

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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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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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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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.

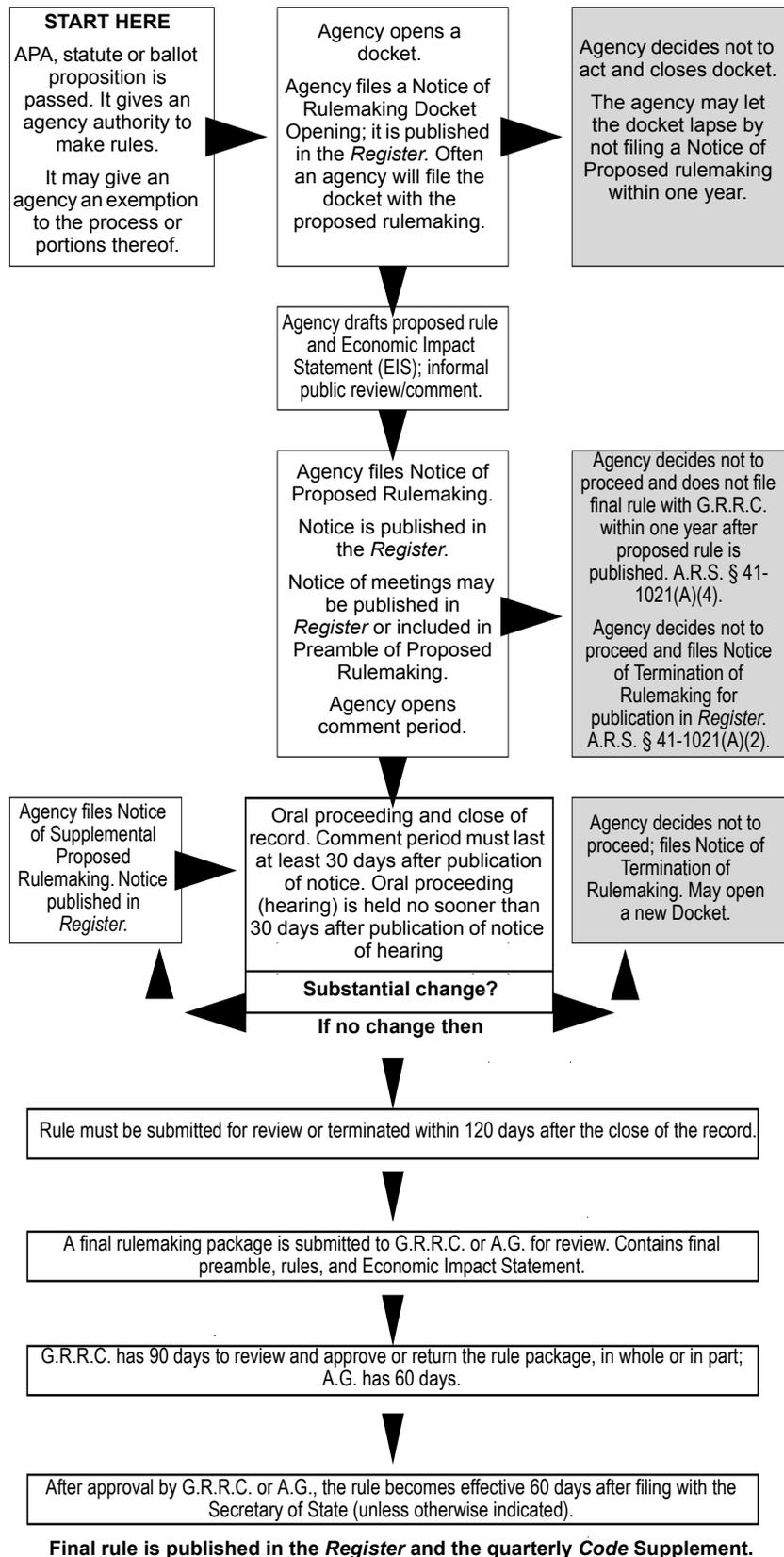
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

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.



NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemakings.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency the promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 13. PUBLIC SAFETY

CHAPTER 4. ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD

[R15-161]

PREAMBLE

- | <u>1. Articles, Parts, and Sections Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R13-4-101 | Amend |
| R13-4-102 | Amend |
| R13-4-103 | Amend |
| R13-4-104 | Amend |
| R13-4-105 | Amend |
| R13-4-106 | Amend |
| R13-4-107 | Amend |
| R13-4-108 | Amend |
| R13-4-109 | Amend |
| R13-4-109.01 | Amend |
| R13-4-110 | Amend |
| R13-4-111 | Amend |
| R13-4-112 | Amend |
| R13-4-114 | Amend |
| R13-4-116 | Amend |
| R13-4-117 | Amend |
| R13-4-118 | Amend |
| R13-4-201 | Amend |
| R13-4-202 | Amend |
| R13-4-203 | Amend |
| R13-4-204 | Amend |
| R13-4-205 | Amend |
| R13-4-206 | Amend |
| R13-4-208 | Amend |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 41-1822(A) and (B)
 Implementing statute: A.R.S. § 41-1822(A)(3)-(A)(4); (B)(1)-(B)(3); and (C)(1)
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Rulemaking Docket Opening: 21 A.A.R. 2784, November 13, 2015 (*in this issue*).



4. The agency's contact person who can answer questions about the rulemaking:

Name: Lyle Mann, Executive Director
Address: 2643 E. University
Phoenix, AZ 85034
Telephone: (602) 774-9350
Fax: (602) 244-0477
E-mail: lmann@azpost.gov
Web site: www.azpost.gov

5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

In response to a Five-year Review Report approved by the Council on June 7, 2011, and statutory changes (See Laws 2011, Chapter 303), the Board is updating its rules to make them consistent with statute, agency practice, and current rule-writing standards.

An exemption from Executive Order 2015-01 was provided to the Department by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated July 29, 2015.

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:

None

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 Board believes the following changes made in this rulemaking will have minimal economic impact:

- Clarifying the difference between an individual who is appointed to an academy and one who attends an academy as an open enrollee;
- Clarifying that an outside provider of training may provide only continuing training;
- Deleting reference to a limited correctional peace officer;
- Simplifying the medical assessment of whether an individual is able to perform the essential functions of the job of peace officer;
- Adding three grounds for denial, suspension, or revocation of certification;
- Adding that certification as a specialty or limited-authority peace officer requires passing relevant portions of the comprehensive final examination;
- Adding a report regarding criminal convictions or pleas by peace officers; and
- Deleting salary as a reimbursable training expense.

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

Name: Lyle Mann, Executive Director
Address: 2643 E. University
Phoenix, AZ 85034
Telephone: (602) 774-9350
Fax: (602) 244-0477
E-mail: lmann@azpost.gov
Web site: www.azpost.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:

An oral proceeding regarding the proposed rules will be held as follows:

Date: Tuesday, December 15, 2015
Time: 12:00 p.m.
Location: 2643 E. University
Phoenix, AZ 85034

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:

A.R.S. § 41-1823 requires that a rule establishing a minimum qualification for law enforcement officers not be



effective until six months after being filed with the Secretary of State. This provision applies to R13-4-103, R13-4-105, R13-4-107, R13-4-110, and R13-4-111.

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:

The Board certifies individuals as qualified to perform the functions of a peace officer. This is a general permit because the activities and practices of peace officers are substantially similar in nature.

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:

No federal law is directly applicable to the subject of these rules. There are many federal laws that apply to law enforcement agencies and the work done by peace officers. These include general laws such as OSHA, EEOC, and ADA, federal laws regarding crimes, and federal case law regarding law enforcement. The training provided to peace officers is consistent with federal law.

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 13. PUBLIC SAFETY

CHAPTER 4. ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD

ARTICLE 1. GENERAL PROVISIONS

Section

- R13-4-101. Definitions
- R13-4-102. Internal Organization and Control of the Board
- R13-4-103. Certification of Peace Officers
- R13-4-104. Peace Officer Category Restrictions
- R13-4-105. Minimum Qualifications ~~for Appointment~~
- R13-4-106. Background Investigation Requirements
- R13-4-107. Medical Requirements
- R13-4-108. Agency Records and Reports
- R13-4-109. Denial, Revocation, Suspension, or Cancellation of Peace Officer Certified Status
- R13-4-109.01. Restriction of Certified Peace Officer Status: Training or Qualification Deficiencies
- R13-4-110. Basic Training Requirements
- R13-4-111. Certification Retention Requirements
- R13-4-112. ~~Time frames~~ Time Frames
- R13-4-114. Minimum Course Requirements
- R13-4-116. Academy Requirements
- R13-4-117. Training Expense Reimbursements
- R13-4-118. Hearings; Rehearings

ARTICLE 2. CORRECTIONAL OFFICERS

Section

- R13-4-201. Definitions
- R13-4-202. Uniform Minimum Standards
- R13-4-203. Background Investigation
- R13-4-204. Records and Reports
- R13-4-205. Basic Training Requirements
- R13-4-206. Field Training and Continuing Training Including Firearms Qualification
- R13-4-208. Re-employment of State Correctional Officers

ARTICLE 1. GENERAL PROVISIONS

R13-4-101. Definitions

In this Article, unless the context otherwise requires:

“Academy” means an entity that conducts the Board-prescribed basic training courses for full-authority, specialty, or limited-authority peace officers.

“Agency” means a law enforcement entity empowered by the state of Arizona.

“Appointment” means the selection by an agency of ~~a person~~ an individual to be a peace officer or peace officer trainee.

“Approved training program” means a course of instruction that meets Board-prescribed course requirements.



- “Board” means the Arizona Peace Officer Standards and Training Board.
- “Board-trained physician” means an occupational medicine specialist or a physician who has attended a Board course on peace officer job functions.
- “Cancellation” means the annulment of certified status without prejudice to reapply for certification.
- “Certified” means approved by the Board as being in compliance with A.R.S. Title 41, Chapter 12, Article 8 and this Chapter.
- “CFE” means the Board-approved Comprehensive Final Examination that measures mastery of the knowledge and skills taught in the 585-hour full-authority peace officer basic training course.
- “Denial” means the permanent refusal of the Board to grant certified status.
- “Dangerous drug or narcotic” means a substance identified in A.R.S. § 13-3401 as being a dangerous drug or narcotic drug.
- “Experimentation” means the illegal possession or use of marijuana or a dangerous drug or narcotic as described in R13-4-105(B) and (C).
- “Full-authority peace officer” means a peace officer whose authority to enforce the laws of this state is not limited by this Chapter.
- “Illegal” means in violation of federal or state statute, rule, or regulation.
- “Lapse” means the expiration of certified status.
- “Limited-authority peace officer” means a peace officer who is certified to perform the duties of a peace officer only in the presence and under the supervision of a full-authority peace officer.
- ~~“Limited correctional peace officer” means a peace officer who has authority to perform the duties of a peace officer only while employed by and on duty with the Arizona Department of Corrections, and only for the purposes of guarding, transporting, or pursuing persons under the jurisdiction of the Arizona Department of Corrections.~~
- “Open enrollee” means an individual who is admitted to an academy but is not appointed by an agency.
- “Outside provider” means an entity other than the Board or an agency that makes continuing training available to peace officers.
- “Peace officer” has the meaning in A.R.S. § 1-215.
- “Peace officer trainee” means ~~a person~~ an individual recruited and appointed by an agency to attend an academy.
- “Physician” means ~~a person~~ an individual licensed to practice allopathic or osteopathic medicine in this or another state.
- “Restriction” means the Board’s limitation on duties allowed to be performed by a certified peace officer.
- “Revocation” means the permanent withdrawal of certified status.
- “Service ammunition” means munitions that perform equivalently in all respects when fired during training or qualification to those carried on duty by a peace officer.
- “Service handgun” means the specific handgun or equivalent that a peace officer carries for use on duty.
- “Specialty peace officer” means a peace officer whose authority is limited to enforcing specific sections of the Arizona Revised Statutes or Arizona Administrative Code, as specified by the appointing agency’s statutory powers and duties.
- “Success criteria” means a numerical statement that establishes the performance needed for ~~a person~~ an individual to demonstrate competency in a knowledge, task, or ability required by this Chapter.
- “Suspension” means the temporary withdrawal of certified status.
- “Termination” means the end of employment or service with an agency as a peace officer through removal, discharge, resignation, retirement, or otherwise.

R13-4-102. Internal Organization and Control of the Board

- A. Scheduled meetings. The Chair, in consultation with the Board, shall set regular meeting dates of the Board ~~and shall post notice of each regular meeting according to A.R.S. § 38-431.02.~~
- ~~B. Meeting agenda. Items to be placed on the agenda for Board consideration shall be submitted no later than 20 days before the scheduled meeting.~~
- ~~C. B. Special meetings. Except in the case of an emergency meeting declared by the Governor or the Chair, the Chair shall give at least five days’ written notice of a special meeting to each member of the Board and shall post notice of the special meeting according to A.R.S. § 38-431.02.~~
- ~~D. C. Subcommittees. The Chair may appoint subcommittees to inquire into any matter of Board interest. Each subcommittee shall report its findings, conclusions, and recommendations to the Board, in a manner directed by the Chair.~~

R13-4-103. Certification of Peace Officers

- A. Certified status mandatory. ~~A person~~ An individual who is not certified by the Board or whose certified status is inactive shall not function as a peace officer or be assigned the duties of a peace officer by an agency, except as provided in subsection (B).
- B. Sheriffs who are elected are exempt from the requirement of certified status.
- C. ~~A person~~ An individual shall satisfy the minimum qualifications and training requirements to receive certified status.
- D. Peace officer categories. The categories for which certified status may be granted are:
 1. Full-authority peace officer,



2. Specialty peace officer, and
 3. Limited-authority peace officer, ~~and~~
 4. ~~Limited correctional peace officer.~~
- E.** Application for certification. ~~A person~~ An individual who seeks to be certified as a peace officer shall make application as follows:
1. Submit to an agency an application that contains all documents required by R13-4-105, R13-4-106(A) and (B), and R13-4-107;
 2. Obtain an appointment from ~~an~~ the agency; and
 3. Obtain either a certificate of graduation from a Board-prescribed Peace Officer Basic Course or a certificate of successful completion of the waiver of training process prescribed by R13-4-110(D).
- F.** An open enrollee shall obtain an appointment from an agency within one year after graduating from a Board-prescribed Peace Officer Basic Course.
1. If more than one year but less than three years elapse after graduation from a Board-prescribed Peace Officer Basic Course before an open enrollee obtains an appointment from an agency, the open enrollee shall again take the CFE required under R13-4-110 and satisfactorily perform the practical demonstrations of proficiency in physical conditioning, vehicle operations, pursuit operations, and firearms, including firearms qualifications, as required under R13-4-116(E)(1).
 2. If more than three years elapse after graduation from a Board-prescribed Peace Officer Basic Course, an open enrollee shall again take the Board-prescribed Peace Officer Basic Course before obtaining an appointment from an agency.
- F.G.** ~~Establishment~~ Establishing or enforcement of enforcing qualifications, standards, or training requirements. The Board may waive in whole or in part any provision of this Article upon a finding that the best interests of the law enforcement profession are served and the public welfare and safety is not jeopardized by the waiver. The Board may place restrictions or requirements on a peace officer as a condition of certified status.
- G.H.** This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

R13-4-104. Peace Officer Category Restrictions

- A.** Limited-authority peace officer.
1. A limited-authority peace officer shall be in the presence and under the supervision of a full-authority peace officer when engaged in patrol or investigative activities performed to detect, prevent, or suppress crime, or to enforce criminal or traffic laws of the state, county, or municipality.
 2. A limited-authority peace officer may perform the following duties without supervision of a full-authority peace officer:
 - a. Directing traffic, ~~or assisting with crowd control;~~ or
 - b. Assisting with crowd control; ~~or~~
 - ~~b-c.~~ Maintaining public order in the event of riot, insurrection, or disaster.
- B.** ~~Limited correctional peace officer. A limited correctional peace officer shall not engage in high speed vehicular pursuit operations.~~ Specialty peace officer. A specialty peace officer has only the authority specified in R13-4-101.
- C.** Peace officer category change. A certified peace officer may be appointed to another peace officer category within the same agency without the background investigation, ~~finger~~ print check, and medical examination required in R13-4-105, R13-4-106, and R13-4-107 when these requirements were previously satisfied for appointment if:
1. No more than 30 days have elapsed since the peace officer's termination, and
 2. The change is to a category for which the officer is qualified under R13-4-110(A).
- D.** Inactive status. Certified status of a peace officer becomes inactive upon termination.
- E.** Lapse of certified status. ~~Certified status of a peace officer lapses after~~ After three consecutive years on inactive status, ~~the certified status of a peace officer lapses.~~
- F.** Reinstatement from inactive status. A peace officer whose certified status is inactive and has not lapsed may have certification reinstated if the requirements of R13-4-105 are met for the new appointment, and if appointed:
1. In the same peace officer category, or;
 2. As a specialty peace officer from inactive status as a full-authority peace officer.
- G.** Active status as a specialty, or limited-authority, ~~or limited correctional~~ peace officer does not prevent lapse of certified status as a full-authority peace officer.

R13-4-105. Minimum Qualifications for Appointment

- A.** Except as provided in subsection (C) or (D), ~~a person~~ an individual shall meet the following minimum qualifications before being appointed to or attending an academy:
1. Be a United States citizen;
 2. Be at least 21 years of age; ~~except that a person.~~ An individual may attend an academy if the ~~person~~ individual will be 21 years of age before graduating;
 3. ~~Be~~ Have a diploma from a high school graduate recognized by the department of education of the jurisdiction in which the diploma is issued, or have successfully completed a General Education Development (G.E.D.) examination, or have a degree from an institution of higher education accredited by an agency recognized by the U.S. Department of Education;



4. Undergo a complete background investigation that meets the standards of R13-4-106. ~~A person~~ An individual may begin an academy before the results of the ~~fingerpr**int** check background investigation~~ are returned. However, the academy shall not graduate the ~~person~~ individual and the Board shall not reimburse the academy for the ~~person's~~ individual's training expenses until a qualifying ~~fingerpr**int** check background investigation report return~~ is obtained;
 5. Undergo a medical examination that meets the standards of R13-4-107 within one year before appointment. An agency may make a conditional offer of appointment before the medical examination. If the medical examination is conducted more than 180 days before appointment, the ~~person~~ individual shall submit a written statement indicating that the ~~person's~~ individual's medical condition has not changed since the examination;
 6. Not have been convicted of a felony or any offense that would be a felony if committed in Arizona;
 7. Not have been dishonorably discharged from the United States Armed Forces;
 8. Not have been previously denied certified status, have certified status revoked, or have current certified status suspended, or have voluntarily surrendered certified status in lieu of possible disciplinary action in this or any other state if the reason for denial, revocation, suspension, or possible disciplinary action was or would be a violation of R13-4-109(A) if committed in Arizona;
 9. Not have illegally possessed, sold, produced, cultivated, or transported for sale marijuana;
 10. Not have illegally possessed or used marijuana for any purpose within the past three years;
 11. Not have ever illegally possessed or used marijuana other than for experimentation;
 12. Not have ever illegally possessed or used marijuana while employed or appointed as a peace officer;
 13. Not have illegally sold, produced, cultivated, or transported for sale a dangerous drug or narcotic;
 14. Not have illegally used a dangerous drug or narcotic, other than marijuana, for any purpose within the past seven years;
 15. Not have ever illegally used a dangerous drug or narcotic other than for experimentation;
 16. Not have ever illegally used a dangerous drug or narcotic while employed or appointed as a peace officer;
 17. Not have a pattern of abuse of prescription medication;
 18. Undergo a polygraph examination that meets the requirements of R13-4-106, unless prohibited by law;
 19. Not have been convicted of or adjudged to have violated traffic regulations governing the movement of vehicles with a frequency within the past three years that indicates a disrespect for traffic laws or a disregard for the safety of other persons on the highway;
 20. Read the code of ethics in subsection (F) ~~(E)~~ and affirm by signature the ~~person's individual understanding of~~ understands and agreement agrees to abide by the code.
- B.** The illegal possession or use of marijuana, or a dangerous drug or narcotic is presumed to be not for experimentation if:
1. The possession or use of marijuana exceeds a total of 20 times or exceeds five times since the age of 21 years; or
 2. The use of any dangerous drug or narcotic, other than marijuana, in any combination exceeds a total of five times, or exceeds one time since the age of 21 years.
- C.** An agency head who wishes to appoint ~~a person~~ an individual whose illegal possession or use of marijuana or a dangerous drug or narcotic is presumed to be not for experimentation under this Section may petition the Board for a determination that, given the unique circumstances of the ~~person's~~ individual's possession or use, the use was for experimentation. The petition shall:
1. Specify the type of drugs illegally possessed or used, the number of uses, the age at the time of each possession or use, the method by which the information regarding illegal possession or use of drugs came to the agency's attention, and any attempt by the agency head to verify the accuracy of the information; and
 2. State the factors the agency head wishes the Board to consider in making its determination. These factors may include:
 - a. The duration of use,
 - b. The motivation for possession or use,
 - c. The time elapsed since the last possession or use,
 - d. How the drug was obtained,
 - e. How the drug was ingested,
 - f. Why the ~~person~~ individual stopped possessing or using the drug, and
 - g. Any other factor the agency head believes is relevant to the Board's determination.
- D.** An agency head who wishes to appoint ~~a person~~ an individual whose conduct is grounds to deny certification under R13-4-109 may petition the Board for a determination that the otherwise disqualifying conduct constitutes juvenile indiscretion. The petition shall:
1. Specify the nature of the conduct, the number of times the conduct occurred, the method by which information regarding the conduct came to the agency's attention, and any attempt by the agency head to verify the accuracy of the information; and
 2. Include sufficient information for the Board to determine that all of the following are true:
 - a. The conduct occurred when the ~~person~~ individual was less than age 18;
 - b. The conduct occurred more than 10 years before application for appointment;



