

Arizona Administrative REGISTER

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From the Publisher

ABOUT THIS PUBLICATION

The paper copy of the *Administrative Register* (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the *Arizona Administrative Register* or *Code*. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the *Register*. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The printed *Code* is the official publication of a rule in the A.A.C. is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a copy.

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A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact customer service at
(602) 364-3224.

PUBLICATION DEADLINES
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

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Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

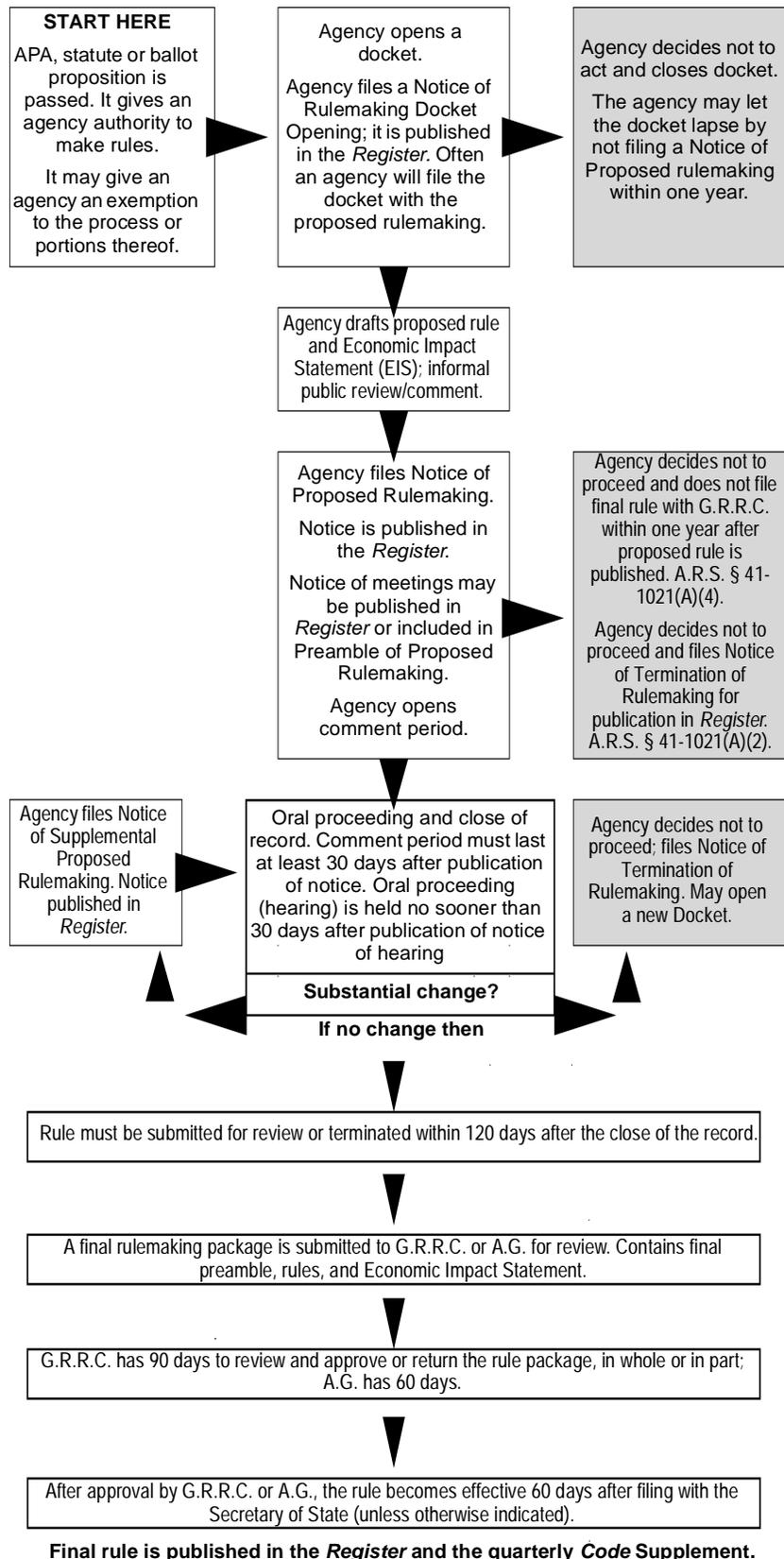
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process





Definitions

Arizona Administrative Code (A.A.C.): Official rules codified and published by the Secretary of State’s Office. Available online at www.azsos.gov.

Arizona Administrative Register (A.A.R.): The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The “§” symbol simply means “section.” Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor’s Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or “Laws”: When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word “Laws” is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation “Ch.,” and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor’s Regulatory Review Council*

U.S.C. – *United States Code*

About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.



NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemaking.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA) the notice is published in the *Register*. The notice is published within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, 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)

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated them. Refer to item #4 to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 2. DEPARTMENT OF WEIGHTS AND MEASURES

[R15-13]

PREAMBLE

<u>1. Articles, Parts, or Sections Affected (as applicable)</u>	<u>Rulemaking Action</u>
R20-2-101	Amend
Article 9	Amend
R20-2-901	Amend
R20-2-902	Amend
R20-2-903	Amend
R20-2-904	Amend
R20-2-906	Amend
R20-2-907	Amend
R20-2-908	Amend
R20-2-909	Amend
R20-2-910	Amend
R20-2-913	New Section
Article 10	New Article
R20-2-1001	New Section
R20-2-1002	New Section
R20-2-1003	New Section
R20-2-1004	New Section
R20-2-1005	New Section
R20-2-1006	New Section
R20-2-1007	New Section
R20-2-1008	New Section
R20-2-1009	New Section
R20-2-1010	New Section
R20-2-1011	New Section
R20-2-1012	New Section
R20-2-1013	New Section
Table 1	New Table

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. § 41-2065(A)(4)

Implementing statute: A.R.S. §§ 41-2132(I), 41-2134, and 41-2135(H)



3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: 21 A.A.R. 412, March 20, 2015

4. The agency's contact person who can answer questions about the rulemaking:

Name: Michelle Wilson
Address: Department of Weights and Measures
4425 W. Olive Ave., Suite 134
Glendale, AZ 85302
Telephone: (602) 771-4933
Fax: (623) 939-8586
E-mail: Mwilson@azdwm.gov
Web site: www.azdwm.gov

5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

In 2014, the legislature enacted HB2128, which requires that gasoline dispensing sites decommission stage II vapor recovery equipment beginning October 1, 2016. The legislation required the Department, in consultation with the Arizona Department of Environmental Quality and the State Fire Marshal, to establish standards by rule for decommissioning the equipment. Removing the stage II vapor recovery equipment is widely supported by industry because of significant long-term savings from decreased equipment maintenance and testing costs.

Stage II vapor recovery equipment captures air pollutants when customers are filling their vehicles with gasoline. Removing this equipment will not increase air pollutant emissions because vehicles are now equipped with onboard refueling vapor recovery that captures the pollutants, making the stage II vapor recovery at gasoline dispensing sites a redundant technology. Additionally, due to certain incompatibility issues between the two systems, air pollutant emissions have been calculated to increase in 2018, which would be detrimental to air quality, if the stage II equipment is not removed.

A State Implementation Plan revision requiring removal of stage II equipment has been submitted to the EPA for approval. When approved, the requirements in the SIP become federally enforceable.

An exemption from Executive Order 2015-01 was provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated January 27, 2015.

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 Department did not review and does not propose to rely on any study in its evaluation of or justification for these rules.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking 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:

Although there may be an initial cost to owners or operators of gasoline dispensing sites to remove stage II vapor recovery systems safely, there will be significant overall cost savings at the sites resulting from removal of the more expensive equipment. The removal of stage II vapor recovery systems is supported by the regulated industry, including the Arizona Petroleum Marketers Association (APMA) and Western States Petroleum Association (WSPA).

There may also be an initial cost for registered service agencies that do not have the equipment required to perform some of the newly required tests. It is estimated the equipment will cost between \$1,600 and \$3,000. This expense will be offset by the increased business associated with decommissioning stage II vapor recovery systems.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Michelle Wilson
Address: Department of Weights and Measures
4425 W. Olive Ave., Suite 134
Glendale, AZ 85302
Telephone: (602) 771-4933
Fax: (623) 939-8586



E-mail: Mwilson@azdwm.gov

Web site: www.azdwm.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber 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: Wednesday, May 6, 2015

Time: 2:00 p.m.

Location: 4425 W. Olive Ave., Suite 134
Glendale, AZ 85302

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

A.R.S. § 41-2135(H) requires the Director of the Department of Weights and Measures to establish by rule, in consultation with the Department of Environmental Quality and the State Fire Marshal, standards for decommissioning stage II vapor recovery systems. This rulemaking establishes the required standards. The required consultation occurred.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The authority to construct plan approval required under R20-2-904 and R20-2-1104 and the approval of an alternative decommissioning plan under R20-2-913 are general permits consistent with A.R.S. § 41-1037 because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Air quality is regulated at the federal level by the Clean Air Act. Stage II vapor recovery systems were initially required in certain areas by the 1990 Clean Air Act Amendments. However, the EPA has determined that stage II vapor recovery systems and onboard refueling vapor recovery are redundant technologies. On May 16, 2012, the EPA issued a final rule allowing states to remove stage II vapor recovery system programs from their SIP. This rulemaking is consistent with the federal law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

The following materials are incorporated at R20-2-901:

California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.3C, Determination of Vapor Piping Connections to Underground Storage Tanks (Tie-Tank Test), March 17, 1999 edition

Petroleum Equipment Institute, Recommended Practices for Installation and Testing of Vapor-Recovery Systems and Vehicle-Fueling Sites, PEI/RP300-09, 2009 edition

The following materials are incorporated at R20-2-1001:

California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1B, Static Torque of Rotatable Phase 1 Adaptors, October 8, 2003 edition

California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1C, Leak Rate of Drop Tube/Drain Valve Assembly, October 8, 2003 edition

California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1D, Leak Rate of Drop Tube Overfill Protection Devices and Spill Container Drain Valves, October 8, 2003 edition

California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1E, Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, October 8, 2003 edition

California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.3, Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, July 26, 2012 edition

California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.3C,



Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test), March 17, 1999 edition

13. The full text of the rules follows:

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 2. DEPARTMENT OF WEIGHTS AND MEASURES

ARTICLE 1. ADMINISTRATION AND PROCEDURES

Section
R20-2-101. Definitions

ARTICLE 9. GASOLINE VAPOR CONTROL FOR SITES WITH BOTH STAGE I AND STAGE II VAPOR RECOVERY SYSTEMS

Section
R20-2-901. Material Incorporated by Reference
R20-2-902. Exemptions
R20-2-903. Equipment and Installation
R20-2-904. Application Requirements and Process for Authority to Construct Plan Approval
R20-2-906. ~~Fees~~ Fee
R20-2-907. Operation
R20-2-908. Training and Public Education
R20-2-909. Recordkeeping and Reporting
R20-2-910. Annual Inspection and Testing
R20-2-913. Stage II Decommissioning

ARTICLE 10. STAGE I VAPOR RECOVERY SYSTEMS

Section
R20-2-1001. Material Incorporated by Reference
R20-2-1002. Exemptions
R20-2-1003. Equipment and Installation
R20-2-1004. Application Requirements and Process for Authority to Construct Plan Approval
R20-2-1005. Initial Inspection and Testing
R20-2-1006. Fee
R20-2-1007. Operation
R20-2-1008. Training and Public Education
R20-2-1009. Recordkeeping and Reporting
R20-2-1010. Annual Inspection and Testing
R20-2-1011. Compliance Inspection
R20-2-1012. Enforcement
R20-2-1013. Stage II Vapor Recovery
Table 1. Acceptability of Final System Pressure Results for Systems Tested Using TP-201.3

ARTICLE 1. ADMINISTRATION AND PROCEDURES

R20-2-101. Definitions

The definitions in A.R.S. §§ 41-2051, 41-2065, 41-2085, 41-2121, and 41-2131 and the following definitions apply to this Chapter:

1. No change
2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
3. No change



- 4. “Area A” has the same meaning as in A.R.S. § 49-541.
- 5. “Area B” has the same meaning as in A.R.S. § 49-541.
- ~~4-6.~~ No change
- ~~5-7.~~ No change
- ~~6-8.~~ No change
- ~~7-9.~~ No change
- ~~8-10.~~ No change
- ~~9-11.~~ No change
 - a. No change
 - b. No change
 - c. No change
- ~~10-12.~~ No change
- ~~11-13.~~ No change
- ~~12-14.~~ No change
- ~~13-15.~~ No change
- ~~14-16.~~ No change
- ~~15-17.~~ No change
- ~~16-18.~~ No change
- ~~17-19.~~ No change
- ~~18-20.~~ No change
- ~~19-21.~~ No change
- ~~20-22.~~ No change
- ~~21-23.~~ No change
- ~~22-24.~~ No change
- ~~23-25.~~ No change
- ~~24-26.~~ No change
- ~~25-27.~~ No change
- ~~26-28.~~ No change
- ~~27-29.~~ No change
- ~~28-30.~~ No change
- ~~29-31.~~ No change
- ~~30-32.~~ No change
- ~~31-33.~~ No change
- ~~32-34.~~ No change
- ~~33-35.~~ No change
- ~~34-36.~~ No change
- ~~35-37.~~ No change
- ~~36-38.~~ No change
- ~~37-39.~~ No change
- ~~38-40.~~ No change

ARTICLE 9. GASOLINE VAPOR CONTROL FOR SITES WITH BOTH STAGE I AND STAGE II VAPOR RECOVERY SYSTEMS

R20-2-901. Material Incorporated by Reference

The following documents are incorporated by reference and on file with the Department. The documents incorporated by reference contain no later amendments or editions:

- 1. No change
- 2. No change
- 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change



- h. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.3C, Determination of Vapor Piping Connections to Underground Storage Tanks (Tie-Tank Test), March 17, 1999 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
- ~~h.i.~~ No change
- 4. Petroleum Equipment Institute, Recommended Practices for Installation and Testing of Vapor-Recovery Systems and Vehicle-Fueling Sites, PEI/RP300-09, 2009 edition, Petroleum Equipment Institute, P.O. Box 2380, Tulsa, Oklahoma 74101-2380.

