

NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rule-making information that does not fit into any other category of notice; and other types of information required by statute to be published in the *Register*. Because of the variety of material that is contained in a Notice of Public Information, the Office of the Secretary of State has not established a specific format for these notices.

NOTICE OF PUBLIC INFORMATION DEPARTMENT OF ENVIRONMENTAL QUALITY WATER POLLUTION CONTROL AZPDES PESTICIDE GENERAL PERMIT

[M11-58]

- 1. Name of the agency:** Department of Environmental Quality
2. Title and its heading: 18, Environmental Quality
Chapter and its heading: 9, Department of Environmental Quality – Water Pollution Control
Article and its heading: 9, Arizona Pollutant Discharge Elimination System
Section number: R18-9-A907(B)

3. A brief description of the proposed general permit:

ADEQ proposes issuing an AZPDES Pesticide General Permit for the application of pesticides to surface waters. Pesticide discharges covered by the permit include the application of 1) biological pesticides or 2) chemical pesticides that leave a residue when the pesticide is applied for one (1) of the following pesticide use patterns: Mosquito and Other Flying Insect or Pest Control; Weed, Algae, and Vegetation (herbaceous and woody) Control; Nuisance Animal Control; Forest Canopy Pest Control; or Specific Approvals as determined by the department.

Under the federal Clean Water Act and associated regulations (40 CFR 122), and under A.R.S. § 49-255 *et seq.* for Arizona, all point source discharges to surface waters require permit coverage. As an alternative to obtaining individual AZPDES permits, the proposed Pesticide General Permit is authorized pursuant to A.A.C. R18-9-C901(A)(2) and provides routine and timely permit coverage for qualifying discharges.

Pursuant to A.A.C. R18-9-C901(C)(3), the director is not requiring all operators to submit a Notice of Intent. Only those operators (decision makers) discharging pesticides characterized by one (1) or more of the following categories must prepare and submit a complete and accurate NOI to the department: 1) discharges to waters designated for aquatic and wildlife (warm or cold water); 2) discharges to effluent dependant waters that flow downstream more than 2.5 miles from the nearest point source; 3) discharges to impaired waters; 4) discharges to Outstanding Arizona Waters; and 5) specific approvals. The director may also request a NOI from other operators on a case-by-case basis.

In general, operators whose discharges do not require an NOI are automatically authorized to discharge on the effective date of this permit provided they are in compliance with all other applicable requirements of this permit. To terminate permit coverage, an operator who was required to submit a NOI must submit a complete and accurate Notice of Termination (NOT) to ADEQ. Operators that were not required to submit a NOI are not required to submit a NOT to terminate permit coverage.

4. A description of the permit area:

The proposed general permit covers discharges from the specified activities in Arizona, except for Indian Country as defined in 18 U. S. C. 1151.

5. How to obtain copies of the draft permit documents:

Copies of the proposed general permit and accompanying fact sheet are available upon request from the agency personnel listed in Item 7, below, and on the Department's web site at:
<http://www.azdeq.gov/environ/water/permits/azpdes.html>.

The proposed general permit and fact sheet are also available at the Arizona Department of Environmental Quality, 1110 W. Washington St., Phoenix, AZ and may be reviewed between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays.

6. The time during which the agency will accept written comments:

Comments to the proposed general permit must be submitted c/o Christopher Henninger at the address, fax number, or e-mail address provided in Item 7 below, and received or postmarked no later than March 29, 2011. Within the comment period, interested persons may also request a public hearing under A.A.C. R18-9-A908 concerning the proposed permit.

While no formal public hearing is currently scheduled, the Department is planning to hold a public meeting to accept written and oral comments on the proposed general permit. The time and place of the public meeting will be announced on the ADEQ web site at <http://www.azdeq.gov/environ/water/permits/azpdes.html#pgp>. Interested persons may also request notification about the public meeting by contacting Christopher Henninger at the e-mail address, postal address, or phone number below.

Notices of Public Information

7. The name, address, and telephone number of agency personnel to whom questions and comments on the general permit may be addressed:

Name: Christopher Henninger
Address: Arizona Department of Environmental Quality
Water Quality Division, Surface Water Section
1110 W. Washington St., 5415A-1
Phoenix, AZ 85007
Telephone: (602) 771-4508
Fax: (602) 771-4528
E-mail: henninger.christopher@azdeq.gov

NOTICE OF PUBLIC INFORMATION

LAWS 2010, CH. 287

**Revisions to the Rulemaking Process in the Administrative Procedures Act
Extension of the Rulemaking Moratorium Through Fiscal Year 2011**

[M10-191]

1. Reason for the Notice of Public Information:

Laws 2010, Ch. 287 revised the Administrative Procedure Act and extended the moratorium on rulemaking through fiscal year 2011

2. Effective date of Laws 2010, Ch. 287:

July 29, 2010

3. Summary of Laws 2010, Ch. 287:

Revises the rulemaking process by expanding the use of summary rulemaking, authorizing a general permit and expanding the role of the governor's Office of Strategic Planning and Budgeting.

Requires the rule's benefits to outweigh its probable costs and the agency to demonstrate it selected the least burdensome and costly alternative. (Strikes the requirement for this to be by clear and convincing evidence).

Expands the requirements for the Economic, Small Business and Consumer Impact Statement.

For the agency's five-year review, requires a determination that the rule imposes the least burden and cost to the regulated community.

During an appeal of an agency rule, outlines an additional reason for filing an objection.

Extends the rulemaking moratorium on rulemaking through fiscal year 2011

(Excerpted from Arizona House of Representatives House Majority Research Memorandum of April 28, 2010. Available online at www.azleg.gov.)

4. Contact for rulemaking moratorium questions:

Communications regarding exceptions to the moratorium, or questions regarding the moratorium generally, should be addressed to Richard Bark, Deputy Chief of Staff, Policy, at rbark@az.gov.

5. Location of full text of Laws 2010, Ch. 287:

The entire text of Laws 2010, Ch. 287 is available online at www.azsos.gov under Legislative Filings.