- c. The ~~person~~ individual has consistently exhibited responsible, law-abiding behavior between the time of the conduct and application for appointment;
 - d. There is reason to believe that the ~~person's~~ individual's immaturity at the time of the conduct contributed substantially to the conduct;
 - e. There is evidence that the ~~person's~~ individual's maturity at the time of application makes reoccurrence of the conduct unlikely; and
 - f. The conduct was not so egregious that public trust in the law enforcement profession would be jeopardized if the ~~person~~ individual is certified.
3. If the Board finds that the information submitted is sufficient for the Board to determine that the factors listed in subsection (D)(2) are true, the Board shall determine that the conduct constituted juvenile indiscretion and grant appointment.
- ~~E.~~ For a limited correctional peace officer, previous completion of a background investigation conducted under R13-4-203 and a physical examination conducted under R13-4-202(A)(6) satisfies the requirements of this Section when there has been no interruption of employment by the agency, except that:
- 1. The limited correctional peace officer shall submit to a polygraph examination as required by subsection (A)(18); and
 - 2. The agency shall query the National Crime Information Center/Interstate Identification Index (NCIC/III), and the Arizona Criminal Information Center/Arizona Computerized Criminal History (ACIC/ACCH) and review the returns to determine that the person meets the requirements of this Section.
- ~~F.E.~~ Code of Ethics. Because the people of the state of Arizona confer upon all peace officers the authority and responsibility to safeguard lives and property within constitutional parameters, a peace officer shall commit to the following Code of Ethics and shall affirm the peace officer's commitment by signing the Code.
- "I will exercise self-restraint and be constantly mindful of the welfare of others. I will be exemplary in obeying the laws of the land and loyal to the state of Arizona and my agency and its objectives and regulations. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept secure unless revelation is necessary in the performance of my duty.
- I will never take selfish advantage of my position and will not allow my personal feelings, animosities, or friendships to influence my actions or decisions. I will exercise the authority of my office to the best of my ability, with courtesy and vigilance, and without favor, malice, ill will, or compromise. I am a servant of the people and I recognize my position as a symbol of public faith. I accept it as a public trust to be held so long as I am true to the law and serve the people of Arizona."
- ~~G.F.~~ This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

R13-4-106. Background Investigation Requirements

- A. Personal history statement. ~~A person~~ An individual who seeks to be appointed shall complete and submit to the appointing agency a personal history statement on a form prescribed by the Board before the start of a background investigation. ~~The Board shall use the history statement shall contain~~ answers to questions contained in the personal history statement that aid in determining to determine whether the ~~person~~ individual is eligible for certified status as a peace officer. ~~The Board shall ensure that the questions shall concern~~ whether the ~~person~~ individual meets the minimum requirements for appointment, has engaged in conduct or a pattern of conduct that would jeopardize the public trust in the law enforcement profession, and is of good moral character.
- B. Investigative requirements for the applicant. To assist with the background investigation, ~~a person~~ an individual who seeks to be appointed shall provide the following:
- 1. Proof of United States citizenship. A copy of a birth certificate, United States passport, or United States naturalization papers is acceptable proof.
 - 2. Proof of education. A copy of a diploma, certificate, or transcript is acceptable proof.
 - 3. Record of any military discharge. A copy of the Military Service Record (DD Form 214, Member 4) is acceptable proof.
 - 4. Personal references. The names and addresses of at least three people who can provide information as personal references.
 - 5. Previous employers or schools attended. The names and addresses of all employers and schools attended within the previous five years.
 - 6. Residence history. ~~A listing of the~~ The complete address for every location ~~that at which~~ the ~~person~~ individual has lived in the last five years.
- C. Investigative requirements for the agency. A complete background investigation includes the following inquiries and a review of the returns to determine that the ~~person~~ individual seeking appointment meets the requirements of R13-4-105, and that the ~~person's~~ individual's personal history statement is accurate and truthful. For each ~~person~~ individual seeking to be appointed, the appointing agency shall:
- 1. Query all the law enforcement agency records in jurisdictions listed in subsections (B)(5) and (B)(6);
 - 2. Query the motor vehicle division driving record from any state listed in subsections (B)(5) and (B)(6);
 - 3. Complete and submit a Fingerprint Card Inventory Sheet to the Federal Bureau of Investigation and Arizona Department of Public Safety for query;



4. Query the National Crime Information Center/Interstate Identification Index (NCIC/III), and the Arizona Criminal Information Center/Arizona Computerized Criminal History (ACIC/ACCH), or the equivalent for each state listed in subsections (B)(5) and (B)(6);
5. Contact all personal references and employers listed in subsections (B)(4) and (B)(5) and document the answers to inquiries concerning whether the ~~person~~ individual meets the standards of this Section;
6. Administer a polygraph examination, unless prohibited by law. The results shall include a detailed report of the pre-test interview and any post-test interview and shall cover responses to all questions that concern minimum standards for appointment as required by R13-4-105, truthfulness on the personal history statement, and the commission of any crimes; and
7. If the results of the background investigation show that the ~~person~~ individual meets minimum qualifications for appointment, has not engaged in conduct or a pattern of conduct that would jeopardize public trust in the law enforcement profession, and is of good moral character, complete a report that attests to those findings.

R13-4-107. Medical Requirements

- ~~A. Medical Categories. The medical categories for certification are: physical, and mental eligibility for certification.~~
1. ~~Category I. No medical, physical, or mental circumstance exists that limits the person's ability to effectively perform all the duties of a peace officer or creates a reasonable probability of substantial harm to the person or others; An agency may appoint an individual if the individual meets the minimum qualifications in R13-4-105 and is able to perform all the essential functions of the job of peace officer effectively, with or without reasonable accommodation, without creating a reasonable probability of substantial harm to the individual or others.~~
 2. ~~Category II. A medical, physical, or mental circumstance exists that absent a reasonable accommodation by the appointing agency would limit the person's ability to effectively perform all the duties of a peace officer or create a reasonable probability of substantial harm to the person or others; and If an agency wishes to appoint an individual who is unable to perform all the essential functions of the job of peace officer effectively, the agency may seek a restricted certification for the individual. The Board shall determine whether placing restrictions or requirements on the individual as a condition of certification will enable the individual to perform the essential functions authorized within the restriction without creating a reasonable probability of harm to the individual or others.~~
 3. ~~Category III. A medical, physical, or mental circumstance exists that despite reasonable accommodation by the appointing agency limits the person's ability to effectively perform all the duties of a peace officer or creates a reasonable probability of substantial harm to the person or others.~~
- ~~B. Eligibility for certified status Medical examination process.~~
1. ~~Category I. A person in Category I may be appointed if the person meets all other qualifications. Medical history. An individual applying to be appointed shall provide to the examining, board-trained, physician a written statement of the individual's medical history that includes past and present diseases, illnesses, symptoms, conditions, injuries, functionality, surgeries, procedures, immunizations, medications, and psychological information.~~
 2. ~~Category II. If an agency chooses to make the required accommodation and appoint a person in Category II, and the examination was made by a Board-trained physician, the appointment may be made without further action by the Board. However, if the examining physician has not been trained by the Board, a medical review under subsection (H) by a Board-trained physician is required to determine eligibility for certified status. If the Board-trained physician agrees with the finding of the other physician, the appointment may be made without further action by the Board. Medical examination.~~
 - a. ~~The examining, board-trained, physician shall not delegate any part of the medical examination process to another person;~~
 - b. ~~The examining, board-trained, physician shall review the medical history statement and take an additional verbal history from the applicant;~~
 - c. ~~The examining, board-trained, physician shall conduct a physical examination consistent with the standard of care for occupational medical examinations;~~
 - d. ~~The examining, board-trained, physician shall order tests, obtain medical records, and require specialist or functional examinations and evaluations that the examining physician deems necessary to determine the applicant's ability to perform all the essential functions of the job of peace officer;~~
 - e. ~~The examining, board-trained, physician shall make a report to the agency and provide a:~~
 - i. ~~Summary of the examination;~~
 - ii. ~~Description of any significant medical findings;~~
 - iii. ~~Description of any limitation to the ability to perform the essential functions of the job of a peace officer; and~~
 - iv. ~~Medical opinion about the applicant's ability to perform the essential functions of the job of peace officer, with or without reasonable accommodations; and~~
 - f. ~~The examining, board-trained, physician shall consult with the agency, upon request, about the report and the efficacy of any accommodations the agency deems reasonable.~~
 3. ~~Category III. If an agency wishes to appoint a person in Category III, the agency shall submit a letter to the Board asking for a determination of eligibility for certification. The letter shall include a report from a Board-trained phy-~~



physician identifying the medical limitations and the proposed accommodations. The Board shall determine the person's eligibility for certified status, based upon whether the appointing agency is able to make reasonable accommodations, and whether by placing restrictions or requirements on the person as a condition of certified status under R13-4-103(F), the person is able to perform the duties authorized within the restriction without endangering the person or others.

- C.** Medical, physical, or mental circumstances in Category II and Category III include:
1. Angina pectoris;
 2. Asthma;
 3. Cancer—metastatic or leukemia;
 4. Cardiac arrhythmias or murmurs;
 5. Cerebral vascular accident;
 6. Chest pains of unknown origin;
 7. Contagious hepatitis;
 8. Contagious tuberculosis;
 9. Chronic respiratory disease;
 10. Diabetes, insulin dependent or ketosis prone;
 11. Fixation of major joint;
 12. Hearing not specified in subsection (D);
 13. Herniated lumbar disc;
 14. Hypertension, uncontrolled;
 15. Inguinal hernia;
 16. Liver or renal dysfunction;
 17. Migraine headache;
 18. Myocardial infarction, history of;
 19. Paralysis;
 20. Pilonidal cyst;
 21. Prosthetic device, e.g., limbs, hearing aid, colostomy;
 22. Recurrent dislocation of a major joint;
 23. Schizophrenia or manic depressive psychosis;
 24. Scoliosis greater than 15 degrees;
 25. Seizure disorders;
 26. Current substance abuse;
 27. Valvular heart disease, uncorrected;
 28. Vision not specified in subsection (D) or monocular vision;
 29. Wasting disease, chronic, such as multiple sclerosis, myasthenia gravis, or amyotrophic lateral sclerosis; and
 30. Any other medical, physical, or mental circumstance that the examining physician determines may interfere with the person's ability to function as a peace officer effectively or may create a reasonable probability of substantial harm to the person or others.
- D.** Vision and hearing. Vision and hearing meeting the following requirements are classified in Category I:
1. Visual acuity of:
 - a. 20/20 or better uncorrected;
 - b. 20/20 or better, corrected by spectacles or hard contact lenses, if uncorrected acuity is 20/80 or better. The applicant shall demonstrate satisfactory adaptation to the contact lenses; or
 - c. 20/20 or better, corrected by soft contact lenses, if the uncorrected acuity is 20/200 or better. The applicant shall demonstrate satisfactory adaptation to the contact lenses;
 2. Vision capable of distinguishing basic color groups against a favorable background.
 3. Peripheral vision:
 - a. That does not reveal scotoma or quadrantonopia; or
 - b. In which vision perimeter testing is intact at 170 degrees; and
 4. Uncorrected hearing with no loss greater than 25 db in the 500, 1000, 2000, or 3000 hertz frequencies as measured by an audiometer.
- E.** Medical history. A person who seeks to be appointed shall supply to the examining physician a statement of the person's medical history that includes past and present diseases, injuries, operations, immunization status, and medications taken.
- F.** Medical examination. The examining physician shall review the person's medical history and examine the person.
- G.** Examination report. The examining physician shall record the findings of the medical examination on a form prescribed by the Board. The physician shall indicate whether a medical, physical, or mental circumstance in Category II or III exists, describe how the circumstance affects the person's ability to perform the duties of a peace officer, and specify the type and duration of any treatment required. In all Category II or III cases, the physician shall advise the appointing agency in writing of any limitation on the person's ability to function as a peace officer.
- H.** Category II and Category III reviews. The diagnosis of a person with a circumstance classified in Category II or Category III by an examining physician who is not Board trained shall be reviewed by a Board-trained physician if the



agency intends to appoint the person. The Board-trained physician may review prior medical examination reports concerning the person and contact examining physicians to review their findings. If required by the Board-trained physician, an independent medical examination shall be conducted, if the agency wishes to appoint the person, and the person shall be referred to a specialist in the appropriate medical field.

~~I.~~ Additional findings. The appointing agency may submit to the Board results of additional examinations or tests, or obtain additional opinions from other licensed physicians.

~~J-C.~~ This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

R13-4-108. Agency Records and Reports

A. Agency reports. On forms prescribed by the Board, an agency shall submit:

1. A report by the agency head attesting that the requirements of R13-4-105 are met for each ~~person~~ individual appointed. The report shall be submitted to the Board before ~~a person~~ an individual attends an academy or performs the duties of a peace officer.
2. A report of the termination of a peace officer. The report shall be submitted to the Board within 15 days of the termination and include:
 - a. The nature of the termination and effective date;
 - b. A detailed description of any termination for cause; and
 - c. A detailed description of, and supporting documentation for, any cause existing for suspension or revocation of certified status.
3. A report that a peace officer was convicted of or pleaded no contest to a misdemeanor or felony in any jurisdiction. The report shall be submitted to the Board within 10 days after the agency knows of the conviction or plea and include court documentation, if available.

B. Agency records. An agency shall make its records available ~~upon the~~ on request ~~of~~ by the Board or staff. The agency shall maintain the following for each ~~person~~ individual for whom certification is sought:

1. An application file that contains all of the information required in R13-4-103(E) and R13-4-106(C) for each ~~person~~ individual appointed for certification as a peace officer;
2. A copy of reports submitted under subsection (A);
3. A signed copy of the affirmation to the Code of Ethics required under R13-4-105;
4. A written report of the results of a completed or partially completed background investigation and all written documentation obtained or recorded under R13-4-106;
5. A completed medical report required under ~~R13-4-105~~ R13-4-107; and
6. A record of all continuing training, proficiency training, and firearms qualifications conducted under R13-4-111.

C. Record retention. An agency shall maintain the records required by this Section as follows:

1. For applicants investigated under R13-4-106 who are not appointed: three years;
2. For applicants who are appointed: five years from the date of termination, except records retained under subsection (B)(6) shall be retained for three years following completion of training; and
3. Reports of a polygraph examination given under R13-4-106(C)(6) shall be maintained in accordance with state law.

R13-4-109. Denial, Revocation, Suspension, or Cancellation of Peace Officer Certified Status

A. Causes for denial, suspension, or revocation. The Board may deny certified status or suspend or revoke the certified status of a peace officer for:

1. ~~Failure~~ Failing to satisfy a minimum qualification for appointment listed in R13-4-105;
2. Willfully providing false information in connection with obtaining or reactivating certified status;
3. ~~A~~ Having a medical, physical, or mental disability that substantially limits the ~~person's~~ individual's ability to perform the duties of a peace officer effectively, or that may create a reasonable probability of substantial harm to the ~~person~~ individual or others, for which a reasonable accommodation cannot be made;
4. ~~Violation of~~ Violating a restriction or requirement for certified status imposed under R13-4-109.01, ~~or~~ R13-4-103(F) (G), or R13-4-104;
5. ~~The illegal use of~~ Illegally possessing or using marijuana, a dangerous drug, or a narcotic;
6. ~~Unauthorized use of~~ Using or being under the influence of spirituous liquor on duty without authorization;
7. ~~The commission of~~ Committing a felony, an offense that would be a felony if committed in this state, or an offense involving dishonesty, unlawful sexual conduct, or physical violence;
8. ~~Malfesance~~ Committing malfesance, misfeasance, or nonfeasance in office;
9. ~~Performing the duties or exercising the authority of a peace officer without having active certified status;~~
10. Making a false or misleading statement, written or oral, to the Board or its representative;
11. Failing to furnish information in a timely manner to the Board or its representative on request;
- 9-12. ~~Any~~ Engaging in any conduct or pattern of conduct that tends to disrupt, diminish, or otherwise jeopardize public trust in the law enforcement profession.

B. Cause for cancellation. The Board shall cancel the certified status of a peace officer if the Board determines that the ~~per-~~ son individual was not qualified when certified status was granted, and revocation is not warranted under subsection (A).

C. Cause for mandatory revocation. Upon the receipt of a certified copy of a judgment of a felony conviction of a peace officer, the Board shall revoke certified status of the peace officer.



- D. Action by the Board. Upon receipt of information that cause exists to deny certification, or to cancel, suspend, or revoke the certified status of a peace officer, the Board shall determine whether ~~action is to be initiated~~ initiate action regarding the retention of certified status. The Board may conduct additional inquiries or investigations to obtain sufficient information to make a fair determination.
- E. Notice of action. The Board shall notify the affected ~~person~~ individual of Board action to initiate proceedings regarding certified status for a cause listed under subsection (A) or (B). The notice shall be served as required by A.R. S. § 41-1092.04; and specify the cause for the action. Within 30 days ~~of delivery~~ after receiving the notice, the ~~person~~ individual named in the notice shall advise the Board or its staff in writing whether a hearing is requested. Failure to file a written request for hearing at the Board offices within 30 days ~~of service of~~ after receiving the notice constitutes a waiver of the right to a hearing.
- F. Effect of agency action. Action by an agency or a decision resulting from an appeal of that action does not preclude action by the Board to deny, cancel, suspend, or revoke the certified status of a peace officer.

R13-4-109.01. Restriction of Certified Peace Officer Status: Training or Qualification Deficiencies

- A. Restricted status. The Board shall restrict certified status if a peace officer fails to satisfy the requirements of R13-4-111.
 1. The Board shall consider reports of training or qualification deficiencies at a regularly scheduled public meeting and provide a peace officer alleged to have a training or qualification deficiency the opportunity to be heard without referral to an independent hearing officer. ~~The issue at~~ At the public meeting, the Board shall be restricted to determine only whether the peace officer has successfully completed the required training or qualification and can produce documentation to verify it.
 2. ~~A~~ The Board shall leave a restriction ~~shall remain~~ in effect until the training or qualification requirement is met and the peace officer files written verification of the training or qualification with the Board.
 3. The Board shall provide notice of ~~action and hearing~~, restriction or reinstatement following a restriction under this Section by regular mail to the peace officer at the employing agency address. The Board shall provide a copy of the restriction or reinstatement notice by regular mail to the agency head.
- B. Firearms qualification. If a peace officer fails to satisfy R13-4-111(C), the peace officer shall not carry or use a firearm on duty.
- C. Continuing and proficiency training. If a peace officer fails to satisfy R13-4-111(A) or (B), the peace officer shall not engage in enforcement duties, carry a firearm, wear or display a badge, wear a uniform, make arrests, perform patrol functions, or operate a marked police vehicle.

