

# Arizona Administrative REGISTER

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~ Administrative Register Contents ~

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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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

# Arizona Administrative REGISTER

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

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

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# Participate in the Process

## Look for the Agency Notice

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

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

## Attend a public hearing/meeting

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

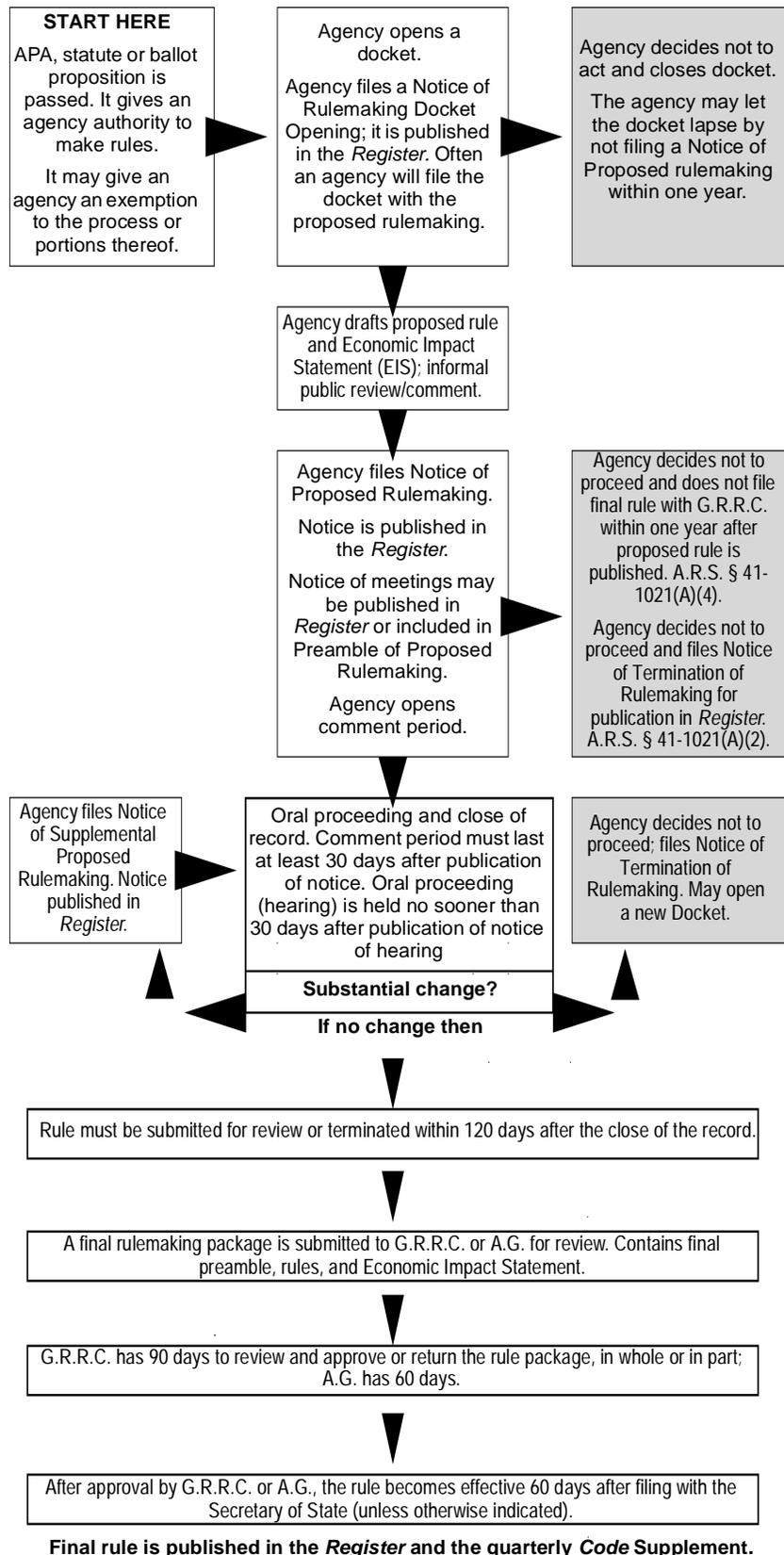
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## Write the agency

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

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

# Arizona Regular Rulemaking Process





**Definitions**

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

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




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## NOTICES OF PROPOSED RULEMAKING

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

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

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

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

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

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### NOTICE OF PROPOSED RULEMAKING

#### TITLE 12. NATURAL RESOURCES

#### CHAPTER 4. GAME AND FISH COMMISSION

[R15-31]

#### PREAMBLE

- |  |  |
|--|--|
| <p><b><u>1. Article, Part, or Section Affected (as applicable)</u></b><br/>R12-4-202</p> | <p><b><u>Rulemaking Action</u></b><br/>Amend</p> |
|--|--|
- 2. Citations to the agency's statutory authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. § 17-231(A)(1)  
 Implementing statute: A.R.S. §§ 17-333, 17-336, and 41-1005
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**  
 Notice of Rulemaking Docket Opening: 21 A.A.R. 759, May 29, 2015 (*in this issue*).
- 4. The agency's contact person who can answer questions about the rulemaking:**  
 Name: Celeste Cook, Rules Analyst  
 Address: Arizona Game and Fish Department  
 5000 W. Carefree Highway  
 Phoenix, AZ 85086  
 Telephone: (623) 236-7390  
 Fax: (623) 236-7677  
 E-mail: CCook@azgfd.gov  
 Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at [http://www.azgfd.gov/inside\\_azgfd/rules/rulemaking\\_updates.shtml](http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml)
- 5. An agency's justification and reason why the rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**  
 An exemption from Executive Order 2015-01 was provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated April 7, 2015.

