

## 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 2. ADMINISTRATION

#### CHAPTER 5. DEPARTMENT OF ADMINISTRATION PERSONNEL ADMINISTRATION

[R08-93]

#### PREAMBLE

- 1. Section Affected**  
R2-5-101
- Rulemaking Action**  
Amend
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rule is implementing (specific):**  
Authorizing statute: A.R.S. §§ 38-653, 41-763(2), and (6)  
Implementing statute: A.R.S. § 38-651 et seq.
- 3. List of all previous notices appearing in the Register addressing the proposed rule:**  
Notice of Rulemaking Docket Opening: 14 A.A.R. 1101, April 4, 2008
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Jeanne Hann  
Address: Department of Administration  
100 N. 15th Ave., Suite 363  
Phoenix, AZ 85007  
Telephone: (602) 542-2006  
Fax: (602) 542-7544  
E-mail: Jeanne.hann@azdoa.gov
- 5. An explanation of the rule, including the agency's reasons for initiating the rulemaking:**  
The Department is adding a definition of "older child" and amending the definition of "eligible dependent" to include an older child. This will enable certain older children of an employee, officer, retiree, or former elected official to participate in the insurance plans made available by the Department.
- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each 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:**  
This rule affects only state agencies, employees, officials, retirees, and former elected officials. It does not directly impact small businesses or consumers. The anticipated economic impact is due to a projected increase in employer subsidy costs to provide insurance benefits to certain older children. The Department projects these costs to be approximately \$1.9 million.

Notices of Proposed Rulemaking

**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: Jeanne Hann  
Address: Department of Administration  
100 N. 15th Ave., Suite 363  
Phoenix, AZ 85007  
Telephone: (602) 542-2006  
Fax: (602) 542-7544  
E-mail: Jeanne.hann@azdoa.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:**

An oral proceeding regarding the proposed rules will be held as follows:

Date: Thursday, May 15, 2008  
Time: 10:00 a.m.  
Location: Department of Administration  
100 N. 15th Ave., Room 204  
Phoenix, AZ 85007

The rulemaking record will close at 5:00 p.m. on May 16, 2008.

**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 rule:**

None

**13. The full text of the rule follows:**

TITLE 2. ADMINISTRATION

CHAPTER 5. DEPARTMENT OF ADMINISTRATION  
PERSONNEL ADMINISTRATION

ARTICLE 1. GENERAL

Section  
R2-5-101. Definitions

ARTICLE 1. GENERAL

**R2-5-101. Definitions**

The following words and phrases have the defined meanings unless otherwise clearly indicated by the context.

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
  - a. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change

- v. No change
- b. No change
  - i. No change
  - ii. No change
  - iii. No change
  - iv. No change
  - v. No change
- c. No change
- d. No change
- 11. No change
- 12. No change
  - a. No change
  - b. No change
- 13. No change
- 14. No change
- 15. No change
- 16. No change
- 17. No change
- 18. No change
- 19. No change
- 20. No change
- 21. No change
- 22. No change
- 23. "Eligible dependent" means the employee-member's, retiree's, or former elected official's spouse under Arizona law, ~~or domestic partner, or an unmarried child, or older child.~~
- 24. No change
- 25. No change
- 26. No change
- 27. No change
- 28. No change
- 29. No change
- 30. No change
- 31. No change
- 32. No change
- 33. No change
- 34. No change
- 35. No change
- 36. No change
- 37. No change
- 38. No change
  - a. No change
  - b. No change
  - c. No change
- 39. No change
- 40. No change
- 41. No change
- 42. No change
- 43. "Older child" means an individual who:
  - a. Is younger than 25 years old.
  - b. Is unmarried.
  - c. Was covered by a health insurance plan made available by the Department during the year that the individual was 18, and
  - d. Resides in Arizona and is:
    - i. A natural child, adopted child, or stepchild of an employee, officer, retiree, or former elected official;
    - ii. A natural child, adopted child, or stepchild of a domestic partner; or
    - iii. A child for whom an employee, officer, retiree, or former elected official received a court-ordered guardianship when the child was 18 years old or younger.
- ~~43-44.~~ No change
- ~~44-45.~~ No change

