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From the Publisher

ABOUT THIS PUBLICATION

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

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

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

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

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

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

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

LEGAL CITATIONS AND FILING NUMBERS

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

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

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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 RULEMAKING

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

The final published notice includes a preamble and

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

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

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 46. BOARD OF APPRAISAL DEPARTMENT OF FINANCIAL INSTITUTIONS - REAL ESTATE APPRAISAL DIVISION

[R15-94]

PREAMBLE

Table with 2 columns: Articles, Parts, and Sections Affected (as applicable) and Rulemaking Action. Lists various rule numbers (R4-46-101 to R4-46-602) and their corresponding actions (Amend, New Section, Repeal).

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

Authorizing statute: A.R.S. §§ 32-3605(A), 32-3655, 32-3680
Implementing statute: A.R.S. §§ 32-3601, 32-3605(B), 32-3610, 32-3625, 32-3631, 32-3651 through 32-3653, 32-3654, and 32-3661 through 32-3679

3. The effective date for the rules:

October 6, 2015



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

Not applicable

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

Not applicable

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

Notice of Rulemaking Docket Opening: 20 A.A.R. 1334, June 13, 2014

Notice of Proposed Rulemaking: 20 A.A.R. 1309, June 13, 2014

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

Name: Debra J. Rudd, Division Manager

Address: Real Estate Appraisal Division of the Department of Financial Institutions
2910 N. 44th St., Suite 310
Phoenix, AZ 85018

Telephone: (602) 542-1593

Fax: (602) 542-1598

E-mail: debra1@azboa.gov

Web site: <https://boa.az.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:**

In addition to making changes identified as needed in a five-year-review report approved by the Council on March 4, 2014, the Superintendent is making the rules consistent with recent statutory changes and changes in the real property appraiser qualification criteria issued by the Appraisal Foundation for implementation on January 1, 2015.

The Superintendent is making the rules required under A.R.S. § 32-3680 regarding Appraisal Management Companies and is aligning the rules regarding appraiser courses with the standards provided by the Appraiser Qualifications Board.

An exemption from Executive Order 2015-01 was provided to the Department by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated June 5, 2015. The exemption indicated it extended to making the rules consistent with changes in state law, conforming appraiser qualifications to national standards, creating rules for AMCs, and making technical changes recommended by the Governor's Regulatory Review Council.

The Department believes this rulemaking is consistent with the provision in subsection (A)(1) of A.R.S. § 41-1038 because the rulemaking is a comprehensive effort to avoid the regulatory burden associated with inconsistent federal and state laws and the provision in subsection (A)(2) because the rulemaking is necessary to implement recent statutory changes (See Laws 2013, Chapter 184; Laws 2014, Chapter 135; Laws 2015, Chapter 19).

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 Superintendent did not review or rely on any study in its evaluation of or justification for any rule in this rulemaking.

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:**

The rules will have minimal economic impact on those involved in real property appraisal in Arizona because most of the economic impact results from state and federal law. The rules simply provide guidance regarding the law.

As a result of the Superintendent making the rules regarding courses for appraisers (See Article 5) consistent with standards from the Appraiser Qualifications Board, there may be some economic impact on course owners and secondary providers. There will also be economic impact on the Department because the Superintendent determined it did not have authority to charge a fee for changing the instructor of an approved course. The Superintendent extended the time of a course approval to two years from one year and to assist the Superintendent in protecting the public, is establishing a program of volunteer auditors of approved courses.



The rules in Article 4 regarding Appraisal Management Companies are new but have minimal economic impact. The Superintendent has been regulating AMC's relying on statute.

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

In response to Laws 2015, Chapter 19, which repealed A.R.S. § 32-3604, the statute that established the Board of Appraisal, and moved the Board's authority, powers, duties, and responsibilities to the Department of Financial Institutions, throughout this final rulemaking, the word "Board" has been changed to "Department or Superintendent," as applicable. These changes, which are not substantial under the standards at A.R.S. § 41-1025(B), are required to make the rulemaking consistent with the statutory change made by the legislature during its last session.

In addition to changes made in response to public comment and addressed in item 11, the following non-substantive changes were made:

In R4-46-101, the word "and" was changed to "or" in the definition of "Investigation."

R4-46-101: The definition of "complaint" was deleted to avoid possible conflict between these rules and other Departmental rules.

R4-46-101: The definition of settlement agreement was deleted after it was determined the Department inconsistently used "consent" and "settlement" to have the same meaning. The Department chose to use "consent" throughout the rulemaking.

R4-46-107(A): It was clarified that the time-frame rule applies to applications for course approval.

The former R4-46-107(B) was deleted to make the time-frame rules formerly used by the Board consistent with the Department's operations.

In the former R4-46-107(C)(2), which is now R4-46-107(B)(2): An internal cross reference was deleted to make the Division's time frame rules consistent with Departmental operations.

Article 3 deals with hearings and disciplinary proceedings. Amendments to the Article were included in the Notice of Proposed Rulemaking but are not included in this Notice of Final Rulemaking. This means the rules in Article 3 remain the same as they currently exist in the Arizona Administrative Code. Article 3 was removed from this rulemaking because the exemption from Executive Order 2015-01, provided by the governor's office on June 5, 2015, did not extend to the rules in Article 3.

In R4-46-401(B)(3), subsection (a) was amended to track language in A.R.S. § 32-3668(B) as it was amended in the 2014 legislative session. An applicant is now required to submit a copy of a fingerprint clearance card obtained from DPS rather than fingerprints for processing. As a result, subsection (c), which was a fee for processing fingerprints, was deleted.

In R4-46-402(H), language was added to clarify that a person damaged by an AMC's failure to pay an obligation can begin an action on the AMC's surety bond with the Department or a court of competent jurisdiction.

R4-46-405(C): The word "annual" was deleted because a recent change to A.R.S. § 32-3665 requires AMC's to renew certification biennially rather than annually and certifications are required at the time of renewal.

R4-46-406(D): Was deleted because there is no longer a Board. The Superintendent makes the decision regarding waivers.

R4-46-504(B): Was deleted because there is no longer a Board.

In R4-46-510(A), language was added to clarify that if a course approved by the Board is also approved under R4-46-505, the AQB's voluntary Course Approval Program, approval of the course expires when the first of the approvals expires.

Note: When it enacted Laws 2015, Chapter 19, the legislature did not make all changes to A.R.S. Title 32, Chapter 36, necessary to complete the transfer of the Board of Appraisal to the Department of Financial Institutions. It did, however, indicate that it intends to do so. Because the legislature transferred all of the authority, powers, duties, and responsibilities of the Board to the Department, the changes made to this rulemaking do also.



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

The Board of Appraisal initiated and worked on this rulemaking for 18 months. As a result, comments regarding the rulemaking were made to and addressed by the Board before the legislature enacted Laws 2015, Chapter 19. Reference to the Board has not been changed in this item.

The Board established a rules committee that met eleven times between July 2013 and May 2014. All of these meetings were open to and attended by members of the public. The Board held an oral proceeding regarding its proposed rules on July 30, 2014. The oral proceeding was attended by the following. Those who spoke at the oral proceeding submitted their comments in writing.

- Ann Susko representing the Coalition of Arizona Appraisers;
- Joanna Conde representing the Arizona Association of Real Estate Appraisers; and
- Richard Sorenson, Roy Morris, Art Gaudette, and Mike Roedl, licensed Arizona appraisers.

The Board closed the rulemaking record on August 18, 2014. However, in response to a request from Robert T. Helmer and others, the rules committee held an additional meeting regarding the proposed rules on October 23, 2014. This meeting was attended by Ann Susko, Joanna Conde, Elaine Arena (Phoenix chapter of the Appraisal Institute), and Linda Cogburn. Mr. Helmer did not attend. At the meeting, comments received by the Board and the Board's response to the comments were discussed. At the conclusion of a two-hour discussion, the stakeholders indicated they understood remaining issues would be addressed in future legislative or rulemaking activity.

Written comments regarding the proposed rules were received from:

- Ned Chappell, Phoenix Chapter of the Appraisal Institute;
- Joanna Conde, Arizona Association of Real Estate Appraisers;
- Donald Kelly of Real Estate Valuation Advocacy Association;
- Richard Sorenson, a certified real estate appraiser;
- Robert Helmer, a certified general real estate appraiser;
- Gordon Wicker, a certified general real estate appraiser; and
- Linda Cogburn, ServiceLink.

The comments and the Board's analysis and response follow. Comments made regarding rules in Article 3 are not included because Article 3 is not included in this Notice of Final Rulemaking.

COMMENT	ANALYSIS	RESPONSE
R4-46-101: Definition of "Complaint": The proposed amendment eliminates the requirement that a complaint meet minimum standards. A complaint should have to meet higher standards before being opened and processed by the Board because even a complaint that is determined to be without merit causes harm to the appraiser against whom it is made. It is suggested that a complaint be considered an inquiry until the Board determines it has merit. Conde, Susko, Sorenson, and Wicker	R4-46-301 still contains some standards that a complaint must meet. However, the Board determined that requiring a complainant to allege violation of a USPAP standard was burdensome. The Board is unable to characterize a complaint as an inquiry without a statutory change.	This definition was deleted.
R4-46-101: Definition of "Initial Review": Objects to addition of "investigative summary" to the definition of initial review because there is no definition of investigative summary. Conde	Both the words "investigative" and "summary" are being used consistent with their ordinary, dictionary meaning so no definition is needed.	No change



<p>R4-46-101: Definition of “Investigation”: Objects to removal of “by” and addition of “when the Board receives” because this makes an investigation mandatory. Conde</p> <p>Objects to addition of “and professional conduct” because it is not defined and leaves a broad opening for accusations. Conde</p>	<p>An investigation is mandatory. Without one, the Board is unable to determine whether a complaint has merit. There are, however, great differences in the extent to which different complaints are investigated. Not every investigation involves an investigator. Some involve only a review by Board members. The extent of an investigation is determined by whether the complaint, if true, indicates a violation of statute or rule.</p> <p>The words “professional” and “conduct” have their ordinary dictionary meaning.</p>	<p>No change</p> <p>No change</p>
<p>R4-46-101: Definition of “Investigator”: Opposes deleting the requirement that an investigator be an appraiser. Wants an investigator to hold a license and have experience equal to that of the individual being investigated. Suggests the Board should not be allowed to determine who is qualified to do an investigation. Conde, Sorenson, Wicker</p>	<p>A.R.S. § 32-3631(A) authorizes the Board to investigate the actions of those it licenses and to impose discipline. The definition does not say that an investigator must be an appraiser because appraisers are not the only kind of licensees subject to the Board’s jurisdiction. A.R.S. § 32-3605(B)(10)(b) requires the Board to define the process and procedures used in investigating complaint allegations. This clearly includes authority to determine who conducts an investigation.</p>	<p>No change</p>
<p>R4-46-101: Definition of “Party”: To protect the public, the complainant should be a party. The complainant should have a right to be heard at the meeting dealing with the complaint.</p>	<p>The definition of “party” is the one established by the legislature at A.R.S. §41-1001. Consistent with legal precedent, the legislature has indicated that the complainant is not a party. As a courtesy, the Board frequently allows a complainant to speak when a complaint is on an agenda but it is not required to do so.</p>	<p>No change</p>
<p>R4-46-103(A)(5): It was asked whether an investigator has a set guideline that must be followed when a complaint is investigated. Susko</p>	<p>As indicated in R4-46-301, an investigator is required to certify that an investigative report complies with USPAP standards. The Board is required to reject the report unless the certification is made.</p>	<p>No change</p>
<p>R4-46-401: AAREA opposes striking this Section because even if redundant of statute, it reinforces the requirement of the USPAP for every appraiser. Conde</p>	<p>The language is not needed because A.R.S. § 32-3610 specifies that USPAP is the standard for appraisals in Arizona. Having the standard in statute rather than rule avoids the possibility that the state operates with an out-of-date version of USPAP.</p>	<p>No change</p>
<p>AAC Title 4, Chapter 46: ServiceLink has no objection to the proposed rules. Additionally, it appreciates the Board’s willingness to allow and encourage stakeholder and public participation in the lengthy rulemaking process. Cogburn</p>	<p>The Board appreciates the comment.</p>	<p>No change</p>
<p>AAC Title 4, Chapter 46: REVAA encourages its members to continue to support the promulgation of these regulations. They support the work the Board has accomplished in drafting responsible and fair regulations. Kelly</p>	<p>The Board appreciates the comment.</p>	<p>No change</p>
<p>AAC Title 4, Chapter 46: The Phoenix Chapter of the Appraisal Institute supports the efforts of the Board to improve and clarify administrative procedures. They appreciate the opportunities to provide input to the Board during the process. Chappell</p>	<p>The Board appreciates the comment.</p>	<p>No change</p>



AAC Title 4, Chapter 46: Members of the Board should not be immune from USPAP. They should uphold and enforce USPAP. Helmer	Members of the Board who are appraisers are required by law to comply with USPAP. All members of the Board are required by law to uphold and enforce USPAP.	No change
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12. All agencies shall list any 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:

None

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 following are general permits: the registration required under R4-46-401; the renewal registration required under R4-46-403; and the approval required under R4-46-501.

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:

On July 21, 2010, the Dodd-Frank Wall Street Reform and Consumer Protection Act became law. The Act amends Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 regarding federally related transactions. A federally related transaction includes an appraisal completed for FHA or loans that may be sold to Fannie Mae or Freddie Mac, or those completed for lenders with FDIC insurance or under the control of the Office of the Comptroller of the Currency.

The Act mandates that real estate appraisals be performed in accordance with generally accepted appraisal standards as evidenced by the standards made by the Appraisal Standards Board of the Appraisal Foundation. In Laws 2013, Chapter 184, the legislature significantly amended the organic statutes of the Department of Financial Institutions to conform to the Act. This rulemaking implements these laws. The rules are not more stringent than federal law.

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

No analysis was submitted.

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

None

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

None of the rules was previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 46. BOARD OF APPRAISAL DEPARTMENT OF FINANCIAL INSTITUTIONS - REAL ESTATE APPRAISAL DIVISION

ARTICLE 1. GENERAL PROVISIONS

- Section
- R4-46-101. Definitions
- R4-46-102. Powers of Board Superintendent
- R4-46-103. Board Real Estate Appraisal Records; Public Access; Copying Fees
- R4-46-106. Fees
- R4-46-107. Procedures for Processing Applications

ARTICLE 4. STANDARDS OF PRACTICE APPRAISAL MANAGEMENT COMPANIES

- Section
- R4-46-401. Standards of Appraisal Practice Application for Initial Registration
- R4-46-402. Bond Required
- R4-46-403. Change in Controlling Person or Agent for Service of Process
- R4-46-404. Application for Renewal Registration
- R4-46-405. Certifications
- R4-46-406. Appeal for Waiver



- R4-46-407. Training Required
- R4-46-408. Voluntarily Relinquishing Registration

ARTICLE 5. COURSE APPROVAL

- Section
- R4-46-501. Course Approval Required
 - R4-46-502. ~~Expired~~ Approval of Distance-education Delivery Mechanism
 - R4-46-503. ~~Hearing on Denial of Course Approval~~ Course Owners
 - R4-46-504. Application for Course Approval
 - R4-46-505. Course Approval without Application
 - R4-46-506. Minimum Standards for Course Approval
 - R4-46-507. Secondary Providers
 - R4-46-508. Compliance Audit of Approved Courses
 - R4-46-509. Changes to an Approved Course
 - R4-46-510. Renewal of Course Approval
 - R4-46-511. Transfer of an Approved Course

ARTICLE 6. PROPERTY TAX AGENTS

- Section
- R4-46-601. Standards of Practice
 - R4-46-602. ~~Disciplinary Proceedings; Board Action; Notice Requirements~~ Repealed

ARTICLE 1. GENERAL PROVISIONS

R4-46-101. Definitions

The definitions in A.R.S. §§ 32-3601, 32-3651, and 32-3661 apply to this Chapter. In these rules Additionally, unless the context otherwise requires, in this Chapter:

“Arizona or State Certified General Appraiser” means a person classified by the Board as a State Certified General Real Estate Appraiser in accordance with A.R.S. § 32-3612(A)(1).

“Arizona or State Certified Residential Appraiser” means a person classified by the Board as a State Certified Residential Real Estate Appraiser in accordance with A.R.S. § 32-3612(A)(2).

“Arizona or State Licensed Appraiser” means a person classified by the Board as a State Licensed Real Estate Appraiser in accordance with A.R.S. § 32-3612(A)(3).

“Appraisal Foundation” means the educational organization, defined in A.R.S. § 32-3601(3), which is the parent organization of the Appraiser Qualifications Board and the Appraisal Standards Board.

“Accredited” means approved by an accrediting agency recognized by the Council for Higher Education Accreditation or the U.S. Secretary of Education.

“AMC” means appraisal management company as defined at A.R.S. § 32-3661.

“Appraisal practice” means valuation services performed by an individual acting as an appraiser, including but not limited to an appraisal or appraisal review.

“Appraiser” means a person an individual, other than a property tax agent as defined at A.R.S. § 32-3651, registered, licensed, or certified by the Board Superintendent to complete real estate appraisals or appraisal consulting valuation assignments in accordance with A.R.S. § 32-3612(A)(1), (2), and (3) regarding real estate competently in a manner that is independent, impartial, and objective.

“AOB” means the Appraisal Qualifications Board as defined at A.R.S. § 32-3601.

“Assignment” means the valuation service that an appraiser provides as a consequence of an agreement between the appraiser and a client.

“Board” means the Arizona Board of Appraisal established by A.R.S. § 32-3604.

“Board counsel” means the assistant attorney general who provides legal advice to the Board.

“Board staff” means and the executive director and the executive director’s designees.

“Classroom education” means appraisal education delivered in a setting where there is no geographical separation between the instructor and student.

“Complaint” means a written communication to the Board that meets the minimum criteria established in R4-46-301(A)(1) and alleges violations of A.R.S. Title 32, Chapter 36 or this Chapter.



“Consent agreement” means a written agreement between the ~~Board~~ Superintendent and a respondent that concerns disciplinary or remedial action.

~~“Consulting assignment” means a real estate appraisal advisory engagement, the purpose of which is to develop, without advocacy, an analysis, recommendation, or opinion where at least one opinion of value is a component of the analysis leading to the assignment results.~~

“Conviction” means a judgment by any state or federal court of competent jurisdiction in a criminal case, regardless of whether an appeal is pending or could be taken, and includes any judgment or order based ~~upon~~ on a plea of no contest.

~~“Course provider” means any organization or individual that offers qualifying or continuing education courses approved by the Board.~~

“Course owner” means a person or a combination of persons that own the propriety rights to a course. A course owner may have developed the course or may have purchased the propriety rights to the course.

“Department of Financial Institutions counsel” means the assistant attorney general who provides legal advice to the Superintendent.

“Direct supervision” means that a supervising designated supervisory appraiser of a registered trainee appraiser is directing and overseeing the production of each appraisal assignment and is personally and physically present during the entire inspection of each appraised property.

“Disciplinary action” means any regulatory sanction imposed by the ~~Board~~ Department, including a letter of due diligence, a consent agreement, probation, suspension, revocation, or an acceptance of surrender of a license or certificate.

“Dismissal” means termination of a complaint ~~without further hearing~~ when the Superintendent finds there is no unprofessional conduct.

~~“Distance education” means any educational process based on the geographical separation of learner and instructor (for example, CD ROM, on-line learning, correspondence courses, video conferencing). appraisal education delivered in a setting in which the learner and instructor are geographically separated. For qualifying education, distance education must provide interaction between learner and instructor and include testing.~~

“Due diligence” means the diligence reasonably expected from, and ordinarily exercised by, a person regulated by the ~~Board~~ Superintendent, in accordance with A.R.S. Title 32, Chapter 36 and this Chapter.

“Formal complaint” means a notice of allegations issued by the ~~Board~~ Superintendent under R4-46-302.

“Formal hearing” means an adjudication of a disputed matter, conducted by the Office of Administrative Hearings (OAH) or the ~~Board~~ Superintendent, under R4-46-302.

“Informal hearing” means a voluntary ~~hearing before the Board~~ meeting with Department staff in which a respondent is asked to respond to a complaint under R4-46-301(D).

~~“Informational interview” means a voluntary appearance by a respondent at a public meeting before the Board to discuss a complaint that has been filed against the respondent.~~

“Initial review” means the ~~Board’s~~ Department staff’s first review of a complaint, the response to the complaint, if any, the relevant appraisal report or other work product, and workfile work file, and investigative summary, if any.

“Investigation” means a fact-finding process initiated ~~by~~ when the Superintendent receives a complaint concerning the appraisal practice or professional conduct of a named respondent.

“Investigator” means an ~~appraiser or property tax agent operating~~ individual who is a Department employee or operates under a contract with the ~~Board~~ Superintendent to carry out independent investigations of alleged violations.

“Jurisdictional criteria” means the statutory standards used by the ~~Board~~ Department to determine whether a complaint falls within the ~~Board’s~~ Superintendent’s jurisdiction.

“Letter of concern” means a ~~nondisciplinary~~ non-disciplinary advisory letter to notify a respondent that the ~~action that is the basis of a complaint~~ finding of the Superintendent does not warrant disciplinary action, but is nonetheless cause for concern on the part of the ~~Board~~ Superintendent and that its continuation may result in disciplinary action.