The Commission's Disabled Veteran's License was selected for the first wave of the Lean Transformation of Arizona State Government. The Commission proposes to amend the rule to allow the Department to accept a benefits letter issued by the U.S. Department of Veterans Affairs (DVA) or an eBenefits letter downloaded from the DVA website as proof of eligibility and allow applicants to attest that application information is true and correct, instead of requiring a notarized signature. If the applicant fails to obtain the required certification, as a courtesy, the Department will mail the form to DVA on behalf of the applicant. It can take as long as 60 days for DVA to return the completed form to the Department and during this time the applicant may call the Department numerous times to inquire about the status of their application. DVA provides an online eBenefits for veterans. Through this website, a veteran can access the DVA website, create an account, and immediately obtain documentation that provides proof of the applicant's disability rating. Expanding the types of documents that can be used to verify an applicant's dis-



ability rating will greatly reduce the amount of time taken to verify the applicant’s disability rating as well as the administrative burden the Department takes on when mailing the form to DVA on behalf of the applicant. The amendment that replaces the notary requirement with an attestation statement that affirms the information provided on the application is true and correct is made to reduce the regulatory burden placed on the regulated community.

**6. A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or 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 Commission did not rely on any study relevant to the rule that the agency reviewed and proposes to either rely on or not rely on in its evaluation of or justification for the rule.

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

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

The Commission’s intent in proposing the amendments indicated in item #5 is to benefit the regulated community, members of the public, and the Department by allowing the Department to accept a benefits letter issued by the DVA or an eBenefits letter downloaded from the DVA website as proof of eligibility and allowing applicants to attest that application information is true and correct, instead of requiring a notarized signature. The Commission anticipates the rulemaking will result in an overall benefit to the regulated community, members of the public, and the Department. Expanding the types of documents that can be used to verify an applicant’s disability rating will greatly reduce the amount of time taken to verify the applicant’s disability rating as well as the administrative burden the Department takes on when mailing the form to DVA on behalf of the applicant. Replacing the notarization requirement with an attestation statement will reduce costs incurred by the veteran when having their signature notarized. The Commission anticipates the rulemaking will result in little or no impact to political subdivisions of this state; private and public employment in businesses, agencies or political subdivisions, or state revenues. The Commission has determined that there are no less intrusive or costly alternative methods of achieving the purpose of the rulemaking. Therefore, the Commission has determined that the benefits of the rulemaking outweigh any costs.

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

Name: Celeste Cook, Rules Analyst  
Address: Arizona Game and Fish Department  
5000 W. Carefree Highway  
Phoenix, AZ 85086  
Telephone: (623) 236-7390  
Fax: (623) 236-7677  
E-mail: CCook@azgfd.gov

**10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Date: August 7, 2015  
Time: 8:00 a.m. to 5:00 p.m.  
Location: Little America Hotel  
2515 E. Butler Ave.  
Flagstaff, AZ 86004

Close of record: August 7, 2015

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

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

R12-4-202 requires a general permit and is in compliance with the requirements prescribed under A.R.S. § 41-1037.

**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:**

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:**

The Department did not receive any analyses.



