

## 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 WATER POLLUTION CONTROL AZPDES DE MINIMIS GENERAL PERMIT

[M09-301]

1. **Name of the agency:** Department of Environmental Quality
2. **Title and its heading:** 18, Environmental Quality
- Chapter and its heading:** 9, Department of Environmental Quality – Water Pollution Control
- Article and its heading:** 9, Arizona Pollutant Discharge Elimination System
- Section number:** R18-9-A907(B)

3. **A brief description of the proposed general permit:**

The Department is proposing to re-issue a general permit that authorizes De Minimis discharges to surface waters. De Minimis discharges are point source discharges that meet the applicable surface water quality standards (SWQS, 18 A.A.C. 11, Article 1); are generally infrequent, of low volume, and/or short in duration; and are conducted with appropriate best management practices (BMPs) to ensure compliance with the conditions of the permit. De Minimis discharges include discharges from potable water system installation and maintenance activities; subterranean dewatering; well development and maintenance; aquifer testing; hydrostatic testing of pipes and vessels; reclaimed water system repair and pressure releases; residential cooling system condensate or overflow; charitable car washes; building and street washing; dechlorinated drainage from swimming pools; and other discharges specifically determined to be De Minimis by the Department. The proposed permit contains certain limitations and exclusions that apply to the above categories.

The proposed permit is intended to replace the original AZPDES De Minimis General Permit (DMGP, Permit No. AZG2004-001) which was issued on March 17, 2004, and expired on March 17, 2009. Proposed changes from the 2004 permit are listed in a fact sheet accompanying the draft 2009 permit (see item 5, below).

Under the federal Clean Water Act and associated regulations (40 CFR 122), and under A.R.S. § 49-255 *et seq.* for Arizona, all point source discharges to surface waters require some type of discharge permit coverage. As an alternative to obtaining individual AZPDES permits, the proposed general permit provides coverage for qualifying discharges that have the potential to enter surface waters, whether directly or via a storm sewer system or other conveyance.

In general, to obtain coverage under this permit, an eligible party must prepare and implement a Best Management Practices Plan (BMPP) and submit a completed Notice of Intent form to the Department. The BMPP and NOI requirements do not apply to certain types of discharge activities such as charitable car washes and dechlorinated swimming pool drainage. Where required, the BMPP must identify measures that will be implemented to ensure compliance with the conditions of the permit. For discharges to certain types of waters (perennial, intermittent, impaired, or Outstanding Arizona Water) and for Areawide, Project-wide, and Facility-wide coverage, the BMPP must be submitted to the Department with the Notice of Intent form. With certain exceptions, the permittee must conduct discharge monitoring in accordance with permit conditions, and must terminate coverage by completing and submitting a Notice of Termination form to the Department after completion of the discharge.

4. **A description of the permit area:**

The proposed general permit covers discharges from the specified activities in Arizona, except for Indian Country as defined in 18 U. S.C. 1151.

5. **How to obtain copies of the draft permit documents:**

Copies of the proposed general permit and accompanying fact sheet are available upon request from the agency personnel listed in item 7, below, and on the Department's web site at <http://www.azdeq.gov/environ/water/permits/gen.html#demi>.

The proposed general permit and fact sheet are also available at the Arizona Department of Environmental Quality, 1110 W. Washington St., Phoenix, AZ and may be reviewed any time between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays.

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**6. The time during which the agency will accept written comments:**

Comments on the proposed general permit must be submitted c/o Lavinia Wright at the address, fax number, or e-mail address provided below, and received or postmarked no later than September 28, 2009. Within the comment period, interested persons may also request a public hearing under A.A.C. R18-9-A908 concerning the proposed permit.

While no formal public hearing is currently scheduled, the Department is planning to hold a public meeting to accept written and oral comments on the proposed general permit. The time and place of the public meeting will be announced on the ADEQ web site at <http://www.azdeq.gov/environ/water/permits/gen.html#demi>. Interested persons may also request notification about the public meeting by contacting Lavinia Wright at the e-mail address, postal address, or phone number below.

**7. The name, address, and telephone number of agency personnel to whom questions and comments on the general permit may be addressed:**

Name: Lavinia Wright  
Address: Department of Environmental Quality  
Water Quality Division, Surface Water Section  
1110 W. Washington St., 5415A-1  
Phoenix, AZ 85007  
Telephone: (602) 771-4585  
Fax: (602) 771-4528  
E-mail: [wright.lavinia@azdeq.gov](mailto:wright.lavinia@azdeq.gov)

**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).

**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

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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.

**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](mailto:rbark@az.gov).

This memorandum shall be published in the Arizona Administrative Register.