R20-2-902. Exemptions

A. The owner or operator of a gasoline dispensing site that has decommissioned the site's stage II vapor recovery system in accordance with R20-2-913 or that is subject to A.R.S. § 41-2132, is exempt from the provisions of this Article but shall comply with the provisions of Article 10.

~~**A.B.**~~ ~~The owner or operator of a gasoline dispensing site that has a throughput that does not exceed the throughput specified in A.R.S. § 41-2135(B) may obtain an exemption from this Article, a person shall submit by submitting a written request to the Department and attest attesting that gasoline throughput at the gasoline dispensing site is not in excess of that specified in A.R.S. § 41-2132(C) 41-2135(B). By the 15th of each month, beginning the month after the Department approves the exemption, the person shall submit a written throughput report to the Department. If a person does not timely file a monthly throughput report or if a monthly throughput report reflects that the exemption limit is exceeded, the Department deems the exemption void.~~

~~**B.C.**~~ No change

1. No change
2. No change

~~**C.D.**~~ No change

R20-2-903. Equipment and Installation

A. A person subject to A.R.S. § 41-2135 shall install, maintain, and operate a stage I and stage II vapor recovery system and component as specified in this Article until the stage II vapor recovery system is decommissioned in accordance with R20-2-913.

~~**A.B.**~~ No change

1. No change
2. No change
3. No change

~~**B.C.**~~ No change

~~**C.D.**~~ No change

~~**D.E.**~~ No change

R20-2-904. Application Requirements and Process for Authority to Construct Plan Approval

A. No change

1. No change
2. No change
3. No change

B. No change

C. No change

1. No change
2. No change
3. No change
4. No change

5. ~~**A**~~ The application fee specified under R20-2-906.

D. No change

1. No change

2. Construction of a stage II vapor recovery system or component at a site not having an approved authority to construct plan, shall be stopped and no further installation work shall be done until an authority to construct plan approval is obtained.

3. No change

E. No change

1. No change
2. No change

F. If excavation is involved, the Department may visually inspect the stage II underground piping of a gasoline dispensing site before the pipeline is buried, for compliance with the authority to construct plan approval. A person who owns or operates a vapor recovery system or component shall give the Department notice by ~~facsimile fax or e-mail~~ at least two business days before the underground piping is complete. The Department shall require the owner or operator to excavate all piping not inspected before burial if the owner or operator does not give the required two business days' notice.

G. No change

H. No change



R20-2-906. Fees Fee

- ~~A.~~ The Authority authority to Construct construct plan approval fee is \$500.
- ~~B.~~ The reinspection fee is \$300, and shall be paid each time an initial or preburial reinspection is required, or when the Department is not timely notified that an inspection is canceled.

R20-2-907. Operation

- A. No change
- B. The owner or operator of a gasoline dispensing site with stage II vapor recovery shall operate a the stage II vapor recovery system and associated components in compliance with the CARB certification for that system and these rules.
- C. The owner or operator of a gasoline dispensing site with stage II vapor recovery shall inspect the system and its components daily. Daily inspections shall include all nozzles, hoses with connecting hardware, ~~Stage stage~~ I fittings, and spill containment.
- D. The owner or operator of a gasoline dispensing site shall immediately stop using a ~~Stage stage~~ II vapor recovery system or component if one or more of the following system or component defects occur:
 - 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
 - 11. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - 12. No change
 - 13. The ~~Stage stage~~ I installation is not properly installed or maintained, in that:
 - a. No change
 - b. No change
 - c. Coaxial ~~Stage stage~~ I that is not equipped with a functioning CARB-approved poppeted fill tube, or the coaxial cap is not installed, is missing, broken, or without gaskets; or
 - d. No change
 - 14. No change
 - 15. No change
 - 16. No change
 - 17. No change
 - 18. No change
 - 19. A vacuum assist system with a monitoring system certified by CARB or the Authority authority to Construct construct that is not operational or malfunctions; or
 - 20. Any other component identified in the diagrams, exhibits, attachments or other documents that are certified by CARB or required by the Authority authority to Construct construct for that system is missing, disconnected, or malfunctioning.
- E. The owner or operator of a gasoline dispensing site shall also inspect for the presence and proper placement of public information signs required by A.R.S. § 41-2132(F) 2135(E) and this Article.
- F. For a stage II vacuum-assist vacuum assist vapor recovery system, the owner or operator of a gasoline dispensing site shall immediately place damaged or malfunctioning equipment out of service and shall notify the Department by ~~facsimile fax or e-mail~~ no more than one day after the malfunction of a central vacuum or processor unit. Once the equipment or system is repaired, the owner or operator shall provide written notice within five days of the repair to the Department.
- G. ~~Proper For proper~~ operation of the a stage I system, pursuant to under A.R.S. § 41-2132(D)(C)(4), the owner or operator of a gasoline dispensing site shall include the requirement to recover vapors during pump-out from a gasoline storage tank to a mobile transporter.
- H. ~~Any underground tank tightness test~~ The owner or operator of a gasoline dispensing site shall be ensure that any underground tightness test is conducted in a manner so that prevents gasoline vapors are not being emitted to the atmosphere.

R20-2-908. Training and Public Education

- A. Each operator of a gasoline dispensing site using stage II vapor recovery shall obtain adequate training and written instructions to enable the system to be properly installed, operated, and maintained properly in accordance with the



manufacturer's specifications and CARB certification. The operator shall maintain documentation of this training for each operator on-site and make the documentation available to the Department on request.

- B. In addition to the information required in A.R.S. § 41-2132(F) 2135(E), an operator of a gasoline dispensing site with stage II vapor recovery shall display a Department telephone number that the public can call to report nozzle or other equipment problems. The operator shall place the required information on each face of each gasoline dispenser. The headings shall be at least 3/8 inches and shall be readable from up to 3 feet away for decal signs, and from up to 6 feet away for permanent (non-decal) signs. Decals shall be located on the upper 60% of each face of the each dispenser.

R20-2-909. Recordkeeping and Reporting

- A. The owner or operator of a gasoline dispensing site employing stage II vapor recovery shall maintain daily records of the inspections done pursuant to under this Article.
- B. No change
- C. The owner or operator of a gasoline dispensing site that is exempt under A.R.S. § 41-2135(B) from requirements to install and operate stage II vapor recovery equipment, pursuant to A.R.S. § 41-2132(C), shall maintain a log at the site showing monthly throughputs. The owner or operator shall annually submit a copy of these logs representing the previous 12 months throughputs to the Department throughput records to the Department as required under R20-2-902(B). If any throughput requirement provided in A.R.S. § 41-2132(C) 2135(B) and this Article is exceeded for any month, the owner or operator shall notify the Department in writing within 30 days. The owner or operator shall, within six months after the end of the month the throughput is exceeded, install and operate a stage II vapor recovery system conforming to this Article.
- D. ~~A~~ The owner or operator of a gasoline dispensing site shall keep all records required by this Article at the gasoline dispensing site for at least one year and shall make these records available to the Department upon request.

R20-2-910. Annual Inspection and Testing

- A. A person shall ensure that an annual inspection is conducted by a registered service representative on or before the annual inspection date. The annual inspection date is the last day of the month in which the last scheduled annual inspection was performed. A registered service agency shall notify the Department in writing at least 10 business days before an annual inspection of the time, date, and location of the inspection. The Department shall notify the registered service agency within five business days, by ~~facsimile fax~~ or ~~electronic mail e-mail~~, whether it approves the annual inspection date and time. The registered service agency shall not perform the annual inspection unless the Department approves the inspection date and time.
- B. No change
- C. No change
- D. No change
- E. No change
- F. No change
- G. A person who cancels a witnessed inspection shall notify the Department by calling the Department's designated telephone number at least one hour before the scheduled inspection and shall reschedule the test to be completed by the annual inspection date. A registered service agency shall notify the Department in writing at least 10 business days before an annual inspection of the time, date, and location of the inspection. The Department shall notify the registered service agency within five business days, by ~~facsimile fax~~ or ~~electronic mail e-mail~~, of its approval of the inspection date and time. The Department shall take enforcement action if a person does not comply with this subsection.

R20-2-913. Stage II Decommissioning

- A. The owner or operator of a gasoline dispensing site with a stage II vapor recovery system shall decommission the stage II vapor recovery system in accordance with the following schedule:
1. If the owner or operator holds a license issued by the Department numbered BMF 13676 or less, the owner or operator shall decommission the stage II vapor recovery system between October 1, 2016 and September 30, 2017; or
 2. If the owner or operator holds a license issued by the Department numbered BMF 13677 or more, the owner or operator shall decommission the stage II vapor recovery system between October 1, 2017 and September 30, 2018.
- B. Request for alternate decommissioning plan. The following owners or operators may submit an alternate decommission plan requesting to decommission the stage II vapor recovery systems at a time other than would be required under subsection (A)(1) or (A)(2) but no sooner than October 1, 2016 and no later than September 30, 2018. The owner or operator shall submit the alternate decommissioning plan to the Department for approval no later than December 31, 2015.
1. An owner or operator that holds licenses issued by the Department for three or fewer gasoline dispensing sites if all the licenses are issued in the same business name and mailing address. The owner or operator shall ensure that the alternate decommissioning plan includes the information specified in subsections (C)(1) through (4); and
 2. An owner or operator that holds licenses issued by the Department for more than three gasoline dispensing sites if all the licenses are issued in the same business name and mailing address. The owner or operator shall ensure that the alternate decommissioning plan includes the information specified in subsection (C).
- C. An owner or operator that submits a request for approval of an alternate decommissioning plan shall include the following information as specified under subsection (B):
1. The business name and mailing address on all licenses;
 2. The name and telephone number of an individual with whom the Department can communicate;



