

Arizona Administrative REGISTER

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From the Publisher

ABOUT THIS PUBLICATION

The paper copy of the *Administrative Register* (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the *Arizona Administrative Register* or *Code*. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the *Register*. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The printed *Code* is the official publication of a rule in the A.A.C. is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a copy.

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(602) 364-3224.

This publication is available online for free at www.azsos.gov.

ADMINISTRATIVE CODE
A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact customer service at
(602) 364-3224.

PUBLICATION DEADLINES
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

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The Office of the Secretary of State is an equal opportunity employer.



Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

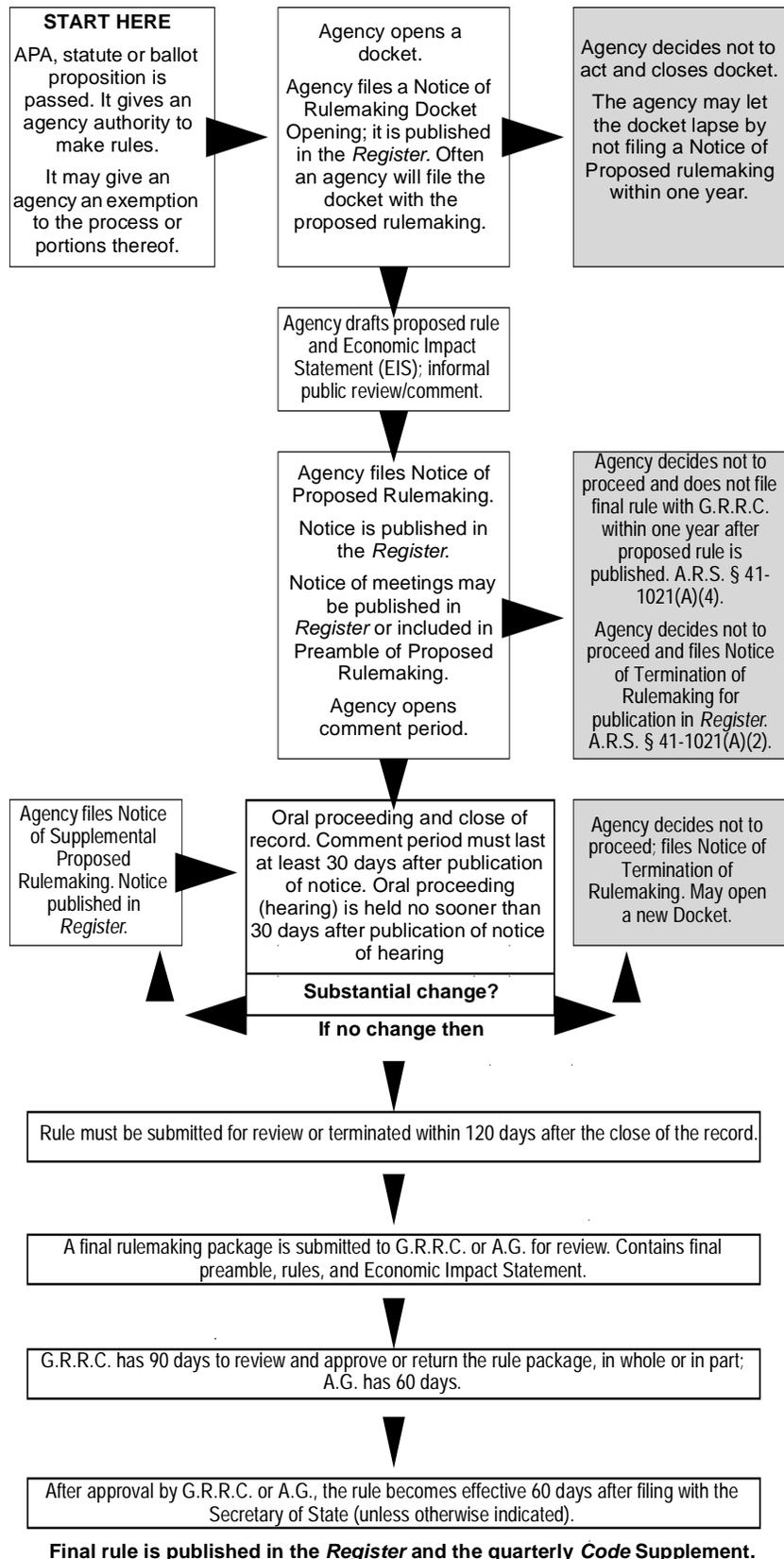
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process





Definitions

Arizona Administrative Code (A.A.C.): Official rules codified and published by the Secretary of State’s Office. Available online at www.azsos.gov.

Arizona Administrative Register (A.A.R.): The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The “§” symbol simply means “section.” Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor’s Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or “Laws”: When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word “Laws” is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation “Ch.,” and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor’s Regulatory Review Council*

U.S.C. – *United States Code*

About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.



jected populations referenced in the statute. As such, it is necessary for the Administration to adjust the assessment from time to time as the Administration obtains new information to update estimations of the number of eligible persons and projections of the costs anticipated to provide coverage for those persons. The Administration is proposing a new rule to update the figures to be used as of January 1, 2015 for collecting the assessment on hospitals.

Laws 2013, 1st Special Session, Chapter 10 added an exemption to the Administrative Procedure Act for purposes of the administration and implementation of the hospital assessment:

A.R.S. § 41-1005 (A)(32) exempts the Administration from Title 41, Chapter 6 of the Arizona Revised Statutes (the Arizona Administrative Procedure Act) for purposes of implementing and establishing the hospital assessment; however, that provision requires the Administration to provide public notice and an opportunity for public comment at least 30 days before doing so.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to 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:

Information regarding the Administration’s estimations of the number of eligible persons described in A.R.S. 36-2901.01, and the associated cost of care for those persons, is included in the Administration’s State Fiscal Year budget submittal which is available for inspection at the offices of the Administration and the Governor’s Office of Strategic Planning & Budget.

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

Not applicable.

8. The preliminary summary of the economic, small business, and consumer impact:

The Administration had previously estimated that \$233 million would need to be collected from Arizona hospitals to fund the cost required by statute for State Fiscal Year ending June 30, 2015. To date, the Administration has collected about \$116 million in assessments for the current state fiscal year. Based on more current information, the Administration estimates that \$270 million will be needed for the costs associated with the State Fiscal year ending June 30, 2015. To ensure that adequate funds are collected through the assessment to cover the anticipated costs for the current fiscal year, the Administration is adjusting the rates applicable to the quarterly assessment.

The AHCCCS program is jointly funded by the State and the federal government through the Medicaid program. Depending on the eligibility category of the individual, the federal government provides approximately two-thirds, 85%, or 100% of the cost of care for persons described in A.R.S. § 36.2901.08(A). The Administration will use the amounts collected from the assessment combined with the federal financial participation to fund the cost of health care coverage for an estimated 360,000 persons described in A.R.S. § 36.2901.08(A) through direct payments to health care providers and capitation payments to managed care organizations that, in turn, make payments to health care providers that render care to AHCCCS members. Many of the providers of that medical care are considered small businesses located in Arizona. A.R.S. § 36-2901.08 prohibits the assessed hospitals from passing the cost of the assessment on to patients or third parties who pay for care in the hospital. In the aggregate, the Administration expects to return millions more in State Fiscal Year 2015 in incremental payments for hospital services than will be collected through the assessment. Along with a copy of this proposed exempt rule making, the Administration has posted to its website information regarding the fiscal impact of this amendment. <http://www.azahcccs.gov/reporting/state/proposedrules.aspx>

9. The agency’s contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Mariaelena Ugarte
Address: AHCCCS Office of Administrative Legal Services
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov
Web site: www.azahcccs.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Proposed rule language will be available on the AHCCCS website (www.azahcccs.gov) the week of December 15, 2014. Please send written or email comments to the above address by the close of the comment period, 5:00 p.m.,



January 14, 2015.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

No other matters have been prescribed.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
ADMINISTRATION**

ARTICLE 7. STANDARDS FOR PAYMENTS

Section

R9-22-730. Hospital Assessment

ARTICLE 7. STANDARDS FOR PAYMENTS

R9-22-730. Hospital Assessment

- A.** For purposes of this Section, the following terms are defined as provided below unless the context specifically requires another meaning:
1. "2011 Medicare Cost Report" means:
 - a. The Medicare Cost Report for the hospital fiscal year ending in calendar year 2011 as reported in the CMS Healthcare Provider Cost Reporting Information System (HCRIS) release dated December 31, 2012; or
 - b. For hospitals not included in that CMS HCRIS report, the "as filed" Medicare Cost Report for the hospital fiscal year ending in calendar year 2011 submitted by the hospital to the Administration.
 2. "2011 Uniform Accounting Report" means the Uniform Accounting Report submitted to the Arizona Department of Health Services as of December 19, 2012.
 3. "2012 Uniform Accounting Report" means the Uniform Accounting Report submitted to the Arizona Department of Health Services as of August 2, 2013.
 4. "Quarter" means the three month period beginning January 1, April 1, July 1, and October 1 of each year.
- B.** Beginning January 1, 2014, for each Arizona licensed hospital not excluded under subsection (I) shall be subject to an assessment payable on a quarterly basis. The assessment shall be levied against the legal owner of each hospital as of the first day of the quarter, and except as otherwise required by subsections (D), (E) and (F). For the period ~~of July 1, 2014 through June 30, 2015~~ beginning January 1, 2015, the assessment shall be calculated by multiplying the number of discharges reported on the hospital's 2011 Medicare Cost Report, excluding discharges reported on the Medicare Cost Report as "Other Long Term Care Discharges" by the following rates based on the hospital's peer group:
1. ~~\$387.00~~ \$511.00 per discharge for hospitals located in a county with a population less than 500,000 that are designated as type: hospital, subtype: short-term.
 2. ~~\$387.00~~ \$511.00 per discharge for hospitals designated as type: hospital, subtype: critical access hospital.
 3. ~~\$96.75~~ \$127.75 per discharge for hospitals designated as type: hospital, subtype: long term.
 4. ~~\$96.75~~ \$127.75 per discharge for hospitals designated as type: hospital, subtype: psychiatric, that reported 2,500 or more discharges on the 2011 Medicare Cost Report.
 5. ~~\$309.00~~ \$409.00 per discharge for hospitals designated as type: hospital, subtype: short-term with 20% ~~or more~~ of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2012 Uniform Accounting Report.