R13-4-110. Basic Training Requirements

- A. Required training for certified status. The Board shall not certify and ~~a person~~ an individual shall not perform the duties of a peace officer until the ~~person~~ individual successfully completes basic training as follows:
 1. To be certified as a full-authority peace officer, ~~a person~~ an individual shall complete the 585-hour full-authority peace officer basic training course, specified in R13-4-116, at an academy and pass the CFE.
 - a. Board staff shall administer the CFE.
 - b. The Board shall ensure that the CFE is administered during the final two weeks of the full-authority peace officer basic training course.
 - c. ~~A person~~ An individual passes the CFE by achieving a score of at least 70 percent on each of the three blocks of the CFE when each block is scored separately.
 - d. ~~A person~~ An individual who fails one or more blocks of the CFE may retake the failed block one time before the ~~person~~ individual is scheduled to graduate from the academy.
 - e. ~~A person~~ An individual who fails a retake of a block of the CFE, as described in subsection (A)(1)(d), may retake the failed block once more within 60 days from the original testing date if the ~~person~~ individual remains appointed by the original appointing agency or enrolled in the academy.
 - f. ~~A person~~ An individual who fails a second retake of a block of the CFE, as described in subsection (A)(1)(e), may pursue certification only by repeating the 585-hour full-authority peace officer basic training course.
 - g. An agency head is not required to continue to appoint ~~a person~~ an individual during the 60 days permitted for a second retake of a failed block of the CFE, as described in subsection (A)(1)(e).
 2. To be certified as a specialty peace officer, ~~a person~~ an individual shall complete a Board-prescribed specialty peace officer basic training course or the 585-hour full-authority peace officer basic training course, specified in R13-4-116, at an academy and pass blocks of the CFE prescribed under subsection (A)(1) that are relevant to the duties of a specialty peace officer.
 3. To be certified as a limited-authority peace officer, ~~a person~~ an individual shall complete a Board-prescribed limited-authority peace officer basic training course or the 585-hour full-authority peace officer basic training course, specified in R13-4-116, at an academy and pass blocks of the CFE prescribed under subsection (A)(1) that are relevant to the duties of a limited-authority peace officer.
 4. ~~To be certified as a limited correctional peace officer, a person shall complete the correctional officer basic training course specified in R13-4-205 and the 48-hour limited correctional peace officer supplement course specified in R13-4-116, at the Arizona correctional officer training academy.~~
- B. Exceptions. The training requirement in subsection (A) is waived when an agency uses ~~a person~~ an individual during a:



1. Riot, insurrection, disaster, or other event that exhausts the peace officer resources of the agency and the ~~person~~ individual is attending an academy; or
 2. Field training program that is a component of a basic training program at an academy, and the ~~person~~ individual is under the direct supervision and control of a certified peace officer.
- C. Firearms training required.
- ~~1. Unless otherwise specified in this Section, a peace officer shall complete the firearms qualification courses required in R13-4-116(E) before the peace officer carries a firearm in the course of duty.~~
 - ~~2. Before carrying a firearm in the course of duty, a limited correctional peace officer shall:~~
 - ~~a. Meet the requirements of R13-4-205, and~~
 - ~~b. Complete a night time firearms qualification shoot based on the course of fire, as described in R13-4-205.~~
- D. Waiver of required training. ~~A person~~ An agency, on behalf of an individual, may apply to the Board for a waiver of required training if the ~~person's~~ individual's certified status is lapsed or the ~~person~~ individual has functioned in the capacity of a peace officer in another state or for a federal law enforcement agency. The Board shall grant a complete or partial waiver of required training if the Board determines that the best interests of the law enforcement profession are served, the public welfare and safety are not jeopardized, and:
1. The appointing agency submits to the Board written verification of the ~~person's~~ individual's previous experience and training on a form prescribed by the Board;
 2. The ~~person~~ individual meets the minimum qualifications listed in R13-4-105;
 3. The ~~person~~ individual complies with the requirements of R13-4-103(E)(1);
 4. The appointing agency complies with the requirements of R13-4-106(C);
 5. The ~~person~~ individual successfully completes an examination measuring the ~~person's~~ individual's comprehension of the full-authority peace officer basic training course as follows:
 - a. If ~~during the last three years~~, the ~~person~~ individual has at least two years of active-status experience as a peace officer in another state or for a federal law enforcement agency during the last three years, has been on inactive status for no more than one year, and ~~the person~~ individual submits to the Board basic training and in-service training records that the Board determines demonstrate substantial comparability to Arizona's full-authority peace officer basic training course, the ~~person~~ individual shall pass ~~the portions~~ blocks II and IV of the CFE ~~covering legal and liability issues specific to Arizona;~~
 - b. If the ~~person's~~ individual's certification is lapsed, the ~~person~~ individual shall pass all blocks of the CFE; ~~or~~
 - c. If the ~~person's~~ individual's out-of-state or federal law enforcement experience does not meet the criterion in subsection (D)(5)(a), but the Board determines that the ~~person's~~ individual's basic training and in-service training records demonstrate substantial comparability to Arizona's full-authority peace officer basic training course, the ~~person~~ individual shall pass all blocks of the CFE; and
 - d. The provisions in subsections (A)(1)(c) through (f) apply to this subsection; and
 6. In addition to the examination required under subsection (D)(5), the ~~person~~ individual satisfactorily performs the practical demonstrations of proficiency in physical conditioning, vehicle operations, pursuit operations, and firearms, including firearms qualifications, as required under R13-4-116(E)(1).
- E. This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

R13-4-111. Certification Retention Requirements

- A. Continuing training required.
1. The following continuing training standards apply for a peace officer to retain certification:
 - a. A full-authority peace officer shall complete eight hours of continuing training each year beginning January 1; following the date the officer is certified.
 - b. A specialty; or limited-authority; ~~or limited correctional~~ peace officer shall complete eight hours of continuing training every three years beginning January 1; following the date the officer is certified.
 2. Continuing training course standards for peace officers. The provider of a continuing training course for peace officers shall ensure that:
 - a. The course curriculum consists of advanced or remedial instruction on one or more of the topic areas specified in R13-4-116(E)(1);
 - b. The instructor meets the requirements of R13-4-114(A)(2)(a) or (b);
 - c. An attendance verification certificate, which includes a statement that the provider believes the course meets the requirements of this Section, is given to each attendee for audit purposes;
 - d. If the training provider is an agency, an attendance roster and lesson plan or other information sufficient to determine compliance with this Section is made available upon request by the Board for Board audit;
 - e. If the training provider is an outside provider that does not seek confirmation that the course meets the requirements under subsection (A)(3)(c), a copy of the lesson plan or other information sufficient to determine compliance with this Section is given to each attendee; and
 - f. If the training provider is an outside provider that seeks and receives confirmation under subsection (A)(3)(c), a copy of the Board's written confirmation is distributed to each attendee.
 3. Training providers. Courses of continuing training may be conducted by the Board, an agency, or an outside provider.



- a. All Board-provided continuing training courses meet the requirements of this Section.
 - b. Agency-provided continuing training courses meet the requirements of this Section if all the requirements of subsection (A)(2) are met.
 - c. Outside-provider continuing training courses meet the requirements of this Section if all the requirements of subsection (A)(2) are met. The Board shall inform an outside provider in writing whether a continuing training course meets these requirements if a course package is submitted to the Board, before the training is conducted, that includes:
 - i. A description of the training course that allows the Board to determine whether the course contains advanced or remedial instruction on one or more of the topic areas specified in R13-4-116(E)(1);
 - ii. The name of the person, or if applicable, the institution or organization, providing the training with sufficient information to allow the Board to determine whether the requirements of R13-4-114(A)(2)(a) or (b) are met;
 - iii. A course schedule listing the number of instructional hours; and
 - iv. An attestation that the outside provider shall, upon request by the Board, make the lesson plan or other information sufficient to determine compliance with this Section available for Board audit, and shall ensure that the requirement of subsection (A)(2)(b) is met.
 - d. The Board's confirmation that a continuing training course conducted by an outside provider meets the requirements of this Section is not an evaluation of the content of the course. Rather, confirmation indicates only that the topic of the course is consistent with R13-4-116(E)(1). Confirmation is effective as long as the information submitted to the Board under subsection (A)(3)(c) is unchanged.
 - e. The Board shall withdraw confirmation that a continuing training course conducted by an outside provider meets the requirements of this Section if the Board receives information that the course content conflicts with the basic peace officer course content and the Board finds that the conflict creates an issue of public safety, liability, or ethics.
4. ~~A limited correctional peace officer satisfies the requirements of this Section by obtaining training that is:~~
- a. ~~Approved under R13-4-206;~~
 - b. ~~Provided by an instructor who meets the requirements of R13-4-205(C)(5), and~~
 - e. ~~On a topic area listed in R13-4-116(E)(4).~~
- ~~5-4.~~ Required records. A peace officer shall provide to the appointing agency a copy of all documents provided to the peace officer under subsection (A)(2)(c), (A)(2)(e), or (A)(2)(f). The appointing agency shall maintain the documents and make them available, upon request by the Board, for Board audit.
- B. Proficiency training required.**
1. To retain certification, a peace officer who is not in a supervisory position within the peace officer's appointing agency shall complete eight hours of proficiency training every three years beginning January 1, following the date the peace officer is certified.
 2. Proficiency training course standards. The provider of a proficiency training course for peace officers shall ensure that:
 - a. The training requires physical demonstration of one or more performance objectives included in the 585-hour full-authority peace officer basic training course under R13-4-116 and demonstration of the use of judgment in the application of the physical act;
 - b. The curriculum consists of advanced or remedial instruction on one or more of the following topic areas:
 - i. ~~Defensive Arrest and control tactics and impact weapons,~~
 - ii. Tactical firearms (not the annual firearms qualification required under this Section),
 - iii. Emergency vehicle operations,
 - iv. Pursuit operations,
 - v. First aid and emergency care,
 - vi. Physical conditioning, and
 - vii. High-risk stops;
 - c. The instructor meets the requirements of R13-4-114(A)(2)(c);
 - d. An attendance verification certificate, which includes a statement that the provider believes the course meets the requirements of this Section, is given to each attendee for audit purposes; and
 - e. If the training provider is an agency, an attendance roster and lesson plan or other information sufficient to determine compliance with this Section is made available upon request by the Board for Board audit;
 - f. ~~If the training provider is an outside provider that does not seek confirmation under subsection (B)(3)(e) that the course meets the requirements of this Section, a copy of the lesson plan or other information sufficient to determine compliance with this Section is given to each attendee; and~~
 - g. ~~If the training provider is an outside provider that seeks and receives confirmation under subsection (B)(3)(e), a copy of the Board's written confirmation is given to each attendee.~~
 3. Training providers. Proficiency Courses that qualify for proficiency training courses credit may be conducted by the Board; or an agency; ~~or an outside provider.~~



- a. All Board-provided proficiency training courses meet the requirements of this Section.
- b. Agency-provided proficiency training courses meet the requirements of this Section if all the requirements of subsection (B)(2) are met.
- c. ~~Outside provider proficiency training courses meet the requirements of this Section if all the requirements of subsection (B)(2) are met. The Board shall inform an outside provider in writing whether a proficiency training course meets these requirements if a course package is submitted to the Board, before the training is conducted, that includes:~~
 - i. ~~A description of the training course that allows the Board to determine whether the course contains advanced or remedial instruction on one or more of the topic areas specified in subsection (B)(2);~~
 - ii. ~~The name of the person, or if applicable, the institution or organization, providing the training with sufficient information to allow the Board to determine whether the requirements of R13-4-114(A)(2)(c) are met;~~
 - iii. ~~A course schedule listing the number of instructional hours; and~~
 - iv. ~~An attestation that the outside provider shall, upon request by the Board, make the lesson plan and other information sufficient to determine compliance with this Section available for Board audit, and shall ensure that the requirement of subsection (B)(2)(d) is met.~~
- d. ~~The Board's confirmation that a proficiency training course conducted by an outside provider meets the requirements of this Section is effective as long as the information submitted to the Board under subsection (B)(3)(e) is unchanged.~~
- 4. A limited correctional peace officer satisfies the requirements of this Section by obtaining training that is:
 - a. Approved under R13-4-206;
 - b. Provided by an instructor who meets the requirements of R13-4-205(C), and
 - e. ~~On a topic area listed in subsection (B)(2)(b) except (B)(2)(b)(iv).~~
- 5.4. Required records. A peace officer shall provide to the appointing agency a copy of ~~all documents~~ the document provided to the peace officer under subsection (B)(2)(d), ~~(B)(2)(f) or (B)(2)(g)~~. The appointing agency shall maintain and make the documents document and make them available, upon request by the Board, for Board audit.
- C. Firearms qualification required. A peace officer authorized to carry a firearm shall qualify to continue to be authorized to carry a firearm each year beginning January 1 following certification by completing a Board-prescribed firearms qualification course, using a service handgun and service ammunition, and a Board-prescribed target identification and judgment course.
 - 1. Firearms qualification course standards.
 - a. A firearms qualification course is a course:
 - i. Prescribed under R13-4-116(E)(1), or
 - ii. Determined by the Board to measure firearms competency at least as accurately as courses prescribed under R13-4-116(E)(1).
 - b. The provider of a firearms qualification course shall ensure that the course includes:
 - i. A timed accuracy component;
 - ii. A type and style of target that is equal to, or more difficult than, targets used in a course prescribed under R13-4-116(E)(1); and
 - iii. A success criterion that is equal to, or more difficult than, criteria used in a course prescribed under R13-4-116(E)(1).
 - 2. Firearms target identification and judgment course standards.
 - a. A firearms target identification and judgment course is a course:
 - i. Prescribed under R13-4-116(E)(1), or
 - ii. Determined by the Board to measure target identification and judgment competency at least as accurately as courses prescribed under R13-4-116(E)(1).
 - b. The provider of a firearms target identification and judgment course shall ensure that the course includes:
 - i. A timed accuracy component;
 - ii. A type and style of target discrimination test that is equal to, or more difficult than, those used in a course prescribed under R13-4-116(E)(1); and
 - iii. A success criterion that is equal to, or more difficult than, criteria used in a course prescribed under R13-4-116(E)(1).
 - 3. The provider of a firearms qualification or firearms target identification and judgment course shall ensure that the course is taught by a firearms instructor who meets the requirements of R13-4-114(A)(2)(c).
- D. This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

R13-4-112. Time frames Time Frames

- A. For the purposes of A.R.S. § 41-1073, the Board establishes the following ~~time frames~~ time frames for peace officer certification:
 - 1. Administrative completeness review ~~time frame~~ time frame: 90 days.
 - 2. Substantive review ~~time frame~~ time frame: 180 days.



3. Overall ~~time frame~~ time frame: 270 days.
- B. The administrative completeness review ~~time frame~~ time frame begins on the date the Board receives the report required by R13-4-108(A)(1) from an appointing agency.
 1. Within 90 days, the Board shall review the report and issue to the appointing agency a ~~statement~~ notice of administrative completeness or a notice of administrative ~~deficiencies~~ deficiency that lists each document or item of information establishing compliance with R13-4-105 that is missing.
 2. If the Board issues a notice of administrative deficiency, the appointing agency shall make the missing documents and information available to the Board within 90 days of the date of the notice. The administrative completeness review ~~time frame~~ time frame is suspended from the date of the deficiency notice until the date the missing documents and information are made available to the Board.
 3. If the appointing agency fails to make available all missing documents and information within the 90 days provided, the Board shall close the applicant's file. An applicant whose file is closed and who wants to be certified shall apply again under R13-4-103.
 4. When the file is administratively complete, the Board shall provide written notice of administrative completeness to the appointing agency.
- C. The substantive review ~~time frame~~ time frame begins on the date the Board issues the notice of administrative completeness.
 1. During the substantive review ~~time frame~~ time frame, the Board may make one comprehensive written request for additional information.
 2. The appointing agency shall make available to the Board the additional information identified in the request for additional information within 60 days. The ~~time frame~~ time frame for the Board to finish the substantive review of the application is suspended from the date of the request for additional information until the additional information is made available to the Board.
 3. If the appointing agency fails to make available the additional information requested within the 60 days provided, the Board shall close the applicant's file. An applicant whose file is closed and who wants to be certified shall apply again under R13-4-103.
 4. When the substantive review is complete, the Board shall grant or deny certification.

R13-4-114. Minimum Course Requirements

- A. Instructors. An academy administrator or agency head shall ensure that only an instructor who meets the requirements of this Section facilitates a Board-prescribed course.
 1. Instructor classifications.
 - a. General instructor. ~~A person~~ An individual qualified to teach topics not requiring a proficiency instructor under subsection (A)(1)(c).
 - b. Specialist instructor. ~~A person~~ An individual, other than an Arizona peace officer, qualified to teach a topic in which the instructor has special expertise but who does not qualify for general instructor status.
 - c. Proficiency instructor. ~~A person~~ An individual qualified to teach a topic area listed in R13-4-111(B)(2)(b).
 2. Instructor qualification standards.
 - a. A general instructor shall meet the requirements of subsections (A)(2)(a)(i) and (A)(2)(a)(ii) and either the requirement of subsection (A)(2)(a)(iii) or (A)(2)(a)(iv):
 - i. Have two ~~years~~ years' experience as a certified peace officer;
 - ii. Maintain instructional competency;
 - iii. Successfully complete a Board-sponsored instructor training course or an instructor training course that contains all of the performance objectives and demonstrations of the Board-sponsored instructor course;
 - iv. Possess a community college or university teaching certificate.
 - b. A specialist instructor shall meet the requirements of subsections (A)(2)(b)(i) and (A)(2)(b)(ii) and either subsection (A)(2)(b)(iii) or subsections (A)(2)(b)(iv) and (A)(2)(b)(v):
 - i. Be nominated by an agency head or the administrator of an academy authorized to provide a peace officer basic training course;
 - ii. Maintain instructional competency;
 - iii. Possess a professional license or certification other than a peace officer certification that relates to the topics to be taught;
 - iv. Provide documentation to the agency head or academy administrator for forwarding to the Board that demonstrates the expertise and ability to enhance peace officer training in a special field;
 - v. Possess a community college or university teaching certificate.
 - c. A proficiency instructor shall meet the requirements of subsections (A)(2)(c)(i) and (A)(2)(c)(ii) and either subsection (A)(2)(c)(iii) or (A)(2)(c)(iv):
 - i. Meet the requirements for general instructor;
 - ii. Maintain instructional competency;



- iii. Successfully complete a proficiency instructor course in a topic area listed in R13-4-111(B)(2)(b) that includes a competency assessment to instruct in that area within the 585-hour full-authority peace officer basic training course listed in R13-4-116(E);
 - iv. Complete a form prescribed by the Board that documents advanced training and experience in the topic area including a competency assessment to instruct in that area within the 585-hour full-authority peace officer basic training course listed in R13-4-116(E);
 - d. A proficiency instructor shall meet the requirements of subsection (A)(2)(c) separately for each topic area listed in R13-4-111(B)(2)(b) for which the proficiency instructor seeks qualification.
 - 3. Instructional competency. An academy administrator or an agency head shall immediately notify the Board in writing of any instructor:
 - a. Who jeopardizes the safety of students or the public,
 - b. Whose instruction violates acceptable training standards,
 - c. Who is grossly deficient in performance as an instructor, or
 - d. Who is a proficiency instructor and fails to complete satisfactorily the competency assessment to instruct in the instructor's topic area within the 585-hour full-authority peace officer basic training course.
 - 4. If the Board determines that an instructor fails to comply with the provisions of this Section, has an instructional deficiency, or fails to maintain proficiency, any course facilitated by the instructor does not meet the requirements of this Section.
- B. Curriculum standards.** An academy administrator or agency head shall ensure that the curriculum for a Board-prescribed course meets the following standards:
- 1. Curriculum.
 - a. Curriculum development employs valid, job-based performance objectives and learning activities, and promotes student, officer, and public safety, as determined by a scientifically conducted validation study of the knowledge, skills, abilities, and aptitudes needed by the affected category of Arizona peace officer.
 - b. The curriculum meets or exceeds the requirements of subsection (B)(2), unless otherwise provided in this Section.
 - 2. Curriculum format standard. The curriculum consists of the following:
 - a. A general statement of instructional intent that summarizes the desired learning outcome, is broad in scope, and includes long-term or far-reaching learning goals;
 - b. Lesson plans containing:
 - i. Course title,
 - ii. Hours of instruction,
 - iii. Materials and aids to be used,
 - iv. Instructional strategy,
 - v. Topic areas in outline form,
 - vi. Performance objectives or learning activities,
 - vii. Success criteria, and
 - viii. Reference material;
 - c. Performance objectives consisting of at least the following components:
 - i. The student, which is an individual or group that performs a behavior as the result of instruction;
 - ii. The behavior, which is an observable demonstration by the student at the end of instruction that shows that the objective is achieved and allows evaluation of the student's capabilities to perform the behavior; and
 - iii. The conditions, which is a description of the important conditions of instruction or evaluation under which the student performs the behavior. Unless specified otherwise within the lesson plan, instruction and evaluation will be in written or oral form;
 - d. Learning activities. A student is not required to demonstrate mastery of learning activities as a condition for successfully completing the training. Learning activities are subject areas for which performance objectives are not appropriate because either:
 - i. Reliable and meaningful assessment of mastery of the material would be extremely difficult or impossible, or
 - ii. Mastery of the material is not likely to bear a direct relationship to the ability to perform entry-level peace officer job duties; and
 - e. The following decimal numbering system to provide a logical means of organization:
 - i. Functional area (1.0, 2.0, 3.0),
 - ii. Topic area (1.1.0, 1.2.0, 1.3.0), and
 - iii. Performance objective or learning activity (1.1.1, 1.1.2, 1.1.3).
- C.** The Board shall maintain and provide upon request a copy of curricula that meet the standards of this Section.