“Letter of due diligence” means a disciplinary letter of agreement between the ~~Board~~ Superintendent and a respondent that may or may not include remedial action when minor violations of A.R.S. Title 32, Chapter 36 or ~~Articles 1, 2, or 3 of this Chapter~~ are found.

“Letter of remedial action” means a ~~nondisciplinary~~ non-disciplinary letter issued by the ~~Board~~ Superintendent that requires a respondent to take remedial action when any minor violation of A.R.S. Title 32, Chapter 36 or ~~Articles 1, 2, or 3 of this Chapter~~ has been is found.

“Mentor” means a certified appraiser authorized by the ~~Board~~ Department staff to supervise the work product of an appraiser who is subject to disciplinary action by the Superintendent.



“Order” means an administrative order that contains findings of fact, conclusions of law, and disciplinary action, issued by the ~~Board~~ Superintendent after a formal hearing or by consent.

“Party” means each person or agency named or admitted as a party or properly seeking and entitled to participate in any proceeding before the ~~Board~~ Department staff.

~~“Practicing appraiser” means a state licensed or certified appraiser who is actively engaged in performing appraisal assignments.~~

“Probation” means a term of oversight by the ~~Board~~, Department staff, imposed upon a respondent as part of a disciplinary action, which may include submission of logs, working under the supervision of a mentor, or other conditions intended to protect the public and educate the respondent.

~~“Property tax agent” has the meaning in A.R.S. § 32-3651.~~

“Remedial action” means any corrective remedy ordered by the ~~Board~~ Superintendent that is designed to assist the respondent in improving the respondent’s professional practice.

“Respondent” means an appraiser, course provider owner, or property tax agent, or appraisal management company against whom a complaint has been filed; or any other party responding to a motion or a proceeding before the ~~Board~~ Superintendent.

~~“Rules” means the requirements established under A.R.S. Title 32, Chapter 36, and found in the Arizona Administrative Code, Title 4, Chapter 46.~~

“Secondary provider” means a person that purchases or otherwise lawfully acquires the right to provide a course independently of the course owner that retains proprietary rights to the course.

“Summary suspension” means an immediate suspension of a license, certificate, ~~or~~ registration or designation by the ~~Board~~ Superintendent based on a finding that the public health, safety, or welfare imperatively requires emergency action.

~~“Supervising appraiser” means a state certified appraiser in good standing with a minimum of four years of experience within the last four years as a practicing appraiser who engages in direct supervision of a trainee pursuing a state license or certificate and provides training for work included within the supervising appraiser’s classification.~~

~~“Trainee” means an individual who is being taught to become a state licensed or certified appraiser under the direct supervision of a supervising appraiser.~~

“USPAP” means the Uniform Standards of Professional Appraisal Practice, issued and updated by The Appraisal Foundation and ~~incorporated by reference in the rules of the Board~~ made state law under A.R.S. § 32-3610.

~~“Workfile Work file” means the documentation necessary to support the analysis, opinions, and conclusions of an appraisal, a consulting assignment, or a tax appeal.~~

R4-46-102. Powers of ~~Board~~ Superintendent

A. The ~~Board~~ Superintendent may appoint advisory committees as the ~~Board~~ Superintendent deems appropriate. The committees shall make advisory recommendations to the ~~Board~~ Superintendent. The ~~Board~~ Superintendent, in its discretion, may accept, reject, or modify the advisory recommendations.

B. Under the authority provided by A.R.S. § 32-3605(B), the Superintendent may designate, train, and supervise volunteer licensees to conduct compliance audits of approved courses under R4-46-508.

R4-46-103. ~~Board~~ Real Estate Appraisal Records; Public Access; Copying Fees

A. The ~~Board~~ Department shall keep all ~~records documents and information~~ reasonably necessary or appropriate to maintain an accurate ~~knowledge record~~ of its official activities including, but not limited to: ~~applications~~

1. Applications for an ~~initial~~ original registration, license, or certificate, designation, or course approval; renewal
2. Renewal applications; ~~examination~~
3. Examination results; ~~documents~~
4. Documents, transcripts, and pleadings relating to disciplinary proceedings and to hearings on the denial of a registration, license, or certificate, designation, or course approval; investigative
5. Investigative reports; ~~staff~~
6. Staff memoranda; and ~~general~~

7. General correspondence between ~~any person and the Board, Superintendent and any person, including a member of the Department’s staff, members of the Board, or staff members.~~

B. A person shall not remove ~~Board Department~~ records from the office of the ~~Board~~ unless the records are in the custody and control of a ~~Board member, the Superintendent, a member of the Board’s Department’s staff, or the Board’s attorney~~ Department of Financial Institutions counsel. The Executive Director or Superintendent may designate a staff member to observe and monitor any examination of Board Department records.

C. The ~~Board~~ Superintendent shall provide copies of all non-confidential records available for public inspection and copying according to the procedures described in A.R.S. Title 39, Chapter 1, Article 2.

**R4-46-106. Fees**

- A. Under the specific authority provided by A.R.S. §§ 32-3607, 3619, and 3667, the ~~Board~~ Superintendent establishes and shall collect the following fees:
1. Application for original license or certificate: \$400
 2. Application for registration as a trainee appraiser: \$300
 3. Examination: The amount established by the AQB-approved examination provider
 4. Biennial renewal of a license or certificate: \$425
 5. Renewal of registration as a trainee appraiser: \$300
 6. Delinquent renewal (in addition to the renewal fee): \$25
 7. Biennial national registry: The amount established by the appraisal subcommittee
 8. Application for license or certificate by reciprocity: \$400
 9. Application for non-resident temporary license or certificate: \$150
 10. Course approval:
 - a. Core-curriculum qualifying education
 - i. Initial course approval: ~~\$400~~ \$200
 - ii. Renewal of course approval: ~~\$100~~ \$200
 - iii. ~~Renewal of course approval to change instructor: \$50~~
 - b. Continuing education
 - i. Initial course approval: \$200
 - ii. Renewal of course approval: ~~\$100~~ \$200
 - iii. ~~Renewal of course approval to change instructor: \$50~~
 11. Application for initial registration as an appraisal management company: \$2,500
 12. Biennial renewal of registration as an appraisal management company: \$2,500
- B. The fees established in subsection (A) and those specified in A.R.S. § 32-3652 are not refundable unless the provisions of A.R.S. § 41-1077 apply.
- C. A person shall pay fees by cash or credit or debit card, or by certified or cashier's check or money order payable to the ~~Arizona Board of Appraisal~~ Department of Financial Institutions. If a person pays a fee by credit or debit card, the ~~Board Superintendent~~ shall, as authorized by A.R.S. § 32-3607(C), impose a convenience fee in the amount established under state contract in addition to the amount specified in subsection (A) or A.R.S. § 32-3652.

R4-46-107. Procedures for Processing Applications

- A. To comply with A.R.S. Title 41, Chapter 6, Article 7.1, the Superintendent establishes the following time-frames for processing applications for registration, licensure, certification, and designation, including renewal applications, and applications for course approval:
1. Department staff shall notify the applicant within 45 days after receipt of the application that it is either administratively complete or incomplete. If the application is incomplete, Department staff shall specify in the notice what information is missing.
 2. Department staff shall not substantively review an application until the applicant has fully complied with the requirements in statute or this Chapter. The Superintendent shall render a final decision not later than 45 days after the applicant successfully completes all requirements in statute or this Chapter.
 3. The overall time-frame for action is 90 days, 45 days for administrative completeness review and 45 days for substantive review.
- B. If the Superintendent denies registration, licensure, certification, designation, or course approval to an applicant, Department staff shall send the applicant written notice explaining:
1. The reason for denial, with citations to supporting statutes or rules;
 2. The applicant's right to seek a hearing to appeal the denial; and
 3. The time for appealing the denial.

ARTICLE 4. STANDARDS OF PRACTICE APPRAISAL MANAGEMENT COMPANIES**R4-46-401. Standards of Appraisal Practice Application for Initial Registration**

Every appraiser, in performing the acts and services of an appraiser, shall comply with the Uniform Standards of Professional Appraisal Practice (USPAP), 2010-2011 edition, published by The Appraisal Foundation, which is incorporated by reference and on file with the Board. This incorporation by reference contains no future editions or amendments. A copy of the USPAP 2010-2011 edition may be obtained from The Appraisal Foundation, 1155 15th St., NW, Suite 1111, Washington, DC 20005; (202) 347-7722; fax (202) 347-7727; or web site www.appraisalfoundation.org.

- A. Unless exempt under A.R.S. § 32-3663, a person shall not engage in business as an AMC and shall not provide any



appraisal management services unless registered with the Department.

- B.** To register under subsection (A), a person shall submit:
 1. A registration application form, which is available from the Department and on its web site, and provide the information and certifications required under A.R.S. § 32-3662(B);
 2. The name and contact information of the controlling person who will be the main contact for all communication between the Department and the AMC;
 3. For the controlling person and each individual who owns 10 percent or more of the AMC:
 - a. A copy of a fingerprint clearance card obtained under A.R.S. § 41-1758.03; and
 - b. The certification required under A.R.S. § 32-3668(B)(3) or 32-3669(B)(1), as applicable.
 4. Proof of the surety bond required under A.R.S. § 32-3667 and R4-46-402; and
 5. The fee required under R4-46-106.
- C.** If an AMC operates in Arizona under more than one name, other than a DBA, the controlling person of the AMC shall ensure that a complete application, as described in subsection (B), is submitted in each name under which the AMC will operate. However, if an individual previously submitted a copy of a valid fingerprint clearance card under subsection (B), the individual is not required to submit a copy of the fingerprint clearance card again.

R4-46-402. Bond Required

- A.** The surety bond required under A.R.S. § 32-3667 shall be in the amount of \$20,000 and shall be issued by a surety company authorized to do business in Arizona.
- B.** The controlling person of a registered AMC shall ensure that the surety bond required under A.R.S. § 32-3667 requires the issuing surety company to provide written notice to the Department by registered or certified mail at least 30 days before the surety company cancels the bond and within 30 days after the surety company pays a loss under the bond.
- C.** The surety bond required under A.R.S. § 32-3667 is to be used exclusively to ensure that a registered AMC pays:
 1. All amounts owed to persons that perform real estate appraisal services for the AMC; and
 2. All amounts adjudged against the AMC as a result of negligent or improper real property appraisal services or appraisal management services or breach of contract in performing real property appraisal services or appraisal management services.
- D.** The controlling person of a registered AMC shall ensure that the required surety bond is:
 1. Maintained in the amount of \$20,000;
 2. Funded to \$20,000 within seven days after being drawn down; and
 3. Maintained for at least one year after the AMC's registration expires, is revoked or surrendered, or otherwise ends.
- E.** If Department staff receives notice from the surety company of intent to cancel the required bond, the Department staff shall notify the controlling person of the AMC and require that the controlling person submit proof of a replacement bond before the existing bond is cancelled. Under A.R.S. § 32-3678, failure to maintain the required bond is grounds for disciplinary action.
- F.** If a registered AMC operates in Arizona under more than one name, other than a DBA, the controlling person shall ensure that a separate surety bond in the amount of \$20,000 is maintained in each name.
- G.** If the name of a registered AMC is changed, the controlling person of the registered AMC shall ensure that a surety bond in the amount of \$20,000 is:
 1. Maintained in the former name for one year after the name is changed; and
 2. Obtained in the registered AMC's new name.
- H.** A person damaged by a registered AMC's failure to pay an obligation listed in subsection (C) has a right of action against the surety bond. The damaged person shall begin the action against the bond with the Department or in a court of competent jurisdiction within one year after the AMC failed to pay the amount owed or the amount adjudged against the AMC.
- I.** If the surety bond required under A.R.S. § 32-3667 is cancelled, liability of the issuing surety company is not limited or cancelled regarding any claim against the surety bond started before cancellation of the bond.

R4-46-403. Change in Controlling Person or Agent for Service of Process

- A.** If any of the information submitted under R4-46-401(B)(2) changes, the controlling person of the registered AMC shall provide to the Department written notice of the change within 10 business days.
- B.** If an individual becomes the controlling person of a registered AMC and the information required under R4-46-401(B)(3) was not previously submitted for the individual, the new controlling person shall ensure that the required information is submitted to the Department within 10 business days after the change in controlling person.
- C.** If a registered AMC is required under A.R.S. § 32-3662(B)(4) to provide the name and contact information for an agent for service of process in this state, the controlling person of the AMC shall provide Department staff written notice of any change in the information within 10 business days.

R4-46-404. Application for Renewal Registration

- A.** Under A.R.S. § 32-3665, an initial registration for an AMC expires one year after the date of issuance. A renewal registration for an AMC expires two years after the date of issuance.
- B.** To renew registration for an AMC, the controlling person of the registered AMC shall, at least 60 days before expiration, submit:



1. A renewal registration application form, which is available from the Department and on its web site;
 2. The certifications required under A.R.S. § 32-3662(B);
 3. Proof of the surety bond required under A.R.S. § 32-3667 and R4-46-402; and
 4. The renewal fee specified in R4-46-106.
- C. If the controlling person of a registered AMC fails to comply with subsection (B) and the registration expires, the controlling person shall ensure that the AMC immediately ceases providing all appraisal management services.

R4-46-405. Certifications

- A. Under A.R.S. § 32-3672, the controlling person of a registered AMC is required to make certain certifications to the Superintendent at the time the AMC's registration is renewed.
- B. To make the certifications required under A.R.S. § 32-3672, the controlling person of a registered AMC shall use a form that is available from the Department and on its web site.
- C. The controlling person of a registered AMC shall make available to the Department on request evidence that the certifications are true and that the systems, processes, and records certified are effective in protecting the public.
- D. Under A.R.S. § 32-3678, failure to comply with this Section is grounds for disciplinary action.

R4-46-406. Appeal for Waiver

- A. Under A.R.S. §§ 32-3668 and 32-3669, an AMC for which registration is sought under R4-46-401 may not have an owner, controlling person, officer, or other individual with a 10 percent or greater financial interest in the AMC who has ever had a financial, real estate, or mortgage lending industry license or certificate refused, denied, canceled, revoked, or voluntarily surrendered in any state.
- B. The requirement in subsection (A) may be waived, at the discretion of the Superintendent, when an appeal is made by the individual who has had a financial, real estate, or mortgage lending industry license or certificate refused, denied, canceled, revoked, or voluntarily surrendered.
- C. To make an appeal for waiver under subsection (B), the individual who has had a financial, real estate, or mortgage lending industry license or certificate refused, denied, canceled, revoked, or voluntarily surrendered shall submit to the Superintendent an appeal for waiver form, which is available from the Department and on its web site.
- D. In deciding whether to waive the requirement under subsection (A), the Superintendent shall consider the following factors:
1. Whether the refusal, denial, cancellation, revocation, or voluntary surrender of a license or certificate was based on a finding of fraud, dishonesty, misrepresentation, or deceit on the part of the appellant;
 2. The amount of time that has elapsed since the refusal, denial, cancellation, revocation, or voluntary surrender of a license or certificate;
 3. Whether the act leading to the refusal, denial, cancellation, revocation, or voluntary surrender of a license or certificate was an isolated occurrence or part of a pattern of conduct;
 4. Whether the act leading to the refusal, denial, cancellation, revocation, or voluntary surrender of a license or certificate appears to have been done for a self-serving purpose;
 5. The harm caused to victims, if any;
 6. Efforts at rehabilitation, if any, undertaken by the appellant and evidence regarding whether the rehabilitation efforts were successful;
 7. Restitution made by the appellant to victims, if any; and
 8. Other factors in mitigation or aggravation that the Superintendent determines are relevant.

R4-46-407. Training Required

- A. The controlling person of a registered AMC shall ensure that all employees and other individuals who work on behalf of the AMC and are responsible for selecting independent appraisers to perform real property appraisal services receive sufficient training to be qualified to comply with federal and state law regarding appraisal management services.
- B. The controlling person of a registered AMC shall ensure that the training required under subsection (A) includes at least the following:
1. Overview of the USPAP;
 2. Federal and state law applicable to real property appraisal services;
 3. Appraiser classifications and the scope of work for each classification;
 4. Factors that influence the complexity of an appraisal assignment, and
 5. Maintaining the independence of an appraiser.
- C. The controlling person of a registered AMC shall maintain a record of all training provided to an individual described under subsection (A) for one year beyond the termination of that individual's employment by or work on behalf of the AMC.
- D. The controlling person of a registered AMC shall make available to the Department on request a copy of all materials used to provide the training required under this Section and the records maintained under subsection (C).



R4-46-408. Voluntarily Relinquishing Registration

- A.** The controlling person of a registered AMC may voluntarily relinquish the AMC’s registration if:
 - 1. No complaint is currently pending against the AMC;
 - 2. All amounts owed under R4-46-402(C) have been paid; and
 - 3. The AMC is in good standing with the Department.
- B.** To voluntarily relinquish an AMC’s registration, the controlling person of the AMC shall enter into an agreement with the Superintendent that provides the AMC shall:
 - 1. Cease engaging in business as an AMC and cease providing appraisal management services immediately; and
 - 2. Maintain the surety bond required under A.R.S. § 32-3667 for one year after the agreement is entered.

ARTICLE 5. COURSE APPROVAL

R4-46-501. Course Approval Required

- A.** Under A.R.S. §§ 32-3601(10) and 32-3625, the Superintendent is required to approve a course, including a course presented by distance education, before the course is offered in Arizona. The Superintendent shall be approved under these rules approve a course as either qualifying or continuing education. In order to be approved as qualifying or continuing education, the
- B.** When approving a course must be found to satisfy all as either qualifying or continuing education, Department staff shall determine whether the course satisfies the respective criteria set forth specified in the real property appraiser qualification criteria and interpretations of the criteria material incorporated by reference in R4-46-201(A)(B), except:
 - 1. The 15-hour National USPAP Course or its AQB-approved equivalent approved through the AQB Course Approval Program shall not be in the form of distance education; and
 - 2. Only continuing education courses of at least three hours shall be considered for approval approved.
- C.** A course owner shall ensure that the course is not offered as either qualifying or continuing education until the course owner receives notice that the course has been approved by the Superintendent unless the course owner includes notice in the offering materials that course approval by the Superintendent is pending and no credit may be claimed for participating in the course until approval is received.
- ~~B-D.~~** Each Department staff shall include in the notice of course approval referenced in subsection (C):
 - 1. An index number for the approved course, shall be assigned an index number and shall be assigned a
 - 2. The maximum number of hours of instruction (including examination time if applicable) that may be claimed for participating in the approved course, and
 - 3. Whether the course is approved as qualifying or continuing education.
- E.** Upon receipt A course owner shall ensure that the course is not advertised or represented as Superintendent -approved until after receipt of the notice referenced in subsection (D). After receiving notice of course approval, the course provider owner may represent in any materials that the course is a Superintendent- approved course. If the number of hours approved by the Board are less than the number of scheduled hours, the number of approved hours must be clearly indicated.
- ~~D.~~** Any school, organization, person or other entity that owns the proprietary rights to a course is eligible to apply for course approval as a course provider. All applications for course approval shall be submitted by a course provider. For the purposes of these rules, the following are considered to be a course provider:
 - 1. An entity that owns a course and that conducts the course directly or through affiliated entities.
 - 2. An affiliated entity of a course provider having Board approval where such affiliated entity conducts the same course.
 - 3. An entity that has purchased or otherwise lawfully acquired from the course provider of a Board approved course, the course materials for such course and that has the right to independently conduct a course using such acquired course materials.
- ~~E.~~** Course approval granted to a course provider shall apply to any affiliated entity subject to the following conditions:
 - 1. The course provider required the affiliated entity to conduct the course:
 - a. Utilizing the course provider’s course materials (including textbook and examinations, if any);
 - b. Allowing the same number of approved hours as the course provider;
 - c. The instructor is approved by the Board;
 - d. In accordance with the course provider’s policies relating to student attendance, course scheduling and course prerequisites (if applicable).
 - 2. The course provider assumes full responsibility in the event the affiliated entity violates any provisions of these rules.
- ~~F.~~** Course approval commences on the date initial approval is granted by the Board. Course approval by the Board shall not be granted for courses which have been offered by the course provider prior to the Board’s review of the course approval application.
- ~~G.~~** A course provider seeking course approval shall apply to the Board on the applicable form and pay the appropriate fee. Once the application has been filed, fees are nonrefundable. An application must be complete before it will be placed on an agenda for approval.
- ~~H.~~** A course provider shall not misrepresent Board approval status in advertising.
- ~~I.~~** The course provider shall submit with the application an outline and other written materials. In order to be approved, the



course must be found to satisfy the following requirements:

1. ~~Course description: the course materials must include a course description which clearly describes the content of the course.~~
2. ~~Summary outline: the course materials shall include a summary outline of major topics and the number of classroom hours devoted to each.~~
3. ~~Learning objectives: the course materials shall include specific learning objectives which:~~
 - a. ~~Clearly state the specific knowledge and/or skills students are expected to acquire by completing the course;~~
 - b. ~~Are consistent with the course description;~~
 - e. ~~Are consistent with the instructional materials;~~
 - d. ~~Are reasonably achievable within the number of classroom hours allotted for the course;~~
 - e. ~~For qualifying education courses, shall clearly identify the required core curriculum, the module subtopic, and the number of course hours; and~~
 - f. ~~For continuing education courses, shall clearly identify the appraisal topic and the number of course hours.~~
4. ~~Instructional materials: instructional materials to be used by students in the course shall:~~
 - a. ~~Cover the subject matter in sufficient depth to achieve the stated course learning objectives;~~
 - b. ~~Provide appropriately balanced coverage of the subject matter in view of the stated course learning objectives;~~
 - e. ~~Reflect current knowledge and practice;~~
 - d. ~~Contain no significant errors;~~
 - e. ~~Reflect correct grammatical usage and spelling;~~
 - f. ~~Effectively communicate and explain the information presented;~~
 - g. ~~Be suitable in layout and format; and~~
 - h. ~~Be suitably bound/packaged and be produced in a quality manner.~~
5. ~~Examinations for qualifying education: course examinations shall consist either of a series of examinations or a comprehensive final examination or both. The course examination(s) shall comply with the following requirements:~~
 - a. ~~Contain a sufficient number of questions to adequately test the subject matter covered in the course;~~
 - b. ~~The amount of time devoted to the examination(s) is appropriate for the course;~~
 - e. ~~The examination questions, individually and collectively, test at a difficulty level appropriate to measure student achievement of the stated course learning objectives;~~
 - d. ~~The subject matter tested by examination questions is adequately addressed in the course instructional materials;~~
 - e. ~~The examination questions are written in a clear and unambiguous manner; and~~
 - f. ~~The examination questions are accurate and the intended correct answer is clearly the best answer choice.~~
6. ~~Prerequisites: the course provider must have established appropriate prerequisites for any course other than an introductory course on basic real estate appraisal principles and practices or a course on appraisal standards and ethics.~~
7. ~~Instructor qualifications: an instructor must be approved by the Board to teach a specific Board approved course. An instructor must meet one or more of the following qualifications:~~
 - a. ~~A baccalaureate degree in any field and three years of experience directly related to the subject matter to be taught; or~~
 - b. ~~A masters degree in any field and two years of experience directly related to the subject matter to be taught; or~~
 - e. ~~A baccalaureate degree in a field that is directly related to the subject matter to be taught and one year of experience directly related to the subject matter to be taught; or~~
 - d. ~~An associate degree in a field that is directly related to the subject matter to be taught and three years of experience directly related to the subject matter to be taught; or~~
 - e. ~~A masters or higher degree in a field that is directly related to the subject matter to be taught; or~~
 - f. ~~Five years of real estate appraisal teaching experience directly related to the subject matter to be taught; or~~
 - g. ~~Seven years of real estate appraisal experience directly related to the subject matter to be taught.~~
 - h. ~~The national USPAP courses must be taught by an AQB certified USPAP instructor and equivalent USPAP courses must be taught by an instructor approved by the AQB.~~
8. ~~Current classroom offering: conduct the course in a setting physically suitable to the educational activity of the course. Courses presented by distance education must comply with the criteria adopted in these rules;~~
9. ~~Attendance policy: the course provider must have a written attendance policy that requires student attendance to be verified. Policy must:~~
 - a. ~~Stipulate that the student must be present for the entire course;~~
 - b. ~~Include on the attendance records form the name of the instructor(s);~~
 - e. ~~Provide that nonmembers of the course provider's association or organization may apply for the course without membership in the association or organization;~~
 - d. ~~Provide for retention of attendance records for a minimum of five years.~~



- 10. Course scheduling policy: the course provider shall have an established policy on course scheduling that provides a maximum of nine classroom hours of instruction in any given day and appropriate breaks during each class session.
- 11. Course completion certificate policy: the course provider shall have an established policy assuring prompt issuance of signed course completion certificates to attendees which shall include all information required on the form of certification provided by the Board.
- 12. Audit policy: the course provider shall permit the executive director or the executive director's representative to audit the course at no cost to the Board in order to evaluate the instruction. The course provider shall permit the executive director or the executive director's representative to review records appropriate to selected course offerings.
- 13. Instructor change: if a course provider wishes to use an instructor other than the instructor approved by the Board as part of the initial course approval, the course provider must apply to the Board for approval of any new or substitute instructor and pay the applicable fee. Any new or substitute instructor must meet the instructor qualifications set out in this Section.
- J.** Course approval is valid for a period of one year, expiring at the end of the month in which approval was granted if there have been no substantive changes to the materials to be addressed in the course, including but not limited to changes in the course outline, text, or other written material. No later than 30 days prior to the expiration date, a course provider may apply for renewal of the course approval and pay the appropriate fee. If there have been substantive changes in the materials to be addressed in the course, including but not limited to changes in the course outline, text, or other written material, the course shall be considered as a new course and the course provider shall file an application for course approval meeting all the requirements of this Section and pay the appropriate fee.
- K.** A course approved for credit hours at a community college, college or university in this state need not be approved by the Board if the course is substantially the same as required by the criteria. The applicant for licensure, certification or renewal shall submit documentation prepared by the course provider identifying the required core curriculum, the module subtopic and the number of course hours for qualifying education or the appraisal topic and the number of course hours for continuing education.
- L.** If a course is offered outside of Arizona, the course has been approved by the licensure/certification board in the state in which the course is offered, and the course is substantially the same as required by the criteria, the Board will accept the course. However, the course shall not be in the form of distance education taught before May 3, 2005. The applicant for licensure, certification or renewal must submit documentation to show approval.
- M.** The Board shall investigate and may deny, revoke, or suspend course approval for any of the following acts or omissions:
 - 1. Failure to comply with or meet any requirements set forth in this Section.
 - 2. Failure to use an instructor approved by the Board as part of the course approval application or otherwise.
 - 3. Failure to instruct in a manner consistent with the outline and materials previously approved by the Board.
- N.** If the Board finds that the public welfare or safety requires emergency action and incorporates a finding to that effect in its order, the Board shall order a summary suspension of course approval pending proceedings for revocation or other action. If an order of summary suspension is issued, the Board shall serve the course provider with a written notice of summary suspension and formal hearing, listing the charges against the course provider and setting a formal hearing within 30 days.

R4-46-502. Expired Approval of Distance-education Delivery Mechanism

If a course is to be delivered by distance education, the course owner shall obtain approval of the course-delivery mechanism from one of the following sources:

- 1. An AQB-approved organization that provides approval of course design and delivery;
- 2. An accredited institution of higher education that approves the content of the course and offers and awards academic credit for the distance-education course; or
- 3. An accredited institution of higher education approves the content of the course and a distance-education approval organization approves the course design and delivery, which includes interactivity.

R4-46-503. Hearing on Denial of Course Approval Course Owners

Any applicant or course provider denied course approval or any course provider whose course approval is revoked or suspended may file a written request for a hearing within 30 days after service of the notice of denial. The Board shall process all hearings and disciplinary matters involving course approval in a manner consistent with the formal hearing procedures prescribed in Article 3.

- A.** Superintendent approval of a course granted to the course owner extends to a secondary provider. However, for a course delivered by distance education:
 - 1. A course owner's approval of the course-delivery mechanism, as required under R4-46-502, does not extend to a secondary provider; and
 - 2. Both the course owner and secondary provider shall apply for and obtain approval of the course-delivery mechanism from a source listed in R4-46-502.
- B.** If a course owner allows a Superintendent approved course to be offered by a secondary provider, the course owner shall ensure that the secondary provider:
 - 1. Uses the course owner's materials, including the same textbook and examination, if any;
 - 2. Allows only the number of hours specified by Department staff under R4-46-501(D);
 - 3. Uses an instructor who is qualified under the standards specified in R4-46-506(7); and



4. Adheres to the course owner's policies regarding student attendance, course scheduling, and prerequisites, if any.
- C. Before allowing a Superintendent-approved course to be offered by a secondary provider using distance education, the course owner shall comply with subsection (B) and:
 1. Ensure that the secondary provider has obtained approval of the course-delivery mechanism from a source listed in R4-46-502; and
 2. Provide to the Superintendent evidence that the secondary provider has obtained approval of the course-delivery mechanism for the Superintendent-approved course.
- D. The Superintendent shall hold a course owner responsible if a secondary provider authorized by the course owner under subsection (B) or (C) violates any provision of this Chapter.

R4-46-504. Application for Course Approval

Only a course owner may apply for course approval. To apply for course approval, a course owner shall submit to the Department:

1. An application for course approval, which is available from the Department and on its web site;
2. Materials and other documents that demonstrate the course meets the minimum standards specified in R4-46-506;
3. If the course will be offered using distance education, evidence of approval of the course-delivery mechanism from a source listed in R4-46-502; and
4. The fee specified under R4-46-106.

R4-46-505. Course Approval without Application

The Superintendent approves without application the following:

1. A course approved through the AQB's voluntary Course Approval Program;
2. The 15-Hour National USPAP Course or its AQB-approved equivalent if the course is taught by at least one AQB-certified USPAP instructor who is also a state certified appraiser in good standing; and
3. The 7-Hour National USPAP Update Course or its AQB-approved equivalent if the course is taught by at least one AQB-certified USPAP instructor who is also a state certified appraiser in good standing.

R4-46-506. Minimum Standards for Course Approval

The Superintendent shall approve a course only if the course owner submits the following materials and documents with the application for approval required under R4-46-504 and demonstrates the course, including a course presented by distance education, meets the following minimum standards:

1. Course description. Clearly describe the subject matter content of the course.
2. Summary outline. Identify major topics and the number of classroom hours devoted to each.
3. Prerequisites. Specify necessary prerequisites for any course other than a course on:
 - a. Introductory real estate appraisal principles and practices; and
 - b. Appraisal standards and ethics.
4. Learning objectives. Specific learning objectives shall:
 - a. State clearly the specific knowledge and skills students are expected to acquire by completing the course;
 - b. Be consistent with the course description required under subsection (1);
 - c. Be consistent with the instructional materials described in subsection (5);
 - d. Be achievable in the number of hours allotted for the course;
 - e. If for qualifying education, specify the required core curriculum, module subtopic, and number of course hours; and
 - f. If for continuing education, specify the appraisal topic and number of course hours.
5. Instructional materials. Instructional materials used by students shall:
 - a. Cover the subject matter in sufficient depth to achieve the learning objectives specified in subsection (4);
 - b. Reflect current knowledge and practice in the field of appraisal;
 - c. Contain no significant errors;
 - d. Use correct grammar and spelling;
 - e. Be written in a clear, concise, and understandable manner;
 - f. Be in a format that facilitates learning; and
 - g. Be bound or packaged and produced in a quality manner.
6. Examinations for qualifying education courses. Qualifying education courses shall include a series of examinations, a comprehensive final examination, or both. A course examination shall:
 - a. Contain enough questions to assess adequately whether a student acquired knowledge of the subject matter covered by the course;
 - b. Contain questions directed towards assessing whether students achieved the learning objectives specified in subsection (4);
 - c. Be allotted sufficient time for students to complete;
 - d. Contain questions on information adequately addressed in the instructional material required under subsection (5);
 - e. Contain questions that are written in a clear, accurate, and unambiguous manner;
 - f. Contain questions for which the intended answer is clearly the best answer choice;



- g. Be proctored and close-book; and
- h. Have a criterion for passing that is announced before the examination is given.
- 7. Instructor qualifications policy. The course owner has a written policy that requires use of instructors who meet at least one of the following:
 - a. Has a baccalaureate degree in any field and at least three years of experience directly related to the subject matter to be taught;
 - b. Has a master's degree in any field and one year of experience directly related to the subject matter to be taught;
 - c. Has a master's or higher degree in a field directly related to the subject matter to be taught;
 - d. Has at least five years of real estate appraisal teaching experience directly related to the subject matter to be taught; or
 - e. Has at least seven years of real estate appraisal experience directly related to the subject matter to be taught.
- 8. Required policies. The course owner shall have the following written policies:
 - a. Attendance policy that ensures student attendance is verified.
 - i. Stipulate that to receive credit, a student must be present for the entire course.
 - ii. Include the instructor's name on the attendance record, and
 - iii. Maintain attendance records for five years;
 - b. Scheduling policy.
 - i. Provide that a student may participate in a maximum of eight hours of instruction in a day, and
 - ii. Provide that appropriate breaks are included during each class session;
 - c. Completion certificate policy.
 - i. Require that a signed and dated completion certificate be issued promptly to all students who complete a course; and
 - ii. Require that a completion certificate contain all information required on the form of certification provided by the Department.

R4-46-507. Secondary Providers

The Superintendent shall hold a course owner responsible for the activities of a secondary provider who conducts the course owner's Superintendent-approved course in Arizona. To protect the integrity of the Superintendent's approval, a course owner shall have a written agreement with a secondary provider that requires the secondary provider to:

- 1. Use the materials required under R4-46-506(5) and the examination required under R4-46-506(6) without change;
- 2. Conduct the course in accordance with the policies required under R4-46-506(7) and (8);
- 3. Clearly state in advertising materials that the course has been lawfully acquired from the course owner and that Superintendent approval was provided to the course owner and not to the secondary provider;
- 4. Cease using the materials and examination when the course approval expires under R4-46-510; and
- 5. If the course is to be delivered by distance learning, obtain approval of the course-delivery mechanism from a source listed in R4-46-502.

R4-46-508. Compliance Audit of Approved Courses

- A. To improve the quality of education available to appraisers in this state, Department staff shall regularly audit approved courses for compliance with this Chapter.
- B. The Superintendent shall identify approved courses for audit using the following to establish the priority of audits:
 - 1. Approved courses about which a complaint has been received,
 - 2. Approved courses of a course owner that is new to this state, and
 - 3. Approved courses that have not been audited in the last five years.
- C. On request from the Superintendent, the course owner of an approved course shall provide the dates, times, and locations at which the approved course will be taught and the name of the instructor who will teach each presentation of the approved course.
- D. The audit of an approved course shall be conducted by a volunteer auditor trained by Department staff.
- E. The course owner of an approved course shall allow an auditor described under subsection (D) to attend the approved course at no charge.
- F. The auditor shall be identified to the instructor before the approved course starts.
- G. On request from the auditor, the course owner shall allow the auditor to examine records, materials, and other documents relevant to the approved course audited.
- H. After review by the Superintendent, Department staff shall provide a copy of the audit report to the course owner. If the audit identifies ways in which the approved course fails to comply with this Chapter, Department staff shall:
 - 1. Work with the course owner to establish a correction plan to bring the course into compliance;
 - 2. Establish a time within which the course owner is required to complete the correction plan and bring the course into compliance; and
 - 3. Inform the course owner of the manner in which to report the approved course is in compliance with this Chapter.
- I. Failure of a course owner to comply with this Chapter may lead to revocation of course approval.

R4-46-509. Changes to an Approved Course

The Superintendent encourages revisions and updates that improve and keep an approved course current. However, if any of the information provided under R4-46-506(1), (2), (4), or (5) changes so substantially as to alter the scope of the approved



course, the course owner of the approved course shall submit a new application for approval under R4-46-504.

R4-46-510. Renewal of Course Approval

- A.** Course approval expires a maximum of two years after approval is granted. Approval of a distance education course expires in two years or, if applicable, when the distance education delivery-mechanism approval required under R4-46-502 or approval under R4-46-505 expires, whichever is less.
- B.** The Superintendent shall renew the approval of a course only:
 - 1. Once after initial approval; and
 - 2. If the information provided under R4-46-506(1), (2), (4), and (5) has not changed substantially.
- C.** If an approved course meets the standard in subsection (B), the course owner may apply for renewal of course approval no later than 30 days before the course approval expires.
- D.** To apply for renewal of course approval, a course owner shall submit a renewal application, which is available from the Department and on its web site, and pay the renewal fee specified in R4-46-106(A)(10).

R4-46-511. Transfer of an Approved Course

- A.** A course owner that transfers the proprietary rights to a Superintendent-approved course shall provide written notice of the transfer to the Department. The course owner shall include in the notice the name of and contact information for the new course owner and the date of the transfer.
- B.** The new course owner to which the proprietary rights to a Superintendent-approved course are transferred shall attach to the notice required under subsection (A) a certification, using a form available from the Department and on its web site, that the new course owner:
 - 1. Will adhere to the requirements in this Article, and
 - 2. Will be responsible for the actions of all secondary providers who have an agreement under R4-46-507.
- C.** If proprietary rights to a Superintendent-approved course are transferred under this Section, the expiration date of the course approval does not change.

ARTICLE 6. PROPERTY TAX AGENTS

R4-46-601. Standards of Practice

The ~~Board~~ Superintendent may revoke or suspend ~~an~~ a property tax agent's registration or otherwise discipline a property tax agent to the extent permitted by A.R.S. § 32-3654 for any of the following acts or omissions:

- 1. Engaging in an activity that leads to a conviction for a crime involving the tax profession;
- 2. Operating beyond the boundaries of an agreed relationship with an employer or a client;
- 3. Inferring or implying representation of a person or firm that the agent does not represent, or filing a document on behalf of a taxpayer without specific authorization of the taxpayer;
- 4. Violating the confidential nature of the property tax agent-client relationship, except as required by law;
- 5. Inappropriately offering or accepting anything of value with the intent of inducing or in return for a specific action;
- 6. Assigning, accepting, or performing a tax assignment that is contingent upon producing a predetermined analysis or conclusion;
- 7. Issuing an appraisal analysis or opinion, in the performance of a tax assignment, that fails to disclose bias or the accommodation of a personal interest;
- 8. Willfully furnishing inaccurate, deceitful, or misleading information, or willfully concealing material information in the performance of a tax assignment;
- 9. Preparing or using, in any manner, a resume or statement of professional qualifications that is misleading or false;
- 10. Promoting a tax agent practice ~~and~~ or soliciting assignments by using misleading or false advertising;
- 11. Soliciting a tax assignment by assuring a specific result or by stating a conclusion regarding that assignment without ~~prior~~ analysis of the facts; ~~or~~
- 12. Performing an appraisal, as defined by A.R.S. § 32-3601, unless licensed or certified by the ~~Board~~ Superintendent as an appraiser.

R4-46-602. Disciplinary Proceedings; Board Action; Notice Requirements Repealed

The Board shall process all hearings and disciplinary matters involving property tax agents in a manner consistent with the formal hearing procedures prescribed by Article 3 and consistent with A.R.S. § 32-3654.



NOTICE OF FINAL RULEMAKING

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 2. DEPARTMENT OF WEIGHTS AND MEASURES

[R15-99]

PREAMBLE

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

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

Authorizing statute: A.R.S. § 41-2065(A)(4)
Implementing statute: A.R.S. §§ 41-2132(I), 41-2134, and 41-2135(H)

3. The effective date for the rules:

October 3, 2015

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

Not applicable

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

Not applicable

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

Notice of Rulemaking Docket Opening: 21 A.A.R. 412, March 20, 2015
Notice of Proposed Rulemaking: 21 A.A.R. 437, March 27, 2015

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

Name: Michelle Wilson
Address: Department of Weights and Measures



4425 West Olive Ave., Ste. 134
Glendale, AZ 85302
Telephone: (602) 771-4933
Fax: (623) 939-8586
E-mail: Mwilson@azdwm.gov
Web site: www.azdwm.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:

In 2014, the legislature enacted HB2128 (See Laws 2014, Chapter 132), which requires that gasoline dispensing sites decommission stage II vapor recovery equipment beginning October 1, 2016. The legislation required the Department, in consultation with the Arizona Department of Environmental Quality and the State Fire Marshal, to establish standards by rule for decommissioning the equipment. Removing the stage II vapor recovery equipment is widely supported by industry because of significant long-term savings from decreased equipment maintenance and testing costs.

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

A State Implementation Plan revision requiring removal of stage II equipment was submitted to the EPA and approved by the EPA administrator in a direct final rule signed on March 30, 2015 (Note: EPA Administrator, Jared Blumenfeld, signed the direct final rule on March 30, 2015, and EPA is submitting it for publication in the *Federal Register*. For more information, see: <http://www.epa.gov/region09/air/az/vehicles/index.html#2015-03>.) Final approval allows the state to implement the plan to decommission stage II vapor recovery systems.

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

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 Department reviewed and relied on a document prepared by the EPA to support its finding that onboard refueling vapor recovery is widely used in the U.S. and authorizing states to submit and obtain approval of a revised State Implementation Plan that does not require use of stage II vapor recovery systems. The document, which is titled Final Regulatory Support Document, Widespread Use for Onboard Refueling Vapor Recovery and Stage II Waiver, Decommissioning State II Vapor Recovery Financial Benefits and Costs, May 8, 2012, is available on the Department's web site at <https://www.azdwm.gov/sites/default/files/documents/files/EPADecommissioning.pdf>.

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:

As directed by statute, the Department is establishing a procedure and standards for decommissioning stage II vapor recovery systems at gasoline dispensing sites. A stage II vapor recovery system is redundant technology that provides little benefit to air quality and imposes economic costs on owners of gasoline dispensing sites. While there will be a one-time up-front cost to decommission the stage II vapor recovery systems, once decommissioned, owners of gasoline dispensing sites will have reduced costs from no longer needing to purchase and maintain the systems. The cost of equipment removal is more than offset by the savings enjoyed in all future years after decommissioning.

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

The Department is reducing the authority to construct permit application from \$500 to \$250 to more accurately reflect the cost of issuance of the permit once stage II systems are decommissioned. Additionally, minor, non-substantive changes were made between the proposed and final rules at the request of GRRC staff.

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

The Department received no comments from members of the public or regulated community. Three members of the



regulated community and interested stakeholders attended the oral proceeding on May 6, 2015, but no one submitted comments regarding the rulemaking.

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

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

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

The authority to construct plan approval required under R20-2-904 and R20-2-1004 and the approval of an alternative decommissioning plan under R20-2-913 are general permits consistent with A.R.S. § 41-1037 because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.