6. ~~\$348.25.00~~ \$459.75 per discharge for hospitals designated as type: hospital, subtype: short-term with at least 10% but less than 20% of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2012 Uniform Accounting Report.
 7. ~~\$387.00~~ \$511.00 per discharge for hospitals designated as type: hospital, subtype: short-term not included in another peer group.
- C.** Peer groups for the four quarters beginning July 1 of each year are established based on hospital license type and subtype designated in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website March 1, 2013.
- D.** Notwithstanding subsection (B), psychiatric discharges from a hospital that reported having a psychiatric sub-provider in the hospital's 2011 Medicare Cost Report, are assessed a rate of ~~\$96.75~~ \$127.75 for each discharge from the psychiatric sub-provider as reported in the 2011 Medicare Cost Report. All discharges other than those reported as discharges from the psychiatric sub-provider are assessed at the rate required by subsection (B).
- E.** Notwithstanding subsection (B), rehabilitative discharges from a hospital that reported having a rehabilitative sub-provider in the hospital's 2011 Medicare Cost Report, are assessed a rate of \$0 for each discharge from the rehabilitative sub-provider as reported in the 2011 Medicare Cost Report. All discharges other than those reported as discharges from the rehabilitative sub-provider are assessed at the rate required by subsection (B).
- F.** Notwithstanding subsection (B), for any hospital that reported more than 29,000 discharges on the hospital's 2011 Medicare Cost Report, discharges in excess of 29,000 are assessed a rate of ~~\$38.75~~ \$51.25 for each discharge in excess of 29,000. The initial 29,000 discharges are assessed at the rate required by subsection (B).
- G.** Assessment notice. On or before the 15th day of the quarter, the Administration shall send to each hospital a notification that the assessment invoice is available to be viewed on a secure website. The invoice shall include the hospital's peer group assignment and the assessment due for the quarter.
- H.** Assessment due date. Assessment must be received by the Administration by the 15th day of the second month of the quarter.
- I.** Excluded hospitals. The following hospitals are excluded from the assessment based on the hospital's 2011 Medicare Cost Report and Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for March 1, 2013:
1. Hospitals owned and operated by the state, the United States, or an Indian tribe.
 2. Hospitals designated as type: hospital, subtype: short-term that have a license number beginning "SH".
 3. Hospitals designated as type: hospital, subtype: psychiatric that reported fewer than 2,500 discharges on the 2011 Medicare Cost Report.
 4. Hospitals designated as type: hospital, subtype: rehabilitation.
 5. Hospitals designated as type: hospital, subtype: children's.
 6. Hospitals designated as type: med-hospital, subtype: special hospitals.
 7. Hospitals designated as type: hospital, subtype: short-term located in a city with a population greater than one million, which on average have at least 15 percent of inpatient days for patients who reside outside of Arizona, and at least 50 percent of discharges as reported on the 2011 Medicare Cost Report are reimbursed by Medicare.
- J.** New hospitals. For hospitals that did not file a 2011 Medicare Cost Report because of the date the hospital began operations, the hospital assessment will begin with the hospital's second quarter of operation but no sooner than January 1, 2014. The assessment will be based on the number of discharges reported by the hospital to AHCCCS for prior quarters until the hospital files its initial Medicare Cost Report. Thereafter, the assessment will be based on the discharges reported in the hospital's initial Medicare Cost Report.
- K.** Changes of ownership. The parties to a change of ownership shall promptly provide written notice to the Administration of a change of ownership and any agreement regarding the payment of the assessment. Assessments are the responsibility of the owner of record as of the first day of the quarter; however, this rule is not intended to prohibit the parties to a change of ownership from entering into an agreement for a new owner to assume the assessment responsibility of the owner of record as of the first day of the prior quarter.
- L.** Hospital closures. Hospitals that close shall pay a proportion of the quarterly assessment equal to that portion of the quarter during which the hospital operated.
- M.** Required information. For any hospital that has not filed a 2011 Medicare Cost report, or if the 2011 Medicare Cost report does not include the reliable information sufficient for the Administration to calculate the assessment, the Administration shall use data reported on the 2011 Uniform Accounting Report filed by the hospital in place of the 2011 Medicare Cost report to calculate the assessment. If the 2011 Uniform Accounting Report filed by the hospital does not include reliable information sufficient for the Administration to calculate the assessment amounts, the hospital shall provide the Administration with data specified by the Administration necessary in place of the 2011 Medicare Cost report to calculate the assessment.
- N.** The Administration will review and update as necessary rates and peer groups periodically to ensure the assessment is sufficient to fund the state match obligation to cover the cost of the populations as specified in 36-2901.08.
- O.** Enforcement. If a hospital does not comply with this section, the director may suspend or revoke the hospital's provider agreement. If the hospital does not comply within 180 days after the hospital's provider agreement is suspended or revoked, the director shall notify the director of the Department of Health Services who shall suspend or revoke the hospital's license.



NOTICE OF AGENCY GUIDANCE DOCUMENTS

The Administrative Procedure Act requires the publication of guidance documents and substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)).

Substantive policy statements and guidance documents are written expressions which inform the general public of an agency's current approach to rule or regulation practice.

Substantive policy statements and agency guidance documents do not include internal procedural documents which may only affect the internal procedures of the agency and do not impose additional requirements or penalties on regulated parties in accordance with A.R.S. Title 41.

**NOTICE OF AGENCY GUIDANCE DOCUMENT
DEPARTMENT OF HEALTH SERVICES**

[M14-364]

- 1. Title of the guidance document and the guidance document number by which the document is referenced:**
GD-109-PHS-VRS: Certificate of Birth Resulting in Stillbirth
- 2. Date of the publication of the guidance document and the effective date of the document if different from the publication:**
Date of publication: January 2, 2015
Effective date: January 1, 2015
- 3. Summary of the contents of the guidance document:**
The guidance document provides general guidance for establishing a Certificate of Birth Resulting in Stillbirth under Arizona Revised Statutes § 36-330 for the parents of a fetus born/delivered dead after a gestational period of at least 20 completed weeks.
- 4. A statement as to whether the guidance document is a new document or a revision:**
The guidance document is a new document. The guidance document covers the subject matter formerly in SP-044-PHS-VRS, which the document is replacing.
- 5. The name and address of the person to whom questions and comments about the guidance document may be directed:**
Name: Krystal Colburn, Assistant State Registrar

Address: Department of Health Services
Public Health Services
Office of Vital Records
1818 W. Adams Ave.
Phoenix, AZ 85007

Telephone: (602) 364-1225

Fax: (602) 364-1257

E-mail: Krystal.Colburn@azdhs.gov

or

Name: Jeff Bloomberg, Manager

Address: Department of Health Services
Office of Administrative Counsel and Rules
1740 W. Adams Ave., Suite 203
Phoenix, AZ 85007

Telephone: (602) 542-1020

Fax: (602) 364-1150

E-mail: Jeff.Bloomberg@azdhs.gov
- 6. Information about where a person may obtain a copy of the guidance document and the costs for obtaining the document:**
The guidance document is available, free of charge, on the Arizona Department of Health Services website at: <http://www.azdhs.gov/ops/oacr/rules/guidance/index.php>. Copies of the guidance document may also be obtained from



the Arizona Department of Health Services, Office of Vital Records, 1818 W Adams, Phoenix, AZ 85007, for 25 cents per page. Payment is accepted in cash or money order made payable to the Arizona Department of Health Services.



NOTICES OF SUBSTANTIVE POLICY STATEMENTS

The Administrative Procedure Act requires the publication of substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)).

Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice.

Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional

requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act.

If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT
BOARD OF PSYCHOLOGIST EXAMINERS**

[M14-365]

1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:

Written Training Plan for Supervised Postdoctoral Experiences (SP.01-14)

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: The Board adopted this Substantive Policy Statement on December 5, 2014

Effective Date: December 12, 2014

3. Summary of the contents of the substantive policy statement:

The Board has issued a policy statement to set forth the Board's interpretation of the psychology statutes A.R.S. §§ 32-2071(G)(7) and 32-2073(B) regarding documentation of a written training plan for supervised postdoctoral experiences:

- Organizations vary in their documentation of experiences and some organizations may lack a written training plan altogether.
- The Board may consider a written training plan developed post-experience or an attestation by the organization providing such experiences as fulfillment of the intent of the above noted laws.
- Training plans developed post-experience must meet the content requirements of A.R.S. §32-2071(G)(7).

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

State Statute

5. A statement as to whether the substantive policy statement is a new statement or a revision:

This is a new substantive policy statement.

6. The agency contact person who can answer questions about the substantive policy statement:

Name: Cindy Olvey, Psy.D.

Address: Board of Psychologist Examiners
1400 W. Washington St., Suite #240
Phoenix, AZ 85007

Telephone: 602-542-3018

Fax: 602-542-8279

E-mail: Cindy.Olvey@psychboard.az.gov

Web site: www.psychboard.az.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Substantive policy statements are available at no charge at <https://psychboard.az.gov/statutes-rules> or are available at the Arizona Board of Psychologist Examiners at a cost of \$.25 per page.



NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rulemaking 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 Notices of Public Information, the Office of the Secretary of State has not established a specific publishing format for these notices. We do however require agencies to use a numbered list of questions and answers and follow our filing requirements by presenting receipts with electronic and paper copies.

**NOTICE OF PUBLIC INFORMATION
BOARD OF OPTOMETRY**

[M14-363]

1. The topic of public information in this notice:

The Board is extending the close of record to February 18, 2015. In the December 19, 2014 edition of the Register, the close of record was inadvertently indicated as December 19. The corrected close of record date is also noted in the Notice of Oral Proceeding on Proposed Rulemaking on page 9 of this issue.

