

## NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

### NOTICE OF FINAL RULEMAKING

#### TITLE 10. LAW

#### CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION

#### PREAMBLE

- | <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
|-----------------------------|--------------------------|
| R10-4-401                   | Amend                    |
| R10-4-402                   | Amend                    |
| R10-4-403                   | Amend                    |
| R10-4-404                   | Amend                    |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. § 41-2405(A)(8)  
Implementing statute: A.R.S. § 41-2402
- 3. The effective date of the rules:**  
February 8, 2001
- 4. A list of all previous notices appearing in the Register addressing the proposed rule:**  
Notice of Rulemaking Docket Opening: 6 A.A.R. 795, February 25, 2000  
Notice of Proposed Rulemaking: 6 A.A.R. 3250, September 1, 2000
- 5. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Joseph R. Farmer  
Address: 3737 North 7th Street, Suite 260  
Phoenix, AZ 85014  
Telephone: (602) 230-0252  
Fax: (602) 728-0752
- 6. An explanation of the rule, including the agency's reasons for initiating the rule:**  
The purpose of the Article is to establish the guidelines to be used to govern the Drug and Gang Enforcement Account Administrative Program. Without rules to govern the administration of the program, the Account funds cannot be made available, awarded, or properly administered.
- 7. A reference to any study that the agency relied on in its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material:**  
None
- 8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**  
The promulgation of these rules will not diminish a previous grant of authority of a political subdivision of this state.
- 9. The summary of the economic, small business and consumer impact:**  
There will not be any significant economic impact as a result of the amendments to the proposed rules.  
**Costs/Benefits to implementing agency:** The Arizona Criminal Justice Commission will experience no increase in its supplies and services budget. The personnel budget will not be increased. The management of the Account funds will continue to be accomplished through the use of existing staff. No increase in administrative overhead is anticipated.

**Costs/benefits to other agencies directly affected by the amendments:** Other state agencies will not be adversely effected by the amendments to the rules governing distribution of Account funds. The amendments serve only to; (1) delete all references to the Drug and Gang Enforcement Task Force, which no longer exists, and (2) bring the amended rules into conformance with the requirements of the Secretary of State's Office.

The State Treasury Department will have no cost increases as a result of the amended rules. The department already receives and administers the Account into which these funds are deposited upon receipt from the courts.

**Costs/benefits to political subdivisions:** All Arizona criminal justice agencies potentially benefit from the distribution of Account funds. This funding provides statewide, system-wide enhancements to support all components of Arizona's drug, gang, and violent crime control efforts, and the communities they serve.

There are no significant costs associated with the distribution of Account funds to these agencies. All of the agencies have personnel already assigned to the administration of other grants they receive. The increased costs of administering the enhanced funding provided from the Account will be in the area of supplies for the completion of the required reports.

**Costs/benefits to business:** There are no significant costs or benefits to private industry. Enhanced Drug and Gang Enforcement Account funding provides a proportionate stimulant to the economy of recipient communities through added jobs that may otherwise not be available.

**10. A description of the changes between the proposed amended rules, including supplemental notices, and final rules (if applicable):**

Technical and grammatical changes were made at the suggestion of GRRC Staff.

**11. A summary of the principle comments and the agency response to them:**

The Drug, Gang and Violent Crime Programs Committee of the Arizona Criminal Justice Commission reviewed and discussed the proposed amendments to the rules in open meeting, and recommended the Arizona Criminal Justice Commission adopt the amended rules in open meeting on July 20, 2000. The Commission voted unanimously to adopt the amended rules, and no public comments were brought forward to either the Committee or the Commission.

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

None

**13. Incorporations by reference and their location in the rules:**

None

**14. Was this rule previously approved as an emergency rule?**

No

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

TITLE 10. LAW

CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION

ARTICLE 4. DRUG AND GANG ENFORCEMENT ACCOUNT ADMINISTRATIVE PROGRAM

R10-4-401. Definitions

R10-4-402. Application

R10-4-403. Application ~~Process Review; Approval approval~~ by the Commission

R10-4-404. Annual ~~Reports Report~~

ARTICLE 4. DRUG AND GANG ENFORCEMENT ACCOUNT ADMINISTRATIVE PROGRAM

**R10-4-401. Definitions.**

In this Article:

1. "Account" means the Drug and Gang Enforcement Account ~~as~~ established by A.R.S. § 41-2402.
2. "Commission" means the Arizona Criminal Justice Commission, ~~as~~ established by A.R.S. § 41-2404.
3. "~~Task Foree~~" means the Drug and Gang Enforcement Task Force, as established by A.R.S. § 41-2406.
3. "Approved Program or Project" means a program or project delivering services that meet the requirements of A.R.S. § 41-2402.
4. "Approved Agency" means a unit of state or local government providing services that meet the requirements of A.R.S. § 41-2402.

**R10-4-402. Application.**

~~The Commission To apply for Account money, an approved agency shall require submit to the Commission a written application~~ submittal from each applicant for Account monies money containing showing all of the following information:

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1. The name and address of the applicant agency.
  - a. The name of the authorized official submitting the application.
  - b. The name of the person with primary responsibility for administering and supervising the approved program or project, and
  - c. The name of the person responsible for fiscal matters relating to the approved program or project;
1. That the request for monies is consistent with the purposes for which the Account was established;
- 2.4. The amount of ~~account~~ Account monies ~~money~~ requested;
- 3.2. The purpose of the request for Account money, consistent with A.R.S. § 41-2402(A);
2. The goals sought to be achieved by the use of Account monies, the specific supporting objectives, and a proposed method for accurately measuring and evaluating the degree of success in achieving these objectives;
4. The program or project title;
5. The program or project description including:
  - a. The goals and objectives to be achieved by the program or project, and the method for evaluating the achievements of the program or project;
  - b.3. The estimated amount of ~~agency~~ the applicant agency's funds and resources ~~the applicant plans to allocate~~ allocated to the program or project;
  - c. The estimated total project cost;
  - d.5. A detailed ~~account~~ budget of how the Account monies ~~money~~ will be used; ~~spent to enhance the project;~~ and
  - e. An estimated completion date; and
  - f.6. The anticipated fiscal and operational impact ~~that the receipt of Account monies~~ money ~~is projected to~~ will have on state and local agencies the applicant agency.

**R10-4-403. ~~Application process~~ Review; approval Approval by the Commission.**

~~A.~~ The Commission shall forward the written applications to the Task Force for review and recommendations.

~~A.B.~~ The Commission shall review each application and make a decision to grant or deny funding within 90 days of the last day on which applications may be submitted. the recommendations of the Task Force, together with any of the written submittals which the Commission may designate.

~~B.C.~~ After such review, If the Commission ~~may~~ determines that additional information is needed to facilitate its review of an application, the Commission shall:

1. Request additional information ~~and/or modified applications~~ from the Task Force ~~and/or~~ the applicant agency, or
2. Request application modifications.

~~C.2.~~ After review, the Commission shall vote to approve or disapprove the application, in whole or in part, on the basis of standards prescribed by the federal government for federal money deposited into the Account as provided under A.R.S. § 41-2402(F) ~~applications which have been submitted.~~

**R10-4-404. ~~Annual Reports~~ Report.**

~~A.~~ Within ~~No later than September 30~~ 90 days after the end of each fiscal year, each a grantee shall submit a written report to the Commission. ~~which shall forward a copy to the Task Force~~ that contains: ~~containing all of the following information:~~

1. The amount of Account ~~money~~ monies held by the grantee at the beginning of the fiscal year;
2. The amount of Account ~~money~~ monies ~~received by~~ distributed to the grantee ~~from~~ by the Commission during the fiscal year;
3. The amount of Account ~~money~~ monies ~~which were expended in relation to~~ achieve the specific goals and objectives stated in the application ~~sought to be achieved by the grantee;~~
4. A narrative assessment ~~An analysis of the effective and efficient effectiveness and efficiency with which the grantee used use of~~ Account ~~money~~ monies to meet its stated goals and objectives during the fiscal year, including a specific an assessment of the enhanced degree to which efforts to deter, investigate, prosecute, adjudicate, and punish drug offenders and members of criminal street gangs ~~have been enhanced;~~
5. The amount and disposition of assets seized, ~~fine monies~~ money generated by fines, and other financial benefits generated by the grantee, as a result of the use of Account ~~monies~~ money; and
6. Such other ~~Other~~ information as the Commission may request ~~in compliance to comply~~ with requests from the ~~Federal Government~~ federal government for information related to the ~~expenditures~~ expenditure of federal grant ~~monies~~ money from the Account.

~~B.~~ The Commission shall compile this information in the annual report required under A.R.S. § 41-2405(A)(12) and forward it to the ~~Task Force for review and recommendations to the Commission~~ Governor, President of the Senate and Speaker of the House of Representatives.

NOTICE OF FINAL RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 8. ARIZONA STATE PARKS BOARD

PREAMBLE

**1. Sections Affected**

**Rulemaking Action**

R12-8-101	Amend
R12-8-102	Amend
R12-8-104	Amend
R12-8-105	Amend
R12-8-106	Amend
R12-8-108	Amend
R12-8-111	Amend
R12-8-112	Amend
R12-8-113	Amend
R12-8-115	Amend
R12-8-116	Amend
R12-8-125	Amend
R12-8-201	Amend
R12-8-202	Amend
R12-8-204	Amend
R12-8-205	Repeal
R12-8-206	Repeal
R12-8-207	Amend
Article 3	Amend
R12-8-301	Renumber
R12-8-301	New Section
R12-8-302	Renumber
R12-8-302	New Section
R12-8-303	Renumber
R12-8-303	New Section
R12-8-304	Renumber
R12-8-304	Amend
R12-8-305	Renumber
R12-8-305	Amend
R12-8-306	Renumber
R12-8-306	Amend
R12-8-307	Renumber
R12-8-307	Amend

**2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 41-511 et seq.

Implementing statutes: A.R.S. §§ 41-511.01, 41-511.04, and 41-511.05

**3. The effective date for the rules:**

February 8, 2001

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

Notice of Rulemaking Docket Opening: 6 A.A.R. 963 March 10, 2000

Notice of Proposed Rulemaking: 6 A.A.R. 1409 April 14, 2000

Notice of Public Information: 6 A.A.R. 1748 May 12, 2000

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**5. The name and address of agency personnel with whom persons may communicate regarding this rulemaking:  
For R12-8-101 through R12-8-125 contact:**

Name: Rich Evans  
Address: 1300 West Washington  
Phoenix, AZ 85007  
Telephone: (602) 542-7151  
Fax: (602) 542-4180

**For R12-8-201 through R12-8-204 contact:**

Name: Debi Busser  
Address: 1300 West Washington  
Phoenix, AZ 85007  
Telephone: (602) 542-7107  
Fax: (602) 542-4188

**For R12-8-207 contact:**

Name: Susan Bayer  
Address: 1300 West Washington  
Phoenix, AZ 85007  
Telephone: (602) 542-6936  
Fax: (602) 542-4180

**For R12-8-301 through R12-8-307 contact:**

Name: Carol Griffith  
Address: 1300 West Washington  
Phoenix, AZ 85007  
Telephone: (602) 542-7141  
Fax: (602) 542-4180

**6. An explanation of the rule, including the agency's reason(s) for initiating the rule:**

**For R12-8-101 through R12-125:**

The amendments will provide further detail and clarification of these rules to both the public and the personnel charged with the enforcement of these rules.

**For R12-8-201 through R12-204:**

The amendments will provide further detail and clarification of these rules to both the public and the personnel charged with the enforcement of these rules. Additionally, there are technical changes eliminating reference to gender.

