

## NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

### NOTICE OF EXEMPT RULEMAKING

#### TITLE 7. EDUCATION

#### CHAPTER 2. STATE BOARD OF EDUCATION

*Editor's Note: The following Notice of Exempt Rulemaking is exempt from Executive Order 2010-13 as issued by Governor Brewer. (See the text of the executive order at 16 A.A.R. 1183, July 2, 2010.)*

[R10-110]

#### PREAMBLE

- 1. Sections Affected**  
R7-2-615
- Rulemaking Action**  
Amend
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. § 15-203(A)(1)  
Implementing statute: Not applicable
- 3. The effective date of the rules:**  
July 1, 2011
- 4. A list of all previous notices appearing in the *Register* addressing the exempt rules:**  
Not applicable
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Vince Yanez, Executive Director  
State Board of Education  
Address: 1535 W. Jefferson St.  
Phoenix, AZ 85007  
Telephone: (602) 542-5057  
Fax: (602) 542-3046  
E-mail: vince.yanez@azed.gov
- 6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:**  
The new rule will improve the math endorsement.
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
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 rules are not expected to have any economic impact on small businesses nor have any impact upon school districts and charter schools.

Notices of Exempt 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 comments made regarding the rule and the agency response to them:**

A public hearing was held on June 23, 2010 and no comments were received.

**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:**

Not applicable

**14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**

Not applicable

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

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 6. CERTIFICATION

Section

R7-2-615. Endorsements

ARTICLE 6. CERTIFICATION

**R7-2-615. Endorsements**

- A. An endorsement shall be automatically renewed with the certificate on which it is posted.
- B. Except as noted, all endorsements are subject to the general certification provisions in R7-2-607.
- C. Endorsements which are optional as specified herein may be required by local governing boards.
- D. Special subject endorsements – grades K through 12
  1. Special subject endorsements shall be issued in the area of art, computer science, dance, dramatic arts, music, or physical education.
  2. Special subject endorsements are optional.
  3. The requirements are:
    - a. An Arizona elementary, secondary, or special education certificate;
    - b. One course in the methods of teaching the subject at the elementary level and one course in the methods of teaching the subject at the secondary level; and
    - c. One of the following:
      - i. Thirty semester hours of courses in the subject area which may include the courses listed in subsection (D)(3)(b);
      - ii. A passing score on the subject area portion of the Arizona Teacher Proficiency Assessment, if an assessment has been adopted by the Board; or
      - iii. A passing score on a comparable out-of-state subject area assessment.
- E. Mathematics Specialist Endorsement – grades K through eight. This subsection is valid until June 30, 2011.
  1. The mathematics specialist endorsement is optional.
  2. The requirements are:
    - a. An Arizona elementary or special education certificate,
    - b. Three semester hours of courses in the methods of teaching elementary school mathematics, and
    - c. Fifteen semester hours of courses in mathematics education for teachers of elementary or middle school mathematics.
- F. Mathematics Endorsement – grades K through eight. This subsection becomes effective on July 1, 2011.
  1. The mathematics endorsement is optional for all K through eight teachers, but recommended for an individual in the position of mathematics specialist, consultant, interventionist, or coach. Nothing in this Section prevents school districts from requiring certified staff to obtain a mathematics endorsement as a condition of employment. The mathematics endorsement does not waive the requirements set forth in R7-2-607(J).
  2. The requirements are:
    - a. An Arizona elementary or special education certificate;
    - b. Three years of full-time teaching experience in grades K through eight; and

Notices of Exempt Rulemaking

- c. Eighteen semester hours to include:
  - i. Three semester hours of data analysis, probability, and discrete mathematics;
  - ii. Three semester hours of geometry and measurement;
  - iii. Six semester hours of patterns, algebra, and functions; and
  - iv. Six semester hours of number and operations.
- d. Six semester hours to include:
  - i. Three semester hours of mathematics classroom assessment;
  - ii. Three semester hours of research-based practices, pedagogy, and instructional leadership in mathematics.
- e. A passing score on the middle school mathematics knowledge portion of the Arizona Educator Proficiency Assessment may be substituted for the 18 semester hours described in R7-2-615(E)(2)(c).
- f. Completion of a comparable valid mathematics specialist certificate or endorsement from another state may be substituted for the requirements described in R7-2-615(E)(2)(c) and (d).

**~~F.G.~~** Reading Specialist Endorsement – grades K through 12. This subsection is valid until June 30, 2011.

- 1. The reading specialist endorsement shall be required of an individual in the position of reading specialist, reading consultant, remedial reading teacher, special reading teacher, or in a similar position.
- 2. The requirements are:
  - a. An Arizona elementary, secondary, or special education certificate; and
  - b. Fifteen semester hours of courses to include decoding, diagnosis and remediation of reading difficulties, and practicum in reading.

