

Arizona Administrative REGISTER

Published by the Department of State ~ Office of the Secretary of State

Vol. 21, Issue 2

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January 9, 2015

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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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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.

Vol. 21

Issue 1

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SUBSCRIPTIONS
ADMINISTRATIVE REGISTER

The printed version of the *Administrative Register* is the official publication of Arizona state agency rules.
Rates: \$275 yearly

New subscriptions, renewals and address changes contact customer service at
(602) 364-3224.

This publication is available online for free at www.azsos.gov.

ADMINISTRATIVE CODE
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.

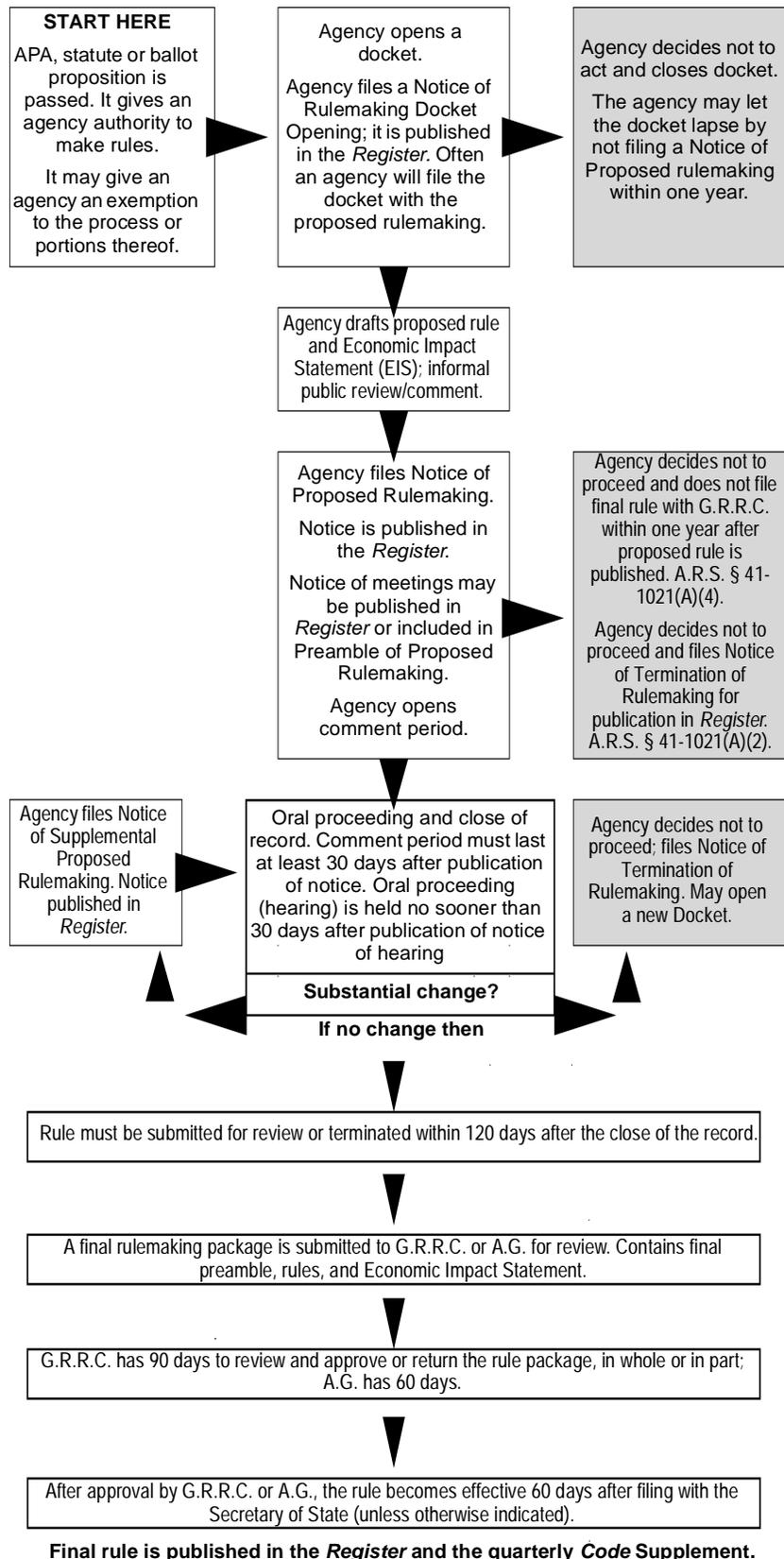
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

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 FINAL EXEMPT RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Exempt Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these rules.

Questions about the interpretation of the final exempt rules should be addressed to the agency proposing them.

Refer to item #5 to contact the person charged with the rulemaking.

NOTICE OF EXEMPT RULEMAKING

TITLE 20 COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 6. DEPARTMENT OF INSURANCE

Editor's Note: The following Notice of Final Exempt Rulemaking was reviewed per Executive Order 2012-03 as issued by Governor Brewer, and submitted for publication in the Register while this order was still in effect. (See the text of the executive order on page 102). The Governor's Office (under the Brewer administration) authorized the notice to proceed through the rulemaking process on August 14, 2013.

[R14-211]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
R20-6-1401 Amend
R20-6-1402 Amend
R20-6-1403 Amend
R20-6-1404 Amend
R20-6-1405 Amend
R20-6-1406 Amend
R20-6-1407 Amend
R20-6-1408 Repeal
R20-6-1408 New Section
R20-6-1409 New Section
R20-6-1410 New Section
Appendix A Amend
Appendix B Amend
Appendix C Amend
Appendix D Amend
Appendix E Renumber
Appendix E Amend
Appendix E New Appendix
Appendix F New Appendix
Appendix G Renumber
Appendix G Amend
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:
Authorizing statute: A.R.S. § 20-143
Implementing statute: A.R.S. § 20-481.22
Statute or session law authorizing the exemption: Laws 2014, Ch. 104, § 20
3. The effective date of the rule and the agency's reason it selected the effective date:
February 14, 2015
4. A list of all notices published in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:
Notices of Rulemaking Docket Opening: 20 A.A.R. 2933, November 7, 2014
5. The agency's contact person who can answer questions about the rulemaking:
Name: Mary E. Kosinski
Address: Department of Insurance



2910 N. 44th St., Suite 210
 Phoenix, AZ 85018
 Telephone: (602) 364-3476
 Fax: (602) 364-3470
 E-mail: mkosinski@azinsurance.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:**
 To retain its accreditation with the National Association of Insurance Commissioners, the Department recently updated A.R.S. §§ 20-481 through 20-481.32 (Insurance Holding Company Systems). It now needs to amend its rules to make them conform to current statutory authority.
- 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, if applicable:**
 Not applicable
- 10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):**
 Not applicable
- 11. An agency's summary of the public or stakeholder's comments made about the rulemaking and the agency response to the comments, if applicable:**
 Not applicable
- 12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:**
- 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:**
 A.R.S. § 20-216 authorizes the Department to issue a certificate of authority to insurers doing business in Arizona if they meet statutorily specified criteria. No general permit is used.
- b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
 Not applicable
- 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:**
 Not applicable
- 13. A list of any incorporated by reference material and its location in the rule:**
 Not applicable
- 14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:**
 Not applicable
- 15. The full text of the rules follows:**

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 6. DEPARTMENT OF INSURANCE

ARTICLE 14. INSURANCE HOLDING COMPANY

Section	
R20-6-1401.	Definitions
R20-6-1402.	Acquisition of Control – Statement Filing
R20-6-1403.	Annual Registration of Insurers – Statement Filing
R20-6-1404.	Summary of Registration – Statement Filing
R20-6-1405.	Alternative and Consolidated Registrations
R20-6-1406.	Disclaimers and Termination of Registration



- R20-6-1407. Transactions Subject to Prior Notice – Notice Filing
- R20-6-1408. ~~Extraordinary Dividends and Other Distributions~~ Enterprise Risk Report
- R20-6-1409. ~~Extraordinary Dividends and Other Distributions~~
- R20-6-1410. Adequacy of Surplus
- Appendix A. Form A – Statement Regarding the Acquisition of, Control of, or Merger with a Domestic Insurer
- Appendix B. Form B – Insurance Holding Company System Annual Registration Statement
- Appendix C. Form C – Summary of Changes to Registration Statement
- Appendix D. Form D – Prior Notice of a Transaction
- Appendix E. ~~Instructions on Forms A, B, C, D~~ Form E – Pre-Acquisition Notification Form Regarding the Potential Competitive Impact of a Proposed Merger or Acquisition by a Non-Domiciliary Insurer Doing Business in this State or by a Domestic Insurer
- Appendix F. Enterprise Risk Report
- Appendix G. Instructions on Forms A, B, C, D, E and F

ARTICLE 14. INSURANCE HOLDING COMPANY

R20-6-1401. Definitions

- A. ~~“Executive officer” means chief executive officer, chief operating officer, chairman of the board, president, chief financial officer, treasurer, secretary, controller, and any other individual performing functions corresponding to those performed by the foregoing officers under whatever title.~~ “The Act” means the Insurance Holding Company Systems Act, A.R.S. §§ 20-481 through 20-481.32.
- B. ~~“Foreign insurer” shall include an alien insurer except where expressly noted otherwise.~~ “Executive officer” means chief executive officer, chief operating officer, chief financial officer, treasurer, secretary, controller, and any other individual performing functions corresponding to those performed by the foregoing officers under whatever title.
- C. ~~“Ultimate controlling person” means that person within a holding company system~~ which is not controlled by any other person.
- D. Unless the context otherwise requires, other terms found in these ~~rules~~ regulations and in A.R.S. § 20-481 are used as defined in ~~A.R.S. § 20-481~~ the Act. Other nomenclature or terminology is according to Title 20, A.R.S. or industry usage if not defined by Title 20, A.R.S.

R20-6-1402. Acquisition of Control – Statement Filing

- A. A person required to file a statement pursuant to A.R.S. § 20-481.02 shall furnish the required information on Form A, attached hereto as Appendix A, ~~in accordance with the instructions contained in Appendix E.~~ and on Form E, attached hereto as Appendix E, and described in subsections (D) and (E) of this section.
- B. The applicant shall promptly advise the Director of any changes in the information furnished on Form A arising subsequent to the date upon which the information was furnished but prior to the Director’s disposition of the application.
- ~~B.C.~~ If the person being acquired is deemed to be a “domestic insurer” solely because it is a person controlling an insurer pursuant to A.R.S. § 20-481.01(A) of the provisions of A.R.S. § 20-481.02(G), the name of the domestic insurer on the cover page shall ~~shall~~ should be indicated as follows: “[ABC Insurance Company), a subsidiary of [XYZ Holding Company].” Where ~~such a~~ A.R.S. § 20-481.02(G) insurer is being acquired, references to “the insurer” contained in Form A shall refer to both the domestic subsidiary insurer and the person being acquired.
- D. If a domestic insurer, including any person controlling a domestic insurer, is proposing a merger or acquisition pursuant to A.R.S. § 20-481.02(A), that person shall file a pre-acquisition notification form, Form E, which was developed pursuant to A.R.S. § 20-481.25(C).
- E. Additionally, if a non-domiciliary insurer licensed to do business in this state is proposing a merger or acquisition pursuant to A.R.S. § 20-481.25, that person shall file a pre-acquisition notification form, Form E. No pre-acquisition notification form need be filed if the acquisition is beyond the scope of A.R.S. § 20-481.25 as set forth in A.R.S. § 20-481.25(B).
- F. In addition to the information required by Form E, the Director may wish to require an expert opinion as to the competitive impact of the proposed acquisition.

R20-6-1403. Annual Registration of Insurers – Statement Filing

- A. An insurer required to file an annual registration statement pursuant to A.R.S. § 20-481.09 shall furnish the required information on Form B, attached hereto as Appendix B, in accordance with the instructions contained in ~~Appendix E~~ Appendix G.
- B. Amendments to Form B shall be filed in the Form B format with only those items which are being amended reported. Each such amendment shall include at the top of the cover page “Amendment No. (insert number) to Form B for (insert year)” and shall indicate the date of the ~~change~~ amendment and not the date of the original filings.

R20-6-1404. Summary of Registration – Statement Filing

An insurer required to file an annual registration statement ~~shall also furnish pursuant to A.R.S. § 20-481.09 is also required to furnish~~ information required on Form C, attached hereto as Appendix C, ~~in accordance with the instructions in Appendix B.~~ An insurer shall file a copy of Form C in each state in which the insurer is authorized to do business, if requested by the Commissioner of that state.

**R20-6-1405. Alternative and Consolidated Registrations**

- A. Any authorized insurer may file a registration statement on behalf of any affiliated insurer or insurers which are required to register pursuant to ~~under~~ A.R.S. § 20-481.09. A registration statement may include information not required by ~~this Article~~ the Act regarding any insurer in the insurance holding company system even if such insurer is not authorized to do business in this state. In lieu of filing a registration statement on Form B, the authorized insurer may file a copy of the registration statement or similar report which it is required to file in its state of domicile, provided:
1. The statement or report contains substantially similar information required to be furnished on Form B; and
 2. The filing insurer is the principal insurance company in the insurance holding company system.
- B. The question of whether the filing insurer is the principal insurance company in the insurance holding company system is a question of fact and ~~At~~ an insurer filing a registration statement or report in lieu of Form B on behalf of an affiliated insurer, shall set forth a brief statement of facts which will substantiate the filing insurer's claim that it, in fact, is the principal insurer in the insurance holding company system.
- C. With the prior approval of the Director, an unauthorized insurer may follow any of the procedures which could be done by an authorized insurer under subsection (A) above.
- D. Any insurer may take advantage of the provisions of ~~this rule~~ A.R.S. §§ 20-481.15 or 20-481.16 without obtaining the prior approval of the Director. The Director, however, reserves the right to require individual filings if he or she deems such filings necessary in the interest of clarity, ease of administration or the public good.

R20-6-1406. Disclaimers and Termination of Registration

- A. A disclaimer of affiliation or a request for termination of registration claiming that a person does not, or will not upon the taking of some proposed action, control another person, hereinafter referred to in this rule as the "subject," shall contain the following information:
1. The number of authorized, issued and outstanding voting securities of the subject;
 2. With respect to the person whose control is denied and all affiliates of such person, the ~~the~~ number and percentage of shares of the subject's voting securities which are held of record or known to be beneficially ~~owned by the person disclaiming control and all affiliates owned~~, and the number of ~~such~~ shares concerning which there is a right to acquire, directly or indirectly;
 3. All material relationships and bases for affiliation between the subject and the person ~~disclaiming whose control is denied~~ and all affiliates of such person;
 4. A statement explaining why ~~such the~~ person should not be considered to control the subject.
- B. A request for termination of registration shall be deemed to have been granted unless the director, within 30 days after ~~receiving receipt of~~ the request, notifies the registrant otherwise.

R20-6-1407. Transactions Subject to Prior Notice – Notice Filing

- A. An insurer required to give notice of a proposed transaction pursuant to A.R.S. § 20-481.12 shall furnish the required information on Form D, attached hereto as Appendix D, in accordance with the instructions in ~~Appendix E~~ Appendix G.
- B. Agreements for cost sharing services and management services shall at a minimum and as applicable:
1. Identify the person providing services and the nature of such services;
 2. Set forth the methods to allocate costs;
 3. Require timely settlement, not less frequently than on a quarterly basis, and compliance with the requirements in the Accounting Practices and Procedures Manual;
 4. Prohibit advancement of funds by the insurer to the affiliate except to pay for services defined in the agreement;
 5. State that the insurer will maintain oversight for functions provided to the insurer by the affiliate and that the insurer will monitor services annually for quality assurance;
 6. Define books and records of the insurer to include all books and records developed or maintained under or related to the agreement;
 7. Specify that all books and records of the insurer are and remain the property of the insurer and are subject to control of the insurer;
 8. State that all funds and invested assets of the insurer are the exclusive property of the insurer, held for the benefit of the insurer and are subject to the control of the insurer;
 9. Include standards for termination of the agreement with and without cause;
 10. Include provisions for indemnification of the insurer in the event of gross negligence or willful misconduct on the part of the affiliate providing the services;
 11. Specify that, if the insurer is placed in receivership or seized by the Director under the Arizona Receivership Act:
 - a. all of the rights of the insurer under the agreement extend to the receiver or Director; and,
 - b. all books and records will immediately be made available to the receiver or the Director, and shall be turned over to the receiver or Director immediately upon the receiver or Director's request;



- 12. Specify that the affiliate has no automatic right to terminate the agreement if the insurer is placed in receivership pursuant to the Arizona Receivership Act; and
- 13. Specify that the affiliate will continue to maintain any systems, programs, or other infrastructure notwithstanding a seizure by the Director under the Arizona Receivership Act, and will make them available to the receiver, for so long as the affiliate continues to receive timely payment for services rendered.