2. The name and address of agency personnel with whom persons may communicate regarding this notice of public information:

Name: Margaret Whelan, Exec. Director
Address: State Board of Optometry
1400 W. Washington, Suite 230
Phoenix, AZ 85007
Telephone: (602) 542-8155
Fax: (602) 542-3093
E-mail: Margaret.whelan@optometry.az.gov

**NOTICE OF PUBLIC INFORMATION
DEPARTMENT OF ENVIRONMENTAL QUALITY**

[M14-360]

2014 WATER QUALITY ASSURANCE REVOLVING FUND REGISTRY

Pursuant to Arizona Revised Statute (A.R.S.) § 49-287.01(E), the Arizona Department of Environmental Quality (ADEQ) is providing this annual report of the location, remedial status and score of the sites on the Water Quality Assurance Revolving Fund (WQARF) Registry as of September 1, 2014. The Registry includes those sites within the state that may pose risk to public health, welfare or the environment from the release of hazardous substances and for which there is current or planned investigation and cleanup. There are 33 sites on the WQARF Registry:

- 21 in Maricopa County,
- 7 in Pima County,
- 2 in Gila County,
- 1 in Graham County,
- 1 in La Paz County, and
- 1 in Yuma County.

Sites on the Registry are scored based in part upon the type of contamination present, the location of the contamination and the number of people that may be affected. The maximum score a site may receive is 120. Scores are used to help determine relative risk from the site and do not necessarily mean that there is direct exposure of contaminants to humans or the environment. Whether the site is currently being remediated or is being investigated, ADEQ takes steps to identify the contamination and to prevent exposure.

The Registry and additional information regarding these sites is available on the ADEQ web site at [http://www.azdeq.gov/viron/waste/sps/index.html](http://www.azdeq.gov/environ/waste/sps/index.html). With 48-hour notice, an appointment to review related documentation is available Monday through Friday from 8:30 a.m. to 4:30 p.m. at ADEQ Records Management Center, 1110 West Washington Street in Phoenix. Please contact (602) 771-4380 to schedule an appointment to review these documents.



Note: As an aside, there are ten (10) active National Priority List (NPL) sites, three (3) delisted NPL sites, and one (1) Superfund alternative site in Arizona, which all are federal Superfund cleanup sites. There are also eight (8) Department of Defense (DoD) cleanup sites in Arizona with an additional 206 formerly used defense sites that have been or will be investigated. Information about these sites is available at: <http://www.azdeq.gov/environ/waste/sps/federal.html>.

7th Avenue and Bethany Home Road - This site was placed on the WQARF Registry on August 25, 2004 and has a score of 29. The site is located in Phoenix and is bounded to the north by Rose Lane, to the south by Bethany Home Road, to the east by 5th Avenue, and to the west by 8th Avenue, and includes the 2.6-acre former shopping center east of 7th Avenue that housed a dry cleaning facility, as well as a former dry cleaner west of 7th Avenue. Contaminants of concern at the site include tetrachloroethene (PCE), trichloroethene (TCE) and vinyl chloride.

ADEQ initiated an Early Response Action (ERA) evaluation of the 2.6-acre site in October 2004 to characterize the source area of PCE-contaminated soil below the site. A Soil Vapor Extraction (SVE) system operated from June 2005 through January 2006. Confirmation soil samples confirmed successful remediation to levels below ADEQ Soil Remediation Levels (SRLs) and Groundwater Protection Levels (GPLs).

In 2008, a site investigation of an additional dry cleaner in the area indicated that PCE had been released to the soil and groundwater beneath the site. Concentrations in soil at the property did not warrant further remediation however, groundwater beneath the site contained PCE concentrations between 8.0 and 24 parts per billion (ppb), above the Aquifer Water Quality Standard (AWQS) of 5 ppb. TCE and vinyl chloride also were present above their respective AWQS.

In January 2012, a sample from a Salt River Project (SRP) irrigation well sample, located approximately 0.5 miles north of the site, detected PCE at the AWQS of 5 ppb for the first time. ADEQ completed the final Remedial Investigation (RI) report in April 2011, the Feasibility Study (FS) work plan in May 2011 and the FS was completed in November 2012. The FS recommended enhanced reductive de-chlorination as the remedy for the site. An additional ERA was initiated and a pilot test for enhanced reductive de-chlorination began in March 2013. The pilot test was completed in March 2014 and results indicate reductive de-chlorination is a feasible remedy at the site. A Community Advisory Board (CAB) has been established for the site, merged with the Central and Camelback CAB in 2013 and meets on a regular basis.

7th Street and Arizona Avenue - This site was placed on the WQARF Registry in April 2000 and has a score of 40. The site is located in downtown Tucson, and is bounded approximately by Speedway Boulevard to the north, 8th Street and the railroad to the south, 4th Avenue to the east and Ash Avenue to the west. Contaminants of concern at the site include PCE, TCE, and cis-1,2-dichloroethene (cis-1,2-DCE).

ADEQ operated a SVE system from June 2006 to July 2009 as an ERA for the site. More than 700 pounds of volatile organic compounds (VOCs) were removed by the SVE system prior to the system being decommissioned in July 2009. Groundwater and soil vapor samples were collected in October and November 2011 and May 2012. Three (3) additional groundwater monitor wells, installed in September 2012, verified that the regional aquifer has not been impacted. ADEQ completed the final RI/FS in 2014 and the draft Proposed Remedial Action Plan (PRAP) in 2014. The Final PRAP and Record of Decision (ROD) are expected in fiscal year 2015. A CAB has been established for the site, merged with the Park-Euclid CAB in 2014 and meets on a regular basis.

Camelback and 16th Street - This site was placed on the WQARF Registry in April 1999 and has a score of 23. The site is located in Phoenix and is bounded approximately by Camelback Road to the north, Highland Avenue to the south, 17th Street to the east, and 15th Street to the west. Contaminants of concern at the site include PCE, 1, 2-dichloropropane and 1, 2-dichloroethane (1, 2-DCA).

Based on the results of an ERA evaluation conducted in 2003, ADEQ determined that SVE was not a feasible remedy for the site. Due to a lack of funding, site activities were suspended from 2008-2012. In the spring of 2013, groundwater monitoring activities were resumed. Two (2) additional wells were installed to complete characterization of the site and the draft RI report was completed in June 2014.

20th Street and Factor Avenue - This site was placed on the WQARF Registry in March 2000 and has a score of 31. The



site is located in Yuma, approximately 0.50 miles south of 16th Street and approximately 0.75 miles east of 4th Avenue. Contaminants of concern at the site include PCE, TCE, 1,1-dichloroethene (1,1-DCE), cyanide and di(2-ethylhexyl) phthalate.

In 2002, ADEQ conducted a soil removal action and cleaned out sumps and septic tanks at an active facility as part of an ERA. A soil vapor investigation was initiated in 2008. Vapor monitoring is ongoing. During February 2013, three (3) additional monitor wells were installed to complete the definition of the groundwater plume downgradient of the site. Groundwater monitoring activities are ongoing and no drinking water wells have been impacted. In February 2014, ADEQ completed the installation of a permanent asphalt-based engineered cap. The cap was placed over the cyanide impacted soils still remaining at a depth below one (1) foot at the site. The draft RI report was completed in June 2014. A CAB has been established for this site and meets on a regular basis.

56th Street & Earll Drive - This site was placed on the WQARF Registry on June 2, 2004 and has a score of 40. The site is located in Phoenix near 56th Street and Earll Drive. The plume is bounded by Earll Drive to the north, Roosevelt Street to the south, 56th Street to the east, and 26th Street to the west. The contaminant of concern at the site is TCE.

The site originally was investigated as part of the Motorola 52nd Street NPL site. However, groundwater data from both sites indicate that the two TCE groundwater contaminant plumes are separate and distinct plumes and it was disassociated from the larger Motorola 52nd Street NPL site. ADEQ is working cooperatively with a party potentially responsible for the contamination to remediate the site. A pump and treat groundwater system was constructed and started operation in November 2013 as part of an ERA. ADEQ and the working party are negotiating Consent Orders for operation and maintenance of the remedial system and for the completion of the RI/FS reports. A CAB has been established for this site and meets on a regular basis.

Broadway-Pantano - This site was placed on the WQARF Registry in December 1998 and has a score of 57. The site is located in the east-central part of Tucson and is bounded approximately by Speedway Boulevard to the north, Calle Madero to the south, Pantano Wash to the east, and Craycroft Road to the west. Contaminants of concern in groundwater include PCE, TCE and vinyl chloride.

A groundwater containment system was installed in 2003 to prevent further westward migration of contaminated groundwater. This system was shut down in October 2012 because incoming groundwater contaminant concentrations did not warrant continued operation; however, the system is being maintained in a state of readiness in case site conditions change.

The sources of the groundwater contamination are the former Broadway North and South Landfills. A SVE system was installed at the Broadway North Landfill in 2000 to remove and treat contaminated VOC landfill gases contributing to the groundwater contamination. This system operated until 2002 and removed more than 5,000 pounds of VOCs. The groundwater RI report was finalized in June 2012. In 2014, the draft landfill RI and proposed landfill Remedial Objectives (RO) reports were issued for public comment. The landfill RI will be finalized in fiscal year 2015. A CAB has been established for this site and meets on a regular basis.

Central Avenue and Camelback Road - This site was placed on the WQARF Registry in June 2000 and has a score of 32. The boundaries of the site are approximately Georgia Avenue to the north, Mariposa Street to the south, 2nd Street to the east and 1st Avenue to the west. Contaminants of concern at the site include PCE, TCE and cis-1,2-DCE. Other contaminants present due to past releases from gasoline underground storage tanks in the area include benzene, toluene, ethylbenzene, total xylenes, methyl tertiary butyl ether (MTBE), and 1,2-DCA.