**~~G.H.~~** Reading Endorsement. This subsection becomes effective on July 1, 2011.

- 1. A reading endorsement shall be required of an individual in the position of reading or literacy specialist, reading or literacy coach, and reading or literacy interventionist.
- 2. Reading Endorsement for grades K through eight. The requirements are:
  - a. A valid Arizona elementary special education or early childhood certificate,
  - b. Three years of full-time teaching experience,
  - c. Three semester hours of a supervised field experience or practicum in reading completed for the grades K through eight, and
  - d. One of the following:
    - i. Twenty-one semester hours beyond requirements of initial provisional or standard teaching certificate to include the following:
      - 1) Three semester hours in the theoretical and research foundations of language and literacy,
      - 2) Three semester hours in the essential elements of elementary reading and writing instruction (K through eight),
      - 3) Three semester hours in the elements of elementary content area reading and writing (K through eight),
      - 4) Six total semester hours in reading assessment systems,
      - 5) Three semester hours in leadership, and
      - 6) Three semester hours of elective courses in an area of focus that will deepen knowledge in the teaching of reading to elementary students, such as children’s literature, or teaching reading to English Language Learners.
    - ii. Proof of a comparable valid reading specialist certificate or endorsement from another state may be substituted for the requirements described in subsections ~~(G)(2)(e)~~ (H)(2)(c) and (d)(i).
  - e. A passing score on the reading endorsement professional knowledge portion of the Arizona Educator Proficiency Assessment for grades K through eight may be substituted for 21 semester hours of reading endorsement coursework as described in subsection ~~(G)(2)(d)(i)~~ (H)(2)(d)(i).
- 3. Reading Endorsement for grades six through 12. The requirements are:
  - a. A valid Arizona elementary, secondary, or special education certificate;
  - b. Three years of full-time teaching experience;
  - c. Three semester hours of supervised field experience or practicum in reading completed for the grades six through 12; and
  - d. One of the following:
    - i. Twenty-one semester hours beyond requirements of initial provisional or standard teaching certificate to include the following:
      - 1) Three semester hours in the theoretical and research foundations of language and literacy;
      - 2) Three semester hours in the essential elements of reading and writing instruction for adolescents (grades six through 12);
      - 3) Three semester hours in the elements of content area reading and writing for adolescents (grades six through 12);
      - 4) Six total semester hours in reading assessment systems;
      - 5) Three semester hours in leadership; and

Notices of Exempt Rulemaking

- 6) Three semester hours of elective courses in an area of focus that will deepen knowledge in the teaching of reading such as adolescent literature, or teaching reading to English Language Learners.
  - ii. Proof of a comparable valid reading specialist certificate or endorsement from another state may be substituted for the requirements described in subsections ~~(G)(3)(e)~~ (H)(3)(c) and (d)(i).
  - e. A passing score on the reading endorsement professional knowledge portion of the Arizona Educator Proficiency Assessment for grades six through 12 may be substituted for 21 semester hours of reading endorsement coursework as described in subsection ~~(G)(3)(d)(i)~~ (H)(3)(d)(i).
4. Reading Endorsement – grades K through 12. The requirements are:
- a. A valid Arizona elementary, secondary, special education certificate or early childhood certificate;
  - b. Three years of full-time teaching experience;
  - c. Three semester hours of a supervised field experience or practicum in reading completed for the grades K through five;
  - d. Three semester hours of a supervised field experience or practicum in reading completed for the grades six through 12; and
  - e. One of the following:
    - i. Twenty-four semester hours beyond requirements of initial provisional or standard teaching certificate to include the following:
      - 1) Three semester hours in the theoretical and research foundations of language and literacy,
      - 2) Three semester hours in the essential elements of elementary reading and writing instruction (grades K through eight),
      - 3) Three semester hours in the essential elements of reading and writing instruction for adolescents (grades six through 12),
      - 4) Three semester hours in the elements of elementary content area reading and writing (grades K through eight),
      - 5) Three semester hours in the elements of content area reading and writing for adolescents (grades six through 12),
      - 6) Six total semester hours in reading assessment systems, and
      - 7) Three semester hours in leadership;
    - ii. Proof of a comparable valid reading specialist certificate or endorsement from another state may be substituted for the requirements described in subsections ~~(G)(4)(e),(d)~~, (H)(4)(c), (d) and (e)(i).
  - f. A passing score on the reading endorsement professional knowledge portion of the Arizona Educator Proficiency Assessment for grades K through eight and a passing score on the reading endorsement professional knowledge portion of the Arizona Educator Proficiency Assessment for grades six through 12 may be substituted for 24 semester hours of reading endorsement coursework as described in subsection ~~(G)(4)(e)(i)~~ (H)(4)(e)(i).