R20-6-1408. ~~Extraordinary Dividends and Other Distributions Repealed~~

- ~~A. Requests for approval of extraordinary dividends or any other extraordinary distribution to shareholders shall include the following:~~
- ~~1. The amount of the proposed dividend;~~
 - ~~2. The date established for payment of the dividend;~~
 - ~~3. A statement as to whether the dividend is to be in cash or other property and, if in property, a description thereof, its cost, and its fair market value together with all explanation of the basis for valuation;~~
 - ~~4. A copy of the calculations determining that the proposed dividend is extraordinary, including:~~
 - ~~a. The amounts, dates and form of payment of all dividends or distributions, including regular dividends and excluding distributions of the insurer’s own securities, paid within the period of 12 consecutive months ending on the date fixed for payment of the proposed dividend for which approval is sought and commencing on the day after the same day of the same month in the last preceding year.;~~
 - ~~b. Surplus as regards policyholders, total capital and surplus, as of the 31st day of December next preceding;~~
 - ~~c. If the insurer is a life insurer, the net gain from operations for the 12-month period ending the 31st day of December next preceding;~~
 - ~~d. If the insurer is not a life insurer, the net investment income, net realized capital gains for the 12-month period ending the 31st day of December next preceding and the two preceding 12-months periods; and~~
 - ~~e. If the insurer is not a life insurer, the dividends paid to stockholders excluding distributions of the insurer’s own securities in the preceding two calendar years.~~
 - ~~5. A balance sheet and statement of income for the period intervening from the last annual statement filed with the Director and the end of the month preceding the month in which the request for dividend approval is submitted; and~~
 - ~~6. A brief statement as to the effect of the proposed dividend upon the insurer’s surplus and the reasonableness of surplus in relation to the insurer’s outstanding liabilities and the adequacy of surplus and assets relative to the insurer’s financial needs.~~
- ~~B. Each registered insurer shall report to the Director all dividends and other distributions to shareholders within 1 business day following the declaration thereof, including the same information required by subsection (A)(4)(a) through (e) of this rule.~~

Enterprise Risk Report

The ultimate controlling person of an insurer required to file an enterprise risk report pursuant to A.R.S. § 481.10(D) shall furnish the required information on Form F, attached hereto as Appendix F.

R20-6-1409. Extraordinary Dividends and Other Distributions

- A.** Requests for approval of extraordinary dividends or any other extraordinary distribution to shareholders shall include the following:
- 1. The amount of the proposed dividend;
 - 2. The date established for payment of the dividend;
 - 3. A statement as to whether the dividend is to be in cash or other property and, if in property, a description thereof, its cost, and its fair market value together with all explanation of the basis for valuation;
 - 4. A copy of the calculations determining that the proposed dividend is extraordinary. The work paper shall include the following information:
 - a. The amounts, dates and form of payment of all dividends or distributions, including regular dividends but excluding distributions of the insurer’s own securities, paid within the period of 12 consecutive months ending on the date fixed for payment of the proposed dividend for which approval is sought and commencing on the day after the same day of the same month in the last preceding year.;
 - b. Surplus as regards policyholders, total capital and surplus, as of the 31st day of December next preceding;
 - c. If the insurer is a life insurer, the net gain from operations for the 12-month period ending the 31st day of December next preceding;
 - d. If the insurer is not a life insurer, the net investment income, net realized capital gains for the 12-month period ending the 31st day of December next preceding and the two preceding 12-months periods; and



- e. If the insurer is not a life insurer, the dividends paid to stockholders excluding distributions of the insurer's own securities in the preceding two calendar years.
 5. A balance sheet and statement of income for the period intervening from the last annual statement filed with the Director and the end of the month preceding the month in which the request for dividend approval is submitted; and
 6. A brief statement as to the effect of the proposed dividend upon the insurer's surplus and the reasonableness of surplus in relation to the insurer's outstanding liabilities and the adequacy of surplus relative to the insurer's financial needs.
- B.** Subject to A.R.S. § 20-481.19, each registered insurer shall report to the Director all dividends and other distributions to shareholders within 5 business days following the declaration thereof and at least 10 business days before payment of the dividend or distribution, including the same information required by subsection (A)(4)(a) through (e) of this rule.

R20-6-1410. Adequacy of Surplus

The factors set for in A.R.S. §§ 20-481.01(F) and 20-481.24 are not intended to be an exhaustive list. In determining the adequacy and reasonableness of an insurer's surplus no single factor is necessarily controlling. The Director instead will consider the net effect of all of these factors plus other factors bearing on the financial condition of the insurer. In comparing the surplus maintained by other insurers, the Director will consider the extent to which each of these factors varies from company to company and in determining the quality and liquidity of investments in subsidiaries, the Director will consider the individual subsidiary and may discount or disallow its valuation to the extent that the individual investments so warrant.



APPENDIX A

FORM A

STATEMENT REGARDING THE ACQUISITION OF CONTROL OF OR MERGER WITH A DOMESTIC INSURER

[Name of Domestic Insurer]

By

[Name of Acquiring Person (Applicant)]

Filed with the Arizona Department of Insurance

Dated: , 4920

Name, Title, address and telephone number of Individual to Whom Notices and Correspondence Concerning this Statement Should be Addressed:

ITEM 1. ~~INSURER AND~~ METHOD OF ACQUISITION

[State the name and address of the domestic insurer to which this application relates and a brief description of how control is to be acquired. State the federal identification number and the NAIC number of the domestic insurer.]

ITEM 2. IDENTITY AND BACKGROUND OF THE APPLICANT

(a) State the name and address of the applicant seeking to acquire control over the insurer.]

(b) If the applicant is not an individual, state the nature of its business operations for the past five years or for such lesser period as such person and any predecessors thereof shall have been in existence. Briefly describe the business intended to be done by the applicant and the applicant's subsidiaries.]

(c) Furnish a chart or listing clearly presenting the identities of the inter-relationships among the applicant and all affiliates of the applicant, including NAIC numbers for all insurers. No affiliate need be identified if its total assets are equal to less than 1/2 of 1% of the total assets of the ultimate controlling person affiliated with the applicant. Indicate in such chart or listing the percentage of voting securities of each such person which is owned or controlled by the applicant or by any other such person. If control of any person is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such chart or listing indicate the type of organization (e.g. corporation, trust, partnership) and the state or other jurisdiction of domicile. If court proceedings involving a reorganization or liquidation are pending with respect to any such person, indicate which person, and set forth the title of the court, nature of proceedings and the date when commenced.}]

ITEM 3. IDENTITY AND BACKGROUND OF INDIVIDUALS ASSOCIATED WITH THE APPLICANT

[On the biographical affidavit, include a third party background check, and state the following with respect to (1) The the applicant if (s)he is an individual, or (2) all persons who are directors, executive officers or owners of 10% or more of the voting securities of the applicant if the applicant is not an individual shall provide the following information as to the in affidavit form:]

(a) ~~Affiant's full name, other names used at any time, home and business addresses and telephone numbers, social security number, date and place of birth, and residences for the last 10 years; Name and business address;~~

(b) ~~Affiant's education, including dates, names of institutions, locations and degrees awarded;~~

(c) ~~Affiant's membership in professional societies and associations;~~

(d)(b) Affiant's Present principal business activity, occupation or employment history for the past 20 years, including positions position and office held, dates, employers' names and mailing addresses and the name, principal business and address of any corporation or other organization in which such employment is carried on;

(e) ~~Whether Affiant has ever been in a position which imposed a fidelity bond, and if so, name of the insuring company and/ or place of employment, whether any claims were made on the bond, and whether Affiant has ever been denied a fidelity bond or had a bond cancelled or revoked;~~

(c) Material occupations, positions, officer or employment during the last 5 years, giving the starting and ending dates of each and the name, principal business and address of any business corporation or other organization in which each such occupation, position, office or employment was carried on; if any such occupation, position, office or employment required licensing by or registration with any federal, state or municipal governmental agency, indicate such fact, the current status of such licensing or registration, and an explanation of any surrender, revocation, suspension or disciplinary proceedings in connection therewith;

(f) ~~Any professional, occupational or vocational licenses issued to Affiant by any public or governmental licensing agent or regulatory authority presently held or held in the past, including dates licenses issued, issuer of license, date of termination and reasons for termination, and whether any such license has ever been refused, suspended or revoked;~~

(g) ~~Whether Affiant controls directly or indirectly or owns legally or beneficially 1% or more of the outstanding stock of any insurer, and if so, name and type of insurer, percent of ownership, how insurer is controlled, and details related to any pledging of the stock, with or without title transfer;~~

(h) ~~Whether members of Affiant's immediate family subscribe or own, beneficially or of record, shares of stock of the applicant organization or its affiliates and whether any of the shares are pledged or hypothecated in any way;~~



(i) ~~Whether Affiant has been adjudged or designated a bankrupt or a debtor under the United States Bankruptcy Code, Title 11 of the United States Code;~~

~~(j)(d) Whether Affiant has been convicted, served with a criminal summons, questioned, arrested, taken into custody, indicted, charged with, tried for or ever been the subject of an investigation concerning the violation of any law, including convictions or judgments that have been expunged, set aside, reversed or dismissed, excluding only traffic violations which resulted in a penalty not exceeding \$200 and those incidents which occurred prior to the individual's 18th birthday; Whether or not such person has ever been convicted in a criminal proceeding (excluding minor traffic violations) during the last 10 years and, if so, give the date, nature of conviction, name and location of court, and penalty imposed or other disposition of the case;~~

~~(k) Whether Affiant has ever been the subject of disciplinary proceedings before any federal or state regulatory authority;~~

~~(l) Whether Affiant has ever been a management consultant, administrator, officer, director, trustee, investment committee member, key employee or controlling stockholder of any company or company affiliate which became insolvent or was placed under supervision or in receivership, rehabilitation, liquidation or conservatorship or had its certificate of authority suspended or revoked while you occupied such position.~~

Such persons ~~shall~~ may also submit fingerprints and the fingerprint processing fee in accordance with A.R.S. § 20-481.03(B).]

ITEM 4. NATURE, SOURCE AND AMOUNT OF CONSIDERATION

(a) Describe the nature, source and amount of funds or other considerations used or to be used in effecting the merger or other acquisition of control. If any part of the same is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding or trading securities, furnish a description of the transaction, the names of the parties thereto, the relationship, if any, between the borrower and the lender, the amounts borrowed or to be borrowed, and copies of all agreements, promissory notes and security arrangements relating thereto.]

(b) Explain the criteria used in determining the nature and amount of such consideration.]

(c) If the source of the consideration is a loan made in the lender's ordinary course of business and if the applicant wishes the identity of the lender to remain confidential, he must specifically request that the identity be kept confidential.)

ITEM 5. FUTURE PLANS OF INSURER

[Describe any plans or proposals which the applicant may have to declare an extraordinary dividend, to liquidate such insurer, to sell its assets to or merge it with any person or persons or to make any other material change in its business operations or corporate structure or management.]

ITEM 6. VOTING SECURITIES TO BE ACQUIRED

[State the number of shares of the insurer's voting securities which the applicant, its affiliates and any person listed in Item 3 plan to acquire, and the terms of the offer, request, invitation, agreement or acquisition, and a statement as to the method by which the fairness of the proposal was arrived at.]

ITEM 7. OWNERSHIP OF VOTING SECURITIES

[State the amount of each class of any voting security of the insurer which is beneficially owned or concerning which there is a right to acquire beneficial ownership by the applicant, its affiliates or any person listed in Item 3.]

ITEM 8. CONTRACTS, ARRANGEMENTS, OR UNDERSTANDINGS WITH RESPECT TO VOTING SECURITIES OF THE INSURER

[Give a full description of any contracts, arrangements or understandings with respect to any voting security of the insurer in which the applicant, its affiliates or any person listed in Item 3 is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the persons with whom ~~such~~ the contracts, arrangements or understandings have been entered into.]

ITEM 9. RECENT PURCHASES OF VOTING SECURITIES

[Describe any purchases of any voting securities of the insurer by the applicant, its affiliates or any person listed in Item 3 during the 12 calendar months preceding the filing of this ~~Statement~~ statement. Include in ~~such~~ the description the dates of purchase, the names of the purchasers, and the consideration paid or agreed to be paid therefore. State whether any such shares so purchased are hypothecated.]

ITEM 10. RECENT RECOMMENDATIONS TO PURCHASE

[Describe any recommendations to purchase any voting security of the insurer made by the applicant, its affiliates or any person listed in Item 3, or by anyone based upon interviews or at the suggestion of the applicant, its affiliates or any person listed in Item 3 during the 12 calendar months preceding the filing of this statement.)

ITEM 11. AGREEMENTS WITH BROKER-DEALERS

[Describe the terms of any agreement, contract or understanding made with any broker-dealer as to solicitation of voting securities of the insurer for tender and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto.]

ITEM 12. FINANCIAL STATEMENTS AND EXHIBITS

(a) ~~Financial statements, and exhibits, and three-year financial projections of the insurers~~ shall be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.]

(b) The financial statements shall include the annual financial statements of the persons identified in Item 2(c) for the preceding five fiscal years (or for such lesser period as such applicant and its affiliates and any predecessors thereof shall have been in existence), and similar information covering the period from the end of such person's last fiscal year, if such information is available. ~~Such~~ The statements may be prepared on either an individual basis, or, unless the Director otherwise requires, on a consolidated basis if ~~such~~ consolidated statements are prepared in the usual course of business.



The annual financial statements of the applicant shall be accompanied by the certificate of an independent public accountant to the effect that such statements present fairly the financial position of the applicant and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the applicant is an insurer which is actively engaged in the business of insurance, the financial statements need not be certified, provided they are based on the Annual Statement of ~~such the~~ person filed with the insurance department of the person's domiciliary state and are in accordance with the requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of ~~such the~~ state.]

~~If the applicant is an individual and annual financial statements have not been prepared for the preceding years, the financial statements for years other than the two most recent years may consist of true and correct copies of the applicant's federal income tax returns which have been signed by the applicant(s) and filed with the Internal Revenue Service.~~

(c) File as exhibits copies of all tender offers for, requests or invitations for, tenders of, exchange offers for, and agreements to acquire or exchange any voting securities of the insurer and (if distributed) of additional soliciting material relating thereto, any proposed employment, consultation, advisory or management contracts concerning the insurer, annual reports to the stockholders of the insurer and the applicant for the last two fiscal years, and any additional documents or papers required by Form A or Appendix G.)

~~ITEM 13. SIGNATURE AND CERTIFICATION AGREEMENT REQUIREMENTS FOR ENTERPRISE RISK MANAGEMENT~~
~~Applicant agrees to provide, to the best of its knowledge and belief, the information required by Form F within fifteen (15) days after the end of the month in which the acquisition of control occurs.~~

ITEM 14. SIGNATURE AND CERTIFICATION
[Signature and certification required as follows:]

SIGNATURE

Pursuant to the requirements of A.R.S. § 20-481.02 _____ has caused this application to be duly signed on its behalf in the City of _____ and State of _____ on the _____ day of _____, 19 20_____.

(SEAL)

Name of Applicant

BY _____
(Name)

(Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached application dated _____, 1920_____, for and on behalf of _____; that (s)he is the _____

(Name of Applicant) (Title of Officer)
of such company and that (s)he is ~~authorize~~ authorized to execute and file such instrument. Deponent further says that (s)he is familiar with ~~such the~~ instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature)

(Type or print name beneath)



APPENDIX B

FORM B

INSURANCE HOLDING COMPANY SYSTEM ANNUAL REGISTRATION STATEMENT

Filed with the Insurance Department of the State of Arizona

By

[Name of Registrant]

On Behalf of Following Insurance Companies

Name Address

Date: , 4920

Name, Title, Address and telephone number of Individual to Whom Notices and Correspondence Concerning This Statement Should Be Addressed:

ITEM 1. IDENTITY AND CONTROL OF REGISTRANT

[Furnish the exact name of each insurer registering or being registered (hereinafter called "the Registrant"), the federal identification number and the NAIC number of each, the home office address and principal executive offices of each; the date on which each Registrant became part of the insurance holding company system; and the method(s) by which control of each Registrant was acquired and is maintained.]

ITEM 2. ORGANIZATIONAL CHART

[Furnish a chart or listing clearly presenting the identities of and interrelationships among all affiliated persons within the insurance holding company system. The chart or listing should show the percentage of each class of voting securities of each affiliate which is owned, directly or indirectly, by another affiliate. If control of any person within the system is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such the chart or listing, indicate the type of organization (e.g., - corporation, trust, partnership) and the state or other jurisdiction of domicile.]

