

# 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

*Editor's Note: The following two Notices of Rulemaking Docket Opening were reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 1839.) The Governor's Office authorized the notices to proceed through the rulemaking process on June 23, 2014.*

[R14-91]

- 1. Title and its heading:** 18, Environmental Quality  
**Chapter and its heading:** 2, Department of Environmental Quality - Air Pollution Control  
**Article and its heading:** 2, Ambient Air Quality Standards; Area Designations; Classifications  
3, Permits and Permit Revisions  
9, New Source Performance Standards  
11, Federal Hazardous Air Pollutants  
Appendix 2, Test Methods and Protocols  
**Section numbers:** R18-2-210, R18-2-333, R18-2-901, R18-2-1101 (*Sections may be added, deleted or modified as necessary*)
- 2. The subject matter of the proposed expedited rule:**  
The Arizona Department of Environmental Quality (ADEQ) is proposing to adopt new and updated incorporations by reference of the following federal regulations in State rules: New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain, and other parts of Title 40 Code of Federal Regulations (CFR). ADEQ is proposing to update all of the incorporations by reference in order to continue its delegated authority from EPA to implement and enforce NSPS, NESHAP, and acid rain programs in Arizona, except for those specific authorities retained by the Environmental Protection Agency (EPA). Descriptions of new federal subparts recently incorporated into Arizona's rules and significantly revised subparts, summarized from EPA's Notices of Final Rulemakings, appear below, under "Federal Regulations Proposed to be Incorporated." The updates include federal regulations finalized between July 1, 2006, and June 28, 2013.
- 3. A citation to all published notices relating to the proceeding:**  
Notice of Proposed Expedited Rulemaking: 20 A.A.R. 1798, July 18, 2014 (*in this issue*).
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Danielle M. Hazeltine  
Address: Department of Environmental Quality  
1110 W. Washington St.  
Phoenix, AZ 85007  
Telephone: (602) 771-4210  
Fax: (602) 771-2366  
Email: Dancho.Danielle@azdeq.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
See the Notice of Proposed Expedited Rulemaking on page 1798 of this issue.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
See the Notice of Proposed Expedited Rulemaking on page 1798 of this issue.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY

[R14-92]

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, and Appendix 8, Procedures for Utilizing the Sulfur Balance Method for Determining Sulfur Emissions  
**Section numbers:** R18-2-715, R18-2-715.01 (*Sections may be added, deleted or modified as necessary.*)
2. **The subject matter of the proposed rule:**

The Arizona Department of Environmental Quality (ADEQ) is considering amendments to R18-2-715 and R18-2-715.01 in order to establish new emissions limitations for Existing Primary Copper Smelters within designated nonattainment areas for the 2010 Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standards (NAAQS). On June 22, 2010, EPA set revised the 1-hour average and annual average NAAQS for SO<sub>2</sub>. 75 FR 35520. On August 5, 2013, EPA published new designations for the NAAQS for the Hayden and Miami nonattainment areas, effective October 4, 2013. 78 FR 47191. The rules will become part of the State Implementation Plans (SIPs) for both areas.
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. Hazeltine  
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Fax: (602) 771-2366  
Email: Dancho.Danielle@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:**

To be announced in the Notice of Proposed Rulemaking.