**12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**  
Not applicable

**13. The full text of the rules follows:**

## TITLE 12. NATURAL RESOURCES

### CHAPTER 4. GAME AND FISH COMMISSION

#### ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS

Section

R12-4-202. Disabled Veteran's License

#### ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS

##### **R12-4-202. Disabled Veteran's License**

- A.** A disabled veteran's license grants all of the hunting and fishing privileges of a combination hunting and fishing license. The disabled veteran's license is only available at a Department office.
- B.** The disabled veteran's license is a complimentary license and is valid for a three-year period from the issue date or the license holder's lifetime, as established under subsection (F).
- C.** An eligible applicant is a disabled veteran who:
1. Has been a resident of Arizona for at least one year immediately preceding application, and
  2. Is receiving compensation from the United States government for permanent service-connected disabilities rated as 100% disabling. Eligibility for the disabled veteran's license is based on the disability rating, not on the compensation received by the veteran.
- D.** A person applying for a disabled veteran's license shall submit an application to the Department. The application form is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The applicant shall provide all of the following information on the application:
1. The applicant's personal information:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available;
  2. Affirmation that:
    - a. The applicant meets the eligibility requirements prescribed under A.R.S. § 17-336(A)(2),
    - b. The applicant has been a resident of this state for at least one year immediately preceding application for the license,
    - c. The information provided on the application is true and accurate; ~~and~~
  3. Applicant's signature and date. ~~The applicant's signature shall be either notarized by a notary public or witnessed by a Department employee.~~
- E.** In addition to the requirements established under subsection (D), at the time of application an applicant for a disabled veteran's license shall also submit an original certification ~~at the time of application~~ or a benefits letter issued by the United States Department of Veteran's Affairs (DVA), or obtained from the DVA website, that meets the requirements specified in subsections (1), (2), and (3). The certification form is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The certification shall be completed by an agent of the United States Department of Veteran's ~~Services~~ Affairs. The certification shall include all of the following information:
1. The applicant's full name,
  2. Certification that the applicant is receiving compensation from the United States government for permanent service-connected disabilities rated as 100% disabling,
  3. Certification that the 100% rating is permanent, and:
    - a. Will not require reevaluation or
    - b. Will be reevaluated in three years, and
  4. The signature and title of the Department of Veterans' Services agent who issued or approved the certification.
- F.** If the certification or benefits letter required under subsection (E) ~~indicates that~~ indicate the applicant's disability rating of 100% is permanent and:
1. Will not be reevaluated, the disabled veteran's license will not expire.
  2. Will be reevaluated in three years, the disabled veteran's license will expire three years from the date of issuance.



- G** All information and documentation provided by the applicant is subject to Department verification. The Department shall return the original or certified copy of a document to the applicant after verification.
- H.** The Department shall deny a disabled veteran’s license when the applicant:
  - 1. Fails to meet the criteria prescribed under A.R.S. § 17-336(A)(2),
  - 2. Fails to comply with the requirements of this Section, or
  - 3. Provides false information during the application process.
- I.** The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- J.** A disabled veteran’s license holder may request a no-fee duplicate paper license provided:
  - 1. The license was lost or destroyed,
  - 2. The license holder submits a written request to the Department for a duplicate license, and
  - 3. The Department's records indicate a disabled veteran’s license was previously issued to that person.
- K.** A person issued a disabled veteran's license prior to January 1, 2014 shall be entitled to the privileges established under subsection (A).
- L.** For the purposes of this Section, “disabled veteran” means a veteran of the armed forces of the United States with a service connected disability.



NOTICES OF FINAL RULEMAKING

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

The final published notice includes a preamble and

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

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

NOTICE OF FINAL RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 9. DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER POLLUTION CONTROL

[R15-32]

PREAMBLE

- 1. Article, Part of Sections Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (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 the proposed rule:
5. The agency's contact person who can answer question 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:

The Arizona Department of Environmental Quality (ADEQ) is proposing to repeal the prohibition on incineration of biosolids, thereby allowing incineration as a means of disposal of biosolids.

What are biosolids?

Domestic sewage is the waste or wastewater from humans or household operations that is discharged to or otherwise enters a wastewater treatment plant. 40 C.F.R. § 503.9. Through treatment at a wastewater treatment plant, sewage sludge (the solid, semisolid or liquid residue byproduct) is generated. Biosolids are that part of sewage sludge that is used beneficially, usually as a soil amendment for agricultural purposes. Federal law uses the term sewage sludge, but the U.S. Environmental Protection Agency (EPA) uses the terms sewage sludge and biosolids interchangeably in guidance documents. Biosolids are defined in A.A.C. R18-9-1001, as a subset of sewage sludge that is beneficially applied as a soil amendment for agricultural purposes. Biosolids have been used beneficially in Arizona by adding to nutrient-poor soil to increase plant production.

Section 405 of the Clean Water Act (33 U.S.C. 1345) regulates the disposal of sewage sludge in order to prevent it



from entering waters of the U.S. For biosolids that are not used beneficially as a soil amendment for agricultural purposes, other disposal means include landfills or incineration. Arizona has regulated aspects of biosolids since 1979. ADEQ's Biosolids/Sewage Sludge Management Program implements Section 405 of the Clean Water Act, A.R.S. § 49-255.03, and 18 A.A.C. 9, Article 10. ADEQ's biosolids rules require that any person applying or transporting biosolids/sewage sludge in Arizona must register that activity. The rules are self-implementing by the person who transports, applies biosolids to land, or places biosolids on a surface disposal site.

*Why is ADEQ proposing this change?*

ADEQ was delegated the Biosolids/Sewage Sludge Management Program in March 31, 2004 by the EPA. As a federally-delegated program, ADEQ's laws, rules, and program must comply with EPA requirements. Arizona has prohibited incineration of biosolids under R18-9-1002(G) since 2001.

Within the past two years, ADEQ has received inquiries regarding the prohibition on incineration of biosolids, from such groups as the AZ Water Association, who are interested in alternative energy generation. Emerging trends for "best-practices" for the management of biosolids advocate energy neutrality at wastewater treatment plants. With rapidly evolving processes and technologies, such as pyrolysis, gasification and incineration, owners of wastewater treatment plants see that the goal of achieving energy recovery (thermal and electrical energy) from biosolids can be done in a technically sound, environmentally compatible, and cost effective manner.