ITEM 3. THE ULTIMATE CONTROLLING PERSON

[As to the ultimate controlling person in the insurance holding company system furnish the following information:

- (a) Name;
- (b) Home office address;
- (c) Principal executive office address;
- (d) The organizational structure of the person, i.e., corporation, partnership, individual, trust, etc.;
- (e) The principal business of the person;
- (f) The name and address of any person who holds or owns 10% or more of any class of voting security, the class of such security, the number of shares held of record or known to be beneficially owned, and the percentage of class so held or owned; and
- (g) If court proceedings involving a reorganization or liquidation are pending, indicate the title and location of the court, the nature of proceedings and the date when commenced.]

ITEM 4. BIOGRAPHICAL INFORMATION

[All persons who are directors, executive officers and/or owners of 10% or more of the voting securities of the ultimate controlling person shall provide the following information in an affidavit form:

- (a) Affiant's full name, other names used at any time, home and business addresses and telephone numbers, social security number, date and place of birth, and residences for the last 10 years;
- (b) Affiant's education, including dates, names of institutions, locations and degrees awarded;
- (c) Affiant's membership in professional societies and associations;
- (d) Affiant's employment history for the past 20 years, including positions held, dates, employers' names and mailing addresses;
- (e) Whether Affiant has ever been in a position which imposed a fidelity bond, and if so, name of the insuring company and/or place of employment, whether any claims were made on the bond, and whether Affiant has ever been denied a fidelity bond or had a bond cancelled or revoked;
- (f) Any professional, occupational or vocational licenses issued to Affiant by any public or governmental licensing agent or regulatory authority presently held or held in the past, including dates licenses issued, issuer of license, date of termination and reasons for termination, and whether any such license has ever been refused, suspended or revoked;



(g) Whether Affiant controls directly or indirectly or owns legally or beneficially 1% or more of the outstanding stock of any insurer, and if so, name and type of insurer, percent of ownership, how insurer is controlled, and detail related to any pledging of the stock, with or without title transfer;

(h) Whether members of Affiant's immediate family subscribe or own, beneficially or of record, shares of stock of the ultimate controlling person or its subsidiaries or affiliates and whether any of the shares are pledged or hypothecated in any way;

(i) Whether Affiant has been adjudged or designated a bankrupt or a debtor under the United States Bankruptcy Code, Title 11 of the United States Code;

(j) Whether Affiant has been convicted, served with a criminal summons, questioned, arrested, taken into custody, indicted, charged with, tried for or ever been the subject of an investigation concerning the violation of any law, including convictions or judgments that have been expunged, set aside, reversed or dismissed, excluding only traffic violations which resulted in a penalty not exceeding \$200 and those incidents which occurred prior to Affiant's 18th birthday;

(k) Whether Affiant has ever been the subject of disciplinary proceedings before any federal or state regulatory authority;

(l) Whether Affiant has ever been a management consultant, administrator, officer, director, trustee, investment committee member, key employee of controlling stockholder of any company or company affiliate which became insolvent or was placed under supervision or in receivership, rehabilitation, liquidation or conservatorship or had its certificate of authority suspended or revoked while Affiant occupied such position.)

[If the ultimate controlling person is a corporation, an organization, a limited liability company, or other legal entity, furnish the following information for the directors and executive officers of the ultimate controlling person: the individual's name and address, his or her principal occupation and all offices and positions held during the past 5 years, and any conviction of crimes other than minor traffic violations. If the ultimate controlling person is an individual, furnish the individual's name and address, his or her principal occupation and all offices and positions held during the past 5 years, and any conviction of crimes other than minor traffic violations.]

ITEM 5. TRANSACTIONS AND AGREEMENTS

[Briefly describe the following agreements in force, and material transactions currently outstanding or which have occurred during the last calendar year between the Registrant and its affiliates:

(1) ~~loans~~ (a) Loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the Registrant or of the Registrant by its affiliates;

(2) ~~purchases~~ (b) Purchases, sales or exchanges of assets;

(3) ~~transactions~~ (c) Transactions not in the ordinary course of business;

(4) ~~guarantees~~ (d) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the Registrant's assets to liability, other than insurance contracts entered into in the ordinary course of the Registrant's business;

(5) ~~all~~ (e) All management agreements, service contracts and all cost-sharing arrangements;

(6) ~~reinsurance~~ (f) Reinsurance agreements;

(7) ~~dividends~~ (g) Dividends and other distributions to shareholders;

(8) ~~consolidated~~ (h) Consolidated tax allocation agreements; and

(9) ~~any~~ (i) Any pledge of the Registrant's stock and/or of the stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system.

No information need be disclosed if such information is not material for purposes of A.R.S. § 20-481.09.

Sales, purchases, exchanges, loans or extensions of credit, investments or guarantees involving 1/2 of 1% or less of the Registrant's admitted assets as of the 31st day of December next preceding shall not be deemed material.

The description shall be in a manner as to permit the proper evaluation thereof by the Director and shall include at least the following: the nature and purpose of the transaction, the nature and amounts of any payments or transfers of assets between the parties, the identity of all parties to ~~such~~ the transaction, and relationship of the affiliated parties to the Registrant.]

ITEM 6. LITIGATION OR ADMINISTRATIVE PROCEEDINGS

[A brief description of any litigation or administrative proceedings of the following types, either then pending or concluded within the preceding fiscal year, to which the ultimate controlling person or any of its directors or executive officers was a party or of which the property of any such person is or was the subject; give the names of the parties and the court or agency in which ~~such~~ the litigation or proceeding is or was pending:

(a) Criminal prosecutions or administrative proceedings by any government agency or authority which may be relevant to the trustworthiness of any party thereto; and

(b) Proceedings which may have a material effect upon the solvency or capital structure of the ultimate holding company including, but not necessarily limited to, bankruptcy, receivership or other corporate reorganizations.]

ITEM 7. a. STATEMENT REGARDING PLAN OR SERIES OF TRANSACTIONS

[The insurer shall furnish a statement that transactions entered into since the filing of the prior year's annual registration statement are not part of a plan or series of like transactions, the purpose of which is to avoid statutory threshold amounts and the review that might otherwise occur.]



ITEM 7.b. STATEMENT REGARDING CORPORATE GOVERNANCE AND INTERNAL CONTROLS

[The insurer shall furnish a statement that the insurer’s board of directors oversees corporate governance and internal controls of the insurer and that the insurer’s officers or senior management have approved, implemented and maintain and monitor corporate governance and internal control procedures.]

ITEM 8. FINANCIAL STATEMENTS AND EXHIBITS

(a) Financial statements and exhibits shall be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) ~~The~~ If the ultimate controlling person is a corporation, an organization, a limited liability company, or other legal entity, the financial statements shall include the annual financial statements of the ultimate controlling person in the insurance holding company system as of the end of the person’s latest fiscal year.

If at the time of the initial registration, the annual financial statements for the latest fiscal year are not available, annual statements for the previous fiscal year may be filed and similar financial information shall be filed for any subsequent period to the extent such information is available. Such financial statements may be prepared on either an individual basis; or, unless the Director otherwise requires, on a consolidated basis if ~~such~~ consolidated statements are prepared in the usual course of business.

Other than with respect to the foregoing, such financial statement shall be filed in a standard form and format adopted by the National Association of Insurance Commissioners, unless an alternative form is accepted by the Director. Documentation and financial statements filed with the Securities and Exchange Commission or audited GAAP financial statements shall be deemed to be an appropriate form and format.

Unless the Director otherwise permits, the annual financial statements shall be accompanied by the certificate of an independent public accountant to the effect that ~~such the~~ statements present fairly the financial position of the ultimate controlling person and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the ultimate controlling person is an insurer which is actively engaged in the business of insurance, the annual financial statements need not be certified, provided they are based on the Annual Statement of ~~such insurer filed with the insurance department of~~ the insurer’s domiciliary State and are in accordance with requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of ~~such that~~ state.

Any ultimate controlling person who is an individual may file personal financial statements that are reviewed rather than audited by an independent public accountant. The review shall be conducted in accordance with standards for review of personal financial statements published in the Personal Financial Statements Guide by the American Institute of Certified Public Accountants. Personal financial statements shall be accompanied by the independent public accountant’s Standard Review Report stating that the accountant is not aware of any material modifications that should be made to the financial statements in order for the statements to be in conformity with generally accepted accounting principles.

(c) Exhibits shall include copies of the latest annual reports to shareholders of the ultimate controlling person and proxy material used by the ultimate controlling person; and any additional documents or papers required by ~~Form~~ Forms B and G.]

ITEM 9. FORM C REQUIRED

[A Form C, Summary of Registration Statement, must be prepared and filed with this Form B.]

ITEM 10. SIGNATURE AND CERTIFICATION

[Signature and certification required as follows:]

SIGNATURE

Pursuant to the requirements of A.R.S. § ~~20-481 et seq.~~ 20-481.09, Registrant _____ has caused this application ~~annual registration statement~~ to be duly signed on its behalf in the City of _____ and State of _____ on the _____ day of _____, ~~19~~ 20_____.

(SEAL)

Name of Applicant

BY _____

(Name)

(Title)

Attest:

(Signature of Officer)

(Title)



CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached application dated _____, ~~19~~20_____, for and on behalf of _____; that (s)he is the _____

(Name of Applicant)

(Title of Officer)

of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with ~~such the~~ instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature)

(Type or print name beneath)



APPENDIX C

FORM C

SUMMARY OF CHANGES TO REGISTRATION STATEMENT

Filed with the Insurance Department of the State of Arizona

By

[Name of Registrant]

On Behalf of Following Insurance Companies

Name Address

Four horizontal lines for listing insurance companies.

Dated: 1/19/20

Name, Title, Address and telephone number of Individual to Whom Notices and Correspondence Concerning This Statement Should Be Addressed:

[Furnish a brief description of all items in the current annual registration statement which represent changes from the prior year's annual registration statement. The description shall be in a manner as to permit the proper evaluation thereof by the Director, and shall include specific references to Item numbers in the annual registration statement and to the terms contained therein.

Changes occurring under Item 2 of Form B; insofar as changes in the percentage of each class of voting securities held by each affiliate is concerned, need only be included where such changes are ones which result in ownership or holdings of 10% or more of voting securities, loss or transfer of control, or acquisition or loss of partnership interest.

Changes occurring under Item 4 of Form B need only be included where: an individual is, for the first time, made a director or executive officer of the ultimate controlling person; a director or executive officer terminates his or her responsibilities with the ultimate controlling person; or in the event an individual is named president of the ultimate controlling person.

If a transaction disclosed on the prior year's annual registration statement has been changed, the nature of such change shall be included. If a transaction disclosed on the prior year's annual registration statement has been effectuated, furnish the mode of completion and any flow of funds between affiliates resulting from the transaction.

The insurer shall furnish a statement that transactions entered into since the filing of the prior year's annual registration statement are not part of a plan or series of like transactions whose purpose it is to avoid statutory threshold amounts and the review that might otherwise occur.]

SIGNATURE AND CERTIFICATION

[Signature and certification required as follows:]

SIGNATURE

Pursuant to the requirements of A.R.S. § 20-481 et seq. 20-481.09, Registrant _____ has caused this application annual registration statement to be duly signed on its behalf in the City of _____ and State of _____ on the _____ day of _____, 19 20 _____.

(SEAL)

Name of Applicant

BY _____ (Name)

_____ (Title)



Attest:

(Signature of Officer)

(Title)
CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached ~~application~~ annual registration statement dated _____, ~~1920~~, for and on behalf of _____; that (s)he is the

(Name of Applicant) (Title of Officer)
of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with ~~such~~ the instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature)

(Type or print name beneath)



APPENDIX D

FORM D
PRIOR NOTICE OF A TRANSACTION

Filed with the Insurance Department of the State of Arizona

By

[Name of Registrant]

On Behalf of Following Insurance Companies

Name Address

Horizontal lines for company names and addresses.

Dated: 1/9/20

Name, Title, Address and telephone number of Individual to Whom Notices and Correspondence Concerning This Statement Should Be Addressed:

ITEM 1. IDENTITY OF PARTIES TO TRANSACTION

[Furnish the following information for each of the parties to the transaction:

- (a) Name;
(b) Home office address;
(c) Principal executive office address;
(d) The organizational structure, i.e. corporation, partnership, individual, trust, etc.;
(e) A description of the nature of the parties' business operations;
(f) Relationship, if any, of other parties to the transaction to the insurer filing the notice, including any ownership or debtor/creditor interest by any other parties to the transaction in the insurer seeking approval, or by the insurer filing the notice in the affiliated parties;
(g) Where the transaction is with a non-affiliate, the name(s) of the affiliate(s) which will receive, in whole or in substantial part, the proceeds of the transaction.]

ITEM 2. DESCRIPTION OF THE TRANSACTION

[Furnish the following information for each transaction for which notice is being given:

- (a) A statement as to whether notice is being given under A.R.S. § 20-481.12(B);
(b) A statement of the nature of the transaction;
(c) If a notice for amendments or modifications, the reasons for the change and the financial impact on the domestic insurer;
(d) A statement of how the transaction meets the "fair and reasonable" standard of A.R.S. § 20-481.12(A)(1); and
(e) The proposed effective date of the transaction.]

ITEM 3. SALES, PURCHASES, EXCHANGES, LOANS, EXTENSIONS OF CREDIT, GUARANTEES OR INVESTMENTS

[Furnish a brief description of the amount and source of funds, securities, property or other consideration for the sale, purchase, exchange, loan, extension of credit, guarantee, or investment, whether any provision exists for purchase by the insurer filing notice, by any party to the transaction, or by any affiliate of the insurer filing notice, a description of the terms of any securities being received, if any, and a description of any other agreements relating to the transaction such as contracts or agreements for services, consulting agreements and the like. If the transaction involves other than cash, furnish a description of the consideration, its cost and its fair market value, together with an explanation of the basis for evaluation.

If the transaction involves a loan, extension of credit or a guarantee, furnish a description of the maximum amount which the insurer will be obligated to make available under such loan, extension of credit or guarantee, the date on which the credit or guarantee will terminate, and any provisions for the accrual of or deferral of interest.

If the transaction involves an investment, guarantee or other arrangement, state the time period during which the investment, guarantee or other arrangement will remain in effect, together with any provisions for extensions or renewals of such investments, guarantees or arrangements. Furnish a brief statement as to the effect of the transaction upon the insurer's surplus.

No notice need be given if the maximum amount which can at any time be outstanding or for which the insurer can be legally obligated under the loan, extension of credit or guarantee is less than (a) in the case of non-life insurers, the lesser of 3% of the insurer's admitted assets or 25% of surplus as regards policyholders, or (b) in the case of life insurers, 3% of the insurer's admitted assets, each as of the 31st day of December next preceding.]



ITEM 4. LOANS OR EXTENSIONS OF CREDIT TO A NON-AFFILIATE

[If the transaction involves a loan or extension of credit to any person who is not an affiliate, furnish a brief description of the agreement or understanding whereby the proceeds of the proposed transaction, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase the assets of, or to make investments in, any affiliate of the insurer making such loans or extensions of credit, and specify in what manner the proceeds are to be used to loan to, extend credit to, purchase assets of or make investments in any affiliate. Describe the amount and source of ~~such~~ funds, securities, property or other consideration for the loan or extension of credit and, if the transaction is one involving consideration other than cash, a description of its cost and its fair market value together with an explanation of the basis for evaluation. Furnish a brief statement as to the effect of the transaction upon the insurer's surplus.

No notice need be given if the loan or extension of credit is one which equals less than, in the case of non-life insurers, the lesser of 3% of the insurer's admitted assets or 25% of surplus as regards policyholders or, with respect to life insurers, 3% of the insurer's admitted assets, each as of the 31st day of December next preceding.]

ITEM 5. REINSURANCE

[If the transaction is a reinsurance agreement or modification thereto, as described by A.R.S. § 20-481.12(B)(3)(b), or a reinsurance pooling agreement or modification thereto as described by A.R.S. § 20-481.12(B)(3)(a), furnish a description of the known and/or estimated amount of liability to be ceded and/or assumed in each calendar year, the period of time during which the agreement will be in effect, and a statement whether an agreement or understanding exists between the insurer and non-affiliate to the effect that any portion of the assets constituting the consideration for the agreement will be transferred to one or more of the insurer's affiliates. Furnish a brief description of the consideration involved in the transaction, and a brief statement as to the effect of the transaction upon the insurer's surplus.