**For R12-8-205 through R12-8-206:**

The amendments repeal and incorporate these rules into R301-307.

**For R12-8-207:**

Revision of the rule's language will provide additional clarity and direction for contracts, leases and agreements.

**For R12-8-301 through 307:**

Revision of the rule's language will provide additional clarity and direction for the use of State Historic Preservation programs.

**7. A reference to any study that the agency relied on in its evaluation of or justification for the rules and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

Not applicable

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

Not applicable

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

The proposed rules in Article 1 have been amended to provide further detail and clarification to both the public and the personnel charged with the enforcement of these rules. The economic impact of the proposed rules on the Board and park visitors is anticipated to be minimal. The costs associated with the proposed rule changes are non-pecuniary in nature when related to current and future park visitors. The proposed rules pertaining to special use permits allow greater management flexibility when negotiating fees and should result in agreements that include a profit sharing provision and are beneficial to the State, park visitors, businesses and the public.

The proposed rules in Article 2 have been amended to provide further detail and clarification to both the public and the personnel charged with the application of these rules. The proposed rules in Article 2 streamline the Board's organization and operation. The economic impact of these proposed rules on the State, the public and small business is expected to be minimal. There are no known increase in costs related to the implementation of the proposed rules in Article 2.

The proposed rules in Article 3 have been amended to make the administration of the State's national historic preservation program conform to Federal and State statute. It is expected that these rules will not impose any additional costs on any segment of the public or the Board. Additional rules in Article 3 provide clarified minimum maintenance standards for a historic property. The economic impact of these rules is expected to be minimal. Various county offices may be affected if a historic property fails to meet minimum maintenance standards and must be reclassified. Past experience indicates that only a small number of properties are likely to be affected. The proposed minimum maintenance standards may impose additional costs on property owners who might otherwise allow properties to deteriorate.

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

Changes between the proposed and final rules are minor typographical and grammatical changes that do not affect the content of the rules.

**11. A summary of the principal comments and the agency response to them:**

None

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

Not applicable

**13. Incorporation by reference and their location in the rules:**

<u>Cyclical Maintenance For Historic Buildings</u>	R12-8-306
American Institute Of Architects (AIA) J Henry Chambers, 1976	
<u>Secretary of the Interior's Standards for Historic Preservation Projects</u>	R12-8-306
Section III, Guidelines, 1983	
<u>The Secretary of the Interior's Standards for Rehabilitation</u>	R12-8-306
National Park Service, 1995	

**14. Was this rule previously adopted as an emergency rule?**

No

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

**TITLE 12. NATURAL RESOURCES**

**CHAPTER 8. ARIZONA STATE PARKS BOARD**

**ARTICLE 1. GENERAL PROVISIONS**

- R12-8-101. Definitions
- R12-8-102. Permission to Enter or Remain in a ~~state park~~ State Park
- R12-8-104. Hours of ~~use~~ Use; ~~use~~ Use; ~~closure~~ Closure
- R12-8-105. ~~Day use areas/hours~~ Day-Use Areas; Hours
- R12-8-106. Limited ~~services~~ Services on Christmas Day
- R12-8-108. Payment of ~~fees~~ Fees
- R12-8-111. Camping
- R12-8-112. Campfires
- R12-8-113. Vehicles, ~~speed limits and parking~~ Speed Limits and Parking

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- R12-8-115. Pets
- R12-8-116. Glass containers Containers
- R12-8-125. Special Use

**ARTICLE 2. OPERATION OF THE BOARD**

- R12-8-201. Meetings
- R12-8-202. Organization of the Board
- R12-8-204. Procedures at ~~meetings~~ Meetings
- ~~R12-8-205. Administration of the National Historic Preservation Program in Arizona~~ Repealed
- ~~R12-8-206. Administration of Arizona register of historic places~~ Repealed
- R12-8-207. Policy regarding the granting of concessions Board Concession Approval Policy

**ARTICLE 3. CLASSIFICATION OF HISTORIC PROPERTY FOR PROPERTY TAX PURPOSES**  
**STATE HISTORIC PRESERVATION OFFICE PROGRAMS**

- R12-8-301. Eligibility Definitions
- R12-8-302. Application for certifications Criteria for Evaluation
- R12-8-303. ~~Minimum maintenance/restoration standards~~ Processes of Registration
- R12-8-304. ~~Documentation requirements, reports and inspections~~ Factors for Determining Certification Eligibility
- R12-8-305. ~~Renumbered Application of Eligibility for Reclassification~~
- ~~R12-8-306. Minimum Maintenance; Restoration Standards~~
- ~~R12-8-307. Documentation Requirements, Reports, and Inspections~~

**ARTICLE 1. GENERAL PROVISIONS**

**R12-8-101. Definitions**

In this rule, unless the context otherwise requires:

In this Chapter:

1. "Board" means the Arizona State Parks Board.
2. "Cabana site" means a camp camping site space with a shelter ~~having two walls, a roof,~~ and electricity available ~~within the shelter.~~
3. "Camp or camping" means ~~erecting a tent or shelter, or arranging bedding, or both, for the purpose of or in such a way as will permit overnight use of a park area. ; or parking a trailer, camper, or other vehicle for the purpose of overnight occupancy.~~
4. "Camping unit" or "camp site" means a defined space within an area designated for camping overnight use.
5. "Concession" means a grant contract issued by the Board for the use of state land or property to provide specified services or facilities to the public.
6. "Day-use area" or "~~day use~~" means an area a space which that is closed to camping or overnight use but open to the public during ~~the established~~ established hours. ~~established in rule R12-8-105.~~
7. "Director" means the Executive Director of the Arizona States Parks Board.
8. "Fee area" means ~~any area a space~~ a space for which ~~there is a fee is charged for the to use, occupancy occupy, or entrantee thereto enter the space.~~
9. "~~Historic facility~~" means a facility which has as its primary purpose the preservation of the facility's cultural resources including archaeological, prehistoric, and historic resources and the interpretation thereof for the facility user.
- ~~10~~9. "Hook-up site" means a ~~camp site~~ camping unit with ~~one or more of the following available for a hook-up connection for~~ water, sewer, or electricity.
- ~~11~~10. "Interpretive program" means a scheduled program conducted by State Park personnel at a State Parks Park, ~~excluding concession programs, which involve state park personnel for the purpose of to inform informing, educate educating, or interpret interpreting~~ resources for the public.
- ~~12~~11. "Park officer ~~Officer~~" means ~~any~~ an employee of Arizona State Parks appointed by the Board as a Park Ranger Law Enforcement Officer with the authority and power of a Peace Officer under A.R.S. § 41-511.09.
- ~~13~~12. "Park ranger ~~Ranger~~" means an employee of the Board.
- ~~14~~13. "Person" means an individual, corporation, firm, partnership, club, or association.
- ~~15~~14. "Recreational facility" means a facility park area ~~which has as its used primary primarily purpose to provide the provision of active and passive recreational opportunities for the visiting public.~~
- ~~16~~15. "Special program" means an activity sponsored by the Arizona State Parks Board ~~which is~~ for the enjoyment of park visitors.
- ~~17~~16. "Special use" means a nonpublic ~~activities~~ activity such as a ~~weddings wedding, organized group meetings meeting, jog-a-thon jog-a-thon, seminars or seminar, and commercial photography which that are is~~ outside of the a park's activity design or ~~which that require requires~~ exclusion of the general public from an area of the a park.

4817. "State Park System" or "State Park" means ~~all the land~~ lands, ~~water~~ waters, and ~~improvements in state parks~~, monuments, historical sites, ~~and~~ state recreation areas, and any other ~~area~~ areas administered by the State Parks Board.

4918. "Wildlife" means all wild mammals, wild birds and the nests or eggs thereof, reptiles, amphibians, mollusks, crustaceans, and fish, including their eggs or spawn, as defined in A.R.S. § 17-101 (A) (21).

**R12-8-102. Permission to enter ~~Enter or remain~~ Remain in a state park ~~State Park~~ State Park**

~~Permission to~~ A person who enter enters, remain remains upon in, or use uses a state park State Park is shall conditioned upon compliance comply with state law, including these rules and regulations. A person who violates any law or rule while in a state park State Park shall leave the premises upon order of a Park Ranger or Peacee Park Officer. The violator shall not re-enter the park for a period of at least 72 hours.

**R12-8-104. Hours of use ~~Use; use Use; closure~~ Closure**

- A. Camping units and undeveloped areas are open to public use at all hours. Historic sites are open to the public from 8:00 a.m. to 5:00 p.m. Day use areas are governed by R12-8-105.
- B. The Director or Park Manager, ~~in the interest of public safety or to protect public property,~~ may temporarily restrict the hours of public use or close ~~to the public~~ any state park State Park or portion of ~~it~~ the park in the interest of public safety or to protect public property. The Park Manager may ~~extend~~ modify the hours of use on a temporary basis to accommodate unusual or seasonal circumstances. The Director or Park Manager shall post any exception to usual hours of public use at the park entrance.
- C. ~~No~~ A person shall not enter, remain upon in, or use any state park a State Park in violation of the restrictions governing its hours or of use or an order for its closure.

**R12-8-105. Day-use areas/hours ~~Day-Use Areas; Hours~~ Day-Use Areas; Hours**

~~Day-use~~ Day-use areas are open for public use from 8:00 a.m. until 10:00 p.m. The Director or Park Manager, ~~in the interest of public safety or to protect public property,~~ may restrict the hours of public use in the interest of public safety or to protect public property. The Park Manager may ~~extend~~ modify the hours of use to accommodate special events uses or seasonal or unusual variations in public use. Any exceptions will be posted at the park entrance. The Director or Park Manager shall post any exception to usual hours of public use at the park entrance.

**R12-8-106. Limited services ~~Services~~ on Christmas Day**

Park facilities are not ~~manned~~ staffed on Christmas Day except in an emergency. On that day, museums, ~~and~~ contact stations, and visitor centers are closed. Other areas are open for public use as posted.

**R12-8-108. Payment of fees ~~Fees~~ Fees**

~~No~~ A person shall not enter, remain upon in, or use a designated fee area without paying the required fee or obtaining permission from a Park Ranger. Fees A fee, other than Annual Day-Use Permits unless exempted by an Annual Entrance or 5-Visit permit, collected in any one State park Park do does not authorize use of facilities in another State park Park.

**R12-8-111. Camping**

- A. Camping is permitted only in a designated camping unit and is subject to the following conditions:
  - 1. ~~No~~ A person may shall not camp in a state park State Park for more than 15 days within a 30-day period unless authorized by the Park Manager, except that a A person may camp for an additional 14 days within a 45-day period during a posted, designated, long-term stay periods period. This limitation does not apply to the a Board-approved concession area within the park system. concesson area of Lake Havasu State Park. The long-term stay provision shall does not apply to a visitor using the a campsite camping unit as a principal place of residence while employed in the area.
  - 2. ~~No~~ A person shall not leave an occupied campsite camping unit may be left unattended overnight without written permission from a Park Ranger.
  - 3. The A person shall ensure that the number of vehicles and persons occupying a camping unit and the number of vehicles in the unit shall do not exceed the limits posted at the area entrance or camping unit.
- B. A camping unit is considered occupied after the appropriate use fee ~~has been~~ is paid and the ~~permittee camper has taken possession~~ establishes a conspicuous presence by leaving personal property at the site. No A person shall not occupy a camping unit in violation of instructions from a Park Ranger or when if there is reason to believe that the unit is occupied by another camper.
- C. A Park Ranger may allow the The occupants of a single vehicle may be allowed to register for more than one 1 camping unit only if the number of occupants their number exceeds the posted occupancy limits limit for the facility unit.
- D. Fees A person shall pay the fee for the use of a camping unit must be paid on a per day basis daily. Payment authorizes use of the facility until 2:00 p.m. on the day of the following day permit expires.
- E. Person A person shall remove all personal property from a camping unit by 2:00 p.m. when abandoning the site on the day of permit expiration.