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

This rulemaking is consistent with the federal law. Air quality is regulated at the federal level by the Clean Air Act. Stage II vapor recovery systems were initially required in certain areas by the 1990 Clean Air Act Amendments. However, the EPA has determined that stage II vapor recovery systems and onboard refueling vapor recovery are redundant technologies. On May 16, 2012, the EPA issued a final rule allowing but not requiring states to remove stage II vapor recovery system programs from their SIP. It is state law that requires that stage II vapor recovery systems be decommissioned.

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

No analysis was submitted.

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

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

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

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

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

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

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

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

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

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

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



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:

None of the rules was previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 2. DEPARTMENT OF WEIGHTS AND MEASURES

ARTICLE 1. ADMINISTRATION AND PROCEDURES

Section
R20-2-101. Definitions

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

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

ARTICLE 10. STAGE I VAPOR RECOVERY SYSTEMS

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

ARTICLE 1. ADMINISTRATION AND PROCEDURES

R20-2-101. Definitions

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

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



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

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

R20-2-901. Material Incorporated by Reference

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

- 1. No change
- 2. No change
- 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. California Environmental Protection Agency, Air Resources Board, Vapor Recovery Test Procedure TP-201.3C, Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test).



March 17, 1999 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.

~~h-i.~~ No change

4. Petroleum Equipment Institute. Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites. PEI/RP300-09, 2009 edition, Petroleum Equipment Institute, P.O. Box 2380, Tulsa, Oklahoma 74101-2380.

R20-2-902. Exemptions

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

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

~~B-C.~~ No change

1. No change
2. No change

~~C-D.~~ No change

R20-2-903. Equipment and Installation

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

~~A-B.~~ No change

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

~~B-C.~~ No change

~~C-D.~~ No change

~~D-E.~~ No change

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

A. No change

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

B. No change

C. No change

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

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

D. No change

1. No change

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

3. No change

E. No change

1. No change

2. No change

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

G. No change

H. No change



R20-2-906. Fees Fee

- ~~A.~~ The Authority authority to Construct construct plan approval fee is \$500-\$250.
- ~~B.~~ The reinspection fee is \$300, and shall be paid each time an initial or preburial reinspection is required, or when the Department is not timely notified that an inspection is canceled.

R20-2-907. Operation

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

R20-2-908. Training and Public Education

- A. Each owner or operator of a gasoline dispensing site using stage II vapor recovery shall obtain adequate training and written instructions to enable the system to be properly installed, operated, and maintained properly in accordance with the manufacturer’s specifications and CARB certification. The owner or operator shall maintain documentation of this



training for each operator on-site and make the documentation available to the Department on request.

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

R20-2-909. Recordkeeping and Reporting

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

R20-2-910. Annual Inspection and Testing

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

R20-2-913. Stage II Decommissioning

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



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

ARTICLE 10. STAGE I VAPOR RECOVERY

R20-2-1001. Material Incorporated by Reference

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

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



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

R20-2-1002. Exemptions

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

R20-2-1003. Equipment and Installation

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

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

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



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

R20-2-1005. Initial Inspection and Testing

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



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

R20-2-1006. Fee

The authority to construct plan approval fee is \$250.

R20-2-1007. Operation

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



R20-2-1008. Training and Public Education

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

R20-2-1009. Recordkeeping and Reporting

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

R20-2-1010. Annual Testing and Inspection

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

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

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

R20-2-1012. Enforcement

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

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

R20-2-1013. Stage II Vapor Recovery

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

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

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



GOVERNOR EXECUTIVE ORDERS

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

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

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

EXECUTIVE ORDER 2015-01

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

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

[M15-02]

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

WHEREAS, burdensome regulations inhibit job growth and economic development;

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

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

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

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

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

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



Governor with a written report within 15 days of any rulemaking. The reports required by this Paragraph shall explain, in detail, how the rulemaking advances the priorities and principles set forth in this Order.

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

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

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

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

ATTEST:
Michele Reagan
Secretary of State



GOVERNOR PROCLAMATIONS

The Administrative Procedure Act (APA) requires the publication of Governor proclamations of general applicability, and ceremonial dedications issued by the Governor.

*** AMYOTROPHIC LATERAL SCLEROSIS AWARENESS MONTH ***

[M15-225]

WHEREAS, Amyotrophic Lateral Sclerosis (ALS), better known as Lou Gehrig's disease, is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord, with weakness of the skeletal muscles, especially those of the extremities being the initial symptom; and

WHEREAS, approximately 30,000 individuals in the United States are afflicted with ALS, with 5,000 new patients diagnosed each year; and

WHEREAS, ALS does not affect a patient's mental capacity, so that the patient remains alert and aware of his or her loss of motor functions and the inevitable outcome of continued deterioration and death; and

WHEREAS, ALS strikes a person regardless of race, sex, age, or ethnicity and has no known cause, means of prevention, or cure and as ALS progresses the patient experiences difficulty in swallowing, talking, and breathing eventually causing the muscles to atrophy and the patient becomes a functional quadriplegic; and

WHEREAS, on average, patients diagnosed with ALS only survive two to five years from the time of diagnosis; and

WHEREAS, Amyotrophic Lateral Sclerosis Awareness Month increases the public's awareness of ALS patients' circumstances and acknowledges the terrible impact this disease has not only on the patient, but on his or her family and the community and recognizes the research being done to eradicate this horrible disease.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 2015 as

*** AMYOTROPHIC LATERAL SCLEROSIS AWARENESS MONTH ***

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 thirty-first day of March 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



*** EMERGENCY MEDICAL SERVICES WEEK *
*TRAUMA AWARENESS MONTH***

[M15-226]

WHEREAS, Arizona's Emergency Medical Services (EMS) providers serve 6.5 million Arizonans; and

WHEREAS, the men and women of Arizona's EMS must act quickly, accurately, and skillfully in performing lifesaving procedures in dangerous and austere situations 24 hours a day, 7 days a week; and

WHEREAS, a strong EMS system facilitates access to quality emergency care that dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, trauma is the leading cause of death for individuals up to the age of 45 years and a significant public health concern; and

WHEREAS, Arizona's EMS providers and 38 state designated trauma centers, including specially trained staff, provide rapid assessment, treatment, and referral of more than 30,000 injured Arizonans to trauma centers annually; and

WHEREAS, EMS providers and trauma center staff work hand-in-hand to coordinate the assessment, treatment, and transport of injured Arizonans.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 17 – 23, 2015 as

*** EMERGENCY MEDICAL SERVICES WEEK ***

and May 2015 as

*** TRAUMA AWARENESS MONTH ***

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 twenty-sixth day of March 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

*** FOOD ALLERGY AND ANAPHYLAXIS AWARENESS MONTH ***

[M15-227]

WHEREAS, as many as 15 million Americans have food allergies and nearly 6 million are children under the age of 18; and

WHEREAS, research shows that the prevalence of food allergy is increasing among children; and

WHEREAS, eight foods cause 90 percent of all food allergy reactions in the United States: shellfish, fish, milk, eggs, tree nuts, peanuts, soy, and wheat. Symptoms of a food-allergic reaction can include hives, vomiting, diarrhea, respiratory distress, and swelling of the throat; and



WHEREAS, according to the Centers for Disease Control and Prevention, food allergy results in more than 300,000 ambulatory care visits a year involving children under the age of 18. Reactions typically occur when an individual unknowingly eats a food containing an ingredient to which they are allergic; and

WHEREAS, there is no cure for food allergy. Strict avoidance of the offending food is the only way to prevent an allergic reaction; and

WHEREAS, anaphylaxis is a serious allergic reaction that is rapid in onset and may cause death; and

WHEREAS, the Arizona Food Allergy Alliance (AFAA) is a statewide, non-profit organization dedicated to raising awareness about food allergy and anaphylaxis.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 2015 as

*** FOOD ALLERGY AND ANAPHYLAXIS AWARENESS MONTH ***

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 twenty-sixth day of March 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

*** OLDER AMERICANS MONTH ***

[M15-228]

WHEREAS, Arizona is proud to be home to more than 1.3 million older Americans who deserve appreciation and respect for the contributions that they have made and will continue to make to our State; and

WHEREAS, Arizona has experienced unparalleled growth in the older adult population across all communities and within the next decade there will be as many people over 65 years of age as under 15 years of age living in Arizona; and

WHEREAS, Arizona is devoted to helping all individuals live longer, healthier lives in the communities of their choice for as long as possible; and

WHEREAS, since 1965, the Older Americans Act has provided services that help older adults remain healthy and independent by complementing existing medical and health care systems, helping prevent hospital readmissions, and supporting some of life's most basic functions; and

WHEREAS, these programs also support family caregivers, address issues of exploitation, neglect and abuse of older adults, and adapt services to the needs of American Indian elders; and

WHEREAS, our community can provide opportunities to help older adults take control of their health, get engaged in their communities, and positively impact the lives of others in their communities; and



WHEREAS, Arizona recognizes the many essential programs and services that support older adults and the importance of working collaboratively with community partners to make the benefits of community living a reality for more older Americans.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 2015 as

*** OLDER AMERICANS MONTH ***

and I further urge citizens to take time this month to recognize older adults and the people who serve and support them as powerful and vital citizens who greatly contribute to the community.

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 twenty-third day of April 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

*** PROBATION, PAROLE AND COMMUNITY SUPERVISION WEEK ***

[M15-229]

WHEREAS, the State of Arizona is proud to recognize the Community Corrections and Probation personnel responsible for monitoring the activities of adult and juvenile offenders under the supervision of the State of Arizona and the Courts; and

WHEREAS, Community Corrections and Probation professionals diligently ensure that offenders receive services and guidance in making the transition from incarceration to a more stable, productive life in the communities they reside; and

WHEREAS, Community Corrections and Probation professionals involve the community in efforts to ensure justice and enhance public safety, and work in partnership with community agencies and groups to promote prevention and intervention contributing to more peaceful neighborhoods; and

WHEREAS, Community Corrections and Probation professionals collaborate on solutions that provide services, support, and protection for crime victims; and

WHEREAS, the State of Arizona pays tribute to this group of men and women who maintain the highest standards and idealism of professionalism while continuing to make a positive difference. These men and women face tremendous challenges working in a dangerous profession that rarely yields any thanks for the risks that are taken.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim July 12 – 18, 2015 as

*** PROBATION, PAROLE AND COMMUNITY SUPERVISION WEEK ***

and I further encourage all Arizona citizens to pause and honor these professionals for the important record of public services faithfully rendered and to observe this week with appropriate ceremonies and activities.



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 ninth day of April 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

*** PUBLIC WORKS WEEK ***

[M15-230]

WHEREAS, public works infrastructure, facilities and services are of vital importance to sustainable communities and the health, safety and well-being of the people of Arizona; and

WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, managers and employees from state and local government and the private sector, who are responsible for and who plan, design, build, operate, and maintain the transportation, water supply, water treatment, public buildings, structures and facilities, and who deliver solid waste services, transit, and fleet services which are essential to serve our citizens; and

WHEREAS, it is in the public interest to gain knowledge of and to maintain an interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2015 marks the 55th Annual National Public Works Week sponsored by the American Public Works Association.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 17 – 23, 2015 as

*** PUBLIC WORKS WEEK ***

and I further urge all Arizonans to join with representatives of the Arizona Chapter of the American Public Works Association and government agencies in activities and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they have made to our national health, safety, welfare and quality of life.

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 ninth day of April 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



*** WATER SAFETY MONTH ***

[M15-231]

WHEREAS, we recognize the vital role that swimming and other aquatic activities relate to good physical and mental health and enhance the quality of life for all people; and

WHEREAS, it is essential to understand the crucial role that water safety education plays in preventing drowning and recreational water-related injuries; and

WHEREAS, significant contributions are made by the recreational water industry, as represented by the organizations involved in the National Water Safety Month Coalition in developing safe swimming facilities, aquatic programs, home pools and spas, and related activities providing healthy places to play, learn and grow, build self-esteem, confidence and sense of self-worth which contributes to the quality of life in our community; and

WHEREAS, it is appropriate to recognize the on-going efforts and commitments to educate the public on pool and spa safety issues and initiatives by the pool, spa, waterpark, recreation and parks industries; and

WHEREAS, Arizona residents understand the vital importance of communicating water safety rules and programs to families and individuals of all ages, whether owners of private pools, users of public swimming facilities, or visitors to waterparks.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 2015 as

*** WATER SAFETY MONTH ***

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 twenty-third day of April in the year Two Thousand and Fifteen, and of the Independence of the United States of America the Two Hundred and Thirty-ninth.

ATTEST:

Michele Reagan
Secretary of State



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

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

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

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

NOTICE OF RULEMAKING DOCKET OPENING

[M15-210]

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

(Ref. A.R.S. §41-1021)

1. Title and its heading:

Pinal County Air Quality Control District Code of Regulations

Regulations and headings:

Chapter 1, Article 1, Section 105 – SIP List

Chapter 4, Article 3 – Construction Sites – Fugitive Dust

Rules and headings:

§1-1-105. SIP List

§4-3-160. General Provisions – West Pinal PM10 Nonattainment Area

§4-3-170. Definitions

§4-3-180. Dust Generating Operations Standards, Application, Permit and Recordkeeping Requirements

§4-4-190. Violations

2. Subject Matter of the Proposed Rule:

Due to ongoing monitoring violations of the PM₁₀ (Particulate Matter 10 microns and smaller) National Ambient Air Quality Standard (NAAQS) in Pinal County, in 2012 the Environmental Protection Agency (EPA) designated a large portion of Pinal County as a moderate nonattainment area (West Pinal PM₁₀ Nonattainment Area). Subsequently as a Clean Air Act (CAA) requirement for nonattainment areas, The Arizona Department of Environmental Quality (ADEQ) in coordination with Pinal County Air Quality Control District (PCAQCD) developed base year and attainment year emissions inventory (EI) for PM₁₀ for the nonattainment area. The top three emissions sources in the 2008 base year PM₁₀ inventory for the West Pinal PM₁₀ Nonattainment area are windblown dust (53%), unpaved roads (32%) and construction (9%).

PCAQCD will follow up this proposed rulemaking docket opening with a formal rulemaking proposal in which new construction fugitive dust rules in Chapter 4, Article 3 will be proposed to be added to the PCAQCD Code of Regulations. The construction rules are needed in order to achieve the emissions reductions in the West Pinal PM₁₀ Nonattainment area necessary to attain the PM₁₀ NAAQS.

The ultimate goal of the proposed rulemaking will be adoption of the rules by the Pinal County Board of Supervisors and submittal to EPA (through ADEQ) for inclusion into the Arizona SIP.

Also as part of this rulemaking, Pinal County may add, delete or modify additional rules as necessary.

3. Prior Related Notices:

None

4. Contact Information:

Those wishing further information regarding any aspect of this proposal may contact

Name: Scott DiBiase,
Title: Air Quality Planning Manager
Address: Pinal County Air Quality



31 North Pinal St., Building F, Florence, AZ, 85132
Telephone: 520-866-6929
Fax: 520-866-6967
E-mail: scott.dibiase@pinalcountyz.gov

To the extent possible, the District will also post information on the County's website, www.pinalcountyz.gov, under the “air quality” link.

5. Opportunity for Written or Oral Comments:

The District will publish a Notice of Proposed Rulemaking that will define a formal timetable for submittal of written comments. At any time prior to the close of that to-be-defined comment period, anyone may seek information or submit comments by contacting the Planning Manager at the address shown above. Ultimately, the public will also have an opportunity to offer comment in the public hearing before the Board of Supervisors.

6. Anticipated Timetable:

To be announced in the Notice of Proposed Rulemaking.

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

[M15-211]

COMBINED

NOTICE OF PROPOSED RULEMAKING

PURSUANT TO A.R.S. §49-112 AND §49-471.01 *et seq.*

AND

NOTICE OF ORAL PROCEEDING

PURSUANT TO A.R.S. 49-471.06

1. Preamble

- A. The Pinal County Air Quality Control District (PCAQCD), an operating division of Pinal County, proposes that the Board of Supervisors (BOS) adopt or amend certain rules under authority of A.R.S. §§49-479 and 49-480, which respectively authorize the board to adopt rules to control air pollution.

Due to ongoing monitoring violations of the PM₁₀ (Particulate Matter 10 microns and smaller) National Ambient Air Quality Standard (NAAQS) in Pinal County (under both stagnation and high wind conditions), in 2012 the Environmental Protection Agency (EPA) designated a large portion of Pinal County as a moderate PM₁₀ nonattainment area (West Pinal PM₁₀ Nonattainment Area – defined in 40 CFR §81.303). Subsequently as a Clean Air Act (CAA) requirement for nonattainment areas, The Arizona Department of Environmental Quality (ADEQ) in coordination with Pinal County Air Quality Control District (PCAQCD) developed base year and attainment year PM₁₀ emissions inventories (EI) for the nonattainment area. The top three emissions sources in the 2008 base year PM₁₀ inventory for the West Pinal PM₁₀ Nonattainment area are windblown dust (53%), unpaved roads (32%) and construction (9%).

The construction emissions are related to both activity and ground surface conditions (i.e. unstable ground surface conditions caused by construction activities impacted by windy conditions that results in PM₁₀ emissions). The proposed construction fugitive dust rules in this rulemaking proposal are designed to provide standards (i.e. opacity, ground stabilization, etc.) that limit PM₁₀ emissions attributed to construction activities under both stagnation and windy conditions. In addition, the proposed rules are designed to provide application, permitting and recordkeeping requirements that ensure verification of the control measures used to control emissions associated with the construction activities.

The proposed amended and new rules are identified below and include an amendment to §1-1-105 with the ultimate purpose of this rulemaking being the submittal of the adopted rules in Chapter 4, Article 3 (specifically sections



160, 170, 180, 190) through ADEQ to EPA, for inclusion as elements of the Arizona State Implementation Plan (SIP) as required under the Clean Air Act (CAA).

B. All of the proposed corresponding changes are discussed in subsection E. of this preamble, and include the following sections:

Section Affected	Rulemaking Action
§1-1-105. SIP List.....	Amend
§4-3-160. General Provisions – West Pinal PM10 Nonattainment Area	New
§4-3-170. Definitions.....	New
§4-3-180. Dust Generating Operations Standards, Application, Permit and Recordkeeping Requirements.....	New
§4-3-190. Violations	New

C. Those wishing further information regarding any aspect of this proposal may contact Scott DiBiase, Pinal County Air Quality, 31 North Pinal St., Building F, Florence, Arizona, 85132, 520-866-6929, scott.dibiase@pinalcountyz.gov. To the extent possible, the District will also post information on the County's website, *pinalcountyz.gov*, under the “air quality” link.

D. The rule making process will consist of an initial administrative rule development process, including this notice, a 30 day public comment period, and an oral proceeding before the Control Officer or his designee. The date and location for the oral proceeding is set forth below. Written comments are due prior to the close of the comment period, which shall be the close-of-business on the day of the oral proceeding. The final step in the rule adoption process will be a hearing before the Board of Supervisors. The Board of Supervisors hearing will be separately scheduled and noticed in accord with A.R.S. §49-479, and, where applicable, the requirements of 40 C.F.R. §51.102.

E. The proposed revisions include the following:

1. §1-1-105 – Addition of Chapter 4, Article 3, sections 160, 170, 180 and 190 and their adoption dates in Section 1-1-105 which is a list designating which Board approved rules (and their corresponding adoption dates) that are to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP
2. Addition of Chapter 4, Article 3, §160 (General Provisions),
 - Subsection A – Intent and Applicability
 1. The intention of the rules – To control emissions associated with construction activities (process, site, surface stabilization)
 2. Rules effective date – January 1, 2016
 3. Geographic scope – West Pinal County PM₁₀ Moderate Nonattainment area
 - Subsection B – General Prohibition and Exemptions
 1. It is a violation for anyone conducting dust generating operations at any work site without complying with this article.
 2. Exemptions
 - a) Application and permit requirements for facilities operating under an industrial permit.
 - b) In the case of an emergency, stabilization actions can be taken before submitting a dust generating operation application.
 - c) Applicable standards, application and permit requirements are exempt at legitimate vehicle test and development facilities for specific dust activities where dust is required to test and validate the design integrity, product quality, etc.