**~~H.I.~~** Elementary Foreign Language Endorsement – grades K through eight

1. The elementary foreign language endorsement is optional.
2. The requirements are:
  - a. An Arizona elementary, secondary or special education certificate.
  - b. Proficiency in speaking, reading, and writing a language other than English, verified by the appropriate language department of an accredited institution. American Indian language proficiency shall be verified by an official designated by the appropriate tribe.
  - c. Three semester hours of courses in the methods of teaching a foreign language at the elementary level.

**~~H.J.~~** Bilingual Endorsements – grades K through 12

1. A provisional bilingual endorsement or a bilingual endorsement is required of an individual who is a bilingual classroom teacher, bilingual resource teacher, bilingual specialist, or otherwise responsible for providing bilingual instruction.
2. The provisional bilingual endorsement is valid for three years and is not renewable. The requirements are:
  - a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, or CTE certificate; and
  - b. Proficiency in a language other than English or sign language.
3. The holder of the bilingual endorsement is also authorized to teach English as a Second Language.
4. The requirements are:
  - a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, or CTE certificate;
  - b. Completion of a bilingual education program from an accredited institution or the following courses:
    - i. Three semester hours of foundations of instruction for non-English-language-background students;
    - ii. Three semester hours of bilingual methods;
    - iii. Three semester hours of English as a Second Language for bilingual settings;
    - iv. Three semester hours of courses in bilingual materials and curriculum, assessment of limited-English-proficient students, teaching reading and writing in the native language, or English as a Second Language for

Notices of Exempt Rulemaking

- bilingual settings;
- v. Three semester hours of linguistics to include psycholinguistics, sociolinguistics, first language acquisition, and second language acquisition for language minority students; or American Indian language linguistics;
- vi. Three semester hours of courses dealing with school, community, and family culture and parental involvement in programs of instruction for non-English-language-background students; and
- vii. Three semester hours of courses in methods of teaching and evaluating handicapped children from non-English-language backgrounds. These hours are only required for bilingual endorsements on special education certificates.
- c. A valid bilingual certificate or endorsement from another state may be substituted for the courses described in subsection ~~(H)(4)(b)~~ (J)(4)(b);
- d. Practicum in a bilingual program or two years of verified bilingual teaching experience; and
- e. Proficiency in a spoken language other than English, verified by the language department of an accredited institution except in the case of Spanish and American Indian languages. Spanish language proficiency shall be demonstrated by passing the Arizona Classroom Spanish Proficiency Examination approved by the Board. American Indian language proficiency shall be verified by an official designated by the appropriate tribe.

**J-K.** English as a Second Language (ESL) Endorsements – grades K through 12

1. An ESL or bilingual endorsement is required of an individual who is an ESL classroom teacher, ESL specialist, ESL resource teacher, or otherwise responsible for providing ESL instruction.
2. The provisional ESL endorsement is valid for three years and is not renewable. The requirements are:
  - a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, or CTE certificate; and
  - b. Six semester hours of courses specified in subsection ~~(H)(3)(b)~~ (K)(3)(b), including at least one course in methods of teaching ESL students.
3. The requirements for the ESL endorsement are:
  - a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, or CTE certificate;
  - b. Completion of an ESL education program from an accredited institution or the following courses:
    - i. Three semester hours of courses in foundations of instruction for non-English-language-background students. Three semester hours of courses in the nature and grammar of the English language, taken before January 1, 1999, may be substituted for this requirement;
    - ii. Three semester hours of ESL methods;
    - iii. Three semester hours of teaching of reading and writing to limited-English-proficient students;
    - iv. Three semester hours of assessment of limited-English-proficient students;
    - v. Three semester hours of linguistics; and
    - vi. Three semester hours of courses dealing with school, community, and family culture and parental involvement in programs of instruction for non-English-language-background students.
  - c. Three semester hours of a practicum or two years of verified ESL or bilingual teaching experience, verified by the district superintendent;
  - d. Second language learning experience, which may include sign language. Second language learning experience may be documented by any of the following:
    - i. Six semester hours of courses in a single second language, or the equivalent, verified by the department of language, education, or English at an accredited institution;
    - ii. Completion of intensive language training by the Peace Corps, the Foreign Service Institute, or the Defense Language Institute;
    - iii. Placement by the language department of an accredited institution in a third-semester level;
    - iv. Placement at level 1-intermediate/low or more advanced score on the Oral Proficiency Interview, verified by the American Council for the Teaching of Foreign Languages;
    - v. Passing score on the Arizona Classroom Spanish Proficiency Examination approved by the Board; or
    - vi. Proficiency in an American Indian language, verified by an official designated by the appropriate tribe.
  - e. A valid ESL certificate or endorsement from another state may be substituted for the requirements described in subsection ~~(H)(3)(b),(e)~~ (K)(3)(b), (c) and (d).