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**R12-8-112. Campfires**

- A. ~~An Outdoor~~ outdoor fires ~~fire~~ may be ignited only ~~at in a designated camping units unit or day-use areas area.~~ A person shall ensure that Fires a fire must be is confined to ~~a barbecue, fireplace or incinerator which is located at least 30 feet from any vegetation a designated grill, a fire ring, or other facility provided by the park.~~
- B. ~~A person shall not No fire may be ignited ignite or maintained maintain a fire~~ when a high wind is blowing or when open burning ~~has been is~~ prohibited by order of any Park Ranger.
- C. ~~Every fire shall be attended at all times by a responsible person who has the means of controlling it A responsible person shall attend and control any fire at all times.~~

**R12-8-113. Vehicles, ~~speed limits~~ Speed Limits and ~~parking~~ Parking**

- A. ~~Motor vehicles A motor vehicle, regardless of whether registered for highway use, may shall~~ be driven only on maintained roadways and parking areas, and in areas designated by signs for vehicle use.
- B. The operation of ~~a motor vehicles vehicle~~ is governed by the ~~applicable~~ provisions of the Uniform Act Regulating Traffic on Highways, Title 28, ~~Chapter 6, Arizona Revised Statutes. No A person shall not~~ drive at a speed greater than is reasonable and prudent under the circumstances and conditions ~~and actual and potential hazards then existing~~ or in excess of posted limits.
- C. ~~No person may park a vehicle or leave it unattended except in an area designated by a sign as a Motor vehicle operators shall not park or leave motor vehicles unattended except in a designated parking area or parking zone. A Park Ranger may remove or cause to be removed to a place of safety any an unattended vehicle that is-illegally parked or illegally left standing upon any roadway or park area which and may obstruct the normal movement of traffic or may impair the normal activities of the park.~~

**R12-8-115. Pets**

- A. ~~A person shall keep a Dogs dog, eats cat and or other pets pet shall be kept under physical restraint on a leash that does not exceed 6 feet in length or otherwise restrained while in a state park. State Park. Leashes shall not exceed six feet in length.~~
- B. The restraint requirement in subsection (A) does not apply to ~~a dogs dog in an areas area~~ open to hunting or ~~the conduct of field trials, and participating in these activities.~~
- C. ~~No A person shall not take or admit any pet into a park building, cabana, or developed beach, or other area that has been determined to be environmentally or ecologically sensitive, except This restrictions does not apply to for a certified assist animals animal, trained to assist sight or hearing impaired individuals.~~

**R12-8-116. Glass ~~containers~~ Containers**

~~No A person shall not have in their possession possess~~ glass or ceramic food or beverage containers of any type in a ~~state park State Park~~ area designated as a public beach or swimming area, or other posted area.

**R12-8-125. Special ~~use~~ Use**

- A. ~~A Special person who requires special uses use of a State Park, such as an organized sporting event, pageants pageant and or assemblies assembly, regardless of whether staged for profit and regardless of whether the public is invited, may shall obtain be conducted only by a special use permit.~~
- B. The Director may reserve ~~a portions portion of a State Park fee area state park fee areas~~ for approved special events use. ~~An A Special Use Permit application shall be submitted by a responsible sponsor at least 15 days in advance of the date requested for the special use event, It and shall include all relevant information required by the Director to establish that the proposed special use will be consistent with the purposes of the state park and will not constitute a threat to public safety or unduly inconvenience normal park activities. Applications for special use permits are available from each of the Arizona State Parks.~~
- C. The Director may impose conditions on the conduct of any special use ~~which are necessary in the Director's judgment~~ to protect the area and ~~to~~ maintain its availability as a ~~state park State Park~~. The Director may require, ~~in appropriate cases,~~ that a sponsor post a deposit ~~against~~ for damage and clean-up expense, carry special insurance, and provide adequate medical, sanitary and security services. If the special use is staged for profit, the Director may require the sponsor to enter into an agreement with the Board for a negotiated percentage of gross receipts or a flat fee, not to exceed 20%.
- D. A decision by the Director concerning any special use may be appealed to the Parks Board.

**ARTICLE 2. OPERATION OF THE BOARD**

**R12-8-201. Meetings**

- A. There shall be a minimum of ~~one 1~~ meeting of the Arizona State Parks Board during each calendar-year quarter.
- B. The time and place of ~~the a~~ meetings shall be designated ~~seven 7~~ days ~~prior to before~~ the meeting date by either:
  - 1. The Chairman verbally informing the Director or,
  - 2. Any ~~four 4~~ members informing the Director in writing, except that in the case of an ~~actual~~ emergency, the Director may be verbally informed.
- C. The Director, upon being informed of the time and place of a meeting shall:
  - 1. Inform each member of the time and place of the meeting at least ~~five 5~~ days ~~prior to before~~ the meeting date.

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2. Prepare a written agenda consisting of the time and place of the meeting and an outline of the business to be considered, ~~which~~ The agenda shall be verbally accepted by the Chairman or the members who set the meeting ~~prior to distribution before it is distributed.~~
  3. ~~File the finalized agenda with the Secretary of State of the state of Arizona, transmit~~ Transmit the agenda to each Board Member, and post the agenda in the administrative headquarters of the Board and at the headquarters area of each operational ~~State park~~ Park at least ~~two~~ 2 days ~~prior to~~ before the meeting date.
  4. Prepare ~~such~~ explanatory material ~~as he deems desirable~~ concerning the business contained on the agenda and transmit ~~such~~ the material to each Board Member.
- D. In the case of an ~~actual~~ emergency, the time requirements of subsections (B) and (C) above may be adjusted ~~as is appropriate~~ to the circumstances.

**R12-8-202. Organization of the Board**

**A. Selection of ~~officers~~ Officers**

1. At the first meeting following ~~December~~ January 1st of each year, the members present shall select by majority vote a Chairman, ~~and a~~ Vice Chairman, ~~and a Secretary to act~~ serve in ~~such capacity~~ through the first meeting following ~~December~~ January 1st of the year following.
2. ~~In the event of~~ If a vacancy in ~~any one~~ either of the ~~three offices of the~~ Chairman or Vice Chairman office of the Board occurs, the members present at the first meeting following the occurrence of the vacancy shall select a member by majority vote to fill the unexpired term of ~~such~~ the officer.
3. ~~In the event of the absence of~~ If the Chairman ~~and~~ Vice Chairman are absent, ~~and Secretary~~ from a meeting of the Board ~~set held~~ in accordance with these rules, a Presiding Officer shall be selected by majority vote of the members present.

**B. Duties of the officers ~~shall be~~ are as follows:**

1. The Chairman shall preside over all meetings and functions of the Board.
2. The Vice Chairman shall take over ~~all~~ the duties of the Chairman ~~in the event of the Chairman's absence if the Chairman is absent, from the state, or absence from a meeting set in accordance with these rules, or at the Chairman's direction.~~
3. ~~The Secretary shall record all proceedings and transactions of the Board and perform such other duties as the Board may from time to time require, and in the event of the absence of the Chairman, and Vice Chairman from a meeting, shall act as Chairman at the meeting and shall appoint an acting Secretary from the members present to carry out duties of that office for that meeting.~~
4. ~~The Presiding Officer shall act take over the duties as Chairman if the Chairman and Vice Chairman are absent, at the meeting during which he is selected, and shall appoint an acting Secretary to carry on the functions of that office for the meeting.~~

**R12-8-204. Procedures at ~~meetings~~ Meetings**

- ~~A. No business other than that contained in the agenda for a meeting shall be conducted at such meetings except by consent of the Chairman or action of the Board.~~
- ~~B. Oral communications to the Board at a meeting by persons non members thereof shall be subject to consent of the Chairman or action of the Board.~~
- ~~C. A majority of the membership of the Board shall constitute a quorum for the transaction of business at any meeting but a number less than a quorum may adjourn from time to time.~~
- ~~D. All actions of the Board at meetings shall be by majority vote of the membership present, for the transaction of business.~~
- ~~E. The rules laid down in Roberts Rules of Order as summarized in Parliamentary Law at a Glance (on file in the office of the Secretary of State) as revised edition, copyright 1949 by E. C. Utter, when not in conflict with the provisions of this Article 2, are hereby adopted as the rules of procedure for the government of the Board when in session. Board meetings shall be conducted under Roberts Rules of Order.~~

**~~R12-8-205. Administration of the National Historic Preservation Program in Arizona~~ Repealed**

- ~~A. All federal actions that are identified by the State Historic Preservation Officer to have an adverse effect on cultural resources shall be submitted to the Board for review prior to dissemination of the opinion. The Board shall also review the proposed mitigation of an adverse effect prior to the State Historic Preservation Officer entering into a Memorandum of Agreement with the Advisory Council on Historic Preservation and the Federal Agency Official. The Director is authorized to act on behalf of the Board when time precludes Board review.~~
- ~~B. The Board shall annually establish the application deadline for projects requesting fund support through the National Historic Preservation Program.~~
- ~~C. The Board shall approve, prior to submission to the federal Government all planning/survey, acquisition and development grant in aid projects which request funding through the National Historic Preservation Program. The Director is authorized to execute all contracts necessary to complete all Board approved project applications.~~

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- D.** The Director is authorized to approve amendments to Historic Preservation Fund projects in scope and in fund support not to exceed 20% of the originally approved amount of any individual grant. Any amendment which exceeds the 20% limitation requires Board approval.

**R12-8-206. Administration of Arizona register of historic places Repealed**

**A.** Purpose of register. The Arizona register of historic places shall be a list of Arizona's historic properties worthy of preservation and serve as an official record of Arizona's historic districts, sites, buildings, structures and objects of national, state and/or local significance in the fields of history, architecture, archaeology, engineering, and culture. The register is for use as a planning tool by federal, state and local governments, private groups and citizens.

**B.** Criteria for evaluation

1. Criteria for evaluation of potential Arizona register properties generally encompass the quality of significance in Arizona history, architecture, archaeology, engineering and culture. Such qualities may be present in districts, sites, buildings, structure and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and also:
  - a. Are associated with events that have made a significant contribution to the broad patterns of history; or
  - b. Are associated with the lives of historically significant persons; or
  - c. Are the embodiment of a distinctive characteristic(s) of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  - d. Yield or may be likely to yield, information important in prehistory or history.
2. Properties that have achieved significance within the past 50 years shall not be considered eligible for the Arizona register unless they are integral parts of districts that meet the criteria or demonstrate exceptional importance as individual properties.

**C.** Processes of registration

1. The State Historic Preservation Officer shall serve as the keeper of the Arizona register.
2. Prior to the listing of any property on the Arizona register, the owner(s) of such property or, in the case of a nominated historic district, all of the owners in the district and other interested parties shall be given at least 30 days prior notification by the State Historic Preservation Officer of the nomination's review by the historic sites review committee in order to provide an opportunity to comment on the nomination of such property or district.
3. Prior to listing any properties on the Arizona register, the historic sites review committee (A.R.S. § 41-1352(D)) shall review nomination forms and documentation and any comments concerning the property's significance or eligibility and make recommendations on eligibility. The historic sites review committee shall also review refusals of nominations upon request.
4. The State Historic Preservation Officer, based on available information, will make the determination whether or not to place the nominated property on the Arizona register.

