

# NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rule-making information that does not fit into any other category of notice; and other types of information required by statute to be published in the *Register*. Because of the variety of material that is contained in a Notice of Public Information, the Office of the Secretary of State has not established a specific format for these notices.

## NOTICE OF PUBLIC INFORMATION DEPARTMENT OF ENVIRONMENTAL QUALITY

[M09-264]

- 1. Name of the Agency:** Department of Environmental Quality  
**Title and its heading:** 18, Environmental Quality  
**Chapter and its heading:** 6, Department of Environmental Quality – Pesticides and Water Pollution Control  
**Article and its heading:** 3, Groundwater Protection List  
**Section and its heading:** R18-6-301, Groundwater Protection List

**2. The public information relating to the listed statute:**

Pursuant to A.R.S. § 49-305, the Arizona Department of Environmental Quality (Department) maintains a Groundwater Protection List (GWPL) composed of agricultural use pesticides and active ingredients that have the potential to pollute groundwater. The statute requires the Department to place a pesticide identified under A.R.S. § 49-303(C)(1), (2) or (3) on the GWPL, and to regulate the use of the pesticide if the pesticide is intended for application to or injection into the soil by ground-based application equipment or chemigation, or the label of the pesticide requires or recommends that the application be followed within 72 hours by flood or furrow irrigation.

**3. Draft 2009 Groundwater Protection List**

The GWPL is a list of agricultural use pesticide active ingredients that have the potential to pollute groundwater. The Department shall place an agricultural use pesticide active ingredient on the GWPL for any of the following reasons: 1) it fails to comply with one or more of the specific numeric values established in A.A.C. R18-6-103(1) which measure the mobility and persistence of the active ingredient; 2) the Department's evaluation of the environmental fate assessment, prepared by the registrant, indicates potential for the active ingredient to leach to groundwater; or 3) pursuant to A.A.C. R18-6-301(B)(2) or (B)(3), the active ingredient or degradation product has been detected in groundwater in Arizona or below the root crop zone consistent with established testing requirements.

Pursuant to A.A.C. R18-6-301, the Department is publishing the draft 2009 GWPL to provide an opportunity for the public to comment on the active ingredients being placed on or removed from the GWPL. The final 2008 GWPL contained 72 active ingredients. The draft 2009 GWPL would add one new active ingredient: Flubendiamide. With this publication, a 30-day public review and written comment period begins. After completion of the 30-day review and comment period, the Department will formulate responses to any comments submitted and consider making modifications to the GWPL in response to the comments. The final GWPL will then be published in the *Arizona Administrative Register*, including a summary of comments received and the Department's response to the comments. The final 2009 GWPL will become effective on December 1, 2009, in accordance with A.A.C. R18-6-301(A)(3).

The draft 2009 GWPL is presented below. The **bold** text indicates ingredients that have been found historically in Arizona groundwater. The active ingredient marked with an asterisk (\*) indicates the new addition to the GWPL.

Draft 2009 Groundwater Protection List		
	CAS Number	Chemical Name
<b>1.</b>	<b>94-75-7</b>	<b>2,4-D Acid</b>
2.	1928-43-4	2,4-D 2-Ethylhexyl Ester
3.	1929-73-3	2,4-D Butoxyethyl Ester
4.	5742-19-8	2,4-D Diethanolamine Salt
5.	2008-39-1	2,4-D Dimethylamine Salt
6.	5742-17-6	2,4-D Isopropylamine Salt
7.	94-11-1	2,4-D Isopropyl Ester of
8.	32341-80-3	2,4-D Trisopropanolamine Salt
9.	135158-54-2	Acibenzolar-S-Methyl
<b>10.</b>	<b>1912-24-9</b>	<b>Atrazine</b>
11.	131860-33-8	Azoxystrobin