- 3. The license number and address of each gasoline dispensing site and a statement of whether the owner or operator proposes to decommission each vapor recovery system between October 1, 2016 and September 30, 2017, or October 1, 2017 and September 30, 2018;
- 4. A statement of whether all gasoline dispensers at the gasoline dispensing site will be replaced and if so, whether the owner or operator proposes to replace the gasoline dispensers between October 1, 2016 and September 30, 2017, or October 1, 2017 and September 30, 2018; and
- 5. If the owner or operator owns more than three gasoline dispensing sites, an alternate decommissioning plan that includes:
 - a. The license numbers and addresses of 50 percent of the gasoline dispensing sites at which the vapor recovery systems will be decommissioned between October 1, 2016 and September 30, 2017; and
 - b. The license numbers and addresses of the remaining 50 percent of the gasoline dispensing sites at which the vapor recovery systems will be decommissioned between October 1, 2017 and September 30, 2018.
- D. The Department shall approve or reject, on a first-come-first-served basis, an alternate decommissioning plan within three months after the alternate decommissioning plan is submitted. The Department shall allow decommissioning of stage II vapor recovery equipment at the time gasoline dispensers are replaced as indicated on the request for approval under subsection (C)(4). The Department may reject an alternate decommissioning plan if the information required under subsection (B) is not provided or if the year requested for decommissioning already has more than 60 percent of all gasoline dispensing sites scheduled for decommissioning;
- E. The owner or operator of a gasoline dispensing site that is exempt under R20-2-902 shall decommission the site any time between October 1, 2016, and September 30, 2018;
- F. The owner or operator of a gasoline dispensing site shall ensure that a Notice of Intent, using a form or format provided by the Department, is submitted to the Department at least 10 days before the planned decommissioning and includes the following information:
 - 1. Name of the owner or operator of the gasoline dispensing site.
 - 2. Address of the gasoline dispensing site.
 - 3. Name of decommissioning contractor.
 - 4. Decommissioning dates.
 - 5. Name of vapor testing registered service representative, and
 - 6. A statement whether all gasoline dispensers at the gasoline dispensing site are being replaced.
- G. If any of the information provided under subsection (F) changes, the owner or operator shall ensure that the Department receives the changed information at least 24 hours before the scheduled start of decommissioning.
- H. The owner or operator of a gasoline dispensing site shall ensure that all stage II vapor recovery systems are decommissioned according to the material incorporated by reference in R20-2-901(4) with the following exceptions:
 - 1. Liquid shall be purged from the vapor piping following disconnection in section 14.6.6;
 - 2. Vapor piping that is not disconnected from the tank top in accordance with section 14.6.7 shall be disconnected in the future if construction involving excavation that renders the piping accessible is performed; and
 - 3. The pressure decay test conducted under section 14.6.12 shall meet the requirements in R20-2-1005(A)(1).
- I. The decommissioning contractor shall:
 - 1. Complete a Decommissioning Checklist using a form or format provided by the Department.
 - 2. Provide a copy of the completed Decommissioning Checklist to the owner or operator of the gasoline dispensing site at the time of decommissioning, and
 - 3. Submit a copy of the completed Decommissioning Checklist to the Department within 10 days after decommissioning of the stage II vapor recovery system is complete. Decommissioning of a stage II vapor recovery system is complete on the date and at the time when the gasoline dispensing site resumes sales of motor fuel following decommissioning.
- J. A gasoline dispensing site with a stage II vapor recovery system that is decommissioned is exempt from the annual inspection and testing required under R20-2-910 but shall be subject to the initial inspection and testing prescribed under R20-2-1005 within 60 days after decommissioning is complete.
- K. The requirements in Article 10 apply to all gasoline dispensing sites at which stage II vapor recovery systems have been decommissioned.
- L. The Department shall place out-of-service a gasoline dispensing site at which a stage II vapor recovery system is not decommissioned according to this Section until the gasoline dispensing site is decommissioned and impose civil penalties under A.R.S. § 41-2115 on the owner or operator of the gasoline dispensing site.

ARTICLE 10. STAGE I VAPOR RECOVERY

R20-2-1001. Material Incorporated by Reference

The following documents are incorporated by reference and on file with the Department. The documents incorporated by reference contain no later amendments or editions:

- 1. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1B, Static Torque of Rotatable Phase 1 Adaptors, October 8, 2003 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.



2. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1C, Leak Rate of Drop Tube/Drain Valve Assembly, October 8, 2003 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
3. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1D, Leak Rate of Drop Tube Overfill Protection Devices and Spill Container Drain Valves, October 8, 2003 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
4. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1E, Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, October 8, 2003 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
5. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.3, Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, July 26, 2012 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
6. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.3C, Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test), March 17, 1999 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.

R20-2-1002. Exemptions

- A. The owner or operator of a gasoline dispensing site at which the site's stage II vapor recovery system has not been decommissioned in accordance with R20-2-913 is exempt from the provisions of this Article but shall comply with the provisions of Article 9.
- B. An owner or operator of a gasoline dispensing site with a gasoline throughput that does not exceed that specified in A.R.S. § 41-2132(B) may file for an exemption from this Article. To obtain an exemption, the owner or operator of the gasoline dispensing site shall submit an annual throughput report to the Department, using a form prescribed by the Department, no later than March 30 of each year and attest to the throughput during each month of the previous calendar year. If the owner or operator fails to file an annual throughput report timely or if the annual throughput report indicates the exemption limit specified in A.R.S. § 41-2132(B) was exceeded, the Department shall deem the exemption void.

R20-2-1003. Equipment and Installation

- A. The Department shall reject a vapor recovery system or component from future installation if:
 1. Federal regulations prohibit its use;
 2. The vapor recovery system or component does not meet the manufacturer's specifications as certified by CARB using test methods approved in R20-2-1001; or
 3. The vapor recovery system or component fails greater than 20% of Department inspections for that system or component or the Department receives equivalent failure results from a vapor recovery registered service agency or from another jurisdiction's vapor recovery program, and the Department provides at least 30 days public notice of its proposed rejection.
- B. The piping of a stage I vapor recovery system shall be designed and constructed as certified by CARB for that specific vapor recovery system. A person shall not alter a stage I vapor recovery system or component from the CARB-certified configuration without obtaining Department approval under R20-2-1004. All components installed with the stage I vapor recovery system shall be certified by CARB or approved by the Department as required under A.R.S. § 41-2132.
- C. If Department inspection or test data reveal a deficiency in a fitting, assembly, or component that cannot be permanently corrected, the deficient fitting, assembly, or component shall not be used in Arizona.
- D. A stage I liquid or vapor spill containment bucket may have a plugged drain rather than a drain valve if a hand-operated pump is kept onsite for draining entrapped liquid.
- E. A stage I vapor recovery system shall have pressure/vacuum (P/V) threaded valves on top of the vent lines for gasoline storage tanks.

R20-2-1004. Application Requirements and Process for Authority to Construct Plan Approval

- A. A person shall not begin to construct a site requiring a stage I vapor recovery system or to make a major modification of an existing vapor recovery system before obtaining approval of an authority to construct plan application. A major modification is:
 1. Adding or replacing a gasoline storage tank that is equipped with a Department approved stage I vapor recovery system;
 2. Modifying, adding, or replacing underground vent piping; or
 3. Conducting construction under R20-2-913(H)(2).
- B. A person shall file with the Department a written change order, using a form provided by the Department, to obtain a modification of the approved vapor recovery system or component if a modification is needed after the Department issues an authority to construct plan approval. The person shall not make any modification until the Department approves the change order.
- C. To obtain an authority to construct plan approval, a person shall submit to the Department, on a form provided by the Department, the following:
 1. The name, address, and telephone number of any owner, operator, and proposed contractor, if known;
 2. The name of the stage I vapor recovery system or component to be installed along with the CARB certification for that system or component;



3. The street address of the site where construction or major modification will take place with an estimated timetable for construction or modification;
 4. A copy of a blueprint or scaled site plan for the vapor recovery system or component including all stage I vapor recovery equipment and stage I vapor recovery piping detail; and
 5. The application fee specified under R20-2-1006.
- D.** A person shall ensure that an installed or modified stage I vapor recovery system meets the following requirements:
1. Has CARB-certified product and vapor adaptors that prevent loosening or over-tightening of the stage I product and vapor adaptors;
 2. Consists of a two-point stage I system with separate fill and vapor connection points. Coaxial stage I vapor recovery systems shall not be used;
 3. Has a submerged fill pipe that has the fill pipe's highest point of discharge no more than six inches from the tank bottom;
 4. Has no tank containing motor fuel other than gasoline connected to the vapor piping;
 5. Uses cement that is resistant to deterioration from exposure to water, hydrocarbons, and alcohol to join all pipes;
 6. Has tank vent pipes that extend at least 12 feet above the elevation of the stage I fill points;
 7. Has tank vent pipes with a minimum inside diameter of:
 - a. Two inches if the pipe is not manifolded, or
 - b. Three inches from the point of manifold if the pipe is manifolded;
 8. Has pressure vacuum vent valves that are attached to the tank vent pipes by a threaded connection;
 9. If a gasoline tank is installed in an enclosed vault, has an emergency vent in addition to the pressure vacuum vent valve required under subsection (D)(8);
 10. Has a one-eighth inch treaded tap on the vent pipe between six and eight feet above ground level;
 11. Has risers into gasoline storage tanks that are capped with UL-approved caps;
 12. Has lead wires for instrumentation that pass through a leak-tight grommet with a compression fitting suitable for exposure to gasoline vapors;
 13. Has storage tank vent pipes and fill and vapor manhole tops that are painted a color that minimizes solar gain and has a reflective effectiveness of at least 55 percent. Reflectivity shall be determined by visually comparing the paint with paint-color cards obtained from a paint manufacturer that uses the Master Pallet Notation to specify the paint color (i.e. 58YY 88/180 where the number in italics is the paint reflectivity). Examples of colors have a reflective effectiveness of at least 55 percent include, but are not limited to, yellow, light gray, aluminum, tan, red iron oxide, cream or pale blue, light green, glossy gray, light blue, light pink, light cream, white, silver, beige, tin plate, and mirrored finish. A manhole cover that is color coded for product identification is exempt from this subsection; and
 14. Complies with other requirements outlined in the authority to construct permit.
- E.** After review and approval of the authority to construct plan, the Department shall issue the authority to construct plan approval and mail, fax, or e-mail the plan approval to the address indicated on the application.
1. A copy of the authority to construct plan approval shall be maintained at the facility during construction so that it is accessible for Department review.
 2. Construction of a stage I vapor recovery system or component at a site not having an approved authority to construct plan, shall be stopped and no further installation work done until an authority to construct plan approval is obtained.
 3. An authority to construct plan approval is not transferable.
- F.** The Department shall deny an authority to construct plan for any of the following reasons:
1. Providing incomplete, false, or misleading information; or
 2. Failing to meet the requirements stated in this Chapter.
- G.** If excavation is involved, the Department may visually inspect the stage I underground piping of a gasoline dispensing site before the piping is buried for compliance with the authority to construct plan approval. The owner or operator of a vapor recovery system or component shall give the Department notice by fax or e-mail at least two business days before the underground piping is complete to schedule the inspection. The Department may require the owner or operator to excavate all piping not inspected before burial if the owner or operator does not give the required two business days' notice.
- H.** After construction is complete, a person who has a valid authority to construct plan approval may dispense gasoline for up to 90 days before final approval if an initial inspection is scheduled according to R20-2-1005.
- I.** An authority to construct plan approval expires one year from the date of issue or the completion of construction, whichever is sooner.

R20-2-1005. Initial Inspection and Testing

- A.** Within 10 days after beginning the dispensing of gasoline at a site that requires an authority to construct plan approval, a person shall provide the Department with a written certification of completion by the contractor and schedule an inspection that includes tests and acceptance criteria specified in the authority to construct plan approval and this subsection. The inspection shall be witnessed by the Department at a time approved by the Department and include the following tests:
1. A pressure decay test for each vapor control system including underground storage tanks and tank vents using CARB TP-201.3 test procedures. All test procedures pertaining to stage I vapor recovery systems shall be followed



- except the post-test procedures in section 8 and the calculations in section 9 of the CARB TP-201.3 test procedures. The compliance status of the site shall be determined by comparing the final five-minute pressure with the minimum allowable final pressure in Table 1. A calculated ullage exceeding that listed in Table 1 shall be rounded up to the next higher ullage volume in the table:
2. A test of each pressure vacuum vent valve using CARB TP-201.1E test procedures;
 3. A Tie-Tank test using CARB TP-201.3C test procedure; and
 4. Procedures specified by a manufacturer or CARB for testing the vapor recovery system.
- B.** If there is a difference between a testing contractor's and the Department's test results, the Department's test results prevail.
- C.** If a site fails to pass any of the tests required by subsection (A), the affected vapor recovery system or component shall remain out-of-service until the vapor recovery system and component pass all the appropriate tests in subsection (A).
- D.** A person who cancels an initial inspection shall notify the Department by calling the Department's designated telephone number at least one hour before the scheduled inspection and shall reschedule the inspection within 10 business days after this notification. The Department shall take enforcement action if a person fails to comply with this Section.
- E.** A person shall notify the Department when a vapor recovery system or component is repaired after failing an initial inspection. A registered service representative shall not proceed with a reinspection until the Department approves the reinspection date and time.
- F.** If a registered service representative does not start an initial inspection pressure decay test within 30 minutes of the scheduled start time, the Department shall fail the initial inspection of that site.
- G.** If a person cancels an initial inspection, the person shall reschedule the inspection within 90 days from the date gasoline was first dispensed.
1. The Department shall take enforcement action if the person fails to timely reschedule the inspection.
 2. The registered service agency shall notify the Department in writing at least 10 business days before the inspection of the time, date, and location of the inspection.
 3. The Department shall notify the registered service agency within five business days, by fax or e-mail, whether it approves the inspection date and time.