**R12-8-207. Policy regarding the granting of concessions Board Concession Approval Policy**

**A.** The State Parks Board may enter into agreement with a private or public agencies or persons entity for the operation and development of a concession facilities in an areas area under the jurisdiction of the State Parks Board subject to the following conditions:

1. An The proposed concession activity shall be consistent with a Board-approved master plan or amendment thereto for development and operation of the park in which the concession is to be located, reflects the type of proposed concession activity. The plan shall include any amendments or other Board activity.
2. The proposed concession activity is shall be consistent with the purposes of the Arizona State Parks Board as defined by statute.
3. The State Parks Board has determined determines that there is a present need for the proposed type of concession operation and that the proposed concession activity is in the best interest of the State.
4. The Board issues a A formal request for eoneession proposals from persons interested in operating a concession. has been issued by the State Parks Board.
5. The State Parks Board has determined determines that the concession operator which is selected is most qualified to meet advantageous to the State according to the criteria identified in the request for proposals.

**B.** Notice The Board shall publish notice of a request for proposals for a concession shall be in the manner prescribed by statute for contracts for professional services executed by state agencies in accordance with A.R.S. §41-2533(C). In addition, the State Parks Board shall give provide notice of a request for proposals at the last known address to of each person who has, within the last three years year, expressed in writing to the Board, an interest in operating a concession of the particular nature being noticed.

**C.** A copy of this rule shall be provided by the Board to all each persons person who submit submits a concession proposals proposal proposals without prior issuance by the State Parks Board of a formal request for proposal proposals for a concession.

- D. The State Parks Board may, at its discretion, exempt an existing concession renewals, renewal, consignment agreements agreement, and vending agreements agreement, and or agreements agreement with a nonprofit organizations organization and or a local historical societies society from the procedures contained in this rule.

**ARTICLE 3. ~~CLASSIFICATION OF HISTORIC PROPERTY FOR PROPERTY TAX PURPOSES~~  
STATE HISTORIC PRESERVATION OFFICE PROGRAMS**

**R12-8-301. Definitions**

In this Article, unless the context otherwise requires:

1. “State Historic Preservation Officer” or “Officer” means an employee of the Board with professional competence and expertise in the field of historic preservation who administers the State Historic Preservation Program.
2. “Arizona Register of Historic Places”, “Arizona Register” or “Register” is the State’s list of Arizona’s historic properties worthy of preservation and serves as an official record of Arizona’s historic districts, sites, buildings, structures, and objects of national, state, or local significance in the fields of history, architecture, archaeology, engineering, or culture. Properties listed or eligible for the Arizona Register of Historic Places may also be eligible for listing on the National Register of Historic Places.
3. “National Register of Historic Places” means the Nation’s official list of historic districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, or culture. Listing on the National Register of Historic Places is required to qualify for state tax incentives.
4. “Historic Sites Review Committee” or “HSRC” means a committee appointed by the State Historic Preservation Officer to review nominations to the registers.
5. “Historic Property” means a building, site, district, object, or structure evaluated as historically significant.

**R12-8-302. Criteria for Evaluation**

**A.** Before listing a property in the Register, the State Historic Preservation Office (SHPO), with the advice of the HSRC, will apply the following criteria for evaluating the property:

1. The property conveys significance in 1 or more of the following contexts: national, state or local history, architecture, archaeology, engineering, or culture;
2. The property is classified as 1 of the following types: district, site, building, structure, or object;
3. The property possesses integrity of location, design, setting, materials, workmanship, feeling, or association; and
4. The property:
  - a. Is associated with an event that made a significant contribution to the broad pattern of history;
  - b. Is associated with the life of a historically significant person;
  - c. Embodies a distinctive characteristic of a type, period, or method of construction, represents the work of a master, possesses high artistic value, or represents a significant and distinguishable entity whose components may lack individual distinction; or
  - d. Has yielded or is likely to yield important pre-historical or historical information.

**B.** The SHPO shall not consider eligible for the Register any property that has achieved significance within the past 50 years unless the property is an integral contributing element of a district that meets the criteria in Subsection (A) or the property demonstrates exceptional individual importance.

**R12-8-303. Processes of registration Registration**

**A.** The State Historic Preservation Officer shall serve as the keeper of the Register.

**B.** Before listing a property in the Register, the SHPO requires the following:

1. The Historic Property Inventory (HPI) form must be completed by the proponent or owner to determine whether the property is eligible for listing;
2. The Recommendation of Eligibility form must be completed by the SHPO Officer after receiving the HPI;
3. If a property is recommended as eligible, the National Register of Historic Places Registration Form or the National Register of Historic Places Multiple Property Documentation Form must be completed by the owner;
4. The SHPO Officer shall give the owner at least 30 calendar days prior notification of the nomination’s review by the HSRC;
5. The SHPO Officer shall forward the National Register Registration Form to the HSRC; and
6. The HSRC shall:
  - a. Review the Registration Form, documentation, and any comments concerning the property’s significance and integrity.
  - b. Recommend to the SHPO whether the property should be listed in the Arizona Register and forwarded to the keeper of the National Register; and
  - c. Review a refusal of nomination upon request.

**C.** The Officer shall determine whether to place the nominated property on the Register in accordance with information provided in Subsection (B).

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**D.** If the SHPO refuses to forward a nomination to the HSRC, the property owner may petition the HSRC Chairman in writing to have the nomination reviewed. The petition shall be filed with the Chairman at least 60 calendar days before the next scheduled meeting.

**R12-8-301 R12-8-304. Eligibility Factors for Determining Certification Eligibility**

**A.** Any property certified by the State Historic Preservation Officer for property tax purposes must be real property that is listed in the National Register of Historic Places as an individual nomination or as part of an historic district which is listed in the National Register of Historic Places. If within an historic district, it must be determined by the State Historic Preservation Officer to contribute to the character of the district. Before the SHPO Officer (Officer) certifies an Historic Property as eligible for a change in property tax classification, the property shall be listed in the National Register of Historic Places:

1. Individually; or
2. As part of an historic district. If within an historic district, the Officer shall determine whether or not the property contributes to the character of the historic district.

**B.** No property shall be certified as historic property on which any business or enterprise is conducted with the intent of earning a profit. After the SHPO Officer determines a property is eligible for reclassification, the SHPO shall certify an historic property as Non-Commercial or Commercial, as defined in A.R.S. § 42-12101.

**C.** The following are exclusions from eligibility:

~~C.1. No property shall be certified by the State Historic Preservation Officer which~~ The Officer shall not certify an historic property that includes within its legal description a buildings, building, structures structure, improvements improve-ment, or land areas area which that do does not contribute to the historical character of the property and that can be excluded by the modification of modifying the legal description. In the event that If the legal description in an application includes such an elements element or areas area of this nature, it shall be the responsibility of the applicant to shall modify the legal description upon notification by the State Historic Preservation Officer in order to be eligible for certification.

2. An Historic Property that does not meet the minimum maintenance standards described in R12-8-306 shall not be certified by the Officer.

~~D. The State Historic Preservation Officer, in In addition to other reasons established by law, the Officer may disqualify a property which has been certified as an historic property for property tax purposes if the owner of such property owner does not comply with these rules and regulations of the Arizona State Parks Board designated in this Article. "Article 3— "Classification of Historic Property for Property Tax Purposes" "State Historic Preservation Office Programs".~~

**E.** Certification continues through any change of ownership, if the new owner submits required reports and affirms compliance with the program requirements in writing.

**F.** Historic Property shall not be decertified by the SHPO without proof, by certified mail, return receipt requested, that the current owner on record with the appropriate County Assessor's Office, has received notice in writing.

**R12-8-302 R12-8-305. Application for certification Application of Eligibility for Reclassification**

If space is not provided on the forms for application issued by the appropriate County Assessor, the following information shall be submitted to the County Assessor with the application:

**A.** The Board shall approve the content and format of the Verification of Eligibility form for use in certifying the eligibility of a property for classification as Commercial or Non-Commercial Historic Property. An application form may be obtained from the County Assessor's Office where the property is located.

**B.** For Non-Commercial Historic Property, an application containing the following information shall be submitted to the County Assessor in the county in which the property is located:

1. Complete name and address of the owner. Address of the property.
2. Legal description of the property, and address of the subject property.
3. Name of National Register District in which the property is located, if applicable. Property classification.
4. Brief description of: Name of owner,
5. Historic property name as listed on the National Register of Historic Places,
6. Date of original construction,
7. Description of any exterior changes to the building since being listed on the National Register of Historic Places.
8. Pictures of the historic property

- a. The significance of the subject property.
- b. The current use of the subject property.
- e. Any recent additions, alterations or improvements.

5. Two eight by ten black and white photographs of the property. Each photograph shall be labeled on the back in soft pencil with the name and address of the property, owner's name, direction of the photograph, and date of the photograph.

6. The owner's written consent for the viewing of the property by the State Historic Preservation Officer or representative, at any reasonable time.

- C. For Commercial Historic Property, an application containing the following information shall be submitted to the County Assessor in the county in which the property is located:
1. Address of the property.
  2. Legal description of the property.
  3. Property classification.
  4. Name of owner.
  5. Historic property name as listed on the National Register of Historic Places.
  6. Date of original construction.
  7. Description of any exterior changes to the property since being listed on the National Register of Historic Places.
  8. Pictures of the historic property that must meet the specifications approved by the State Parks Board. Specifications are available to the public by contacting the State Historic Preservation Office, and
  9. The owner's written consent for the viewing of the property by the Officer or the Officer's representative.
- D. Upon the assessor's verification of the application, the assessor shall submit the application to the Officer.
- E. An applicant for Commercial Historic Property shall submit rehabilitation construction documents including plans and specifications to the County Assessor's Office in the county where the property is listed.
- F. If an Historic Property Inventory Form for the property is not already on file with the State Historic Preservation Office, the applicant for Commercial Historic Property reclassification shall complete the Inventory Form and submit it along with the rehabilitation construction documents to the Officer. The Inventory Form is referenced in R12-8-303.