R13-4-116. Academy Requirements

- A.** Unless otherwise provided in this Article, only the basic training provided by an academy that the Board determines meets the standards prescribed in this Section may be used to qualify for certified peace officer status.



- B.** The academy administrator shall ensure that the academy has the following:
1. A classroom with adequate heating, cooling, ventilation, lighting, and space;
 2. Chairs with tables or arms for writing;
 3. Visual aid devices for classroom presentation;
 4. Equipment in good condition for specialized instruction;
 5. A safe driving range for conducting the defensive and pursuit driving course;
 6. A firing range with adequate backstop to ensure the safety of all persons on or near the range; and
 7. A safe location for practical exercises.
- C.** Administrative requirements. The academy administrator shall ensure that the academy:
1. Establishes and maintains written policies, procedures, and rules concerning: ~~the operation~~
 - a. Operation of the academy, ~~entrance~~
 - b. Entrance requirements, ~~and student~~
 - c. Student and instructor conduct, ~~and~~
 - d. Administering examinations;
 2. Admits only ~~persons~~ individuals who meet the requirements of R13-4-105, as attested to by the appointing agency or, ~~in the case of an open enrollee, by the academy administrator,~~ on a form prescribed by the Board;
 3. Administers to each student at the beginning of each academy session a written examination prescribed by the Board measuring competency in reading and writing English;
 4. Schedules sufficient time for Board staff to administer the CFE as required by R13-4-110(A); and
 5. ~~Employs~~ Uses only instructors who are qualified under R13-4-114(A).
- D.** Academic requirements. The academy administrator shall ensure that the academy:
1. Establishes a curriculum with performance objectives and learning activities that meet the requirements of subsection (E) and R13-4-114(B);
 2. Requires instructors to use lesson plans that cover the course content and list the performance objectives to be achieved and learning activities to be used;
 3. Administers written, oral, or practical demonstration examinations that measure the attainment of the performance objectives;
 4. Reviews examination results with each student and ensures that the student ~~makes and understands~~ is shown any necessary corrections and signs and dates an acknowledgment that the student participated in the review;
 5. Requires a student to complete successfully ~~an~~ oral or written ~~examination in each topic area~~ examinations that cover all topics in all functional areas before graduating.
 - a. Successful completion of an examination is a score of 70 percent or greater;
 - b. For a student who scores less than 70 percent, the academy shall:
 - i. Provide remedial training, and
 - ii. Re-examine the student in the area of deficiency; ~~and~~
 - c. The academy shall allow a student to retake ~~an~~ each examination ~~in a topic area~~ only once;
 6. Requires a student to qualify with firearms as described in R13-4-116(E);
 7. Ensures that a student meets the success criteria for police proficiency skills under subsection (E)(1);
 8. Provides remedial training for a student who misses a class before allowing the student to graduate; and
 9. Refuses to graduate a student who is absent more than 32 hours from the full-authority peace officer basic training course or 16 hours from the specialty or limited-authority peace officer basic training course.
- E.** Basic course requirements. The academy administrator shall ensure that the academy uses curricula that meet the requirements of R13-4-114 for the following basic courses of instruction.
1. The 585-hour full-authority peace officer basic training course shall include all of the topics listed in each of the following functional areas:
 - a. Functional Area I - Introduction to Law Enforcement.
 - i. Criminal justice systems,
 - ii. History of law enforcement,
 - iii. Law enforcement services,
 - iv. Supervision and management,
 - v. Ethics and professionalism, and
 - vi. Stress management.
 - b. Functional Area II - Law and Legal Matters.
 - i. Introduction to criminal law;
 - ii. Laws of arrest;
 - iii. Search and seizure;
 - iv. Rules of evidence;
 - v. Summonses, subpoenas, and warrants;
 - vi. Civil process;
 - vii. Administration of criminal justice;
 - viii. Juvenile law and procedures;



- ix. Courtroom demeanor;
 - x. Constitutional law;
 - xi. Substantive criminal law, A.R.S. Titles 4, 13, and 36; and
 - xii. Liability issues.
 - c. Functional Area III - Patrol Procedures.
 - i. Patrol and observation (part 1),
 - ii. Patrol and observation (part 2),
 - iii. Domestic violence,
 - iv. Mental illness,
 - v. Crimes in progress,
 - vi. Crowd control formations and tactics,
 - vii. Bomb threats and disaster training,
 - viii. Intoxication cases,
 - ix. Communication and police information systems,
 - x. Hazardous materials,
 - xi. Bias-motivated crimes,
 - xii. Fires, and
 - xiii. Civil Disputes.
 - d. Functional Area IV - Traffic Control.
 - i. Impaired driver cases;
 - ii. Traffic citations;
 - iii. Traffic collision investigation;
 - iv. Traffic collision (practical);
 - v. Traffic direction; and
 - vi. Substantive Traffic Law, A.R.S. Title 28.
 - e. Functional Area V - Crime Scene Management.
 - i. Preliminary investigation and crime scene management,
 - ii. Crime scene investigation (practical),
 - iii. Physical evidence procedures,
 - iv. Interviewing and questioning,
 - v. Fingerprinting,
 - vi. Sex crimes investigations,
 - vii. ~~Death investigations~~ investigations (including training certified by the Department of Health Services on sudden infant death syndrome),
 - viii. Organized crime activity,
 - ix. Investigation of specific crimes, and
 - x. Narcotics and dangerous drugs.
 - f. Functional Area VI - Community and Police Relations.
 - i. Cultural awareness,
 - ii. Victimology,
 - iii. Interpersonal communications,
 - iv. Crime prevention, and
 - v. Police and the community.
 - g. Functional Area VII - Records and Reports. Report writing.
 - h. Functional Area VIII - Police Proficiency Skills.
 - i. First aid,
 - ii. Firearms training (including firearms qualification),
 - iii. Physical conditioning,
 - iv. High-risk stops,
 - v. ~~Defensive~~ Arrest and control tactics,
 - vi. Vehicle operations, and
 - vii. Pursuit operations.
 - i. Functional Area IX - Orientation and Introduction.
 - i. Examinations and reviews,
 - ii. Counseling, and
 - iii. Non-Board specified courses.
2. The specialty peace officer basic training course shall include all of the topics necessary from the 585-hour full-authority peace officer basic training course for the curriculum to meet the requirements of R13-4-114(B).
 3. The limited-authority peace officer basic training course shall include all of the topics necessary from the 585-hour full-authority peace officer basic training course for the curriculum to meet the requirements of R13-4-114(B).



4. The 48-hour limited correctional peace officer supplement course shall include all of the topics listed in the following functional areas:
- a. ~~Functional Area I – Introduction to Law Enforcement: Management and Supervision.~~
 - b. ~~Functional Area II – Law and Legal Matters:

 - i. ~~Laws of arrest, and~~
 - ii. ~~Search and seizure.~~~~
 - e. ~~Functional Area III – Patrol Procedures:

 - i. ~~Patrol and observation, and~~
 - ii. ~~Bias-motivated crimes.~~~~
 - d. ~~Functional Area IV – Crime Scene Management:

 - i. ~~Preliminary investigation, and~~
 - ii. ~~Crime scene management.~~~~
 - e. ~~Functional Area V – Proficiency Skills:

 - i. ~~First aid, and~~
 - ii. ~~Firearms training.~~~~
- 5-4. Administrative functions such as orientation, introductions, examinations and reviews, and counseling are exempt from the requirements of R13-4-114(B).
- F. Records required. The academy administrator shall ensure that the following records are maintained and made available for inspection by the Board or staff. The academy administrator shall provide to the Board copies of records upon request.
1. A record of all students attending the academy;
 2. A manual containing the policies, procedures, and rules of the academy;
 3. A document signed by each student indicating that the student received and read a copy of the academy policies, procedures, and rules;
 4. An application for each student, on a form prescribed by the Board, from the appointing agency ~~for each student or in the case of an open enrollee, from the academy administrator~~, attesting that the requirements of R13-4-105 are met;
 5. A copy of all lesson plans used by instructors;
 6. An annually signed and dated acknowledgment that the academy administrator reviewed and approved each lesson plan used at the academy;
 7. A copy of all examinations, answer sheets or records of performance, and examination review acknowledgments;
 8. An attendance roster for all classes or other record that identifies absent students;
 9. A record of classes missed by each student and the remedial training received;
 10. A record of disciplinary actions for all students; and
 11. A file for each student containing the student's performance history.
- G. Reports required. The academy administrator shall submit to the Board:
1. At least 10 working days before the start of each academy session, a complete schedule of classes containing the name of the instructor for each class and the training location;
 2. No more than five working days after the start of each academy session, on a form prescribed by the Board, a roster ~~containing the identification of~~ indicating whether a student is an open enrollee or appointed and if appointed, identifying the appointing agency, and the full name and Social Security number of each student;
 3. No more than five working days after dismissing a student from the academy, notification of the dismissal and the reason;
 4. No later than the tenth day of each month, a report containing:
 - a. A summary of training activities and progress of the academy class to date;
 - b. Unusual occurrences, accidents, or liability issues; and
 - c. Other problems or matters of interest noted in the course of the academy, if not included under subsection (G)(4)(b);
 5. No more than 10 working days after the end of each academy session, a complete schedule of classes containing the name of the instructor for each class and the training location;
 6. No more than 10 working days after the end of each academy session, on a form prescribed by the Board, a roster ~~containing the identification of~~ indicating whether a student is an open enrollee or appointed and if appointed, identifying the appointing agency, and the full name and Social Security number of each student successfully completing the training.
- H. Required inspections. Before an academy provides training to ~~persons~~ individuals seeking certification for any category of peace officer, the Board staff shall conduct an onsite inspection of the academy to determine compliance with this Section and R13-4-114. Board staff shall conduct additional inspections as often as the Board deems necessary.
1. Within 30 days after the inspection, the Board staff shall provide to the academy administrator an inspection report that lists any deficiencies identified and remedial actions the academy is required to take to comply with the standards of this Section and R13-4-114.



- 2. Within 30 days after receipt of the inspection report, the academy administrator shall submit to the Board a response that indicates the progress made to complete the remedial actions necessary to correct the deficiencies described in the inspection report. The academy administrator shall submit to the Board additional responses every 30 days until all remedial action is complete.
- 3. Within 30 days after receipt of notice that all remedial action is complete, Board staff shall conduct another inspection.
- 4. Following each inspection, Board staff shall present an inspection report to the Board describing the academy's compliance in meeting the standards of this Section and R13-4-114.
- I. If an academy does not conduct a peace officer basic training course for 12 consecutive months, the academy shall not provide training until Board staff conducts another inspection as required by subsection (H). Otherwise, an academy may continue to provide training unless the Board determines that the academy is not in compliance with the standards of this Section or R13-4-114.
- J. If the Board finds that an academy fails to comply with the provisions of this Section or R13-4-114, the academy shall not provide training to ~~persons~~ individuals seeking to be certified as peace officers.
- K. An academy administrator shall ensure that an open enrollee is admitted only after the academy administrator complies with every requirement of an agency or agency head imposed by R13-4-105, R13-4-106, R13-4-107, and R13-4-108 except for R13-4-106(C)(4).

R13-4-117. Training Expense Reimbursements

- A. Approval of training courses. The Board shall approve or deny training courses for training expense reimbursement based on compliance with this Section and R13-4-111, and availability of funds.
- B. Application for reimbursement. Before the beginning of a training program described in R13-4-111, an agency planning to participate in the training and apply for reimbursement, shall notify the Board on prescribed forms.
- C. Claim for reimbursement. When ~~a person~~ an individual completes a training course, the appointing agency may submit a claim for reimbursement on a form prescribed by the Board. The ~~claim~~ agency shall be submitted submit the claim within 60 days after ~~completion of the training is completed~~.
- D. Allowable reimbursements. The Board shall allow the following reimbursements subject to the limits on the amount of reimbursement as determined by the Board under subsection (E):
 - 1. The actual cost of lodging and meals while a peace officer ~~attends~~ attended a training course,
 - 2. ~~The actual pay a peace officer received while attending a training course,~~
 - 3-2. Tuition for a training course on a pro-rata basis for the actual hours of training attended, and
 - 4-3. Other expenses incurred by a peace officer.
- E. Limitations on reimbursements. The following limitations apply to applications for reimbursement involving training courses.
 - 1. The Board shall not reimburse an agency if the peace officer has previously completed the same training course within three years-;
 - 2. The Board shall not reimburse an agency for a peace officer who fails to complete a training course except upon request of the appointing agency. The agency shall present the reasons for the non-completion to the Board with the request for reimbursement-; and
 - 3. ~~The Board may pay salary reimbursement for a training course only for the actual hours of training attended at the percentage rate established by the Board.~~
 - 4-3. The Board shall not reimburse an agency for ~~payment~~ the cost of insurance, medical, pension, uniform, clothing, equipment, or other benefits or expenses of a peace officer while attending a training course.
- F. Academy reimbursement. The Board may reimburse an academy for the actual costs of materials, books, ammunition, registration fees and tuition, necessary for completion of a basic course up to the limits set by the Board. To receive reimbursement, an academy shall furnish paid receipts or invoices or other information as required by the Board to verify costs incurred. The Board shall not reimburse an academy for costs incurred for registration fees, tuition, books, materials, or ammunition for a peace officer, if the Board has made these reimbursements for the peace officer's previous attendance at an academy.

R13-4-118. Hearings; Rehearings

- A. If a respondent makes a ~~proper~~ request for hearing under R13-4-109(E), the hearing shall be held in accordance with A.R.S. Title 41, Chapter 6, Article 10.
- B. If a respondent fails to comply with the requirements under R13-4-109(E) within 30 days of the notice of action sent under R13-4-109(E), the Board may consider the case based on the information available.
- C. If a respondent requests a hearing, but fails to appear at the hearing, the Board or administrative law judge may vacate the hearing. If a hearing is vacated, the Board may deem the acts and violations charged in the notice of action admitted, and impose any of the sanctions provided by A.R.S. § 41-1822(C)(1).
- D. The Board shall render a decision in writing. The Board shall serve notice of the decision ~~upon~~ on each party as required by A.R.S. § 41-1092.04.
- E. Except as provided in subsection (I), a party is required to file a motion for rehearing or review of a Board decision to exhaust the party's administrative remedies.
- ~~E.~~ A party may file a motion for rehearing or ~~reconsideration~~ review of the a decision with the Board not later than 30 days after service of the Board's decision, specifying the particular grounds for the motion.
- ~~F.~~ G. The Board may grant a rehearing or ~~reconsideration~~ review of a decision for any of the following reasons materially



affecting the moving party's rights:

1. Irregularity in the administrative proceedings, or any abuse of discretion that ~~deprives~~ deprived the moving party ~~was deprived~~ of a fair hearing;
2. Misconduct of the Board, the administrative law judge, or the prevailing party;
3. Mistake or surprise that could not have been prevented by ordinary prudence;
4. Newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the hearing;
5. Error in the admission or rejection of evidence or other errors of law occurring at the hearing; or
6. The decision was not justified by the evidence or the decision was contrary to law.

G.H. The Board may affirm or modify the decision or grant a rehearing to any or all of the parties, on part or all of the issues, for any of the reasons in subsection ~~(F)~~ (G). An order granting a rehearing shall specify the particular issues in the rehearing and the rehearing shall concern only the matters specified.

I. If the Board makes a specific finding that a particular decision needs to be effective immediately to preserve the public peace, health, or safety and that a review or rehearing of the decision is impracticable, unnecessary, or contrary to the public interest, the Board shall issue the decision as a final decision without an opportunity for rehearing or review.

ARTICLE 2. CORRECTIONAL OFFICERS

R13-4-201. Definitions

~~¶~~ The definitions in A.R.S. § 41-1661 apply to this Article. Additionally, unless the context otherwise requires:

"Academy" means the Correctional Officer Training Academy (COTA) of the Arizona Department of Corrections in Tucson, Arizona, or a satellite location authorized by the Director.

"Appointment" means the selection of ~~a person~~ an individual as a correctional officer.

"Applicant" means an ~~person~~ individual who applies to be a correctional officer.

~~"Board" is defined in A.R.S. § 41-1661(2).~~

~~"Cadet" means an applicant who meets the requirements for appointment as an individual who is attending the academy and, upon graduation, will become a state correctional officer and is selected to attend the academy.~~

~~"Correctional officer" is defined in A.R.S. § 41-1661(3).~~

"Dangerous drug or narcotic" is defined in R13-4-101.

"Department" means the Arizona Department of Corrections.

~~"Director" is defined in A.R.S. § 41-1661(4).~~

~~"Employing agency" is defined in A.R.S. § 41-1661(5).~~

"Experimentation" means the illegal use of marijuana, a dangerous drug, or narcotic, as described in R13-4-105(B) and (C).

~~"State correctional officer" means a person an individual employed by the Department in the correctional service officer and correctional program officer series.~~

R13-4-202. Uniform Minimum Standards

A. To be admitted to the academy for training as a state correctional officer, ~~a person~~ an individual shall:

1. Be a citizen of the United States or ~~be~~ eligible to work in the United States;
2. Be at least 21 years of age by the date of graduation from the academy;
3. Be a high school graduate or have successfully completed a General Education Development (G.E.D.) examination or equivalent as specified in R13-4-203(C)(3);
4. Have a valid Arizona driver's license (Class 2 or higher) by the date of graduation from the academy;
5. Undergo a complete background investigation that meets the standards of R13-4-203;
6. Undergo a physical examination (within 12 months before appointment) as prescribed by the Director by a licensed physician designated by the Director;
7. Not have been dishonorably discharged from the United States Armed Forces;
8. Not have experimented with marijuana within the past 12 months;
9. Not have experimented with a dangerous drug or narcotic within the past five years;
10. Not have ever illegally used marijuana, or a dangerous drug or narcotic other than for experimentation;
11. Not have a pattern of abuse of prescription medication; and
12. Not have committed a felony or a misdemeanor of a nature that the Board determines has a reasonable relationship to the functions of the position, in accordance with A.R.S. § 13-904(E).

B. If the Director wishes to appoint an individual whose conduct is grounds to deny certification under R13-4-109, the Director may petition the Board for a determination that the otherwise disqualifying conduct constitutes juvenile indiscretion by complying with R13-4-105(D).

~~**B.C.** Code of Ethics. To enhance the quality of performance and the conduct and the behavior of correctional officers, a person an individual appointed to be a correctional officer shall commit to the following Code of Ethics and shall affirm the commitment by signing the code, on a form designated by the Board Code:~~

~~"I shall maintain high standards of honesty, integrity, and impartiality, free from any personal considerations, favoritism, or partisan demands. I shall be courteous, considerate, and prompt when dealing with the public, realizing~~



that I serve the public. I shall maintain mutual respect and professional cooperation in my relationships with other staff members.

I shall be firm, fair, and consistent in the performance of my duties. I shall treat others with dignity, respect, and compassion, and provide humane custody and care, void of all retribution, harassment, or abuse. I shall uphold the Constitutions of the United States and the state of Arizona, and all federal and state laws. Whether on or off duty, in uniform or not, I shall conduct myself in a manner that will not bring discredit or embarrassment to my agency or the state of Arizona.

I shall report without reservation any corrupt or unethical behavior that could affect either inmates, employees, or the integrity of my agency. I shall not use my official position for personal gain. I shall maintain confidentiality of information that has been entrusted to me and designated as such.