- d) Road maintenance activities are exempt from application and permit requirements. However those related dust generating operations are subject to the applicable standards (i.e. opacity, stabilization, trackout, etc.).
 - e) Dust generating operations associated with emergency repair of utilities don't require an application or permit.
 - f) Establishment of initial landscapes without use of mechanized equipment, and playing on or maintaining a field used for non-motorized sports.
 - g) Rooftop operations for cutting, drilling, grinding or coring roofing tile when activity is occurring on a pitched roof.
3. Addition of Chapter 4, Article 3, §170 (Definitions),
- Twenty eight definitions directly related to these rules including eight control measures and their descriptions.
4. Addition of Chapter 4, Article 3, §180 (Dust Generating Operations Standards, Application, Permit and Recordkeeping Requirements)
- Subsection A - For all work sites where construction is taking place on areas 0.1 acres or larger, an owner and/or operator shall comply with,
 - 1. 20% opacity standard for any dust generating operations that occur during construction.
 - 2. Stabilization requirement. Every other week inspections to ensure work site is stabilized with all applicable control measures as specified in the permit.
 - Subsection B - For work sites (or a combination of work sites) 5 acres or larger, an owner and/or operator shall:
 - 1. Install a suitable trackout control device prior to starting dust generating operations
 - 2. For areas where dust generating operations have ceased or will cease for more than 30 days, erect signs or install physical barriers to limit trespass; and
 - 3. Ensure the work site is stabilized the day leading up to and the day that's forecast to be high risk for dust emissions in the Pinal County Dust Risk Forecast. To ensure the work site is stabilized, a site-wide inspection is needed to ensure either:
 - a) All applicable control measures are implemented on dust generating operations and disturbed surface areas are stabilized, or
 - b) All dust generating operations are ceased and disturbed surface areas are stabilized.
 - Subsection C - Prior to engaging in any dust generating operations on a work site, the owner and/or operator shall file a dust generating operation application, pay the appropriate fee and receive a signed permit from the Control Officer.
 - 1. Application form requirements.
 - a) Applicant must provide essential identification on an application form approved by the control officer. Separate application forms required for non-contiguous areas, unless it's an annual block permit.
 - b) A valid cell phone number or email address is required on the application form. The applicant shall subscribe to the Pinal County Dust Control Forecast.
 - c) A plot plan is required for each application and shall identify (if available) the parcel(s), street address, direction north, total area to be disturbed and sources of fugitive dust emissions.
 - d) Using options on the application, the applicant shall explain how they will demonstrate compliance with the rule by selecting at least one control measure for each dust generating operation.
 - e) Annual area block application – available to only certain dust generating operations (i.e. Utilities - maintenance of existing underground or above-ground lines, expansion or extension of paved roads, unpaved roads, etc.).
 - a. Application requirements – The same as other dust generation operations, except block permits are allowed to have one application for more than one job site, though each work site has to be described



in the application along with what type of dust generating operations are to be conducted.

- b. Area block applications are only available to
 - i. Political subdivisions and
 - ii. Public utility corporations regulated by the Arizona Corporation Commission and
 - iii. Contractors or subcontractors for political subdivisions or public utility corporations
- c. The owner and/or operator of area block permits are required to adhere to the requirements of all current permits issued to the work site and required to re-apply control measures as necessary or re-stabilize any disturbed surface area.
- d. For any project not listed on the application, the applicant must notify the control officer in writing at least three working days prior to commencing the dust generating operation with information including site locations, size and type of dust generating operation, control measures used and start date.

2. Permit and recordkeeping requirements.

- a) A signed permit shall constitute agreement by the owner and/or operator to accept responsibility for meeting conditions of the permit and ensuring the applicable control measures are implemented throughout the work site at all times dust generating operations are taking place. The permit is to reside on the work site.
- b) On a form approved by the control officer, the owner and/or operator shall keep records of the every other week inspections and site-wide inspection reports for the day leading up to and including the day forecast to be high risk.
- c) Verbal or written requests by the Control Officer for inspection records shall be provided as soon as practicable, but not later than 72 hours. If the Control Officer is on site where the records reside, they shall be provided without delay. On a form approved by the control officer, records shall be submitted within 30 days following the termination or expiration of the dust generating permit.
- d) Completion of project notification to Control Officer – no later than 30 days after completion.
- e) Permit renewal requirements – Original permit valid for one year. If project not finished within a year, applicant shall reapply prior to the expiration of the original permit. The next permit will be valid starting on the first calendar day after completion of the initial one year period of the original permit and is valid for one year from that date. The renewal doesn't need to have contiguous acreage, as long as all of the acreage was included in the original permit.
- f) Work Sites five acres or larger – project information sign requirements.

5. Addition of Chapter 4, Article 3, §190 (Violations)

- Subsection A – Failure to comply with applicable requirements of this article shall constitute a violation.
- Subsection B – Violation Exemptions – If records are kept in accordance with the requirements of this article, the opacity provisions shall not apply to a work site during:
 - 1. Wind conditions as long as all control measures specified in the permit are implemented, applied and maintained and all disturbed surface areas are stabilized and one of the following:
 - a) All dust generating operations are ceased until the opacity violations are no longer taking place, or



- b) Documentation is maintained showing any dust generating operations still being performed are not the cause of and do not contribute to the opacity violation.
 - 2. Emergency maintenance of flood control channels and water retention basins if all control measures in the permit are implemented, applied and maintained.
- F. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study (See contact information in subsection C above), all data underlying each study, and any analysis of each study and other supporting material:

Draft ADEQ document “Pinal PM₁₀ Emission Inventories and Source Apportionment Modeling Results”.

G. Economic, small business and consumer impact statement

There are estimated small incremental costs to the businesses potentially affected by the proposed construction fugitive dust rules. The new opacity requirements may require the regulated community to complete opacity certification in order to comply with §§4-3-180.A.1.

In conservative estimates, there will be small incremental costs associated with keeping the appropriate records that are required under these proposed rules. The amount of time it will take the regulated community to conduct inspections of their respective work sites every other week (for work sites 0.1 acres and larger) and on the day leading up to and including the day of high risk forecasts (for work sites 5 acres and larger) in order to determine if all applicable control measures are implemented and all disturbed surface areas are stabilized will add to overall labor costs associated with each respective construction project. However the extent as to their specific budgetary impacts is unknown at this time. Pinal County is interested in feedback from the regulated community affected by these proposed construction fugitive dust rules regarding the estimated added costs attributed to opacity certifications, on-site inspections and recordkeeping.

The stabilization requirements of the proposed rules may also add costs to the regulated community. However the current construction fugitive dust rule (Chapter 4, Article 3) in effect in the West Pinal PM₁₀ Nonattainment area includes the same opacity requirements along with similar application and permitting requirements. Therefore current business practices for construction activities in Pinal County necessitate the use of water on all construction sites 0.1 acres and larger. Therefore it’s estimated that the added costs to the regulated community potentially affected by this rule proposal for water use wouldn’t be additionally burdensome. However, Pinal County once again is interested in feedback from the regulated community affected by these proposed construction fugitive dust rules.

Pinal County

Estimated costs for PCAQCD are those that accrue from development, implementation and enforcement of the new standards. PCAQCD has an ongoing assessment of the costs associated with implementation and enforcement of its permitting, administration and field services activities associated with dust (construction fugitive dust and general fugitive dust) and open burning. Future rulemaking proposals will include estimates on the costs associated with these various programs and if needed, any proposed changes to associated dust and open burning permit fees.

- H. The proposed changes will take effect on January 1, 2016.
- I. Compliance with the Fee-limitations of A.R.S. §49-112 (A) or (B).



Based on information and belief, the Director of the Pinal County Air Quality Control District affirms the following:

Initially, the total of the fees and other charges currently assessed in connection with the administration of the County's air quality program do not now equal the cost of program administration. To the extent that both the County and ADEQ impose parallel fees, the County's fees are capped by rule at ADEQ's rates, which implicitly affirms that the County's fees are reasonable. To the extent the County's program affects certain sources that ADEQ either does not regulate or does not charge, these proposed changes do not impose any additional fees on those sources at this time.

J. Persons may obtain a full copy of the proposed rule or existing rules at:

Pinal County Air Quality Control District
31 North Pinal St., Building F.
P.O. Box 987
Florence, AZ. 85132

<http://www.pinalcountyaz.gov/AirQuality/Pages/home.aspx>

K. A list of all previous notices appearing in the Register addressing the proposed rules:

Notice of Rulemaking Docket Opening: 21 A.A.R. 35, 1715, August 28, 2015.

L. Date, time and location of scheduled oral proceeding:

1) Oral Proceeding

Date: September 28, 2015

Time: 1 p.m.

Location: 31 N. Pinal St., Florence, AZ.
Building F, Ocotillo room

Nature of meeting: Oral proceeding before the Control Officer or his designee in accord with A.R.S. §49-471.06(C) to consider public comments upon any or all of this proposal.

2. The full text of the proposed changes follows:

1-1-105. SIP list

A. As a declaration of Board policy rather than a rule, and subject to the limitations of paragraphs B. and C. of this section, the Board of Supervisors expressly designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP:

1. Chapter 1

a. Article 1.(As amended 5/14/97 and 5/27/98), except for §§1-1-105 and 1-1-107.

b. Article 2 (As amended 5/14/97 and 7/12/00) except for §1-2-110.

c. Article 3. (As amended 5/14/97, 5/27/98 and 10/27/04, 07/23/14, except for §1-3-130 and the definition in §1-3-140.82 (10/12/95) of “maximum achievable control technology.”)

2. Chapter 2

a. Article 1. (As amended 10/12/95).

b. Article 2. (As amended 5/14/97).

c. Article 3. (As amended 10/12/95).

d. Article 4. (As amended 10/12/95).

e. Article 5. (As amended 10/12/95).



- f. Article 6. (As amended 10/12/95).
 - g. Article 7. (As amended 10/12/95).
 - h. Article 8. (As amended 5/18/05, as amended 1/7/09).
3. Chapter 3
- a. Article 1. (As amended 5/14/97, and 5/27/98 and 7/12/00), excluding:
 - i. §3-1-020
 - ii. §3-1-045
 - iii. §3-1-080
 - iv. §3-1-100
 - b. Article 2. (As amended 10/12/95, 5/27/98 and 7/29/98).
 - c. Article 3. (As amended 10/12/95, 5/27/15).
 - d. Article 8. (As amended 10/12/95 and 10/27/04).
4. Chapter 4
- a. Article 1. (As amended 2/22/95).
 - b. Article 2. (As amended 5/14/97, 7/12/00, 12/4/02 and 10/27/04).
 - c. ~~Reserved.~~ Article 3, limited to:
 - i. §4-3-160 (As amended ###/###/15)
 - ii. §4-3-170 (As amended ###/###/15)
 - iii. §4-3-180 (As amended ###/###/15)
 - iv. §4-3-190 (As amended ###/###/15)
 - d. Article 4 (As amended 6/3/09).
 - e. Article 5 (As amended 6/3/09).
 - f. Reserved.
 - g. Article 7 (As amended 6/3/09)
 - h. Reserved.
 - i. Article 9, limited to:
 - i. §4-9-320 (As amended 6/3/09)
 - ii. §4-9-340 (As amended 6/3/09)
- B. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, those provisions, save §3-1-084 which shall be expressly exempted from the limitation of this paragraph, shall operate as elements of the SIP only insofar as they pertain to:
- 1. “construction,” as defined in Nov. '93 Code §1-3-140.28; or
 - 2. “modification,” as defined in Nov. '93 Code §1-3-140.85; and
- C. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, neither those provisions nor any permit conditions imposed pursuant to those provisions shall:
- 1. Operate as elements of the SIP insofar as they pertain to other than “conventional pollutants,” as defined in §1-3-140.33;
 - 2. Operate as elements of the SIP insofar as they pertain only to a requirement arising under, or pertain to a source subject to regulation exclusively by virtue of a requirement arising under:
 - a. §111 of the Clean Air Act; or
 - b. Title IV of the 1990 amendments to the Clean Air Act; or
 - c. Title VI of the 1990 amendments to the Clean Air Act; or
 - d. Any section of this Code that is not a part of the SIP;
 - 3. Operate as an element of the SIP, at least insofar as they impose a “fee”;
 - 4. Operate as an element of the SIP, at least insofar as they require a “certification”;
 - 5. Operate as an element of the SIP, at least insofar as they impose obligations pertaining to “renewals”;
 - 6. Operate as an element of the SIP, at least insofar as they impose requirements regarding “excess emissions”; or
 - 7. Operate as an element of the SIP, at least insofar as they impose requirements regarding “compliance plans.”
- D. As a renumbering and reconciliation of previously approved SIP provisions as elements of this Code, the Board of Supervisors additionally designates the following list of sections within this Code, to be presented to the Governor of



Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP without operational limitation:

1. §§1-1-010.C (2/22/95) and 1-1-010.D (2/22/95) *Declaration of Policy*
2. Chapter 2, Article 8 (As amended 1/7/09) *Visibility Limiting Standard*
3. Chapter 3, Article 8 (2/22/95) *Open Burning*
4. [Reserved]
5. [Reserved]
6. [Reserved]
7. [Reserved]
8. [Reserved]
9. [Reserved]
10. [Reserved]
11. [Reserved]
12. §5-18-740 (2/22/95) *Storage of Organic Compounds - Organic Compound Emissions*
13. §5-19-800 (2/22/95) *Loading of Volatile Organic Compounds - Organic Compound Emissions*
14. §5-21-920 (2/22/95) *Fossil Fuel Fired Industrial and Commercial Equipment Standard Applicability*
15. §5-21-930 (2/22/95 and 7/12/00) *Fossil Fuel Fired Industrial and Commercial Equipment Particulate Emission Standard*
16. §5-22-950 (2/22/95) *Fossil Fuel Fired Steam Generator Standard Applicability*
17. §5-22-960 (2/22/95) *Fossil Fuel Fired Steam Generator Sulfur Dioxide Emission Limitation*
18. §5-24-1030.F (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Organic Compound Emissions*
19. §5-24-1030.I (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Carbon Monoxide*
20. §5-24-1032 (2/22/95) *Federally Enforceable Minimum Standard of Performance - Process Particulate Emissions*
21. §5-24-1040 (2/22/95) *Carbon Monoxide Emissions - Industrial Processes*
22. §5-24-1045 (2/22/95) *Sulfite Pulp Mills - Sulfur Compound Emissions*
23. §5-24-1050 (2/22/95, as amended June 20, 1996) *Reduced Sulfur Emissions - Default Limitation*
24. §5-24-1055 (2/22/95) *Pumps and Compressors - Organic Compound Emissions*

ARTICLE 3. CONSTRUCTION SITES - FUGITIVE DUST

4-3-160. General Provisions – West Pinal PM10 Nonattainment Area

A. Intent and Applicability

1. Intent

The intent of this Article is to control dust emissions associated with CONSTRUCTION activities. This Article focuses on fugitive dust emissions from process activity, site activity and a lack of adequate surface stabilization, all associated with CONSTRUCTION.

2. Effective Date

The rules in this Article will become effective on January 1, 2016.

3. Geographic Scope

The rules in this Article shall be effective throughout the West Pinal County PM₁₀ Moderate Nonattainment area as defined in 40 CFR Part 81.303. These rules exclude the rest of Pinal County and the Pinal County portion of the Phoenix PM10 Serious Nonattainment area, more specifically Township 1 North, Range 8 East, Gila & Salt River Base and Meridian (“T1N R8E”) which is covered under Chapter 4, Article 7.

B. General Prohibition and Exemptions

1. Subject to the exemptions set forth in this Article, it constitutes a violation of this Article for any person to conduct any DUST GENERATING OPERATION at any WORK SITE, without complying with this Article:

2. Exemptions



The following are exempt from this Article, or portions of this Article:

- a. The application and permit requirements of this Article shall not apply to any facility operating under authority of a permit issued pursuant to ARS §§49-426 or 49-480, however, any DUST GENERATING OPERATIONS are subject to the requirements of §4-3-180 sections (A) and (B), and facilities must keep records pursuant to §4-3-180(C)(2)(b).
- b. In the case of an EMERGENCY, action may be taken to stabilize a DUST GENERATING OPERATION or DISTURBED SURFACE AREA before submitting a DUST GENERATING OPERATION application form. Upon stabilizing the EMERGENCY situation, a DUST GENERATING OPERATION application form shall be submitted.
- c. In the case of legitimate vehicle test and development facilities and operations conducted by or for an equipment manufacturer, where dust is required to test and validate the design integrity, product quality and/or commercial acceptance, those specific activities shall be exempt from the application, permit and applicable standards in section §4-3-180 under this Article.
- d. The application and permit requirements of this rule shall not apply to ROAD MAINTENANCE activities, however, any DUST GENERATING OPERATIONS are subject to the requirements of §4-3-180 sections(A) and (B), and records must be kept pursuant to §4-3-180(C)(2)(b).
- e. The application and permit requirements shall not apply with respect to DUST GENERATION OPERATIONS associated with the EMERGENCY repair of utilities.
- f. Establishment of initial landscapes without the use of mechanized equipment, conducting landscape maintenance without the use of mechanized equipment, and playing on or maintaining a field used for non-motorized sports are exempt from the application, permit, and standards in section §4-3-180 of this Article. However, establishing initial landscapes without the use of mechanized equipment and conducting landscape maintenance without the use of mechanized equipment shall not include grading, or trenching performed to establish initial landscapes or to redesign existing landscapes.
- g. The provisions of this rule shall not apply to rooftop operations for cutting, drilling, grinding, or coring roofing tile when such activity is occurring on a pitched roof.

4-3-170. Definitions

See Chapter 1, Article 3 (General Provisions and Definitions) of this code for definitions of terms that are used but not specifically defined in this Article.

1. “BULK MATERIAL” as used in this Article, means any material including but not limited to earth, rock, silt, sediment, sand, gravel, soil, fill, aggregate less than 2 inches in length or diameter, dirt, mud, demolition debris, trash, cinders, pumice, saw dust, and dry concrete, which are capable of producing fugitive dust at an industrial, institutional, commercial, governmental, construction and/or demolition site.
2. “BULK MATERIAL HANDLING, STORAGE AND/OR TRANSPORTING OPERATION” as used in this Article, means the processing of BULK MATERIALS, including but not limited to, the loading, unloading, conveying, transporting, piling, stacking, screening, grading, or moving of bulk materials.
3. CONSTRUCTION as used in this Article means building, maintaining or modifying a capital improvement resting upon, connected to or buried in the earth. Construction includes, but is not limited to, vertical construction, residential construction, installing underground utilities, installing above-ground utilities, and building physical infrastructure including roads, highways, railways, flood structures, drainage works and irrigation works. Notwithstanding any other exemption under these rules, weed abatement by discing or blading and conducted for the purpose of enabling Development Activity or maintaining a work site shall qualify as construction.
4. “CONTROL MEASURE” as used in this Article means, a preemptive or concurrent technique used to minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust at a WORK SITE in order to comply with applicable standards in section §4-3-180. CONTROL MEASURES include but are not limited to:



CONTROL MEASURES	Description
<u>Watering (pre-wetting)</u>	<u>Application of water by means of trucks, hoses, and/or sprinklers prior to conducting any DUST GENERATION OPERATION. This will increase the moisture content of the soils and increase stability of the soil.</u>
<u>Watering (operational control)</u>	<u>For DISTURBED SURFACE AREAS and DUST GENERATING OPERATIONS water is applied at sufficient intervals and quantity to increase the moisture content of the soils and increase stability of the soil. Also during stacking, loading and unloading operations on open storage piles, apply water as necessary.</u>
<u>Applying chemical stabilizers or DUST SUPPRESSANTS</u>	<u>Apply chemical stabilizers/DUST SUPPRESSANTS to DISTURBED SURFACE AREAS and DUST GENERATING OPERATIONS. Effective in areas which are not subject to daily disturbances.</u>
<u>Altering load-in/load-out procedures and watering</u>	<u>Confine load-in-load out procedures to downwind side of the material and mist material with water prior to loading. Empty loader slowly and keep bucket close to the truck while dumping.</u>
<u>Reducing vehicular speeds</u>	<u>Restrict maximum vehicular speeds to 15 miles per hour on unpaved easements, right of way, unpaved haul/access roads and parking lots.</u>
<u>Controlling Freeboard and spillage and covering haul vehicles</u>	<u>Load all trucks such that the FREEBOARD is not less than three inches; and prevent spillage or loss of BULK MATERIAL from holes or other openings in the conveyance; cover all haul trucks (empty or full) with an anchored tarp or other suitable anchored material.</u>
<u>TRACKOUT CONTROL DEVICE</u>	<u>Install a TRACKOUT CONTROL DEVICE for WORK SITES 5 acres or larger. When TRACKOUT extends a cumulative distance of 50 linear feet or more, be cleaned up as soon as practicable; but, in any case, by the end of the work day.</u>
<u>Limit, restrict or reroute MOTOR VEHICLES access to work site</u>	<u>Erect signs or install physical barriers to limit access of WORK SITE.</u>
<u>Other measures as proposed by registrant</u>	<u>Specific measures that are adequate to address applicable standards in section §4-3-180 at the WORK SITE. Alternative measures must be approved by the Control Officer and the EPA Administrator.</u>

5. “DISTURBED SURFACE AREA” as used in this Article, means any portion of the earth's surface that has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed natural condition.
This definition excludes those permanently stabilized areas that have:
 - a. Been restored to a natural condition, such that vegetative ground cover and soil characteristics are similar to adjacent or nearby natural conditions;
 - b. Been paved or otherwise covered by a permanent structure; or
 - c. Sustained a vegetative ground cover over at least 70 percent of the area for at least 30 days.
6. “DUST GENERATING OPERATION” as used in this Article, means any activity capable of generating fugitive dust, including but not limited to:
 - a) EARTHMOVING ACTIVITIES



- b) Land clean-up, leveling, back filling
- c) Drilling
- d) CONSTRUCTION
- e) Demolition
- f) BULK MATERIAL HANDLING, STORAGE AND/OR TRANSPORTING OPERATIONS
- g) Operation of motorized machinery used in CONSTRUCTION
- h) Establishing and/or using UNPAVED PARKING LOTS, haul/access roads within a WORK SITE
- i) Installing initial landscapes using mechanized equipment

For the purpose of this rule, landscape maintenance and/or playing on a ball field shall not be considered a dust generating operation.