No notice need be given for reinsurance agreements or modifications thereto if the reinsurance premium or a change in the insurer's liabilities, or the projected reinsurance premium or change in the insurer's liabilities in any of the next three years, in connection with the reinsurance agreement or modification thereto is less than 5% of the insurer's surplus as regards policyholders, as of the 31st day of December next preceding. Notice shall be given for all reinsurance pooling agreements including modifications thereto.]

ITEM 6. MANAGEMENT AGREEMENTS, SERVICE AGREEMENTS AND COST-SHARING ARRANGEMENTS

[For management and service agreements, furnish:

- (a) ~~a~~ A brief description of the managerial responsibilities, or services to be performed;
- (b) ~~a~~ A brief description of the agreement, including a statement of its duration, together with brief descriptions of the basis for compensation and the terms under which payment or compensation is to be made.]

[For cost-sharing arrangements, furnish:

- (a) ~~a~~ A brief description of the purpose of the agreement;
- (b) ~~a~~ A description of the period of time during which the agreement is to be in effect;
- (c) ~~a~~ A brief description of each party's expenses or costs covered by the agreement;
- (d) ~~a~~ A brief description of the accounting basis to be used in calculating each party's costs under the agreement;
- (e) A brief statement as to the effect of the transaction upon the insurer's policyholder surplus;
- (f) A statement regarding the cost allocation methods that specifies whether proposed charges are based on "cost or market." If market based, rational for using market instead of cost, including justification for the company's determination that amounts are fair and reasonable; and
- (g) A statement regarding compliance with the NAIC Accounting Practices and Procedure Manual regarding expense allocation.]

ITEM 7. SIGNATURE AND CERTIFICATION

[Signature and certification required as follows:]

SIGNATURE

Pursuant to the requirements of A.R.S. § ~~20-481 et seq.~~ 20-481.09, _____ has caused this application to be duly signed on its behalf in the City of _____ and State of _____ on the _____ day of _____, 19 20.

(SEAL)

Name of Applicant

By _____
(Name)

(Title)



Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached application dated _____, ~~19~~ 20_____, for and on behalf of _____; that (s)he is the _____

(Name of Applicant)

(Title of Officer)

of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with ~~such the~~ instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature)

(Type or print name beneath)



APPENDIX E
INSTRUCTIONS ON FORMS A, B, C, D RENUMBERED

Forms A, B, C, and D are intended to be guides in the preparation of the statements required by A.R.S. §§ 20-481.02 and 20-481.07. They are not intended to be blank forms which are to be filled in. The statements shall contain the numbers and captions of all items, but the text of the items may be omitted provided the answers thereto are prepared in such a manner as to indicate clearly the scope and coverage of the items. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

Two complete copies of each statement including exhibits, and all other papers and documents filed as a part thereof, shall be filed with the Director by personal delivery or mail addressed to: Insurance Director of the State of Arizona, Attention: Corporate and Financial Affairs Division. A copy of Form C shall be filed in each state in which an insurer is authorized to do business, if the Director of that state has notified the insurer of its request in writing. At least one of the copies shall be manually signed in the manner prescribed on the form. Unsigned copies shall be conformed. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also be filed with the statement.

Statements shall be prepared on paper 8 1/2" x 11" in size and bound at the top or the top left hand corner. Exhibits and financial statements, unless specifically prepared for the filing, may be submitted in their original size. All copies of any statement, financial statements, or exhibits shall be clear, easily readable and suitable for photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies. Statements shall be in the English language and monetary values shall be stated in United States currency. If any exhibit or other paper or document filed with the statement is in a foreign language, it shall be accompanied by a translation into the English language and any monetary value shown in a foreign currency normally shall be converted into United States currency.

Information required by any item of Form A, Form B or Form D may be incorporated by reference in answer or partial answer to any other item. Information contained in any financial statement, annual report, proxy statement, statement filed with a governmental authority, or any other document may be incorporated by reference in answer or partial answer to any item of Form A, Form B or Form D provided such document or paper is filed as an exhibit to the statement. Excerpts of documents may be filed as exhibits if the documents are extensive. Documents currently on file with the Director which were filed within three years need not be attached as exhibits. References to information contained in exhibits or in documents already on file shall clearly identify the material and shall specifically indicate that such material is to be incorporated by reference in answer to the item. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear or confusing.

Where an item requires a summary or outline of the provisions of any document, only a brief statement shall be made as to the pertinent provisions of the document. In addition to such statement, the summary or outline may incorporate by reference particular parts of any exhibit or document currently on file with the Director which was filed within three years and may be qualified in its entirety by such reference. In any case where two or more documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, a copy of only one of such documents need be filed with a schedule identifying the omitted documents and setting forth the material details in which such documents differ from the documents a copy of which is filed.

Information required need be given only insofar as it is known or reasonably available to the person filing the statement. If any required information is unknown and not reasonably available to the person filing, either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the person filing, the information may be omitted, subject to the following conditions:

- (1) The person filing shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof; and
(2) The person filing shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information.

If it is impractical to furnish any required information, document or report at the time it is required to be filed, there may be filed with the Director as a separate document:

- (1) identifying the information, document or report in question;
(2) stating why the filing thereof at the time required is impractical; and
(3) requesting an extension of time for filing the information, document or report to a specified date. The request for extension shall be deemed granted unless the Director within 60 days after receipt thereof enters an order denying the request.

In addition to the information expressly required to be included in Form A, Form B, Form C and Form D, there shall be added such further material information, if any, as may be necessary to make the information contained therein not misleading. The person filing may also file such exhibits as it may desire in addition to those expressly required by the statement. Such exhibits shall be so marked as to indicate clearly the subject matters to which they refer. Changes to Forms A, B, C or D shall include on the top of the cover page the phrase: "Change No. (insert number) to" and shall indicate the date of the change and not the date of the original filing.



FORM E
PRE-ACQUISITION NOTIFICATION FORM
REGARDING THE POTENTIAL COMPETITIVE IMPACT
OF A PROPOSED MERGER OR ACQUISITION BY A
NON-DOMICILIARY INSURER DOING BUSINESS IN THIS
STATE OR BY A DOMESTIC INSURER

Name of Applicant

Name of Other Person Involved in Merger or Acquisition

Filed with the Arizona Department of Insurance

Dated: . 20

Name, title, address and telephone number of person completing this statement:

ITEM 1. NAME AND ADDRESS

[State the name and addresses of the persons who hereby provide notice of their involvement in a pending acquisition or change in corporate control.]

ITEM 2. NAME AND ADDRESSES OF AFFILIATED COMPANIES

[State the names and addresses of the persons affiliated with those listed in Item 1. Describe their affiliations.]

ITEM 3. NATURE AND PURPOSE OF THE PROPOSED MERGER OR ACQUISITION

[State the nature and purpose of the proposed merger or acquisition.]

ITEM 4. NATURE OF BUSINESS

[State the nature of the business performed by each of the persons identified in response to Item 1 and Item 2.]

ITEM 5. MARKET AND MARKET SHARE

[State specifically what market and market share in each relevant insurance market the persons identified in Item 1 and Item 2 currently enjoy in this state. Provide historical market and market share data for each person identified in Item 1 and Item 2 for the past five years and identify the source of such data. Provide a determination as to whether the proposed acquisition or merger, if consummated, would violate the competitive standards of the state as stated in A.R.S. § 20-481.25(D). If the proposed acquisition or merger would violate competitive standards, provide justification of why the acquisition or merger would not substantially lessen competition or create a monopoly in the state.]

For purposes of this question, market means direct written insurance premium in this state for a line of business as contained in the annual statement required to be filed by insurers licensed to do business in this state.



APPENDIX F

FORM F

ENTERPRISE RISK REPORT

Filed with the Arizona Department of Insurance

Name of Registrant/Applicant

On Behalf of/Related to Following Insurance Companies

Name Address

Date: , 20

Name, Title, Address and telephone number of Individual to Whom Notices and Correspondence Concerning This Statement Should be Addressed:

ITEM 1. ENTERPRISE RISK

[The Registrant/Applicant, to the best of its knowledge and belief, shall provide information regarding the following areas that could produce enterprise risk as defined in A.R.S. § 20-481(4), provided such information is not disclosed in the Insurance Holding Company System Annual Registration Statement filed on behalf of itself or another insurer for which it is the ultimate controlling person:

Any material developments regarding strategy, internal audit findings, compliance or risk management affecting the insurance holding company system;

Acquisition or disposal of insurance entities and reallocating of existing financial or insurance entities with the insurance holding company system;

Any changes of shareholders of the insurance holding company system exceeding ten percent (10%) or more of voting securities;

Developments in various investigations, regulatory activities or litigation that may have a significant bearing or impact on the insurance holding company system;

Business plan of the insurance holding company system and summarized strategies for next 12 months;

Identification of material concerns of the insurance holding company system raised by supervisory college, if any, in last year;

Identification of insurance holding company system capital resources and material distribution patterns;

Identification of any negative movement, or discussions with rating agencies which may have caused, or may cause, potential negative movement in the credit ratings and individual insurer financial strength ratings assessment of the insurance holding company system (include both the rating score and outlook);

Information on corporate or parental guarantees throughout the holding company and the expected source of liquidity should such guarantees be called upon; and

Identification of any material activity or development of the insurance holding company system that, in the opinion of senior management, could adversely affect the insurance holding company system.

[The Registrant/Applicant may attach the appropriate form most recently filed with the U.S. Securities and Exchange Commission, provided the Registrant/Applicant includes specific references to those areas listed in Item 1 for which the form provides responsive information. If the Registrant/Applicant is not domiciled in the U.S., it may attach its most recent public audited financial statement filed in its country of domicile, provided the Registrant/Applicant includes specific references to those areas listed in Item 1 for which the financial statement provides responsive information.]

ITEM 2. OBLIGATION TO REPORT

[If the Registrant/Applicant has not disclosed any information pursuant to Item 1, the Registrant/Applicant shall include a statement affirming that, to the best of its knowledge and belief, it has not identified enterprise risk subject to disclosure pursuant to Item 1.]

**APPENDIX G****INSTRUCTIONS ON FORMS A, B, C, D, E AND F****FORMS - GENERAL REQUIREMENTS**

Forms A, B, C, ~~and D, E and F~~ are intended to be guides in the preparation of the statements required by A.R.S. §§ 20-481.02, ~~and 20-481.07~~ 20-481.09, 20-481.12 and 20-481.25. They are not intended to be blank forms which are to be filled in. The statements filed shall contain the numbers and captions of all items, but the text of the items may be omitted provided the answers thereto are prepared in such a manner as to indicate clearly the scope and coverage of the items. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

~~Two complete copies of each~~ One original paper statement ~~including~~ excluding exhibits, and all other papers and documents ~~filed as a part thereof~~, shall be filed with the Director. The statement shall be signed in the manner prescribed on the form, by personal delivery or mail addressed to: Insurance Director of the State of Arizona, Attention: Corporate and Financial Affairs Division. ~~A copy of Form C shall be filed in each state in which an insurer is authorized to do business, if the Director of that state has notified the insurer of its request in writing. At least one of the copies shall be manually signed in the manner prescribed on the form. Unsigned copies shall be conformed.~~ If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also be filed with the statement. All paper filings shall be by personal delivery or mail addressed to: Arizona Department of Insurance, Financial Affairs Division.

In addition to the filed paper statement, a copy of the statement, including exhibits, and all other papers and documents filed as a part thereof, shall be filed electronically.

~~Statements shall be prepared on paper 8 1/2" x 11" in size and bound at the top or the top left hand corner. Exhibits and financial statements, unless specifically prepared for the filing, may be submitted in their original size. All copies of any statement, financial statements, or exhibits shall be clear, filed documents shall be easily readable and suitable for photocopying review and reproduction. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies. Statements shall be in the English language and monetary values shall be stated in United States currency. If any exhibit or other paper or document filed with the statement is in a foreign language, it shall be accompanied by a translation into the English language and any monetary value shown in a foreign currency normally shall be converted into United States currency.~~

If an applicant requests a hearing on a consolidated basis under A.R.S. § 20-481.07, in addition to filing the Form A with the Director, the applicant shall file a copy of Form A with the National Association of Insurance Commissioners (NAIC) in electronic form.

FORMS - INCORPORATION BY REFERENCE, SUMMARIES AND OMISSIONS

Information required by any item of Form A, Form B, ~~or Form D, Form E or Form F~~ may be incorporated by reference in answer or partial answer to any other item. Information contained in any financial statement, annual report, proxy statement, statement filed with a governmental authority, or any other document may be incorporated by reference in answer or partial answer to any item of Form A, Form B, ~~or Form D, Form E or Form F~~ provided ~~such the~~ document ~~or paper~~ is filed as an exhibit to the statement. Excerpts of documents may be filed as exhibits if the documents are extensive. Documents currently on file with the Director which were filed within three years need not be attached as exhibits. References to information contained in exhibits or in documents already on file shall clearly identify the material and shall specifically indicate that such material is to be incorporated by reference in answer to the item. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear or confusing.

Where an item requires a summary or outline of the provisions of any document, only a brief statement shall be made as to the pertinent provisions of the document. In addition to ~~such the~~ statement, the summary or outline may incorporate by reference particular parts of any exhibit or document currently on file with the Director which was filed within three years and may be qualified in its entirety by such reference. In any case where two or more documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, a copy of only one of ~~such the~~ documents need be filed with a schedule identifying the omitted documents and setting forth the material details in which ~~such the~~ documents differ from the documents, a copy of which is filed.

FORMS - INFORMATION UNKNOWN OR UNAVAILABLE AND EXTENSION OF TIME TO FURNISH

If it is impractical to furnish any required information, document or report at the time it is required to be filed, there may be filed with the Director as a separate document:

- (1) ~~identifying~~ Identifying the information, document or report in question;
- (2) ~~stating~~ Stating why the filing thereof at the time required is impractical; and
- (3) ~~requesting~~ Requesting an extension of time for filing the information, document or report to a specified date.

The request for extension shall be deemed granted unless the Director within 60 days after receipt thereof enters an order denying the request.

FORMS - ADDITIONAL INFORMATION AND EXHIBITS



In addition to the information expressly required to be included in Form A, Form B, Form C, ~~and Form D, Form E and Form F, the Director may request there shall be added~~ such further ~~material~~ information, if any, as may be necessary to make the information contained therein not misleading. The person filing may also file such exhibits as it may desire in addition to those expressly required by the ~~statement forms. Such~~ The exhibits shall be so marked as to indicate clearly the subject matters to which they refer. Changes to Forms A, B, C, ~~or D, E or F~~ shall include on the top of the cover page the phrase: "Change No. (insert number) to" and shall indicate the date of the change and not the date of the original filing.



NOTICES OF EMERGENCY RULEMAKING

This section of the Arizona Administrative Register contains Notices of Emergency Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these rules.

Questions about the interpretation of the emergency rules should be addressed to the agency proposing them. Refer to Item #5 to contact the person charged with the rulemaking.

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 18. NATUROPATHIC PHYSICIANS MEDICAL BOARD

Editor's Note: The following Notice of Emergency Rulemaking was exempt from Executive Order 2012-03 as issued by Governor Brewer, and submitted for publication in the Register while this order was still in effect. (See the text of the executive order on page 102.)

[R14-210]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statutes (specific):
3. The effective date of the rule:
4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of this Notice of Emergency rulemaking:
5. The agency's contact person who can answer questions about the rulemaking:
6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:



total parenteral nutrition. A.R.S. § 32-1501(15)(iii) defines nutrients as a substance that provides nourishment for growth or metabolism and that is manufactured and supplied for intravenous use by a manufacturer registered with the United States Food and Drug Administration or compounded by a pharmacy licensed by the state Board of Pharmacy. Statute does not require rule to list specific nutrients because both statute and rule already define substances considered not suitable for intravenous administration.

It has come to the attention of the Board that some of our licensees have used one or more of the substances listed in A.A.C. R4-18-904(B)(2), and state they have had positive results with their use. The American Naturopathic Research Institute/Naturopathic Oncology Research Institute report, they are currently conducting an IRB (ID # IORG0007953), in which one or more of the excluded nutrients had been used. The current rules have an impact on the data supplied for the IRB. According to the website www.cancer.gov; The Food and Drug Administration (FDA) has approved the study of hydrazine sulfate in clinical trials. According to www.researchednutritionals.com; Lipid Replacement is not just the dietary substitution of certain lipids with proposed health benefits; it is the actual replacement of damaged cellular lipids with undamaged lipids to ensure proper structure and function of cellular structures, mainly cellular and organelle membranes. Removing the use of any of the four excluded substances may impact the health and safety of the public. The Board is requesting an emergency rule change under A.R.S. § 41-1032(A)(1). Also, the rule was not previously made as an emergency rule.