R20-2-1006. Fee

The authority to construct plan approval fee is \$500.

R20-2-1007. Operation

- A.** The owner or operator of a gasoline dispensing site with stage I vapor recovery shall not transfer or permit the transfer of gasoline into any gasoline storage tank subject to this Article unless stage I vapor recovery equipment is installed, maintained, operating, and being used according to the requirements of A.R.S. Title 41, Chapter 15, Article 7, and this Article.
- B.** The owner or operator of a gasoline dispensing site with stage I vapor recovery shall operate the stage I vapor recovery system and associated components in compliance with the CARB certification or Department approval under A.R.S. § 41-2132 for that system and these rules.
- C.** The owner or operator of a gasoline dispensing site with stage I vapor recovery located in area A shall inspect the system and its components at least once every seven days. The inspections shall include all stage I fittings and spill containment.
- D.** The owner or operator of a gasoline dispensing site shall immediately stop using a stage I vapor recovery system or component if one or more of the following system or component defects occur:
1. Tank vent pipes are not the proper height or are not properly capped with approved pressure and vacuum vent valves;
 2. Vent pipes do not meet the CARB-specified paint color code specified in R20-2-1004(D)(13);
 3. The stage I vapor recovery system is not properly installed or maintained as evidenced by the following:
 - a. Spill containment buckets are cracked, rusted, or not clean and empty of liquid; sidewalls are not attached or are otherwise improperly installed; and drain valves are non-functioning or do not seal;
 - b. A fill adaptor collar or vapor poppet (drybreak) is loose, damaged, or has a fill or vapor cap that is not installed or is missing, broken, not securely attached, or missing gaskets;
 - c. Coaxial stage I is not equipped with a functioning CARB-approved poppeted fill tube or the coaxial cap is not installed or is missing, broken, not securely attached, or missing gaskets; or
 - d. A fill tube is missing, broken, or not sealed; has holes or damaged overfill prevention; or the high point of the bottom opening is more than six inches above the tank bottom;
 4. The tank rise cap with instrument lead wire for an electronic monitoring system is not installed tightly or any other tank riser is not sealed and capped securely;
 5. An above-ground storage tank does not display a permanently attached UL approval plaque; or
 6. Any other component identified in the diagrams, exhibits, attachments, or other documents and certified by CARB or required by the authority to construct permit for that system is missing, disconnected, or malfunctioning.
- E.** For proper operation of a stage I system under A.R.S. § 41-2132(C)(4), the owner or operator of a gasoline dispensing site shall recover vapors during pump-out from a gasoline storage tank to a mobile transporter.
- F.** The owner or operator of a gasoline dispensing site shall ensure that any underground tightness test is conducted in a manner that prevents gasoline vapors being emitted to the atmosphere.

**R20-2-1008. Training and Public Education**

Each operator of a gasoline dispensing site using stage I vapor recovery shall obtain adequate training and written instructions to enable the system to be installed, operated, and maintained properly in accordance with the manufacturer's specifications and CARB certification. The operator shall maintain documentation of this training on-site and make the documentation available to the Department on request.

R20-2-1009. Recordkeeping and Reporting

- A. The owner or operator of a gasoline dispensing site employing stage I vapor recovery in area A shall maintain records of the inspections done under R20-2-1007.
- B. The owner or operator of a gasoline dispensing site employing stage I vapor recovery in area A shall maintain a log and related records of all regularly scheduled maintenance and any repairs that have been made to stage I equipment.
- C. The owner or operator of a gasoline dispensing site that is exempt under A.R.S. § 41-2132(B) from requirements to install and operate stage I vapor recovery equipment shall maintain a log at the site showing monthly throughputs. The owner or operator shall make the log available to the Department within 24 hours after request. The owner or operator shall submit to the Department the throughput information required under R20-2-1002(B). If any throughput requirement provided in A.R.S. § 41-2132(B) and this Article is exceeded for any month, the owner or operator shall notify the Department in writing within 30 days. The owner or operator shall, within six months after the end of the month the throughput is exceeded, install and operate a stage I vapor recovery system conforming to this Article. If a stage I vapor recovery system is already installed, the owner or operator shall have the system tested under R20-2-1010 within 30 days after the end of the month in which the throughput was exceeded.
- D. The owner or operator of a gasoline dispensing site that has decommissioned a stage II vapor recovery system under R20-2-913 shall maintain a copy of the decommissioning checklist required under R20-2-913(I) for three years.
- E. Except as specified in subsection (D), the owner or operator of a gasoline dispensing site shall keep all records required by this Article at the gasoline dispensing site for at least one year and shall make these records available to the Department upon request.

R20-2-1010. Annual Testing and Inspection

- A. A person shall ensure that an annual inspection is conducted by a registered service representative on or before the annual inspection date. The annual inspection date is the last day of the month in which the last scheduled annual inspection was performed. A registered service agency shall notify the Department in writing at least 10 business days before an annual inspection of the time, date, and location of the inspection. The Department shall notify the registered service agency within five business days, by fax or e-mail, whether it approves the annual inspection date and time. The registered service agency shall not perform the annual inspection unless the Department approves the inspection date and time.
- B. The annual inspection shall include the tests defined in R20-2-1005(A)(1) through (3) that pertain to the specific vapor recovery system installed.
- C. To verify proper operation of a vapor recovery system, the Department may perform or may require registered service representatives to perform additional tests under R20-2-1005(A)(4) during the annual inspection and testing. The Department shall provide registered service agencies with six months' notice before requiring additional annual testing under R20-2-1005(A)(4).
- D. If there is a difference between a testing contractor's and the Department's test results, the Department's test results prevail.
- E. If a site fails to pass any of the tests required under subsection (B), the affected vapor recovery system or component shall remain out-of-service until the vapor recovery system and component pass all tests required under subsection (B).
- F. After an annual inspection begins, a person shall not make a repair to the vapor recovery system or component until the results of the inspection are recorded.
- G. A person shall notify the Department when a vapor recovery system or component is repaired after failing an annual inspection. A registered service representative shall not conduct a reinspection until the Department approves the reinspection date and time.
- H. A registered service representative shall perform all tests according to this Article and any other vapor recovery procedure the Department issues to registered service agencies.
- I. A person that cancels an annual inspection shall notify the Department by calling the Department's designated telephone number at least one hour before the scheduled inspection and shall reschedule the test to be completed by the annual inspection date. A registered service agency shall notify the Department in writing at least 10 business days before an annual inspection of the time, date, and location of the inspection. The Department shall notify the registered service agency within five business days, by fax or e-mail, of its approval of the inspection date and time. The Department shall take enforcement action if a person does not comply with this subsection.
- J. Gasoline dispensing sites located in area B are exempt from the annual inspection and testing requirements of this Section.

R20-2-1011. Compliance Inspections and Additional Test Methods

The Department shall not announce when it plans to conduct a compliance inspection of a stage I vapor recovery system or component. If results of a compliance inspection reveal a violation of A.R.S. Title 41, Chapter 15, or this Article, the Department shall require the vapor recovery system or component to undergo an appropriate test as specified in R20-2-1010.

R20-2-1012. Enforcement

If the Department finds that a stage I vapor recovery system or component is defective or non-compliant with one or more of the provisions of this Chapter or A.R.S. Title 41, Chapter 15, the Department shall issue to the owner or operator an admin-



istrative order and place a stop-sale, stop-use tag on the non-compliant vapor recovery system or component. The owner or operator may be required to schedule an inspection for a stage II vapor recovery system or component to ensure that it meets all requirements of A.R.S. Title 41, Chapter 15 and this Chapter before the vapor recovery system or component is placed in service.

R20-2-1013. Stage II Vapor Recovery

If the Department identifies a gasoline dispensing site operating a stage II vapor recovery system within an ozone nonattainment area designated as moderate, serious, severe, or extreme by the EPA under section 107(d) of the Clean Air Act or in area A after September 30, 2018, the Department shall issue an administrative order and civil penalty under A.R.S. § 41-2115 and require that the stage II vapor recovery system be decommissioned within three months after identification. Each day the stage II vapor recovery system is not decommissioned after the time specified in the administrative order constitutes a separate violation for the purpose of calculating the civil penalty under A.R.S. § 41-2115.

Table 1. Acceptability of Final System Pressure Results for Systems Tested Using TP-201.3

<u>Ullage (gallons)</u>	<u>Minimum Pressure after Five Minutes (Inches Water Column)</u>
<u>500</u>	<u>0.73</u>
<u>550</u>	<u>0.80</u>
<u>600</u>	<u>0.87</u>
<u>650</u>	<u>0.93</u>
<u>700</u>	<u>0.98</u>
<u>750</u>	<u>1.03</u>
<u>800</u>	<u>1.07</u>
<u>850</u>	<u>1.11</u>
<u>900</u>	<u>1.15</u>
<u>950</u>	<u>1.18</u>
<u>1000</u>	<u>1.21</u>
<u>1200</u>	<u>1.32</u>
<u>1400</u>	<u>1.40</u>
<u>1600</u>	<u>1.46</u>
<u>1800</u>	<u>1.51</u>
<u>2000</u>	<u>1.56</u>
<u>2400</u>	<u>1.62</u>
<u>2600</u>	<u>1.65</u>
<u>2800</u>	<u>1.67</u>
<u>3000</u>	<u>1.69</u>
<u>3500</u>	<u>1.73</u>
<u>4000</u>	<u>1.76</u>
<u>4500</u>	<u>1.79</u>
<u>5000</u>	<u>1.81</u>
<u>6000</u>	<u>1.84</u>
<u>7000</u>	<u>1.86</u>
<u>8000</u>	<u>1.88</u>
<u>9000</u>	<u>1.89</u>
<u>10000</u>	<u>1.90</u>
<u>15000</u>	<u>1.93</u>
<u>20000</u>	<u>1.95</u>
<u>25000</u>	<u>1.96</u>



NOTICES OF FINAL RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the Arizona Administrative Code.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 29. OFFICE OF PEST MANAGEMENT

[R15-12]

PREAMBLE

1. Article, Part, or Section Affected (as applicable)

- R4-29-102
R4-29-103
R4-29-202
R4-29-203
R4-29-204
R4-29-207
R4-29-208
R4-29-304
R4-29-307
R4-29-308
R4-29-501
R4-29-503

Rulemaking Action

- Amend

2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. §§ 32-2304(A)-(B)
Implementing statutes: A.R.S. §§ 32-2304(A)-(B), 32-2312(A), 32-2317, and 32-2324(A)

3. The effective date of the rule:

March 3, 2015

a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

The Office has two reasons for an immediate effective date. First, the amendments to the fee rule qualify for an immediate effective date under A.R.S. § 41-1032(A)(4). These amendments reduce the current rule's fees for licensing, certification, and registration. They also create a discount for persons who renew certifications and registrations for two years instead of one. Industry supports these reductions and anticipates their implementation prior to the next licensing cycle which begins this spring. In accordance with A.R.S. § 41-1032(A)(4), there is no penalty associated with these amendments and they provide the public with the benefit of lower costs for licenses, certifications, and registrations. Second, the other amendments in this rulemaking qualify for an immediate effective date under A.R.S. § 41-1032(A)(1). This rulemaking is part of an ongoing regulatory overhaul of the Office and its rules which was initiated by the Legislature. These amendments address issues that have been identified during the implementation of new rules governing the commercial use of pesticides. Effective regulatory oversight is critical to the welfare of both the public and the regulated community. Improper use of pesticides can cause severe damage to individuals, their property, and the environment. In accordance with A.R.S. § 41-1032(A)(1), these amendments are necessary for the Office to effectively regulate the use of pesticides and preserve public health and safety.

b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S.

**§ 41-1032(B):**

Not applicable

4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:

Notice of Final Exempt Rulemaking: 19 A.A.R. 2967, October 4, 2013.
Notice of Final Exempt Rulemaking: 20 A.A.R. 717, March 21, 2014.
Notice of Rulemaking Docket Opening: 20 A.A.R. 728, March 21, 2014.
Notice of Rulemaking Docket Opening: 20 A.A.R. 2894, October 31, 2014.
Notice of Proposed Rulemaking: 20 A.A.R. 2968, November 14, 2014.