- 45-46. No change
- 46-47. No change
- 47-48. No change
- 48-49. No change
- 49-50. No change
- 50-51. No change
- 51-52. No change
- 52-53. No change
- 53-54. No change
- 54-55. No change
- 55-56. No change
- 56-57. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
- 57-58. No change
- 58-59. No change
- 59-60. No change
- 60-61. No change
- 61-62. No change
- 62-63. No change
- 63-64. No change
- 64-65. No change
- 65-66. No change
- 66-67. No change
- 67-68. No change
- 68-69. No change
- 69-70. No change
- 70-71. No change
- 71-72. No change
- 72-73. No change
- 73-74. No change

## NOTICE OF PROPOSED RULEMAKING

### TITLE 4. PROFESSIONS AND OCCUPATIONS

#### CHAPTER 36. DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY

[R08-96]

#### PREAMBLE

- 1. Sections Affected**
  - R4-36-202
  - R4-36-303
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
  - Authorizing statute: A.R.S. § 41-2146(D)
  - Implementing statute: A.R.S. § 41-2146(D)
- 3. List of all previous notices appearing in the Register addressing the proposed rules:**
  - Notice of Rulemaking Docket Opening: 14 A.A.R.894, March 28, 2008
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
  - Name: Phil Mele
  - Address: Department of Fire, Building and Life Safety

Notices of Proposed Rulemaking

1110 W. Washington St., Suite 100  
Phoenix, AZ 85007

Telephone: (602) 364-1081  
Fax: (602) 364-1084  
E-mail: Phil.mele@dfbls.az.gov

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

The State Fire Safety Committee is making the schedule of fees required under A.R.S. § 41-2146(D) for a permit, plan submission, plan review, or re-inspection related to fire protection.

**6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Office of the State Fire Marshal conducted an internal study to determine the amount of time required to review various kinds of submitted plans, issue permits, and conduct re-inspections. The Office used the time estimates to calculate the cost of providing the services and established fees based on the calculations. A copy of the study may be obtained by contacting the individual listed in item 4.

**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:**

In 2005 the legislature changed A.R.S. § 41-2146(D) to allow the State Fire Safety Committee to adopt a schedule for fees a permit, plan submission, plan review, and re-inspection. The Office of the State Fire Marshal previously had authority to charge certain fees but never did so. The work of the State Fire Marshal was funded by the state general fund. With this rulemaking, certain activities of the State Fire Marshal will be performed on a cost-recovery basis. There will be an economic impact on those who are required to submit a plan and obtain a permit from the State Fire Marshal. This fee is a cost of doing business, which may be passed to the consumer.

**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: Phil Mele  
Address: Department of Fire, Building and Life Safety  
1110 W. Washington St., Suite 100  
Phoenix, AZ 85007  
Telephone: (602) 364-1081  
Fax: (602) 364-1084  
E-mail: Phil.mele@dfbls.az.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:**

An oral proceeding regarding the proposed rules will be held as follows:

Date: Monday, May 12, 2008  
Time: 9:00 a.m.  
Location: Department of Fire, Building and Life Safety  
1110 W. Washington St., Room 250  
Phoenix, AZ 85007

The rulemaking record will close at 5:00 p.m. on Friday, May 16, 2008.

**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 4. PROFESSIONS AND OCCUPATIONS**

CHAPTER 36. DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY

ARTICLE 2. ARIZONA STATE FIRE CODE

Section  
R4-36-202. Fees

ARTICLE 3. INTERNATIONAL FIRE CODE MODIFICATIONS

Section  
R4-36-303. Fees and Permits

ARTICLE 2. ARIZONA STATE FIRE CODE

**R4-36-202. Fees**

**A.** Under the authority provided by A.R.S. § 41-2146(D), the State Fire Safety Committee establishes the following schedule of fees:

1. Plan submission fees:
  - a. Each plan submitted: \$210; and
  - b. Each plan supplement submitted: \$30;
2. Plan review fees. A separate fee is charged for each system reviewed even if the systems are included in one submitted plan:
  - a. New installation of an automatic fire sprinkler system:
    - i. Servicing less than 10,000 square feet: \$375;
    - ii. Servicing between 10,000 and 50,000 square feet: \$450;
    - iii. For each 50,000 square feet or portion of 50,000 square feet serviced in excess of 50,000 square feet: \$450; and
    - iv. For each floor level serviced above or below the ground-level floor: \$200;
  - b. Modification of an existing automatic fire sprinkler system:
    - i. System consisting of 1 to 20 sprinkler heads: \$75;
    - ii. System consisting of 21 to 50 sprinkler heads: \$100;
    - iii. System consisting of 51 to 100 sprinkler heads: \$250;
    - iv. System consisting of 101 to 500 sprinkler heads: \$300;
    - v. For each additional 100 sprinkler heads or portion of 100 sprinkler heads in excess of 500: \$100; and
    - vi. For each floor level serviced above or below the ground-level floor: \$200;
  - c. New installation or modification of an extinguishing system using clean agent, halon, dry chemical, carbon dioxide, or other extinguishing material:
    - i. Servicing up to 5,000 square feet: \$200; and
    - ii. For each 5,000 square feet or portion of 5,000 square feet serviced in excess of 5,000 square feet: \$50;
  - d. New installation of one automatic hood extinguishing system: \$150;
  - e. Modification of one existing automatic hood extinguishing system: \$75;
  - f. New installation of a fire pump:
    - i. For the first fire pump: \$250; and
    - ii. For each fire pump in excess of one: \$150;
  - g. Modification of one existing fire pump: \$100;
  - h. New installation or modification of underground fire line and hydrants:
    - i. System consisting of up to 500 lineal feet: \$300; and
    - ii. For each 500 lineal feet or portion of 500 lineal feet in excess of 500 lineal feet: \$175;
  - i. New installation of standpipe system:
    - i. System consisting of up to four standpipes: \$200; and
    - ii. For each four standpipes or portion of four standpipes in excess of four: \$100;
  - j. Modification of standpipe system: \$50;
  - k. New installation of a fire alarm system:
    - i. Servicing up to 1,000 square feet: \$225;
    - ii. Servicing between 1,001 and 2,000 square feet: \$300;
    - iii. Servicing between 2,001 and 10,000 square feet: \$450;
    - iv. Servicing between 10,001 and 50,000 square feet: \$500;
    - v. For each 50,000 square feet or portion of 50,000 square feet serviced in excess of 50,000 square feet: \$200;
    - vi. For each floor level serviced above or below the ground-level floor: \$200; and
    - vii. For smoke detection throughout serviced area: 50% increase in fee; and

- l. Modification of a fire alarm system:
      - i. One to five fire alarm devices: \$100; and
      - ii. Six or more fire alarm devices: \$150.
  3. Permit issuance fees:
    - a. Fire protection permit: \$30 per system permitted;
    - b. Underground liquid fuel storage tank: \$164;
    - c. Tire storage: \$82;
    - d. Above-ground liquid fuel storage tank: \$164;
    - e. Pyrotechnics: \$164;
    - f. Special-event tent: \$164;
    - g. Hydrogen fuel cell: \$164;
    - h. Fair or trade show: \$164;
    - i. Explosives or blasting storage: \$164;
    - j. Compressed gases: \$164;
    - k. Cryogenics: \$164; and
    - l. Liquefied petroleum tank: \$164; and
  4. Re-inspection fees: If the State Fire Marshal has to conduct a re-inspection because an entity failed to cancel or was not prepared for a previously scheduled inspection or because the site failed the inspection, the State Fire Marshal shall charge a minimum of \$164 for the re-inspection. The State Fire Marshal shall increase the minimum re-inspection fee by \$82 for each 25 miles or portion of 25 miles in excess of the first 25 miles required to travel to and from the site of the re-inspection.
- B. The State Fire Safety Committee shall authorize the State Fire Marshal to refund any fee paid under this Section if:
  1. The permit holder applies for a refund on a form furnished by the State Fire Marshal no more than 180 days after the fee is paid; and
  2. The State Fire Marshal determines that the fee paid was erroneous.