In January 2003, as part of an ERA ADEQ completed construction of a groundwater treatment system to remediate and control the migration of contaminated groundwater. The groundwater pump and treat system has been in operation since January 2003. In June 2004, ADEQ initiated an ERA evaluation of the Maroney's Drycleaner facility. Based on the results, an SVE was proposed for remediation of PCE contaminated soil beneath the site. The SVE system was installed in November 2007 and is currently in operation. The RI was initiated in 2007. Passive and active soil gas surveys were conducted in the vicinity of the former drycleaner's building. A SVE well was installed at the site, a pilot test was conducted



and the new well was added to the system. A draft RI report was presented to the public for review and comment in May 2014. A CAB has been established for this site, merged with the 7th Avenue and Bethany Home Road CAB and meets on a regular basis.

Cooper Road and Commerce Avenue - The site was listed on the WQARF Registry on June 14, 2004 and has a score of 33. The site is located in Gilbert near Guadalupe Road and Cooper Road, and the plume is bounded by Encinas Street to the north, Neely Ranch Preserve to the south, Neely Street to the east, and Ocotillo Drive to the west. Contaminants of concern at the site in groundwater include PCE and TCE. Contaminants of concern in the soils at the site include PCE, arsenic, chromium, copper, total petroleum hydrocarbons, mercury, and lead.

PCE and TCE have been detected in the groundwater at the site. In 2001, groundwater samples collected from a Town of Gilbert monitoring well detected PCE concentrations above the AWQS. A Town of Gilbert public supply well is located nearby. Installation of off-site monitor wells began in 2003 and quarterly groundwater monitoring has been conducted at the site since March 2005. ADEQ began an ERA evaluation in March 2006. Construction of the SVE/air sparging (AS) and groundwater pump and treat remediation system was completed in July 2008 and start-up of the SVE system occurred on December 22, 2008. Start-up of the AS component occurred in May 2009. Additional SVE wells were added in 2011 and 2012. SRP and ADEQ finalized an agreement to discharge treated groundwater to the lateral south of the site in June 2010. The groundwater pump and treat system began continuous operations on August 25, 2010. The draft RI report was completed in June 2014. A CAB has been established for the site and meets on a regular basis.

East Central Phoenix (ECP) 24th Street and Grand Canal - This site was placed on the WQARF Registry in May 2000 and has a score of 29. The site is located in Phoenix, and the current site boundary is a 400-foot diameter circle centered on the SRP well 16E-6.8N. The contaminant of concern at the site is PCE.

The RI began in 2007. In July 2008, a groundwater monitoring well was drilled approximately 800 feet north of the WQARF site. The well had a depth to water measurement of 86 feet and a PCE concentration of 300 ppb. In fiscal year (FY) 14, five (5) groundwater monitor wells were installed and 68 groundwater samples were collected. Additional groundwater monitor wells are to be drilled in FY15. Following completion of contaminant plume characterization, the RI report will be prepared. A CAB has been established for this site and meets on a regular basis.

ECP 32nd Street and Indian School - This site was placed on the WQARF Registry in May 2000 and has a score of 29. The site has two (2) separate areas of groundwater contamination. The plumes are bounded by Monterosa Street to the north, Clarendon Avenue to the south, 32nd Place to the east and 30th Street to the west. The contaminant of concern at the site is PCE.

ADEQ initiated an ERA consisting of a SVE system in December 2004 and approximately 3,100 pounds of PCE had been removed through December 2006. The SVE equipment was dismantled at this site for use at another WQARF site.

ADEQ conducted a soil vapor investigation along 31st Street and Fairmont Avenue to help characterize contaminants in the shallow subsurface soil. Short-term SVE pilot tests were conducted at Maroney's Cleaners, the former Viking Cleaners facility and near the corner of 31st Street and Fairmont Avenue. In 2014, ADEQ completed construction of SVE remediation systems near the Maroney's Cleaners site and behind the former Viking's Cleaners facility near the corner of 31st Street and Fairmont Avenue.

A vapor intrusion indoor air assessment study took place during the summer of 2013. The indoor air of residences in the study area was sampled. A second sampling event occurred in February 2014 to compare data on a seasonal level. This assessment focused on residences (specifically single-family homes and ground-floor residences of multi-unit buildings) and schools. Laboratory analyses indicated that the threat to residences was minimal and that no indoor mitigation systems were necessary. A CAB has been established for this site and meets on a regular basis.

ECP 38th Street and Indian School Road - This site was placed on the WQARF Registry in September 1998 and has a score of 25. The site is located in Phoenix, and the plume is bounded by Indian School Road to the north, Piccadilly Road to



the south, 38th Street to the east and 36th Street to the west. The contaminant of concern at the site is PCE.

ADEQ conducted an ERA, which consisted of a SVE system to remediate the source of PCE in the soil and groundwater. The system was started in 1994, operated intermittently and was shut down in March 2003. In FY14, additional groundwater monitor wells were installed. A draft RI report was submitted in June 2014. A CAB has been established for this site and meets on a regular basis.

ECP 40th Street and Indian School Road - This site was placed on the WQARF Registry in September 1998 and has a score of 25. The site is located in Phoenix, and the plume is bounded by Devonshire Avenue to the north, Amelia Avenue to the south, 40th Street to the east and 38th Street to the west. Contaminants of concern at the site include PCE and TCE.

ADEQ conducted an ERA, which consisted of a SVE/AS to remediate the source of PCE in the soil and groundwater. The system was started in December and was shut down in June 2005. In FY14, additional groundwater monitor wells were installed. A draft RI report was submitted in June 2014. A CAB has been established for this site and meets on a regular basis.

ECP 40th Street and Osborn - This site was placed on the WQARF Registry in May 2000 and has a score of 30. The site is located in Phoenix, and the current site boundary is a 400-foot diameter circle centered on the SRP well 17.9E-7.5N. The contaminant of concern at the site is PCE.

In FY14, additional groundwater monitor wells were installed. A draft RI report was submitted in June 2014. A CAB has been established for this site and meets on a regular basis.

ECP 48th Street and Indian School Rd. - This site was placed on the WQARF Registry in March 1999 and has a score of 27. The site is located in Phoenix, and the plume is bounded by Devonshire Avenue to the north, Fairmont Avenue to the south, 48th Street to the east and 45th Place to the west. The contaminant of concern at the site is PCE.

ADEQ and SRP entered into an agreement to conduct a source control interim remedial action (IRA) in 2004. As part of the IRA, SRP constructed a SVE system to remediate the source of PCE in soil. SRP relinquished control of the SVE system to ADEQ in April 2012. ADEQ initiated a SVE ERA and construction of the new SVE system will be completed in 2015. Groundwater monitoring and soil gas monitoring activities are currently being conducted throughout the site.

A vapor intrusion indoor air assessment study took place during the summer of 2013. The indoor air of residences in the study area was sampled. Sampling took place in February 2014. Two events are necessary to evaluate data for seasonal fluctuations and for data validation. This assessment focused on residences (specifically single-family homes and ground-floor residences of multi-unit buildings) and schools. A CAB has been established for this site and meets on a regular basis.

Estes Landfill - This site was placed on the WQARF Registry in April 1998 and has a score of 50. The site is located in Phoenix, south of Sky Harbor Airport and is bounded approximately by the Salt River to the north, Magnolia Street to the south, State Route 153 to the east, and 40th Street to the west. Contaminants of concern at the site include vinyl chloride, cis-1,2-DCE, TCE in groundwater; lead, arsenic, and thallium in soil.

In January 2008, methane and VOC vapor samples were collected from the landfill. Groundwater is sampled twice a year. The RI/FS has been completed and ADEQ is updating the PRAP.

Klondyke Tailings Project - This site was placed on the WQARF Registry in September 1998 and has a score of 69. The site is located approximately two (2) miles north of the town of Klondyke in Section 6, Township 7 South, Range 20 East. The site boundaries are defined by the extent of the soil contamination above the residential SRL for lead of 400 milligrams per kilogram (mg/kg). The site boundary is irregular and includes the property containing the tailings piles and several surrounding properties. The current contaminants of concern in the soil include antimony, arsenic, cadmium, copper, lead, manganese, mercury, and zinc

Sampling to determine the extent of off-site soil contamination began in 2006. To date, approximately 2,500 soil samples have been collected from the site and adjacent properties. The limits of the 400 mg/kg residential soil remediation level for lead have been defined to extend approximately 0.50 miles from the site and impact nine (9) properties adjacent to the site.



ERA activities continue at the site. These activities have included geophysical surveys and minor repairs to the berms on the tailings piles. Aerial photography, topographic mapping, historic aerial photography analysis, floodplain delineation, and analysis of the 10-, 25-, 50- and 100-year floodplains, and a geomorphology study of Aravaipa and Laurel Creeks were done to evaluate possible remedies due to the site's location near these creeks. ADEQ selected gabion mattresses for erosion protection in October 2007. Erosion protection installation began in March 2008. In June 2008, erosion protection installation was completed on the upper tailings pile and the clean soil cap was seeded.

ADEQ, with the EPA's assistance, evaluated soil removal options on the residential properties located in the vicinity of the site. EPA collected additional samples in the immediate area surrounding five (5) residences in March 2010. In FY12, EPA initiated the planned removal of contaminated soils from three (3) properties. During June 2012, approximately 2,000 cubic yards of contaminated soil were removed from two of the properties. An additional 1,040 cubic yards of contaminated soil was removed for one of the original properties and the third property in October 2013. In 2014, the Final RI was completed. A CAB has been established for the site and meets on a regular basis.

Los Reales Landfill - This site was placed on the WQARF Registry in April 1999 and has a score of 32. The site is an active municipal sanitary landfill (approximately 283 acre waste footprint) located in southeast Tucson and has been in operation since 1967. Contaminants of concern at the site include PCE and TCE.

The City of Tucson has implemented a groundwater pump and treat system as required by a 1995 remedial action plan. A portion of the treated water is re-injected into the aquifer and a portion is used for dust control at the landfill. In FY13, the City submitted to ADEQ a PRAP modification of transitioning to "groundwater sampling only" based on continued plume stability (apparent natural attenuation).

Miracle Mile Area - This site was placed on the WQARF Registry in September 1998 and has a score of 62. The site is located in Tucson and is bounded approximately by Wetmore Road to the north, Prince Road to the south, Pomona Road to the east, and La Cholla Boulevard to the west. Contaminants of concern at the site include TCE and chromium.