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:

The Board did not review or rely on any study.

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

When used in the economic impact statement summary, annual cost/revenue are designated as minimal when less than \$5,000, moderate when between \$5,000 and \$10,000, and substantial when greater than \$10,000.

The Board will incur minimal expense to write the rules and enforce their requirements.

The elimination of R4-18-904(B)(2) should not result in any costs to a naturopathic physician, medical student, or medical assistant, as the removal should not cause extra burden on any licensee or certificate holder.

10. Any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include but are not limited to:

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 Board issues a license or certificate, which falls within the definition of general permit.

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:

Federal law is applicable to the subject of the rule. A.A.C. R4-18-904(B)(1) requires that nutrients for intravenous administration must be manufactured and supplied for intravenous use by a manufacturer registered with the United States Food and Drug Administration. This provision is consistent with the requirements for registration in 21 U.S.C. § 360(b) (U.S. operations) and (i) (foreign establishments).

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:

The Board did not receive such an analysis from any person.

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

There is no incorporation by reference document.

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

The Board received written notice from the State of Arizona Naturopathic Association (AzNMA) requesting review of the current rule. The Board received a letter from Attorney Steven C. Mahaffy in his capacity as Council representing licensee Dr. Colleen Huber, has also requested removal of the current rule's subsection (B)(2). The Board heard comments from Licensees and members of the public at the meeting of July 10, 2014 and September 11, 2014. All correspondence and comments are in favor of removing the rule's subsection (B)(2).

13. The date the Attorney General approved the rule:

December 17, 2014

14. The full text of the rules follows:



TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 18. NATUROPATHIC PHYSICIANS MEDICAL BOARD

ARTICLE 9. CERTIFICATE TO DISPENSE

Section R4-18-904. Dispensing; Intravenous Nutrients

ARTICLE 9. CERTIFICATE TO DISPENSE

R4-18-904. Dispensing; Intravenous Nutrients

- A. To prevent toxicity due to the excessive intake of a natural substance, drug, or device, before dispensing the natural substance, drug, or device to an individual, a certified physician shall:
 1. Conduct a physical examination of the individual,
 2. Conduct laboratory tests as necessary that determine the potential for toxicity of the individual, and
 3. Document the results of the physical examination and laboratory tests in the individual’s medical record.
- B. For the purposes of A.R.S. § 32-1504(A)(8), a substance is considered a nutrient ~~not~~ suitable for intravenous administration if it ~~is~~:
 1. ~~Not manufactured and supplied for intravenous use by a manufacturer registered with the United States Food and Drug Administration or compounded by a pharmacy licensed in Arizona, another state, or United States territory; or Complies with A.R.S. § 32-1501(15)(iii).~~
 2. ~~One of the following:~~
 - a. ~~Silver protein, or any substance that contains silver;~~
 - b. ~~Cesium chloride;~~
 - e. ~~Hydrazine sulfate; or~~
 - d. ~~Lipid replacement as used in total parenteral nutrition.~~



NOTICES OF SUBSTANTIVE POLICY STATEMENT

The Administrative Procedure Act requires the publication of substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)).

Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice.

Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal

procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act.

If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY**

[M14-368]

1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:

Soil Vapor Sampling Guidance

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued and effective: May 19, 2011

3. Summary of the contents of the substantive policy statement:

This policy replaces the Soil Vapor Sampling Guidance issued July 10, 2008, and noticed in the October 17, 2008, *Arizona Administrative Register* on page 3968.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.A.C. R18-7-203

5. A statement as to whether the substantive policy statement is a new statement or a revision:

New

6. The agency contact person who can answer questions about the substantive policy statement:

Name: Wayne Pudney
Address: ADEQ
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4192
Fax: (602) 771-4138
E-mail: wdp@azdeq.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this guidance are available at no cost on the Department's website: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY**

[M14-369]

1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:

Petroleum Contaminated Soil Fact Sheet

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued and effective: July 2008

**3. Summary of the contents of the substantive policy statement:**

This policy replaces the Petroleum Contaminated Soil Fact Sheet issued February 1998, and noticed in the December 6, 2002 Arizona Administrative Register on page 5030.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 49-851(A)(3)

5. A statement as to whether the substantive policy statement is a new statement or a revision:

Revision

6. The agency contact person who can answer questions about the substantive policy statement:

Name: Randall Matas
Address: ADEQ
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4849
E-mail: rgm@azdeq.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this policy are available at no cost on the Department's website: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY**

[M14-370]

1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:

EPA Sampling and Analysis Plan Guidance and Template, Version 4

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued and effective: May 2014

3. Summary of the contents of the substantive policy statement:

This policy is an EPA document that replaces EPA Sampling and Analysis Plan, Guidance and Template, Version 2.0, which replaced Preparation of EPA Region 9 Sample Plan, as noticed in the March 28, 1997 Arizona Administrative Register at page 879.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 49-287.03

5. A statement as to whether the substantive policy statement is a new statement or a revision:

Revision

6. The agency contact person who can answer questions about the substantive policy statement:

Name: Harry Hendler
Address: ADEQ
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4609
E-mail: hh3@azdeq.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this guidance are available at no cost on the Department's website: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page.



NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY

[M14-371]

- 1. **Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**
Federal Engine Switching Fact Sheet
- 2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
Issued: March 13, 1991
Effective: March 13, 1991
- 3. **Summary of the contents of the substantive policy statement:**
This document summarizes Federal law and policy pertaining to the legality and effects of engine switching.
- 4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
Clean Air Act (CAA) Section 203(a)(3) (42 U.S.C. 7522 (a)(3)).
- 5. **A statement as to whether the substantive policy statement is a new statement or a revision:**
ADEQ is re-noticing the policy for clarification purposes. The policy is unchanged from its original adoption.
- 6. **The agency contact person who can answer questions about the substantive policy statement:**
Name: Jim Gass, VEI Operations Unit Manager
Address: 600 N. 40th St.
Phoenix, AZ 85008
Telephone: (602) 771-3981
Fax: (602) 207-7020
E-mail: gass.jim@azdeq.gov
Web site: www.azdeq.gov
- 7. **Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**
Copies of this document are available at no cost on the Department’s web site: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page. The document is 4 pages.

NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY

[M14-372]

- 1. **Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**
Failure Rate Analyses and Development of Fast-Pass, Retest, and CPP Algorithms for IM147 Max Cutpoints. Sierra Research Report Number SR00-03-01
- 2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
Issued: March 2000
Effective: March 2000
- 3. **Summary of the contents of the substantive policy statement:**
This substantive policy provides technical guidance on procedures and specifications for conducting the Inspection/Maintenance 147 second Emissions Test (IM147) and contains guidance from Sierra Research for the Environmental Protection Agency on failure rate analyses and fast-pass, retest, and CPP algorithms for IM147 Max CO cutpoints.
- 4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.A.C. R18-2-1006
- 5. **A statement as to whether the substantive policy statement is a new statement or a revision:**
ADEQ is re-noticing the policy for clarification purposes. The policy is unchanged from its original adoption.

**6. The agency contact person who can answer questions about the substantive policy statement:**

Name: Jim Gass, VEI Operations Unit Manager
Address: 600 N. 40th St.
Phoenix, AZ 85008
Telephone: (602) 771-3981
Fax: (602) 207-7020
E-mail: gass.jim@azdeq.gov
Web site: www.azdeq.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this document are available at no cost on the Department's web site: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page. The document is 161 pages.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY**

[M14-373]

1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:

Government Entity & Fleet Shop, Fleet Station Handbook, Area B (Metro Tucson), Information for Fleet Station Personnel

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: July 24, 2014
Effective: July 24, 2014

3. Summary of the contents of the substantive policy statement:

This handbook describes the fleet station permitting process, the types of permits and inspector licenses that are issued, required inspection equipment and equipment maintenance, inspection procedures for specific classes of vehicles, and record keeping procedures.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 49-546
A.A.C. R18-2-1019

5. A statement as to whether the substantive policy statement is a new statement or a revision:

This publication replaces "Government Entity and Fleet Shop Handbook Area B (Metro Tucson) Information for Fleet Station Personnel," effective date April 1, 2009.

6. The agency contact person who can answer questions about the substantive policy statement:

Name: Adrion Osborne, Emissions Inspections & Compliance Unit Manager
Address: 600 N. 40th St.
Phoenix, AZ 85008
Telephone: (602) 771-3969
Fax: (602) 207-7020
E-mail: osborne.adrion@azdeq.gov
Web site: www.azdeq.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this document are available at no cost on the Department's web site: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page. The document is 31 pages.



NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY

[M14-374]

1. **Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**
0905.001 GIS Data Distribution Policy (formerly 0141.000)
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
Issued: January 28, 2008
Effective: June 12, 2008
3. **Summary of the contents of the substantive policy statement:**
This substantive policy statement informs the general public of ADEQ’s policy and procedures for distributing electronic Geographic Information System (GIS) data created at the ADEQ to external customers
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.R.S. §§ 39-121, 39-121.01, and 39-121.03
5. **A statement as to whether the substantive policy statement is a new statement or a revision:**
This publication revises and replaces 0141.000 GIS Data Distribution Policy issued on April 15, 1999.
6. **The agency contact person who can answer questions about the substantive policy statement:**
Name: Sherri Zendri, Administrative Counsel
Address: ADEQ
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-2242
Fax: (602) 771-8681
E-mail: zendri.sherri@azdeq.gov
Web site: www.azdeq.gov
7. **Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**
Copies of this Application Guide are available at no cost on the Department’s web site: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page. The document is 10 pages.

NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY

[M14-375]

1. **Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**
Government Entity & Fleet Shop, Fleet Station Handbook, Area A (Metro Phoenix), Information for Fleet Station Personnel
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
Issued: July 24, 2014
Effective: July 24, 2014
3. **Summary of the contents of the substantive policy statement:**
This handbook describes the fleet station permitting process, the types of permits and inspector licenses that are issued, required inspection equipment and equipment maintenance, inspection procedures for specific classes of vehicles, and record keeping procedures.
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.R.S. § 49-546
A.A.C. R18-2-1019

**5. A statement as to whether the substantive policy statement is a new statement or a revision:**

This publication replaces "Government Entity and Fleet Shop Handbook Area A (Metro Phoenix) Information for Fleet Station Personnel," effective date April 2010.

6. The agency contact person who can answer questions about the substantive policy statement:

Name: Adrion Osborne, Emissions Inspections & Compliance Unit Manager
Address: 600 N. 40th St.
Phoenix, AZ 85008
Telephone: (602) 771-3969
Fax: (602) 207-7020
E-mail: osborne.adrion@azdeq.gov
Web site: www.azdeq.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this document are available at no cost on the Department's web site: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page. The document is 13 pages.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY**

[M14-376]

1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:

Dealer Fleet Station handbook for Area A (Metro Phoenix) & Area B (Metro Tucson), Information for Fleet Station Personnel

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: July 24, 2014
Effective: July 24, 2014

3. Summary of the contents of the substantive policy statement:

This handbook describes the fleet station permitting process, the types of permits and inspector licenses that are issued, required inspection equipment and equipment maintenance, inspection procedures for specific classes of vehicles, and record keeping procedures.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 49-546
A.A.C. R18-2-1019

5. A statement as to whether the substantive policy statement is a new statement or a revision:

This publication replaces "Dealer Fleet Station Handbook, Area A (Metro Phoenix) and Area B (Metro Tucson), Information for Fleet Station Personnel," effective date April 2010.

6. The agency contact person who can answer questions about the substantive policy statement:

Name: Adrion Osborne, Emissions Inspections & Compliance Unit Manager
Address: 600 N. 40th St.
Phoenix, AZ 85008
Telephone: (602) 771-3969
Fax: (602) 207-7020
E-mail: osborne.adrion@azdeq.gov
Web site: www.azdeq.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this document are available at no cost on the Department's web site: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page. The document is 30 pages.



NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY

[M14-377]

1. **Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**
“Title Only” Sale By Dealers
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
Issued: May 2008
Effective: May 2008
3. **Summary of the contents of the substantive policy statement:**
This policy informs the general public of ADEQ’s current approach to, or opinion of, guidance on requirements for “Title Only” sales to retail purchasers.
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.R.S. § 28-2053
A.R.S. § 28-4412
5. **A statement as to whether the substantive policy statement is a new statement or a revision:**
This publication replaces “Title Only” Sale by Dealers,” effective date February 28, 1997.
6. **The agency contact person who can answer questions about the substantive policy statement:**
Name: Adrion Osborne, Emissions Inspections & Compliance Unit Manager
Address: 600 N. 40th St.
Phoenix, AZ 85008
Telephone: (602) 771-3969
Fax: (602) 207-7020
E-mail: osborne.adrion@azdeq.gov
Web site: www.azdeq.gov
7. **Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**
Copies of this document are available at no cost on the Department’s web site: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page. The document is 3 pages.

NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY

[M14-378]

1. **Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**
ADEQ’s Map of Smoke Management Units
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
Issued: March 1, 2004
Effective: March 1, 2004
3. **Summary of the contents of the substantive policy statement:**
This substantive policy statement informs the general public of ADEQ’s current approach to, or opinion of, description of those areas that allow smoke to follow predictable drainage patterns for purposes of Title 18, chapter 2, Article 15 (Forest and Range Management Burns).
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.A.C. R18-2-1501.20
5. **A statement as to whether the substantive policy statement is a new statement or a revision:**
ADEQ is re-noticing the policy for clarification purposes. The policy is unchanged from its original adoption.

**6. The agency contact person who can answer questions about the substantive policy statement:**

Name: Brad Busby, Air Quality Evaluation Unit Manager
Address: ADEQ
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-7676
Fax: (602) 771-2366
E-mail: busby.brad@azdeq.gov
Web site: www.azdeq.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this document are available at no cost on the Department's web site: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page. The document is 1 page.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY**

[M14-379]

1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:

Quality Assurance Operational Procedures – Tucson

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: July 15, 2014
Effective: July 15, 2014

3. Summary of the contents of the substantive policy statement:

Guidance Manual for VEI personnel and contractor employees in the Tucson area for performance on a variety of procedures:

- Cap Integrity Inspection System (CITS) Audit Procedure
- Inspector Performance Audit Procedure
- State Station (SSA) Procedure Ambient Sensor
- State Station Traffic Survey Procedure
- Tucson State Station Procedures
- Vehicle Inspection Report (VIR) Accuracy Audit Procedure
- VIR Repair Data Entry information Audit Procedure

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.A.C. R18-2-1025
A.A.C. R18-2-1025 (E)(6)(a)

5. A statement as to whether the substantive policy statement is a new statement or a revision:

This publication replaces "Quality Assurance Operational Procedures, Section 2, Part 2.3 State Station Auditing Procedure," effective date January 1992.

6. The agency contact person who can answer questions about the substantive policy statement:

Name: Adrion Osborne, Emissions Inspections & Compliance Unit Manager
Address: 600 N. 40th St.
Phoenix, AZ 85008
Telephone: (602) 771-3969
Fax: (602) 207-7020
E-mail: osborne.adrion@azdeq.gov
Web site: www.azdeq.gov



7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this document are available at no cost on the Department’s web site: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page. The document is 25 pages.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY**

[M14-380]

1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:

Quality Assurance Operational Procedures – Phoenix

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: August 27, 2014
Effective: August 27, 2014

3. Summary of the contents of the substantive policy statement:

Guidance Manual for VEI personnel and contractor employees in the Phoenix area for performance on a variety of procedures:

- A-propane Audit Procedure
- Cap Integrity Inspection System (CITS) Audit Procedure
- Evaporative Integrity System (EITS) Audit Procedure
- Inspector Performance Audit Procedure
- State Station (SSA) Procedure Ambient Sensor
- SSA Procedure Gas Audits
- SSA Procedure Snap and Loaded Opacity
- State Station Traffic Audit Procedure
- Vehicle Inspection Report (VIR) Accuracy Audit Procedure
- VIR Repair Data Entry information Audit Procedure

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.A.C. R18-2-1025
A.A.C. R18-2-1006 (E)(6)(a)

5. A statement as to whether the substantive policy statement is a new statement or a revision:

This publication replaces “Quality Assurance Operational Procedures, Section 2, Part 2.3 State Station Auditing Procedure,” effective date January 1992.