**K-L.** Structured English Immersion (SEI) Endorsements – grades K through 12

1. From and after August 31, 2006, an SEI, ESL or bilingual endorsement is required of all classroom teachers, supervisors, principals and superintendents. For purposes of this rule, “supervisor,” “principal” and “superintendent” means an individual who holds a supervisor, principal or superintendent certificate.
2. The provisional SEI endorsement is valid for three years and is not renewable. The requirements are:
  - a. An Arizona elementary, secondary, special education, CTE, supervisor, principal or superintendent certificate; and
  - b. For teachers, supervisors, principals and superintendents certified on or after August 31, 2006, three semester hours of courses in Structured English Immersion methods of teaching English Language Learner (ELL) stu-

Notices of Exempt Rulemaking

- dents, including but not limited to instruction in SEI strategies, teaching with the ELL Proficiency Standards adopted by the Board and monitoring ELL student academic progress using a variety of assessment tools; or
- c. For teachers, supervisors, principals and superintendents certified before August 31, 2006, one semester hour or 15 clock hours of professional development in Structured English Immersion methods of teaching ELL students, including but not limited to instruction in SEI strategies, teaching with the ELL Proficiency Standards adopted by the Board and monitoring ELL student academic progress using a variety of assessment tools through a training program that meets the requirements of A.R.S. § 15-756.09(B).
3. The requirements for the SEI endorsement are:
    - a. An Arizona elementary, secondary, special education, CTE, supervisor, principal, or superintendent certificate; and
    - b. Qualification for the provisional SEI endorsement, and either:
      - i. Three semester hours of courses related to the teaching of the English Language Learner Proficiency Standards adopted by the Board, including but not limited to instruction in SEI strategies, teaching with the ELL Proficiency Standards adopted by the Board and monitoring ELL student academic progress using a variety of assessment tools; or
      - ii. Completion of 45 clock hours of professional development in the teaching of the English Language Learner Proficiency Standards adopted by the Board, including but not limited to instruction in SEI strategies, teaching with the ELL Proficiency Standards adopted by the Board and monitoring ELL student academic progress using a variety of assessment tools through a training program that meets the requirements of A.R.S. § 15-756.09(B).
  4. Nothing in this Section prevents school districts from requiring certified staff to obtain an ESL or bilingual endorsement as a condition of employment.
  5. The requirements for a Provisional SEI endorsement may be waived for a period not to exceed one year in accordance with certification reciprocity as prescribed in R7-2-621.
  6. The requirements for a Provisional SEI endorsement may be waived for a period not to exceed one year for individuals who graduate from administrator or teacher preparation programs that are not approved by the Board and meet all other applicable certification requirements.
  7. The requirements for a Provisional SEI endorsement may be waived for a period not to exceed one year for individuals who apply and otherwise qualify for a Provisional or Standard CTE Certificate pursuant to R7-2-612 under any option that does not require a valid Arizona teaching certificate.
  8. An ESL or Bi-lingual endorsement obtained by a supervisor, principal, or superintendent on an Arizona teaching certificate may be added to a supervisor, principal, or superintendent certificate in order to satisfy the requirement in subsection ~~(K)(1)~~ (L)(1).

**L-M.** Gifted Endorsements – grades K through 12

1. A gifted endorsement is required of individuals whose primary responsibility is teaching gifted students.
2. The provisional gifted endorsement is valid for three years and is not renewable. The requirements are an Arizona elementary, secondary, or special education certificate and one of the following:
  - a. Two years of verified teaching experience in which most students were gifted,
  - b. Ninety clock hours of verified in-service training in gifted education, or
  - c. Six semester hours of courses in gifted education.
3. Requirements for the gifted endorsement are:
  - a. An Arizona elementary, secondary, or special education certificate;
  - b. Completion of nine semester hours of upper division or graduate level courses in an academic discipline such as science, mathematics, language arts, foreign language, social studies, psychology, fine arts, or computer science; and
  - c. Two of the following:
    - i. Three years of verified teaching experience in gifted education as a teacher, resource teacher, specialist, or similar position, verified by the district; or
    - ii. A minimum of 135 clock hours of verified in-service training in gifted education; or
    - iii. Completion of 12 semester hours of courses in gifted education. District in-service programs in gifted education may be substituted for up to six semester hours of gifted education courses. Fifteen clock hours of in-service is equivalent to one semester hour. In-service hours shall be verified by the district superintendent or personnel director. Practicum courses shall not be accepted toward this requirement; or
    - iv. Completion of six semester hours of practicum or two years of verified teaching experience in which most students were gifted.