I shall not permit myself to be placed under any kind of personal obligation that could lead any person to expect official favors. I shall not accept or solicit from anyone, either directly or indirectly, anything of economic value such as a gift, gratuity, favor, entertainment, or loan, that is or may appear to be, designed to influence my official conduct. I will not discriminate against any inmate, employee, or any member of the public on the basis of race, gender, creed, or national origin. I will not sexually harass or condone sexual harassment of any person. I shall maintain the highest standards of personal hygiene, grooming, and neatness while on duty or otherwise representing the state of Arizona.”

R13-4-203. Background Investigation

- A. The Department shall conduct a background investigation before an applicant is admitted to the academy. The Department shall review the personal history statement submitted under subsection (B) and the results of the background investigation required in subsection (C) to determine ~~that whether the person individual~~ meets the requirements of R13-4-202; and ~~that the person’s individual’s~~ personal history statement is accurate and truthful.
- B. Personal history. An applicant shall complete and submit to the employing agency a personal history statement on a form prescribed by the Board. ~~The applicant shall complete the personal history statement shall be completed~~ before the start of the background investigation. ~~It shall contain and ensure that the personal history statement answers to questions required in~~ provides the information necessary for the Department to conduct the investigation described in subsection (C).
- C. Investigative requirements. Before admitting an applicant to the academy, the Department shall collect, verify, and retain documents establishing that ~~an~~ the applicant meets the standards specified in this Article. At a minimum, this documentation shall include:
 - 1. Proof of the applicant’s age and United States citizenship or eligibility to work in the United States. A copy of any of the following regarding the applicant is acceptable proof:
 - a. ~~The applicant’s birth~~ Birth certificate,
 - b. United States passport,
 - c. Certification of United States Naturalization,
 - d. Certificate of Nationality, or
 - e. Immigration Form I-151 or I-1551.
 - 2. Proof of the applicant’s valid ~~Arizona~~ driver’s license. A copy of the applicant’s ~~Arizona~~ driver’s license; ~~along with and~~ written verification of the applicant’s driving record from the ~~Arizona~~ applicable state’s Department of Transportation, Motor Vehicle Division, is required proof.
 - 3. Proof that the applicant is a high school graduate or its equivalent. The following are acceptable proof:
 - a. A copy of a ~~high school diploma, or graduation certificate from a high school recognized by the department of education of the jurisdiction in which the diploma is issued;~~
 - b. ~~Successful~~ A copy of a certificate showing successful completion of the ~~Arizona~~ General Education Development (G.E.D.) ~~tests or successful completion of an equivalent test from another state, that meets or exceeds the Arizona Department of Education’s requirement for G.E.D. testing; or~~
 - c. In the absence of proof of high school graduation or successful completion of the G.E.D. tests test,
 - i. A copy of an ~~Associate’s Degree~~ a degree or transcript from an accredited college or university showing successful completion of high school or high school equivalency;
 - ii. ~~A certificate issued by the United States Armed Forces Institute (U.S.A.F.I.) before December 31, 1974, showing successful completion of high school equivalency;~~
 - iii. ~~A~~ A United States Military Service Record DD Form 214-#4 with the Education block indicating high school completion, or
 - iv. ~~iii. The applicant may submit other~~ Other evidence of high school education equivalency submitted to the Board for consideration by the Board.
 - 4. Record of any military discharge. A copy of the Military Service Record (DD Form 214-#4) is acceptable proof.
 - 5. Results of a psychological fitness assessment approved by the Director and conducted by a psychologist or psychiatrist designated by the Department.
 - 6. Personal ~~reference~~ references: The names and addresses of at least three individuals who can provide information regarding the applicant.



7. ~~and previous employer inquiries~~ Previous employers or schools attended. ~~Information provided by at least three personal references and~~ The names and addresses of all previous employers of and schools attended by the applicant for the past five years shall be documented by the Department.
8. Residence history. The complete address for every location at which the applicant has lived in the last five years.
- 7-9. ~~Law enforcement agency records. The Department shall request and review law enforcement agency records in jurisdictions where the applicant has lived, worked, or attended school in the past five years. Information~~ The Department shall document the information obtained shall be documented by the Department.
- 8-10. ~~Criminal history query. Results of the Department's~~ The Department shall query of the National Crime Information Center/Interstate Identification Index (NCIC/III), and the Arizona Criminal Information Center/Arizona Computerized Criminal History (ACIC/ACCH), or the equivalent for each state where the applicant has lived, worked, or attended school in the past five years and review of that the criminal history record for any arrest or conviction to determine compliance with R13-4-202.
- 9-11. ~~An applicant~~ Fingerprint card. The Department shall obtain from an applicant and submit a fingerprint card processed for processing by the Arizona Department of Public Safety and the Federal Bureau of Investigation.
- ~~The Department shall process an applicant a fingerprint card for all cadets an applicant~~ entering the academy, except as provided in subsections (C)(9)(b) and (C)(9)(c). Fingerprint cards shall be processed by the The Department; shall process a fingerprint card for an applicant even if the applicant has a processed applicant fingerprint card from a previous employer.
 - ~~If an applicant the~~ fingerprint card is not fully processed when the applicant is ready to enter the academy, the Department may allow the applicant to attend the academy if:
 - A computerized criminal history check has been made and the results are on file with the Department, and
 - The applicant meets all other requirements of this Section and R13-4-202.
 - ~~If the Department has not received a fully processed fingerprint card within 15 weeks of the date of admission to the academy, the person individual~~ does not meet the requirements of this Section and may be terminated from the academy. The Department may extend the deadline for receipt of a processed fingerprint card an additional 15 weeks. An individual terminated from the academy under this subsection Upon receipt of a fully processed card, the person may be re-employed under R13-4-208 when a fully processed fingerprint card is received.

R13-4-204. Records and Reports

- Reports. The Department shall submit to the Board a report by the Director attesting that each person individual completing the academy meets the requirements of R13-4-202.
- Records. The Department shall make Department records available to the Board upon request of the Board or its staff. The Department shall keep the records in a central location. The Department shall maintain:
 - A copy of reports submitted under subsection (A);
 - All written documentation obtained or recorded under R13-4-202 and R13-4-203; and
 - A record of all advanced training, specialized training, continuing education, and firearms qualification conducted under R13-4-206 and R13-4-207.
- Record retention. The Department shall maintain the records required by this Section as follows:
 - For applicants investigated under R13-4-203 who are not appointed: two years; and
 - For applicants who are appointed: five years from the date of appointment termination, except records retained under subsection (B)(3), shall be retained for three years.

R13-4-205. Basic Training Requirements

- Required training for state correctional officers. Before appointment as a state correctional officer, a person an individual shall complete a Board-approved basic correctional officer training program. This program shall meet or exceed the requirements of this Section.
- Curricula or training material approval time-frames time frames.
 - For the purposes of A.R.S. § 41-1073, the Board establishes the following time-frames time frames for curricula or training material that require Board approval under this Section and R13-4-206.
 - Administrative completeness time-frame time frame: 60 days.
 - Substantive review time-frame time frame: 60 days.
 - Overall time-frame time frame: 120 days.
 - The administrative completeness review time-frame time frame begins on the date the Board receives the documents required by this Section or R13-4-206.
 - Within 90 60 days, the Board shall review the documents and issue to the Department a statement of administrative completeness or a notice of administrative deficiencies that lists each item required by this Section that is missing.
 - If the Board issues a notice of administrative deficiency, the Department shall submit the missing documents and information within 90 days of the notice. The administrative completeness time-frame time frame is suspended from the date of the deficiency notice until the date the Board receives the missing documents and information.



- c. If the Department fails to provide the missing documents within the 90 days provided, the Board shall deny the approval.
- d. When the file is administratively complete, the Board shall provide written notice of administrative completeness to the Department.
- 3. The substantive review ~~time frame~~ time frame begins on the date the Board issues the notice of administrative completeness.
 - a. During the substantive review ~~time frame~~ time frame, the Board may make one comprehensive written request for additional information.
 - b. The Department shall submit to the Board the additional information identified in the request for additional information within 60 days. The ~~time frame~~ time frame for the Board to finish the substantive review of the application is suspended from the date of the request for additional information until the Board receives the additional information.
 - c. The Board shall deny the approval if the additional information is not supplied within the 60 days provided.
 - d. When the substantive review is complete, the Board shall grant or deny approval.

C. Basic course specifications.

- 1. The Department shall develop the curriculum for the basic correctional officer training program.
 - a. The curriculum shall include courses in the following functional areas.
 - i. Functional Area I - Ethics and Professionalism;
 - ii. Functional Area II - Inmate Management;
 - iii. Functional Area III - Legal Issues;
 - iv. Functional Area IV - Communication Skills;
 - v. Functional Area V - Officer Safety, including firearms;
 - vi. Functional Area VI - Applied Skills;
 - vii. Functional Area VII - Security, Custody, and Control;
 - viii. Functional Area VIII - Conflict and Crisis Management; and
 - ix. Functional Area IX - Medical Emergencies, and Physical and Mental Health.
 - b. The curriculum shall also contain administrative time for orientation, counseling, testing, and remedial training.
- 2. ~~Curriculum~~ The Department shall ensure that curriculum submitted to the Board for approval ~~shall contain~~ contains lesson plans that include:
 - a. Course title,
 - b. Hours of instruction,
 - c. Materials and aids to be used,
 - d. Instructional strategy,
 - e. Topic areas in outline form,
 - f. Success criteria, and
 - g. The performance objectives or learning activities to be achieved.
- 3. After initial approval ~~by the Board~~, the Director or the Director's designee shall: ~~annually~~
 - a. Annually review ~~and approve~~ each lesson plan submitted to and approved by the Board under subsection (C)(2); used in the academy; and
 - b. If an approved lesson plan has been changed, submit the changed lesson plan to the Board for approval; or
 - c. ~~The Director or the Director's designee~~ If an approved lesson plan has not been changed, shall sign and date an acknowledgment of approval for each lesson plan.
- 4. ~~A~~ The Department shall ensure that the following three components are specified for each performance objective shall consist of three components:
 - a. The learner, which is an individual or group that performs a behavior as the result of instruction;
 - b. The behavior, which is an observable demonstration by the learner at the end of instruction that shows that the objective is achieved and allows evaluation of the learner's capabilities relative to the behavior.
 - c. The conditions, which is a description of the important conditions of instruction or evaluation under which the learner will perform the stated behavior. Unless specified otherwise, the instruction and evaluation shall be in written or oral form.
- 5. ~~Instructors~~ The Department shall ensure that instructors of basic correctional officer training courses ~~shall meet instructor proficiency requirements developed by the Department and approved by the Board. Instructors shall be qualified by~~ The Department shall ensure that proficiency requirements for instructors include education, experience, or a combination of both, and. The Department shall be affirmed affirm to the Board that each instructor ~~by the Department as having~~ has the necessary qualifications before ~~the instructor delivering~~ delivers any instruction. In addition to these requirements, instructors of courses dealing with the proficiency skills of defensive tactics, physical conditioning, firearms, and medical emergencies shall complete specialized training developed by the Department and approved by the Board. Instructors shall use lesson plans described in subsection (C)(2).

D. Academic requirements.



1. ~~Cadets~~ A cadet shall be given ~~any~~ a combination of written, oral, or practical demonstration examinations capable of measuring ~~their~~ the cadet's attainment of the performance objectives in each approved lesson plan.
 2. Academy staff shall review examination results and academic progress with ~~cadets~~ each cadet ~~on a weekly basis~~. Academy staff shall ensure that ~~cadets are aware~~ each cadet is informed of correct responses.
 3. ~~Cadets~~ A cadet shall complete all examinations before graduating from the academy. To successfully complete a written or oral examination, a cadet shall ~~have a~~ score of at least 70 percent.
 - a. ~~For a student who~~ If a cadet receives a score of less than 70 percent, the academy shall provide the cadet with remedial training in areas of deficiency.
 - b. The academy shall not offer a cadet more than one re-examination per lesson plan.
 4. ~~Each~~ A cadet shall qualify with firearms as specified in subsection (C). Firearms qualification shall include:
 - a. 50-shot daytime or nighttime qualification course with service handgun. The minimum passing score is 210 points out of a possible 250 points;
 - b. Seven-shot qualification course with service shotgun; and
 - c. Target identification and discrimination course.
 5. ~~Each~~ A cadet shall meet success criteria described in the Board-approved curriculum for the proficiency skills of self-defense, physical conditioning, and medical emergencies, as approved under R13-4-205(C).
 6. ~~An~~ The academy shall provide ~~cadets~~ a cadet who ~~do~~ does not attend a lesson with remedial training before graduation.
 7. ~~An~~ The academy shall not graduate a cadet who attends less than 90 percent of the total hours of basic training ~~shall not graduate from the academy~~.
- E. Exceptions. A cadet shall not function as a state correctional officer except:
1. As a part of an exercise within the approved basic training program ~~at the academy~~, if the cadet is under the direct supervision and control of a state correctional officer; or
 2. At the discretion of the Director, for the duration of an emergency situation including, but not limited to, riots, insurrections, and natural disasters. A cadet shall not carry a firearm in the course of duty unless the cadet has successfully met the requirement of R13-4-205(D)(4).
- F. Waiver of required training. The Board shall grant a complete or partial waiver of the required basic training, at the request of the Director, upon a finding by the Board that the best interests of the corrections profession are served and the public welfare and safety is not jeopardized by the waiver if an applicant:
1. ~~An applicant successfully~~ Successfully completes a basic corrections ~~recruit officer~~ training course comparable to or exceeding, in hours of instruction and subject matter, the Board-approved basic correctional officer training course and has a minimum of one year of experience as a correctional officer. ~~Written~~ The applicant shall include verification of previous experience and training ~~shall accompany with~~ the application for waiver;
 2. ~~An applicant meets~~ Meets the minimum qualifications specified in R13-4-202; and
 3. ~~An applicant successfully~~ Successfully completes a comprehensive examination measuring comprehension of the basic correctional officer training course. The comprehensive examination shall be prepared by the Department, ~~and approved by the Board. It shall, and~~ include a written test and practical demonstrations of proficiency in firearms, physical conditioning, and defensive tactics.
- G. ~~Certificate of completion time frame. The Board shall provide certificates of completion for each person named in the Director's attestation made under R13-4-204(A) within 30 days of Board receipt. The Board shall mail certificates of completion to the Director for distribution.~~

R13-4-206. Field Training and Continuing Training Including Firearms Qualification

- A. Field training requirement. Before graduating from the academy or within two months after graduation, a cadet or state correctional officer shall participate in and successfully complete a Board-approved field training program.
- ~~A.B.~~ Continuing training requirement.
1. A state correctional officer shall receive eight hours of Board-approved continuing training each calendar year beginning January 1; following the date the officer received certified status.
 2. ~~A~~ In addition to the training required under subsection (B)(1), a state correctional officer authorized to carry a firearm shall qualify each calendar year after appointment beginning January 1; following the date the officer received certified status, on a Board-approved course of fire, The firearms qualification training shall meet the standards specified under subsection (E). Firearms qualification (F) and shall not be used to satisfy the requirements of R13-4-206(B) (C).
- ~~B.C.~~ Continuing training requirements may be fulfilled by:
1. Advanced training programs, or
 2. Specialized training programs.
- ~~C.D.~~ Advanced training programs. The Department shall develop, design, implement, maintain, evaluate, and revise advanced training programs that include courses enhancing a correctional officer's knowledge, skills, or abilities for the job that the correctional officer performs. The courses within this advanced training program shall be approved by the Board and include advanced or remedial training in any topic listed in R13-4-205(C).
- ~~D.E.~~ Specialized training programs. The Department shall develop, design, implement, maintain, evaluate, and revise specialized training programs that address a particular need of the Department and target a select group of officers. The



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5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The Industrial Commission of Arizona is amending the rules relating to safety standards in the construction industry to incorporate by reference recent final federal rules. The Arizona Division of Occupational Safety and Health (ADOSH), part of the Industrial Commission of Arizona, is required to adopt standards that are at least as effective as those adopted by federal OSHA (the U.S. Department of Labor). The amendments apply to updating occupational safety and health standards deadline for employers to ensure that crane operators are certified by three years, until November 10, 2017 and adding a new subpart to provide protections to employees working in confined spaces in construction.

The amendments to the federal standards extending the deadline for employers to ensure that crane operators are certified by three years, until November 10, 2017, as published in the Federal Register at 79 FR 57785-57798 on September 26, 2014. The federal final rule became effective on November 9, 2014. While operator certification offered safety benefits, most current certifications lack the required capacity factor and would therefore not comply with the final cranes standard. Without an extension the construction industry would face a crane operator shortage in the coming years, as there will not be enough time for employers to certify their operators in time for the industry to continue performing work without disruption, OSHA concurred it was crucial for an extension to be granted. OSHA also is extending the enforcement date for crane operator certification for three years from November 10, 2014, to November 10, 2017.

The amendments to the federal standards related to OSHA adding a new subpart to provide protections to employees working in confined spaces in construction as published in the Federal Register at 80 FR 25365-25526. The federal final rule became effective on August 3, 2015. This new subpart replaces OSHA's one training requirement for confined space work with a comprehensive standard that includes a permit program designed to protect employees from exposure to many hazards associated with work in confined spaces, including atmospheric and physical hazards. The final rule is similar in content and organization to the general industry confined spaces standard, but also incorporates several provisions from the proposed rule to address construction-specific hazards, accounts for advancements in technology, and improves enforceability of the requirements.

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

The agency did not review or rely on any study relevant to the rules.

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 Industrial Commission anticipates that the rule change related to incorporating by reference the recent amendments to federal safety standards related to crane operator certification will have little economic impact. According to federal OSHA estimates that this rule will have a cost savings for employers of \$21.4 million per year for the three years of the extension, this final rule is not economically significant within the meaning of Executive Order 12866. Delaying the operator certification requirement defers a regulatory requirement and should impose no new costs on employers. There will, however, be continuing employer costs for extending the requirement to assess operators under existing § 1926.1427(k)(2); if OSHA had not extended these requirements, they would have expired in 2014 and employers would not have incurred these costs after 2014. Because federal OSHA estimates the cost of any single assessment to be no higher than \$307.48, it believes the economic impact will be minimal on any employer. Most employers will have savings resulting from the three-year extension, particularly employers that planned to pay for operator certification in the year before the original 2014 deadline. The only entities likely to see a net cost will be entities that planned to hire an operator with compliant certification after November 10, 2014. Without the three-year extension, these entities will have no separate assessment duty, but under the three-year extension they will have the expense involved in assessing operator competency. As noted above, however, OSHA estimated the cost for such assessments (for operators with a type and capacity certification) to be \$76.87 per certified operator.

In regards to Confined Space in Construction, OSHA estimates that the final rule will result in yearly compliance costs of \$60.3 million (using a discount rate of 7 percent), and yearly safety benefits, based on lives saved and injuries prevented, of \$93.6 million. Therefore, the benefits of this final standard outweigh the costs of complying with its provisions, yielding net benefits of \$33.3 million a year. Compliance with the final standard will result in



approximately \$1.55 of benefits for every dollar of costs. Based on the analysis, federal OSHA concludes that this final standard is technologically and economically feasible for all affected industries. OSHA concludes that compliance with the requirements of the final rule is economically feasible in every affected industry sector.

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

Name: Larry Gast, ADOSH Assistant Director
Address: Industrial Commission of Arizona
Division of Occupational Safety and Health
800 W. Washington St., Suite 203
Phoenix, AZ. 85007
Telephone: (602) 542-1695
Fax: (602) 542-1614
E-mail: Larry.Gast@azdosh.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:

Written comments can be submitted to the address listed in item 9 by the close of the comment period, which is at 5:00 p.m. on December 14, 2015. An oral proceeding is scheduled for December 14, 2015 at 9:00 a.m., at the Industrial Commission of Arizona, 800 W. Washington St., Room 206, Phoenix, AZ, 85007.

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:

Not applicable

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:

The rules do not require issuance of a regulatory permit or license.

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:

29 CFR 1926 The Federal Occupational Safety and Health Standards for Construction with amendments as of August 3, 2015. These incorporation(s) by reference will appear in R20-5-601.

13. The full text of the rules follows:

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Section

R20-5-601. The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926

ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH STANDARDS

R20-5-601. The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926

Each employer shall comply with the standards in the Federal Occupational Safety and Health Standards for Construction, as published in 29 CFR 1926, with amendments as of ~~July 10, 2014~~ August 3, 2015 incorporated by reference. Copies of these referenced materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. These standards shall apply to all conditions and practices related to construction activity by all employers, both public and private, in the state of Arizona. This incorporation by reference does not include amendments or editions to 29 CFR 1926 published after ~~July 10, 2014~~ August 3, 2015.