7. “DUST SUPPRESSANT” as used in this Article, means hygroscopic material, solution of water and chemical surfactant foam, non-toxic chemical stabilizer or any other dust palliative, which is not prohibited by the U. S. Environmental Protection Agency (EPA) or the Arizona Department of Environmental Quality (ADEQ), or any applicable law, rule, or regulation, as a treatment material for reducing fugitive dust emissions.
8. “EARTHMOVING ACTIVITY” as used in this Article, means any land clearing, land cutting and filling operations, blasting, trenching, ROAD CONSTRUCTION, grading, landscaping, landfill operations, weed abatement through discing, soil mulching, or any other activity associated with land development where the objective is to disturb the surface of the earth.
9. “EMERGENCY” as used in this Article means a situation arising from sudden and reasonably unforeseeable events beyond the control of the owner and/or operator, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the DUST GENERATING OPERATION to exceed a limitation in this rule, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include any noncompliance due to improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
10. “FREEBOARD” as used in this Article, means the vertical distance between the top edge of a cargo container and the highest point at which the bulk material contacts the sides, front, and back of the container.
11. “FUGITIVE DUST”, as used in this Article, means the regulated particulate matter, which is not collected by a capture system, which is entrained in the ambient air, and which is caused from human and/or natural activities, such as but not limited to, movement of soils, vehicles, equipment, blasting, and wind. For the purpose of this Article, fugitive dust does not include particulate matter emitted directly from the exhaust of MOTOR VEHICLES and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from piledrivers.
12. “GRAVEL PAD” as used in this Article, means a layer of washed gravel, rock, or crushed rock at the intersection with the PAVED PUBLIC ROADWAY and a work site entrance to dislodge mud, dirt, and/or debris from the tire of the MOTOR VEHICLES or HAUL TRUCKS prior to leaving the WORK SITE.
13. “GRIZZLY” as used in this Article, means a device maintained at the point of intersection of a PAVED PUBLIC ROADWAY and a WORK SITE entrance to dislodge mud, dirt and/or debris from the tires of the MOTOR VEHICLES or HAUL TRUCKS prior to leaving the WORK SITE.
14. “HAUL TRUCK” as used in this Article, is any fully or partially open-bodied self-propelled vehicle including any non-motorized attachments, such as but not limited to, trailers or other conveyances, which are connected to or propelled by the actual motorized portion of the vehicle used for transporting BULK MATERIALS.
15. “MOTOR VEHICLE” as used in this Article, is a self-propelled vehicle for use on the public roads and highways of the State of Arizona and required to be registered under the Arizona State Uniform Motor Vehicle Act, including any non-motorized attachments, such as but not limited to, trailers and other conveyances which are connected to or propelled by the actual motorized portion of the vehicle.
16. “OWNER AND/OR OPERATOR” as used in this Article, is any person including, but not limited to, the property owner, lessee, developer, responsible official, DUST GENERATING OPERATION permit applicant (who may also be the responsible party contracting to do the work), general or prime contractor, supervisor, management company, or any person who owns, leases, operates, controls, or supervises a DUST GENERATING OPERATION subject to the requirements of this rule.



- 17. “PAVED PUBLIC ROADWAY” means a publicly owned paved roadway, owned by federal, state, county, municipal, or other governmental or quasi-governmental agencies as evidenced by a formal acceptance by the state or a political subdivision of the state of either:
 - 1. An on-going maintenance obligation for the roadway; or
 - 2. A title or easement for the roadway.
- 18. “PINAL COUNTY DUST CONTROL FORECAST” means a forecast, which shall identify a low, moderate or high risk of dust generation for the next five consecutive days and shall be issued by noon on each day the forecast is generated. When developing these forecasts, the Department of Environmental Quality shall consider all of the following:
 - a) Projected meteorological conditions, including:
 - i) Wind speed and direction,
 - ii) Stagnation,
 - iii) Recent precipitation, and
 - iv) Potential for precipitation;
 - b) Existing concentrations of air pollution at the time of the forecast; and
 - c) Historic air pollution concentrations that have been observed during meteorological conditions similar to those that are predicted to occur in the forecast.
- 19. “ROAD CONSTRUCTION” as used in this Article, means the use of any equipment for the paving or new construction of a road surface, street or highway.
- 20. “ROAD MAINTENANCE” as used in this Article, means the use of any equipment for the repair and preservation of an old road surface, street or highway.
- 21. “STABILIZE” means any previously disturbed surface area which, through application of water or DUST SUPPRESSANTS, shows visual or other evidence of surface crusting and is resistant to wind-driven fugitive dust. Stabilization shall be demonstrated by application of the drop ball test in Article 9 (§4-9-320.B.1).
- 22. “TRACKOUT” means visible material deposited onto any PAVED PUBLIC ROADWAY, as defined in this Article, by traffic leaving a WORK SITE.
- 23. “TRACKOUT CONTROL DEVICE” as used in this Article, means a GRAVEL PAD, GRIZZLY, wheel wash system, or a paved area, located at the point of intersection of an unpaved area and a PAVED PUBLIC ROADWAY that controls or prevents vehicular trackout.
- 24. “TRENCH” as used in this Article, means a long, narrow excavation dug in the earth (as for drainage).
- 25. “UNPAVED HAUL/ACCESS ROAD” as used in this Article, means any on-site UNPAVED ROAD used by commercial, industrial, institutional, and/or governmental traffic.
- 26. “UNPAVED PARKING LOT” as used in this Article, means any area larger than 5,000 square feet that is not paved and that is used for parking, maneuvering, or storing MOTOR VEHICLES on a WORK SITE.
- 27. “UNPAVED ROAD” as used in this Article, means any unsealed or unpaved roads, equipment path, or travel ways that are not covered by typical roadway materials. Public unpaved roads are any unpaved roadway owned by federal, state, county, municipal, or other governmental or quasi-governmental agencies. Private unpaved roads are all other unpaved roadways not defined as public. For the purpose of this rule, an unpaved road is not a horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by MOTOR VEHICLES.
- 28. “WORK SITE” as used in this Article, means any property upon which DUST GENERATING OPERATIONS occur during CONSTRUCTION, and which covers an area of 0.1 acres or larger.
 - a. TRENCHES that are equal to or larger than the following dimensions are considered WORK SITES and are subject to the requirement of this Article:
 - i. TRENCHES less than four feet in depth, that exceed a length of 726 feet;
 - ii. TRENCHES that are four feet or greater in depth, that exceed a length of 363 feet;
 - b. For calculations of DISTURBED SURFACE AREAS for land clearing or earthmoving activities, 25 feet will be added to each dimension of all structures, driveways, concrete pads, and other construction projects being built on the site to allow for an equipment utilization zone. If this final figure equals or exceeds 0.1 acres, a DUST GENERATING OPERATION application is required for the site.



- c. If the registrant identifies situations in which the amount of surface area for TRENCHES, land clearing or EARTHMOVING ACTIVITIES should be calculated differently, a case-by-case determination may be made.

4-3-180. DUST GENERATING OPERATIONS Standards, Application, Permit and Recordkeeping Requirements

- A. Within the WORK SITE, an OWNER AND/OR OPERATOR:
1. Shall not conduct or allow DUST GENERATING OPERATIONS that result in OPACITY of the dust on the property to exceed twenty percent (20%) as measured using an OPACITY method, as determined by the applicable test method in §4-9-340 or an equivalent test method approved by the Control Officer and the EPA Administrator.
 2. Shall stabilize any DISTURBED SURFACE AREA. The OWNER AND/OR OPERATOR shall conduct every other week inspections to ensure that the WORK SITE is STABILIZED. Ensuring the WORK SITE is STABILIZED shall include a site-wide inspection to ensure all applicable CONTROL MEASURES [as described in §4-3-170.4] as specified in the permit, are implemented on DUST GENERATING OPERATIONS and DISTURBED SURFACE AREAS are STABILIZED.
- B. Where an OWNER AND/OR OPERATOR obtains a DUST GENERATING OPERATION permit for a WORK SITE, or a combination of WORK SITES, which are 5 acres or larger, the OWNER AND/OR OPERATOR shall as soon as practicable:
1. Install a suitable TRACKOUT CONTROL DEVICE prior to the start of DUST GENERATING OPERATIONS;
 2. For areas, or portions of areas, in which the DUST GENERATING OPERATIONS have ceased or will cease for more than 30 days, erect signs or install physical barriers to limit trespass; and
 3. Ensure the WORK SITE is STABILIZED the day leading up to and the day that is forecast to be high risk for dust emissions, as noticed by the Pinal County Dust Control Forecast. Ensuring the WORK SITE is STABILIZED shall include a site-wide inspection to ensure either:
 - a. All applicable CONTROL MEASURES [as described in §4-3-170.4] as specified in the permit, are implemented on DUST GENERATING OPERATIONS, and DISTURBED SURFACE AREAS are STABILIZED; or
 - b. All DUST GENERATING OPERATIONS are ceased and DISTURBED SURFACE AREAS are STABILIZED.
- C. Prior to engaging in any DUST GENERATING OPERATIONS on a WORK SITE, the OWNER AND/OR OPERATOR shall file a DUST GENERATING OPERATION application form with the Control Officer, pay the appropriate fee in Appendix C, and receive a signed permit from the Control Officer.
1. DUST GENERATING OPERATIONS Application Form:
 - a. The applicant shall present a DUST GENERATING OPERATION application on a form approved by the Control Officer, and shall include all essential identification information as specified on that form. A separate application form is required for each site location that is not A CONTIGUOUS GEOGRAPHIC AREA to the location on the original application form, unless an annual block application is approved.
 - b. The OWNER AND/OR OPERATOR shall provide a valid cell phone number or email address on the DUST GENERATING OPERATION application form. The OWNER AND/OR OPERATOR shall subscribe to the Pinal County Dust Control Forecast as part of the permit application process.
 - c. Each DUST GENERATING OPERATION application shall also include a plot plan with linear dimensions in feet. The plot plan must be on 8-1/2 by 11 inch paper, and may be on one or more sheets. The plan shall identify the parcel (if a parcel number exists; if no parcel number exists, then Global Positioning System (GPS) coordinates of the center of the parcel shall be included), the street address, the direction north, the total area to be disturbed and indicate the sources of fugitive dust emissions on the plot plan.
 - d. Using the options on the application form each DUST GENERATING OPERATION application shall contain an explanation of how the applicant will demonstrate compliance with this rule by selection of at least one CONTROL MEASURE for each DUST GENERATING OPERATION.
 - e. Annual Area Block Application:
 - i. Area block applications shall only be available for DUST GENERATING OPERATIONS associated with:



- a) Maintenance of existing underground or above-ground lines;
 - b) Effecting end-user connections, including but not limited to water connections, sewer connections, natural gas connections, electrical power connections, and communication connections;
 - c) Underground utility line extensions not exceeding 500' in length; and
 - d) Overhead utility line extensions; and
 - e) Expansion or extension of paved roads, UNPAVED ROADS, road shoulders, and/or alleys and public right of ways at non-contiguous sites.
 - ii. Area block applications shall only be available to:
 - a) Political subdivisions; and
 - b) Public Utility Corporations regulated by the Arizona Corporation Commission; and
 - c) Contractors or subcontractors for Political subdivisions or Public Utility Corporations
 - iii. The OWNER AND/OR OPERATOR operating at the WORK SITE may submit to the Control Officer one DUST GENERATING OPERATION application for more than one DUST GENERATING OPERATION at which CONSTRUCTION will commence within 12 months of permit issuance.
 - iv. An annual block application must include all the requirements listed above in this subsection (1 a. through 1 d.) and a description of each site and type of DUST GENERATING OPERATIONS to be conducted.
 - v. The OWNER AND/OR OPERATOR of an area block permit operating at a WORK SITE shall adhere to the requirements of all current permits issued to the WORK SITE and will be required to re-apply CONTROL MEASURES as reasonable and necessary, or re-stabilize any DISTURBED SURFACE AREA that becomes disturbed as a result of the area block permit holder's work being done at the WORK SITE.
 - vi. For any project not listed in the DUST GENERATING OPERATION Annual Block Application, the applicant must notify the Control Officer in writing at least three working days prior to commencing the DUST GENERATING OPERATION. Such notification must include the site location, size, and type of DUST GENERATING OPERATION, selected control measures, and start date.
2. DUST GENERATING OPERATION Permit and Recordkeeping:
- a. The signed DUST GENERATING OPERATION permit from the control officer will contain the requirements set under §4-3-180 (A) and (B), and conditions regarding the necessary CONTROL MEASURES specific to the applicable project as proposed by the registrant. The signature of the OWNER AND/OR OPERATOR on the DUST GENERATING OPERATION permit form shall constitute agreement to accept responsibility for meeting the conditions of the permit and for ensuring the applicable CONTROL MEASURES are implemented throughout the WORK SITE, at all times that DUST GENERATING OPERATIONS are being performed and during the duration of the project. The OWNER AND/OR OPERATOR shall maintain a copy of the signed permit form and provide it upon request of the Control Officer or his designee.
 - b. On a form approved by the Control Officer the OWNER/OPERATOR shall keep records of the every other week inspection reports and site-wide inspection reports from the day leading up to and the day that is forecast to be high risk for dust emissions, including any necessary corrective actions. A demonstration of compliance shall include inspections of the work site conducted pursuant to, and any actions taken to comply with, §4-3-180 sections (A)(2) and (B)(3).
 - c. Upon verbal or written request by the Control Officer, inspection records shall be provided as soon as practicable, but no later than 72 hours, excluding weekends. If the Control Officer is at the WORK SITE where the requested records are kept, the records shall be provided without delay. Records of inspections on a form approved by the Control Officer, shall be submitted within 30 days following the termination or expiration of the permit.
 - d. Owners and/or Operators shall notify the Control Officer as soon as practicable, but no later than 30 days, of the-completion of the project.



- e. Permit Renewal: The first permit obtained for an affected project must cover a contiguous area (unless it is an “annual area block permit”) and is valid for one year from the date of issue. If the project has not been completed at the end of the one-year period, the DUST GENERATING OPERATION permit must be renewed. The OWNER AND/OR OPERATOR shall reapply for a DUST GENERATING OPERATION permit prior to the expiration date of the original permit. Upon renewal, the new permit will be valid starting on the first calendar day after the completion of the initial one year period of the first permit and is valid for one year from that date. Upon renewal, the total acreage covered by the DUST GENERATING OPERATION permit does not have to be contiguous, although all acreage covered by the renewed DUST GENERATING OPERATION permit must have been included in the original DUST GENERATING OPERATION permit.
- f. At all sites that are five acres or larger, the OWNER AND/OR OPERATOR shall erect a project information sign at the main entrance that is visible to the public or at each end of the ROAD CONSTRUCTION project site. The sign shall be a minimum of 24 inches tall by 30 inches wide, have a white background, and have the words “DUST CONTROL” shown in black block lettering which is at least four inches high, and shall contain the following information in legible fashion:
 - i. Project Name
 - ii. Name and phone number of person(s) responsible for conducting project
 - iii. Pinal County Air Quality Control District phone number.

4-3-190. Violations

- A. Failure by any person to comply with the applicable requirements of this Article shall constitute a violation.
- B. Violation Exemptions:
If all records were maintained in accordance with §4-3-180 section (C)(2)(b), the provisions of section §4-3-180 (A)(1) shall not apply to a WORK SITE during:
 - 1. Wind conditions that cause FUGITIVE DUST to exceed the opacity requirements of §4-3-180 (A)(1), if all CONTROL MEASURES as specified in the permit, are implemented, applied and maintained, all DISTURBED SURFACE AREAs are STABILIZED, and one of the following:
 - a. All DUST GENERATING OPERATIONS are ceased until the opacity requirements of §4-3-180(A)(1) are no longer being exceeded; or
 - b. Maintain documentation that any DUST GENERATING OPERATIONS that are still being performed are not the cause of and do not contribute to the opacity violation. Documentation may include onsite opacity observations by a certified observer.
 - 2. EMERGENCY maintenance of flood control channels and water retention basins if all CONTROL MEASURES, as specified in the permit are implemented, applied, and maintained.

NOTICE OF RULEMAKING DOCKET OPENING

[M15-212]

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

(Ref. A.R.S. §41-1021)

- 1. **Title and its heading:** Pinal County Air Quality Control District Code of Regulations
- Regulations and headings:** Chapter 1, Article 1, Section 105 – SIP List
Chapter 4, Article 1 – Adopted Documents
- Rules and headings:** §1-1-105. SIP List
§4-1-010. Adopted document(s)
§4-1-015. Exemptions
§4-1-020. Definitions
§4-1-030. Standards
§4-1-040. Recordkeeping
§4-1-045. Reporting Requirements
§4-1-050. Records Retention



§4-1-060. Violations

2. Subject Matter of the Proposed Rule:

Due to ongoing monitoring violations of the PM₁₀ (Particulate Matter 10 microns and smaller) National Ambient Air Quality Standard (NAAQS) in Pinal County, the Environmental Protection Agency (EPA) in 2012 designated a large portion of Pinal County as a moderate nonattainment area (West Pinal PM₁₀ Nonattainment Area). Subsequently as a Clean Air Act (CAA) requirement for nonattainment areas, The Arizona Department of Environmental Quality (ADEQ) in coordination with Pinal County Air Quality Control District (PDAQCD) developed base year and attainment year PM₁₀ emissions inventories (EI) for the nonattainment area. The top three emissions sources in the 2008 base year PM₁₀ inventory for the West Pinal PM₁₀ Nonattainment area are windblown dust, unpaved roads and construction.

PDAQCD will follow up this proposed rulemaking docket opening with a formal rulemaking proposal in which the rules currently in Chapter 4, Article 1 will be proposed to be amended in order to replace them with general fugitive dust rules that will achieve the emissions reductions in the West Pinal PM₁₀ Nonattainment. The ultimate goal of the proposed rulemaking will be adoption of the rules by the Pinal County Board of Supervisors and submittal to EPA (through ADEQ) for inclusion into the Arizona SIP.

Also as part of this rulemaking, Pinal County may add, delete or modify additional rules as necessary.

3. Prior Related Notices:

None

4. Contact Information:

Those wishing further information regarding any aspect of this proposal may contact

Name: Scott DiBiase,
Title: Air Quality Planning Manager
Address: Pinal County Air Quality
31 North Pinal St., Building F, Florence, AZ, 85132
Telephone: 520-866-6929
Fax: 520-866-6967
E-mail: scott.dibiase@pinalcountyyaz.gov

To the extent possible, the District will also post information on the County's website, www.pinalcountyyaz.gov, under the "air quality" link.

5. Opportunity for Written or Oral Comments:

The District will publish a Notice of Proposed Rulemaking that will define a formal timetable for submittal of written comments. At any time prior to the close of that to-be-defined comment period, anyone may seek information or submit comments by contacting the Planning Manager at the address shown above. Ultimately, the public will also have an opportunity to offer comment in the public hearing before the Board of Supervisors.

6. Anticipated Timetable:

To be announced in the Notice of Proposed Rulemaking.

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

[M15-213]

COMBINED

NOTICE OF PROPOSED RULEMAKING

PURSUANT TO A.R.S. §49-112 AND §49-471.01 *et seq.*

AND

NOTICE OF ORAL PROCEEDING

PURSUANT TO A.R.S. 49-471.06



1. Preamble

- A. The Pinal County Air Quality Control District (PCAQCD), an operating division of Pinal County, proposes that the Board of Supervisors (BOS) adopt or amend certain rules under authority of A.R.S. §§49-479, which respectively authorize the board to adopt rules to control air pollution.

Due to ongoing monitoring violations of the PM₁₀ (Particulate Matter 10 microns and smaller) National Ambient Air Quality Standard (NAAQS) in Pinal County (under both stagnation and high wind conditions), in 2012 the Environmental Protection Agency (EPA) designated a large portion of Pinal County as a moderate PM₁₀ nonattainment area (West Pinal PM₁₀ Nonattainment Area – defined in 40 CFR §81.303). Subsequently as a Clean Air Act (CAA) requirement for nonattainment areas, The Arizona Department of Environmental Quality (ADEQ) in coordination with Pinal County Air Quality Control District (PCAQCD) developed base year and attainment year PM₁₀ emissions inventories (EI) for the nonattainment area. The top three emissions sources in the 2008 base year PM₁₀ inventory for the West Pinal PM₁₀ Nonattainment area were windblown dust (53%), unpaved roads (32%) and construction (9%).

Windblown PM₁₀ emissions are related to both activity and ground surface conditions (i.e. unstable ground surface conditions caused by activities impacted by windy conditions that result in PM₁₀ emissions). There are a number of land use categories associated with windblown PM₁₀ emissions, including open areas/vacant lands, unpaved roads and unpaved parking lots. The unpaved roads PM₁₀ emissions associated with PM₁₀ exceedances in the nonattainment area occur under both windblown and stagnation conditions. The proposed rules include standards (opacity, stabilization) which are designed to limit unpaved roads emissions under both windblown and stagnation conditions.

These proposed general fugitive dust rules include opacity and ground stabilization standards which limit PM₁₀ emissions attributed to both stagnation and windy conditions for the aforementioned land use categories. In addition the proposed rules provide recordkeeping requirements that ensure verification by PCAQCD, ADEQ and EPA.

The proposed amended and new rules are identified below and include an amendment to §1-1-105 with the ultimate purpose of this rulemaking being the submittal of the adopted rules in Chapter 4, Article 1, as elements of the Arizona State Implementation Plan (SIP) as required under the Clean Air Act (CAA).