EPA's rules on biosolids are in 40 CFR, Part 503 and include Subpart E on Incineration. With the repeal on the prohibition of incineration, ADEQ proposes to incorporate by reference Subpart E of the federal rules in order to properly regulate biosolids incinerators. Subpart E rules include monitoring the exit gas from the incinerator and ensuring that National Emission Standards for air quality for specified pollutants, such as beryllium or lead are not exceeded. The Subpart E rules are based on the Clean Water Act, even though they rely on National Emission Standards in 40 CFR Part 61, promulgated under the Clean Air Act.

*Clean Air Act regulation*

An owner of a biosolids incinerator will need to comply with both Clean Water Act and Clean Air Act requirements, but the Clean Air Act rules are much more comprehensive with respect to air quality concerns. An owner of any future biosolids incinerator will need to obtain a Clean Air Act Permit from ADEQ's Air Quality Division before beginning construction. ADEQ's Air Quality Division will evaluate the proposed facility at that time, determine which applicable federal and state laws apply, and determine any applicable control technology. The Clean Air Act also provides for public participation as part of the permitting process.

Three Arizona counties (Maricopa, Pima, and Pinal) have their own air pollution control agencies and have jurisdiction over stationary sources of air pollutants within their counties (except for refineries, copper smelters, coal-fired power plants, and Portland cement plants). These three counties would be responsible for any Clean Air Act permitting or inspections of new biosolids incinerators located within their respective jurisdictions.

**7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

Not applicable

**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:**

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

Any costs related to this rule change should be minimal. The requirements in 40 CFR 503 Subpart E are self-implementing for the entity that seeks to incinerate biosolids. This proposed rule is eliminating a prohibition and therefore allows a generator of biosolids (wastewater treatment plant) the additional option to incinerate biosolids, which did not exist before.

**B. Name and address of agency employees who may be contacted to submit or request additional data on the information included in the economic, small business and consumer impact statement:**

Name: Wendy LeStarge  
Address: Arizona Department of Environmental Quality  
1110 W. Washington St. (MC 5415B-2)  
Phoenix, AZ 85007



Telephone: (602) 771-4836 (Toll-free number in Arizona: (800) 234-5677)

Fax: (602) 771-4834

E-mail: [lestarge.wendy@azdeq.gov](mailto:lestarge.wendy@azdeq.gov)

**C. Identification of persons who will be directly affected by, bear the costs of or directly benefit from the rulemaking:**

Entities that would be directly affected by this rulemaking would be ADEQ, political subdivisions (as regulators or owners of wastewater treatment plants), biosolids generators (wastewater treatment plants) and biosolids land applicators. No biosolids incinerators currently exist in Arizona.

**D. Cost-benefit analysis of probable costs and benefits to ADEQ and other agencies:**

The only state agency that should be affected by this rulemaking should be ADEQ. The Biosolids/Sewage Sludge Management Program is under ADEQ's Water Quality Division. As requirements in 40 CFR 503 Subpart E are self-implementing for the entity that seeks to incinerate biosolids, the Water Quality Division would incur minor additional workload in reviewing reports. ADEQ will need to update its delegation agreement with EPA to reflect the new regulations allowing disposal of biosolids through incineration.

ADEQ's Air Quality Division already has authority to issue any permits required under the Clean Air Act. The Air Quality Division may incur costs for permitting and inspecting a future biosolids incinerator, plus staff may need to expend time to become familiar with any particularities of biosolids incinerators. The Air Quality Division should be able to recover its permitting costs through fees. Both divisions may expend time in coordinating with each other regarding reporting requirements.

**E. Cost-benefit analysis of probable costs and benefits to political subdivisions:**

This rulemaking could impact a political subdivision that owns a wastewater treatment plant or regulates air quality. A political subdivision that owns a wastewater treatment plant, or is planning a new or expanded one, will have another option to dispose of its biosolids. Any generator of biosolids that chooses to exercise the option to incinerate biosolids would incur some minor costs for monitoring, reporting and recordkeeping under the Subpart E regulations required by the Clean Water Act. Unrelated to this rulemaking, a generator of biosolids also would incur costs such as the capital investment of an incinerator, permitting costs for air quality permits, and any necessary emissions control technology required to meet the existing Clean Air Act requirements.

A political subdivision that regulates air quality or regulates incinerators through zoning restrictions should not incur any additional costs. ADEQ has prohibited incineration of biosolids under the Clean Water Act. Lifting this prohibition does not change a political subdivision's authority to regulate incinerators under other laws such as through zoning or the Clean Air Act. Maricopa, Pima, and Pinal counties, the three Arizona counties with their own air pollution control agencies, could face costs related to any permitting or inspections of new biosolids incinerators located within their respective jurisdictions, but should be able to recover their costs through fees.

**F. Cost-benefit analysis of probable costs and benefits to businesses:**

A generator of biosolids/wastewater treatment plant, or a business that is planning a new or expanded one, will have another option to dispose of its biosolids. Any generator of biosolids that chooses to exercise the option to incinerate biosolids would incur some minor costs for monitoring, reporting and recordkeeping under the Subpart E regulations required by the Clean Water Act. Unrelated to this rulemaking, a generator of biosolids also would incur costs such as the capital investment of an incinerator, permitting costs for air quality permits, and any necessary emissions control technology required to meet the existing Clean Air Act requirements.