**M-N.** Early Childhood Education Endorsement – birth through age 8

1. When combined with an Arizona elementary education teaching certificate or an Arizona special education teaching certificate, the Early Childhood Endorsement may be used in lieu of an early childhood education certificate as described in R7-2-608. When combined with an Arizona cross-categorical, specialized special education, or severe

Notices of Exempt Rulemaking

and profound teaching certificate as described in R7-2-611, the Early Childhood endorsement may be used in lieu of an Early Childhood Special Education certificate.

2. An endorsement shall be automatically renewed with the certificate on which it is posted.
3. The requirements are:
  - a. A valid Arizona elementary education teaching certificate as provided in R7-2-609 or a valid Arizona special education teaching certificate as provided in R7-2-611,
  - b. Early childhood education coursework and practicum experience which includes both of the following:
    - i. Twenty one semester hours of early childhood education courses to include all of the following areas of study:
      - (1) Foundations of early childhood education;
      - (2) Child guidance and classroom management;
      - (3) Characteristics and quality practices for typical and atypical behaviors of young children;
      - (4) Child growth and development, including health, safety and nutrition;
      - (5) Child, family, cultural and community relationships;
      - (6) Developmentally appropriate instructional methodologies for teaching language, math, science, social studies and the arts;
      - (7) Early language and literacy development;
      - (8) Assessing, monitoring and reporting progress of young children; and
    - ii. A minimum of eight semester hours of practicum including:
      - (1) A minimum of four semester hours in a supervised field experience, practicum, internship or student teaching setting serving children birth through preschool. One year of full-time verified teaching experience with children in birth through preschool may substitute for this student teaching experience. This verification may come from a school-based education program or center-based program licensed by the Department of Health Services or regulated by tribal or military authorities; and
      - (2) A minimum of four semester hours in a supervised student teaching setting serving children in kindergarten through grade three. One year of full-time verified teaching experience with children in kindergarten through grade three in an accredited school may substitute for this student teaching experience;
  - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety,
  - d. A passing score on the early childhood professional knowledge portion of the Arizona Educator Proficiency Assessment may be substituted for the 21 semester hours of early childhood education courses as described in subsection ~~(M)(3)(b)(i)~~ (N)(3)(b)(i); and
  - e. A passing score on the early childhood subject knowledge portion of the Arizona Educator Proficiency Assessment.
4. Teachers with a valid Arizona elementary education certificate or Arizona special education certificate as of July 1, 2012 meet the requirements of this Section with evidence of the following:
  - a. A minimum of three years infant/toddler, preschool or kindergarten through grade three classroom teaching experience within 10 years prior to July 1, 2012; and
  - b. A passing score on the early childhood subject knowledge portion of the Arizona Educator Proficiency Assessment.

**~~N-O~~** Library-Media Specialist Endorsement – grades K through 12

1. The library-media specialist endorsement is optional.
2. Requirements are:
  - a. An Arizona elementary, secondary, or special education certificate;
  - b. A passing score on the Library Media Specialist portion of the Arizona Teacher Proficiency Assessment. A Master's degree in Library Science may be substituted for a passing score on the assessment; and
  - c. One year of teaching experience.

**~~O-P~~** Middle Grade Endorsement – grades five through nine

1. The middle grade endorsement is optional. The middle grade endorsement may expand the grades a teacher is authorized to teach on an elementary or secondary certificate.
2. The requirements are:
  - a. An Arizona elementary or secondary certificate, and
  - b. Six semester hours of courses in middle grade education to include:
    - i. One course in early adolescent psychology;
    - ii. One course in middle grade curriculum; and
    - iii. A practicum or one year of verified teaching experience, in grades five through nine.

**~~P-Q~~** Drivers Education Endorsement

1. The drivers education endorsement is optional.
2. The requirements are:
  - a. An Arizona teaching certificate;

Notices of Exempt Rulemaking

- b. A valid Arizona driver's license;
  - c. One course in each of the following:
    - i. Safety education,
    - ii. Driver and highway safety education, and
    - iii. Driver education laboratory experience;
  - d. A driving record with less than seven violation points and no revocation or suspension of driver's license within the two years preceding application.
- Q-R. Cooperative Education Endorsement – grades K through 12**
- 1. The cooperative education endorsement is required for individuals who coordinate or teach CTE.
  - 2. The requirements are:
    - a. A provisional or standard CTE certificate in the areas of agriculture, business, family and consumer sciences, health occupations, marketing, or industrial technology; and
    - b. One course in CTE.