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<b>12.</b>	<b>314-40-9</b>	<b>Bromacil</b>
13.	53404-19-6	Bromacil, Lithium Salt
<b>14.</b>	<b>63-25-2</b>	<b>Carbaryl</b>
15.	128639-02-1	Carfentrazone-Ethyl
16.	50008-15-1	Chlorantraniliprole
17.	1702-17-6	Clopyralid
18.	420-04-2	Cyanamide
19.	113136-77-9	Cyclanilide
20.	52918-63-5	Deltamethrin
21.	13684-56-5	Desmedipham
<b>22.</b>	<b>1918-00-9</b>	<b>Dicamba</b>
23.	25059-78-3	Dicamba, DEA Salt
24.	104040-79-1	Dicamba, DGA Salt
25.	2300-66-5	Dicamba, DMA Salt
26.	10007-85-9	Dicamba, Potassium Salt
27.	1982-69-0	Dicamba, Sodium Salt
<b>28.</b>	<b>110488-70-5</b>	<b>Dimethomorph</b>
29.	165252-70-0	Dinotefuran
<b>30.</b>	<b>330-54-1</b>	<b>Diuron</b>
31.	144-21-8	DSMA (Disodium Methanearsonate)
32.	137512-74-4	Emamectin Benzoate
<b>33.</b>	<b>115-29-7</b>	<b>Endosulfan</b>
34.	158067-0	Flonicamid
35.	335104-84-2	Flubendiamide*
36.	142459-58-3	Flufenacet (Thiafluamide)
37.	193740-76-0	Fluoxastrobin
<b>38.</b>	<b>66332-96-5</b>	<b>Flutolanil</b>
39.	77182-82-2	Glufosinate-Ammonium
40.	112226-61-6	Halofenozide
41.	100784-20-1	Halosulfuron-Methyl
<b>42.</b>	<b>114311-32-9</b>	<b>Imazamox</b>
43.	104098-48-8	Imazapic
<b>44.</b>	<b>81335-77-5</b>	<b>Imazethapyr</b>
45.	101917-66-2	Imazethapyr, Ammonium Salt
<b>46.</b>	<b>138261-41-3</b>	<b>Imidacloprid</b>
<b>47.</b>	<b>330-55-2</b>	<b>Linuron</b>
48.	128-58-3	MAA (Methanearsonic Acid)
49.	374726-62-2	Mandipropamid
50.	12427-38-2	Maneb
51.	16484-77-8	Mecoprop-P (MCP-P)
52.	70630-17-0	Mefenoxam
53.	208465-21-8	Mesosulfuron-Methyl
<b>54.</b>	<b>16752-77-5</b>	<b>Methomyl</b>
<b>55.</b>	<b>161050-58-4</b>	<b>Methoxyfenozide</b>
<b>56.</b>	<b>21087-64-9</b>	<b>Metribuzin</b>
57.	2163-80-6	Monosodium Methanearsonate (MSMA)
58.	111991-09-04	Nicosulfuron
<b>59.</b>	<b>23135-22-0</b>	<b>Oxamyl</b>

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60.	1610-78-0	Prometon
61.	7287-19-6	Prometryn
62.	18311274-15-7	Propoxycarbazone-sodium
63.	94125-34-5	Prosulfuron
64.	123312-89-0	Pymetrozine
65.	123343-16-8	Pyriithiobac Sodium
66.	84087-01-4	Quinclorac
67.	81591-81-3	Sulfosate
68.	112410-23-8	Tebufenozide
69.	153719-23-4	Thiamethoxam
70.	55335-06-3	Triclopyr
71.	117718-60-2	Thiazopyr
72.	199119-58-9	Trifloxysulfuron-Sodium
73.	95266-40-3	Trinexapac-Ethyl

**4. The name and address of agency personnel with whom persons may communicate:**

Name: Moses A. Olade, Pesticide Program Coordinator  
 Address: Department of Environmental Quality  
 1110 W. Washington St.  
 Phoenix, AZ 85007  
 Telephone: (602) 771-4552 (in Arizona: 1-800-234-5677; ask for seven-digit extension)  
 Fax: (602) 771-4505  
 E-mail: mao@azdeq.gov

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

There is no public hearing associated with establishment of the GWPL. The Department will accept written comments on the draft GWPL for 30 days following publication of this Notice. If there are any changes, the Department will publish the revised GWPL in the *Arizona Administrative Register*.

**NOTICE OF PUBLIC INFORMATION  
 OFFICE OF THE GOVERNOR**

[M09-256]

TO: State Agency Directors and Acting Directors  
 FROM: Governor Janice K. Brewer  
 SUBJECT: Continuation of Regulatory Review Plan (Moratorium)  
 DATE: June 29, 2009

I am continuing the rulemaking moratorium issued January 22, 2009, which was extended to April 30, 2009, to October 16, 2009. The memorandum of January 22, 2009 and April 29, 2009 detailing the moratorium shall remain in effect until that date.

Agencies shall submit any requests for exceptions to the rulemaking moratorium in writing for rulemakings that impact critical public peace, health and safety functions of the agency, that address the state budget deficit, implement the ARRA, *or that are deregulatory*. The Governor's Office will review any such notification and determine whether exception is appropriate under the circumstances.

As stated in the previous moratorium of January 22, 2009 and the extension dates April 29, 2009, independent agencies are encouraged to participate voluntarily within the context of their own rulemaking processes.

Communications regarding exceptions to the moratorium, or questions regarding the moratorium generally, should be addressed to Jeri Kishiyama Auther, Policy Advisor, Rules and Regulations at [jauther@az.gov](mailto:jauther@az.gov).

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NOTICE OF PUBLIC INFORMATION

OFFICE OF THE GOVERNOR

[M09-179]

TO: State Agency Directors and Acting Directors  
FROM: Janice K. Brewer  
Governor  
SUBJECT: Continuation of Regulatory Review Plan (Moratorium)  
DATE: April 30, 2009

My staff is in the process of evaluating information received from the agencies, boards, and commissions regarding new and pending rulemakings during the rulemaking moratorium. In order to complete this process, I am extending the rulemaking moratorium issued January 22, 2009 from April 30, 2009 to June 30, 2009. During the moratorium, my staff identified some administrative rules that should have been repealed some time ago. Examples of administrative rules identified so far include:

Department of Economic Security, 6 A.A.C. 13, Articles 2,3,6,8,9, and 12; A.A.C.R6-1-501;  
Arizona Department of Administration, 2 A.A.C.R2-1-604 and R2-1-605;  
Department of Racing, A.A.C.R19-2-115.10;  
Arizona State Retirement System, A.A.C.R2-8-104, R2-8-116, and R2-8-119; and  
Department of Health Services, A.A.C.R9-19-115, R9-19-404, and R9-19-406.

