

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

[M10-187]

1. Name of the Agency:

Arizona Department of Environmental Quality

2. The Purpose of this Notice of Public Information:

Arizona Department of Environmental Quality FY 2011 Fee Increases. Pursuant to Laws 2010, 7th Spec. Sess., Ch. 7, § 5, the Arizona Department of Environmental Quality (ADEQ) has been granted authority to increase fees in fiscal year 2010-2011, for services in fiscal year 2010-2011. Section 5, paragraph D authorizes exemption from the rulemaking requirements of A.R.S. Title 41, Chapter 6, for the purpose of establishing fees pursuant to this Section until July 1, 2011. The legislative intent stated in law is that the additional revenue generated by the fee increases not exceed \$5,779,100.

ADEQ examined existing fees collected by its Air Quality, Waste Programs, and Water Quality divisions. ADEQ considered the impact on public and private stakeholders and estimated revenues generated by the fee increases as limited by the \$5,779,100 cap established in session law. ADEQ determined that the following fees will be increased for fiscal year 2011:

1. Air Quality Fees
2. Aquifer Protection Permit Fees and other fees for water quality protective services
3. Solid Waste Program Fees
4. Hazardous Waste Program Fees

ADEQ intends to finalize increases in these fees by July 1, 2010, and has provided further information on the increases and exempt rulemakings on its web site. Specific individuals are listed for comments, questions, or further information on each exempt rulemaking. This information can be found at <http://www.azdeq.gov> under "What's New at ADEQ?"

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

Name: Bret H. Parke, Administrative Counsel
Address: Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-2242 or (800) 234-5677, enter 771-2242 (toll-free in Arizona only)
Fax: (602) 771-2251
E-mail: bhp@azdeq.gov

(For this Notice only – individual contacts for fee increase rules are listed on ADEQ's web site.)

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

The rulemakings are exempt from the Administrative Procedures Act and no hearings will be held. ADEQ is providing public notice and an opportunity for public comment on these rules. See ADEQ's web site, <http://www.azdeq.gov>, for further information. Written comments on the exempt rules must be received by close of business June 7, 2010.

NOTICE OF PUBLIC INFORMATION

LAWS 2009, 3RD SPECIAL SESSION, CH. 7, § 28

("Moratorium on rule making relating to increased monetary or regulatory costs; exceptions; definitions")

[M09-429]

1. Reason for the Notice of Public Information:

Laws 2009, 3rd Special Session, Ch. 7, § 28 enacted into law a moratorium on rulemaking through June 30, 2010.

2. Effective date of Laws 2009, 3rd Special Session, Ch. 7, § 28:

November 24, 2009

3. Text of Laws 2009, 3rd Special Session, Ch. 7, § 28:

Sec. 28. Moratorium on rule making relating to increased monetary or regulatory costs; exceptions; definitions

- A. Notwithstanding any other law, for fiscal year 2009-2010, an agency shall not conduct any rule making, including an informal rule making process, that would impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons or individuals or would not reduce the regulatory burden on the persons or individuals so regulated.
- B. Subsection A of this section does not apply to rule making for any of the following:
 - 1. An authorization or requirement enacted by the legislature after January 1, 2009 or as authorized by the governor after January 22, 2009.
 - 2. To avoid a violation of a court order or federal law that would result in sanctions by the court or federal government to an agency in fiscal year 2009-2010 for failure to conduct the rule making action.
 - 3. To prevent a threat to the public health, peace or safety.
 - 4. To fulfill an obligation related to fees, rates, fines or regulations that are expressly delineated in the constitution of this state.
 - 5. To implement or comply with the fiscal year 2009-2010 state budget or the American recovery and reinvestment act of 2009 (P.L. 111-5).
 - 6. A rule or other item that is exempt from title 41, chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
 - 7. To eliminate or replace archaic or illegal rules.
- C. An agency shall not conduct any informal or formal rule making pursuant to this section without the prior written approval of the office of the governor. This subsection does not apply to any agency that is independent of the office of the governor, including any agency that is headed by a single elected official or the corporation commission.
- D. For the purposes of this section, “agency”, “person”, “rule” and “rule making” have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

4. Governor’s Office contact information:

Communications regarding written approval of the office of the governor should be addressed to Richard Bark, Deputy Chief of Staff, Policy at rbark@az.gov.