### ARTICLE 3. INTERNATIONAL FIRE CODE MODIFICATIONS

#### **R4-36-303. Fees and Permits**

- ~~A.~~ Section 105.1.1 is modified to add: The State Fire Safety Committee shall establish a fee schedule on or before May 15 of each fiscal year for the coming fiscal year.
- ~~B.~~ The State Fire Marshal shall post notice of the established fee schedule on or before June 1 of each fiscal year.
- ~~C.~~ The fee schedule described in subsection (A) shall include fees for the following services and any person may obtain the fee schedule from the Office of the State Fire Marshal:
  - ~~1. Plan submission;~~
  - ~~2. Plan review;~~
  - ~~3. Permit issuance; and~~
  - ~~4. Reinspection necessitated by failure to cancel, lack of preparation for inspection, or failing the inspection.~~
- ~~D.A.~~ No change
  - ~~1. No change~~
  - ~~2. No change~~
  - ~~3. No change~~
- ~~E.B.~~ No change
- ~~F.~~ The State Fire Marshal may authorize the refunding of any fee paid in accordance with this Section that was erroneously paid or collected if the permittee applies for the refund on a form furnished by the State Fire Marshal not later than 180 days after the date of fee payment.
- ~~G.C.~~ No change
  - ~~1. No change~~
  - ~~2. No change~~
- ~~H.D.~~ No change
- ~~I.E.~~ No change
- ~~J.F.~~ No change
- ~~K.G.~~ No change
- ~~L.H.~~ No change
- ~~M.I.~~ No change
- ~~N.J.~~ No change
- ~~O.K.~~ No change
- ~~P.L.~~ No change
- ~~Q.M.~~ No change

~~R-N~~, No change

~~S-Q~~, No change

## NOTICE OF PROPOSED RULEMAKING

### TITLE 8. EMERGENCY AND MILITARY AFFAIRS

#### CHAPTER 4. ARIZONA EMERGENCY RESPONSE COMMISSION

[R08-94]

#### PREAMBLE

- 1. Sections Affected**

|           | <b><u>Rulemaking Action</u></b> |
|-----------|---------------------------------|
| Article 1 | New Article                     |
| R8-4-101  | New Section                     |
| R8-4-102  | New Section                     |
| R8-4-103  | New Section                     |
| R8-4-104  | New Section                     |
| R8-4-105  | New Section                     |
| R8-4-106  | New Section                     |
| R8-4-107  | New Section                     |
| R8-4-108  | New Section                     |
| R8-4-109  | New Section                     |
| R8-4-110  | New Section                     |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 26-343(I)  
Implementing statute: A.R.S. § 26-341 et seq.
- 3. List of all previous notices appearing in the Register addressing the proposed rules:**

Notice of Rulemaking Docket Opening: 14 A.A.R. 1101, April 4, 2008
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Mark Howard, Executive Director  
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. An explanation of the rules, including the agency's reasons for initiating the rulemaking:**

The Commission is making rules regarding emergency planning required of Local Emergency Planning Committees, reports required from facilities that have extremely hazardous substances or hazardous chemicals onsite, and the community's right to know about these substances and chemicals.
- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each 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 economic, small business, and consumer impact of these rules will be minimal because the rules simply clarify procedures required or authorized by state and federal law.
- 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: Mark Howard, Executive Director  
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

**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:**

An oral proceeding regarding the proposed rules will be held as follows:

Date: Monday, May 12, 2008  
Time: 10:00 a.m.  
Location: Papago Military Reservation  
5636 E. McDowell Road  
Building 101, State Conference Room  
Phoenix, AZ 85008

The rulemaking record will close at 5:00 p.m. Friday, May 16, 2008.