**NOTICE OF EXEMPT RULEMAKING**

**TITLE 18. ENVIRONMENTAL QUALITY**

**CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOLID WASTE MANAGEMENT**

*Editor's Note: The following Notice of Exempt Rulemaking is exempt from Executive Order 2010-13 as issued by Governor Brewer. (See the text of the executive order at 16 A.A.R. 1183, July 2, 2010.)*

[R10-108]

**PREAMBLE**

- |                                    |                                 |
|------------------------------------|---------------------------------|
| <b><u>1. Sections Affected</u></b> | <b><u>Rulemaking Action</u></b> |
| R18-13-2701                        | Amend                           |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: Laws 2010, 7th Special Session, Ch. 7, § 5  
Implementing statutes: A.R.S. §§ 49-855 and 49-863
- 3. The effective date of the rules:**  
July 1, 2010
- 4. A list of all previous notices appearing in the Register addressing the exempt rule:**  
Notice of Public Information: 16 A.A.R. 742, May 7, 2010  
Notice of Exempt Rulemaking: 16 A.A.R. 848, May 21, 2010
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- |            |   |
|------------|---|
| Name:      | Peggy J. Guichard-Watters   |
| Address:   | Department of Environmental Quality<br>1110 W. Washington St.<br>Phoenix AZ 85007                                     |
| Telephone: | (602) 771-4117 (This number may be reached in-state by dialing 1-800-234-5677 and requesting the seven digit number.) |
| Fax:       | (602) 771-4138  |
| E-mail:    | pgw@azdeq.gov   |
- 6. An explanation of the rule, including the agency's reasons for initiating the rule, and the statutory citation to the exemption from regular rulemaking procedures:**  
Pursuant to Laws 2010, 7th Special Session, Ch. 7, § 5, the Arizona Department of Environmental Quality (ADEQ) was granted authority to increase fees in fiscal year 2010-2011 for services in fiscal year 2010-2011. As stated in Laws 2010, 7th Special Session, Ch. 7, § 5, the legislative intent is that the additional revenue generated by the fee increases for the entire agency not exceed \$5,779,100. ADEQ has complied with Section 5, paragraph (B) of the ses-



Notices of Exempt Rulemaking

sion law and submitted a specific fee plan for legislative consideration by April 1, 2010 which resulted in several rulemakings, including this one.

Laws 2010, 7th Special Session, Ch. 7, § 5 states that ADEQ is “exempt 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.”

ADEQ examined multiple fees across its three divisions, Air Quality, Waste Programs, and Water Quality. ADEQ considered the stability of the funding resource, impact on stakeholders, and the revenue shortfall projected for fiscal year 2011. It was determined that the Waste Programs Division’s Solid Waste Program would generate additional fee revenue by adjusting three Solid Waste Program fees: the Special Waste Management Fee, the Landfill Registration Fees, and the hourly Plan Review Fee to fund ADEQ services in fiscal year 2011. Rules were written to adjust these fees and were published in the *Arizona Administrative Register* on May 21, 2010. ADEQ received a large number of comments from a diverse group of government, business and industry associations regarding the increase of special waste fees from \$2.00 to \$10.00 per ton and the cap from \$20,000 to \$100,000 for fiscal year 2011. In light of these comments, and to ensure that the fees are fairly and equally assessed to all parties for services rendered, ADEQ has reduced the increase in special waste fees.

ADEQ is readjusting the Special Waste Management Fee from \$10.00 per ton to \$5.00 per ton and lowering the maximum of \$100,000 per generator site per year to \$50,000 for special waste that is transported to a facility for treatment, storage or disposal. This fee supersedes any lesser Special Waste Management Fee listed in Articles 13 and 16 or in A.R.S. Title 49, Chapter 4, Article 9.

**7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

April 1, 2010 plan, as required by Laws 2010, 7th Special Session, Ch. 7, § 5

**8. A showing of good cause why the rule is necessary to promote a statewide interest if the rules 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:**

Laws 2010, 7th Special Session, Ch. 7, § 5, 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. As a result, this rulemaking is exempt from the requirements of the Administrative Procedures Act and no economic, small business, and consumer impact statement is required.

**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 comments made regarding the rule and the agency response to them:**

ADEQ provided public notice and an opportunity for public comment on the previous exempt rules that were published in the *Arizona Administrative Register* on May 21, 2010. See ADEQ’s web site, <http://www.adeq.gov>, for further information. ADEQ received written comments on the exempt rules and in light of those comments, and to ensure that the fees are fairly and equally assessed to all parties for services rendered, ADEQ has reduced the increase in special waste fees.

Laws 2010, 7th Special Session, Ch. 7, § 5, 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. As an exempt rulemaking, this rule will not need to be approved by the Governor’s Regulatory Review Council, and no oral proceeding will be held.