The local water provider is operating an ADEQ-funded wellhead treatment system as an ERA to remove TCE. In fiscal year 2013, the final RI report was issued and the FS was initiated. A CAB has been established for this site and meets on a regular basis.

Park-Euclid - This site was placed on the WQARF Registry in April 1999 and has a score of 51. The site is in Tucson and is approximately bounded by 9th Street to the north, 14th Street to the south, Santa Rita Avenue to the east, and Park Avenue to the west. Contaminants of concern at the site include PCE, TCE and cis-1,2-DCE.

ADEQ negotiated an Agreement to Conduct Work with potentially responsible parties Mission Linen and Haskell Linen (Park-Euclid Working Group) in 2010. In November 2011, ADEQ completed the final RI and Remedial Objective (RO) reports. The Park-Euclid Working Group submitted a FS work plan in June 2013, has implemented the FS and expects completion of the report in fiscal year 2015. A CAB has been established for this site, merged with the 7th Street and Arizona Avenue CAB, and meets on a regular basis.

Payson PCE - This site was placed on the WQARF Registry in April 1998 and has a score of 63. The site is located in Payson and the plume is bounded approximately by Main Street to the north, Cedar Lane to the south, Beeline Highway (State Route 87) to the east, and McLane Road to the west. The contaminant of concern in the groundwater at the site is PCE.

Two (2) groundwater treatment systems have been constructed. An Interim Groundwater Treatment System (IGTS) was constructed to remediate the contamination in the source area. The IGTS operated from October 1998 to January 2003 and was shut down due to low levels of contamination in the source area. The IGTS was decommissioned in July 2013.

An Expanded Groundwater Treatment System (EGTS) began operation in October 1998 and continues to operate treating contaminated water and preventing the contamination plume from migrating further. Treated water from the EGTS is delivered to the Town of Payson drinking water system.



ADEQ completed the ROD in June 2007. Groundwater monitoring takes place twice per year. The Periodic Site Review was completed in November 2013. In December 2013, two (2) additional monitor wells were connected into the production well network of the EGTS and started pumping in January 2014 for additional remediation of contaminated groundwater. In May 2014, to enhance remedial efforts, a catalyzed hydrogen peroxide in-situ chemical oxidation (ISCO) pilot test was conducted.

Pinal Creek - This site was placed on the WQARF Registry in October 1998 and has a score of 97. The site is located in Gila County in and around the cities of Globe, Town of Miami, and the communities of Claypool and Wheatfields. The site includes the BHP Copper and Freeport McMoRan (formerly Phelps Dodge) Miami mining properties, and the drainages and underlying aquifers of Miami Wash, Bloody Tanks Wash, Russell Gulch, and Pinal Creek. The site also includes the entire floodplain of Pinal Creek from the Old Dominion Mine to the Salt River, plus those portions of the communities underlain by contaminated groundwater. Contaminants of concern in groundwater at the site include heavy metals such as aluminum, iron, manganese, copper, cobalt, nickel, zinc, cadmium, and other contaminants such as sulfate, acidity, and dissolved solids. Localized soil and stream sediment contamination are being investigated; contaminants of concern include arsenic, lead, copper, cadmium, manganese, nickel, and zinc.

The Pinal Creek Group (PCG), which previously consisted of BHP, Freeport McMoRan and Inspiration Copper, have been conducting remedial actions including source control since 1988 and have completed a RI, risk assessments, a FS, and a recommended remedial action plan. They also have conducted a well replacement program for contaminated private and public supply wells. The PCG has been conducting groundwater extraction and treatment from the alluvial and the regional aquifers since 1988. In 2010, the Pinal Creek Group petitioned the U.S. District Court to modify the membership of the PCG to Freeport McMoRan and Inspiration Copper. BHP Copper is no longer a part of the group. BHP still is responsible for management of their properties in accordance with the governing Consent Decree. Freeport McMoRan now solely manages the PCG, as well as remedial actions at their properties. The PCG remains responsible for the site-wide remedial actions. Source control, groundwater remediation, and groundwater monitoring continue. To speed up aquifer restoration, groundwater remedy optimization pilot tests have been conducted near the source area in Bloody Tanks Wash.

Shannon Road/El Camino del Cerro - The El Camino del Cerro WQARF site and Shannon Road-Rillito Creek WQARF site were administratively combined into one site, the Shannon Road/El Camino del Cerro WQARF site, in January 2005 based on sampling results showing there is a single plume. The El Camino del Cerro site was placed on the WQARF Registry in August 1998 and has a score of 71. The Shannon Road-Rillito Creek site was placed on the WQARF Registry in April 1999 and has a score of 53. Contaminants of concern in groundwater at the site include PCE, TCE, 1,1-DCE, vinyl chloride, and benzene. Contaminants that have been detected in groundwater at the site above Arizona regulatory levels include: PCE, TCE, 1,1-DCE, 1,1-DCA, and cis-1,2-DCE.

This combined site is located in northwest Tucson and is bounded approximately 0.25 miles north of Rillito Creek, El Camino del Cerro Road on the south, Meadowbrook Park on the east, the Santa Cruz River on the west. The site consists of industrial and residential properties, and a former landfill which occupies approximately twenty (20) acres in the southwest portion of the site.

The contaminant plume has impacted three (3) community wells which were removed from service. One (1) of these wells now has a wellhead treatment system removing VOCs to meet drinking water standards. The draft RI and RO reports were submitted in March and May 2014 respectively, for public comment. The final RI report is expected to be completed in FY15. A CAB has been established for the site and meets on a regular basis.

Silverbell Jail Annex Landfill - This site was placed on the WQARF Registry in April 1999 and has a score of 51. The site is located at 3200 North Silverbell Road in northwest Tucson. The site is bounded approximately by Sweetwater Drive on the north, Grant Road/Ironwood Hills Drive on the south, Interstate 10 on the east, and Silverbell Road on the west, and is comprised of approximately forty (40) acres. Contaminants of concern at the site include PCE, TCE, cis-1,2-DCE and vinyl chloride.

In 2001, the City of Tucson began operation of a full-scale SVE system to remove and treat contaminated VOC landfill gases contributing to the groundwater contamination. From December 2006 until 2008, the system operated intermittently to control methane migration. In April 2008, the system was shut down and the equipment was removed. The City of Tucson continues to conduct soil-gas rebound testing periodically.



In 2010, the City of Tucson proposed to install a pump-treat-inject system to address the central part of the site plume with the highest VOC concentrations. A concern at this site is the overlapping of the northern part of the Kinder Morgan Silvercrock Wash Release (SWR) site MTBE groundwater plume with the southern part of the Silverbell Landfill PCE groundwater plume. The City of Tucson has been preparing the Request for Proposal (RFP) for the proposed groundwater cleanup system, but this RFP will not address the MTBE from the SWR site. ADEQ, the City of Tucson and Kinder Morgan meet periodically to improve coordination regarding sampling and cleanup of the two sites. Throughout 2012 and 2013, City of Tucson began finalizing a conceptual design for the proposed groundwater pump and treat system. As part of this, additional groundwater modeling was performed to estimate when the contamination would reach the proposed groundwater treatment system. The disposition of the discharge water from the pump and treat containment system currently is being determined by the City of Tucson during system design. Final system design and implementation is planned for fiscal year 2015. The City continues to conduct groundwater and soil vapor (methane) monitoring according to the remedial action plan. [Note -ADEQ is addressing the SWR site through its Voluntary Remediation Program.]

South Mesa - This site was placed on the WQARF Registry in August 1998 and has a score of 31. The site is located in Mesa and Gilbert and is bounded approximately by 10th Avenue to the north, the railroad south of Baseline Road to the south, Stapley Road to the east, and the railroad west of Center Street to the west. The contaminant of concern at the site is PCE.

Two (2) remedial action projects at the site have significantly reduced the contamination by treating pumped groundwater and extracting vapors from the soil. ADEQ began an ERA in June 2004, to address the remaining subsurface contamination. A SVE well was installed and connected to the existing SVE system and the system began operations in September 2004. ADEQ shutdown the SVE system in November 2007 and removed it from the site in June 2008.

The RI, RO and FS reports have been completed. A PRAP is under review at ADEQ. A CAB has been established for this site and meets on a regular basis.

Tyson Wash - This site was placed on the WQARF Registry in December 1998 and has a score of 46. The site is located in the Town of Quartzsite and the contaminated groundwater plume is bounded by Sunset Street to the north, Oregon Avenue to the west, Main Street (Business I-10) to the south, and Central Boulevard (SR-95) to the east. The known groundwater contamination exists northwest of the intersection of State Highway 95 and Business Route I-10 in Quartzsite. Contaminants of concern at the site include PCE and TCE.

As part of an ERA, a groundwater treatment system was constructed in 2003 and is currently being operated to reduce contaminant concentrations in the aquifer and prevent migration of the plume to private drinking water wells. The RI and FS have been completed, the PRAP was completed in June 2008, and the ROD was completed in June 2009. The site is in the O&M phase.

An ISCO pilot test was installed in April 2013 for a period of six (6) weeks. The purpose of the pilot test was to inject a low concentration of a catalyzed hydrogen peroxide reagent, at a low injection rate, to decrease concentrations of PCE in the groundwater. Results indicate an initial 64 percent decrease of PCE concentrations. The ISCO pilot test operated until May 28, 2013 and was decommissioned and removed from the site on June 3, 2013. A full scale ISCO system was then placed in operation on June 5, 2014.

Vulture Mill - This site was placed on the WQARF Registry in April 1998, and has a score of 65. The site is located just east of U.S. Route 89/93 about one (1) mile northwest of the center of the Town of Wickenburg. The eastern boundary of the site is approximately 0.25 miles west of the Hassayampa River. Contaminants of concern at the site include lead and arsenic.

The ROD was signed in September 1999. ADEQ has implemented the remedy, which consists of excavation of contaminated soil, placement in a consolidation pile, installation of a clean soil cover, and planting of vegetation to control erosion. Presently, the site is used as pasture and inspected annually. The last inspection occurred in March 2014. Negotiations with the owner to place a Declaration of Environmental Restriction on the property continues.