6. The agency contact person who can answer questions about the substantive policy statement:

Name: Adrion Osborne, Emissions Inspections & Compliance Unit Manager
 Address: 600 N. 40th St.
 Phoenix, AZ 85008
 Telephone: (602) 771-3969
 Fax: (602) 207-7020
 E-mail: osborne.adrion@azdeq.gov
 Web site: www.azdeq.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this document are available at no cost on the Department’s web site: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page. The document is 37 pages.



NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY

[M14-381]

- 1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**
Operational Procedures - Fleet Emissions Inspection Station
- 2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
Issued: May 22, 2009
Effective: July 2014
- 3. Summary of the contents of the substantive policy statement:**
Guidance Manual for VEI personnel in the methodology of conducting a fleet facility audit:
Registered Analyzer and Opacity Meter Audit Procedure
Fleet Emissions Inspection Station Audit Procedure
- 4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.R.S. § 49-546
A.A.C. R18-2-1006
A.A.C. R18-2-1019
- 5. A statement as to whether the substantive policy statement is a new statement or a revision:**
This publication replaces "Quality Assurance Operational Procedures, Section 2, Part 2.4 Fleet Vehicle Emission Inspection Station Audit Procedures," effective date September 10, 1992.
- 6. The agency contact person who can answer questions about the substantive policy statement:**
Name: Adrion Osborne, Emissions Inspections & Compliance Unit Manager
Address: 600 N. 40th St.
Phoenix, AZ 85008
Telephone: (602) 771-3969
Fax: (602) 207-7020
E-mail: osborne.adrion@azdeq.gov
Web site: www.azdeq.gov
- 7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**
Copies of this document are available at no cost on the Department's web site: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page. The document is 27 pages.

NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY

[M14-382]

- 1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**
Guide to Agricultural PM₁₀ Best Management Practices
- 2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
Issued: 2008
Effective: 2008
- 3. Summary of the contents of the substantive policy statement:**
This guidance document provides agricultural operators with information and guidance on how to effectively implement individual best management practices (BMPs).
- 4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.R.S. § 49-457
A.A.C. R18-2-610.01



5. A statement as to whether the substantive policy statement is a new statement or a revision:
This publication replaces “Guide to Agricultural PM10 Best Management Practices,” issued date February 2001.

6. The agency contact person who can answer questions about the substantive policy statement:

Name: Lisa Tomczak, Planning Unit Manager
Address: 1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4450
Fax: (602) 771-2366
E-mail: tomczak.lisa@azdeq.gov
Web site: www.azdeq.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this document are available at no cost on the Department’s web site: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page. The document is 33 pages.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY**

[M14-383]

1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:

0205.002 Records Management—Access to Public Records (formerly 0033.001)

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: January 19, 2006
Effective: January 19, 2006

3. Summary of the contents of the substantive policy statement:

This substantive policy statement informs the general public of ADEQ’s current approach to, or opinion of, the Arizona public records law requirements, including A.R.S. §§ 39-121 through 39-161; 41-1330 through 41-1353; and A.R.S. Title 49, insofar as these provisions relate to ADEQ’s responsibilities regarding a person’s access to public records.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. §§ 39-121 through 39-161
A.R.S. §§ 41-1330 through 41-1353
A.R.S. Title 49

5. A statement as to whether the substantive policy statement is a new statement or a revision:

This publication revises and replaces 0033.001 “Public Access to Public Records Policy” originally issued as 0033.000 on May 26, 1995 and amended to 0033.001 on May 1, 1998.

6. The agency contact person who can answer questions about the substantive policy statement:

Name: Sherri Zendri, Administrative Counsel
Address: ADEQ
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-2242
Fax: (602) 771-8681
E-mail: zendri.sherri@azdeq.gov
Web site: www.azdeq.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this Application Guide are available at no cost on the Department’s web site: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W.



Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page. The document is 10 pages.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY**

[M14-384]

- 1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**
0206.002 Records Management—Confidential and Privileged Records (formerly 0032.001)
- 2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
Issued: January 19, 2006
Effective: January 19, 2006
- 3. Summary of the contents of the substantive policy statement:**
This substantive policy statement informs the general public of ADEQ’s current approach to, or opinion of, the Arizona public records law requirements, including A.R.S. §§ 39-121 through 39-161; 41-1330 through 41-1353; A.R.S. Title 49 and other provisions of law, insofar as these provisions relate to ADEQ’s responsibilities regarding confidential or privileged records and denying access to public records.
- 4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.R.S. § 13-1820
A.R.S. § 15-1823
A.R.S. Title 26
A.R.S. § 27-274
A.R.S. § 28-455(C)
A.R.S. Title 36
A.R.S. Title 38
A.R.S. §§ 39-121 through 39-161
A.R.S. §§ 41-1330 through 41-1353
A.R.S. Title 44
A.R.S. Title 49
- 5. A statement as to whether the substantive policy statement is a new statement or a revision:**
This publication revises and replaces 0032.001, “Confidential Records Policy,” originally issued as 0032.000 on May 26, 1995 and amended to 0032.001 on May 1, 1998.
- 6. The agency contact person who can answer questions about the substantive policy statement:**
Name: Sherri Zendri, Administrative Counsel
Address: ADEQ
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-2242
Fax: (602) 771-8681
E-mail: zendri.sherri@azdeq.gov
Web site: www.azdeq.gov
- 7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**
Copies of this Application Guide are available at no cost on the Department’s web site: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page. The document is 10 pages.



NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY

[M14-385]

1. **Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**
0010.003 Compliance and Enforcement Policy
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
Issued: May 11, 2000
Effective: May 11, 2000
3. **Summary of the contents of the substantive policy statement:**
This substantive policy statement informs the general public of compliance standards that guide ADEQ in taking enforcement action.
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.R.S. Title 41
A.R.S. Title 49
5. **A statement as to whether the substantive policy statement is a new statement or a revision:**
This publication revises and replaces 0010.000 "Compliance and Enforcement Policy" originally issued on May 7, 1993; amended policy 0010.001 issued July 21, 1998; and amended policy 0010.002 issued December 9, 1999.
6. **The agency contact person who can answer questions about the substantive policy statement:**
Name: Sherri Zendri, Administrative Counsel
Address: ADEQ
1110 W. Washington St.
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Telephone: (602) 771-2242
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7. **Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**
Copies of this Application Guide are available at no cost on the Department's web site: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page. The document is 11 pages.

NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ENVIRONMENTAL QUALITY

[M14-386]

1. **Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**
Petroleum Contaminated Soil Sampling Plan
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
Issued and effective: April 2007
3. **Summary of the contents of the substantive policy statement:**
This policy replaces the Petroleum Contaminated Soil (PCS) Sampling Fact Sheet issued February 2002, and noticed in the December 6, 2002 Arizona Administrative Register on page 5029.
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.R.S. § 49-851(A)(3)
5. **A statement as to whether the substantive policy statement is a new statement or a revision:**
Revision

**6. The agency contact person who can answer questions about the substantive policy statement:**

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7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this policy are available at no cost on the Department's website: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page.



NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rulemaking information that does not fit into any other category of notice; and other types of information required by statute to be published in the Register.

Because of the variety of Notices of Public Information, the Office of the Secretary of State has not established a specific publishing format for these notices. We do however require agencies to use a numbered list of questions and answers and follow our filing requirements by presenting receipts with electronic and paper copies.

NOTICE OF PUBLIC INFORMATION
DEPARTMENT OF ENVIRONMENTAL QUALITY

[M14-361]

- 1. Title and its heading: Title 49, The Environment
Chapter and its heading: Chapter 2, Water Quality Control
Article and its heading: Article 2.1, Total Maximum Daily Loads
Section: A.R.S. § 49-232, Lists of Impaired Waters; data requirements; rules

2. The public information relating to the listed statute
Arizona Revised Statute (A.R.S.) § 49-232(A) requires the Arizona Department of Environmental Quality (ADEQ) to prepare a list of impaired waters at least once every five years to comply with Section 303(d) of the Clean Water Act [33 U.S.C. 1313(d)]. ADEQ provides public notice and allows for comment on the draft 303(d) List of impaired waters prior to its submission to the United States Environmental Protection Agency (EPA). ADEQ published a draft 303(d) List in a document entitled Draft 2012/14 Status of Ambient Water Quality in Arizona 305(b) Assessment and 303(d) Listing Report (hereafter referred to as the "Integrated Report) and provided an opportunity for public comment on the Integrated Report from May 2, 2014 through June 16, 2014. ADEQ prepares written responses to public comments received on the draft 303(d) List of impaired waters and publishes a summary of ADEQ's responses to comments in the Arizona Administrative Register at least 45 days before submitting the list to EPA for their approval.

3. Procedures for challenging an impaired water listing
The publication of the 303(d) List of impaired waters in the Arizona Administrative Register is an appealable agency action. Any party that submitted written comments on ADEQ's draft 2012/14 303(d) List may challenge a listing of an impaired water by submitting a notice of appeal to the Department in accordance with A.R.S. 41-1092.03. A notice of appeal challenging a listing must be submitted within 45 days of the date of publication of this notice of public information in the Arizona Administrative Register. The submission of a timely notice of appeal "stays" ADEQ's initial submission of a challenged listing to EPA. ADEQ may subsequently submit a challenged listing to EPA if the challenged listing is upheld in a final administrative decision by the Director under A.R.S. 41-1092.08 or if the person who challenges a listing withdraws the appeal prior to a final administrative decision by the Director.

4. 305(b) and 303(d) of the Clean Water Act
Section 305(b) of the Clean Water Act requires each state to prepare and submit to EPA a biennial report describing the water quality of all surface waters in the state. Each state must monitor water quality and review available data and information from various sources to determine if surface water quality standards are being met. From this 305(b) water quality assessment report and other sources of information, ADEQ creates the 303(d) List. The 303(d) List identifies Arizona surface waters that do not meet water quality standards. These waters are known as "water quality limited segments" or "impaired waters." Identifying a surface water as impaired may be based on an evaluation of physical, chemical, or biological data demonstrating evidence of a numeric standard exceedance, a narrative standard exceedance, designated use impairment, or a declining trend in water quality, such that the surface water would exceed a water quality standard before the next listing period.

Section 303(d) of the Clean Water Act requires each state to prepare several lists of surface water segments not meeting surface water quality standards, including those not expected to meet state surface water quality standards after implementation of technology-based controls. The draft 303(d) List is revised based on public input and finalized for submission to EPA. Arizona, like most states, prepares one list containing all of the waters meeting the criteria in section 303(d). At a minimum, ADEQ must consider the following sources of data:

- Surface waters identified in the Section 305(b) Report, including Section 314 lakes assessment that do not meet water quality standards;
• Surface waters for which dilution calculations or predictive models indicate nonattainment of water quality standards;
• Surface waters for which problems have been reported by other agencies, institutions, and the public;
• Surface waters identified as impaired or threatened in the state's non-point assessments submitted to EPA under Section 319 of the Clean Water Act;
• Fish consumption advisories and restrictions on water sports and recreational contact;
• Reports of fish kills or abnormalities (cancers, lesions, tumors);
• Water quality management plans;
• The Safe Drinking Water Act 1453 source water assessments; and
• Superfund and Resource Conservation and Recovery Act (RCRA) reports and the Toxic Release Inventory.



ADEQ's 303(d) List and supporting documentation are submitted to EPA for review. The ADEQ submission to EPA will contain the 303(d) List, including the pollutants or suspected pollutants impairing water quality; the surface waters targeted for Total Maximum Daily Load (TMDL) development; a priority ranking and schedule for TMDL development; a description of the process used to develop the 303(d) List; the basis for listing decisions, including reasons for not including a surface water or segment on the list; and a summary of ADEQ responses to public comments received on the draft list. 40 CFR 130.7(b)(6)(iv) requires a state to demonstrate "good cause" for not listing a surface water where there are exceedances of water quality standards and places the burden of proof on the state to justify excluding a surface water from the list. "Good cause" factors include more recent or accurate data, flaws in the original analysis, more sophisticated water quality modeling, or changes in the conditions that demonstrate that the surface water is no longer impaired.

The 303(d) List was due to be submitted to the U.S. Environmental Protection Agency on or before April 1, 2012. State law requires that the initial 303(d) List be published in the *Arizona Administrative Register* at least 45 days before the list is submitted to the Regional Administrator. The list of impaired waters that ADEQ plans to submit to EPA is contained in the table titled "Arizona's 2012/14 303(d) List of Impaired Waters" published in Section 7 of this notice.

EPA has added impaired waters to Arizona's 303(d) List in previous assessment cycles. These EPA listings do not meet the requirements of A.R.S. 49-232 or impaired water identification criteria established in ADEQ's Impaired Water Identification Rules (A.A.C. R18-11-601 through R18-11-606) but do meet federal requirements.

5. Arizona laws governing ADEQ identification of impaired waters and preparation of the 303(d) List

The Arizona Legislature enacted laws governing ADEQ's development of the 303(d) List in 2000. A.R.S. 49-232(B) requires that ADEQ consider only "reasonably current, credible and scientifically defensible" data that the ADEQ has collected or received from another source in determining whether a water body is an impaired water. The results of water sampling or other assessments of water quality are considered credible and scientifically defensible data only if ADEQ has determined:

1. Appropriate quality assurance and quality control procedures were followed and documented in collecting and analyzing the data;
2. The samples or analyses are representative of water quality conditions at the time the data was collected;
3. The data consists of an adequate number of samples based on the water body in question and the parameters being analyzed; and
4. The method of sampling and analysis, including analytical, statistical and modeling methods, is generally accepted and validated in the scientific community as appropriate for use in assessing the condition of the water.

ADEQ considered reasonable current, credible and scientifically defensible data in preparing 2012/14 draft 303(d) List (the Impaired Water Identification Rule (IWIR)). The water quality data and information that ADEQ considered are summarized in the 2012/14 Integrated Report.

In 2002 ADEQ adopted, by rule, the methodology used in identifying waters as impaired. These rules specify the following:

1. Minimum data requirements and quality assurance and quality control requirements consistent with the requirements of A.R.S. 49-232(B)(1-4).
2. Appropriate sampling, analytical and scientific techniques that may be used in assessing whether a water is impaired.
3. Any statistical or modeling techniques that ADEQ uses to assess or interpret data.
4. Criteria for including and removing waters from the list of impaired waters, including any implementation procedures used for identifying impaired waters on the basis of exceedances of narrative water quality standards.

ADEQ prepared the 2012/14 Integrated Report in accordance with its IWIR that ADEQ adopted in 2002 [See A.A.C. R18-11-601 through R18-11-606]. In addition, ADEQ prepared a guidance document that provides additional information on the assessment methods ADEQ uses to identify impaired waters. This guidance document is titled *Surface Water Assessment Methods and Technical Support* (May, 2014).

Under A.R.S. 49-232(D), ADEQ must consider available data in light of the nature of each water body being assessed (including whether a water body is an ephemeral water) when determining whether to include a water body on the 303(d) List of impaired waters.

ADEQ is prohibited by A.R.S. 49-232(F) from listing a water body as impaired based on a violation of a narrative or biological water quality standard prior to adopting implementation procedures identifying the objective bases for determining that a violation of the standard exists. None of the waters identified by

ADEQ on the 2012/14 303(d) List are listed because of violations of narrative or biological water quality standards.

**6. ADEQ response to comments on draft 303(d) List**

Arizona's *Draft 2012/14 Status of Ambient Water Quality in Arizona 305(b) Assessment and 303(d) Listing Report* was made available for public review and comment from May 2, 2014 through June 16, 2014. Comments received by ADEQ are grouped by the commenter below. ADEQ responses to public comments relating to impaired waters on the 303(d) List are provided in this notice of public information.

Environmental Protection Agency (EPA) Region 9

EPA Comment #1- Data Assembly EPA requests that a list of all stakeholders contributing data, and the dates for any public solicitation be included in the 2012/14 integrated report.

Response #1- ADEQ has added a list of data contributors and the date of public solicitation in Chapter 3 of the Integrated Report.

EPA Comment #2- Priority Ranking EPA requests that priority ranking for TMDL development be added as required by CWA Section 303(d) and 40 CFR130.7

Response #2- ADEQ added Appendix G- Priority Ranking for TMDL Development to the Integrated Report and clarifying language to Chapter 4.

EPA Comment #3- De-listing Impairments, Appendix E

EPA Comment #3A- The Organochlorine Pesticide Delist Report should be included in the 2012/14 integrated report.

Response #3A- ADEQ will provide a link to the delist reports on the 2012/14 Integrated Report webpage- http://www.azdeq.gov/environ/water/assessment/assess2012_2014.html.