5. The agency's contact person who can answer questions about the rulemaking:

Name: Jack Peterson
Address: 1688 W. Adams
Phoenix, AZ 85007
Telephone: (602) 542-3575
Fax: (602) 542-0466
E-mail: jpeterson@azda.gov

6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

Laws 2011, Ch. 20, § 6 required the Director of the Arizona Department of Agriculture (ADA) to appoint a nine member task force to study the regulation of structural pest management in Arizona. The Task Force's recommendations on statutory changes became SB 1290 (2013) and SB 1143 (2013), albeit with a few changes made by the Legislature. Both bills passed and were signed into law. See Laws 2013, Ch. 125 & Laws 2013, Ch. 64. Subsequently, the Office of Pest Management (the Office) established, by exempt rulemaking procedures, rules to implement the statutory changes. See 19 A.A.R. 2967, October 4, 2013 and 20 A.A.R. 717 March 21, 2014. The Office proposes this rulemaking to make its fee rule permanent, reduce license fees established under the rule, and to address practical issues in the rules that have been uncovered during the initial period of their enforcement. The proposed changes are set forth in further detail as follows:

The Office is amending R4-29-102 to allow individuals with an industrial license to perform all methods of mosquito control. This amendment was requested by the Office of Pest Management Advisory Committee.

R4-29-103 was established under exempt rulemaking. The Office is adopting the rule through this regular rulemaking to make the fee rule permanent and avoid the necessity for future exempt rulemakings. The Office is also amending the rule to reduce licensure, certification and registration fees as follows:

1. For an applicator: the applicator certification fee is reduced from \$100 to \$75; the applicator certification broadening application fee is reduced from \$50 to \$0;
2. For a qualifying party: the QA certification fee is reduced from \$200 to \$100; the QA certification broadening application fee is reduced from \$100 to \$25; the fee for registration, at a different time than application for renewal of the business license, is reduced from \$100 to \$50; the registration broadening fee is reduced from \$50 to \$25;
3. For a business: the business license fee is reduced from \$300 to \$250; the applicator registration fee is reduced from \$25 to \$0; and
4. For a branch: the branch office registration fee is reduced from \$100 to \$50 per branch; the fee for branch supervisor registration, at a different time than branch office registration, is reduced from \$50 to \$25.

The Office is amending R4-29-103(B) to allow for pre-payment of certain fees for a ten percent fee reduction.

The Office is amending R4-29-202 to implement statutory requirements for an applicant's proof of financial security as prescribed by A.R.S. §§ 32-2304(A)(1)(b) and 32-2313(B) through 32-2313(E).

The Office is amending R4-29-203, R4-29-204 and R4-29-207 to require proof of lawful presence to be submitted earlier in the application process to reduce the amount of unnecessary time an applicant who cannot provide proof of lawful presence spends on an application.

The Office is amending R4-29-204 to remove the requirement that an applicant have applicator certification in each category for which the applicant seeks QA certification.

The Office is amending R4-29-208(E) to provide applicators who have a good disciplinary record a one-time exception to the re-examination requirement for failure to comply with the renewal deadline. Currently, if the



renewal deadline is missed, an applicator must apply as a new applicator and retake and pass the applicable certification examinations. The Office is amending R4-29-208(G) to create a legal mechanism for surrendering an applicator or business license. Prior to this rulemaking there has not been a clearly defined method for surrendering a license, causing individuals to keep or renew their license even though they no longer have a need for the license and do not intend to perform pest management activities.

The Office is amending R4-29-304 to correct a punctuation issue.

The Office is amending R4-29-307 to clarify what is required when applicators are inspecting structures that include crawlspaces and to increase the amount of clear space between the bottom of a floor and grade level which will be deemed inaccessible to an applicator conducting an inspection.

The Office is amending R4-29-308(B) to require that an on-site inspection take place prior to issuance of a treatment proposal or quote of a fee for service.

The Office is amending R4-29-308(I) to clarify that applications must treat soil along the exterior of foundation walls and be made in accordance with specific and generally accepted commercial practices unless directions on a product label prevent them from doing so and to require that post construction treatments be made in accordance with the terms of their respective treatment proposals unless authorized and approved by the authorized agent prior to performing the treatment. In the past the Office has received consumer complaints about applicators using rates lower than that prescribed on the pesticide label and basing treatment proposals on one brand or type of pesticides but actually applying a lower quality and less expensive product.

The Office is amending R4-29-501 and R4-29-503 to clarify recordkeeping requirements for pesticide applicators, business licensees and political subdivisions.

The Office discussed the rulemaking with the Pesticide Management Advisory Committee (PMAC) and members of the public representing pesticide management industry at the August 22, 2014 PMAC meeting. After the discussion, the Committee unanimously voted to approve the Office's request to move forward with rulemaking.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not 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

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

9. The summary of the economic, small business, and consumer impact:

The harm resulting from the conduct the rule is designed to change and the likelihood it will continue to occur if the rule is not changed:

The Office's funding balance has grown. If the number of licenses, certifications, and registrations remains generally consistent, there is a high probability that the fund balance will continue to grow and the regulated industry will pay fees beyond what is necessary to fund the Office and its services. If the Office does not amend the rules to address practical implementation issues there is a high probability the public and regulated industry will suffer from ineffective regulatory oversight.

The estimated change in frequency of the targeted conduct expected from the rule change:

These fee reductions will be in effect for the next licensing cycle, prior to May 2015. The Office estimates that conduct which has been targeted in the other amendments will greatly be reduced. The rules being amended were recently adopted. The Office has worked closely with the regulated industry to ensure that the amendments are appropriate and understood.

Brief summary of the information included in the economic, small business, and consumer impact statement:

The reduction in fees in the rules will provide a new saving to the regulated industry of approximately \$400,000 per year. Additionally, the fee rule contains fee decreases that were promulgated by exempt rulemaking. By putting the fee rule through this regular rulemaking those fees will now become permanent. The savings generated by the exempt rulemaking was approximately \$300,000 per year. Thus the total benefit of this package to the regulated industry is permanent reduction in fees in the amount of approximately \$700,000 per year.

The Office's intent in proposing the amendments indicated in this rulemaking is to benefit the regulated commu-



nity, members of the public, and the Office by reducing fees, clarifying rule language, and reducing the burden on the regulated community where practical. The Office anticipates the rulemaking will result in an overall benefit to the regulated community, members of the public, and the Office. The Office anticipates the rulemaking will result in little or no impact to political subdivisions of this state; private and public employment in businesses, agencies or political subdivisions, or state revenues. The Office has determined that there are no less intrusive or costly alternative methods of achieving the purpose of the rulemaking. Therefore, the Office has determined that the benefits of the rulemaking outweigh any costs.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

The Office included the text of the rule in R4-29-103 in place of the words “no change” to clarify that fees which were adopted under exempt rulemaking are now permanent.

The Office removed the words “at a different time than branch office registration” from R4-29-103(B) after determining the phrase is redundant and unnecessary.

Minor grammatical and style corrections were made at the request of the Governor’s Regulatory Review Council staff.

11. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

The Office received one written stakeholder comment in support of the rulemaking from the Arizona Pest Professional Organization (AzPPO). The AzPPO comment expressed appreciation for the Office’s involvement of industry in the rulemaking process and stated that the fee reductions are critical to the industry and that the APPO looks forward to these reductions taking effect prior to the 2015 licensing renewal cycle. The Office appreciated the comment in support of the rulemaking from APPO and the industry members for participating in the process. Industry input is crucial part of the Office’s rulemakings. The Office agrees that the fee decreases are critical for industry and will implement the decreases as soon as the rulemaking is effective.

At the oral proceeding Kevin Etheridge asked if R4-29-308 will apply to warranty service or renewals. The Office responded that the amendments would not affect warranty service or renewals. The amendments to R4-29-308 prevent issuance of a treatment proposal when no on-site inspection has been performed.

The rulemaking was approved by the Office’s Pesticide Management Advisory Committee on August 21, 2014.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rules in this rulemaking do not require a permit. R4-29-201 which relates to the rules in this rulemaking requires a permit, but R4-29-201 is not being amended or repealed by this rulemaking. Rules R4-29-102, R4-29-103, R4-29-202, R4-29-203, R4-29-204, R4-29-207, and R4-29-208 set requirements for obtaining permits required by R4-29-201. General permitting is not used because the authorizing statutes prescribe seven categories of certification and distinct licensure requirements for businesses and individuals. See A.R.S. §§ 32-2312, 32-2313, 32-2314, and 32-2315.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Pesticide Programs, 40 C.F.R. §§ 150-180, contains the federal regulations related to pesticide registration, application, and certification of pesticide applicators. A State may certify applicators of restricted use pesticides by obtaining approval from EPA of a State plan for that purpose. See 40 CFR 171.7. The standards of certification in the State plan must “conform and be at least equal to those prescribed” in the federal regulations. 40 CFR 171.4(a). See also 40 CFR 171.5(a), 171.7(e)(1)(i)(C) and 171.7(e)(1)(ii)(B). These rules are in conformance with 40 C.F.R. §§ 150-180 and the approved State plan. Furthermore, the Director of the Arizona Department of Agriculture (the Director) is responsible for administering the Office of Pest Management statutes and A.R.S. § 32-2304(A)(1) expressly authorizes the Director to adopt rules that are more stringent than corresponding federal law for the following:

- (a) Administrative provisions.
- (b) Licensure, certification and registration requirements and qualifications, including training and education requirements and financial security standards.
- (c) Health and safety provisions.
- (d) Duties and responsibilities.



- (e) Recordkeeping and production of records requirements.
- (f) Licensee inspection and treatment report requirements.
- (g) Disciplinary action provisions.
- (h) Equipment provisions.
- (i) Advertising requirements.
- (j) The use, storage and application of pesticides and devices used in pest management.

c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:

No

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

15. The full text of the rule follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 29. OFFICE OF PEST MANAGEMENT

ARTICLE 1. GENERAL AND ADMINISTRATIVE PROVISIONS

Section

- R4-29-102. Certification Categories; Scope
- R4-29-103. Fees; Charges; Exemption

ARTICLE 2. CERTIFICATION, REGISTRATION AND LICENSURE; CONTINUING EDUCATION

Section

- R4-29-202. Business License
- R4-29-203. Applicator Certification
- R4-29-204. Qualified Applicator Certification
- R4-29-207. Applicator Registration
- R4-29-208. License, Certification and Registration Renewal

ARTICLE 3. PEST MANAGEMENT

Section

- R4-29-304. Devices Exempt ~~From~~ ~~from~~ Licensure and Registration; Advertising
- R4-29-307. Performing a Wood-destroying Insect Inspection; WDIIRs
- R4-29-308. Performing Wood-destroying Insect Management

ARTICLE 5. RECORDKEEPING AND REPORTING

Section

- R4-29-501. Applicator Recordkeeping
- R4-29-503. Business Licensee and Political Subdivision Recordkeeping and Retention

ARTICLE 1. GENERAL AND ADMINISTRATIVE PROVISIONS

R4-29-102. Certification Categories; Scope

The name and scope of each certification category are as follows:

1. Industrial and institutional: pest management in, on, around or adjacent to a structure not covered by another category; pest management in or on asphalt, concrete, gravel, rocks and similar surfaces, including man holes, not covered by another certification category; pest management of health related pests wherever found ~~other than in water; and pest management of insects (in all life stages) in water limited to using pesticide briquettes;~~ but excluding anti-microbial pest management and fungi inspection.
2. No change



- a. No change
- b. No change
3. Ornamental and turf: pest management, including weeds, in the maintenance of turf or bare ground not covered by the right-of-way category and ornamental trees, shrubs, and flowers by a means other than use of a fumigant.
4. No change
5. No change
6. No change
7. No change

R4-29-103. Fees; Charges; Exemption

A. A person shall pay the following application and renewal fees for licensure, certification, and registration:

1. For an applicator:
 - a. Applicator certification, ~~\$100~~ \$75.
 - b. Applicator certification broadening application, ~~\$50~~ \$0.
 - c. QA certification, ~~\$200~~ \$100.
 - d. QA certification broadening application, ~~\$100~~ \$25.
2. For a qualifying party:
 - a. Registration at same time as application for or renewal of the business license, \$0.
 - b. Registration at a different time than application for or renewal of the business license, ~~\$100~~ \$50.
 - c. Registration broadening, ~~\$50~~ \$25.
 - d. Temporary qualifying party registration, \$100.
3. For a business:
 - a. Business license, ~~\$300~~ \$250.
 - b. Business license for federal entity, \$0.
 - c. Applicator registration, ~~\$25~~ \$0 per applicator.
4. For a branch:
 - a. Branch office registration, ~~\$100~~ \$50 per branch.
 - b. Branch supervisor registration at same time as branch office registration, \$0.
 - c. Branch supervisor registration at a different time than branch office registration, ~~\$50~~ \$25.

