

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 ENVIRONMENTAL QUALITY AIR POLLUTION CONTROL

Editor's Note: The following Notice of Rulemaking Docket Opening was exempt from Laws 2009, 3rd Special Session, Ch. 7, § 28. (See the text of § 28 on page 660.)

[R10-40]

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 2, Department of Environmental Quality – Air Pollution Control
Article and its heading: 6, Emissions From Existing and New Nonpoint Sources
Section numbers: R18-2-610, R18-2-611, R18-2-611.01 (Sections may be added, deleted, or modified as necessary.)

- 2. The subject matter of the proposed rule:**
The AgBMP Committee, with the assistance of the Arizona Department of Environmental Quality (ADEQ), is considering amending the general permit specifying best management practices for regulated agricultural activities to reduce particulate matter less than 10 microns (PM10), by adding a new Section to include animal operations, R18-2-611.01, Best Management Practices for Animal Operations in Maricopa PM10 Nonattainment Area and Maricopa County Portion of Area A. Rules R18-2-610, Definitions for R18-2-611, and R18-2-611, Agricultural PM10 General Permit; Maricopa PM10 Nonattainment Area and Maricopa County Portion of Area A, will also be amended as part of this rulemaking. The AgBMP Committee is considering adding the new Section and amending the rules in order to finalize the rulemaking implemented by the 49th Legislature, Senate Bill 1225; Laws 2009, 1st Regular Session, Ch. 180, § 2. Under A.R.S. § 49-457(L), the AgBMP Committee has the authority to “reexamine, evaluate and modify best management practices.”

This rulemaking is exempted from the regulatory moratorium under the 49th Legislature, House Bill 2008, Laws 2009, 3rd Special Session, Ch. 7, § 28, Subsection (B)(1), which provides an exemption for rulemakings that are “an authorization or requirement enacted by the legislature after January 1, 2009....”

- 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: Danielle M. Dancho or Thomas C. Luch
Address: Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4210 or (602) 771-4480 (The numbers may be reached in-state by dialing 1-800-234-5677 and requesting the seven digit number.)
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