**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:**

42 U.S.C. 11001(c), October 17, 1986, U.S. Government Printing Office, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250, incorporated at R8-4-103

40 CFR 370, Subpart B, July 1, 2007, U.S. Government Printing Office, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250, incorporated at R8-4-107

**13. The full text of the rules follows:**

**TITLE 8. EMERGENCY AND MILITARY AFFAIRS**

**CHAPTER 4. ARIZONA EMERGENCY RESPONSE COMMISSION**

**ARTICLE 1. EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW**

|                  |  |
|------------------|--|
| Section          |  |
| <u>R8-4-101.</u> | <u>Definitions</u>                         |
| <u>R8-4-102.</u> | <u>General Provisions</u>                  |
| <u>R8-4-103.</u> | <u>Responsibilities of an LEPC</u>         |
| <u>R8-4-104.</u> | <u>Emergency Planning and Preparedness</u> |
| <u>R8-4-105.</u> | <u>Local Emergency Response Plan</u>       |
| <u>R8-4-106.</u> | <u>Reportable Release Notification</u>     |
| <u>R8-4-107.</u> | <u>EHS or Hazardous Chemical Reporting</u> |
| <u>R8-4-108.</u> | <u>Compliance Procedures</u>               |
| <u>R8-4-109.</u> | <u>Community Right-to-know Procedures</u>  |
| <u>R8-4-110.</u> | <u>Grants</u>                              |

**ARTICLE 1. EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW**

**R8-4-101. Definitions**

**A.** The definitions in A.R.S. § 26-341 apply to this Chapter.

**B.** In this Article, unless specified otherwise:

1. "CERCLA hazardous substance" means a substance on the list that appears at 40 CFR 302.4.
2. "Emergency planning district" means an area that the Commission designates to facilitate preparing and implementing an emergency response plan.

Notices of Proposed Rulemaking

3. "EPA" means the United States Environmental Protection Agency.
4. "EPCRA" means the Emergency Planning and Community Right-to-Know Act of 1986, commonly known as SARA Title III.
5. "FD" means local fire department or the fire district with jurisdiction for a particular facility.
6. "LEPC" means "Committee," as prescribed at A.R.S. § 26-341(2).
7. "MSDS" means material safety data sheet and has the same meaning as prescribed at 40 CFR 370.02.
8. "NIMS" means National Incident Management System.
9. "Reportable release" means a release that is not excluded under 40 CFR 355.40.
10. "TPQ" means threshold planning quantity and has the same meaning as prescribed at 40 CFR 355.20.

**R8-4-102. General Provisions**

- A.** The Commission shall make all forms referenced in this Chapter available on its internet site.
- B.** The Commission encourages the owner or operator of a facility that is required to submit information under this Article to submit the information electronically to the Commission and LEPC and to the FD if the FD has entered into an agreement with the Commission regarding electronic submission.
- C.** When the chair of an LEPC forwards to the Commission an item requiring action, the Executive Director of the Commission shall take interim action on behalf of the Commission until the Commission decides whether to ratify the action at its next meeting.

**R8-4-103. Responsibilities of an LEPC**

- A.** Members of an LEPC shall fulfill the responsibilities listed at 42 U.S.C. 11001(c), October 17, 1986, which is incorporated by this reference, contains no future editions or amendments, and is available from the Commission.
- B.** In addition to the responsibilities under subsection (A), members of an LEPC shall:
  1. Establish procedures for access to the Local Emergency Response Plan.
  2. Evaluate the resources needed to develop and implement the Local Emergency Response Plan and make recommendations to the County Board of Supervisors and the Commission regarding mechanisms to provide the resources needed.
  3. Ensure that newly appointed LEPC members participate in training provided by the Commission regarding the responsibilities of LEPC members, and
  4. Ensure that the LEPC chair informs all LEPC members of Commission-sponsored meetings and the opportunity to attend the meetings.