Businesses of incinerator technology would likely benefit through this rulemaking by selling incinerator technology to biosolids generators.

This rulemaking does not impose costs or benefits on the current status quo of generators of biosolids or land applicators of biosolids. By eliminating the prohibition on incineration, generators of biosolids will have another option to dispose of biosolids. Any generator of biosolids, or a business that is planning a new or expanded wastewater treatment plant, that chooses to construct and operate an incinerator will face some costs in complying with Subpart E air emissions as required under the Clean Water Act.

Providing an additional disposal option, which can include increased options of energy recovery through incineration, could make biosolids more valuable to the generators of biosolids, and consequently negatively impact land applicators of biosolids. Usually the generators of biosolids pay the land applicators to manage the biosolids through land application. Land applicators of biosolids may face increased costs (or reduced revenues) because the



supply of biosolids for agricultural purposes may be reduced.

**G. Probable impact on public and private employment:**

ADEQ does not anticipate that private or public employment will be directly affected by these rules.

**H. Probable impact on small businesses:**

ADEQ does not anticipate that this rulemaking will impact a small business wastewater treatment facility. This rulemaking removes a prohibition and therefore allows the option to incinerate biosolids as a means of disposal. Any generator of biosolids that chooses to exercise the option to incinerate biosolids would incur costs unrelated to this rulemaking. Such costs would include the capital investment of an incinerator, permitting costs for air quality permits, and any necessary emissions control technology required to meet the existing Clean Air Act requirements. In discussions with groups such as the AZ Water Association, the most likely candidate to incinerate biosolids is a large wastewater treatment plant, since it will need a set amount of biosolids supply onsite in order to function and achieve economies of scale.

**1) The administrative and other costs required for compliance with the proposed rulemaking.**

This rulemaking removes an existing prohibition and allows an additional option to dispose of biosolids. There may be some additional minor costs related to reporting requirements under the incorporated by reference Subpart E on Incineration.

**2) A description of the methods prescribed in section 41-1035 that the agency may use to reduce the impact on small businesses, with reasons for the agency's decision to use or not to use each method.**

*(i) Establish less costly schedules or less stringent deadlines for compliance, or consolidate or simplify the rule's compliance or reporting requirements in the proposed rulemaking.*

ADEQ anticipates that any reporting under the Clean Water Act requirements would be minor for any entity that chooses to incinerate biosolids as a means of disposal.

*(ii) Establish less costly compliance requirements, including establishing performance standards to replace design or operational standards in the proposed rulemaking.*

The federal rules to be incorporated by reference establish pollutant limits for pollutants such as lead, arsenic, cadmium, chromium, and nickel, and operational standards for total hydrocarbons concentration in exit gas. As a federally-delegated program, ADEQ's laws, rules, and program must comply with EPA requirements.

*(iii) Exempt small businesses from any or all requirements of the proposed rulemaking.*

As a federally-delegated program, ADEQ's laws, rules, and program must comply with EPA requirements.

**3) The probable cost and benefit to private persons and consumers who are directly affected by the proposed rulemaking.**

ADEQ does not anticipate that private persons or consumers would be directly affected by removing the prohibition on incineration of biosolids. Any potential health-related impacts would be addressed in requisite Clean Air Act permits.

**I. Probable effect on state revenues:**

There is no direct effect on state revenues in lifting the prohibitions on incineration of biosolids. Indirectly, ADEQ would assess permit fees for any entity seeking a Clean Air Act permit to incinerate biosolids.

**J. Description of less intrusive or less costly alternative methods of achieving the proposed rulemaking:**

ADEQ is implementing a less intrusive method by removing an existing prohibition and allowing facilities the option to incinerate biosolids as a means of disposal.

**K. Explanation of the limitations of the data available for this economic small business and consumer impact statement:**

As there are no biosolids incinerators in Arizona, ADEQ does not have or collect data related to incinerators of biosolids. Much of the data reported to ADEQ is from land applicators of biosolids, which will still continue.

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

None

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

ADEQ received one comment in favor of the proposed rulemaking. In anticipation of this rulemaking, ADEQ met with stakeholder wastewater treatment plants and consultants for wastewater treatment plants to discuss the proposed changes and the scope of this rulemaking, all of whom supported the proposed rulemaking.



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

There are no matters prescribed by statute applicable to the agency or to any specific rule or class or rules.

**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:**

Lifting the prohibition on incineration of biosolids does not require a permit. ADEQ regulates wastewater treatment plants that prepare biosolids for land application under an Arizona Pollutant Discharge Elimination System (AZPDES) individual or general permit, which contain provisions for the treatment of biosolids.

**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:**

The rule is no more stringent than federal law as ADEQ is incorporating by reference the federal rules for incineration of biosolids.

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

No person has submitted an analysis to the agency that compares the rule’s impact on the competitiveness of business in this state to the impact on business in other states.