NOTICE OF PROPOSED RULEMAKING

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

[R15-163]

PREAMBLE

- | <u>1. Articles, Parts, and Sections Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R20-5-1301 | New Section |
| R20-5-1302 | New Section |
| R20-5-1303 | New Section |
| R20-5-1304 | New Section |
| R20-5-1305 | New Section |
| R20-5-1306 | New Section |
| R20-5-1307 | New Section |
| R20-5-1308 | New Section |
| R20-5-1309 | New Section |
| R20-5-1310 | New Section |
| R20-5-1311 | New Section |
| R20-5-1312 | New Section |
- 2. Citations to agency's statutory rulemaking authority to include the authorizing statute and the implementing statute:**
 Authorizing statute: A.R.S. § 23-107(A)(1)
 Implementing statute: A.R.S. § 23-1062.03
 - 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Rulemaking Docket Opening: 21 A.A.R. 2475, October 23, 2015.
 - 4. The agency's contact person who can answer questions about the rulemaking:**
 Name: Valli Goss, Assistant Chief Counsel
 Address: Industrial Commission of Arizona
 800 W. Washington St., Suite 303
 Phoenix, AZ 85007
 Telephone: (602) 542-5948
 Fax: (602) 542-6783
 E-mail: valli.goss@azica.gov
 - 5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**
 Arizona Revised Statutes § 23-1062.03 requires the Industrial Commission of Arizona to develop and implement a process for the use of evidence based medical treatment guidelines to treat injured workers within the context of Arizona's workers' compensation system. The Industrial Commission is making these rules to comply with that legislative directive. These rules, which implement a process for the use of treatment guidelines, are intended to improve the quality and outcomes of medical care, and to improve the efficiency and effectiveness of the process under which that medical care is provided to injured workers.
 - 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
 Not applicable
 - 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:**
 There will be some costs incurred by the participants in the workers' compensation system. Participants include medical providers, payers (insurance carriers and self-insured employers), attorneys, and the Industrial Commission of Arizona. All participants will use evidence based medical treatment guidelines published by the Work Loss Data Institute and referred to as "ODG." To access the ODG guidelines, participants may purchase an annual sub-



scription. The cost to purchase an annual subscription in 2015 ranges from \$249.00 to \$499.00, or participants may access the ODG using dedicated computer workstations established at the Industrial Commission at no cost to the user. The 2015 cost to the Commission for each station will be \$325.00. The Industrial Commission has not yet determined how many workstations will be made available because the demand for such access cannot be accurately predicted.

The administrative review process may result in a peer review that will be conducted by a third party vendor who must be URAC accredited. The administrative review process and peer review should reduce delays in providing employees with reasonably required medical treatment, improve the processing of their workers' compensation claims, and reduce litigation time and cost. The cost for the peer review will be paid by the payer and the 2015 cost for a peer review ranges from \$325.00 to \$700.00 per peer review. The precise cost will depend on the complexity of the proposed medical treatment and the number of medical records involved in the peer review.

The Industrial Commission has created a Medical Resource Office (MRO) to administer the Commission's role in the administrative review process. The MRO will require an additional three staff and a program manager for a total number of four new "full time equivalent" positions.

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

Name: Valli Goss, Assistant Chief Counsel
Address: Industrial Commission of Arizona
800 W. Washington St., Suite 303
Phoenix, AZ 85007
Telephone: (602) 542-5948
Fax: (602) 542-6783
E-mail: valli.goss@azica.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:

Written comments may be submitted to the address listed in item 9 by the close of the comment period, which is at 5:00 p.m. on December 15, 2015. An oral proceeding is scheduled for December 15, 2015 at 9:00 a.m., at the Industrial Commission of Arizona, 800 West Washington Street, first floor auditorium, Phoenix, Arizona, 85007.

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:

Not applicable

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:

The rules do not require a permit.

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

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 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 5. THE INDUSTRIAL COMMISSION OF ARIZONA

ARTICLE 13. TREATMENT GUIDELINES

- Section R20-5-1301. Adoption and Applicability of the Article
- R20-5-1302. Definitions
- R20-5-1303. Provider Request for Pre-Authorization
- R20-5-1304. Payer Denial of Request for Pre-Authorization



R20-5-1305.	<u>Payer Denial of Payment for Provided Treatment or Services</u>
R20-5-1306.	<u>Payer Reversal of Decision to Deny Treatment or Services</u>
R20-5-1307.	<u>Payer Decision, In Whole or In Part</u>
R20-5-1308.	<u>Failure to Comply with Required Time Limits</u>
R20-5-1309.	<u>Payer Decision of Request for Pre-Authorization</u>
R20-5-1310.	<u>Payer Reconsideration of Request for Pre-Authorization</u>
R20-5-1311.	<u>Administrative Review by Commission</u>
R20-5-1312.	<u>Hearing Process</u>

ARTICLE 13. TREATMENT GUIDELINES

R20-5-1301. Adoption and Applicability of the Article

- A.** The Industrial Commission of Arizona (Commission) has adopted the Work Loss Data Institutes' *Official Disability Guidelines – Treatment in Workers Compensation* (ODG) as the standard reference for evidence based medicine used in treating injured workers within the context of Arizona's workers' compensation system. By adopting and referencing the most recent edition (at the time of treatment), and continuously updated *Official Disability Guidelines*, the Commission can ensure the latest available medical evidence is used in making medical treatment decisions for injured workers. The adoption of the guidelines is limited to the treatment recommendations published therein. Other information or guidelines published or included in the ODG are not adopted and are not subject to this Article, including disability duration, return-to-work pathways, fitness for duty examinations, disability evaluations and certifications, and causation.
- B.** Until further action of the Commission, the guidelines shall apply to and are mandatory in the management of chronic pain and the use of opioids for all stages of pain management. For purposes of this process, chronic pain shall be defined by the guidelines.
- C.** The Commission may modify or change the applicability of the guidelines as described in subsection B if the Commission determines that modification or changing the applicability of the guidelines will 1) improve medical treatment for injured workers, 2) make treatment and claims processing more efficient and cost effective, and 3) the guidelines adequately cover the body parts or conditions. Before taking action to modify or change the applicability of the guidelines, the Commission shall provide an opportunity for public comment and hold a public hearing. A decision of the Commission under this subsection shall be made by a majority vote of a quorum of Commission members present at a public meeting.
- D.** The action taken by the Commission to modify or change the applicability of the guidelines under subsection C shall be published in the minutes of the Commission meeting when such action was taken. The minutes of this action shall be published on the Commission's website and shall be available from the Commission upon request.
- E.** The guidelines shall apply prospectively. Recommendations provided in the guidelines shall apply to medical treatment or services occurring on or after the effective date of this Article.
- F.** This Article applies to all claims filed with the Commission.
- G.** This Article only applies to medical treatment and services for body parts and conditions that have been accepted as compensable.
- H.** The guidelines are to be used as a tool to support clinical decision making and quality health care delivery to injured employees. The guidelines set forth care that is generally considered reasonable and are presumed correct if the guidelines provide recommendations related to the requested treatment or service. This is a rebuttable presumption and reasonable medical care may include deviations from the guidelines. To support a request to deviate from the guidelines, the provider must produce documentation and justification that demonstrates by a preponderance of credible medical evidence a medical basis for departing from the guidelines. Credible medical evidence may include clinical expertise and judgment.
- I.** The Commission shall provide administrative review and oversight of this Article.

R20-5-1302. Definitions

In this Article, unless the context otherwise requires:

"Act" means the Arizona Workers' Compensation Act, A.R.S. Title 23, Ch. 6, Articles 1 through 11.

"Active Practice" means performing patient care for a minimum of 8 hours per week in one of the 5 preceding years.

"Administrative Law Judge" or "ALJ" means a hearing officer appointed under A.R.S. § 23-108.02.

"Administrative Review" means a process that includes a peer review for pre-authorization of a request for medical treatment or services that has been denied or partially denied by a Payer. The administrative review process will be managed by the Medical Resource Office (MRO) at the Industrial Commission of Arizona.

"American Board of Medical Specialties" means the organization that develops a uniform system for specialty boards to administer examinations for certification of physicians within specific medicine specialties.

"American Osteopathic Association" means the organization that develops a uniform system for specialty boards to administer examinations for certification of osteopathic physicians within specific osteopathic medicine specialties.

"Applicability" means the medical conditions that are covered under this Article and authorized by the Commission under A.A.C. R20-5-1301(F).

"Chronic Pain" means any pain that persists beyond the anticipated time of healing.

"Claim" means the workers' compensation claim filed by the injured employee under the Act.

"Contractor" means an independent peer review organization accredited by URAC.



“Fast Track ALJ Dispute Resolution” or “fast track process” means the voluntary dispute resolution process set forth in R20-5-1314(B).

“International Classification of Diseases Code” or “ICD Code” means a set of medical diagnostic codes that creates a universal language for reporting diseases and injury.

“International Classification of Diseases” or “ICD” means an official list of categories of diseases, physical and mental, that is issued and maintained by the World Health Organization.

“IME” means an independent medical examination” scheduled under R20-5-114.

“Injured Employee” means a person defined in A.R.S. § 23-901(6) whose claim has been accepted for worker’s compensation benefits.

“Medical File Review Opinions” means a formal examination of patient data and medical records for the purpose of determining the need for medical treatment, services or both.

“Payer” means an insurance carrier defined under A.R.S § 23-901(6), a self-insured employer defined in R-20-5-102, a third party administrator, and the Special Fund of the Industrial Commission of Arizona.

“Peer Review” means an independent medical review conducted by a individual meeting the requirements of R20-5-13.

“Pre-Authorization” means a request from a provider to a payer requesting approval to provide medical treatment or services to an injured employee.

“Provider” means a physician as defined in R20-5-102.

“Reconsideration” means a written request to the payer or identified review organization by an injured employee or medical provider to reconsider a previous payer decision to deny medical treatment or services and that identifies the specific justification to support the request.

“Third Party Administrator” or “TPA” means is an organization that processes insurance claims or certain aspects of employee benefit plans for a separate entity.

“Treatment Guidelines” or “guidelines” means medical treatment guidelines that are used as a tool to support clinical decision making and quality health care delivery to injured employees.

“URAC” refers to URAC, a non-profit organization formerly known as the Utilization Review Accreditation Commission.

R20-5-1303. Provider Request for Pre-Authorization

- A.** No pre-authorization is required under the Act to ensure payment for reasonably required medical treatment or services. While pre-authorization is not required under the Act, a provider may seek pre-authorization as provided in this subsection.
- B.** A provider shall submit a request for pre-authorization in writing, which shall include the following information:
 1. Patient information (including date of injury, date of birth, and payer claim number);
 2. Diagnosis and ICD code;
 3. Date of request;
 4. Type of request - Initial, Routine, Urgent, or Life Threatening;
 5. A statement of the treatment or services requested. Where appropriate, information about quantity, strength, duration and frequency of the treatment or services should be included. Use of the applicable codes should also be included and will facilitate the process; and
 6. Documentation, if not already provided, that supports the medical necessity and appropriateness of the treatment or services requested, such as office notes and diagnostic reports.
- C.** A provider may submit the request by mail, electronically or by fax.

R20-5-1304. Payer Denial of Request for Pre-Authorization

- A.** A payer shall not deny a request for pre-authorization solely because the guidelines do not address the requested treatment or services.
- B.** A payer shall not deny a request for pre-authorization that is supported by the guidelines, unless the payer can rebut the presumption of reasonableness and correctness with a medical or psychological opinion establishing by a preponderance of the evidence that there is a contraindication or significant medical or psychological reason not to authorize the requested treatment or services. Upon request by the provider or injured employee, a denial of pre-authorization in this situation shall be processed as an immediate referral to the Commission for administrative review as provided in R20-5-1312 unless the payer obtains an IME in support of its denial. If the payer obtains an IME which serves as the basis for the denial, then review of the payer’s decision shall be processed as a request for investigation under A.R.S. § 23-1061(J) if filed by the injured employee.

R20-5-1305. Payer Denial of Payment for Provided Treatment or Services

- A.** A payer shall not deny payment for provided treatment or services solely because the guidelines do not address the requested treatment or services.
- B.** A payer shall not deny payment for provided treatment or services supported by the guidelines, unless the payer can rebut the presumption of reasonableness and correctness with a medical or psychological opinion establishing by a preponderance of the evidence that there is a medical contraindication or significant medical reason not to pay for the treatment or services.
- C.** A dispute related to a payer’s failure to pay for provided treatment or services may be processed as a request for investi-



gation under A.R.S. § 23-1061(J) if filed by an injured employee.

R20-5-1306. Payer Reversal of Decision to Deny Treatment or Services

A payer may reverse its decision to deny treatment or services at any time throughout the process described in this Article. In this situation, the payer's subsequent authorization or agreement to pay for the treatment or services at issue shall end this process.

R20-5-1307. Payer Decision, In Whole or In Part

A payer may issue a decision approving or denying a request for pre-authorization in whole, or in part.

R20-5-1308. Failure to Comply with Required Time Limits

A payer's failure to comply with the required time limits of this process may be considered unreasonable delay under R20-5-163.

R20-5-1309. Payer Decision of Request for Pre-Authorization

- A.** Except as provided in subsection (D), a payer shall communicate to the provider its decision on a request for pre-authorization no later than 10 business days after the request is received. This decision shall comply with the requirements set forth in subsection (H). For purposes of this Section, the 10 business days begins to run the day after the payer receives the request.
- B.** If a payer fails to communicate to a provider its decision on request for pre-authorization within 10 business days, then the payer's failure to take action is deemed a "no response" and the provider or injured employee may submit a request for administrative review directly to the Commission as provided in R20-5-1312.
- C.** If a payer receives a request for pre-authorization that fails to meet the requirements of R20-5-1303, the payer may, in its discretion:
1. Act on the incomplete request for pre-authorization; or
 2. No later than 10 business days after the request is received, notify the provider that the request for pre-authorization is incomplete.
- D.** If, no later than 10 business days after a request for pre-authorization has been received, a payer provides notice to the provider that an IME has been requested under R20-5-114, then the payer's decision on a request for pre-authorization shall be issued no later than 10 business days after the final IME report has been received by the payer. The payer shall provide a copy of the final IME report to the provider upon receipt of the IME report.
- E.** Unless the payer decision was supported by an IME or otherwise falls within subsection R20-5-1304(B), an injured employee or provider may seek reconsideration of a payer decision by submitting a written request to the payer (or review organization identified by the payer) that states the specific reasons and justifications to support the request. If not previously provided, the injured employee or provider shall include supporting medical documentation with their written request.
- F.** An injured employee may seek review of a payer decision that is supported by an IME by requesting an investigation under A.R.S. § 23-1061(J).
- G.** Unless the decision was supported by an IME, an injured employee or provider may seek review of a payer decision issued under R20-5-1304(B) by requesting administrative review by the Commission as provided in R20-5-1312.
- H.** A payer shall include the following information in its written decision to approve or deny the request for pre-authorization to provide treatment or services:
1. The date on which the request for authorization was received;
 2. Patient information, including date of injury, date of birth, payer claim number and Commission claim number;
 3. The date on which an IME was completed, if applicable;
 4. A statement of what has been authorized, including if applicable, a partial authorization;
 5. A statement of explanation if the request for pre-authorization is denied in whole, or in part, which should include the medical reason supporting the payer's decision;
 6. A statement of the process under which a provider or injured employee may request reconsideration or review of the payer's denial, in whole or in part, of a request for authorization, which shall include the following information:
 - a.** For a decision that is issued without obtaining an IME that is not subject to R20-5-1304(B):
"If you wish to request reconsideration of the decision regarding your request for authorization to provide treatment or services, you must send a written request for reconsideration to:
Name of Payer or Review Organization Identified by Payer
Address
Phone
Fax
E-mail
You must include the specific reason and justification to support your request. Please include additional supporting medical documentation if not previously provided."
 - b.** For a decision that is supported by an IME:
"If you wish review of the decision regarding your request for authorization to provide treatment or services, then the injured employee is required to file a request for investigation under A.R.S. § 23-1061(J)."
 - c.** For a decision that is issued without obtaining an IME that is subject to subsection R20-5-1304(B):



“If you disagree with this decision and wish to request review by the Industrial Commission of Arizona, then you may submit a request for administrative review under R20-5-1312 to:

Industrial Commission of Arizona
Attn: Medical Resource Office, Suite 305
Address
Commission Telephone Number.

The provider shall file this request promptly and include the following information: patient information, including name, address, payer claim number, Commission claim number, date of injury; Diagnosis or ICD code; employer, insurance carrier or TPA information; provider information; information pertaining to request for treatment, including the justification for treatment, applicable treatment guideline or guidelines; denial of treatment by payer; copies of relevant medical information or records, and; whether the request for medical treatment or services involves a request for urgent care or a life-threatening condition.”

I. A payer shall provide a copy of its written decision to deny treatment or services to the injured employee.

R20-5-1310. Payer Reconsideration of Request for Pre-Authorization

A. Except as provided in subsection (C), a payer shall communicate to the provider its decision on a request for reconsideration no later than 10 business days after the request is received. This decision shall comply with the requirements set forth in subsection (E). For purposes of this subsection, the 10 business days begins to run the day after the payer receives the request for review.

B. If a payer fails to respond to a request for reconsideration within 10 business days, the provider or injured employee may submit a request for administrative review directly to the Commission as provided in R20-5-1312.

C. If, no later than 10 business days after a request for reconsideration has been received, a payer provides notice to the provider that an IME has been requested under R20-5-114, then the payer’s decision on a request for reconsideration shall be issued no later than 10 business days after the final IME report has been received by the payer. The payer shall provide a copy of the final IME report to the provider upon receipt of the report.

D. Commission Review of Payer Reconsideration Decision.

1. An injured employee or provider may seek review of a payer reconsideration decision by requesting an administrative review by the Commission as provided in R20-5-1312 unless the payer decision was supported by an IME.
2. An injured employee may seek review of a payer reconsideration decision that is supported by an IME by requesting an investigation under A.R.S. § 23-1061(J).

E. A payer shall include the following information in its written decision to approve or deny, in whole or in part, a request for reconsideration of a denial of pre-authorization:

1. The date on which the request for reconsideration was received;
2. Patient information, including date of injury, date of birth, payer claim number and Commission claim number;
3. The date on which an IME was completed, if applicable;
4. A statement of what has been authorized including, if applicable, a partial authorization;
5. A statement of explanation if the request for treatment is denied, in whole or in part; and
6. A statement of the process under which a provider or injured employee may request Commission review of the payer’s denial, in whole or in part, of a request for pre-authorization, which shall include the following information:
 - a. For a reconsideration decision that is issued without obtaining an IME:
“If you disagree with this reconsideration decision and wish to request review by the Commission, then you may submit a request for administrative review under R20-5-1312 to:

Industrial Commission of Arizona
Attn: Medical Resource Office
Address
Commission Telephone Number.

The provider shall file this request promptly and include the following information: Patient information, name, address, payer claim number, and Commission claim number, date of injury; Diagnosis, ICD code; employer, insurance carrier or TPA information; provider information; information pertaining to treatment request and justification for treatment, applicable treatment guideline and denial of treatment by payer; copies of relevant medical information or records; copies of relevant documentation related to the payer reconsideration decision, and; whether the request for medical treatment or services involves a request for urgent care or a life-threatening condition.”

- b. For reconsideration of a decision that is supported by an IME:
“If you disagree with this reconsideration decision and wish review by the Commission, then the injured employee is required to file a request for investigation under A.R.S. 23-1061(J).”

B. A payer shall provide a copy of its written reconsideration decision to deny treatment or services to the injured employee.