EPA Comment #3B- EPA recommends that the Painted Rock Borrow Pit Lake (15070101-1010) remain on the State's 2012-2014 303(d) List based on four composite samples of fish tissue that exceeded the State screening value of 0.117 mg/kg total DDT_r

Response #3B- ADEQ provided additional information and rationale to EPA supporting the delisting of the Painted Rock Borrow Pit Lake. Based upon its review, EPA has agreed to support the delisting of Painted Rock Barrow Pit Lake. The Organochlorine Pesticide Delist Report, referenced in EPA Comment #3A, has been updated to include this additional information.

EPA Comment #3C- For the Colorado River Selenium and East Verde Boron delistings a separate delist data summary should be added to the 2012/14 integrated report.

Response #3C- A separate delist report for the East Verde boron impairment has been developed and will be posted on the 2012/14 Integrated Report webpage- http://www.azdeq.gov/environ/water/assessment/assess2012_2014.html
ADEQ did not complete a formal delist report for the Colorado River selenium as only USGS data was available to make the impairment and delisting determinations. The more recent data used in the 2012/14 Integrated Report meet the requirements to delist this reach. Additional language was added to the waterbody summary page for the Colorado River- Lake Powell to Paria River (14070006-001).

EPA Comment #4- Upper Santa Cruz River *E. coli* impairments ADEQ should review the data related to the Tetra Tech *Upper Santa Cruz River Watershed- Data Summary and Analysis* report dated July 10, 2013 and consider appropriate listings for *E. coli* impairments reaches 15050301-009 and 15050301-008A of the Santa Cruz River.

Response #4- ADEQ reviewed the data contained in the Tetra Tech *Upper Santa Cruz River Watershed- Data Summary and Analysis* report dated July 10, 2013 and determined that reach 15050301-009 is impaired for *E. coli*. Reach 008A was already included on the 2012/14 303(d) List for *E. coli*; no change was required for this reach. In reviewing the Tetra Tech report ADEQ also determined that reach 009 is not attaining for dissolved cadmium. It is suspected that inconsistent pretreatment practices at metal plating facilities in Sonora, Mexico cause periodic cadmium exceedances to occur in the Nogales International Wastewater Treatment Plant effluent. Since this is related to a permitted discharge and efforts by the ADEQ and EPA border programs to remedy the problem are continuing, dissolved cadmium is being placed in Category 4B along with chlorine and ammonia for reach 15050301-009.

**Freeport Minerals Corporation (FMC)****FMC Comments on 2012/14 Integrated Report**

Chapter 2 Comment #1 - Bill Williams Watershed: Bridle Creek (Headwaters to Santa Maria River). The designated uses identified on the summary page for this segment suggest that ADEQ considers Bridle Creek to be intermittent or perennial. The assessment summary should be revised to accurately reflect the ephemeral flow regime of Bridle Creek.

Response #1- ADEQ reviewed data collected from two sample sites located along Bridle Creek, current and historic aerial photographs and field observations made by ADEQ staff. While there appears to be intermittent flow near the mouth of Bridle Creek, the sample sites located along Arizona Highway 97 are nine miles upstream of this intermittent reach with no indication of intermittent or perennial flow observed at the sample site locations. ADEQ changed the designated uses of Bridle Creek to be consistent with A.A.C. R18-11-105. The waterbody summary has been updated to reflect the change in designated uses but remains inconclusive and place in Category 3.

Chapter 2 Comment #2- Bill Williams Watershed: Burro Creek (Francis Creek to Boulder Creek). The summary page identifies a single exceedance for cadmium based on a sample collected on December 4, 2007. This sample was not representative of normal flow conditions and should be removed. In fact, ADEQ already agreed to remove this exceedance from this reach of Burro Creek in response to comments submitted on the 2010 Integrated report (*see* 18 A.A.R. 1410 (June 22, 2012)). The summary page for this segment also identifies a biocriteria exceedance and refers to Appendix G for a discussion of the application of the biocriteria water quality standards. Appendix G is not yet listed on the ADEQ website page for the draft 2012/2014 Integrated report.

Response #2- ADEQ removed the chronic exceedance based on the elevated turbidity level measured at the time the sample was collected, indicating potentially unstable conditions. Appendix G which, in the 2010 Integrated Report, contained a discussion of ADEQ's Biocriteria Implementation Procedures and data was not included in the draft 2012/14 Integrated Report. The reference to Appendix G has been removed from this summary page. The biocriteria data have been included in the 2012/14 report to inform stakeholders where potential violations were observed based upon the current draft implementation procedures. No biocriteria impairment determinations were made in the 2012/14 Assessment. An Appendix G- TMDL Priority Ranking was added the 2012/14 Integrated Report in response to EPA Comment #1.

Chapter 2 Comment #3- Bill Williams Watershed: Coors Lake. The jurisdictional status of this surface feature is questionable because it is an isolated, man-made impoundment. Since only jurisdictional waters of the US can be identified as impaired waters under federal and state laws, Coors Lake should be removed from Category 5 and from the 2012/2014 Integrated report. At the very least, the high priority for TMDL development suggested in the summary page and elsewhere in the report should be changed to "low" given the suspect jurisdictional status of the impoundment and because naturally occurring conditions arguably would be the only contributor to the alleged impairment and no effective analytical tools exist to develop a TMDL for Coors Lake (*see* A.A.C. R18-11-606(B)(3)(h), (i)).

Response #3- Coors Lake is listed in A.A.C. R18-11 Appendix B and is assigned the fish consumption designated use. A fish tissue consumption advisory was issued in 2004 leading EPA to add the lake to the 2004 303(d) List. ADEQ is not aware of any jurisdictional determination being made for the lake. The high priority assigned to the lake is based upon the Impaired Waters Identification Rule (A.A.C. R 18-11, Article 6). However, ADEQ is not pursuing the development of a TMDL at this time. Appendix G lists the lake as a low priority for TMDL development.

Chapter 2 Comment #4- Salt Watershed: Bloody Tanks Wash (Schultze Ranch to Miami Wash). The summary page for this segment references one copper exceedance from a single sample collected on February 8, 2008. However, although this segment of Bloody Tanks is correctly identified on the summary page as ephemeral, the page lists an acute standard for copper that is not correct and a chronic standard that is not applicable. The summary page also recommends collection of more dissolved copper samples due to the exceedance. ADEQ should not be spending its limited resources attempting to collect water samples in ephemeral waters that are inherently not reliable, reproducible, or representative. The monitoring recommendation should be removed from the summary page for this segment.

Response #4: The commenter is correct that the numeric standards listed on the summary page are not correct and that there is no applicable chronic dissolved copper standard for ephemeral waters. Reference to an applicable dissolved chronic standard for this reach has been removed from the waterbody summary page. However, the correct acute ephemeral dissolved copper standard equals 14.83 ug/L at a hardness of 62 mg/L. The dissolved copper result of 46 ug/L on 2/5/2008 exceeds the applicable acute standard. The monitoring recommendations do not require ADEQ to conduct follow up monitoring. Rather the recommendations state what parameters should be included in the analytical suite if additional samples are collected by ADEQ or another entity.



Chapter 2 Comment #5- Salt Watershed: Pinal Creek (Lower Pinal Creek WTP discharge to Salt River). Much of the water quality data used for the assessment of Pinal Creek was collected by the Pinal Creek Project and submitted via letter dated June 30, 2009 (the June 30, 2009 letter included data for the period from January 1, 2007 to December 31, 2009). The June 30, 2009 letter identified the pH from 2007 and 2008 data as being of suspect data quality. As a result of this condition and its identification, the Pinal Creek Project revised the sampling and analysis procedures for field pH; placing greater emphasis on equipment maintenance and calibration.

Response #5- Additional data were submitted for this reach following the completion of the public comment period. The new dataset includes 9 exceedances in the 70 samples obtained during the 2012/14 assessment window. Therefore, this reach is considered 'attaining' the designated uses for pH following the binomial rule (A.A.C. R18-11-605). Overall the reach now assessed as "Attaining some uses", Category 2.

Chapter 2 Comment #6- San Pedro Watershed: Brewery Gulch and Mule Gulch (three separate segments). Given the improvements in the watershed implemented by Freeport and the fact that ADEQ previously recognized the need for a site-specific standard to account for natural background contributions of metals, these four water segments should be removed from Category 5 and placed in Category 3 consistent with the statutory language in A.R.S. § 49-232(D) (see also A.A.C. R18-11-604(C)(1) or R18-11-605(E)(2)(a)(vi)). FMC also questions the continued listing of these waters in light of their ephemeral status and in light of their questionable jurisdictional status as potential "navigable waters."

Response #6- ADEQ does not agree with FMC's interpretation that A.R.S. 49-232(D) or the A.A.C. prohibit listing waters where natural background concentrations contribute to water quality exceedances along with anthropogenic sources. Where natural background contributions are the only source causing water quality standard exceedances ADEQ will not list waters as impaired. In the case of Brewery and Mule Gulches historic mining disturbances, smelter operations and road cuts contribute to metal concentrations throughout the watershed in addition to natural background.

The most recent data (2007) indicate that FMC's remedial efforts have been effective at reducing pollutant loading in Mule Gulch. However, the complete delisting of Mule Gulch is not currently warranted, though a number of substantial water quality improvements have occurred. Exceedances continue to be measured for dissolved copper in the impaired reaches, though both the frequency and magnitude of those exceedances is reduced from former levels. Field pH readings show no exceedances after 2003 at any site on the mainstem of Mule Gulch. Likewise, dissolved cadmium and dissolved zinc show no exceedances after 2003 in reaches 15080301-90B and 15080301-90C. ADEQ has delisted pH from reach 90B and pH, dissolved cadmium and dissolved zinc from Reach 90C. The 2012/14 305(b) Integrated Report and 303(d) List have been updated to reflect these changes and the Mule Gulch delist report is posted on the 2012/14 Integrated Report webpage- http://www.azdeq.gov/environ/water/assessment/assess2012_2014.html

FMC Comments on Surface Water Assessment Methods and Technical Support

Methods Comment #1- Assessment of Ephemeral Drainages: Arizona's TMDL statute provides that "in assessing whether a water is impaired, the department shall consider the data available in light of the nature of the water in question, including whether the water is an ephemeral water." A.R.S. § 49-232(D). The legislature singled out ephemeral drainages or waters when requiring ADEQ to consider data available in light of the nature of the water in question. Ephemeral drainages flow only in direct and immediate response to storm events and therefore have highly variable and unpredictable water quality depending on the storm event characteristics, timing of the sampling, and other similar factors. Such drainages do not have a base flow condition and replicating the inherently variable conditions under which samples are collected is extremely difficult and near impossible outside of long duration studies, which the State does not currently conduct. Therefore data collected from an ephemeral drainage generally is not reproducible and reliable, as required by Arizona's TMDL statute and associated impaired water identification rule.

Response #1- Ephemeral drainages are the largest percentage of the stream miles in Arizona and they supply significant water, sediment and potentially pollutants to perennial and intermittent streams during their infrequent flows. ADEQ selectively targets ephemeral waters for data collection only when they are a suspected source contributing to water quality standards exceedances and are typically only sampled during TMDL development. ADEQ has determined that ephemeral drainage water quality data can meet A.A.C. R18-11 Article 6 requirements.

ADEQ assesses credible data from waterbodies that have applicable water quality standards. Ephemeral standards are expressed in A.A.C. R18-11 and, therefore, making 305(b) and 303(d) determinations based upon those standards are justified and required in accordance with state and federal regulations.

Methods Comment #2- Consideration of Natural Background Conditions: Arizona's TMDL statute specifically instructs ADEQ that when there is evidence that natural occurring conditions alone are sufficient to cause a violation of applicable surface water quality standards in a surface water, such a water shall *not* be listed as impaired. See A.R.S. § 49-232(D); see also A.A.C. R18-11-604(C)(1) and A.A.C. R18-



11-605(E)(2)(a)(vi). There is no statement in the TMDL statute or implementing impaired water identification regulations that this statutory prohibition on listing will apply only when it is determined that there are no human-caused influences. Rather, based on the plain language of the statute, if there is evidence that pollutant loadings from naturally occurring conditions alone (*i.e.*, without consideration of human-caused influences) would be sufficient to cause a violation of applicable standards, such a water should not be listed as impaired regardless of the presence of human-caused conditions. In such instances, such a water should be a candidate for adoption of appropriate site-specific standards that account for naturally occurring conditions before any listing decisions are made. If this process is not followed, it can result in inappropriate permitting restrictions on potential and existing discharges even when the appropriate standards has not been adopted or evaluated.

Unfortunately, ADEQ's draft Assessment Methods document completely ignores the statutory prohibition on listing in A.R.S. § 49-232(D). Rather, the Assessment Methods document attempts to equate the statutory prohibition to language in Arizona's surface water quality standards on natural background that was adopted in 1992 several years before adoption of Arizona's TMDL statute. This language should be removed from the Assessment Methods document and replaced by language consistent with the statutory listing prohibition in A.R.S. § 49-232(D). Such revised language should clarify that if there is evidence that naturally occurring conditions alone would cause an exceedance of applicable standards in a particular surface water, the water will not be listed as impaired consistent with A.R.S. § 49-232(D) pending adoption of appropriate site-specific standards, which account for the contribution from such naturally occurring conditions.

Methods Response #2- ADEQ does not agree with FMC's interpretation of A.R.S. § 49-232(D) or that the Assessment Methods are inconsistent with the TMDL statute. Where natural conditions alone are the source of water quality standard exceedances impairment determinations are not made. Examples of this rationale can be seen in the 2010 Integrated Report (see JK Mountain and Ellis Ranch Tributaries in the Salt River watershed). As there are no anthropogenic sources within these watersheds, natural background alone caused the exceedances. Both of these waters were placed in Category 3, "inconclusive". These waters are not included in the 2012/14 Integrated Report as no water quality data are available within the data range used in the assessment.

In the two cases where ADEQ may pursue a site specific standard, Pinto Creek and Mule Gulch, the initial 303(d) listings were not made based on natural background exceedances rather exceedances measured at sampling points downstream of anthropogenic sources.

Methods Comment #3- Use of Individual Grab Samples for Assessing Compliance with Chronic Criteria: The draft Assessment Methods document (see Section 5, pages 30-32) attempts to justify use of individual grab samples for assessing compliance with chronic criteria. ADEQ's justification, however, is directly contradicted by preamble language from ADEQ's final impaired water identification rule and from preamble language explaining the use of the standards language in A.A.C. R18-11-120(C).

Based on ADEQ's response to comments on the IWIR preamble, FMC believes ADEQ intended that assessment of the chronic water quality standard under the impaired water identification rule would require multiple sampling events, consistent with the surface water quality standard for chronic criteria in A.A.C. R18-11-120(C), to amass the minimum number of samples to find even one exceedance of the standard. ADEQ's practice of using the results from one grab or discrete sample to find one exceedance is directly inconsistent with the clear explanation in the preamble of how the impaired water identification rule would be implemented for assessment of chronic water quality standards.

Consistent with ADEQ's on-point preamble language in the impaired water identification rule, Arizona's surface water quality standards provide that "[c]ompliance with chronic aquatic and wildlife criteria shall be determined from the geometric mean of the analytical results of the last four samples taken at least 24 hours apart." A.A.C. R18-11-120(C)). This regulatory language was amended during Arizona's 2002 triennial review of the state's surface water quality standards to remove the requirement that the samples for determining compliance with the chronic standard had to be collected over a period of four consecutive days.

Response #3- ADEQ does not make any impairment determinations based upon one exceedance of a water quality standard, instead the criteria for determining impairment are set forth in the IWIR (R18-11-605). The Assessment Methods document defines a chronic exceedance as, "1 grab sample exceeds a criterion and absence of contextual information indicating unstable conditions; or the median value of at least 4 samples taken 24 hours apart exceeds a criterion" see Assessment Criteria Summary Table on page 20. When sufficient data are available a median value is calculated as indicated on page 31 of the Assessments Methods document, "If at least four days of data are available within a seven-day period, ADEQ uses the central tendency of the dataset to determine whether an exceedance has occurred." Page 30 continues with a discussion of when and how ADEQ will use grab samples in assessing chronic criteria.

ADEQ agrees that contradictions between the 2002 IWIR and its preamble language exist. However, ADEQ's use of grab sample results to assess attainment of chronic aquatic and wildlife standards along with the Department's use of available contextual information to



determine whether stable conditions existed at the time of the exceedances is consistent with EPA recommendations in EPA’s *Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act (July 29, 2005)*.

National Park Service (Tumacacori National Historical Park)

Comment #1- Santa Cruz River (15050301-008A): In the draft assessment report, this reach is assessed as impaired for ammonia and *E. coli* and inconclusive for chlorine. The report indicates that no new data for ammonia or *E. coli* are included in the assessment since the prior assessment of 2010, and the most recent data listed are from 2008.