**R8-4-104. Emergency Planning and Preparedness**

- A.** If a facility is required to comply with 40 CFR 355.30, the owner or operator of the facility shall also comply with the emergency planning and preparedness requirements in this Section.
- B.** If a facility is designated by the Commission under A.R.S. § 26-347(B), the owner or operator of the facility shall comply with the emergency planning and preparedness requirements in this Section and the reporting requirements of R8-4-107.
- C.** No later than 60 days after a facility first becomes subject to the emergency planning and preparedness requirements of this Section, the owner or operator of the facility shall submit a facility emergency response plan according to A.R.S. § 26-347(D). This may be done by completing and submitting an Emergency Response Plan Questionnaire, which is available from the Commission.
- D.** The owner or operator of a facility that submits an Emergency Response Plan Questionnaire under subsection (C) may also submit a Hazard Analysis Worksheet for each EHS at the facility that equals or exceeds the TPQ.
- E.** On or before March 1 of each year, the owner or operator of a facility described in subsection (A) or (B) shall:
  1. Review and determine whether the facility emergency response plan submitted under subsection (C) is still accurate and submit a revised facility emergency response plan clearly indicating any relevant changes. If a revised facility emergency response plan is submitted, the owner or operator of the facility may revise and submit the Hazard Analysis Worksheet previously submitted under subsection (D); and
  2. Comply with R8-4-107(C).

**R8-4-105. Local Emergency Response Plan**

- A.** Within 12 months after the Commission designates a new emergency planning district and appoints members of an LEPC for the newly designated emergency planning district, the LEPC shall prepare an emergency response plan that complies with the requirements at A.R.S. § 26-345(E) and is compliant with NIMS.
- B.** On or before December 31 of each year and when there are changed circumstances in the community or at a facility, an LEPC shall review and update the emergency response plan for its emergency planning district.
- C.** An LEPC shall submit a copy of the emergency response plan prepared under subsection (A) or (B) to the Commission.
- D.** Within 60 days after the Commission receives a copy of an emergency response plan under subsection (C), the Commission staff shall:
  1. Review the emergency response plan and make recommendations for revisions necessary to ensure that the emer-

gency response plan complies with law and coordinates with the emergency response plans of adjoining emergency planning districts, and

2. Return the emergency response plan and recommendations to the LEPC.

**E.** An LEPC shall ensure that the emergency response plan prepared under subsection (B) and reviewed and amended under subsection (D) is incorporated into the county's emergency operations plan in accordance with county procedures.

**F.** At least biennially and after providing at least 30 days notice to the Commission, an LEPC shall conduct an exercise of its emergency response plan.

**G.** On or before December 31 of each year, an LEPC shall survey its emergency planning district to determine how many copies of the U.S. Department of Transportation Emergency Response Guidebook are needed and forward the information to the Commission.

**R8-4-106. Reportable Release Notification**

The owner or operator of a facility at which a reportable release occurs shall:

1. Comply with the notification requirements of A.R.S. § 26-348(A).

2. Submit the written follow-up emergency notice required under A.R.S. § 26-348(B), and

3. Update the notice provided under subsection (2) as required under A.R.S. § 26-348(C).

**R8-4-107. EHS or Hazardous Chemical Reporting**

**A.** The owner or operator of a facility shall comply with the EHS and hazardous chemical reporting requirements of 40 CFR 370, Subpart B, July 1, 2007, which is incorporated by this reference, contains no later amendments or editions, and is available from the Commission.

**B.** As required by A.R.S. § 26-350, an owner or operator described in subsection (A) shall submit a Tier Two Emergency and Hazardous Chemical Inventory Form, using a form available from the Commission, by March 1 of each year.

**C.** If a facility ceases to meet the minimum reporting thresholds of 40 CFR 370, Subpart B, for EHS and hazardous chemical reporting with regard to a specific EHS or hazardous chemical, the owner or operator of the facility may submit a notice to the Commission, LEPC, and FD indicating that the specific EHS or hazardous chemical is no longer present in a quantity that meets the minimum reporting threshold.

**R8-4-108. Compliance Procedures**

**A.** The Commission shall make information regarding the EPCRA available to the owner or operator of a facility.

**B.** The owner or operator of a facility may obtain guidance regarding complying with the EPCRA by contacting the Commission.