R20-5-1311. Administrative Review by Commission

A. Until further action of the Commission under R20-5-1301(C), administrative review under this Article is limited to requests for medical treatment or services related to the management of chronic pain or the use of opioids for all stages



- of pain management.
- B.** A request for administrative review shall be in writing and submitted by mail, electronically or by fax. The request shall include the following information:
1. Identifying information of the injured employee and claim, including the injured employee's name, address, commission claim number, and date of injury;
 2. Diagnosis and ICD code;
 3. Identifying information of the employer, insurance carrier or TPA;
 4. Identifying information of the Provider;
 5. Information pertaining to request for treatment, such as the justification for treatment, applicable treatment guideline and, if applicable, the payer's denial of treatment;
 6. Copies of relevant medical information or records;
 7. Copies of documentation related to the payer's decision or non-response; and
 8. Whether the request for medical treatment or services involves a request for urgent care or a life-threatening condition.
- C.** Upon receipt of a request for administrative review, the Commission shall determine whether the administrative review is available under this Article.
1. If administrative review is not available, then no later than three business day after receiving a request for administrative review, the Commission shall send notice to the injured employee and payer that administrative review is not available.
 2. If administrative review is available, then no later than three business day after receiving the request, the Commission shall send notice to the payer that a request for administrative review has been received and provide information on how to participate in the process.
- D.** The administrative review conducted under this Section shall apply the guidelines as described in this Article and include a peer review performed by an individual meeting the requirements of subsection (I). The peer review shall consist of a records review and, when possible as described in subsection (I)(5), a conversation between the provider and individual conducting the peer review.
- E.** The Commission may enter into an agreement with one of more contractors, who shall be accredited by the Utilization Review Accreditation Commission, to provide the review described in subsection R20-5-1311(D).
- F.** The payer shall pay for the costs of the peer review conducted by the contractor.
- G.** To assist in its review, the Commission or its contractor may request or receive additional information and documentation from the provider, injured employee or payer, who shall cooperate and provide the Commission or its contractor with any necessary medical information, including information pertaining to the payer's decision.
- H.** Before the Commission issues a determination denying the request for treatment or services, a good faith effort shall be made to conduct a peer review with the provider requesting authorization to perform the treatment or services.
- I.** The individual conducting the peer review shall:
1. Hold an active, unrestricted license or certification to practice medicine or health profession and be involved in the active practice of medicine or health profession during the 5 preceding years. For purposes of this subsection, "active practice" means performing patient care for a minimum of 8 hours per week in one of the five preceding years;
 2. Be licensed in Arizona, unless the Commission or its contractor is unable to find such an individual, in which case the peer review may be conducted by an individual who is licensed in another state of the United States and who meets the other requirements of this subsection;
 3. For a review of a request from an allopathic or osteopathic physician, nurse practitioner, physician assistant, or other mid-level provider, hold a current certification from the American Board of Medical Specialties or the American Osteopathic Association in the area or areas appropriate to the condition, procedure or treatment under review;
 4. Be in the same profession and the same specialty or subspecialty as typically performs or prescribes the medical procedure or treatment requested;
 5. Make a good faith effort to contact the provider requesting the pre-authorization. This good faith effort shall include making telephone contact during the provider's normal business hours and offering to schedule the peer review at a time convenient for the provider.
- J.** A provider may bill the payer for time spent participating in a peer review under this Section.
- K.** The Commission shall issue a written determination of its review that contains the name and title of the person, whether Commission or contractor that conducted the review and includes the following information:
1. Whether the request for treatment or services is authorized or denied, in whole or in part;
 2. The information reviewed;
 3. The principle reason for the decision; and
 4. The clinical basis and rationale for the decision.
- L.** An interested party dissatisfied with the administrative review determination may request that the dispute be referred to the Commission's Administrative Law Judge Division for hearing. This request for hearing shall:
1. Be in writing;
 2. Filed no later than 10 business days after the administrative review determination is issued; and



- 3. State whether the party requests to participate in the Fast Track ALJ Dispute Resolution Program by stipulation, or declines to participate in the Fast Track ALJ Dispute Resolution Program.
- M.** If a timely request for hearing is filed, the administrative review determination is deemed null and void and shall serve no evidentiary purpose.
- N.** The information provided by the parties under this Section and the determination issued by the Commission shall become a part of the Commission claims file for the injured employee.

R20-5-1312. Hearing Process

- A.** A referral of a request for hearing under R20-5-1311(L) shall be processed as provided for in the Act unless all parties agree to participate in the fast track process.
- B.** The following applies only to the Fast Track ALJ Dispute Resolution Program:
 - 1. Parties must agree to participate in the Fast Track Administrative Law Judge Dispute Resolution Program with the understanding that a short form decision will be issued.
 - 2. Review by the presiding ALJ shall be limited to the treatment or service dispute considered at the administrative review under Section 1311.
 - 3. The presiding ALJ shall issue a notice of hearing within 10 business days of the receipt of fully executed agreement to participate and certificate of readiness.
 - 4. The hearing shall be held within 30 calendar days from the day that the notice of hearing is issued to the extent practicable.
 - 5. Discovery is limited to five interrogatories and no depositions are permitted.
 - 6. The presiding judge shall take all lay witness testimony at the time of the scheduled hearing and will not hold any further hearings.
 - 7. The presiding ALJ shall consider medical evidence in the form of written reports only; no live medical testimony shall be taken.
 - 8. Medical file review opinions shall be deemed to constitute substantial evidence to support the requested treatment or service.
 - 9. All documentary evidence shall be submitted no later than 10 business days before the scheduled hearing.
 - 10. The hearing shall be recorded, but not transcribed, unless one or more of the parties files a request for review under A.R.S. § 23-942 and A.R.S. § 23-943.
 - 11. The ALJ shall issue a short form decision within five business days after the matter is deemed submitted.



NOTICES OF FINAL EXPEDITED RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Expedited Rulemaking. The Office of the Secretary of State is the filing office and publisher of these rules.

Questions about the interpretation of the proposed expedited rule should be addressed to the agency proposing them. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXPEDITED RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL

[R15-164]

PREAMBLE

- 1. Article, Part, of Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory authority for the rulemaking, including both the authorizing statute (general) and the implementing statute (specific):
3. The effective date of the rule:
4. Citations to all related notices published in the Register that pertain to the record of the Notice of Final Expedited Rulemaking:
5. The agency's contact person who can answer questions about the rulemaking:
6. An agency's explanation why the proposed expedited rule should be made, amended, repealed or renumbered, under A.R.S. § 41-1027 (A) and why expedited proceedings were justified under A.R.S. § 41-1001(16)(c):

Descriptions of new federal subparts recently incorporated into Arizona's rules and significantly revised subparts,



summarized from EPA's Notices of Final Rulemakings, appear below, under "Federal Regulations Proposed to be Incorporated." The updates include federal regulations finalized between July 1, 2006, and June 28, 2013.

Acid Rain. Federal Regulations already incorporated by reference from Title 40 CFR Parts 72, 74, 75, and 76, have been updated from July 1, 2006, to June 28, 2013, at R18-2-333. There were no major rulemakings or amendments from July 1, 2006, to July 1, 2007. The Environmental Protection Agency (EPA) promulgated significant revisions amending federal acid rain rules during the July 1, 2007, to June 28, 2013, time period as described below. The EPA made revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program, NO_x Budget Trading Program, Clean Air Interstate Rule (CAIR), and the Clean Air Mercury Rule (CAMR) [Amended at 73 FR 4312, January 24, 2008]; ADEQ is obligated under state and federal law to incorporate federal acid rain requirements in the permits issued by ADEQ. [See R18-2-306(A)(2) and 40 CFR 70.6(a)(1)].

On March 10, 2005, EPA finalized the CAIR. Subsequently, on March 15, 2005, EPA issued the CAMR to permanently cap and reduce mercury emissions from coal-fired power plants for the first time ever. On February 8, 2008, the D.C. Circuit vacated EPA's rule removing power plants from the Clean Air Act list of sources of hazardous air pollutants. At the same time, the Court vacated the Clean Air Mercury Rule. EPA has set new standards for mercury emissions from Coal-fired power plants (40 CFR 63, Subpart UUUUU), which appeared earlier in the Federal Register on February 16, 2012, and are summarized below. 77 FR 9304. On April 24, 2013, The EPA took final action on its reconsideration of certain issues in the final rules titled, "National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial- Institutional Steam Generating Units." As part of this action, the EPA also made certain technical corrections to the MATS NESHAP. 78 FR 24073.

On June 29, 2015, in *Michigan v. EPA*, the U.S. Supreme Court reversed the D.C. Circuit's decision upholding EPA's determination not to consider cost when deciding whether the regulation of hazardous air pollutants (HAP) from electric utility steam generating units in Subpart UUUUU (the Mercury and Air Toxics Standards, or MATS) was "appropriate and necessary" under section 111(n)(1)(A) of the Clean Air Act. The Court, however, did not vacate Subpart UUUUU but instead remanded it to the D.C. Circuit for further consideration. The D.C. Circuit could in turn vacate the rule or remand it to EPA with instructions to redo the necessary and appropriate determination. In the latter case, the rule would remain in effect. We are declining to finalize the incorporation by reference of this subpart at this time because of the uncertainty about the rule's future created by the Supreme Court's decision. This will not affect the state mercury rule in R18-2-734, which includes a separate incorporation by reference of the mercury emission standards in Subpart UUUUU and establishes state backstop emission standards that will go into effect if the MATS is ultimately vacated. (The state mercury rule does not incorporate Subpart UUUUU's standards for HAP other than mercury, such as HF and HCl.)

Our rules define "applicable requirements" to include all current NSPS and NESHAP. R18-2-101(16), (51). The Permit Section is required to include conditions reflecting all applicable requirements into permits. R18-2-306(A)(2). We will therefore continue to have authority to issue permits reflecting, and to enforce, Subpart UUUUU, even if we delay its incorporation by reference into Article 9.

The U.S. Court of Appeals for the D.C. Circuit has ruled on petitions for review of the CAIR and CAIR Federal Implementation Plans (FIPs), including their provisions establishing the CAIR NO_x annual and ozone season and SO₂ trading programs. On July 11, 2008, the Court issued an opinion vacating and remanding these rules; however, parties to the litigation requested rehearing of aspects of the Court's decision, including the vacatur of the rules. On December 23, 2008, the Court granted rehearing only to the extent that it remanded the rules to EPA without vacating them. The December 23, 2008 ruling left CAIR and the CAIR FIP in place until EPA issued a new rule to replace CAIR in accordance with the July 11, 2008 decision. On April 15, 2014, the D.C. Court of Appeals denied the petitions that challenged, and upheld, the Final Rule promulgated at 77 F.R. 9304. *White Stallion Energy Center, LLC, v. EPA*, No. 12-1100 (D.C. C. 2014).

On July 6, 2011, the EPA adopted the Cross-State Air Pollution Rule (CSAPR), which replaces the CAIR rule, and required States to significantly improve air quality by reducing power plant emissions that contribute to ozone and/or fine particle pollution in other states. CSAPR requires a total of 28 states to reduce annual SO₂ emissions, annual NO_x emissions and/or ozone season NO_x emissions to assist in attaining the 1997 ozone and fine particle and 2006 fine particle National Ambient Air Quality Standards (NAAQS). On February 7, 2012 and June 5, 2012, EPA issued two sets of minor adjustments to CSAPR. On August 12, 2012, the United States Court of Appeals for the D.C. Circuit vacated the CSAPR rule. *EME Homer City Generation, L.P. v. EPA*, No. 11-1302 (D.C.C. 2012). On



January 24, 2013, the United States Court of Appeals for the D.C. Circuit denied EPA's petition for rehearing en banc of the Court's August 2012 decision. On June 24, 2013, the U.S. Supreme Court granted the United States' petition asking the Court to review the D.C. Circuit Court's decision on CSAPR. CAIR remained in place while CSAPR is being reviewed. On April 29, 2014, The U.S. Supreme Court reversed and remanded the case back to the D.C. Circuit. *EPA v. EME Homer City Generation, L.P., et al.*, No. 12–1182, (2014). The Supreme Court held that: 1) the Clean Air Act does not command that States be given a second opportunity to file a SIP after the EPA has quantified the State's interstate pollution obligations, and 2) EPA's cost-effective allocation of emission reductions among upwind States is permissible, workable, and equitable interpretation of the Good Neighbor Provision. *Id.* Arizona is not subject to the CAIR or CSAPR rules, but, as described above, is obligated under state and federal law to incorporate federal acid rain requirements in the permits issued by ADEQ.

NSPS and NESHAP Regulations. Federal Regulations already incorporated by reference from Title 40 CFR Parts 60, 61, and 63, have been updated from July 1, 2006, to June 28, 2013, at R18-2-901, R18-2-1101(A), and R18-2-1101(B). As explained further below, this includes new subparts and significantly revised subparts in Title 40 CFR Parts 60, 61, and 63. ADEQ is also adding subparts that were not previously incorporated to 40 CFR Part 61. Those subparts were added at 54 FR 51694, December 15, 1989 and a summary of the original federal register notice is provided, along with subsequent updates.

Miscellaneous Incorporations by Reference in Appendix 2. The provisions in Appendix 2 have been updated from July 1, 2006, to June 28, 2013. These provisions are cited throughout 18 A.A.C. 2, but are incorporated by reference in a single location in Appendix 2, for convenience.

Negative Declarations

ADEQ must submit a Negative Declaration letter to the EPA if ADEQ does not have a source within its jurisdiction that would be subject to specified emissions guidelines, NSPS, or NESHAPS.

ADEQ has submitted Negative Declaration Letters for:

- 1) 40 CFR 60, Subpart Cb – Emissions Guidelines and Compliance times for Large Municipal Waste Combustors that are Constructed on or Before September 20, 1994. ADEQ submitted the letter on June 7, 1996 (EPA approval at 65 FR 33461, May 24, 2000).
- 2) 40 CFR 60, Subpart BBBB - Emissions Guidelines and Compliance times for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999. ADEQ submitted the letter on March 15, 2001 (EPA approval at 66 FR 67098, December 28, 2001).
- 3) 40 CFR 60, Subpart DDDD - Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999. ADEQ submitted the letter on April 25, 2003 (EPA approval at 68 FR 48364, August 18, 2003).
- 4) 40 CFR 60, Subpart FFFF, Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units for Which Construction is Commenced On or Before December 9, 2004, from R18-2-901 because that Subpart does not apply to Arizona. ADEQ submitted the letter on March 18, 2008.
- 5) 40 CFR 60, Subpart Ce – Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators (HMIWI). This Subpart is for HMIWIs which construction was commenced on or before June 20, 1996, or for which modification was commenced on or before March 16, 1998. ADEQ submitted the letter on September 28, 2009. ADEQ originally submitted a plan for this Subpart on November 16, 1999. EPA approved the plan on August 21, 2000 (65 FR 38744, June 22, 2000). Updated plans would have been due to the EPA on October 6, 2010, however ADEQ submitted its negative declaration before that date. At this time, EPA has not taken action.
- 6) 40 CFR 60, Subpart MMMM - Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units. ADEQ submitted the letter on November 26, 2013.
- 7) 40 CFR 63, Subpart X – National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting, from R18-2-1101 as that Subpart does not apply to Arizona. ADEQ submitted the letter on January 24, 2012.

Federal Regulations Proposed to be Incorporated

NSPS - 40 CFR PART 60

SUBPARTS ADDED:

40 CFR 60, Subpart D, Da, Db, and Dc – Amendments to New Source Performance Standards (NSPS) for Electric Utility Steam Generating Units and Industrial-Commercial-Institutional Steam Generating Units [Added at 71 FR 32709, June 13, 2007]. EPA amended the new source performance standards (NSPS) for electric utility steam generating units and industrial-commercial-institutional steam generating units. These amendments to the regulations added compliance alternatives for owners and operators of certain affected sources, revised certain recordkeeping and reporting requirements, corrected technical and editorial errors, and updated the grammatical style of the four subparts to be more consistent across all of the subparts.



40 CFR 60, Subpart D, Da, Db, and Dc – Standards of Performance for Fossil-Fuel-Fired Steam Generators; Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units; Final Rule [Added at 74 FR 5071, January 28, 2009]. EPA amended the new source performance standards (NSPS) for electric utility steam generating units and industrial-commercial-institutional steam generating units. These amendments to the regulations added compliance alternatives for owners and operators of certain affected sources, eliminated the opacity standard for facilities with a particulate matter (PM) limit of 0.030 lb/million British thermal units (MMBtu) or less that choose to voluntarily install and use PM continuous emission monitors (CEMS) to demonstrate compliance with that limit, and corrected technical and editorial errors.

40 CFR 60, Subpart Ga--New Source Performance Standards Review for Nitric Acid Plants [Amended at 77 FR 48433, August 14, 2012] The EPA finalized the new source performance standards (NSPS) for nitric acid plants. Nitric acid plants include one or more nitric acid production units (NAPUs). These revisions include a change to the nitrogen oxides (NOX) emission limit, which applies to each NAPU commencing construction, modification, or reconstruction after October 14, 2011. These revisions also include additional testing and monitoring requirements.

40 CFR 60, Subpart Ja – Standards of Performance for Petroleum Refineries; Final Rule [Added at 73 FR 35837, June 24, 2008]. EPA promulgated final amendments to the current Standards of Performance for Petroleum Refineries. This action also promulgates separate standards of performance for new, modified, or reconstructed process units at petroleum refineries. The final standards for new process units include emissions limitations and work practice standards for fluid catalytic cracking units, fluid coking units, delayed coking units, fuel gas combustion devices, and sulfur recovery plants. These final standards reflect demonstrated improvements in emissions control technologies and work practices that have occurred since promulgation of the current standards.

40 CFR 60, Subpart VV, VVa, and GGG – Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries [Added at 72 FR 64860, November 16, 2007]. EPA promulgated final amendments to the standards of performance for equipment leaks of volatile organic compounds in the synthetic organic chemicals manufacturing industry and to the standards of performance for equipment leaks of volatile organic compounds in petroleum refineries. The amended standards for the synthetic organic chemicals manufacturing industry apply to affected facilities that were constructed, reconstructed, or modified after January 5, 1981, and on or before November 7, 2006. The amended standards for petroleum refineries apply to affected facilities that were constructed, reconstructed, or modified after January 4, 1983, and on or before November 7, 2006. In this action, EPA also finalized new standards of performance for equipment leaks of volatile organic compounds in the synthetic organic chemicals manufacturing industry and for equipment leaks of volatile organic compounds in petroleum refineries which apply to affected facilities that are constructed, reconstructed, or modified after November 7, 2006. The final amendments and new standards are based on the results of EPA's review of the existing regulations as required by section 111(b)(1)(B) of the Clean Air Act.

40 CFR 60, Subpart GGGa – Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries [Added at 72 FR 64859, November 16, 2007]. EPA promulgated final amendments to the standards of performance for equipment leaks of volatile organic compounds in the synthetic organic chemicals manufacturing industry and to the standards of performance for equipment leaks of volatile organic compounds in petroleum refineries. The amended standards for the synthetic organic chemicals manufacturing industry apply to affected facilities that were constructed, reconstructed, or modified after January 5, 1981, and on or before November 7, 2006. The amended standards for petroleum refineries apply to affected facilities that are constructed, reconstructed, or modified after January 4, 1983, and on or before November 7, 2006. In this action, EPA is also issuing new standards of performance for equipment leaks of volatile organic compounds in the synthetic organic chemicals manufacturing industry and for equipment leaks of volatile organic compounds in petroleum refineries which apply to affected facilities that were constructed, reconstructed, or modified after November 7, 2006. The final amendments and new standards are based on the results of EPA's review of the existing regulations as required by section 111(b)(1)(B) of the Clean Air Act.

40 CFR 60, Subpart OOO – New Source Performance Standards Review for Nonmetallic Mineral Processing Plants; and Amendment to Subpart UUU Applicability [Added at 74 FR 19293, April 28, 2009]. EPA has finalized amendments to the Standards of Performance for Nonmetallic Mineral Processing Plant(s) (NMPP). These final amendments include revisions to the emission limits for NMPP affected facilities which commence construction, modification, or reconstruction on or after April 22, 2008. These final amendments for NMPP also include: Additional testing and monitoring requirements for affected facilities that commence construction, modification, or



reconstruction on or after April 22, 2008; exemption from this final rule of affected facilities that process wet material; changes to simplify the notification requirements for all affected facilities; and changes to definitions and various clarifications. The EPA did not take any final action in this document regarding the amendment to the Standards of Performance for Calciners and Dryers in Mineral Industries discussed in the proposed rule.

40 CFR 60, Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines [Added at 70 FR 39172, July 11, 2006]. EPA promulgated standards of performance for stationary compression ignition (CI) internal combustion engines (ICE). The standards will implement section 111(b) of the Clean Air Act (CAA) and are based on the Administrator's determination that stationary CI ICE cause, or contribute significantly to, air pollution that may reasonably be anticipated to endanger public health or welfare. The intended effect of the standards is to require all new, modified, and reconstructed stationary CI ICE to use the best demonstrated system of continuous emission reduction, considering costs, non-air quality health, and environmental and energy impacts, not just with add-on controls, but also by eliminating or reducing the formation of these pollutants. The final standards will reduce nitrogen oxides (NO_x) by an estimated 38,000 tons per year (tpy), particulate matter (PM) by an estimated 3,000 tpy, sulfur dioxide (SO₂) by an estimated 9,000 tpy, non-methane hydrocarbons (NMHC) by an estimated 600 tpy, and carbon monoxide (CO) by an estimated 18,000 tpy in the year 2015.