- B. All of the proposed corresponding changes are discussed in subsection E. of this preamble, and include the following sections:

Section Affected	Rulemaking Action
§1-1-105. SIP List.....	Amend
§4-1-010. Adopted document(s).....	Amend
§4-1-015. Exemptions.....	New
§4-1-020. Definitions.....	New
§4-1-030. Standards.....	New
§4-1-040. Recordkeeping.....	New
§4-1-045. Reporting Requirements.....	New
§4-1-050. Records Retention.....	New
§4-1-060. Violations.....	New

- C. Those wishing further information regarding any aspect of this proposal may contact Scott DiBiase, Pinal County Air Quality, 31 North Pinal St., Building F, Florence, AZ, 85132, 520-866-6929,



scott.dibiase@pinalcountyyaz.gov. To the extent possible, the District will also post information on the County's website, *pinalcountyyaz.gov*, under the “air quality” link.

- D. The rule making process will consist of an initial administrative rule development process, including this notice, a 30 day public comment period, and an oral proceeding before the Control Officer or his designee. The date and location for the oral proceeding are set forth below. Written comments are due prior to the close of the comment period, which shall be the close-of-business on the day of the oral proceeding. The final step in the rule adoption process will be a hearing before the Board of Supervisors. The Board of Supervisors hearing will be separately scheduled and noticed in accord with A.R.S. §49-479, and, where applicable, the requirements of 40 C.F.R. §51.102.

- E. The proposed revisions include the following:
 - 1. §1-1-105 – Proposed addition of Chapter 4, Article 1 and its adoption date to Section 1-1-105 which is a list designating which rules (and their corresponding adoption dates) are to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP
 - 2. Proposed amendment of Chapter 4, Article 1, §010,
 - Proposed amendment of the section titled “Adopted document(s)” by replacement of title with the new title “General Applicability”. Proposed removal of the original language which adopted ADEQ rules (Title 18, Chapter 2, Article 6) by reference and replacement with the purpose of the general fugitive dust rules, effective date and geographic scope of the rules.
 - 3. Proposed addition of new section (§4-1-015. Exemptions) which define the exemptions to the new general fugitive dust rules, including the following:
 - Vehicle test and development facilities and operations where dust is required to test and validate the design integrity, product quality and/or commercial acceptance of the product(s).
 - Emergency response activities that address a situation arising from a sudden and unforeseeable event beyond the control of the owner and/or operator, including acts of God.
 - Normal farm cultural practices with reference to the Arizona Revised Statutes that define what normal farm cultural practices are and the ADEQ rules that regulate them.
 - Dust generating operations (i.e. construction).
 - Establishment of initial landscapes without use of mechanized equipment, and playing on or maintaining a field used for non-motorized sports.
 - 4. Proposed addition of Chapter 4, Article 1, §020 (Definitions),
 - Sixteen definitions directly related to these rules.
 - 5. Proposed addition of Chapter 4, Article 1, §030 (Standards)
 - Subsection 1 – General requirements
 - A. The owner and/or operator of several land use categories (open areas/vacant lots, unpaved commercial lots, unpaved roads and paved public roadways) shall be subject to the standards and/or requirements in the rule. Failure to do so is deemed a violation.
 - B. The owner and/or operator shall implement applicable control measures.
 - C. The control measures are implemented to meet the visible emissions and stabilization requirements along with compliance determinations for each applicable category.
 - D. Failure to implement control measures and/or failure to maintain stabilization requirements is deemed a violation of this rule.
 - Subsection 2 – Open areas/vacant lots
 - A. Visible emissions and stabilization requirements – 20% opacity limit for fugitive dust emissions on the property.
 - B. When trespass takes place in open areas/vacant lots, the owner and/or operator shall install and maintain either no trespassing signs or physical barriers (i.e. curbs, fences, gates, etc.).
 - C. Surface stabilization requirement for open areas/vacant lots 1.0 acre or larger that have 0.5 acre or more of disturbed surface area with control measures listed.



- D. Within thirty days following discovery of disturbed surface areas (0.5+ acre for open areas/vacant lots 1.0+ acre) in open areas/vacant lots, the owner and/or operator shall sign up to receive the Pinal County Dust Control Forecast. The owner and/operator shall ensure their respective open area/vacant lot is stabilized the day leading up to and day of high risk forecast.
- E. Open areas/vacant lots stabilization and trackout requirements for vegetation removal.
- F. Compliance determination.
- Subsection 3- Unpaved lots
 - A. Visible emissions and stabilization requirements for unpaved lots (5,000+ ft² in size) including control measures.
 - B. Control measures shall be considered effectively implemented when the unpaved lot meets the opacity and stabilization requirements.
- Subsection 4 – Unpaved roads
 - A. Unpaved roads with Average Daily Traffic (ADT) greater than 150 are subject to the opacity (20%) and stabilization (silt loading or silt content) standards and need to implement one of the control measures (i.e. pave, dust suppressants, gravel)
 - B. Control measures are considered effectively implemented when:
 - i. One of the control measures is implemented on 15 miles per year of unpaved roads having ADT great than 150.
 - a. When the control measure is the application/maintenance of dust suppressants, it will only count towards the 15 miles per year requirement when,
 - i. Done on unpaved roads previously untreated, and
 - ii. Dust suppressant application/maintenance of unpaved road previously treated continues annually until the unpaved road is paved.
 - iii. For year 2019 and beyond, the mileage equivalency method for determining the number of miles of unpaved roads with ADT less than 150 that have control measures applied on them when compared to public unpaved roads with ADT greater than 150. The equivalency method is used to determine compliance with the 15 miles per year stabilization requirement of public unpaved roads with ADT great than 150 to those public unpaved roads that have ADT less than 150 and are treated by control measures.
- Subsection 5 – Paved public roadway
 - A. Trackout cleanup provisions for trackout that extends 50 feet or more.
 - i. Within 24 hours of discovery, remove the trackout with one of the control measures listed.
 - ii. During removal of trackout, do so in a manner that doesn't cause another source of fugitive dust.
 - iii. Trackout cleanup extension provision
 - B. Stabilization and trackout provisions for work done on unpaved shoulders adjacent to paved public roadways.
- 6. Proposed addition of Chapter 4, Article 1, §040 (Recordkeeping)
Recordkeeping requirements for any person subject to the rules including records of control measure application, date(s) of application. Records should be provided within 48 hours of request by control officer. However records should be provided without delay if the control officer is at the location where the records are kept.
- 7. Proposed addition of Chapter 4, Article 1, §050 (Records retention)
Two year records retention requirement.
- 8. Proposed addition of Chapter 4, Article 1, §060 (Violations)
Violation provisions for these rules.
Violation exemptions include:



- i. Wind conditions that cause fugitive dust to exceed the opacity standard – as long the control measures are implemented, applied and maintained and all dust contributing surface areas are stabilized.
 - ii. Emergency maintenance of flood control channels as long as at least one control measure is applied and maintained.
- F. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study (See contact information in subsection C above), all data underlying each study, and any analysis of each study and other supporting material:

Draft ADEQ document “Pinal PM₁₀ Emission Inventories and Source Apportionment Modeling Results”.

G. Economic, small business and consumer impact statement

Open areas/Vacant lots

There are currently no estimated costs to owners and/or operators of open areas/vacant lots that may be potentially affected by the proposed general fugitive dust rules. PCAQCD is in the process of assessing the extent of the ownership for parcels classified as open areas/vacant lots and the subset of them that exceed the proposed 1.0 acre or larger threshold. For those open areas/vacant lots that do reach the proposed 1 acre threshold, there may be some incremental costs associated with determining stability at their respective open area/vacant lot. Additionally, if there is evidence of trespass the owner and/or operator of the open area/vacant lot will be required to either install no trespassing signs or physical barriers. The size of the open area/vacant lot and control measure chosen by the owner and/or operator will determine the additional incremental costs potentially affecting them.

The proposed rules include new restrictions on owners and/or operators that choose to remove vegetation from their lots. The restrictions include applying a dust suppressant to the surface area disturbed prior to, during and after the weed abatement. The proposed rules include additional trackout requirements associated with weed abatement activities. All of these new proposed restrictions will add to the incremental costs associated with owners and/or operators of open area.

Unpaved Lots

Currently there are no estimated costs to potentially affected parties of unpaved lots by the proposed general fugitive dust rules. PCAQCD is in the process of assessing the extent of the parcels that have unpaved lots greater than the size threshold proposed (5,000 square feet). For those unpaved lots that do exceed the 5,000 square foot threshold, there may be some incremental costs associated with determining stability at their respective unpaved lot. If the stability of the unpaved lots needs to be addressed, there will be additional costs by the owner and/ operator to stabilize by use of one of the following control measures (paving, applying dust suppressants, applying gravel or an alternative control measure).

Unpaved Roads

The regulated community in the proposed rules for unpaved public roads includes Pinal County, Casa Grande, Maricopa, Florence, Coolidge, Eloy and Queen Creek. The requirements in §4-1-030.4, in particular subsection 4.B.ii will add significant costs to the regulated communities. The application of control measures on 15 miles per year of unpaved roads are in addition to what’s already in the 2016-2018 Transportation Improvement Program (TIP). The TIP is a five year plan of transportation projects for each entity that includes projects such as application of dust suppressants to unpaved roads, chip-seal and paving projects, etc. Therefore the requirement to apply control measures on an additional 15 miles per year of public unpaved roads has significant economic and fiscal impact to the regulated community. The approximate cost to chip-seal an average 28 foot wide unpaved road



is \$100,000 per mile. Assuming the 15 miles per year requirement in 4-1-030.4.B.ii were accomplished by chip sealing then the added economic impact to the regulated community would be approximately \$1.5 million per year. The regulated community does have other control measures available including application of dust suppressants. However in order to be counted towards the 15 miles per year requirement, the regulated entity that does use dust suppressant will be required to do so on a public unpaved road not previously treated and continue application and maintenance of the dust suppressant on that particular road until it is eventually paved.

Paved Public Roadways

The trackout requirements in the proposed rules (§4-1-030.5) will create incremental costs to the regulated entities. However current business practice by most of the regulated community is to address cleanup of trackout by conducting street sweeping on the offending portion of the paved road. Several of the street sweepers in the West Pinal PM₁₀ nonattainment area are PM₁₀ efficient street sweepers. The PM₁₀ efficient street sweepers are typically purchased through the Congestion Mitigation and Air Quality (CMAQ) process which includes a requirement for the local agency to match a certain percentage of the cost of the street sweeper. In this case the local match requirement for CMAQ funding is 5.7% which is approximate \$13,500 per PM₁₀ efficient street sweeper. In addition, labor costs associated with each street sweeper for maintenance and operation is ongoing.

The proposed rules also include stabilization requirements for work done on unpaved shoulders. The stabilization requirements (application of dust suppressant(s) to the total surface area subject to the disturbance in sufficient quantity and frequency) associated with any work done on unpaved shoulders will also add incremental costs to the regulated universe. There is also a trackout provision attributed to the treatment of unpaved shoulders which will require the application of a dust suppressant but also potentially the use of a PM₁₀ efficient street sweeper.

Pinal County

The estimated costs for PCAQCD are those that accrue from development, implementation and enforcement of the new standards. PCAQCD has an internal assessment of the costs associated with implementation and enforcement of its permitting, administration and field services activities associated with dust (construction fugitive dust and general fugitive dust) and open burning. Future rulemaking proposals will include estimates on the costs associated with these various programs and if needed, any proposed changes to associated dust and open burning permit fees.

H. The proposed changes will take effect January 1, 2016.

I. Compliance with the Fee-limitations of A.R.S. §49-112 (A) or (B).

Based on information and belief, the Director of the Pinal County Air Quality Control District affirms the following:

Initially, the total of the fees and other charges currently assessed in connection with the administration of the County's air quality program do not now equal the cost of program administration. To the extent that both the County and ADEQ impose parallel fees, the County's fees are capped by rule at ADEQ's rates, which implicitly affirms that the County's fees are reasonable. To the extent the County's program affects certain sources that ADEQ either does not regulate or does not charge, these proposed changes do not impose any additional fees on those sources at this time.

J. Persons may obtain a full copy of the proposed rule or existing rules at:

Pinal County Air Quality Control District
31 North Pinal St., Building F.
P.O. Box 987
Florence, AZ. 85132



<http://www.pinalcountyz.gov/AirQuality/Pages/home.aspx>

K. A list of all previous notices appearing in the Register addressing the proposed rules:
Notice of Rulemaking Docket Opening: 21 A.A.R. 35, 1730, August 28, 2015.

L. Date, time and location of oral proceeding:

1) Oral Proceeding

Date: September 28, 2015

Time: 10 a.m.

Location: 31 N. Pinal St., Florence, AZ
Building F, Ocotillo room

Nature of meeting: Oral proceeding before the Control Officer or his designee in accord with A.R.S. §49-471.06(C) to consider public comments upon any or all of this proposal.

2. The full text of the proposed changes follows:

1-1-105. SIP list

A. As a declaration of Board policy rather than a rule, and subject to the limitations of paragraphs B. and C. of this section, the Board of Supervisors expressly designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP:

1. Chapter 1

- a. Article 1.(As amended 5/14/97 and 5/27/98), except for §§1-1-105 and 1-1-107.
- b. Article 2 (As amended 5/14/97 and 7/12/00) except for §1-2-110.
- c. Article 3. (As amended 5/14/97, 5/27/98 and 10/27/04, 07/23/14, except for §1-3-130 and the definition in §1-3-140.82 (10/12/95) of “maximum achievable control technology.”)

2. Chapter 2

- a. Article 1. (As amended 10/12/95).
- b. Article 2. (As amended 5/14/97).
- c. Article 3. (As amended 10/12/95).
- d. Article 4. (As amended 10/12/95).
- e. Article 5. (As amended 10/12/95).
- f. Article 6. (As amended 10/12/95).
- g. Article 7. (As amended 10/12/95).
- h. Article 8. (As amended 5/18/05, as amended 1/7/09).

3. Chapter 3

- a. Article 1. (As amended 5/14/97, and 5/27/98 and 7/12/00), excluding:
 - i. §3-1-020
 - ii. §3-1-045
 - iii. §3-1-080
 - iv. §3-1-100
- b. Article 2. (As amended 10/12/95, 5/27/98 and 7/29/98).
- c. Article 3. (As amended 10/12/95, 5/27/15).
- d. Article 8. (As amended 10/12/95 and 10/27/04).

4. Chapter 4

- a. Article 1. (As amended 2/22/95, ~~###/###/15~~).
- b. Article 2. (As amended 5/14/97, 7/12/00, 12/4/02 and 10/27/04).
- c. Reserved.
- d. Article 4 (As amended 6/3/09).
- e. Article 5 (As amended 6/3/09).
- f. Reserved.
- g. Article 7 (As amended 6/3/09)



- h. Reserved.
 - i. Article 9, limited to:
 - i. §4-9-320 (As amended 6/3/09)
 - ii. §4-9-340 (As amended 6/3/09).
- B. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, those provisions, save §3-1-084 which shall be expressly exempted from the limitation of this paragraph, shall operate as elements of the SIP only insofar as they pertain to:
- 1. “construction,” as defined in Nov. '93 Code §1-3-140.28; or
 - 2. “modification,” as defined in Nov. '93 Code §1-3-140.85; and
- C. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, neither those provisions nor any permit conditions imposed pursuant to those provisions shall:
- 1. Operate as elements of the SIP insofar as they pertain to other than “conventional pollutants,” as defined in §1-3-140.33;
 - 2. Operate as elements of the SIP insofar as they pertain only to a requirement arising under, or pertain to a source subject to regulation exclusively by virtue of a requirement arising under:
 - a. §111 of the Clean Air Act; or
 - b. Title IV of the 1990 amendments to the Clean Air Act; or
 - c. Title VI of the 1990 amendments to the Clean Air Act; or
 - d. Any section of this Code that is not a part of the SIP;
 - 3. Operate as an element of the SIP, at least insofar as they impose a “fee”;
 - 4. Operate as an element of the SIP, at least insofar as they require a “certification”;
 - 5. Operate as an element of the SIP, at least insofar as they impose obligations pertaining to “renewals”;
 - 6. Operate as an element of the SIP, at least insofar as they impose requirements regarding “excess emissions”; or
 - 7. Operate as an element of the SIP, at least insofar as they impose requirements regarding “compliance plans.”
- D. As a renumbering and reconciliation of previously approved SIP provisions as elements of this Code, the Board of Supervisors additionally designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP without operational limitation:
- 1. §§1-1-010.C (2/22/95) and 1-1-010.D (2/22/95) *Declaration of Policy*
 - 2. Chapter 2, Article 8 (As amended 1/7/09) *Visibility Limiting Standard*
 - 3. Chapter 3, Article 8 (2/22/95) *Open Burning*
 - 4. [Reserved]
 - 5. [Reserved]
 - 6. [Reserved]
 - 7. [Reserved]
 - 8. [Reserved]
 - 9. [Reserved]
 - 10. [Reserved]
 - 11. [Reserved]
 - 12. §5-18-740 (2/22/95) *Storage of Organic Compounds - Organic Compound Emissions*
 - 13. §5-19-800 (2/22/95) *Loading of Volatile Organic Compounds - Organic Compound Emissions*
 - 14. §5-21-920 (2/22/95) *Fossil Fuel Fired Industrial and Commercial Equipment Standard Applicability*
 - 15. §5-21-930 (2/22/95 and 7/12/00) *Fossil Fuel Fired Industrial and Commercial Equipment Particulate Emission Standard*
 - 16. §5-22-950 (2/22/95) *Fossil Fuel Fired Steam Generator Standard Applicability*
 - 17. §5-22-960 (2/22/95) *Fossil Fuel Fired Steam Generator Sulfur Dioxide Emission Limitation*
 - 18. §5-24-1030.F (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Organic Compound Emissions*
 - 19. §5-24-1030.I (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Carbon Monoxide*
 - 20. §5-24-1032 (2/22/95) *Federally Enforceable Minimum Standard of Performance - Process Particulate Emissions*



- 21. §5-24-1040 (2/22/95) *Carbon Monoxide Emissions - Industrial Processes*
- 22. §5-24-1045 (2/22/95) *Sulfite Pulp Mills - Sulfur Compound Emissions*
- 23. §5-24-1050 (2/22/95, as amended June 20, 1996) *Reduced Sulfur Emissions - Default Limitation*
- 24. §5-24-1055 (2/22/95) *Pumps and Compressors - Organic Compound Emissions*

ARTICLE 1. ~~ADOPTED DOCUMENTS~~

WEST PINAL PM10 MODERATE NONATTAINMENT AREA FUGITIVE DUST

4-1-010. ~~Adopted document(s)~~ General Applicability

~~A.A.C. , Title 18, Chapter 2, Article 6 is hereby adopted by reference and made a part of this Code.~~

- 1. The purpose of this Article is to control FUGITIVE DUST from OPEN AREAS/VACANT LOTS, UNPAVED ROADS, UNPAVED LOTS and PAVED PUBLIC ROADWAYS by requiring measures to prevent, reduce or mitigate FUGITIVE DUST emissions.
- 2. Effective Date
The rules in this Article will become effective on January 1, 2016.
- 3. Geographic Scope
The rules in this Article shall be effective throughout the West Pinal County PM₁₀ Moderate Nonattainment area as defined in 40 CFR Part 81.303.

4-1-015. Exemptions

- 1. In the case of legitimate vehicle test and development facilities and operations conducted by or for an equipment manufacturer, where dust is required to test and validate the design integrity, product quality and/or commercial acceptance, those specific activities shall be exempt from the applicable standards and requirements in this Article.
- 2. The standards and requirements of this Article shall not apply to Emergency response activities that may disturb the soil conducted by any utility or government agency in order to prevent public injury or to restore critical utilities to functional status. For purposes of this subsection, an emergency response must address a situation arising from a sudden and unforeseeable event beyond the control of the OWNER AND/OR OPERATOR, including acts of God. Activities by an OWNER AND/OR OPERATOR to address a disturbance resulting from improperly designed equipment, lack of preventative maintenance, careless or improper operation or operator error shall not qualify as an emergency response.
- 3. The standards and requirements of this Article shall not apply to Normal farm cultural practices according to A.R.S. §49-457 and A.R.S. §49-504.4 which are subject to Arizona Department of Environmental Quality (ADEQ) rules R18-2-610, R18-2-610.01, R18-2-611 and R18-2-611.01.
- 4. The standards and requirements of this Article shall not apply to DUST GENERATING OPERATIONS subject to the standards and/or requirements described in Chapter 4, Article 10.
- 5. The standards and requirements of this Article shall not apply to the establishment of initial landscapes without the use of mechanized equipment, conducting landscape maintenance without the use of mechanized equipment, and playing on or maintaining a field used for non-motorized sports. However, establishing initial landscapes without the use of mechanized equipment and conducting landscape maintenance without the use of mechanized equipment shall not include grading, or trenching, performed to establish initial landscapes or to redesign existing landscapes.

4-1-020. Definitions

For the purpose of this Article, the following definitions shall apply:

- 1. ADT (Average Daily Trips) – As used in this Article, means the average number of vehicles that cross a given point surface during a specific 24-hour period as determined by the most recent Institute of Transportation Engineers trip generation manual, tube counts, or observations.
- 2. CONTROL MEASURES- as used in this Article means, a preemptive or concurrent technique used to minimize the generation, emission, entrainment, suspension, and/or airborne transport of FUGITIVE DUST in order to comply with applicable standards.