B. A person renewing an applicator certification, QA certification, business license, branch office registration, or branch supervisor registration shall receive a 10 percent reduction in the renewal fee for renewals submitted for a two year renewal period.

~~B.C.~~ In addition to the fees listed in subsection (A), a person shall pay a \$10 handling fee for each application or renewal form not submitted electronically when OPM allows electronic submission.

~~C.D.~~ A person shall pay a late fee equal to half of the renewal fee for any license, certification, or registration that is not renewed timely. If a business license remains expired for more than 30 days, to renew the license, a person shall also pay an additional late fee of \$15 per month that the license remains expired, not to exceed \$165. Late fees are in addition to the renewal fee.

~~D.E.~~ A business licensee shall pay the following TARF fees:

1. Electronic submissions, \$2;
2. Electronic final grade treatment TARF submissions, \$0;
3. Electronic TARF submissions for a pretreatment or new-construction treatment of an addition that abuts the slab of an originally treated structure, \$0, if the business licensee:
 - a. Performed the pretreatment or new-construction treatment of the main structure,
 - b. Filed a TARF regarding the pretreatment or new-construction treatment,
 - c. Has the structure under warranty, and
 - d. Treats the abutting addition under the terms of the site warranty;
4. All paper submissions, \$8; and
5. Late fee equal to the original TARF fee for any TARF submission more than 30 days after the due date, except that the late fee for an electronic final grade treatment TARF submission more than 30 days after the due date shall be \$2.

~~E.F.~~ If the OPM administers a certification examination, an applicant shall pay \$50 to take the examination. If an examination service or testing vendor administers a certification examination, an applicant shall pay the examination service or testing vendor the examination cost established in the vendor's contract with the OPM.

~~F.G.~~ OPM employees are exempt from the applicator and examination fees listed in this Section.

~~G.H.~~ An applicant who makes a payment for a fee due under this Section that is rejected by a financial institution will be subject to all of the following:

1. The OPM shall void any approval of the application or renewal.
2. The applicant shall pay any financial institution fee incurred by the OPM.
3. The OPM may require the applicant to pay all fees due using a method other than a personal or business check.



- 4. An application for renewal will be considered untimely if the substitute payment is not received by the OPM by the original due date, and the applicant will be subject to a late fee based on the date of receipt of the substitute payment.

H.I. The OPM may reject an application or request for service that is submitted with the incorrect fee and not process the application or provide the service. An application for renewal will be considered untimely if the substitute payment is not received by the OPM by the original due date, and the applicant will be subject to a late fee based on the date of receipt of the substitute payment.

H.J. In addition to the fees listed in this Section, the OPM may collect service charges from persons who pay with alternative payment methods, including credit cards, charge cards, debit cards and electronic transfers.

ARTICLE 2. CERTIFICATION, REGISTRATION AND LICENSURE; CONTINUING EDUCATION

R4-29-202. Business License

A. No change

- 1. No change
 - a. No change
 - b. No change
 - c. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change

- 2. No change
- 3. No change
- 4. No change

B. No change

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change

C. No change

D. No change

E. No change

- 1. No change
- 2. No change

F. No change

G. No change

H. If an applicant's proof of financial security includes an insurance policy which provides for a deductible in excess of one percent of the total financial security for each occurrence, the applicant shall provide other evidence of financial security for the excess deductible amount as required by A.R.S. § 32-2313. Financial security in the following forms will be acceptable, provided that the nature of the security provides adequate protection for persons who may suffer bodily injury or property damage as a result of the operations of the applicant:

- 1. Liability insurance, self-insured retention or surety bond issued by an insurer that holds a valid certificate of authority or that is permitted to transact surplus lines insurance in this state;
- 2. Bank statement evidencing a deposit of money in an amount equal to, or greater than, the excess deductible amount;
or
- 3. Certified Check in an amount equal to, or greater than, the excess deductible amount.

R4-29-203. Applicator Certification

A. Application. An applicant for applicator certification shall submit the fee specified in R4-29-103 and the following information on a form obtained from the OPM:

- 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
 11. No change
 12. No change
 13. No change
 14. Information and documentation concerning lawful presence required by A.R.S. § 41-1080.
- B.** No change
1. No change
 2. No change
 3. No change
- C.** No change
- D.** No change
- E.** No change
- F.** No change
1. No change
 2. No change
 3. No change

R4-29-204. Qualified Applicator Certification

- A.** Before applying for QA certification, an applicant shall ~~have applicator certification in each category for which the applicant seeks QA certification and~~ fulfill the experience requirement for each category.
- B.** Application. An applicant for QA certification shall submit the fee specified in R4-29-103 and the following information on a form obtained from the OPM:
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
 11. No change
 12. No change
 13. No change
 14. No change
 15. No change
 16. Information and documentation concerning lawful presence required by A.R.S. § 41-1080, if not on file.
- C.** No change
1. No change
 2. No change
 - a. No change
 - b. No change
 3. No change
- D.** No change
- E.** No change
1. No change
 2. No change
 3. No change
- F.** No change
1. No change
 2. No change
- G.** No change
- H.** No change
1. No change
 2. No change
 3. No change



I. No change

R4-29-207. Applicator Registration

A. No change

B. To register an applicator, a person shall submit the fee specified in R4-29-103 and the following information about the applicator on a form obtained from the OPM:

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. For an uncertified applicator, the applicator's:
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. ~~Information and documentation concerning lawful presence required by A.R.S. § 41-1080; and~~
- 6. No change

C. No change

D. No change

E. No change

F. No change

G. No change

H. No change

R4-29-208. License, Certification and Registration Renewal

A. No change

B. No change

- 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- 2. No change
 - a. No change
 - b. No change
 - c. No change
- 3. No change
 - a. No change
 - b. No change
- 4. No change

C. No change

D. No change

E. Expired license, certification, or registration.

- 1. No change
- 2. No change
 - a. No change
 - b. No change
- 3. No change
- 4. No change
- 5. No change
- 6. Notwithstanding subsections (E)(1) and (E)(2)(a), an applicator who fails to renew by June 30 may renew by submitting a complete renewal application, including the renewal fee and the late fee, by August 31 if:
 - a. The applicator has not received discipline from the Office within 5 years immediately preceding the renewal application; and
 - b. The applicator has not previously renewed their certification after June 30.

F. No change

- 1. No change
 - a. No change
 - b. No change
- 2. No change

**G. Surrendering a certification or license.**

1. An applicator or business licensee may surrender their certification or license at any time, except for the following situations:
 - a. The applicator or business licensee is currently the subject of an investigation; or
 - b. The applicator or business licensee owes civil penalties or termite action registration form fees.
2. An applicator or business licensee that has surrendered their certification or license is not absolved of any termite action registration form fees or civil penalties based on actions or omissions that occurred prior to surrendering their certification or license.
3. The Office shall not refund any certification or licensing fees paid prior to the applicator or business licensee surrendering their certification or license.

ARTICLE 3. PEST MANAGEMENT**R4-29-304. Devices Exempt From from Licensure and Registration; Advertising**

- A. No change
 1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. No change
- B. An unlicensed person who engages in the business of pest management, but is exempt from licensure and registration because the person does not apply any pesticides and only uses devices listed in subsection (A) shall prominently display or include the phrase “Not a licensed ~~pest control company~~ to apply pesticides” in all written and oral advertisements.

R4-29-307. Performing a Wood-destroying Insect Inspection; WDIIRs

- A. No change
- B. An applicator completing a WDIIR shall inspect all areas of a structure including crawlspaces that are visible or accessible at the time of the inspection. The applicator may use techniques such as non-destructive probing and sounding.
- C. No change
- D. No change
 1. No change
 2. Inaccessible sub-area such as an area with less than ~~18~~ 24 inches of clear space between the bottom of a floor joist and grade level;
 3. No change
 - a. No change
 - b. No change
 - c. No change
 4. No change
 5. No change
- E. No change
- F. No change
- G. No change

R4-29-308. Performing Wood-destroying Insect Management

- A. No change
- B. An applicator shall not perform wood-destroying insect management, issue a treatment proposal, or quote a fee for service until the business licensee ~~or political subdivision~~ that employs the applicator ensures that:
 1. ~~A wood-destroying insect~~ An on-site inspection of the property is performed, in accordance with R4-29-307, by a certified applicator meeting the training requirement under A.R.S. § 32-2332(E),
 2. A treatment proposal is prepared, based upon the on-site inspection, on a form approved by the OPM and contains the information required under A.R.S. § 32-2332(B) and (C), and
 3. The treatment proposal is delivered to the person requesting the proposal or treatment, prior to the treatment.
- C. No change
- D. No change
 1. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change



- v. No change
 - vi. No change
 - vii. No change
- 2. No change
- 3. No change
 - a. No change
 - b. No change
 - c. No change
- 4. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
- 5. No change
- 6. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
 - m. No change
 - n. No change
 - o. No change
 - p. No change
- 7. No change
- 8. No change
- E.** No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- F.** No change
 - 1. No change
 - 2. No change
 - 3. No change
- G.** No change
- H.** No change
- I.** Post-construction treatment for commercial or residential construction.
 - 1. No change
 - 2. No change
 - 3. Unless precluded by label directions, any application to treat the soil along the exterior of foundation walls shall be made at an effective treatment rate of four gallons of chemical preparation per ten linear feet in a trench six inches wide or other method of treatment prescribed by the label to achieve the effective treatment rate.



4. All post construction treatments shall be made in accordance with the treatment proposal delivered as required under subsection (B). Any deviations to the original proposal shall be redelivered in writing in a revised treatment proposal and shall be approved prior to performing the treatment by the person who requested the original proposal or their authorized agent.

ARTICLE 5. RECORDKEEPING AND REPORTING

R4-29-501. Applicator Recordkeeping

- A. An applicator shall make all records required by law and provide the records to the business licensee or political subdivision that supervises, directs, or employs the applicator within five business days.
- B. Service records. An applicator shall make a record of each pest management service provided. The applicator shall include the following information in the service record:
 1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. Amount of pesticide applied, in terms of percent active ingredient and ~~volume~~ total amount of diluent (water, etc.); diluted mixture or in terms of total amount of liquid concentrate and total amount of diluent (water, etc.); or total amount of ready-to-use product by weight or volume (e.g. lbs, grams, ounces, etc.); granular material, or bait stations; and
 8. No change
- C. No change
 1. No change
 2. No change
 3. No change
 4. No change
 5. No change
- D. No change
 1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. No change
 8. No change
- E. No change
 1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
 - m. No change
 - n. No change
 - o. No change
 - p. No change
- F. No change

R4-29-503. Business Licensee and Political Subdivision Recordkeeping and Retention



- A. In addition to ensuring that the records required under R4-29-501 and R4-29-502 are made and maintained, a business licensee and political subdivision shall make and maintain records of the following:
 - 1. The specimen label and SDS for each registered pesticide currently used by an applicator supervised, directed or employed by the business licensee or political subdivision;
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. No change
 - 10. Personnel records including for each ~~employee of~~ applicator supervised, directed or employed by the business licensee or political subdivision:
 - a. Date of hire or beginning of relationship;
 - b. Date on which pest management services are first performed;
 - c. Training and continuing education received;
 - d. Supervision received;
 - e. Protective clothing, safety supplies, and equipment issued to employee;
 - f. Name of supervisor; and
 - g. Employment or relationship ending date.
- B. No change
 - 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
- C. When an applicator supervised, directed or employed by a business licensee submits a WDIIR, the business licensee shall record the following on the WDIIR:
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 3. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - 4. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change



- 5. No change
 - a. No change
 - b. No change
 - c. No change
 - i. No change
 - ii. No change
 - iii. No change
 - d. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - e. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change



**NOTICES OF EXPIRATION OF RULES
UNDER A.R.S. § 41-1056(E)**

This section of the *Arizona Administrative Register* contains Notices of Expiration of Rules. Under A.R.S. § 41-1056(E), if an agency does not file a five-year rule review report with the Governor’s Regulatory Review Council (including a revised report); or if an agency does not file an extension before the due date of the report; or if an agency files an extension but does not submit a report

within the extension period; the rules scheduled for review expire.

The Council is required to notify the Secretary of State that the rules have expired and are no longer enforceable. The notice is published in the *Register*, and the rules are removed from the *Code*.