West Central Phoenix (WCP) - East Grand Avenue - This site was placed on the WQARF Registry in April 1998 and has a score of 31. The site is located in Phoenix and is bounded approximately by Whitton Avenue to the north, Osborn Road to the south, 29th Avenue to the east, and 30th Avenue to the west.

Field investigative activities were completed in December 2001 and the RI report has been completed. In 2004, a working party constructed and operated a SVE system at the former Van Waters & Rogers facility. The working party is in the process of completing the FS. A CAB has been established for this site.

WCP North Canal Plume - This site was placed on the WQARF Registry in June 1998 and has a score of 27. The site is located in Phoenix and the approximate boundaries of this site are Indian School Road on the north, West Flower Street on the south, 33rd Avenue on the east and 45th Avenue on the west. Contaminants of concern at the site include PCE, TCE and chromium.

The RI was initiated in February 2001 and ADEQ conducted an ERA evaluation in 2005. Due to lack of funding, site activities were suspended from 2008-2012. In 2013 and 2014, as part of the remedial investigation, groundwater monitoring and sampling was conducted. In 2014 a passive soil gas survey on 33rd Avenue was completed. Based on these data, additional groundwater, soil gas, and soil investigations are proposed to complete the RI investigation and prepare the draft RI report. A CAB has been established for this site.

WCP North Plume - This site was placed on the WQARF Registry in April 1998 and has a score of 55. The site is located in Phoenix and is bounded approximately by Turney Avenue to the north, Indian School Road to the south, 38th Avenue to the east, and 43rd Avenue to the west. Contaminants of concern at the site include PCE and TCE.

A SVE system was installed at the F&B facility as part of an ERA. The SVE system has been updated to improve operation. Further evaluations are being conducted to address groundwater contamination.

Through a working party agreement, a SVE system was operated at the Hill Brothers Chemical Company. The system removed more than 277 pounds of VOCs from the soils below the surface. A No Further Action (NFA) determination was issued for this facility following confirmation sampling and a public notice for review.

The RI and RO reports for this site are complete and the FS is underway. A CAB has been established for this site. A CAB has been established for this site.

WCP West Grand Avenue - This site was placed on the WQARF Registry in April 1998 and has a score of 22. The site is located in Phoenix and is bounded approximately by Osborn Road to the north, Earll Drive to the south, 33rd Avenue to the east, and 35th Avenue to the west. The contaminant of concern at the site is TCE.

The RI, RO and FS reports for this site are complete and a draft PRAP is being reviewed by ADEQ. A CAB has been established for this site.

WCP West Osborn Complex - This site was placed on the WQARF Registry in August 1998 and has a score of 52. The site is located in Phoenix and is bounded approximately by the Grand Canal to the north, Van Buren Street to the south, 34th Drive to the east, and 39th Drive to the west. Contaminants of concern at the site include TCE and PCE.

RI and RO reports have been completed. FS reports for the deep and shallow plumes for the project site have been approved. PRAPs were completed for the deep and shallow plumes and are being reviewed by ADEQ. A CAB has been established for this site.

West Van Buren - This site was placed on the WQARF Registry in April 1998 and has a score of 50. The site is located in Phoenix and is bounded approximately by Van Buren Street to the north, Buckeye Road to the south, Seventh Avenue to the east, and 83rd Avenue to the west. Between 7th Avenue and 27th Avenue, there is an extension of the plume south to Lower Buckeye Road. Contaminants of concern at the site include PCE, TCE, 1,1,1-trichloroethane (1,1-TCA), 1,1-DCA, 1,1-DCE, cis-1,2-DCE, and chromium.



Air Liquide USA, LLC and Air Liquide America Specialty Gases, LLC (Air Liquide) signed a Consent Order in 2007 to conduct investigative work on their property. Air Liquide performed a SVE pilot test in 2012 and determined that VOC levels were below remediation action levels. Air Liquide currently performs groundwater monitoring in accordance with their Consent Order.

ADEQ conducted an ERA from 1999 to 2003 at the former American Linen Supply Company (ALSCo) that consisted of SVE/AS and groundwater pump and treat remediation systems. The SVE system removed approximately 900 pounds of VOCs from the subsurface and the groundwater pump and treatment system removed approximately 24 pounds of VOCs from 118 million gallons of groundwater. ADEQ issued ALSCo a NFA determination for soil in 2008.

ChemResearch Company Incorporated (ChemResearch) excavated and disposed of contaminated soil in 1995. ChemResearch is currently under a Consent Order with the ADEQ Resource Conservation and Recovery Act (RCRA) program to perform groundwater monitoring and remediate soil beneath the western portion of their facility.

Dolphin Incorporated (Dolphin) operated SVE/AS systems from 1998 to 2002. In December 2002, Dolphin received authorization from ADEQ to shutdown the SVE/AS systems. Approximately 11,658 pounds of VOCs were removed from the subsurface. Dolphin satisfied the terms of their Consent Order and Consent Judgment with the ADEQ RCRA program in 2006.

Maricopa County Materials Management (MCMM) operated a SVE system at their facility in 1997. Approximately 145 pounds of VOCs were removed from the subsurface. MCMM settled with ADEQ in 2001.

Union Pacific Railroad Company settled with ADEQ in 2001.

Penn Racquet Sports Incorporated settled with ADEQ under a Consent Decree in 2013.

Prudential Overall Supply (Prudential) entered into a Consent Order to investigate soil and groundwater contamination at their facility in 2008. Prudential currently operates a SVE system and performs groundwater monitoring.

Reynolds Metals Company (Reynolds) operated a SVE system periodically from 1989 to 1991. Approximately 3,100 tons of contaminated soil was excavated and hauled from the facility. ADEQ issued Reynolds an NFA for soil for 14 release areas in 2000.

Van Waters and Rogers Incorporated (VW&R) installed and periodically operated a SVE system from 1992 to 1998. Up to 870 pounds of VOCs were removed from the subsurface. ADEQ issued VW&R an NFA determination for soil in 2002.

Roosevelt Irrigation District (RID) submitted an ERA plan that consisted of integrated pumping and treatment of the ten (10) most highly contaminated RID wells. ADEQ conditionally approved the ERA plan on June 24, 2010. RID submitted a modified ERA plan in July 2012 that was conditionally approved by ADEQ on February 1, 2013. RID installed liquid-phase granular activated carbon wellhead treatment systems on four (4) of RID's wells within the West Van Buren Area plume.

ADEQ finalized the RI and RO report for WVBA in August 2012. RID and the West Van Buren Working Group (WVBWG), under working agreements with ADEQ, submitted separate FS work plans in July 2013 and draft FS reports in July 2014. In 2014, three (3) additional monitoring wells were installed by ADEQ to delineate the extent of the contamination and to investigate potential source areas. A CAB has been formed for this site and meets on a regular basis.

Western Avenue Plume - This site was placed on the WQARF Registry in December 1998 and has a score of 51. The site is located in Avondale and Goodyear and is bounded approximately by San Xavier Boulevard to the north, State Route 85 to the south, 3rd Street to the east and Phoenix Goodyear Airport to the west. The contaminant of concern at the site is PCE.

The final RI report and FS were completed in May 2009 and November 2013, respectively. ADEQ is currently preparing the PRAP for the site with a target completion date of January 2015. The City of Goodyear Municipal Well No. 1 (COG-1) is located in the Western Avenue site. Historically, PCE has not been detected at this well above the AWQS of 5 ppb. Groundwater monitoring wells at the site are currently being sampled quarterly, along with COG-1. A Community Advisory Group (CAG) has been established for this site in conjunction with the Phoenix Goodyear Airport (PGA) Superfund site.



NOTICE OF PUBLIC INFORMATION
DEPARTMENT OF HEALTH SERVICES

[M14-362]

1. Title of the substantive policy statements and the substantive policy statements numbers by which the substantive policy statements are referenced:

- SP-044-PHS-VRS: Procedure for Issuing Certificate of Death Resulting in Stillbirth
- SP-051-PHS-VRS: Relatives Eligible to Obtain Certified Copies of Death Certificates - Clarification of term "immediate family" in R9-19-405
- SP-063-PHS-VRS, Interpretation of When a Body is Considered Stored Under Very Low Temperatures

2. The public information relating to the substantive policy statements:

The Arizona Department of Health Services (Department) is rescinding the substantive policy statements specified in item 1, effective January 1, 2015, because these substantive policy statements are no longer needed. The requirements clarified in SP-044-PHS-VRS for a hospital or midwife related to issuing a certificate of death resulting in stillbirth are now in Arizona Administrative Code (A.A.C.) R9-19-308. The process is now described in GD-109-PHS-VRS. The content of SP-051-PHS-VRS appears to have been developed to address a specific situation that arose in 2002 and is no longer an issue. The subject matter in SP-063-PHS-VRS is no longer specified in rule.