3. DISTURBED SURFACE AREA – As used in this Article, means any portion of the earth’s surface that has been physically moved, uncovered, deSTABILIZED, or otherwise modified from its undisturbed natural condition.
4. DUST SUPPRESSANT – As used in this Article, means water, hygroscopic material, solution of water and chemical surfactant foam, non-toxic chemical stabilizer or any other dust palliative, which is not prohibited by the U. S. Environmental Protection Agency (EPA) or the Arizona Department of Environmental Quality (ADEQ), or any applicable law, rule, or regulation, as a treatment material for reducing FUGITIVE DUST emissions.
5. EMERGENCY - as used in this Article means a situation arising from sudden and reasonably unforeseeable events beyond the control of the OWNER AND/OR OPERATOR, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the associated activities to exceed a limitation in this rule, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include any noncompliance due to improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
6. FUGITIVE DUST – As used in this Article, means the regulated particulate matter, which is not collected by a capture system, which is entrained in the ambient air, and which is caused from human and/or natural activities, such as but not limited to, movement of soils, vehicles, equipment, blasting, and wind. For the purpose of this rule, FUGITIVE DUST does not include particulate matter emitted directly from the exhaust of MOTOR VEHICLES and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from piledrivers.
7. MOTOR VEHICLE - As used in this Article, means a self-propelled vehicle for use on the public roads and highways of the State of Arizona and required to be registered under the Arizona State Uniform MOTOR VEHICLE Act, including any non-motorized attachments, such as but not limited to, trailers and other conveyances which are connected to or propelled by the actual motorized portion of the vehicle.
8. OPEN AREAS/VACANT LOTS – As used in this Article, means any of the following described in Subsections a through c below. For the purposes of this rule, vacant portions of residential or commercial lots and contiguous parcels that are immediately adjacent to and owned and/or operated by the same individual or entity are considered one open area.
 - a. An unsubdivided or undeveloped land whether or not it is adjoining a developed or a partially developed residential, industrial, institutional, governmental, or commercial area.
 - b. A subdivided residential, industrial, institutional, governmental, or commercial lot that contains no approved or permitted buildings or structures of a temporary or permanent nature.
 - c. A partially developed residential, industrial, institutional, governmental, or commercial lot and contiguous lots under common ownership.
9. OWNER AND/OR OPERATOR – As used in this Article, means any person including, but not limited to, the property owner, lessee or responsible official.
10. PAVE – As used in this Article, to apply and maintain asphalt, concrete, or other similar material to a roadway surface, such as asphaltic concrete, concrete pavement, chip seal, or rubberized asphalt.
11. PAVED PUBLIC ROADWAY – As used in this Article, means a publicly owned paved roadway, owned by federal, state, county, municipal, or other government or quasi-governmental agencies as evidenced by a formal acceptance by the state or a political subdivision of the state of either:
 - a. An on-going maintenance obligation for the roadway; or
 - b. A title or easement for the roadway.



- 12. PINAL COUNTY DUST CONTROL FORECAST as used in this Article, means a forecast, which shall identify a low, moderate or high risk of dust generation for the next five consecutive days and shall be issued by noon on each day the forecast is generated. When developing these forecasts, the Department of Environmental Quality shall consider all of the following:
 - a. Projected meteorological conditions, including:
 - i) Wind speed and direction.
 - ii) Stagnation.
 - iii) Recent precipitation, and
 - iv) Potential for precipitation.
 - b. Existing concentrations of air pollution at the time of the forecast; and
 - c. Historic air pollution concentrations that have been observed during meteorological conditions similar to those that are predicted to occur in the forecast.

- 13. STABILIZED – As used in this Article, means any previously DISTURBED SURFACE AREA which, through the application of CONTROL MEASURES, shows visual or other evidence of surface crusting and is resistant to wind-driven FUGITIVE DUST.
- 14. TRACKOUT – As used in this Article, any and all bulk materials that adhere to and agglomerate on the exterior surface of MOTOR VEHICLES, haul trucks, and/or equipment (including tires) and that have fallen onto a paved roadway.
- 15. UNPAVED LOT – as used in this Article, is any area that is not paved and that is used for parking, maneuvering, material handling, or storing MOTOR VEHICLES and equipment. An UNPAVED LOT includes, but is not limited to, automobile impound yards, wrecking yards, automobile dismantling yards, salvage yards, material handling yards, and storage yards. For the purpose of this rule, maneuvering shall not include military maneuvers or exercises conducted on federal facilities.
- 16. UNPAVED ROAD - as used in this Article, means any roads, equipment paths, or travel ways that are not PAVED. UNPAVED ROADS are owned only by federal, state, county, municipal, or other governmental or quasi-governmental agencies. For the purposes of this Article, an UNPAVED ROAD is not an agricultural road, horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by MOTOR VEHICLES.

4-1-030. Standards

1. GENERAL REQUIREMENTS

- A. The OWNER AND/OR OPERATOR of OPEN AREAS/VACANT LOTS, UNPAVED LOTS, UNPAVED ROADS and PAVED PUBLIC ROADWAYS shall be subject to the standards and/or requirements described in this rule. Failure to comply with any such standards and/or requirements is deemed a violation of this rule.
- B. The OWNER AND/OR OPERATOR shall implement applicable CONTROL MEASURES.
- C. CONTROL MEASURES shall be implemented to meet the visible emissions requirements, stabilization requirements and compliance determinations for each applicable category.
- D. Failure to implement CONTROL MEASURES as required by this rule, as applicable and/or failure to maintain stabilization in order to prevent wind erosion as measured by the requirements of this rule shall be deemed a violation of this rule.

2. OPEN AREAS/VACANT LOTS

- A. Visible Emissions and Stabilization Requirements: The OWNER AND/OR OPERATOR of OPEN AREAS/VACANT LOTS shall not cause, suffer, allow, or permit FUGITIVE DUST emissions which result in opacity of the dust to exceed twenty percent (20%) as measured using an opacity method, as determined by the applicable test



method in §4-9-340 or an equivalent test method approved in writing by the Control Officer and the EPA Administrator.

- B. Upon evidence of trespass in OPEN AREAS/VACANT LOTS, an OWNER AND/OR OPERATOR shall install and maintain one of the following:
- i. No trespassing signs
 - ii. Physical barriers such as curbs, fences, gates, posts, shrubs, trees, or other effective CONTROL MEASURES to effectively prevent access to the OPEN AREAS/VACANT LOTS.
- C. OWNERS AND/OR OPERATORS of OPEN AREAS/VACANT LOTS 1.0 acre (43,560 square feet) or larger and have a cumulative of 0.5 acre (21,780 square feet) or more DISTURBED SURFACE AREA shall implement at least one CONTROL MEASURE described below on the DISTURBED SURFACE AREA in order to stabilize:
- i. Apply and maintain water or dust suppressants; or
 - ii. Establish vegetation; or
 - iii. Install and maintain pavement; or
 - iv. Apply and maintain gravel uniformly; or
 - v. Apply and maintain chemical/organic stabilizers/suppressants; or
 - vi. Apply and maintain an alternative control measure approved in writing by the Control Officer and the EPA Administrator.
- D. For OPEN AREAS/VACANT LOTS 1.0 acre (43,560 square feet) or larger and have a cumulative of 0.5 acre (21,780 square feet) or more DISTURBED SURFACE AREA, within 30 calendar days following the initial discovery of the DISTURBED SURFACE AREA on the OPEN AREAS/VACANT LOTS, the OWNER AND/OR OPERATOR shall sign up to receive the PINAL COUNTY DUST CONTROL FORECAST. The OWNER AND/OR OPERATOR shall ensure the OPEN AREAS/VACANT LOTS is STABILIZED the day leading up to and the day that is forecast to be high risk for dust emissions, as noticed by the PINAL COUNTY DUST CONTROL FORECAST.
- E. No person shall remove vegetation from any OPEN AREAS/VACANT LOTS by blading, disking, plowing under or any other means without implementing all of the following CONTROL MEASURES to prevent or minimize FUGITIVE DUST.
- i. Apply a DUST SUPPRESSANT(s) to the total surface area subject to the disturbance immediately prior to or during the weed abatement.
 - ii. Prevent or eliminate material TRACKOUT onto paved surfaces and access points adjoining paved surfaces through one of the CONTROL MEASURES in 4-1-030.5.A.i.
 - iii. Apply a DUST SUPPRESSANT (s), gravel, compaction or an alternative CONTROL MEASURE immediately following weed abatement to the entire DISTURBED SURFACE AREA such that the surface is STABILIZED.
- F. Compliance with the stabilization requirement in paragraphs C, D and E shall be determined by one of the following:
- i. Observation of a visible crust as determined by the drop ball test in Article 9 (§4-9-320.B.1); or
 - ii. A Threshold Friction Velocity (TFV), corrected for non-erodible elements, of 100 cm/second or higher as determined by the test method in Article 9 (§4-9-320.B.2); or
 - iii. Flat vegetation cover equal to at least 50 percent as determined by the test method in Article 9 (§4-9-320.B.3); or
 - iv. Standing vegetation cover equal to or greater than 30 percent as determined by the test method in Article 9 (§4-9-320.B.4); or
 - v. Standing vegetation cover equal to or greater than 10 percent as determined by the test method in Article 9 (§4-9-320.B.4) where threshold friction velocity, corrected for non-erodible elements, is equal to or greater than 43 cm/second.



3. UNPAVED LOTS

A. The OWNER AND/OR OPERATOR of an UNPAVED LOT greater than 5,000 square feet in size shall be subject to the requirements described in 4-1-030.3.A.i and shall comply with at least one of the CONTROL MEASURES described in 4-1-030.3.A.ii:

i. **Visible Emissions Requirements and Stabilization Requirements:** The OWNER AND/OR OPERATOR of an UNPAVED LOT shall not cause or allow visible FUGITIVE DUST emissions to exceed 20% opacity as measured using an opacity method, as determined by the applicable test method in §4-9-340 or an equivalent test method approved in writing by the Control Officer and the EPA Administrator, and shall not allow silt loading equal to or greater than 0.33 oz/ft² as determined by the applicable test method in §4-9-320.A.1. However, if silt loading is equal to or greater than 0.33 oz/ft², then the OWNER AND/OR OPERATOR shall not allow the silt content to exceed 8%:

ii. **CONTROL MEASURES:**

- a. Pave; or
- b. Apply DUST SUPPRESSANT in sufficient quantity and frequency to maintain a STABILIZED surface; or
- c. Apply and maintain surface gravel uniformly such that the surface is STABILIZED; or
- d. Apply and maintain an alternative control measure approved in writing by the Control Officer and the EPA Administrator.

B. CONTROL MEASURE(s) in 4-1-030.3.A.ii shall be considered effectively implemented when the UNPAVED LOT meets the requirements of 4-1-030.3.A.i.

4. UNPAVED ROADS

A. The OWNER AND/OR OPERATOR of UNPAVED ROADS with average daily trips (ADT) greater than 150 (A traffic count shall measure MOTOR VEHICLE traffic over a 48-hour period, which may consist of two non-consecutive 24-hour periods. MOTOR VEHICLE traffic shall be measured continuously during each 24-hour period.) shall be subject to the requirements described in 4-1-030.4.A.i and shall comply with one of the CONTROL MEASURES described in 4-1-030.4.A.ii:

i. **Visible Emissions Requirements and Stabilization Requirements:** The OWNER AND/OR OPERATOR of UNPAVED ROADS shall not cause or allow visible FUGITIVE DUST emissions to exceed 20% opacity as measured using an opacity method, as determined by the applicable test method in §4-9-340 or an equivalent test method approved in writing by the Control Officer and the EPA Administrator and shall not allow silt loading equal to or greater than 0.33 oz/ft² as determined by the applicable test method in §4-9-320.A.1. However, if silt loading is equal to or greater than 0.33 oz/ft², then the OWNER AND/OR OPERATOR shall not allow the silt content to exceed 6%:

ii. **CONTROL MEASURES:**

- a. Pave; or
- b. Apply and maintain DUST SUPPRESANTS other than water; or
- c. Uniformly apply and maintain surface gravel

B. CONTROL MEASURE(s) in 4-1-030.4.A.ii shall be considered effectively implemented when:

i. One of the CONTROL MEASURES described in 4-1-030.4.A.ii is annually implemented on 15 miles per year of UNPAVED ROADS having ADT of 150 or more.



- a. When the CONTROL MEASURE is application and maintenance of DUST SUPPRESSANTS other than water, the application and maintenance of the DUST SUPPRESSANTS shall only be counted towards the 15 mile threshold when:
 - 1. Done on UNPAVED ROADS previously untreated, and
 - 2. Application and maintenance of DUST SUPPRESSANTS on UNPAVED ROADS previously treated continues annually until the UNPAVED ROAD is paved.
- ii. For year 2019 and beyond, CONTROL MEASURES applied on UNPAVED ROADS with less than 150 ADT can be used for compliance with 4-1-030.4.B.i through use of the following equivalency conversion.

<u>ADT Range</u>	<u>Mileage Equivalency (Miles of equivalent control / mileage of actual control)</u>
<u>0-14</u>	<u>0.000</u>
<u>14-62</u>	<u>0.121</u>
<u>62-103</u>	<u>0.514</u>
<u>103-146</u>	<u>0.531</u>
<u>146+</u>	<u>1.000</u>

Example equivalency conversion calculation:

In year one, City or County “A” paves 10 miles of UNPAVED ROADS with ADT of 100. 10 * 0.514 = 5.14 miles of 150 ADT equivalent UNPAVED ROADS.

5. PAVED PUBLIC ROADWAY

- A. Clean up of TRACKOUT, Erosion-Caused Deposition of Bulk Materials on PAVED PUBLIC ROADWAY: the OWNER AND/OR OPERATOR of the property from which the TRACKOUT or erosion-caused deposition came from shall upon discovery of mud/dirt that extends 50 feet or more from the nearest unpaved surface exit onto the PAVED PUBLIC ROADWAY shall:
 - i. Within 24 hours of discovery, remove the mud/dirt from PAVED PUBLIC ROADWAY with one of the following CONTROL MEASURES. (If needed, restrict vehicles from traveling over said mud/dirt until such time as the material can be removed from the travel lanes of the PAVED PUBLIC ROADWAY)
 - i. Manually sweeping and picking up; or
 - ii. Operating a rotary brush or broom accompanied or preceded by sufficient wetting to limit opacity to 20% or less; or
 - iii. Operating a PM10 efficient street sweeper; or
 - iv. Flushing with water, if curb and gutters are not present and where the use of water will not result as a source of trackout material or result in adverse impacts on storm water drainage systems or violate any National Pollutant Discharge Elimination System permit program
 - ii. During removal of mud/dirt, do so in a manner that does not cause another source of FUGITIVE DUST.
 - iii. In the event unsafe travel conditions would result from restricting traffic pursuant to section A.i and removal of such material isn’t possible within 72 hours due to a weekend or holiday condition, the provisions of section A.i can be extended upon notification to and approval by the Control Officer.
- B. The OWNER AND/OR OPERATOR of any existing PAVED PUBLIC ROADWAYs shall take the following actions prior to, during and after work on UNPAVED ROAD shoulders:
 - i. Apply a DUST SUPPRESSANT(s) to the total surface area subject to the disturbance in sufficient quantity and frequency to maintain a STABILIZED surface.



- ii. Prevent TRACKOUT by using one of the CONTROL MEASURES listed in 4-1-030.5.A.1.

4-1-040. Recordkeeping

Any person subject to the requirements of this rule shall compile and retain records that provide evidence of CONTROL MEASURE application (i.e. receipts and/or purchase records). Such person shall describe in the records, the type of treatment or CONTROL MEASURE, extent of coverage, and date applied. Upon verbal or written request by the Control Officer, such person shall provide the records and supporting documentation as soon as possible but no later than 48 hours, excluding weekends. If the Control Officer is at the site where requested records are kept, such person shall provide the records without delay.

4-1-045. Reporting Requirements

Each city, county, or state agency with primary responsibility for any existing PAVED PUBLIC ROADWAY and UNPAVED ROADS shall take the following actions:

- A. By January 30 of each year provide the DISTRICT with a list of all UNPAVED ROADS under its jurisdiction, including data on length of, and ADT (if available) on, each UNPAVED ROAD segment.
- B. By January 30 of each year, submit to the District a list of UNPAVED ROADS which were paved during the previous year including the total number of UNPAVED ROADS miles, ADTs (if available) and their respective segments.

4-1-050. Records Retention

Copies of the records required by 4-1-040 (Recordkeeping) and 4-1-045 (reporting) of this rule shall be retained for at least two years.

4-1-060. Violations

Failure by any person to comply with the applicable requirements of this Article shall constitute a violation subject to penalty as provided in these rules and A.R.S. Title 49, Chapter 3, Article 3, A.R.S. 49-471 et. seq.

Violation Exemptions:

- A. The opacity requirements of this rule shall not apply during:
 - i. Wind conditions that cause FUGITIVE DUST to exceed the opacity requirements if applicable CONTROL MEASURES are implemented, applied and maintained, and all dust contributing DISTURBED SURFACE AREAs are STABILIZED.
 - ii. EMERGENCY maintenance of flood control channels and water retention basins if at least 1 applicable CONTROL MEASURE is applied, and maintained.

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

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

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

RULE EXPIRATIONS

EXP = Rules have expired

See also “emergency expired” under emergency rulemaking

CORRECTIONS

C = Corrections to Published Rules

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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
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
June 26, 2015	July 17, 2015	August 17, 2015
July 3, 2015	July 24, 2015	August 24, 2015
July 10, 2015	July 31, 2015	August 31, 2015
July 17, 2015	August 7, 2015	September 8, 2015 (Tuesday)
July 24, 2015	August 14, 2015	September 14, 2015
July 31, 2015	August 21, 2015	September 21, 2015
August 7, 2015	August 28, 2015	September 28, 2015
August 14, 2015	September 4, 2015	October 5, 2015
August 21, 2015	September 11, 2015	October 13, 2015 (Tuesday)
August 28, 2015	September 18, 2015	October 19, 2015
September 4, 2015	September 25, 2015	October 26, 2015
September 11, 2015	October 2, 2015	November 2, 2015
September 18, 2015	October 9, 2015	November 9, 2015
September 25, 2015	October 16, 2015	November 16, 2015
October 2, 2015	October 23, 2015	November 23, 2015
October 9, 2015	October 30, 2015	November 30, 2015
October 16, 2015	November 6, 2015	December 7, 2015
October 23, 2015	November 13, 2015	December 14, 2015
October 30, 2015	November 20, 2015	December 21, 2015



GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

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

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

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



GOVERNOR'S REGULATORY REVIEW COUNCIL
NOTICE OF ACTION TAKEN AT THE
AUGUST 4, 2015 MEETING

[M15-214]

CONSIDERATION OF FIVE -YEAR-REVIEW REPORTS:

INDUSTRIAL COMMISSION OF ARIZONA (F-15-0801)

Title 20, Chapter 5, Article 10, Wage Claims

ARIZONA STATE RETIREMENT SYSTEM (F-15-0803)

Title 2, Chapter 8, Article 1, Retirement System, Defined Benefit Plan; Article 4, Practice and Procedure Before the Board; and Article 5, Purchasing Service Credit

ARIZONA RADIATION REGULATORY AGENCY (F-15-0804)

Title 12, Chapter 1, Article 9, Particle Accelerators

RULES:

ARIZONA DEPARTMENT OF WEIGHTS AND MEASURES (R-15-0802)

Title 20, Chapter 2, Article 1, Administration and Procedures; Article 9, Gasoline Vapor Control; Article 10, Stage I Vapor Recovery (New Article)

- Amend: R20-2-101
Amend: Article 9
Amend: R20-2-901
Amend: R20-2-902
Amend: R20-2-903
Amend: R20-2-904
Amend: R20-2-906
Amend: R20-2-907
Amend: R20-2-908
Amend: R20-2-909
Amend: R20-2-910
New Article: Article 10
New Section: R20-2-913
New Section: R20-2-1001
New Section: R20-2-1002
New Section: R20-2-1003
New Section: R20-2-1004
New Section: R20-2-1005
New Section: R20-2-1006
New Section: R20-2-1007
New Section: R20-2-1008
New Section: R20-2-1009
New Section: R20-2-1010
New Section: R20-2-1011
New Section: R20-2-1012
New Section: R20-2-1013
New Table: Table 1

ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS (R-15-0803)

Title 4, Chapter 46, Article 1, General Provisions; Article 4, Appraisal Management Companies (New Article);



Article 5, Course Approval; Article 6, Property Tax Agents

- Repeal: Article 4
- Repeal: R4-46-401
- Repeal: R4-46-503
- Repeal: R4-46-602
- Amend: R4-46-101
- Amend: R4-46-102
- Amend: R4-46-103
- Amend: R4-46-106
- Amend: R4-46-501
- Amend: R4-46-601
- New Article: Article 4
- New Section: R4-46-107
- New Section: R4-46-401
- New Section: R4-46-402
- New Section: R4-46-403
- New Section: R4-46-404
- New Section: R4-46-405
- New Section: R4-46-406
- New Section: R4-46-407
- New Section: R4-46-408
- New Section: R4-46-502
- New Section: R4-46-503
- New Section: R4-46-504
- New Section: R4-46-505
- New Section: R4-46-506
- New Section: R4-46-507
- New Section: R4-46-508
- New Section: R4-46-509
- New Section: R4-46-510
- New Section: R4-46-511

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