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

R18-9-1002(G) 40 CFR Part 503, Subpart E, July 1, 2013 edition

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

Not applicable

**15. The full text of the rule follows:**

**TITLE 18. ENVIRONMENTAL QUALITY**

**CHAPTER 9. DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER POLLUTION CONTROL**

**ARTICLE 10. ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM - DISPOSAL, USE, AND  
TRANSPORTATION OF BIOSOLIDS**

Section

- R18-9-1002. Applicability and Prohibitions
- R18-9-1015. Inspection

**ARTICLE 10. ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM - DISPOSAL, USE, AND  
TRANSPORTATION OF BIOSOLIDS**

**R18-9-1002. Applicability and Prohibitions**

- A. This Article applies to:
  - 1. Any person who:
    - a. Prepares biosolids for land application or disposal in a sewage sludge unit or in an incinerator.
    - b. Transports biosolids for land application or incineration. or disposal in a sewage sludge unit,
    - c. Applies biosolids to the land,
    - d. Owns or operates a sewage sludge unit, ~~or~~
    - e. Owns or leases land to which biosolids are applied, or
    - f. Owns or operates an incinerator that fires sewage sludge.
  - 2. Biosolids applied to the land or placed on a surface disposal site,
  - 3. Land where biosolids are applied, and
  - 4. A surface disposal site.
- B. The land application of biosolids in a manner consistent with this Article is exempt from the requirements of the aquifer protection program established under A.R.S. Title 49, Chapter 2, Article 3 and 18 A.A.C. 9, Articles 1, 2, and 3.
- C. Except as provided in subsection (D), the land application of biosolids in a manner that is not consistent with Articles 9 and 10 of this Chapter is prohibited.
- D. The Department may permit the land application of biosolids in a manner that differs from the requirements in R18-9-1007 and R18-9-1008 if the land application is permitted under the aquifer protection permit program established under A.R.S. Title 49, Chapter 2, Article 3, and 18 A.A.C. 9, Articles 1, 2, and 3.
- E. Surface disposal site.



1. Any person who prepares biosolids that are placed in a sewage sludge unit, or places biosolids in a sewage sludge unit, or who owns or operates a biosolids surface disposal site shall comply with 40 CFR 503, Subpart C, which is incorporated by reference in R18-9-A905(A)(9), and
    - a. The pathogen reduction requirements in R18-9-1006, and
    - b. The vector attraction reduction requirements in R18-9-1010.
  2. In addition to the requirements under subsection (E)(1), any person who owns or operates a biosolids surface disposal site shall apply for, and obtain, a permit under 18 A.A.C. 9, Articles 1 and 2.
- F. A person shall not apply bulk biosolids to the land or place bulk biosolids in a surface disposal site or fire sewage sludge in a sewage sludge incinerator if the biosolids are likely to adversely affect a threatened or endangered species as listed under section 4 of the Endangered Species Act (16 U.S.C. 1533), or its designated critical habitat as defined in 16 U.S.C. 1532.
- G. ~~The incineration of~~ A person incinerating biosolids is prohibited shall comply with the requirements set out in 40 CFR Part 503, Subpart E, July 1, 2013 edition, which is incorporated by reference and does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona 85007 or may be obtained from the U.S. General Printing office at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.

**R18-9-1015. Inspection**

A person subject to this Article shall allow, during reasonable times, a representative of the Department to enter property subject to this Article, to:

1. Inspect all biosolids pathogen and vector treatment facilities, transportation vehicles, incinerators that fire sewage sludge, and land application sites to determine compliance with this Article;
2. Inspect and copy records prepared in accordance with this Article; and
3. Sample biosolids quality.



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

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

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

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

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

[R15-33]

- 1. **Agency name:** Arizona Department of Real Estate
- 2. **Title and its heading:** 4, Professions and Occupations
- 3. **Chapter and its heading:** 28, State Real Estate Department
- 4. **Articles and their headings:** 4, Education
- 5. **As required by A.R.S. § 41-1056(J), the Council provides notice that the Department has chosen to allow the following rules to expire as of February 28, 2015, because the legislature repealed the statutes governing business brokers:**

R4-28-405. Business Brokerage Specialist Designation

- 6. **Signature is of Bret H. Parke** **Date of Signing**  
/s/ May 5, 2015  
Bret H. Parke  
G.R.R.C. Chair

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

[R15-34]

- 1. **Agency name:** Arizona Game and Fish Department
- 2. **Title and its heading:** 12, Natural Resources
- 3. **Chapter and its heading:** 4, Game and Fish Commission
- 4. **Articles and their headings:** 9, Arizona Wildlife Conservation Fund Grants
- 5. **As required by A.R.S. § 41-1056(J), the Council provides notice that the agency intends to let the following Sections expire as of March 31, 2015:**

**ARTICLE 9. ARIZONA WILDLIFE CONSERVATION FUND GRANTS**

- R12-4-901. Definitions
- R12-4-902. General Provisions
- R12-4-903. Grant Application
- R12-4-904. Review of Proposals
- R12-4-905. Grant Agreement
- R12-4-906. Reporting and Recordkeeping Requirements



6. **Signature is of Bret H. Parke**  
/s/  
Bret H. Parke  
G.R.R.C. Chair

**Date of Signing**  
May 5, 2015



NOTICES OF RULEMAKING DOCKET OPENING

This section of the Arizona Administrative Register contains Notice of Rulemaking Docket Openings.