~~R12-8-303~~ **R12-8-306. Minimum Maintenance/Restoration Standards**

- A. The owner of a certified Commercial or Non-Commercial historic property shall maintain the property so as to preserve the historical integrity of the features, materials, appearance, workmanship, and environment, according to the following standards:
1. Protect the Historic Property against accelerated deterioration due to:
    - a. Vandalism;
    - b. Structural failure;
    - c. Climatic weathering including the affects of water infiltration;
    - d. Biological affects due to insects, animals, or plants;
    - e. Fire; or
    - f. Flooding.
  2. Maintain the historic property by:
    - a. Keeping it secure;
    - b. Maintaining the windows and doors, or covering them in a manner that does not injure the property's integrity;
    - c. Maintaining security fencing, if applicable;
    - d. Maintaining roofs and drainage systems;
    - e. Minimizing damage from insects, birds, or animals; and
    - f. Maintaining landscaping to reduce fire potential.
- ~~B. Any certified historic property which is condemned by local authorities shall be subject to disqualification by the State Historic Preservation Officer. The Officer shall decertify any certified Historic Property that is condemned by a local authority.~~
- ~~C. Any maintenance rehabilitation or restoration treatment other than normal housekeeping activities shall be submitted to the State Historic Preservation Officer in both written and graphic form with appropriate support information for review prior to project implementation. The State Historic Preservation Officer may respond within 30 days of the date of submittal of the material with a statement of changes or modifications required prior to approval. If no statement is issued within said time, the treatment shall be deemed approved. Before implementation of any rehabilitation project, the owner shall submit both a written and graphic proposal (Construction Documents) for the proposed rehabilitation project to the Officer. The Officer has 30 calendar days from receipt of the proposal in which to comment on the appropriateness of the project in relationship to *The Secretary of the Interior's Standards for Rehabilitation*.~~
- ~~D. Review by the State Historic Preservation Officer will shall review all rehabilitation projects be done to assure ensure that the planned treatments project for rehabilitation of the historic Historic buildings Property is in accordance with the guidelines established in by the U.S. Government, *Cyclical Maintenance for Historic Buildings*, J. Henry Chambers, AIA, 1976, available from the U.S. Government Printing Office and the U.S. Department of the Interior, the National Park Service publication entitled, *The Secretary of the Interior's Standards for Historic Preservation Projects, Section III, Guidelines, 1983* and *The Secretary of the Interior's Standards for Rehabilitation, National Park Service, 1995* available from the National Park Service Technical Preservation Services Division, the State Historic Preservation Office or the U.S. Government Printing Office. A copy of all three These 3 documents are incorporated by reference and on filed file with the Board and the Office of the Secretary of State. The materials incorporated by reference contain no future editions or amendments.~~

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- E. The owner shall ~~assure that any treatment is carried out~~ submit pictures of rehabilitation projects no later than 30 calendar days after completion of the rehabilitation project that illustrate compliance in accordance with the standards established by the State Historic Preservation Officer as provided in Subsection (D) of this rule.
- F. If a ~~question conflict~~ occurs between the requirements of the State Historic Preservation Officer or the ~~Officer's representative~~, representatives and the local building officials or any applicable laws, a meeting of the appropriate representatives shall be called by the owner to discuss the question and reach an equitable solution.

~~R12-8-304~~ **R12-8-307. Documentation ~~R~~Requirements, ~~R~~Reports and ~~i~~Inspection**

- A. ~~Reports. In addition to other reports which the State Historic Preservation Officer may request as authorized by law, prior to April first of each year, the~~ The owner of a certified historic Historic property Property shall submit the following information for the ~~prior requested years year's~~ activity to the State Historic Preservation Officer:
  - 1. Confirmation of current Historic Property ownership.
  - ~~2.~~ 2. A statement signed by the owner indicating that the Historic property Property has been is operated and maintained in accordance with the laws; and rules applicable to the classification of the Historic Property for property tax purposes, and
  - 2. ~~A written description and before and after photographs of any maintenance, rehabilitation or restoration carried out during the period.~~
  - 3. Additional reports and inspections necessary for documentation requirements.
- B. ~~Inspection. The owner of a classified historic Historic property Property shall permit the State Historic Preservation Officer or representative the right to inspect the property for compliance with these rules. -as desired by the State Historic Preservation Officer, classified historic properties. The State Historic Preservation Officer shall notify the owner by certified mail at least ten days prior to before the inspection.~~

NOTICE OF FINAL RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 3. DEPARTMENT OF TRANSPORTATION - HIGHWAYS DIVISION

PREAMBLE

- 1. **Sections Affected**

R17-3-903	Repeal
R17-3-904	Repeal
R17-3-905	Repeal
R17-3-906	Repeal
R17-3-907	Repeal
R17-3-908	Repeal
R17-3-909	Repeal
- 2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
  - Authorizing statute: A.R.S. § 28-366
  - Implementing statute: A.R.S. § 28-7311
- 3. **The effective date of the rules:**
  - February 8, 2001
- 4. **A list of all previous notices appearing in the Register addressing the final rule:**
  - Notice of Rulemaking Docket Opening: 6 A.A.R. 3945, October 13, 2000
  - Notice of Proposed Rulemaking: 6 A.A.R. 4251, November 13, 2000

**5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Wendy S. LeStarge  
Rules Analyst

Address: Arizona Department of Transportation  
Administrative Rules Unit, Mail Drop 507M  
3737 North Seventh Street, Suite 160  
Phoenix, Arizona 85014-5017

Telephone: (602) 712-6007

Fax: (602) 241-1624

E-mail: wlestage@dot.state.az.us

**6. An explanation of the rule, including the agency's reasons for initiating the rule:**

This rulemaking deals with the logo sign program, which allows specific commercial enterprises to lease advertising space along the interstate and state highways. The purpose of this rulemaking is to repeal duplicative rules, the substance and language of which are stated already in R17-3-902. R17-3-902, Logo Sign Program, is the subject of a separate rulemaking. This rulemaking arises from proposed agency action in the 5-year review report approved by the Governor's Regulatory Review Council, on May 2, 2000 (F-00-0402).

**7. A reference to any study that the agency relied on its evaluation or justification for the rule, and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

None

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

Not applicable

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

The Department claims exemption under A.R.S. § 41-1055(D), since repealing these repetitive rules decreases agency monitoring and enforcing burdens required of effective administrative rules. The only foreseen economic impact of repealing R17-3-903 through R17-3-909 is clerical costs involved in formal rulemaking.

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

Not applicable

**11. A summary of the principal comments and the agency response to them:**

None

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

None

**13. Incorporations by reference and their location in the rules:**

None

**14. Was this rule previously adopted as an emergency rule?**

No

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

**TITLE 17. TRANSPORTATION**

**CHAPTER 3. DEPARTMENT OF TRANSPORTATION - HIGHWAYS DIVISION**

**ARTICLE 9. HIGHWAY TRAFFIC CONTROL DEVICES**

- R17-3-903. Selection of Responsible Operator Repealed
- R17-3-904. Location Repealed
- R17-3-905. Criteria for LOGO Signing Repealed
- R17-3-906. Lease Administration Repealed
- R17-3-907. Elimination from the LOGO Signing Program Repealed
- R17-3-908. Sign Panels, Supports, and Materials Repealed
- R17-3-909. Termination of the LOGO Signing Program Repealed



**ARTICLE 9. HIGHWAY TRAFFIC CONTROL DEVICES**

**R17-3-903. ~~Selection of Responsible Operator~~ Repealed**

- ~~A.~~ A responsible operator will be eligible for the placement of a LOGO sign if it meets the conditions as set forth in this rule and rules R17-3-904 and R17-3-905.
- ~~B.~~ Each lessee identified on a specific service sign shall have furnished written and notarized certification to the Department, through the contractor, of its conformity with all applicable federal, state and local laws, ordinances, rules and regulations, and shall not be in breach of that certification. Such certification shall be provided before the lease is approved.
- ~~C.~~ Eligible responsible operators for LOGO signs shall be selected by a first come, first serve rule until the maximum number of permissible LOGO signs is reached.
- ~~D.~~ Eligible responsible operators which have been selected for LOGO signs will be permitted to display their LOGOS for the period covered by the lease agreement.

**R17-3-904. ~~Location~~ Repealed**

- ~~A.~~ Signs intended for areas rural in character. Specific service signs are intended for use on interstate highways in areas which are rural in character where traffic interchanges are normally spaced a minimum of two miles apart. LOGO signing shall be excluded from the Phoenix and Tucson metropolitan areas as follows:

Phoenix: I-10, Litchfield Road to Chandler Blvd.  
I-17, Happy Valley Road to Jct. I-10  
Tucson: I-10, Ina Road to Wilmot Road  
I-19, Valencia Road to Jct. I-10

Additional areas of exclusion may be identified in the contract by mutual agreement.

- ~~B.~~ Sign sequence and spacing. In the direction of travel, successive specific service signs shall be "CAMPING", "LODGING", "FOOD", and "GAS" in that order. The spacing shall be as shown in Appendix A or as directed by the Department. (See Appendix A following this rule.)
- ~~C.~~ Number of signs permitted. The number of specific service signs permitted shall be limited to one for each type of service along an approach to an interchange exit, i.e., GAS, FOOD, LODGING, and CAMPING.

**R17-3-905. ~~Criteria for LOGO Signing~~ Repealed**

Types of services:

- 1. "Gas."
  - ~~a.~~ Located within three miles of freeway exit ramp terminal; if a qualifying responsible operator does not exist within the first three miles, the distance may be extended in 3-mile increments until a maximum of 15 miles is reached.
  - ~~b.~~ Gasoline, oil, lubrication, and water are available.
  - ~~c.~~ Restroom facilities and drinking water.
  - ~~d.~~ Continuous operation at least 12 hours per day, seven days per week.
  - ~~e.~~ Telephone.
- 2. "Food."
  - ~~a.~~ Located within three miles of freeway exit ramp terminal; if a qualifying responsible operator does not exist within the first three miles, the distance may be extended in 3-mile increments until a maximum of 15 miles is reached.
  - ~~b.~~ Continuous operation to serve three meals per day, seven days per week.
  - ~~c.~~ Minimum indoor seating capacity of 20.
  - ~~d.~~ Restroom facilities.
  - ~~e.~~ Telephone.
- 3. "Lodging."
  - ~~a.~~ Located within three miles of freeway exit ramp terminal; if a qualifying responsible operator does not exist within the first three miles, the distance may be extended in 3-mile increments until a maximum of 15 miles is reached.
  - ~~b.~~ Five or more units of sleeping accommodations are available.
  - ~~c.~~ Telephone.
- 4. "Camping"
  - ~~a.~~ Located within five miles of freeway exit ramp terminal; if a qualifying responsible operator does not exist within the first five miles, the distance may be extended in 5-mile increments until a maximum of 15 miles is reached.
  - ~~b.~~ Be accessible to and capable of handling all common types of travel trailers and recreational vehicles.
  - ~~c.~~ Be equipped to handle a minimum of 15 vehicles.
  - ~~d.~~ Be available the year around unless camping in the general area is of a seasonal nature in which case the facilities in question must be open to the public the entire season. The facilities must be open to the public 24 hours per day, seven days per week during this period.