**GOVERNOR’S REGULATORY REVIEW COUNCIL
NOTICE OF RULE EXPIRATION**

[R15-10]

- 1. **Agency name:** Board of Fingerprinting
- 2. **Title and its heading:** 13, Public Safety
- 3. **Chapter and its heading:** 11, Board of Fingerprinting
- 4. **Articles and their headings:** 1, Board of Fingerprinting
- 5. **As required by A.R.S. § 41-1056(J), the Council provides notice that the Board has chosen to allow the following rule to expire:**

R13-11-101. Applicability

- 6. **Signature is of Bret H. Parke** **Date of Signing**
/s/ March 3, 2015
Bret H. Parke
G.R.R.C. Chair

**GOVERNOR’S REGULATORY REVIEW COUNCIL
NOTICE OF RULE EXPIRATION**

[R15-11]

- 1. **Agency name:** Department of Revenue
- 2. **Title and its heading:** 15, Revenue
- 3. **Chapter and its heading:** 2, Department of Revenue - Income and Withholding Tax Section
Subchapter C, Individuals
- 4. **Articles and their headings:** 2, Additions and Arizona Gross Income
- 5. **As required by A.R.S. § 41-1056(J), the Council provides notice that the Department has chosen to allow the following rules to expire:**

R15-2C-202. Beneficiary’s Share of Trust or Estate Income
R15-2C-204. Annuities Where First Payment Was Received Prior to December 31, 1978

- 6. **Signature is of Bret H. Parke** **Date of Signing**
/s/ March 3, 2015
Bret H. Parke
G.R.R.C. Chair



NOTICES OF AGENCY OMBUDSMAN

The Administrative Procedure Act requires the publication of Notices of Agency Ombudsman. Agencies shall publish annually in the *Register* the name or names of those employees who are designated by the agency to

assist members of the public or regulated community in seeking information or assistance from the agency. (A.R.S. § 41-1006)

**NOTICE OF AGENCY OMBUDSMAN
DEPARTMENT OF CHILD SAFETY**

[M15-55]

1. The agency name:

Arizona Department of Child Safety

2. The ombudsman's:

a. Name:

Marcy Morales

b. Title:

Ombudsman

3. The ombudsman's office address to include the city, state and zip code:

Arizona Department of Child Safety
1624 W. Adams
Phoenix, AZ 85007

4. The ombudsman's area code and telephone number, fax number and e-mail address, if available:

Telephone: (602) 542-2203
Fax: (602) 542-5848
Email: marcymorales@azdes.gov



GOVERNOR EXECUTIVE ORDERS

The Administrative Procedure Act (APA) requires the full-text publication of Governor Executive Orders.

With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

In addition, the Register shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed.

EXECUTIVE ORDER 2015-01

Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies

Editor’s Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2015, as a notice to the public regarding state agencies’ rulemaking activities.

[M15-02]

WHEREAS, Arizona has lost more jobs per capita than any other state and has yet to recover all of those jobs;

WHEREAS, burdensome regulations inhibit job growth and economic development;

WHEREAS, each agency of the State of Arizona should promote customer-service-oriented principles for the people that it serves;

WHEREAS, each State agency should undertake a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay, and legal uncertainty associated with government regulation;

WHEREAS, overly burdensome, antiquated, contradictory, redundant, and nonessential regulations should be repealed;

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor;

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

1. A State agency, subject to this Order, shall not conduct any rulemaking except as permitted by this Order.
2. A State agency, subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
 - a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
 - b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace or safety.
 - d. To avoid violating a court order or federal law that would result in sanctions by a court or the federal government against an agency for failure to conduct the rulemaking action.
 - e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
 - f. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor’s Office of Strategic Planning and Budgeting.
 - g. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
 - h. To address matters pertaining to the control, mitigation or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
3. Paragraphs 1 and 2 apply to all State agencies, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission, or (c) any State agency whose agency head is not appointed by the Governor. Those State agencies to which Paragraphs 1 and 2 do not apply are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
4. Pursuant to Article 5, Section 4 of the Arizona Constitution and Arizona Revised Statutes Section 41-101(A)(1), the State agencies identified in Paragraph 3 must provide the Office of the Governor with a written report for each proposed rule 30 days prior to engaging in any rulemaking proceeding and must also provide the Office of the Governor with a written report within 15 days of any rulemaking. The reports required by this Paragraph shall explain, in detail, how the rulemaking advances the priorities and principles set forth in this Order.



5. No later than September 1, 2015, each State agency shall provide to the Office of the Governor an evaluation of their rules, with recommendations for which rules could be amended or repealed consistent with the priorities and principles set forth in this Order. The evaluation shall also include a summary of licensing time frames and describe how those time frames compare to real processing time, and whether or not they can be reduced. Additionally, each agency shall identify any existing licenses or permits in which a general permit could be used in lieu of an individual permit, pursuant to Arizona Revised Statutes Section 41-1037.
6. No later than July 1, 2015, each State agency shall provide to the Office of the Governor an update on divisions where electronic reporting and payment are not implemented and a suggested plan for how to implement this customer-service-oriented service.
7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, “person,” “rule” and “rulemaking” have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.
8. This Executive Order expires on December 31, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey
G O V E R N O R

DONE at the Capitol in Phoenix on this fifth day of January in the year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Thirty-ninth.

ATTEST:
Michele Reagan
Secretary of State



COUNTY NOTICES ACCORDING TO A.R.S. § 49-112

This section of the *Arizona Administrative Register* contains County Notices (according to A.R.S. § 49-112).

Each county writes rules and regulations in its own unique style. Although these notices are published in the *Register*, they do not conform to the standards specified in

the *Arizona Rulemaking Manual*. With the exception of minor formatting changes, County Notices (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

NOTICE OF PROPOSED EXPEDITED RULEMAKING

PIMA COUNTY CODE

TITLE 17 – AIR QUALITY CONTROL

CHAPTER 4 GENERAL PROVISIONS

[M15-51]

PREAMBLE

1. Sections Affected

PCC 17.04.190

Rulemaking Action

Amend

2. Statutory authority for the rulemaking:

Authorizing statutes: Arizona Revised Statutes (A.R.S.) §§ 49-402 and 49-479

Implementing statutes: A.R.S. §§ 49-478

3. The agency’s contact person who can answer questions about the rulemaking:

Name: Sarah Reitmeyer
Address: Pima County DEQ
33 N. Stone Ave., Suite 700
Tucson, AZ 85701
Telephone: (520) 724-7437
Fax: (520) 838-7432
E-mail: sarah.reitmeyer@pima.gov

4. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

Pima County Department of Environmental Quality (PDEQ) is updating this rule to conform to the Arizona Revised Statutes in an effort to achieve consistency and accuracy in Title 17 of the Pima County Code. PDEQ's intention in updating this rule is to conform to the composition of the Air Quality Hearing Board as put forth in A.R.S. 49-478. This update includes changes to Section PCC 17.04.190.

5. Demonstration of compliance with A.R.S. § 49-471.08 expedited rule or ordinance making:

A county may declare an expedited rulemaking and is not subject to A.R.S. § 49-471.07 if the rule is adopted pursuant to A.R.S. § 49-112(B) and the rule incorporates a conforming change to directly reflect federal or state rule or law. PDEQ is updating Pima County Code Title 17 to directly reflect state rule or law.

6. Reference to any study relevant to the rule that the control officer reviewed and either relied or did not rely on in its evaluation of or justification for the rule, where the public may review each study, all data underlying each study, and any analysis of each study and other supporting material:

No studies were reviewed in reference to this rulemaking action.

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:

Pima County is proposing to update the composition of the Air Quality Hearing Board to amend the composition of the five members of the board to conform to the A.R.S. This revision will not have an economic impact on businesses in Pima County, and will not impose additional costs on the regulated community, small businesses, political subdivisions, and members of the public beyond that already incurred by reason of federal or state rule or law. The costs of compliance for the hearing board have already occurred, and were considered when the state rule or law was proposed and adopted.



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: Sarah Reitmeyer
 Address: Pima County DEQ
 33 N. Stone Ave., Suite 700
 Tucson, AZ 85701
 Telephone: (520) 724-7437
 Fax: (520) 838-7432
 E-mail: sarah.reitmeyer@pima.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:

Written comments will be accepted if received between the date of this publication and **April 27, 2015 by 5:00 p.m.** Written comments may be mailed or hand delivered to the Pima County Department of Environmental Quality (see #10 above). Written comments received during the comment period will be considered formal comments to the expedited rule or ordinance, and will be responded to in the notice of final rulemaking.

Oral Proceeding: Tuesday, May 5, 2015
Time: 9 a.m.
Location: Pima County Board of Supervisors
Public Hearing Room, First Floor
130 West Congress Street
Tucson, AZ 85701

11. Any other matters prescribed by the statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Conforming change and its location in the rules:

<u>Conforming Rule:</u>	<u>Location</u>
A.R.S. 49-478	17.04-190

13. The full text of the rule follows:

TITLE 17 – AIR QUALITY CONTROL

CHAPTER 17.04 GENERAL PROVISIONS

ARTICLE IV. HEARING BOARD

Section
 17.04.190 Composition.

Chapter 17.04 General Provisions

Article IV. Hearing Board

17.04.190 Composition.

- A. The hearing board shall consist of five members, ~~none of whom is an employee of the county or of the state or any of its political subdivisions.~~
 1. The five members shall be knowledgeable in the field of air pollution control.
 2. One member shall ~~have been admitted to the practice of law in the state~~ be an attorney licensed to practice law in this state.
 3. ~~One member shall be a duly licensed practitioner of medicine in the state.~~
 4. ~~One member shall be a registered professional engineer in the state.~~
- B. At least a majority of the hearing board members shall not individually have a substantial interest in an emission source subject to permits or enforcement orders issued pursuant to this title. Substantial interest means any pecuniary or proprietary interest, either direct or indirect, other than a remote interest ~~as defined in A.R.S. 38-502, paragraph 10.~~



NOTICE OF RULEMAKING DOCKET OPENING

PIMA COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY

[M15-52]

- 1. Title and its heading:** Pima County Code Title 17 – Air Quality Control
- Rule and its heading:** Article VI – Hearing Board, Section 17.04.190 – Composition
- 2. The subject matter of the proposed rule:**
 Pima County Department of Environmental Quality (PDEQ) is proposing to update this rule to conform to the Arizona Revised Statutes in an effort to achieve consistency and accuracy in Title 17 of the Pima County Code. PDEQ's intention in updating this rule is to conform to the composition of the Air Quality Hearing Board as put forth in A.R.S. § 49-478. This update includes changes to Section PCC 17.04.190.
- 3. A citation to all published notices relating to this proceeding:**
 Notice of Proposed Expedited Rulemaking: 21 A.A.R. 469, March 27, 2015 (*in this issue*)
- 4. The name and address of department personnel with whom persons may communicate regarding the proposed rule:**
 Name: Sarah Reitmeyer
 Address: Pima County DEQ
 33 N. Stone Ave., Suite 700
 Tucson, AZ 85701
 Telephone: (520) 724-7437
 Fax: (520) 838-7432
 E-mail: sarah.reitmeyer@pima.gov
- 5. The time during which the department will accept written comments and the time and place where oral comments may be made:**
 See Notice of Proposed Expedited Rulemaking in this issue.
- 6. A timetable for department decisions or other action on the proceeding, if known:**
 See Notice of Proposed Expedited Rulemaking in this issue.

REGISTER INDEXES

The *Register* is published by volume in a calendar year (See “Information” in the front of each issue for a more detailed explanation).

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

PN = Proposed new Section
PM = Proposed amended Section
PR = Proposed repealed Section
P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING

SPN = Supplemental proposed new Section
SPM = Supplemental proposed amended Section
SPR = Supplemental proposed repealed Section
SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING

FN = Final new Section
FM = Final amended Section
FR = Final repealed Section
F# = Final renumbered Section

SUMMARY RULEMAKING**PROPOSED SUMMARY**

PSMN = Proposed Summary new Section
PSMM = Proposed Summary amended Section
PSMR = Proposed Summary repealed Section
PSM# = Proposed Summary renumbered Section

FINAL SUMMARY

FSMN = Final Summary new Section
FSMM = Final Summary amended Section
FSMR = Final Summary repealed Section
FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING**PROPOSED EXPEDITED**

PEN = Proposed Expedited new Section
PEM = Proposed Expedited amended Section
PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED

SPEN = Supplemental Proposed Expedited new Section
SPEM = Supplemental Proposed Expedited amended Section
SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

FEN = Final Expedited new Section
FEM = Final Expedited amended Section
FER = Final Expedited repealed Section
FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING**EXEMPT PROPOSED**

PXN = Proposed Exempt new Section
PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

SPXN = Supplemental Proposed Exempt new Section
SPXR = Supplemental Proposed Exempt repealed Section
SPXM = Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULEMAKING

FXN = Final Exempt new Section
FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING

EN = Emergency new Section
EM = Emergency amended Section
ER = Emergency repealed Section
E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

TN = Terminated proposed new Sections
TM = Terminated proposed amended Section
TR = Terminated proposed repealed Section
T# = Terminated proposed renumbered Section

RULE EXPIRATIONS

EXP = Rules have expired

See also “emergency expired” under emergency rulemaking

CORRECTIONS

C = Corrections to Published Rules



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RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and by volume page number. Use the page guide above to determine the *Register* issue number to review the rule. Headings for the Subchapters, Articles, Parts, and Sections are not indexed.

