and statute, and create a uniform and consistent regulatory structure for all special waste. Revisions will also provide direction on waste handling procedures previously not addressed.

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

Notice of Rulemaking Docket Opening: 8 A.A.R. 5176, December 20, 2002
Notice of Rulemaking Docket Opening: 10 A.A.R. 1631, April 23, 2004
Notice of Rulemaking Docket Opening: 11 A.A.R. 1365, April 8, 2005
Notice of Rulemaking Docket Opening: 12 A.A.R. 1101, April 7, 2006

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Notice of Rulemaking Docket Opening: 13 A.A.R. 1280, April 6, 2007

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

Name: Mindi Cross
Address: 1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771- 4418
Fax: (602) 771- 4138
E-mail: cross.mindi@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 published in the Notice of Proposed Rulemaking

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

To be published in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF INSURANCE

[R08-82]

- 1. Title and its heading:** 20, Commerce, Financial Institutions, and Insurance
Chapter and its heading: 6, Insurance
Articles and their headings: 6, Types of Insurance
Section numbers: R20-6-601

2. Subject matter of the proposed rule:

The director will propose rulemaking regarding regulations regarding bail bond transactions.

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: Margaret L. McClelland
Address: Department of Insurance
2910 N. 44th St., Suite 210
Phoenix, AZ 85018-7526
Telephone: (602) 364-3471
Fax: (602) 364-3470

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

The Department will accept written comments during a public comment period that will be noticed in the publication of the proposed rulemaking. The Department will schedule an oral proceeding, within the statutorily mandated time-frame, to be noticed in the *Arizona Administrative Register*.

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

The Department expects to file a Notice of Proposed Rulemaking in 2008.