**R8-4-109. Community Right-to-know Procedures**

**A.** To obtain information regarding a specific hazardous chemical or EHS at a specific facility, local emergency response plan, or notice regarding a reportable release, a person shall submit a written request to the Commission or LEPC. If a request is submitted to an LEPC, the LEPC is encouraged to forward a copy of the request to the Commission so Commission staff can coordinate a response to the request. To obtain a copy of a Form R relating to toxic chemical releases, a person shall submit a written request to the Commission.

**B.** As required by 42 U.S.C. 11022, the Commission or LEPC shall respond to a written request for information. The response shall advise the person making the request of one of the following:

1. The time and location at which the person may inspect and copy the requested information.

2. That additional information is needed to process the request.

3. That the requested information is not available but the Commission or LEPC will ask the owner or operator of the facility to provide the information, or

4. That the request is denied because:

a. The requested information does not exist.

b. The owner or operator of the facility is not required to provide the information.

c. The Commission or LEPC determined that disclosing the information will impair its ability to protect public health or safety and the public interest in nondisclosure outweighs the public interest in disclosure, or

d. The information is exempt by law from disclosure.

**C.** Before releasing information, the Commission or LEPC shall advise the owner or operator of a facility of the request for information regarding the facility.

**D.** Under A.R.S. § 39-121, the Commission or LEPC shall charge the person making a request under this Section the cost of reproducing the information requested. The Commission shall deposit the funds received under this subsection in accordance with A.R.S. § 26-343(G).

**R8-4-110. Grants**

**A.** On or before September 1 of each year, the Commission shall provide notice that is consistent with A.R.S. § 41-2702 to all LEPCs regarding grants that are available from the Commission.

**B.** To receive funds that are awarded on a non-competitive basis, an LEPC shall submit a "Certification and Request for

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Funding” form in which the LEPC certifies that it:

1. Is in compliance with all applicable law, including NIMS;
  2. Will use the funds in the manner intended;
  3. Will keep separate funds from the Emergency Response Fund and funds from other sources; and
  4. Will submit all required reports.
- C.** To receive grant funds that are awarded on a competitive basis, an LEPC shall submit to the Commission a proposal that specifies:
1. The goal that the LEPC intends to accomplish with any grant funds received,
  2. Where the grant funds will be expended,
  3. The amount of grant funds needed to accomplish the goal,
  4. The time needed to accomplish the goal, and
  5. Other information that will assist the Commission to evaluate the grant proposal.
- D.** On behalf of the Commission, Commission staff shall meet at least annually with members of the LEPC and use a consensus process to establish the criteria used to evaluate a grant proposal. Commission staff, on behalf of the Commission, shall evaluate each proposal that is timely received using the criteria established.
1. The criteria may include the following regarding whether an LEPC is fit to receive a grant:
    - a. The extent to which the LEPC fulfilled the responsibilities listed in R8-4-103,
    - b. Whether the LEPC complied with all provisions of R4-8-104,
    - c. Whether the LEPC submitted all reports required for grant funds previously received,
    - d. Whether previously received grant funds were used in a manner that achieved the goal established,
    - e. Attendance by LEPC members at Commission-sponsored meetings, and
    - f. The number of training sessions provided by LEPC members to emergency responders in the emergency planning district; and
  2. The criteria may include the following regarding need for an LEPC to receive a grant:
    - a. The number of facilities required to report to the LEPC under this Chapter,
    - b. The population represented by the LEPC, and
    - c. The number of reportable releases during the past year in the area represented by the LEPC.
- E.** The Commission shall provide written notice to each LEPC that applies for grant funds regarding whether grant funds will be awarded and if so, the amount awarded.
- F.** An LEPC that receives grant funds shall submit progress reports to the Commission on dates prescribed by the Commission. The LEPC shall include in each progress report a summary of the work done to accomplish the goal stated in the grant proposal and a detailed accounting of the grant funds expended and remaining.