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 12 OF VOLUME 21.

<p>Arizona Health Care Cost Containment System - Administration R9-22-730. PXM-5</p> <p>Collateral Pool, Statewide R2-14-101. FN-233 R2-14-102. FN-233 R2-14-103. FN-233 R2-14-104. FN-233 R2-14-105. FN-233 R2-14-106. FN-233 R2-14-107. FN-233 R2-14-108. FN-233 R2-14-109. FN-233</p> <p>Corporation Commission - Fixed Utilities R14-2-1805. FM-379 R14-2-1812. FM-379</p> <p>Economic Security, Department of - State Assistance Programs R6-13-201. EXP-157 R6-13-202. EXP-157 R6-13-203. EXP-157 R6-13-204. EXP-157 R6-13-205. EXP-157 R6-13-206. EXP-157 R6-13-207. EXP-157 R6-13-208. EXP-157 R6-13-209. EXP-157 R6-13-210. EXP-157 R6-13-211. EXP-157 R6-13-212. EXP-157 R6-13-213. EXP-157 R6-13-214. EXP-157 R6-13-215. EXP-157 R6-13-216. EXP-157 R6-13-302. EXP-157 R6-13-303. EXP-157 R6-13-304. EXP-157 R6-13-305. EXP-157 R6-13-306. EXP-157 R6-13-308. EXP-157</p>	<p>R6-13-309. EXP-157 R6-13-310. EXP-157 R6-13-311. EXP-157 R6-13-312. EXP-157 R6-13-313. EXP-157 R6-13-314. EXP-157 R6-13-314.01. EXP-157 R6-13-317. EXP-157 R6-13-318. EXP-157 R6-13-319. EXP-157 R6-13-320. EXP-157 R6-13-321. EXP-157 R6-13-1201. EXP-157 R6-13-1202. EXP-157 R6-13-1203. EXP-157 R6-13-1204. EXP-157 R6-13-1206. EXP-157 R6-13-1209. EXP-157 R6-13-1210. EXP-157 R6-13-1211. EXP-157 R6-13-1212. EXP-157</p> <p>Financial Institutions, Department of Insurance, Department of R20-6-1401. FXM-54 R20-6-1402. FXM-54 R20-6-1403. FXM-54 R20-6-1404. FXM-54 R20-6-1405. FXM-54 R20-6-1406. FXM-54 R20-6-1407. FXM-54 R20-6-1408. FXR-54; FXN-54 R20-6-1409. FXN-54 R20-6-1410. FXN-54 Appendix A. FXM-54 Appendix B. FXM-54 Appendix C. FXM-54 Appendix D. FXM-54</p>	<p>Appendix E. FX#-54; FXM-54; FXN-54</p> <p>Appendix F. FXN-54 Appendix G. FX#-54; FXM-54; FXN-54</p> <p>Physicians Medical Board, Naturopathic R4-18-101. PM-201 R4-18-107. PM-201 R4-18-202. PM-201 R4-18-203. PM-201 R4-18-204. PM-201 R4-18-206. PM-201 R4-18-207. PN-201 R4-18-208. PN-201 R4-18-209. PN-201 R4-18-501. PM-201 R4-18-502. PM-201 R4-18-904. EM-51; PM-201</p> <p>Power Authority, Arizona R12-14-602. FR-297 R12-14-603. FN-297 R12-14-604. FN-297 R12-14-605. FN-297 R12-14-606. FN-297 R12-14-607. FN-297 R12-14-608. FN-297 R12-14-609. FN-297 R12-14-610. FN-297 R12-14-611. FN-297 R12-14-612. FN-297 R12-14-613. FN-297 R12-14-614. FN-297 R12-14-615. FN-297 R12-14-616. FN-297 R12-14-617. FN-297 R12-14-618. FN-297 R12-14-619. FN-297</p>
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OTHER NOTICES AND PUBLIC RECORDS INDEX

Other notices related to rulemakings are listed in the Index by notice type, agency/county and by volume page number. Agency policy statements and proposed delegation agreements are included in this section of the Index by volume page number.

Public records, such as Governor Office executive orders, proclamations, declarations and terminations of emergencies, summaries of Attorney General Opinions, and county notices are also listed in this section of the Index as published by volume page number.

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 12 OF VOLUME 21.

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RULE EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

January		February		March		April		May		June	
Date Filed	Effective Date										
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		



July		August		September		October		November		December	
Date Filed	Effective Date										
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1



REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
December 12, 2014	January 2, 2015	February 2, 2015
December 19, 2014	January 9, 2015	February 9, 2015
December 26, 2014	January 16, 2015	February 16, 2015
January 2, 2015	January 23, 2015	February 23, 2015
January 9, 2015	January 30, 2015	March 2, 2015
January 16, 2015	February 6, 2015	March 9, 2015
January 23, 2015	February 13, 2015	March 16, 2015
January 30, 2015	February 20, 2015	March 23, 2015
February 6, 2015	February 27, 2015	March 30, 2015
February 13, 2015	March 6, 2015	April 6, 2015
February 20, 2015	March 13, 2015	April 13, 2015
February 27, 2015	March 20, 2015	April 20, 2015
March 6, 2015	March 27, 2015	April 27, 2015
March 13, 2015	April 3, 2015	May 4, 2015
March 20, 2015	April 10, 2015	May 11, 2015
March 27, 2015	April 17, 2015	May 18, 2015
April 3, 2015	April 24, 2015	May 26, 2015 (Tuesday)
April 10, 2015	May 1, 2015	June 1, 2015
April 17, 2015	May 8, 2015	June 8, 2015
April 24, 2015	May 15, 2015	June 15, 2015
May 1, 2015	May 22, 2015	June 22, 2015
May 8, 2015	May 29, 2015	June 29, 2015
May 15, 2015	June 5, 2015	July 6, 2015
May 22, 2015	June 12, 2015	July 13, 2015
May 29, 2015	June 19, 2015	July 20, 2015
June 5, 2015	June 26, 2015	July 27, 2015
June 12, 2015	July 3, 2015	August 3, 2015
June 19, 2015	July 10, 2015	August 10, 2015

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor's Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines as a courtesy.

All rules and Five-Year Review Reports are due in the Council office by 5:00 p.m. of the deadline date. The Council's office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit www.grrc.state.az.us.

DEADLINE TO BE PLACED ON COUNCIL AGENDA	FINAL MATERIALS DUE FROM AGENCIES	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
November 17, 2014	December 17, 2014	December 30, 2014	January 6, 2015
December 15, 2014	January 14, 2015	January 27, 2015	February 3, 2015
January 20, 2015	February 11, 2015	February 24, 2015	March 3, 2015
February 17, 2015	March 18, 2015	March 31, 2015	April 7, 2015
March 16, 2015	April 15, 2015	April 28, 2015	May 5, 2015
April 20, 2015	May 13, 2015	May 28, 2015	June 2, 2015
May 18, 2015	June 17, 2015	June 30, 2015	July 7, 2015
June 15, 2015	July 15, 2015	July 28, 2015	August 4, 2015
July 20, 2015	August 12, 2015	August 25, 2015	September 1, 2015
August 17, 2015	September 16, 2015	September 29, 2015	October 6, 2015
September 21, 2015	October 14, 2015	October 27, 2015	November 3, 2015
October 19, 2015	November 12, 2015	November 24, 2015	December 1, 2015
November 16, 2015	December 16, 2015	December 29, 2015	January 5, 2016

**GOVERNOR'S REGULATORY REVIEW COUNCIL****NOTICE OF ACTION TAKEN AT THE MARCH 3, 2015 MEETING**

This section of the *Register* contains information submitted for publication by the Governor's Regulatory Review Council, including the summaries of action taken by the Council at the monthly meetings.

[M15-53]

CONSIDERATION OF FIVE-YEAR-REVIEW REPORTS:**INDUSTRIAL COMMISSION OF ARIZONA (F-14-0903)**

Title 20, Chapter 5, Article 2, Self-Insurance Requirements for Individual Employers and Workers' Compensation Pools Organized under A.R.S. §§ 11-952.01(B) and 41-621.01

INDUSTRIAL COMMISSION OF ARIZONA (F-14-0904)

Title 20, Chapter 5, Article 1, Workers' Compensation Practice and Procedure

ARIZONA DEPARTMENT OF REVENUE (F-15-0102)

Title 15, Chapter 2, Subchapter A, General and Administrative; Article 1, Definitions and General Provisions; Article 2, General Accounting Provisions; Subchapter B, Withholding; Article 1, Withholding by Employer; Article 2, Withholding as Payment of Tax for Employee; Subchapter C, Individuals; Article 1, Payment and Collection of Tax; Article 2, Additions to Arizona Gross Income; Article 3, Subtractions from Arizona Gross Income; Article 4, Deductions; Article 5, Credits; Article 6, Nonresidents; Subchapter D, Corporations; Article 1, General; Article 3, Subtractions from Arizona Gross Income; Article 4, Multistate Division of Income; Article 5, Business and Nonbusiness Income; Article 6, Property Factor; Article 7, Payroll Factor; Article 8, Sales Factor; Article 9, Departure from Standard Apportionment and Allocation Provisions; Article 10, Credits; Subchapter E, Tax-Exempt Organizations; Article 1, Organizations Exempt from Tax; Article 2, Denial of Exempt Status; Article 3, Returns of Exempt Organizations; Subchapter F, Estates and Trusts; Article 1, Returns; Subchapter G, Partnerships; Article 1, Taxation of Partnerships

ARIZONA STATE LAND DEPARTMENT BOARD OF APPEALS (F-15-0104)

Title 12, Chapter 5, Article 23, Board of Appeals

ARIZONA BOARD OF FINGERPRINTING (F-15-0105)

Title 13, Chapter 11, Article 1, Board of Fingerprinting

ARIZONA STATE LAND DEPARTMENT (F-15-0201)

Title 12, Chapter 5, Article 20, Common Mineral Materials; Article 21, Oil and Gas Leases

ARIZONA DEPARTMENT OF TRANSPORTATION (F-15-0202)

Title 17, Chapter 4, Article 5, Safety

ARIZONA DEPARTMENT OF PUBLIC SAFETY (F-15-0303)

Title 13, Chapter 2, Article 1, General Provisions; Article 2, Agency Licenses; Article 3, Registration Certificates; Article 4, Regulation

ARIZONA GOVERNING COMMITTEE FOR TAX DEFERRED ANNUITY AND DEFERRED COMPENSATION PLANS (F-15-0304)

Title 2, Chapter 9, Article 1, General Provisions

RULES**ARIZONA DEPARTMENT OF AGRICULTURE OFFICE OF PEST MANAGEMENT (R-15-0304)**

Title 4, Chapter 29, Article 1, General and Administrative Provisions; Article 2, Certification, Registration and Licensure; Continuing Education; Article 3, Pest Management; Article 5, Recordkeeping and Reporting



Amend: R4-29-102, R4-29-103, R4-29-202, R4-29-203, R4-29-204, R4-29-207,
R4-29-208, R4-29-304, R4-29-307, R4-29-308, R4-29-501, R4-29-503

COUNCIL ACTION: ALL OF THE ABOVE ITEMS WERE APPROVED IN CONSENT AGENDA

GOVERNOR'S REGULATORY REVIEW COUNCIL

NOTICE OF ACTION TAKEN AT THE FEBRUARY 11, 2015 SPECIAL MEETING

[M15-54]

CONSIDERATION OF FIVE-YEAR-REVIEW REPORTS:

None

RULES

ARIZONA POWER AUTHORITY (R-15-0106)

Title 12, Chapter 14, Article 6, Conferences; Appeal of Agency Action

Repeal: R12-14-602

New Section: R12-14-603 through R12-14-632

COUNCIL ACTION: APPROVED AS SUBMITTED