3. The name and address of agency personnel with whom persons may communicate regarding this notice of public information:

Name: Krystal Colburn, Assistant State Registrar
 Address: Department of Health Services
 Public Health Services
 Office of Vital Records
 1818 W. Adams Ave.
 Phoenix, AZ 85007
 Telephone: (602) 364-1225
 Fax: (602) 364-1257
 E-mail: Krystal.Colburn@azdhs.gov

or

Name: Jeff Bloomberg, Manager
 Address: Department of Health Services
 Office of Administrative Counsel and Rules
 1740 W. Adams, Suite 203
 Phoenix, AZ 85007
 Telephone: (602) 542-1020
 Fax: (602) 364-1150
 E-mail: Jeff.Bloomberg@azdhs.gov



NOTICES OF AGENCY OMBUDSMAN

The Administrative Procedure Act requires the publication of agency ombudsman. Agencies shall publish annually in the *Register* the name or names of those employees who are designated by the agency to assist

members of the public or regulated community in seeking information or assistance from the agency. (A.R.S. § 41-1006)

**NOTICE OF AGENCY OMBUDSMAN
BOARD OF PSYCHOLOGIST EXAMINERS**

[M14-367]

- 1. The agency name:**
Board of Psychologist Examiners
- 2. The ombudsman's:**
 - a. Name:**
Lynanne Chapman
 - b. Title:**
Deputy Director
- 3. The ombudsman's office address to include the city, state and zip code:**
Board of Psychologist Examiners
1400 W. Washington, Suite 240
Phoenix, AZ 85007
- 4. The ombudsman's area code and telephone number, fax number and e-mail address, if available:**
Telephone: (602) 542-8161
Fax: (602) 542-8279
E-mail: Lynanne.Chapman@psychboard.az.gov

**NOTICE OF AGENCY OMBUDSMAN
EARLY CHILDHOOD DEVELOPMENT AND HEALTH BOARD**

[M14-366]

- 1. The agency name:**
Early Childhood Development and Health Board
- 2. The ombudsman's:**
 - a. Name:**
Ofelia Gonzalez
 - b. Title:**
Public Information Officer
 - c. Specific agency division:**
Communications and Public Affairs
- 3. The ombudsman's office address to include the city, state and zip code:**
First Things First
4000 N. Central Ave., Suite 800
Phoenix, AZ 85012
- 4. The ombudsman's area code and telephone number, fax number and e-mail address, if available:**
Telephone: (602) 771-5087
E-mail: ogonzalez@azftf.gov



NOTICES OF ORAL PROCEEDING

If an agency schedules an oral proceeding, a public workshop, or another type of meeting on a proposed rulemaking, a rulemaking docket opening, or a proposed delegation agreement, the agency shall prepare a Notice of Oral Proceeding, a Notice of Public Workshop, or Notice of Meeting (specifying the type of meeting) for publication in the Register.

NOTICE OF ORAL PROCEEDING ON PROPOSED RULEMAKING BOARD OF OPTOMETRY

[M14-359]

- 1. Name of the agency: Board of Optometry
2. Title and its heading: 4, Professions and Occupations
Chapter and its heading: 21, Board of Optometry
Article and its heading: 1, General Provisions; 2, Licensing Provisions; 3, Standards; Recordkeeping; Rehearing or Review of Board Decisions

- 3. Articles, Parts or Sections being proposed Rulemaking Action
R4-21-101 Amend
R4-21-102 Amend
R4-21-103 Amend
R4-21-201 Amend
R4-21-202 Amend
R4-21-203 Amend
R4-21-205 Amend
R4-21-205.1 New Section
R4-21-206 Amend
R4-21-208 Amend
R4-21-209 Amend
R4-21-210 Amend
R4-21-211 Amend
R4-21-213 Repeal
R4-21-302 Amend
R4-21-305 Amend
R4-21-306 Amend
R4-21-308 Amend

- 4. Citations to all notices published in the Register concerning the proposed rulemaking:
Notice of Rulemaking Docket Opening: 20 A.A.R. 2981, November 14, 2014
Notice of Proposed Rulemaking: 20 A.A.R. 3484, December 19, 2014
Notice of Public Information: 21 A.A.R. 11, January 2, 2015 (in this issue)

- 5. The date, time, and location of the oral proceeding:
Date: February 18, 2015
Time: 2:00 p.m.
Location: State Boards Office Building
1400 W. Washington, Suite B-1
Phoenix, AZ 85007

Close of Record: February 18, 2015 at 5 p.m.

- 6. The name and address of agency personnel to whom questions and comments on the proposed rules may be addressed:
Name: Margaret Whelan, Executive Director
Address: Arizona State Board of Optometry
1400 W. Washington, Suite 230
Phoenix, AZ 85007



Telephone: (602) 542-8155
Fax: (602) 542-3093
E-mail: margaret.whegan@optometry.az.gov



GOVERNOR EXECUTIVE ORDERS

The Administrative Procedure Act (APA) requires the full-text publication of Governor Executive Orders.

With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

In addition, the Register shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed.

EXECUTIVE ORDER 2012-03

State Regulatory Review, Moratorium and Streamlining To Promote Job Creation and Retention

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2014, as a notice to the public regarding state agencies' rulemaking activities.

[M12-226]

WHEREAS, my first official action as Governor was to institute a regulatory rule making review and moratorium process ("regulatory review and moratorium") in order to prevent any additional burdens on Arizona's private sector employers and political subdivisions; and

WHEREAS, this rule making review and moratorium process has continued by session law or executive order to this day; and

WHEREAS, a predictable regulatory climate in this State will promote job creation and retention; and

WHEREAS, Arizona's efforts are being rewarded, such as being ranked as one of the top ten best states for business in a survey of chief executive officers this year, the eighth best for job growth in the last year, and the top state for innovators starting new business; and

WHEREAS, last January, I determined that State agencies needed to quicken the pace on streamlining existing rules and reducing wasted time in regulatory processes to increase Arizona's economic competitiveness and job creation, while still protecting public health, safety and the environment; and

WHEREAS, the 50th Legislature passed and I signed into law House Bill 2744 (2012 Arizona Laws, Chapter 352) which permits a state agency to conduct expedited rulemaking to streamline existing rules; and

WHEREAS, this expedited rulemaking authority will be used, in part, by State agencies to implement the "lean" waste reduction initiative I announced last January to increase the efficiency and service quality of State agencies; and

WHEREAS, I encourage the general public and regulated community to bring forward ideas to State agencies and the Governor's Regulatory Review Council on what rules need to be streamlined and how that can be best achieved while still protecting public health, safety and the environment; and

WHEREAS, the current regulatory review and moratorium expires on June 30, 2012.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State hereby declare the following:

1. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any rule making except as permitted by this Order. The objective of this Order is to eliminate any unnecessary increased monetary or regulatory costs on employers, persons, individuals, other state agencies, or political subdivisions of this State. This prohibition includes any informal rule making prior to the commencement of the formal rule making process.
2. Paragraph 1 does not apply to state agency rule making for any one or more of the following reasons:
 - a. To fulfill an objective related to job creation in this State.
 - b. To lessen or ease a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace or safety.
 - d. To avoid a violation of a court order or federal law that would result in sanctions by a court or federal government against an agency for failure to conduct the rulemaking action.
 - e. To comply with a federal statutory or regulatory requirement or a state statutory requirement if the applicable statute or regulation contains a date certain for compliance on or before December 31, 2014 or is necessary under subparagraph (c) of this paragraph.
 - f. To fulfill an obligation related to fees or any other action necessary to implement the state budget that is certified by the Governor's Office of Strategic Planning and Budgeting.



- g. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
- h. To address matters pertaining to the control, mitigation or eradication of waste, fraud or abuse within a state agency or wasteful, fraudulent or abusive activities perpetrated against a state agency.
3. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any informal or formal rule making pursuant to Paragraph 2 or otherwise without the prior written approval of the Office of the Governor.
4. This order applies to all state agencies, except for: (a) any state agency that is headed by a single elected state official, (b) the Corporation Commission, or (c) any state agency whose agency head is not appointed by the Governor.
5. All state officials and state agencies that are not subject to this Order pursuant to Paragraph 4 are encouraged to participate voluntarily within the context of their own rule making process.
6. State agencies may continue a rule making that was authorized by the Office of the Governor on or after January 22, 2009. All state agencies, subject to this Order pursuant to Paragraph 4, shall report to the office of the Governor by July 31, 2012 all pending and anticipated rule making requests. Beginning fiscal year 2013 all state agencies shall submit to the Office of the Governor by the end of each fiscal year an annual report of all pending and anticipated rule making to Office of the Governor.
7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a state agency.
8. For the purposes of this executive order, “person,” “rule” and “rule making” have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.
9. This Executive Order expires on December 31, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix, Arizona this 26th day of June in the year Two Thousand Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State



REGISTER INDEXES

The Register is published by volume in a calendar year (See "Information" in the front of each issue for a more detailed explanation).

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

- PN = Proposed new Section
- PM = Proposed amended Section
- PR = Proposed repealed Section
- P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING

- SPN = Supplemental proposed new Section
- SPM = Supplemental proposed amended Section
- SPR = Supplemental proposed repealed Section
- SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING

- FN = Final new Section
- FM = Final amended Section
- FR = Final repealed Section
- F# = Final renumbered Section

SUMMARY RULEMAKING

PROPOSED SUMMARY

- PSMN = Proposed Summary new Section
- PSMM = Proposed Summary amended Section
- PSMR = Proposed Summary repealed Section
- PSM# = Proposed Summary renumbered Section

FINAL SUMMARY

- FSMN = Final Summary new Section
- FSMM = Final Summary amended Section
- FSMR = Final Summary repealed Section
- FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING

PROPOSED EXPEDITED

- PEN = Proposed Expedited new Section
- PEM = Proposed Expedited amended Section
- PER = Proposed Expedited repealed Section
- PE# = Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED

- SPEN = Supplemental Proposed Expedited new Section
- SPEM = Supplemental Proposed Expedited amended Section
- SPER = Supplemental Proposed Expedited repealed Section
- SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

- FEN = Final Expedited new Section
- FEM = Final Expedited amended Section
- FER = Final Expedited repealed Section
- FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING

EXEMPT PROPOSED

- PXN = Proposed Exempt new Section
- PXM = Proposed Exempt amended Section
- PXR = Proposed Exempt repealed Section
- PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

- SPXN = Supplemental Proposed Exempt new Section
- SPXR = Supplemental Proposed Exempt repealed Section
- SPXM = Supplemental Proposed Exempt amended Section
- SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULMAKING

- FXN = Final Exempt new Section
- FXM = Final Exempt amended Section
- FXR = Final Exempt repealed Section
- FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING

- EN = Emergency new Section
- EM = Emergency amended Section
- ER = Emergency repealed Section
- E# = Emergency renumbered Section
- EEXP = Emergency expired

RECODIFICATIONS OF RULES

- RC = Recodified

REJECTION OF RULES

- RJ = Rejected by the Attorney General

TERMINATION OF RULES

- TN = Terminated proposed new Sections
- TM = Terminated proposed amended Section
- TR = Terminated proposed repealed Section
- T# = Terminated proposed renumbered Section

RULE EXPIRATIONS

- EXP = Rules have expired
- See also "emergency expired" under emergency rulemaking*

CORRECTIONS

- C = Corrections to Published Rules



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RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and by volume page number. Use the page guide above to determine the *Register* issue number to review the rule. Headings for the Subchapters, Articles, Parts, and Sections are not indexed.