**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 made as an emergency rule? If so, please indicate the Register citation:**

No

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

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOLID WASTE MANAGEMENT

ARTICLE 27. SOLID WASTE FEES FOR FY 2011

Section

R18-13-2701. Special Waste Management Fees for Fiscal Year 2011

ARTICLE 27. SOLID WASTE FEES FOR FY 2011

**R18-13-2701. Special Waste Management Fees for Fiscal Year 2011**

Beginning on July 1, 2010 and until June 30, 2011, the director shall collect a fee of ~~\$40~~ \$5 per ton, not more than ~~\$100,000~~ \$50,000 per generator site per year, for special waste that is transported to a facility in this state for treatment, storage, or disposal. This fee increases and supersedes the per ton fee listed in A.R.S. § 49-855, R18-13-1307(F), and R18-13-1606 and the maximum fee listed in A.R.S. § 49-855 for the period of July 1, 2010 through June 30, 2011. The payor shall remit the fee in accordance with A.R.S. § 49-863. For special waste that is shredder residue, the owner or operator of a special waste facility may pay a special waste management fee of ~~\$3.30~~ \$1.65 per cubic yard of uncompacted shredder residue or ~~\$7.50~~ \$3.75 per cubic yard of compacted shredder residue received in lieu of the ~~\$40~~ \$5 per ton fee.

NOTICE OF EXEMPT RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 14. DEPARTMENT OF ENVIRONMENTAL QUALITY  
PERMITS AND COMPLIANCE FEES

*Editor's Note: The following Notice of Exempt Rulemaking is exempt from Executive Order 2010-13 as issued by Governor Brewer. (See the text of the executive order at 16 A.A.R. 1183, July 2, 2010.)*

[R10-109]

PREAMBLE

- |                                    |                                 |
|------------------------------------|---------------------------------|
| <b>1. <u>Sections Affected</u></b> | <b><u>Rulemaking Action</u></b> |
| R18-14-108                         | Amend                           |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: Laws 2010, 7th Special Session, Ch. 7, § 5  
Implementing statute: A.R.S. §§ 49-104(B)(13); 49-203(A)(8)
- 3. The effective date of these rules:**  
July 1, 2010
- 4. A list of all previous notices appearing in the Register addressing the exempt rule:**  
Notice of Public Information: 16 A.A.R. 742, May 7, 2010  
Notice of Exempt Rulemaking: 16 A.A.R. 851, May 21, 2010
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- |            |   |
|------------|---|
| Name:      | Wendy LeStarge  |
| Address:   | Department of Environmental Quality<br>1110 W. Washington St.<br>Phoenix, AZ 85007                                    |
| Telephone: | (602) 771-4836 (This number may be reached in-state by dialing 1-800-234-5677 and requesting the seven digit number.) |
| Fax:       | (602) 771-4834  |
| E-mail:    | wl1@azdeq.gov   |
- 6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:**  
Pursuant to Laws 2010, 7th Special Session, Ch. 7, § 5, the Arizona Department of Environmental Quality (ADEQ) promulgated a new Section, R18-14-108, through a Notice of Exempt Rulemaking, effective July 1, 2010. ADEQ described modifications to two typographical errors in Table 2 in its response to comments, posted on ADEQ's web

**Notices of Exempt Rulemaking**

site at, <http://www.azdeq.gov/function/laws/draft.html>. ADEQ is publishing this new Notice of Exempt Rulemaking correcting the errors in Table 2.

- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
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:**  
Laws 2010, 7th Special Session, Ch. 7, § 5, 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. As a result, this rulemaking is exempt from the requirements of the Administrative Procedures Act and no economic, small business, and consumer impact statement is required.
- 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 comments made regarding the rule and the agency response to them:**  
ADEQ provided public notice and an opportunity for public comment on the previous exempt rules that were published in the *Arizona Administrative Register* on May 21, 2010. See ADEQ's web site, <http://www.adeq.gov>, for further information. ADEQ received written comments on the exempt rules and described modifications in the agency's response to comments posted on ADEQ's web site at, <http://www.azdeq.gov/function/laws/draft.html>.  
  
Laws 2010, 7th Special Session, Ch. 7, § 5, 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. As an exempt rulemaking, this rule will not need to be approved by the Governor's Regulatory Review Council, and no oral proceeding will be held.
- 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 made as an emergency rule? If so, please indicate the Register citation:**  
No
- 15. The full text of the rules follows:**

**TITLE 18. ENVIRONMENTAL QUALITY**

**CHAPTER 14. DEPARTMENT OF ENVIRONMENTAL QUALITY  
PERMITS AND COMPLIANCE FEES**

**ARTICLE 1. WATER QUALITY PROTECTION FEES**

Section  
R18-14-108. Water Quality Protection Fees for Fiscal Year 2011

**ARTICLE 1. WATER QUALITY PROTECTION FEES**

**R18-14-108. Water Quality Protection Fees for Fiscal Year 2011**

- A.** Beginning on July 1, 2010 until June 30, 2011, the fees listed in Table 2 increase and supersede any fee listed otherwise in this Article or in A.R.S. Title 49, Chapter 2, Article 3.
- B.** In addition to the annual registration fee required under A.R.S. § 49-242 for Calendar Year 2010, a one-time increased annual registration fee as listed in Table 2 shall be due within 30 days of the invoice postmark date for the increased fee.
- C.** This Section and Table 2 will repeal automatically, effective July 1, 2011.  
Table 2.