Response: The water quality data used in developing the 2012/14 Assessment ranged from July 1, 2006 through June 30, 2011. Overall, data for reach 15050301- 008A were available from July 25, 2006 through May 11, 2011. Ammonia and *E. coli* exceedances were only noted to have been measured through mid-2008 as listed in the “Exceedances” table on the waterbody summary page. National Park Service (NPS) data included in the 2012/14 Assessment only extended through May 2008. ADEQ has subsequently received additional NPS data which will be incorporated into future assessments. Tetra Tech, an EPA contractor, developed a data summary report for the Upper Santa Cruz River in the summer of 2014 and incorporated all available data, including NPS and Friends of the Santa Cruz data. The summaries findings were consistent with the 2012/14 Assessment confirming the *E. coli* exceedances continue and that the Nogales International Wastewater Treatment Plant upgrades have lowered ammonia levels, with periodic chlorine exceedances. The 2016 Assessment will include additional monitoring data post plant upgrade.

Pima County Regional Wastewater Reclamation Department (PCRWRD)

Comment #1- Santa Cruz River Reaches- PCRWRD supports ADEQ’s decision to place the three Santa Cruz River reaches 15050303-005A, 15050301-003B and 15050301-001 in Category 4B.

Response #1- ADEQ appreciates PCRWRD’s support and looks forward to tracking the water quality improvements that have been realized by the recent wastewater treatment plant upgrades completed by the County.

7. Arizona’s 2012/14 303(d) List of Impaired Waters

This list contains assessment units that were assessed as impaired (Category 5) by ADEQ or EPA during the current and previous assessment listing cycles. The year each parameter was listed is located in parentheses after each parameter (2012/14 listings are in **bold**).

Assessment Unit	Size (acres/miles)	Cause(s) of Impairment (year first listed)
Bill Williams Watershed		
Alamo Lake 15030204-0040	1414 a	Ammonia (2004), mercury in fish tissue (2002- EPA), high pH (1996)
Bill Williams River Alamo Lake to Castaneda Wash 15030204-003	35.9 mi	Ammonia and high pH (2006)
Boulder Creek Tributary at 344114/1131800 to Wilder Creek 15030202-006B	14.4 mi	Beryllium (dissolved) (2010)
Coors Lake 15030202-5000	230 a	Mercury in fish tissue (2004- EPA)
Colorado-Grand Canyon Watershed		
Colorado River Parashant Canyon to Diamond Creek 15010002-003	27.6 mi	Selenium (total) and suspended sediment concentration (2004)
Lake Powell 14070006-1130	9770 a	Mercury in fish tissue (2010- EPA)
Paria River Utah border to Colorado River 14070007-123	29.4 mi	Suspended sediment concentration (2004), <i>E. coli</i> (2006)
Virgin River Sullivan’s Canyon to Beaver Dam Wash 15010010-004	9.7 mi	Selenium (total) (2012)



Virgin River Beaver Dam Wash to Big Bend Wash 15010010-003	10.1 mi	Selenium (total) and suspended sediment concentration (2004), <i>E. coli</i> (2010)
Colorado-Lower Gila Watershed		
Colorado River Hoover Dam to Lake Mohave 15030101-015	40.4 mi	Selenium (total) (2004)
Colorado River Bill Williams River to Osborne Wash 15030104-020	13.4 mi	Selenium (total) (2010)
Colorado River Main Canal to Mexico border 15030107-001	32.2 mi	Low dissolved oxygen and selenium (total) (2006)
Colorado River Imperial Dam to Gila River 15030107-003	15.3 mi	Selenium (total) (2010)
Gila River Coyote Wash to Fortuna Wash 15070201-003	28.3 mi	Selenium (total) and boron (total) (2004)
Lake Mohave 15030101-0960	27044 a	Selenium (total) (2010)
Painted Rock Borrow Pit Lake 15070201-1010	186 a	Low dissolved oxygen (1992)
Little Colorado Watershed		
Bear Canyon Lake 15020008-0130	55 a	Low pH (2004- EPA)
Black Canyon Lake 15020010-0180	37.4 a	Ammonia (2010)
Lyman Lake 15020001-0850	1308 a	Mercury in fish tissue (2004- EPA)
Pintail Lake 15020005-5000	25.7 a	Ammonia (2010)
Puerco River Dead Wash to Ninemile Wash 15020007-007	0.2 mi	Copper (dissolved) (2010), <i>E. coli</i> (2012)
Telephone Lake 15020005-1500	22.3 a	Ammonia (2010)
Middle Gila Watershed		
Agua Fria River Sycamore Creek to Bishop Creek 15070102-023	9.1 mi	<i>E. coli</i> (2010)
Alvord Lake 15060106B-0050	27 a	Ammonia (2004)
Arnett Creek Headwaters to Queen Creek 15050100-1818	11.1 mi	Copper (dissolved) (2010)
Chaparral Park Lake 15060106B-0300	12 a	Low dissolved oxygen and <i>E. coli</i> (2004)
Cortez Park Lake 15060106B-0410	2 a	Low dissolved oxygen and high pH (2004)
Gila River San Pedro River to Mineral Creek 15050100-008	19.8 mi	Suspended sediment concentration (2006)
Gila River Centennial Wash - Gillespie Dam 15070101-008	5.3 mi	Selenium (total) (2004), boron (total) (1992)
Lake Pleasant 15070102-1100	8000 a	Mercury in fish tissue (2006- EPA)
Mineral Creek Devil's Canyon to Gila River 15050100-012B	19.6 mi	Copper (dissolved) (1992), selenium (total) (2004), low dissolved oxygen (2006)
Queen Creek Headwaters to Superior WWTP discharge 15050100-014A	8.8 mi	Copper (dissolved) (2002), lead (total) (2010), selenium (total) (2012)



Queen Creek Superior WWTP discharge to Potts Canyon 15050100-014B	5.9 mi	Copper (dissolved) (2004)
Queen Creek Potts Canyon to Whitlow Canyon 15050100-014C	8.0 mi	Copper (dissolved) (2010)
Tributary to Queen Creek Headwaters to Queen Creek 15050100-991	2.0 mi	Copper (dissolved) (2010)
Unnamed Tributary to Queen Creek Headwaters to Queen Creek 15050100-1843	1.7 mi	Copper (dissolved) (2010)
Unnamed Tributary to Queen Creek Headwaters to Queen Creek 15050100-1000	0.5 mi	Copper (dissolved) (2010)
Salt Watershed		
Apache Lake 15060106A-0070	2,190 a	Low dissolved oxygen (2006)
Canyon Lake 15060106A-0250	450 a	Low dissolved oxygen (2004)
Christopher Creek Headwaters to Tonto Creek 15060105-353 *Also on Not Attaining (4A) List	8 mi	Phosphorus (2006)
Crescent Lake 15060101-0420	157 a	High pH (2002- EPA)
Five Point Tributary Headwaters to Pinto Creek 15060103-885	2.9 mi	Copper (dissolved) (2006)
Pinto Creek West Fork Pinto Creek to Roosevelt Lake 15060103-018C *Also on Not Attaining (4A) List	17.8 mi	Selenium (total) (2004)
Roosevelt Lake 15060103-1240	18345 a	Mercury in fish tissue (2006- EPA)
Salt River Canyon Creek to Cherry Creek 15060103-007	19.6 mi	Selenium (total) (2012)
Salt River Pinal Creek to Roosevelt Lake 15060103-004	7.5 mi	Suspended sediment (2006), nitrogen, phosphorus and <i>E. coli</i> (2010)
Salt River Stewart Mountain Dam to Verde River 15060106A-003	10.1 mi	Low dissolved oxygen (2004)
Tonto Creek Headwaters to 341810/1110414 15060105-013A *Also on Not Attaining (4A) List	8.1 mi	Low dissolved oxygen (2006)
Tonto Creek Tributary @ 341810/1110414 to Haigler Creek 15060105-013B *Also on Not Attaining (4A) List	8.5 mi	Mercury in Fish Tissue (2010- EPA)
Tonto Creek Haigler Creek to Spring Creek 15060105-011	7.8 mi	Mercury in fish tissue (2010-EPA)
Tonto Creek Spring Creek to Rye Creek 15060105-009	19.5 mi	Mercury in fish tissue (2010-EPA)
Tonto Creek Rye Creek to Gun Creek 15060105-008	4.7 mi	Mercury in fish tissue (2010-EPA)
Tonto Creek Gun Creek to Greenback Creek 15060105-006	18.6 mi	Mercury in fish tissue (2010-EPA)



Tonto Creek Greenback Creek to Roosevelt Lake 15060105-0004	2.6 mi	Mercury in fish tissue (2010-EPA)
San Pedro Watershed		
Brewery Gulch Headwaters to Mule Gulch 15080301-337	1 mi	Copper (dissolved) (2004)
Mule Gulch Headwaters to above Lavender Pit 15080301-090A	3 mi	Copper (dissolved) (1990)
Mule Gulch Above Lavender Pit to Bisbee WWTP discharge 15080301-090B	0.8 miles	Copper (dissolved) (1990)
Mule Gulch Bisbee WWTP discharge to Highway 80 bridge 15080301-090C	3.8 mi	Copper (total and dissolved) (1990)
San Pedro River Mexico border to Charleston 15050202-008	28.3 mi	<i>E. coli</i> and copper (dissolved) (2010)
San Pedro River Babocomari Creek to Dragoon Wash 15050202-003	17 mi	<i>E. coli</i> (2004)
Santa Cruz Watershed		
Nogales Wash Mexico border to Potrero Creek 15050301-011	6.2 mi	Ammonia (2004), chlorine (1996), copper (dissolved) (2004), <i>E. coli</i> (1998)
Parker Canyon Lake 15050301-1040	130 a	Mercury in fish tissue (2004- EPA)
Potrero Creek Interstate 19 to Santa Cruz River 15050301-500B	4.9 mi	Chlorine, low dissolved oxygen, and <i>E. coli</i> (2010)
Rose Canyon Lake 15050302-1260	7 a	Low pH (2004- EPA)
Santa Cruz River Josephine Canyon to Tubac Bridge 15050301-008A	4.8 mi	Ammonia and <i>E. coli</i> (2010)
Santa Cruz River Nogales WWTP to Josephine Canyon 15050301-009 *Also on Not Attaining (4B) List	9.1 mi	Cadmium (dissolved), <i>E. coli</i> (2012)
Sonoita Creek 1600 feet below Patagonia WWTP discharge to Patagonia Lake 15050301-013C	8.9 mi	Zinc (total) (2004), low dissolved oxygen (1998)
Upper Gila Watershed		
Blue River Strayhorse Creek to San Francisco River 15040004-025B	25.4 mi	<i>E. coli</i> (2006)
Cave Creek Headwaters to South Fork Cave Creek 15040006-852A	7.5 mi	Selenium (total) (2004)
Gila River Apache Creek to Skully Creek 15040002-002	6.4 mi	<i>E. coli</i> (2010)
Gila River Bonita Creek to Yuma Wash 15040005-022 *Also on Not Attaining (4A) List	5.8 mi	Lead (total) (2010)
Gila River Skully Creek to San Francisco River 15040002-001	15.2 mi	<i>E. coli</i> (2010)



San Francisco River Blue River to Limestone Gulch 15040004-003	18.7 mi	<i>E. coli</i> (2006)
San Francisco River Limestone Gulch to Gila River 15040004-001	12.8 mi	<i>E. coli</i> (2010)
Verde Watershed		
Butte Creek Headwaters to Miller Creek 15060202-768	6.3 mi	<i>E. coli</i> (2012)
East Verde River American Gulch to Verde River 15060203-022C	25.8 mi	Arsenic (total) (2006)
East Verde River Ellison Creek to American Gulch 15060203-022B	20.3 mi	Selenium (total) (2004)
Granite Creek Headwaters to Willow Creek 15060202-059A	13.4 mi	Low dissolved oxygen (2004- EPA), <i>E. coli</i> (2010)
Manzanita Creek Headwaters to Granite Creek 15060202-772	2.8 mi	<i>E. coli</i> (2012)
Miller Creek Headwaters to Granite Creek 15060202-767	7.2 mi	<i>E. coli</i> (2010)
Verde River Bartlett Dam to Camp Creek 15060203-004	6.6 mi	Arsenic (total) (2010)
Watson Lake 15060202-1590	150 a	Nitrogen, low dissolved oxygen, high pH (2004- EPA)
Willow Creek Reservoir 15060202-1660	294 a	Ammonia (2012)



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 2012-03

State Regulatory Review, Moratorium and Streamlining To Promote Job Creation and Retention

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2014, as a notice to the public regarding state agencies' rulemaking activities.

[M12-226]

WHEREAS, my first official action as Governor was to institute a regulatory rule making review and moratorium process ("regulatory review and moratorium") in order to prevent any additional burdens on Arizona's private sector employers and political subdivisions; and

WHEREAS, this rule making review and moratorium process has continued by session law or executive order to this day; and

WHEREAS, a predictable regulatory climate in this State will promote job creation and retention; and

WHEREAS, Arizona's efforts are being rewarded, such as being ranked as one of the top ten best states for business in a survey of chief executive officers this year, the eighth best for job growth in the last year, and the top state for innovators starting new business; and

WHEREAS, last January, I determined that State agencies needed to quicken the pace on streamlining existing rules and reducing wasted time in regulatory processes to increase Arizona's economic competitiveness and job creation, while still protecting public health, safety and the environment; and

WHEREAS, the 50th Legislature passed and I signed into law House Bill 2744 (2012 Arizona Laws, Chapter 352) which permits a state agency to conduct expedited rulemaking to streamline existing rules; and

WHEREAS, this expedited rulemaking authority will be used, in part, by State agencies to implement the "lean" waste reduction initiative I announced last January to increase the efficiency and service quality of State agencies; and

WHEREAS, I encourage the general public and regulated community to bring forward ideas to State agencies and the Governor's Regulatory Review Council on what rules need to be streamlined and how that can be best achieved while still protecting public health, safety and the environment; and

WHEREAS, the current regulatory review and moratorium expires on June 30, 2012.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State hereby declare the following:

1. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any rule making except as permitted by this Order. The objective of this Order is to eliminate any unnecessary increased monetary or regulatory costs on employers, persons, individuals, other state agencies, or political subdivisions of this State. This prohibition includes any informal rule making prior to the commencement of the formal rule making process.
2. Paragraph 1 does not apply to state agency rule making for any one or more of the following reasons:
 - a. To fulfill an objective related to job creation in this State.
 - b. To lessen or ease 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 a violation of a court order or federal law that would result in sanctions by a court or federal government against an agency for failure to conduct the rulemaking action.
 - e. To comply with a federal statutory or regulatory requirement or a state statutory requirement if the applicable statute or regulation contains a date certain for compliance on or before December 31, 2014 or is necessary under subparagraph (c) of this paragraph.
 - 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 a state agency or wasteful, fraudulent or abusive activities perpetrated against a state agency.
3. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any informal or formal rule making pursuant to Paragraph 2 or otherwise without the prior written approval of the Office of the Governor.
4. This order applies 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.
5. All state officials and state agencies that are not subject to this Order pursuant to Paragraph 4 are encouraged to participate voluntarily within the context of their own rule making process.
6. State agencies may continue a rule making that was authorized by the Office of the Governor on or after January 22, 2009. All state agencies, subject to this Order pursuant to Paragraph 4, shall report to the office of the Governor by July 31, 2012 all pending and anticipated rule making requests. Beginning fiscal year 2013 all state agencies shall submit to the Office of the Governor by the end of each fiscal year an annual report of all pending and anticipated rule making to Office of the Governor.
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.
8. For the purposes of this executive order, “person,” “rule” and “rule making” have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.
9. This Executive Order expires on December 31, 2014.

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

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix, Arizona this 26th day of June in the year Two Thousand Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

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 RULMAKING

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

RECODIFICATIONS 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 1 OF VOLUME 21.

Arizona Health Care Cost Containment System - Administration R9-22-730. PXM-5

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 1 OF VOLUME 21.

Agency Guidance Documents, Notices of Health Services, Department of; p. 22-23

Agency Ombudsman, Notices of Early Childhood Development and Health Board; p. 25 Psychologist Examiners, Board of; p. 25

Governor's Office Executive Order: pp. 26-27 (E.O. #2012-03)

Oral Proceeding on Proposed Rulemaking, Notices of Optometry, Board of; p. 9

Public Information, Notices of Environmental Quality, Department of; pp. 11-20

Health Services, Department of; p. 21 Optometry, Board of; p. 11 Substantive Policy Statement, Notices of Psychologist Examiners, Board of; p. 24



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 cour

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