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R9-10-1205.	FXM-1409	R9-10-1508.	FXM-448	R9-10-1908.	FXN-3535
R9-10-1206.	FXM-1409	R9-10-1509.	FXM-448	R9-10-1909.	FXN-3535
R9-10-1207.	FXM-1409	R9-10-1510.	FXM-448	R9-10-1910.	FXN-3535
R9-10-1208.	FXM-1409	R9-10-1511.	FXM-448; FXM-2078	R9-10-1911.	FXN-3535
R9-10-1209.	FXM-1409	R9-10-1512.	FXM-448	Health Services, Department of - Health Children's Rehabilitative Services	
R9-10-1210.	FXM-1409	R9-10-1513.	FXM-448	R9-7-101.	EXP-465
R9-10-1211.	FXM-1409	R9-10-1514.	FXM-448	R9-7-201.	EXP-465
R9-10-1302.	FXM-1409	R9-10-1515.	FXN-448	R9-7-202.	EXP-465
R9-10-1303.	FXM-1409	R9-10-1601.	FXM-1409	R9-7-203.	EXP-465
R9-10-1304.	FXM-1409	R9-10-1602.	FX#-1409; FXN-1409	R9-7-301.	EXP-465
R9-10-1305.	FXM-1409	R9-10-1603.	FX#-1409; FXM-1409	R9-7-302.	EXP-465
R9-10-1306.	FXM-1409	R9-10-1604.	FX#-1409; FXM-1409	R9-7-303.	EXP-465
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R9-10-1310.	FXM-1409	R9-10-1607.	FX#-1409; FXM-1409	R9-7-306.	EXP-465
R9-10-1311.	FXM-1409	R9-10-1608.	FX#-1409; FXM-1409	R9-7-307.	EXP-465
R9-10-1312.	FXM-1409	R9-10-1609.	FX#-1409; FXM-1409	R9-7-308.	EXP-465
R9-10-1313.	FXM-1409	R9-10-1610.	FX#-1409; FXM-1409	R9-7-401.	EXP-465
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R9-10-1315.	FXM-1409	R9-10-1702.	FXM-1409	R9-7-403.	EXP-465
R9-10-1316.	FXM-1409	R9-10-1703.	FXM-1409	R9-7-404.	EXP-465
R9-10-1317.	FXM-1409	R9-10-1704.	FXM-1409	R9-7-405.	EXP-465
R9-10-1401.	FXM-1409	R9-10-1705.	FXM-1409	R9-7-406.	EXP-465
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R9-10-1403.	FX#-1409; FXM-1409	R9-10-1707.	FXM-1409	R9-7-408.	EXP-465
R9-10-1404.	FX#-1409; FXM-1409	R9-10-1708.	FXM-1409	R9-7-409.	EXP-465
R9-10-1405.	FX#-1409; FXM-1409	R9-10-1709.	FXM-1409	R9-7-410.	EXP-465
R9-10-1406.	FX#-1409; FXM-1409	R9-10-1711.	FXM-1409	R9-7-411.	EXP-465
R9-10-1407.	FX#-1409; FXM-1409	R9-10-1712.	FXM-1409	R9-7-412.	EXP-465
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				R9-7-501.	EXP-465
				R9-7-502.	EXP-465
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R9-16-203. FX#-1998, FXN-1998
R9-16-204. FX#-1998, FXN-1998
R9-16-205. FX#-1998, FXM-1998
R9-16-206. FX#-1998, FXN-1998
R9-16-207. FX#-1998, FXN-1998
R9-16-208. FX#-1998, FXM-1998
R9-16-209. FX#-1998, FXM-1998
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R9-16-211. FXN-1998
R9-16-212. FX#-1998, FXM-1998
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R9-16-214. FX#-1998, FXM-1998
R9-16-215. FX#-1998, FXM-1998
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R9-16-302. FXR-1998, FXN-1998
R9-16-303. FXR-1998, FXN-1998
R9-16-304. FXR-1998, FXN-1998
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R9-16-307. FXR-1998, FXN-1998
R9-16-308. FXR-1998, FXN-1998
R9-16-309. FXR-1998, FXN-1998
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R9-16-311. FXR-1998, FXN-1998
R9-16-312. FXR-1998, FXN-1998
R9-16-313. FXR-1998, FXN-1998
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R9-16-317. FXN-1998
R9-16-501. FXM-1998
R9-16-502. FXR-1998, FX#-1998; FXM-1998

R9-16-503. FX#-1998, FXM-1998
R9-16-504. FX#-1998, FXM-1998
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R9-16-507. FX#-1998, FXM-1998
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R9-13-204. PM-64; FM-953
R9-13-205. PM-64; FM-953
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R9-13-207. PM-64; FM-953
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R20-5-602. PM-2800

Liquor Licenses and Control, Department of

R19-1-108. FR-1207
R19-1-112. FR-1207
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R19-1-302. FN-1207
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R19-1-321. FN-1207
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Massage Therapy, Board of

R4-15-101. PM-998; FM-2246
R4-15-102. PM-998; FM-2246
R4-15-103. PN-998; FN-2246
R4-15-201. PM-998; FM-2246
R4-15-203. PM-998; FM-2246
R4-15-204. PM-998; FM-2246
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R4-33-203. PM-3016
R4-33-208. PM-3016
R4-33-212. PN-3016
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R4-21-103. PM-3484
R4-21-201. PM-3484
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R4-21-203. PM-3484
R4-21-205. PM-3484
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R4-21-206. PM-3484
R4-21-208. PM-3484
R4-21-209. PM-3484
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R4-21-302. PM-3484
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R4-22-103. P#-757; PN-575; F#-2654; FN-2654
R4-22-104. P#-757; PM-757; F#-2654; FM-2654



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R4-22-111.	P#-757; F#-2654	R4-23-503.	EXP-133; PN-431; FN-1359	R4-26-205.	PM-3411
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R4-22-505.	PN-757; FN-2654	R12-14-613.	PN-2605	R13-13-107.	RC-2083
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R4-29-103.	FXM-717; PM-2968	R12-14-625.	PN-2605	R19-2-403.	FXR-2874; FXN-2874
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R4-29-204.	PM-2968	R12-14-630.	PN-2605	R19-2-408.	FX#-2874; FXN-2874
R4-29-207.	PM-2968	R12-14-631.	PN-2605	R19-2-409.	FX#-2874; FXN-2874
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R4-29-308.	FXM-717; PM-2968	R4-26-103.	PR-3411	R19-2-414.	FX#-2874; FXM-2874
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RULE EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

January		February		March		April		May		June	
Date Filed	Effective Date										
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		



July		August		September		October		November		December	
Date Filed	Effective Date										
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1



REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
December 12, 2014	January 2, 2015	February 2, 2015
December 19, 2014	January 9, 2015	February 9, 2015
December 26, 2014	January 16, 2015	February 16, 2015
January 2, 2015	January 23, 2015	February 23, 2015
January 9, 2015	January 30, 2015	March 2, 2015
January 16, 2015	February 6, 2015	March 9, 2015
January 23, 2015	February 13, 2015	March 16, 2015
January 30, 2015	February 20, 2015	March 23, 2015
February 6, 2015	February 27, 2015	March 30, 2015
February 13, 2015	March 6, 2015	April 6, 2015
February 20, 2015	March 13, 2015	April 13, 2015
February 27, 2015	March 20, 2015	April 20, 2015
March 6, 2015	March 27, 2015	April 27, 2015
March 13, 2015	April 3, 2015	May 4, 2015
March 20, 2015	April 10, 2015	May 11, 2015
March 27, 2015	April 17, 2015	May 18, 2015
April 3, 2015	April 24, 2015	May 26, 2015 (Tuesday)
April 10, 2015	May 1, 2015	June 1, 2015
April 17, 2015	May 8, 2015	June 8, 2015
April 24, 2015	May 15, 2015	June 15, 2015
May 1, 2015	May 22, 2015	June 22, 2015
May 8, 2015	May 29, 2015	June 29, 2015
May 15, 2015	June 5, 2015	July 6, 2015
May 22, 2015	June 12, 2015	July 13, 2015
May 29, 2015	June 19, 2015	July 20, 2015
June 5, 2015	June 26, 2015	July 27, 2015
June 12, 2015	July 3, 2015	August 3, 2015
June 19, 2015	July 10, 2015	August 10, 2015



GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor's Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines as a cour

All rules and Five-Year Review Reports are due in the Council office by 5:00 p.m. of the deadline date. The Council's office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit www.grrc.state.az.us.

DEADLINE TO BE PLACED ON COUNCIL AGENDA	FINAL MATERIALS DUE FROM AGENCIES	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
November 17, 2014	December 17, 2014	December 30, 2014	January 6, 2015
December 15, 2014	January 14, 2015	January 27, 2015	February 3, 2015
January 20, 2015	February 11, 2015	February 24, 2015	March 3, 2015
February 17, 2015	March 18, 2015	March 31, 2015	April 7, 2015
March 16, 2015	April 15, 2015	April 28, 2015	May 5, 2015
April 20, 2015	May 13, 2015	May 28, 2015	June 2, 2015
May 18, 2015	June 17, 2015	June 30, 2015	July 7, 2015
June 15, 2015	July 15, 2015	July 28, 2015	August 4, 2015
July 20, 2015	August 12, 2015	August 25, 2015	September 1, 2015
August 17, 2015	September 16, 2015	September 29, 2015	October 6, 2015
September 21, 2015	October 14, 2015	October 27, 2015	November 3, 2015
October 19, 2015	November 12, 2015	November 24, 2015	December 1, 2015
November 16, 2015	December 16, 2015	December 29, 2015	January 5, 2016