Water Quality Protection Service	Applicable Fee
Individual Permits	

*Arizona Administrative Register / Secretary of State*

**Notices of Exempt Rulemaking**

Individual or Area-wide Aquifer Protection Permit	\$122 per hour up to maximum of \$200,000
Complex Modification to Individual or Area-wide Aquifer Protection Permit	\$122 per hour up to maximum of \$200,000
Clean closure of facility without Aquifer Protection Permit	\$122 per hour up to maximum of \$70,000
Standard Modification to Individual or Area-wide Aquifer Protection Permit	\$122 per hour up to maximum of \$50,000
Reclaimed Water Individual Permit	\$122 per hour up to maximum of \$32,000
<b>Increased Fee Required for Annual Registration per A.R.S. § 49-242 of Discharge or Influent per Day Under the Permit or Notice of Disposal (in Gallons)</b>	
Gallons of Permitted Discharge or Influent per Day	
3000 to 9999	\$25
10,000 to 99,999	\$150
100,000 to 999,999	\$1500
1,000,000 to 9,999,999	\$2500
10,000,000 or more	\$4000
<b>General Permits</b>	
All Type 2 General Permits	\$600
All Type 2 General Permits Renewals	\$200
All Type 3 General Permits	\$3000
All Type 3 General Permits Renewals	\$1000
Type 4.01 General Permit Sewer Collections Systems	
Gravity Sewer Only with Manholes	
· Serving less than or equal to 50 connections	\$1000
· Serving 51 to 300 connections	\$2000
· Serving 301 or more Connections	<del>\$1000</del> <u>\$3000</u>
Force Mains Including Gravity Sewer Components	
· Serving less than or equal to 50 connections	\$1600
· Serving 51 to 300 connections	\$2600
· Serving 301 or more connections	<del>\$1000</del> <u>\$3600</u>
Type 4 Onsite Wastewater Treatment Facilities	
Type 4.02 Septic tank/conventional disposal, less than 3000 gallons per day	\$800
Type 4.03 Composting toilet, less than 3000 gallons per day	\$800
Type 4.04 Pressure distribution system, less than 3000 gallons per day	\$1000
Type 4.05 Gravelless trench, less than 3000 gallons per day	\$1000
Type 4.06 Natural seal evapotranspiration bed, less than 3000 gallons per day	\$1200
Type 4.07 Lined evapotranspiration bed, less than 3000 gallons per day	\$1200
Type 4.08 Wisconsin mound, less than 3000 gallons per day	\$1000
Type 4.09 Engineered pad system, less than 3000 gallons per day	\$1200
Type 4.10 Intermittent sand filter, less than 3000 gallons per day	\$1200
Type 4.11 Peat filter, less than 3000 gallons per day	\$1200
Type 4.12 Textile filter, less than 3000 gallons per day	\$1200
Type 4.13 Ruck® system, less than 3000 gallons per day	\$1200
Type 4.14 Sewage vault, less than 3000 gallons per day	\$800
Type 4.15 Aerobic system/subsurface disposal, less than 3000 gallons per day	\$1600
Type 4.16 Aerobic system/surface disposal, less than 3000 gallons per day	\$2000
Type 4.17 Cap system, less than 3000 gallons per day	\$800
Type 4.18 Constructed wetlands, less than 3000 gallons per day	\$1200
Type 4.19 Sand-lined trench, less than 3000 gallons per day	\$1000

*Arizona Administrative Register / Secretary of State*

**Notices of Exempt Rulemaking**

Type 4.20 Disinfection device, less than 3000 gallons per day	\$1000
Type 4.21 Sequencing batch reactor, less than 3000 gallons per day	\$1200
Type 4.22 Subsurface drip irrigation, less than 3000 gallons per day	\$1000
Type 4.23 Onsite wastewater treatment facility, flow from 3000 to less than 24,000 gallons per day	\$3600
Each additional general permit for multiple design elements from more than one Type 4 General Permit, as stated in R18-14-102(C)(7)(b)	\$500
<b>Other Services</b>	
Dry well registration	\$100
Determination of Applicability	\$1000
Subdivision approval with sewage treatment and disposal provided outside the boundaries of individual lots	\$600 per 150 lots
Subdivision approval with sewage treatment and disposal located within the boundary of lot	\$1000 for 40 lots or less \$2000 for 41 to 150 lots \$2000 per additional 150 lots