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- e. ~~Sanitary facilities and drinking water shall be available.~~

**R17-3-906. Lease Administration Repealed**

- ~~A. The responsible operator shall sign a lease agreement with the contractor on a form approved by the Department.~~
- ~~B. Before approving the lease agreement the contractor shall review the responsible operator's qualifications for compliance with the criteria established in rules R17-3-903, R17-3-904, R17-3-905 and shall not approve the lease agreement if the criteria are not met.~~
- ~~C. Upon approval of the lease agreement, the contractor shall transmit the signed lease agreement to the lessee. The lessee shall deliver the LOGO to the contractor for installation, or contract with the contractor to fabricate the LOGO to the lessee's specifications.~~
- ~~D. LOGO sign lease agreements shall be valid for a period not to exceed five full years, beginning on the first day of the month following the installation of the lessee's LOGO sign.~~
- ~~E. When a lessee meets the requirements established by rules R17-3-903, R17-3-904 and R17-3-905 and the required fees have been paid, the contractor shall install the LOGO within 30 calendar days if the specific service sign has already been installed or within 120 calendar days of receipt of the LOGO if the specific service sign has yet to be installed.~~
- ~~F. The lessee or his legal successor shall have the right during the term of the agreement to change the advertising copy so long as the copy conforms to these rules. Cost of such changes in the copy or legend of the LOGO sign shall be at the expense of the lessee. The lessee may be charged an additional fee for each sign removed and remounted by the contractor at the request of the lessee.~~
- ~~G. For businesses operated on a seasonal basis, LOGO signs shall be covered or removed during the off season. This work shall be done by the contractor. An additional fee shall be paid for this work. It shall be the responsibility of the lessee to notify the contractor of the dates of nonavailability of a motorist service 30 calendar days prior to closure or nonavailability of services.~~
- ~~H. Upon expiration of the LOGO sign lease agreement and failure to renew the agreement prior to expiration, the contractor shall remove the LOGO sign and shall inform the lessee in writing by certified U.S. mail how to obtain possession of the LOGO sign.~~
- ~~I. When it is determined by the Department or the contractor that a previously qualified lessee becomes subsequently ineligible for LOGO signs under these rules, or a motorist service is no longer available, the contractor shall notify the lessee by certified U.S. mail that its LOGO sign is to be removed and the reasons for the removal. The lessee shall have ten calendar days to provide information in support of the continued display of the LOGO sign. If the lessee fails to reply within ten calendar days the contractor shall remove the LOGO sign within 20 calendar days of the original notice to the lessee.~~
- ~~J. If for reasons caused by the Department or the contractor the lessee's LOGO sign is not erected, the fee will be returned.~~

**R17-3-907. Elimination from the LOGO Signing Program Repealed**

The LOGO sign of a lessee shall be removed from a specific service sign if the following circumstances occur:

- ~~1. The maximum number of responsible operators have signed lease agreements to display LOGO signs on the same specific service sign, and are closer to the interchange than the lessee's business, and~~
- ~~2. The lessee's initial lease has expired, and~~
- ~~3. At least one year has elapsed since the lessee's LOGO sign was installed.~~

**R17-3-908. Sign Panels, Supports, and Materials Repealed**

All sign panels, supports, and materials shall conform to the Department design standards and specifications as provided in the contract.

**R17-3-909. Termination of the LOGO Signing Program Repealed**

If the LOGO Signing Program is terminated, the following actions shall be taken:

- ~~1. Each lessee shall be notified by certified U.S. mail of the termination and the location where they may claim their LOGO sign.~~
- ~~2. The specific service sign panels and supports shall be removed.~~
- ~~3. Fees shall be refunded on a pro-rated basis.~~

**NOTICE OF FINAL RULEMAKING**

**TITLE 20. COMMERCE, BANKING, AND INSURANCE**

**CHAPTER 2. DEPARTMENT OF WEIGHTS AND MEASURES**

**PREAMBLE**

**1. Sections Affected**

	<b><u>Rulemaking Action</u></b>
R20-2-701	Amend
R20-2-751	Amend
R20-2-759	Amend
R20-2-760	Amend
Table 1	Amend
Table 2	Amend

**2. The specific authority for the rulemaking, including both the authorizing statutes (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 41-2065(A) and 41-2124(J)

Implementing statutes: A.R.S. §§ 41-2066, 41-2083, 41-2113, 41-2115, 41-2121, 41-2122, 41-2123, and 41-2124

**3. The effective date of the rules:**

February 9, 2001

**4. A list of all previous notices appearing in the Register addressing the final rule:**

Notice of Rulemaking Docket Opening: 6 A.A.R. 3855, October 6, 2000

Notice of Proposed Rulemaking: 6 A.A.R. 4022, October 20, 2000

**5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Mark Lewandowski or Martha Seaman, Rule Development Section

Address: Arizona Department of Environmental Quality  
3033 North Central  
Phoenix, AZ 85012-2809

Telephone: (602) 207-2230 or (602) 207-2221 (Any ADEQ number may be reached in-state by dialing 1-800-234-5677, and asking for that extension.)

Fax: (602) 207-2251

OR

Name: Mark Ellery

Address: Arizona Department of Weights and Measures  
4425 West Olive, Suite 134  
Glendale, Arizona 85302

Telephone: (623) 463-9942

Fax: (623) 939-7825

**6. An explanation of the rule, including the agency's reasons for initiating the rule:**

**Summary.** The Arizona Department of Environmental Quality (ADEQ), in consultation with the Arizona Department of Weights and Measures (ADWM), has made changes to the Arizona Cleaner-Burning Gasoline (CBG) rules contained in A.A.C. Title 20, Chapter 2, Article 7. Changes to Tables 1 and 2 put the rules in accord with Chapter 405, Laws 2000 (SB1504), which eliminated minimum oxygen requirements for summertime CBG. Chapter 405 was enacted on April 28, 2000. SB 1504, this rule, and submission of both the bill and the rule to EPA as a revision to the SIP, are important steps in the eventual phase out of MTBE in Arizona. It should be noted that A.R.S. § 41-2124 requires CBG sold from and after November 1 through March 31 of each year to contain at least 10% of the oxygenate ethanol. The 2000 law and this rulemaking do not change that requirement and have no effect on the Phoenix carbon monoxide nonattainment area's oxygenated fuel requirements. This rule also made clarifying changes related to dates that have already passed.

**Explanation of changes.** Language deleted in the definition of “CBG covered area” at R20-2-701(8) is no longer necessary because the Pinal County portions of area A were added to the CBG covered area beginning January 1, 2001. The date, and the parts of Pinal County to become part of area A were established by SB 1427, enacted in May, 1998.

Language deleted in the definition of “Type 2 gasoline” at R20-2-701(52) is no longer necessary because the starting dates for the most recent Type 2 requirements have passed.

Language was added in R20-2-751(A)(7) relating to the non-ethanol wintertime minimum oxygenate standard contained in A.R.S. § 41-2123(A)(2). Although HB 2347(1998) limited wintertime oxygenate for CBG to ethanol beginning November 2, 2000, the bill also provided an exception for possible periods of ethanol shortage. This final rule keeps the statutory minimum standard of 2.7% oxygen in R20-2-751(A)(7), but adds clarifying language that indicates non-ethanol oxygenates are allowed only when the cited petition is in effect.

The language deleted in R20-2-751(B) and (D) is no longer necessary because the starting date for the most recent wintertime requirements has passed. In R20-2-751(C), the language deleted is a starting date (for a general prohibition on Type 1 averaging close to the winter season) that has passed. A related requirement at R20-2-751(I)(4) was deleted because it applied only during a period that is now passed.

In R20-2-759(C), two ASTM (American Society for Testing and Materials) test methods used for CBG have been updated to the 1999 editions. ADWM is planning to update related incorporations by reference in R20-2-702 in the very near future.

In R20-2-760(A) and (E)(4), language was deleted that relates to wintertime NO<sub>x</sub> surveys during the 1999-2000 winter season. This language is out-of-date. The last CBG rule (see 5 A.A.R. 4214, November 5, 1999) ended wintertime averaging for Type 1 CBG after September 15, 2000, as well as the need for wintertime NO<sub>x</sub> surveys.

Changes in Tables 1 and 2 put the CBG rules in accord with SB 1504. In Table 1, for the April 1 through October 31 oxygen content rows, the minimums in columns A and C are changed from 2.0% and 1.5%, respectively, to 0.0%. In Table 2, for the April 1 through October 31 oxygen content rows, the \*\*\* footnote language referencing a minimum oxygen content of 1.8% has been removed.

The ability of registered suppliers to supply Type 1 CBG during November 2 through March 31 ended on November 1, 2000. (See HB2347, 1998) ADEQ has inserted “N/A” in Table 1 where there are current references to Type 1 winter use.

Language added to a footnote in Table 2, paralleling the clarifying change described above in R20-2-751(A)(7), is a reminder that non-ethanol oxygenates are allowed only during possible periods of ethanol shortage. Other changes in Tables 1 and 2 remove language related to dates already passed.

The main purpose of the CBG rules is to reduce volatile organic compounds (VOC), carbon monoxide (CO), and particulate matter (PM<sub>10</sub>) emissions from vehicle exhaust. This rule will be submitted to EPA as a revision to the SIP when it is final.

**7. A reference to any study that the agency relied on its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material:**

Not applicable

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

Not applicable

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

I. Rule Identification

Title 20: Commerce, Banking, and Insurance  
Chapter 2: Department of Weights and Measures  
Article 7: Motor Fuels and Petroleum Products §§ 701, 751, 759, 760, Tables 1 and 2

II. Summary

ADEQ has determined that none of the changes in this rule will have any economic impact. In the Notice of Proposed Rulemaking, ADEQ requested data related to this determination, but did not receive any.

Elimination of minimum oxygen requirements. As explained more fully in part 5 of this preamble, the changes to Tables 1 and 2 put the CBG rules in accord with Chapter 405, Laws 2000, which eliminated minimum oxygen requirements for summertime CBG. As such, this rule did not make any changes in addition to what was already effective by state statute, and has no economic impact.

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ASTM updates. ADEQ and ADWM also did not receive comments or data regarding whether the updates to two of the ASTM methods cited in R20-2-759(C) would have any significant economic impact on fuel suppliers. The agencies believe the change will make it easier to obtain the cited methods, because older copies are sometimes out-of-print and more difficult to obtain.

In addition, this final rule also removes language related to dates that have already passed and requirements that are already in effect. None of these rule changes will have any economic impact.

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

The following changes were made to the proposed rule to improve the rule’s clarity, conciseness, and understandability:

**R20-2-701. Definitions**

In addition to the definitions in R20-2-101, the following definitions apply to this Article unless the context otherwise requires:

- 52. “Type 2 gasoline” means a gasoline that meets the standards contained in Table 2, or is certified using the PM according to the requirements of R20-2-751(F), (G), and (H), and:
  - a. Meets the requirements in R20-2-751(A) beginning April 1 through October 31 of each year; and
  - b. Meets the requirements in R20-2-751(B) ~~from and after November 1~~ beginning November 2 through March 31 of each year.

**R20-2-751. Arizona CBG Requirements**

**A.** General requirements. In addition to the other requirements of this Article and except as provided in subsection (B), all Arizona CBG shall meet the following requirements. The dates in this subsection are compliance dates for service station operators and fleet owners.

<b>Fuel Property/Performance Standard</b>	<b>Limits</b>
1. Sulfur	500 ppm by weight (max)
2. Aromatics	50% by volume; (max)
3. Olefins	25% by volume (max)
4. E200	70-30% volume
5. E300	100-70% volume
6. Maximum Vapor Pressure	
a. October 1 - March 31	9.0 pounds per square inch (psi)
b. April	10.0 psi
c. May	9.0 psi
d. June 1 - September 30	7.0 psi
7. Oxygen and Oxygenates	
a. Minimum Content:	
i. November 1 - March 31	10% ethanol by volume
If A.R.S. § 41-2124(E) petition in effect,	2.7% oxygen by weight (other than ethanol)
ii. April 1 - October 31	0% by weight (any oxygenate)
b. The maximum oxygen content shall not exceed 4.0% by weight for ethanol and 3.5% by weight for other oxygenates, and shall comply with the requirements of A.R.S. § 41-2123.	
8. Federal Complex Model VOC Emissions Reduction Percentage	
May 1 through September 15	≥25.0% (Federal Complex Model settings: Summer, Area Class B, Phase 2)

**B.** Wintertime requirements. In addition to the other requirements of this Article, ~~from and after November 1~~ beginning November 2 through March 31 of each year, all Arizona CBG shall meet the following requirements. The dates in this subsection are compliance dates for service station operators and fleet owners.

<b>Fuel Property</b>	<b>Limits</b>
1. Sulfur	80 ppm by weight (max)
2. Aromatics	30% by volume (max)
3. Olefins	10% by volume (max)
4. 90% Distillation Temperature (T90)	330 degrees <del>Fahrenheit (°F)</del> (max)
5. 50% Distillation Temperature (T50)	220°F (max)
6. Vapor Pressure	9.0 <del>pounds per square inch (psi)</del> (max)
7. Oxygenate - Ethanol	
a. Minimum oxygenate content	10% ethanol by volume
b. Maximum oxygen content	4.0% oxygen by weight, and shall comply with the requirements of A.R.S. § 41-2123.