A docket opening is the first part of the administrative rulemaking process. It is an "announcement" that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

[R15-47]

- 1. Title and its heading: 12, Natural Resources
Chapter and its heading: 4, Game and Fish Commission
Article and its heading: 2, Licenses; Permits; Stamps; Tags
Section numbers: R12-4-202 (As part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary)
2. The subject matter of the proposed rule: An exemption from Executive Order 2015-01 was provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated April 7, 2015.
The Department's Disabled Veteran's License was selected for the first wave of the Lean Transformation of Arizona State Government. The Department proposes to amend R12-4-202 to enact amendments developed as a result of working with the Transformation Office through the Permit Blitz process. The Commission proposes to amend the rule to allow the Department to accept a benefits letter issued by the U.S. Department of Veterans Affairs (DVA) or downloaded from the DVA website as proof of eligibility and allow applicants to attest that application information is true and correct, instead of requiring a notarized signature.
3. A citation to all published notices relating to the proceeding: Notice of Proposed Rulemaking: 21 A.A.R. 747, May 29, 2015 (in this issue).
4. The name and address of agency personnel with whom persons may communicate regarding the rule: Name: Celeste Cook, Rules Analyst
Address: Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086
Telephone: (623) 236-7390
Fax: (623) 236-7677
E-mail: CCook@azgfd.gov
Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside\_azgfd/rules/rulemaking\_updates.shtml.
5. The time during which the agency will accept written comments and the time and place where oral comments may be made: The Commission will accept comments Monday through Friday from 8:00 a.m. until 5:00 p.m. at the address listed under item #4. Information regarding an oral proceeding is included in the Notice of Proposed Rulemaking.
6. A timetable for agency decisions or other action on the proceeding, if known: See the Notice of Proposed Rulemaking on page 747 of this issue.




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## GOVERNOR EXECUTIVE ORDERS

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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.

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### EXECUTIVE ORDER 2015-04

#### Renewing and Amending the Governor's Commission to Prevent Violence Against Women (Amending and Superseding Executive Order 2011-09)

[M15-100]

**WHEREAS**, violence against women affects Arizonans of all races, ethnicities, religious and socioeconomic classifications;

**WHEREAS**, nationally one in three women have been beaten, coerced into sex, or otherwise abused in their lifetime;

**WHEREAS**, in 2014, Arizona had 115 known deaths related to domestic violence;

**WHEREAS**, in Arizona one or more children witness a domestic violence incident every 44 minutes;

**WHEREAS**, witnessing violence between one's parents or caretakers is the strongest risk factor for transmitting violent behavior from one generation to the next, increasing the chance of perpetuating the cycle of violence in adult relationships; and

**WHEREAS**, protecting Arizona's individual communities starts with ensuring that women and families are free from violence.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the powers vested in me by the Constitution and laws of this State hereby continue the Governor's Commission to Prevent Violence Against Women (the "Commission") and order as follows:

1. The Governor shall appoint all members. Membership shall include, but is not limited to, one representative from each of the following:
  - a. Arizona Attorney General's Office
  - b. Arizona Department of Health Services
  - c. Arizona Department of Child Safety
  - d. Arizona Department of Economic Security
  - e. Administrative Office of the Courts
  - f. Arizona Coalition to End Sexual and Domestic Violence
  - g. A non-profit organization that is involved in programs or services related to sexual and/or domestic violence
  - h. The Arizona Judiciary
  - i. A prosecutorial agency other than the Arizona Attorney General's Office
  - j. A law enforcement agency
  - k. One or more public members
2. The members of the Commission shall serve without compensation and at the pleasure of the Governor.
3. The Governor shall appoint a chairperson who shall serve at the pleasure of the Governor.
4. The chairperson may form an executive committee or other committee(s) as necessary.
5. The Commission shall:
  - a. Work with entities throughout the State to increase awareness, prevention and services to improve the response to sexual and domestic violence;
  - b. Work collaboratively with jurisdictions throughout the State to ensure a victim centered coordinated community response to sexual and domestic violence;
  - c. Provide a forum for addressing input from the community and respond to new information on violence against women;



- d. Oversee the implementation of the Sexual and Domestic Violence State Plan, and revise this plan as needed; and
  - e. Assist with the development of the STOP Violence Against Women Formula Grant Implementation Plan and work to ensure compliance with the statutory eligibility requirements of the Violence Against Women Act.
6. The status of the Commission shall be reviewed no later than December 31, 2018 to determine appropriate action for its continuance, modification or elimination.

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

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

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

**ATTEST:**  
**Michele Reagan**  
**Secretary of State**

### **EXECUTIVE ORDER 2015-01**

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

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

[M15-02]

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

**WHEREAS**, burdensome regulations inhibit job growth and economic development;

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

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

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

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

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

1. A State agency, subject to this Order, shall not conduct any rulemaking except as permitted by this Order.
2. A State agency, subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
  - a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
  - b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
  - c. To prevent a significant threat to the public health, peace or safety.
  - d. To avoid violating a court order or federal law that would result in sanctions by a court or the federal government against an agency for failure to conduct the rulemaking action.
  - e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
  - f. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
  - g. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.