During the continuation of the moratorium, I am requiring agencies to identify administrative rules that (1) are no longer necessary due to changes in state or federal law or case law, (2) are not effective, (3) are inconsistent with current agency practice, or (4) are not enforced. Agencies shall identify obsolete rules and submit the report to Jeri Kishiyama Auther, Policy Advisor, Rules and Regulations, no later than the close of business on May 25, 2009.

**Regulatory Moratorium**

In addition to the memorandum issued January 22, 2009, the following applies:

1. Agencies shall continue to comply with the Five-year Review requirements of A.R.S. § 41-1056 *et seq.* and the reporting requirements of A.R.S. § 41-1091; and
2. Agencies shall comply with the intent of the moratorium and ensure that substantive policy statements as defined in A.R.S. § 41-1001(20) do not violate A.R.S. § 41-1033.

**Regulatory Moratorium – Clarifications**

Additionally, the following clarifications to the moratorium issued January 22, 2009 apply:

1. Docket Openings and proposed rules filed with and published by the Secretary of State before January 22, 2009 need not be withdrawn. Docket openings and proposed rules are viable for a year after publication under A.R.S. § 41-1021. Agencies may, however, voluntarily file a Notice of Termination of Rulemaking with the Secretary of State. Agencies shall not conduct oral proceedings on the rulemakings subject to the moratorium and may file a Notice of Public Information with the Secretary of State to cancel any scheduled oral proceedings;
2. Agencies shall withdraw docket openings or proposed rulemakings filed with, but not yet published by, the Secretary of State; and
3. Agencies shall submit any requests for exceptions to the rulemaking moratorium in writing for rulemakings that impact critical public peace, health and safety functions of the agency, that address the state budget deficit, implement the ARRA, or that are deregulatory. The Governor's Office will review any such notification and determine whether exception is appropriate under the circumstances.

As stated in the previous moratorium of January 22, 2009, independent agencies are encouraged to participate voluntarily within the context of their own rulemaking processes.

Communications regarding exceptions to the moratorium, or questions regarding the moratorium generally, should be addressed to Jeri Kishiyama Auther, Policy Advisor, Rules and Regulations at [jauther@az.gov](mailto:jauther@az.gov).

This memorandum shall be published in the Arizona Administrative Register.

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**NOTICE OF PUBLIC INFORMATION**

**OFFICE OF THE GOVERNOR**

[M09-19]

TO: State Agency Directors and Acting Directors  
FROM: Janice K. Brewer  
Governor  
SUBJECT: Regulatory Review Plan  
DATE: January 22, 2009

In order to ensure that my appointees have the opportunity to review any new or pending rules, I am asking that you immediately take the following steps, subject to the exception process as described in paragraph 9:

1. Send no proposed or final rule to the Secretary of State for the publication in the Arizona Administrative Register.
2. File no notice of proposed rule making with the Secretary of State or begin or continue any activities in preparation for the rule making, including informal rule making activities.
3. With respect to proposed rules that have been sent to the Secretary of State but not published in the Arizona Administrative Register, withdraw them from the Secretary of State.
4. With respect to proposed rules that are final but have not been submitted to the Governor's Regulatory Review Council (GRRC) for approval, postpone filing the rules with GRRC.
5. With respect to proposed rules that have been submitted to the GRRC for approval, postpone filing rules approved by GRRC with the Secretary of State.
6. With respect to proposed rules that are final but have not been submitted to the Attorney General for approval, postpone filing the rules with the Attorney General.
7. With respect to proposed rules that have been submitted to the Attorney General for approval, withdraw the rules from consideration by the Attorney General.
8. Provide the Governor's Office a list and brief summary of each rule making activity within your agency no later than February 16, 2009.
9. Notify the Governor's Office promptly in writing of any rule making activity that, in your view, impacts critical public peace, health and safety functions of the agency or that are needed to address the state budget deficit and therefore should be also excluded from the directives in paragraphs 1-7. The Governor's Office will review any such notifications and determine whether exception is appropriate under the circumstances.

The directives in paragraphs 1-7 shall remain in effect until April 30, 2009.

As used in this memorandum, "rule" has the meaning as defined in A.R.S. § 41-1001(17).

Finally, in the interest of sound regulatory practice and the avoidance of costly, burdensome, or unnecessary rules, independent agencies are encouraged to participate voluntarily within the context of their own rulemaking processes.

This regulatory review will be implemented by the Governor's Office. Communications regarding exceptions to the review, or questions regarding the review generally, should be addressed to Richard Bark, Deputy Chief of Staff for Policy at rbark@az.gov.

This memorandum shall be published in the Arizona Administrative Register.