- c. Alternative oxygenates may be used if approved by the Director under A.R.S. § 41-2124(D).
- C. General Elections. Except as provided in subsection (D), all registered suppliers shall make an initial election, and a subsequent election if election each time a change occurs, before the beginning of transport of the Arizona CBG or AZRBOB. Registered suppliers shall make the election with the Director on a form or in a format prescribed by the Director. The election shall state:
1. Whether the registered supplier (at each point where the Arizona CBG or AZRBOB is certified) will supply Arizona CBG or AZRBOB that complies with Type 1, Type 2, or the PM alternative gasoline formulation requirements; and
  2. For each applicable fuel property or performance standard for the election in subsection (C)(1), whether the Arizona CBG or AZRBOB will comply with the average standards or per gallon standards. A registered supplier shall not elect to comply with average standards unless the registered supplier is in compliance with R20-2-760. A registered supplier shall not elect to comply with Type 1 average standards in Table 1, columns B and C, from September 16 through November 1 and April 1 through April 30.
- D. Winter elections. ~~From and after November 1~~ Beginning November 2 through March 31 of each year, all Arizona CBG or AZRBOB shall comply with Type 2 gasoline requirements or the PM alternative gasoline formulation requirements under Table 2. All registered suppliers shall make an initial election, and a subsequent election if election each time a change occurs, before the beginning of transport of the Arizona CBG or AZRBOB. Registered suppliers shall make the election with the Director on a form or in a format prescribed by the Director. The election shall state:
1. Whether the registered supplier (at each point where the Arizona CBG or AZRBOB is certified) will supply Arizona CBG or AZRBOB that complies with the Type 2 gasoline or the PM alternative gasoline formulation requirements; and
  2. For each applicable fuel property, whether the Arizona CBG or AZRBOB will comply with the average standards or per gallon standards.

**R20-2-760. Compliance Surveys**

- A. A registered supplier who elects to certify that Arizona CBG or AZRBOB meets any averaging standard under R20-2-751 shall conduct compliance surveys in accordance with a survey program plan approved by the Director. The Director shall approve a survey program plan ~~meeting the following criteria: if it:~~
1. ~~The survey program shall consist~~ Consists of 4 VOC and NOx surveys during the period May 1 through September 15 of each year; ~~and~~
  2. ~~The survey program shall comply~~ Complies with subsection ~~(B)(C)~~.

~~B.3.~~ If a registered supplier fails to conduct an approved survey program, the Director shall issue an order requiring compliance with all applicable standards on a per-gallon basis for ~~a period of~~ at least 6 months, extending through the end of the survey period identified in subsection (A)(1) and ending after the 6-month period. The requirement for compliance with per-gallon standards ~~shall apply~~ applies from the beginning of the survey period ~~for~~ during which the failure occurs, regardless of when the failure to survey occurs during that period.

~~B.C.~~ General survey requirements.

1. A survey shall consist of all samples collected under the applicable survey design during any consecutive 7-day period and that are not excluded under subsection ~~(B)(4)(C)(4)~~.
2. A survey shall be representative of all Arizona CBG being dispensed in the CBG covered area as provided in subsection ~~(E)(F)~~.
3. No change
4. No change
5. No change
6. No change

~~C.D.~~ No change

~~D.E.~~ No change

~~E.F.~~ Each survey program shall:

1. No change
2. No change
3. Require that the surveyor:
  - a. Except as provided in subsection ~~(F)(G)~~, not inform anyone, in advance, of the date or location of any survey;
  - b. No change
  - c. No change
4. No change

~~F.G.~~ No change

~~G.H.~~ No change

~~H.I.~~ No change

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**Table 1. Type 1 Gasoline Standards**

Performance Standard/ Fuel Property**	Non-averaging Option	Averaging Option		
	A	B	C	D
	Per Gallon (minimum)	Average	Minimum (per gallon)	Maximum (per gallon)
VOC Emission Reduction (%) May 1 - Sept. 15	≥27.5	≥29.0	≥25.0	N/A
NOx Emission Reduction (%) May 1 - Sept. 15	≥5.5	≥6.8	N/A	N/A
NOx Emission Reduction (%) September 16 - November 1 and April 1 - April 30***	≥0.0	N/A	N/A	N/A
Oxygen content: ethanol, (% by weight unless otherwise noted) <del>Nov. 1</del> Nov. 2 - March 31*** April 1 - <del>Oct. 31</del> Nov. 1	N/A 0.0*	N/A N/A	N/A 0.0	N/A 4.0
Oxygen content: other than ethanol, (% by weight) <del>Nov. 1</del> Nov. 2 - March 31*** April 1 - <del>Oct. 31</del> Nov. 1	N/A 0.0	N/A N/A	N/A 0.0	N/A 2.7
* Maximum oxygen content must comply with the EPA oxygenate waiver requirements. ** Dates represent compliance dates for service stations and fleet owners. *** Registered suppliers shall certify all Arizona CBG as Type 2 gasoline meeting the standards in Table 2 <del>during</del> the period of <u>beginning</u> November 2 through March 31.				

**Table 2. Type 2 Gasoline Standards**

Fuel Property	Averaging Option		Non-averaging Option	Units of Standard
	A	B	C	
	Maximum Standard (per gallon)	Averaging Standard*	Flat Standard* (per gallon maximum)	
Sulfur Content	80	30	40	Parts per million by weight
Olefin Content	10.0	4.0	6.0	% by volume

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90% Distillation Temperature (T90)	330	290	300	Degrees Fahrenheit
50% Distillation Temperature (T50)	220	200	210	Degrees Fahrenheit
Aromatic Hydrocarbon Content	30.0	22.0	25.0	% by volume
Oxygen content: ethanol**** <del>Nov 1</del> Nov 2- Mar 31 April 1 - <del>Oct 31</del> Nov 1	10% ethanol 2.7	-- --	10% ethanol 2.7**	% by vol. % by weight
Oxygen content: other than ethanol**** <del>Nov 1</del> Nov 2- Mar 31 April 1 - <del>Oct 31</del> Nov 1	3.5*** 2.7	-- --	3.5*** 2.7**	% by weight % by weight
<p>* Instead of the standards in columns B and C, a registered supplier may opt elect to comply with the standards contained in column A, and R20-2-751(F),(G), and (H) for the use of the PM.</p> <p>** Maximum oxygen content shall comply with the EPA oxygenate waiver requirements.</p> <p>*** Non-ethanol oxygenate is allowed only if approved by the Director under A.R.S. § 41-2124(D). Maximum oxygen content shall comply with the EPA oxygenate waiver requirements.</p> <p>**** A registered supplier shall certify all Arizona CBG using ethanol as the oxygenate <del>during the time period of beginning</del> November 2 through March 31. Alternative oxygenates may be used if approved by the Director under A.R.S. § 41-2124(D).</p> <p>NOTE: Dates represent compliance dates for service stations and fleet owners.</p>				

**11. A summary of the principal comments and the agency responses to them:**

Two comments were received supporting the rule changes as proposed.

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

Not applicable

**13. Incorporations by reference and their location in the rules:**

American Society of Testing and Materials (ASTM) D4814-99: R20-2-759(C).  
 American Society of Testing and Materials (ASTM) D5191-99: R20-2-759(C).

**14. Was this rule previously adopted as an emergency rule?**

No

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

**TITLE 20. COMMERCE, BANKING, AND INSURANCE**

**CHAPTER 2. DEPARTMENT OF WEIGHTS AND MEASURES**

**ARTICLE 7. MOTOR FUELS AND PETROLEUM PRODUCTS**

- R20-2-701. Definitions
- R20-2-751. Arizona CBG Requirements
- R20-2-759. Testing Methodologies
- R20-2-760. Compliance Surveys
  - Table 1 Type 1 Gasoline Standards
  - Table 2 Type 2 Gasoline Standards

**ARTICLE 7. MOTOR FUELS AND PETROLEUM PRODUCTS**

**R20-2-701. Definitions**

In addition to the definitions in R20-2-101, the following definitions apply to this Article unless the context otherwise requires:

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



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5. No change
6. No change
7. No change
8. "CBG covered area" means:
  - a. ~~Before January 1, 2001, a county with a population of 1,200,000 or more persons according to the most recent United States decennial census and any portion of a county, except Pinal County, contained in area A; and~~
  - b. ~~From and after December 31, 2000, a county with a population of 1,200,000 or more persons according to the most recent United States decennial census and any portion of a county contained in area A.~~
9. No change
10. No change
11. No change
12. No change
13. No change
14. No change
15. No change
16. No change
17. No change
18. No change
19. No change
20. No change
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34. No change
35. No change
36. No change
37. No change
38. No change
39. No change
40. No change
41. No change
42. No change
43. No change
44. No change
45. No change
46. No change
47. No change
48. No change
49. No change
50. No change
51. No change
52. "Type 2 gasoline" means a gasoline that meets the standards contained in Table 2, or is certified using the PM according to the requirements of R20-2-751(F), (G), and (H), and:
  - a. ~~Meets the requirements in R20-2-751(A) from and after May 1, 1999, through October 31, 2000, and from the period beginning April 1 through October 31 of each subsequent year; and~~
  - b. ~~Meets the requirements in R20-2-751(B) from and after November 1, 2000, through March 31, 2001, and from the period from and after beginning November 1 through March 31 of each subsequent year.~~
53. No change

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**R20-2-751. Arizona CBG Requirements**

**A.** General requirements. In addition to the other requirements of this Article and except as provided in subsection (B), all Arizona CBG shall meet the following requirements. The dates in this subsection are compliance dates for service station operators and fleet owners.

<b>Fuel Property/Performance Standard</b>	<b>Limits</b>
1. Sulfur	500 ppm by weight (max)
2. Aromatics	50% by volume; (max)
3. Olefins	25% by volume (max)
4. E200	70-30% volume
5. E300	100-70% volume
6. Maximum Vapor Pressure	
a. October 1 - March 31	9.0 pounds per square inch (psi)
b. April	10.0 psi
c. May	9.0 psi
d. June 1 - September 30	7.0 psi
7. Oxygen and Oxygenates	
a. Minimum Content:	
i. November 1 - March 31	10% ethanol by volume
<u>If A.R.S. § 41-2124(E) petition in effect,</u>	2.7% oxygen by weight (other than ethanol)
ii. April 1 - October 31	0% by weight (any oxygenate)
b. The maximum oxygen content shall not exceed 4.0% by weight for ethanol and 3.5% by weight for other oxygenates, and shall comply with the requirements of A.R.S. § 41-2123.	
8. Federal Complex Model VOC Emissions Reduction Percentage	
May 1 through September 15	≥25.0% (Federal Complex Model settings: Summer, Area Class B, Phase 2)

**B.** Wintertime requirements. In addition to the other requirements of this Article, ~~from and after November 1, 2000 through March 31, 2001, and from the period~~ beginning November 2 through March 31 of each ~~subsequent~~ year, all Arizona CBG shall meet the following requirements. The dates in this subsection are compliance dates for service station operators and fleet owners.