- h. To address matters pertaining to the control, mitigation or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
- 3. Paragraphs 1 and 2 apply to all State agencies, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission, or (c) any State agency whose agency head is not appointed by the Governor. Those State agencies to which Paragraphs 1 and 2 do not apply are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
- 4. Pursuant to Article 5, Section 4 of the Arizona Constitution and Arizona Revised Statutes Section 41-101(A)(1), the State agencies identified in Paragraph 3 must provide the Office of the Governor with a written report for each proposed rule 30 days prior to engaging in any rulemaking proceeding and must also provide the Office of the Governor with a written report within 15 days of any rulemaking. The reports required by this Paragraph shall explain, in detail, how the rulemaking advances the priorities and principles set forth in this Order.
- 5. No later than September 1, 2015, each State agency shall provide to the Office of the Governor an evaluation of their rules, with recommendations for which rules could be amended or repealed consistent with the priorities and principles set forth in this Order. The evaluation shall also include a summary of licensing time frames and describe how those time frames compare to real processing time, and whether or not they can be reduced. Additionally, each agency shall identify any existing licenses or permits in which a general permit could be used in lieu of an individual permit, pursuant to Arizona Revised Statutes Section 41-1037.
- 6. No later than July 1, 2015, each State agency shall provide to the Office of the Governor an update on divisions where electronic reporting and payment are not implemented and a suggested plan for how to implement this customer-service-oriented service.
- 7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, “person,” “rule” and “rulemaking” have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.
- 8. This Executive Order expires on December 31, 2015.

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

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

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

**ATTEST:**  
**Michele Reagan**  
**Secretary of State**

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**REGISTER INDEXES**

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

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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

**RECODIFICATION OF RULES**

RC = Recodified

**REJECTION OF RULES**

RJ = Rejected by the Attorney General

**TERMINATION OF RULES**

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

**RULE EXPIRATIONS**

EXP = Rules have expired

*See also “emergency expired” under emergency rulemaking*

**CORRECTIONS**

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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.

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## RULE EFFECTIVE DATES CALENDAR

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

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



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



## REGISTER PUBLISHING DEADLINES

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

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



## GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

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

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

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

**GOVERNOR'S REGULATORY REVIEW COUNCIL****NOTICE OF ACTION TAKEN AT THE MAY 5, 2015 MEETING**

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

[M15-99]

**CONSIDERATION OF FIVE-YEAR-REVIEW REPORTS:****ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (F-15-0305)**

Title 18, Chapter 8, Article 1, Remedial Action Requirements; and 2, Hazardous Wastes

**ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (F-15-0306)**

Title 18, Chapter 13, Articles 2, Solid Waste Definitions, Exemptions; 3, Refuse and Other Objectionable Wastes; 5, Requirements for Solid Waste Facilities Subject to Self-Certification; 7, Solid Waste Facility Plan Review Fees; 8, General Permits; 9, Solid Waste Management Planning; 11, Collection, Transportation, and Disposal of Human Excreta; 12, Waste Tires; 13, Special Waste; 14, Biohazardous Medical Waste and Discarded Drugs; 16, Best Management Practices for Petroleum Contaminated Soil; 21, Solid Waste Landfill Registration Fees; 25, Recycling; and 27, Solid Waste Fees for Fiscal Year 2011

**ARIZONA DEPARTMENT OF ADMINISTRATION (F-15-0501)**

Title 2, Chapter 1, Article 8, Reimbursement for Public or Private Transportation

**ARIZONA STATE LAND DEPARTMENT (F-15-0502)**

Title 12, Chapter 5, Article 12, Fees

**ARIZONA DEPARTMENT OF REAL ESTATE (F-15-0503)**

Title 4, Chapter 28, Articles 4, Education; 7, Compensation; 8, Documents; and 12, Developments

**ARIZONA DEPARTMENT OF ADMINISTRATION (F-15-0504)**

Title 2, Chapter 1, Article 4, Emergency Telecommunication Services Revolving Fund

**ARIZONA GAME AND FISH DEPARTMENT (F-15-0506)**

Title 12, Chapter 4, Article 8, Wildlife Areas and Department Property

**ARIZONA DEPARTMENT OF PUBLIC SAFETY (F-15-0505)**

Title 13, Chapter 9, Articles 1, General Provisions; 2, Concealed Weapons Permit: Application, Renewal, Responsibilities; 4, Certificate of Firearms Proficiency; 5, LEOSA-Recognized Instructors; and 6, Hearings and Disciplinary Proceedings

**RULES****ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (R-15-0501)**

Title 18, Chapter 9, Article 10, Arizona Pollutant Discharge Elimination System - Disposal, Use, and Transportation of Biosolids

Amend: R18-9-1002; R18-9-1015

**COUNCIL ACTION: ALL OF THE ABOVE ITEMS WERE APPROVED BY THE COUNCIL.**