<b>Fuel Property</b>	<b>Limits</b>
1. Sulfur	80 ppm by weight (max)
2. Aromatics	30% by volume (max)
3. Olefins	10% by volume (max)
4. 90% Distillation Temperature (T90)	330 degrees Fahrenheit (°F) (max)
5. 50% Distillation Temperature (T50)	220°F (max)
6. Vapor Pressure	9.0 <del>pounds per square inch (psi)</del> (max)
7. Oxygenate - Ethanol	
a. Minimum oxygenate content	10% ethanol by volume
b. Maximum oxygen content	4.0% oxygen by weight, and shall comply with the requirements of A.R.S. § 41-2123.
c. Alternative oxygenates may be used if approved by the Director under A.R.S. § 41-2124(D).	

**C.** General Elections. Except as provided in subsection (D), all registered suppliers shall make an initial election, and ~~a subsequent election if election each time~~ a change occurs, before the beginning of transport of the Arizona CBG or AZRBOB. Registered suppliers shall make the election with the Director on a form or in a format prescribed by the Director. The election shall state:

1. Whether the registered supplier (at each point where the Arizona CBG or AZRBOB is certified) will supply Arizona CBG or AZRBOB that complies with Type 1, Type 2, or the PM alternative gasoline formulation requirements; and
2. For each applicable fuel property or performance standard for the election in subsection (C)(1), whether the Arizona CBG or AZRBOB will comply with the average standards or per gallon standards. A registered supplier shall not elect to comply with average standards unless the registered supplier is in compliance with R20-2-760. ~~From and after September 15, 2000, a~~ registered supplier shall not elect to comply with Type 1 average standards in Table 1, columns B and C, from September 16 through November 1 and April 1 through April 30.

**D.** Winter elections. ~~From and after November 1, 2000, through March 31, 2001, and from the period beginning~~ Beginning November 2 through March 31 of each ~~subsequent~~ year, all Arizona CBG or AZRBOB shall comply with Type 2 gasoline requirements or the PM alternative gasoline formulation requirements under Table 2. All registered suppliers shall make an initial election, and ~~a subsequent election if election each time~~ a change occurs, before the beginning of transport of the Arizona CBG or AZRBOB. Registered suppliers shall make the election with the Director on a form or in a format prescribed by the Director. The election shall state:

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1. Whether the registered supplier (at each point where the Arizona CBG or AZRBOB is certified) will supply Arizona CBG or AZRBOB that complies with the Type 2 gasoline or the PM alternative gasoline formulation requirements; and
2. For each applicable fuel property, whether the Arizona CBG or AZRBOB will comply with the average standards or per gallon standards.

**E.** No change

**F.** No change

**G.** No change

**H.** No change

**I.** Offsetting Fuel Properties and Performance Standards. Each registered supplier who elects to comply with the averaging standards for any of the fuel properties or performance standards contained in Tables 1 or 2, or the PM, shall complete physical transfer from the same production or import facility of certified Arizona CBG or AZRBOB in sufficient quantity to offset the amount by which the gasoline exceeds the averaging standard according to the following schedule:

1. Registered suppliers electing averaging standards contained in Table 2 or the PM shall offset each exceeded average standard within 90 days before or after the beginning of transport of any final blend of Arizona CBG or AZRBOB from a production or import facility;
2. Registered suppliers electing to comply with the averaging standard for the VOC Emission Reduction Percentage in Table 1, column B, shall offset an exceedance of the standards that occurs from May 1 to September 15 of each calendar year during that same time period; and
3. Registered suppliers electing to comply with the averaging standard for the NOx Emission Reduction Percentage contained in Table 1, column B, shall offset an exceedance of the summer standard that occurs from May 1 to September 15 of each calendar year during that same time period; ~~and~~
4. ~~Registered suppliers electing to comply with the averaging standard for the NOx Emission Reduction Percentage contained in Table 1, column B, shall offset an exceedance of the winter standard that occurs from September 16, 1999 to April 30, 2000, during that same time period.~~

**J.** No change

**K.** No change

**L.** No change

**M.** No change

**N.** No change

**O.** No change

**R20-2-759. Testing Methodologies**

**A.** No change

**B.** No change

**C.** A registered supplier, oxygenate blender, or 3rd-party terminal certifying Arizona CBG or AZRBOB before transport to the CBG covered area shall measure oxygenate using ASTM D4815-94a procedures and RVP using ASTM D4814-99 standards. For Arizona CBG located in the CBG covered area, oxygenate shall be measured using ASTM D4815-94a and RVP shall be measured using ASTM ~~D5191-96~~D5191-99. ASTM D4814-99, ASTM D4815-94a and ASTM ~~D5191-96~~D5191-99 are incorporated by reference and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. Copies may be obtained at American Society For Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

**D.** No change

**R20-2-760. Compliance Surveys**

**A.** A registered supplier who elects to certify that Arizona CBG or AZRBOB meets any averaging standard under R20-2-751 shall conduct compliance surveys in accordance with a survey program plan approved by the Director. The Director shall approve a survey program plan ~~meeting the following criteria:~~ if it:

1. ~~The survey program shall consist of:~~
  - a. Consists of Four 4 VOC and NOx surveys during the period May 1 through September 15 of each year; and
  - b. ~~Two NOx surveys during the period of November 1, 1999, through March 31, 2000, which constitute a survey series.~~
2. ~~The survey program shall comply~~ Complies with subsection ~~(B)~~(C).

~~**B-C.**~~ **B-3.** If a registered supplier fails to conduct an approved survey program, the Director shall issue an order requiring compliance with all applicable standards on a per-gallon basis for a period of at least 6 months, extending through the end of the survey period identified in subsection (A)(1) and ending after the 6-month period. The requirement for compliance with per-gallon standards ~~shall apply~~ applies from the beginning of the survey period ~~for~~ during which the failure occurs, regardless of when the failure to survey occurs during that period.

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

1. A survey shall consist of all samples collected under the applicable survey design during any consecutive 7-day period and that are not excluded under subsection ~~(B)(4)(C)(4)~~.
2. A survey shall be representative of all Arizona CBG being dispensed in the CBG covered area as provided in subsection ~~(E)(F)~~.
3. No change
4. No change
5. No change
6. No change

~~C.D.~~ No change

~~D.E.~~ No change

~~E.F.~~ Each survey program shall:

1. No change
2. No change
3. Require that the surveyor:
  - a. Except as provided in subsection ~~(F)(G)~~, not inform anyone, in advance, of the date or location of any survey;
  - b. No change
  - c. No change
4. Require the surveyor to submit a report of each survey, within 30 days following completion of the survey, to the Director. The report shall include:
  - a. The name of the person conducting the survey;
  - b. An attestation by an officer of the surveying company that the survey was conducted according to the survey program plan and the survey results are accurate;
  - c. If the survey was conducted for 1 registered supplier, the identification of that supplier;
  - d. The identification of the area from which gasoline samples were selected;
  - e. The dates on which the survey was conducted;
  - f. The address of each facility at which a gasoline sample was collected, and the date of collection;
  - g. The results of the analyses of samples for oxygenate type and oxygen weight percent, aromatic hydrocarbon, and olefin content, E200, E300, and RVP, the calculated VOC or NOx emissions reduction percentage, as applicable, for each survey conducted during the ~~periods~~ period identified in subsection (A)(1).
  - h. The name and address of each laboratory where gasoline samples were analyzed;
  - i. A description of the methodology used to select the locations for sample collection and the numbers of samples collected;
  - j. For any samples that were excluded from the survey, a justification for the exclusion; and
  - k. ~~For each survey conducted during the period June 1 through September 15, the The average VOC and NOx emissions reduction percentage, and the average NOx emissions reduction percentage for samples collected during the period November 1, 1999 through March 31, 2000.~~

~~F.G.~~ No change

~~G.H.~~ No change

~~H.I.~~ No change

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**Table 1. Type 1 Gasoline Standards**

Performance Standard/ Fuel Property**	Non-averaging Option	Averaging Option		
	A	B	C	D
	Per Gallon (minimum)	Average	Minimum (per gallon)	Maximum (per gallon)
VOC Emission Reduction (%) May 1 - Sept. 15	≥27.5	≥29.0	≥25.0	N/A
NOx Emission Reduction (%) May 1 - Sept. 15	≥5.5	≥6.8	N/A	N/A
NOx Emission Reduction (%) <del>Sept. 16, 1999 - April 30, 2000</del>	<del>≥0.0</del>	<del>≥1.5</del>	<del>N/A</del>	<del>N/A</del>
<del>From and after September 15, 2000.</del> September 16 - November 1 and April 1 - April 30***	≥0.0	N/A	N/A	N/A
Oxygen content: ethanol, (% by weight unless otherwise noted) <del>Nov. 1</del> Nov. 2 - March 31*** April 1 - <del>Oct. 31</del> Nov. 1	<del>10% ethanol by vol. N/A</del> 2.0 0.0*	N/A <del>2.1 N/A</del>	<del>10% ethanol by vol. N/A</del> 1.5 0.0	<del>4.0 N/A</del> 4.0
Oxygen content: other than ethanol, (% by weight) <del>Nov. 1</del> Nov. 2 - March 31*** April 1 - <del>Oct. 31</del> Nov. 1	<del>2.7 N/A</del> 2.0 0.0	N/A <del>2.1 N/A</del>	<del>2.7 N/A</del> 1.5 0.0	<del>3.5* N/A</del> 2.7
* Maximum oxygen content must comply with the EPA oxygenate waiver requirements. ** Dates represent compliance dates for service stations and fleet owners. *** <del>From and after November 1, 2000, Registered</del> suppliers shall certify all Arizona CBG as Type 2 gasoline meeting the standards in Table 2 <del>during the period of beginning</del> November 2 through March 31.				

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**Table 2. Type 2 Gasoline Standards**

	Averaging Option		Non-averaging Option	Units of Standard
	A	B	C	
Fuel Property	Maximum Standard (per gallon)	Averaging Standard*	Flat Standard* (per gallon maximum)	
Sulfur Content	80	30	40	Parts per million by weight
Olefin Content	10.0	4.0	6.0	% by volume
90% Distillation Temperature (T90)	330	290	300	Degrees Fahrenheit
50% Distillation Temperature (T50)	220	200	210	Degrees Fahrenheit
Aromatic Hydrocarbon Content	30.0	22.0	25.0	% by volume
Oxygen content: ethanol*****				
Nov 1 - Mar 31	10% ethanol	--	10% ethanol	% by vol.
April 1 - Oct 31	2.7	--	2.7 <sup>***</sup> <u>**</u>	% by weight
Oxygen content: other than ethanol*****				
Nov 1- Mar 31	3.5 <sup>**</sup> <u>***</u>	--	3.5 <sup>**</sup> <u>***</u>	% by weight
April 1 - Oct 31	2.7	--	2.7 <sup>***</sup> <u>**</u>	% by weight
<p>* Instead of the standards in columns B and C, a registered supplier may opt elect to comply with the standards contained in column A, and R20-2-751(F),(G), and (H) for the use of the PM.</p> <p>** Maximum oxygen content shall comply with the EPA oxygenate waiver requirements.</p> <p>*** <del>The gasoline produced in accordance with the Non-averaging Option must comply with a per gallon minimum oxygen content of 1.8% by weight April 1 - October 31. Non-ethanol oxygenate allowed only if approved by the Director under A.R.S. § 41-2124(D). Maximum oxygen content shall comply with the EPA oxygenate waiver requirements.</del></p> <p>**** <del>From and after October 31, 2000, a A registered supplier shall certify all Arizona CBG using ethanol as the oxygenate during the time period of beginning November 2 through March 31. Alternative oxygenates may be used if approved by the Director under A.R.S. § 41-2124(D).</del></p> <p>NOTE: Dates represent compliance dates for service stations and fleet owners.</p>				