40 CFR 60, Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines [Added at 73 FR 3567, January 18, 2008] EPA promulgated new source standards of performance for stationary spark ignition internal combustion engines. EPA also promulgated national emission standards for hazardous air pollutants for new and reconstructed stationary reciprocating internal combustion engines that either are located at area sources of hazardous air pollutant emissions or that have a site rating of less than or equal to 500 brake horsepower and are located at major sources of hazardous air pollutant emissions.

40 CFR 60, Subpart KKKK – Standards of Performance for Stationary Combustion Turbines [Added at 70 FR 38481, July 6, 2006]. This action promulgated standards of performance for new stationary combustion turbines in 40 CFR Part 60, Subpart KKKK. The standards reflect changes in nitrogen oxides (NO_x) emission control technologies and turbine design since standards for these units were originally promulgated in 40 CFR Part 60, subpart GG. The NO_x and sulfur dioxide (SO₂) standards have been established at a level that brings the emissions limits up to date with the performance of current combustion turbines.

40 CFR 60, Subpart LLLL – Standards of Performance for New Stationary Sources: Sewage Sludge Incineration Units [Added at 76 FR 15371, March 21, 2011]. This action promulgates EPA's new source performance standards and emission guidelines for sewage sludge incineration units located at wastewater treatment facilities designed to treat domestic sewage sludge. This final rule sets limits for nine pollutants under section 129 of the Clean Air Act: Cadmium, carbon monoxide, hydrogen chloride, lead, mercury, nitrogen oxides, particulate matter, polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans, and sulfur dioxide.

40 CFR 60, Subpart OOOO – Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews [Amended at 77 FR 49490, August 16, 2012] This action finalized the review of new source performance standards for the listed oil and natural gas source category. In this action the EPA revised the new source performance standards for volatile organic compounds from leaking components at onshore natural gas processing plants and new source performance standards for sulfur dioxide emissions from natural gas processing plants. The EPA also established standards for certain oil and gas operations not covered by the existing standards. In addition to the operations covered by the existing standards, the newly established standards will regulate volatile organic compound emissions from gas wells, centrifugal compressors, reciprocating compressors, pneumatic controllers and storage vessels. This action also finalized the residual risk and technology review for the Oil and Natural Gas Production source category and the Natural Gas Transmission and Storage source category. This action includes revisions to the existing leak detection and repair requirements. In addition, the EPA has established in this action emission limits reflecting maximum achievable control technology for certain currently uncontrolled emission sources in these source categories. This action also includes modification and addition of testing and monitoring and related notification, recordkeeping and reporting requirements, as well as other minor technical revisions to the national emission standards for hazardous air pollutants. This action finalized revisions to the regulatory provisions related to emissions during periods of startup, shutdown and malfunction.

40 CFR 60, Appendix A-7 – Methods for Measurement of Visible Emissions [Added at 71 FR 55119, September 21, 2006] This action finalized Methods 203A, 203B, and 203C for determining visible emissions using data reduction procedures that are more appropriate for State Implementation Plan (SIP) rules than Method 9, the method cur-



rently used. This action was requested by the States and is needed for the special data reduction requirements in their rules. The intended effect was to provide States with an expanded array of data reduction procedures for determining compliance with their SIP opacity regulations. In addition, this action amended various testing provisions in the New Source Performance Standards (NSPS) to correct inadvertent errors and amended a testing provision.

[Added at 73 FR 29691, May 22, 2008] EPA took final action to correct errors in a final rule published May 15, 2006, that updated five continuous instrumental test methods. As published, the rule contained inadvertent errors and provisions that needed to be clarified. EPA published a direct final rule with a parallel proposed rule on September 7, 2007, to correct the errors and to add clarifying language. EPA received an adverse comment on the direct final rule, however, and it was subsequently withdrawn on November 5, 2007. EPA finalized the parallel proposal in 2008. In the final rule, EPA corrected errors, clarified certain provisions, and responded to the adverse comment received on the direct final rule published on September 7, 2007.

40 CFR 60, Appendix A-8— Two Optional Methods for Relative Accuracy Test Audits of Mercury Monitoring Systems Installed on Combustion Flue Gas Streams and Several Amendments to Related Mercury Monitoring Provisions [Added at 72 FR 51493, September 7, 2007] EPA took direct final action on two optional methods for relative accuracy audits of mercury monitoring systems installed on combustion flue gas streams and several amendments to related mercury monitoring provisions. This action approved two optional mercury (Hg) emissions test methods for potential use in conjunction with an existing regulatory requirement for Hg emissions monitoring, as well as several revisions to the mercury monitoring provisions themselves. This action is in regard to the testing and monitoring requirements for mercury specified in the Federal Register on May 18, 2005. Since that publication, EPA received numerous comments concerning the desirability of EPA evaluating and allowing use of the measurement techniques addressed in the two optional methods in lieu of the methods identified in the cited Federal Register publication, as they can produce equally acceptable measures of the relative accuracy achieved by Hg monitoring systems. This action allows use of these two optional methods entirely at the discretion of the owner or operator of an affected emission source in place of the two currently specified methods. This direct final rule also amends Performance Specification 12A by adding Methods 30A and 30B to the list of reference methods acceptable for measuring Hg concentration and the Hg monitoring provisions of May 18, 2005, to reflect technical insights since gained by EPA which will help to facilitate implementation including clarification and increased regulatory flexibility for affected sources.

40 CFR 60, Appendix B – Amendments to New Source Performance Standards (NSPS) for Electric Utility Steam Generating Units and Industrial-Commercial-Institutional Steam Generating Units [Added at 71 FR 32709, June 13, 2007]. EPA amended the new source performance standards (NSPS) for electric utility steam generating units and industrial-commercial-institutional steam generating units. These amendments to the regulations added compliance alternatives for owners and operators of certain affected sources, revise certain recordkeeping and reporting requirements, correct technical and editorial errors, and update the grammatical style of the four subparts to be more consistent across all of the subparts.

[Added at 71 FR 55119, September 21, 2006] The EPA finalized Methods 203A, 203B, and 203C for determining visible emissions using data reduction procedures that are more appropriate for State Implementation Plan (SIP) rules than Method 9, the method currently used. This action was requested by the States and is needed for the special data reduction requirements in their rules. The intended effect is to provide States with an expanded array of data reduction procedures for determining compliance with their SIP opacity regulations. In addition, this action amends various testing provisions in the New Source Performance Standards (NSPS) to correct inadvertent errors and amend a testing provision.

40 CFR 60, Appendices A-7, B, and F – Performance Specification 16 for Predictive Emissions Monitoring Systems and Amendments to Testing and Monitoring Provisions [Added at 74 FR 12575, March 25, 2009]. EPA took final action to promulgate Performance Specification (PS) 16 for predictive emissions monitoring systems (PEMS). Performance Specification 16 provides testing requirements for assessing the acceptability of PEMS when they are initially installed. There were no Federal rules requiring the use of PEMS; however, some sources have obtained Administrator approval to use PEMS as alternatives to continuous emissions monitoring systems (CEMS). Other sources may desire to use PEMS in cases where initial and operational costs are less than CEMS and process optimization for emissions control may be desirable. Performance Specification 16 will apply to any PEMS required in future rules in 40 CFR Parts 60, 61, or 63, and in cases where a source petitions the Administrator and receives approval to use a PEMS in lieu of another emissions monitoring system required under the regulation. The EPA also finalized minor technical amendments.

SUBPARTS SIGNIFICANTLY REVISED:

40 CFR 60, Subpart A – General Provisions [Amended at 75 FR 54970, September 9, 2010] The final amendments to the NSPS add or revise, as applicable, emission limits for PM, opacity, nitrogen oxides (NO_x), and sulfur



dioxide (SO₂) for facilities that commence construction, modification, or reconstruction after June 16, 2008. The final rule also includes additional testing and monitoring requirements for affected sources.

[Amended at 77 FR 2456, January 18, 2012] EPA promulgated a final rule to incorporate the most recent versions of ASTM International (ASTM) standards into EPA regulations that provide flexibility to use alternatives to mercury-containing industrial thermometers. This final rule allows the use of such alternatives in certain field and laboratory applications previously impermissible as part of compliance with EPA regulations. EPA believes the older embedded ASTM standards unnecessarily impede the use of effective, comparable, and available alternatives to mercury-containing industrial thermometers. Due to mercury's high toxicity, EPA sought to reduce potential mercury exposures to humans and the environment by reducing the overall use of mercury-containing products, including mercury-containing industrial thermometers.

[Amended at 77 FR 9304, February 16, 2012] On May 3, 2011, under authority of Clean Air Act (CAA) sections 111 and 112, the EPA proposed both national emission standards for hazardous air pollutants (NESHAP) from coal- and oil-fired electric utility steam generating units (EGUs) and standards of performance for fossil-fuel-fired electric utility, industrial-commercial institutional, and small industrial-commercial-institutional steam generating units (76 FR 24976). After consideration of public comments, the EPA finalized these rules in this action. Pursuant to CAA section 111, the EPA revised standards of performance in response to a voluntary remand of a final rule. Specifically, EPA amended new source performance standards (NSPS) after analysis of the public comments received. EPA also finalized several minor amendments, technical clarifications, and corrections to existing NSPS provisions for fossil fuel-fired EGUs and large and small industrial-commercial-institutional steam generating units. Pursuant to CAA section 112, the EPA established NESHAP that will require coal- and oil-fired EGUs to meet hazardous air pollutant (HAP) standards reflecting the application of the maximum achievable control technology. This rule protects air quality and promotes public health by reducing emissions of the HAP listed in CAA section 112(b)(1).

[Amended at 77 FR 56422, September 12, 2012] On June 24, 2008, the EPA promulgated amendments to the Standards of Performance for Petroleum Refineries and new standards of performance for petroleum refinery process units constructed, reconstructed or modified after May 14, 2007. The EPA subsequently received three petitions for reconsideration of these final rules. On September 26, 2008, the EPA granted reconsideration and issued a stay for the issues raised in the petitions regarding process heaters and flares. On December 22, 2008, the EPA addressed those specific issues by proposing amendments to certain provisions for process heaters and flares and extending the stay of these provisions until further notice. The EPA also proposed technical corrections to the rules for issues that were raised in the petitions for reconsideration. In this action, the EPA finalized those amendments and technical corrections and is lifting the stay of all the provisions granted on September 26, 2008 and extended until further notice on December 22, 2008.

40 CFR 60, Subpart D – Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971,

40 CFR 60, Subpart Da – Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978,

40 CFR 60, Subpart Db – Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units,

40 CFR 60, Subpart Dc – Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units [Amended at 76 FR 3517, January 20, 2011].

EPA is taking direct final action to amend the new source performance standards for electric utility steam generating units and industrial-commercial-institutional steam generating units. This action amends the testing requirements for owners/operators of steam generating units that elect to install particulate matter continuous emission monitoring systems. It also amends the opacity monitoring requirements for owners/operators of affected facilities subject to an opacity standard that are exempt from the requirement to install a continuous opacity monitoring system. In addition, this action corrects several editorial errors identified from previous rulemakings.

[Amended at 77 FR 9304, February 16, 2012]. On May 3, 2011, under authority of Clean Air Act (CAA) sections 111 and 112, the EPA proposed both national emission standards for hazardous air pollutants (NESHAP) from coal- and oil-fired electric utility steam generating units (EGUs) and standards of performance for fossil-fuel-fired electric utility, industrial-commercial institutional, and small industrial-commercial-institutional steam generating units (76 FR 24976). After consideration of public comments, the EPA finalized these rules in this action. Pursuant to CAA section 111, the EPA revised standards of performance in response to a voluntary remand of a final rule. Specifically, EPA amended new source performance standards (NSPS) after analysis of the public comments received. EPA also finalized several minor amendments, technical clarifications, and corrections to existing NSPS provisions for fossil fuel-fired EGUs and large and small industrial-commercial-institutional steam generating units. Pursuant to CAA section 112, the EPA established NESHAPs that will require coal- and oil-fired EGUs to meet hazardous air pollutant (HAP) standards reflecting the application of the maximum achievable control technology. This rule protects air quality and promotes public health by reducing emissions of the HAP listed in CAA section 112(b)(1).



40 CFR 60, Subpart Da – Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978, [Amended at 78 FR 24073, April 24, 2013] The EPA took final action on its reconsideration of certain issues in the final rules titled, “National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial- Institutional Steam Generating Units.” The National Emission Standards for Hazardous Air Pollutants (NESHAP) rule issued pursuant to Clean Air Act (CAA) section 112 is referred to as the Mercury and Air Toxics Standards (MATS) NESHAP, and the New Source Performance Standards rule issued pursuant to CAA section 111 is referred to as the Utility NSPS. The Administrator received petitions for reconsideration of certain aspects of the MATS NESHAP and the Utility NSPS. On November 30, 2012, the EPA granted reconsideration of, proposed, and requested comment on a limited set of issues. EPA also proposed certain technical corrections to both the MATS NESHAP and the Utility NSPS. The EPA took final action on the revised new source numerical standards in the MATS NESHAP and the definitional and monitoring provisions in the Utility NSPS that were addressed in the proposed reconsideration rule. As part of this action, the EPA also made certain technical corrections to both the MATS NESHAP and the Utility NSPS. The EPA did not take final action on requirements applicable during periods of startup and shutdown in the MATS NESHAP or on startup and shutdown provisions related to the PM standard in the Utility NSPS.

40 CFR 60, Subpart Ec – Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for which Construction is Commenced after June 20, 1996 [Amended at 74 FR 51367 October 6, 2009]. On September 15, 1997, EPA adopted new source performance standards (NSPS) and emissions guidelines (EG) for hospital/medical/ infectious waste incinerators (HMIWI). The NSPS and EG were established under Sections 111 and 129 of the Clean Air Act (CAA or Act). In a response to a suit filed by the Sierra Club and the Natural Resources Defense Council (Sierra Club), the U.S. Court of Appeals for the District of Columbia Circuit (the Court) remanded the HMIWI regulations on March 2, 1999, for further explanation of EPA's reasoning in determining the minimum regulatory” floors” for new and existing HMIWI. The HMIWI regulations were not vacated and were fully implemented by September 2002. On February 6, 2007, EPA published its proposed response to the Court's remand. Following recent court decisions and receipt of public comments regarding the proposal, EPA re-assessed the response to the remand, and on December 1, 2008, EPA published another proposed response and solicited public comments.

[Amended at 76 FR 18407, April 4, 2011]. On October 6, 2009, EPA promulgated its response to the remand of the new source performance standards and emissions guidelines for hospital/medical/infectious waste incinerators by the U.S. Court of Appeals for the District of Columbia Circuit and satisfied the Clean Air Act section 129(a)(5) requirement to conduct a review of the standards every 5 years. This action promulgated amendments to the new source performance standards and emissions guidelines, correcting inadvertent drafting errors in the nitrogen oxides and sulfur dioxide emissions limits for large hospital/medical/infectious waste incinerators in the new source performance standards, which did not correspond to EPA's description of their standard-setting process, correcting erroneous cross-references in the reporting and recordkeeping requirements in the new source performance standards, clarifying that compliance with the emission guidelines must be expeditious if a compliance extension is granted, correcting the inadvertent omission of delegation of authority provisions in the emission guidelines, correcting errors in the units' description for several emissions limits in the emission guidelines and new source performance standards, and removing extraneous text from the hydrogen chloride emissions limit for large hospital/medical/infectious waste incinerators in the emission guidelines.

40 CFR 60, Subpart F – Standards of Performance for Portland Cement Plants [Amended at 75 FR 54970, September 9, 2010] EPA finalized amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry and to the New Source Performance Standards (NSPS) for Portland Cement Plants. The final amendments to the NESHAP add or revise, as applicable, emission limits for mercury, total hydrocarbons (THC), and particulate matter (PM) from new and existing kilns located at major and area sources, and for hydrochloric acid (HCL) from new and existing kilns located at major sources. The standards for new kilns apply to facilities that commence construction, modification, or reconstruction after May 6, 2009.

[Amended at 76 FR 2832, January 18, 2011] The EPA took direct final action on amendments to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry and Standards of Performance (NSPS) for Portland Cement Plants. The final rules were published on September 9, 2010. The direct final action amends certain regulatory text to clarify compliance dates and clarifies that the previously issued emission limits that were changed in the September 9, 2010, action remain in effect until sources are required to comply with the revised limits. EPA also corrected two minor typographical errors in the regulatory text to the September 9, 2010 action.

[Denied in part and granted in part petitions to reconsider at 76 FR 28318, May 17, 2011] The EPA denied in part



and granted in part the petitions to reconsider the final revised National Emission Standards for Hazardous Air Pollutants emitted by the Portland Cement Industry and the New Source Performance Standards for Portland Cement Plants issued under sections 112(d) and 111(b) of the Clean Air Act, respectively. The EPA also denied all requests that the EPA issue an administrative stay of the National Emission Standards for Hazardous Air Pollutants and the New Source Performance Standards.

[Amended at 78 FR 10006, February 12, 2013] On July 18, 2012, the EPA proposed amendments to the National Emission Standards for Hazardous Air Pollutants for the Portland Cement Manufacturing Industry and the Standards of Performance for Portland Cement Plants. This final action amended the national emission standards for hazardous air pollutants for the Portland cement industry. The EPA also promulgated amendments with respect to issues on which it granted reconsideration on May 17, 2011. In addition, the EPA amended the new source performance standard for particulate matter. These amendments promote flexibility, reduce costs, ease compliance and preserve health benefits. The amendments also addressed the remand of the national emission standards for hazardous air pollutants for the Portland cement industry by the United States Court of Appeals for the District of Columbia Circuit on December 9, 2011. Finally, the EPA set the date for compliance with the existing source national emission standards for hazardous air pollutants to be September 9, 2015.

40 CFR 60, Subpart J,

40 CFR 60, Subpart Ja--Standards of Performance for Petroleum Refineries; Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 [Amended at 77 FR 56422, September 12, 2012] On June 24, 2008, the EPA promulgated amendments to the Standards of Performance for Petroleum Refineries and new standards of performance for petroleum refinery process units constructed, reconstructed or modified after May 14, 2007. The EPA subsequently received three petitions for reconsideration of these final rules. On September 26, 2008, the EPA granted reconsideration and issued a stay for the issues raised in the petitions regarding process heaters and flares. On December 22, 2008, the EPA addressed those specific issues by proposing amendments to certain provisions for process heaters and flares and extending the stay of these provisions until further notice. The EPA also proposed technical corrections to the rules for issues that were raised in the petitions for reconsideration. In this action, the EPA finalized those amendments and technical corrections and is lifting the stay of all the provisions granted on September 26, 2008 and extended until further notice on December 22, 2008.

40 CFR 60, Subpart Y – Standards of Performance for Coal Preparation and Processing Plants [Amended at 74 FR 51949, October 8, 2009]. EPA promulgated amendments to the new source performance standards for coal preparation and processing plants. These final amendments include revisions to the emission limits for particulate matter and opacity standards for thermal dryers, pneumatic coal cleaning equipment, and coal handling equipment (coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems) located at coal preparation and processing plants. These revised limits apply to affected facilities that commence construction, modification, or reconstruction after April 28, 2008. The amendments also establish a sulfur dioxide (SO₂) emission limit and a combined nitrogen oxide (NO_x) and carbon monoxide (CO) emissions limit for thermal dryers located at coal preparation and processing plants. In addition, the amendments establish work practice standards to control fugitive coal dust emissions from open storage piles located at coal preparation and processing plants. The SO₂ limit, the NO_x/CO limit, and the work practice standards apply to affected facilities that commence construction, modification, or reconstruction of which commences after May 27, 2009. EPA also modified the definition of thermal dryer to include both direct contact and indirect contact thermal dryers drying all coal ranks. EPA modified the definition of pneumatic coal-cleaning equipment to include equipment cleaning all coal ranks. EPA also amended the definition of coal for purposes of subpart Y to include coal refuse. The modified definitions of thermal dryer, pneumatic coal cleaning equipment, and coal will be used to determine whether and how the standards apply to facilities that commence construction, modification, or reconstruction after May 27, 2009.

40 CFR 60, Subpart KKK and LLL --Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews [Amended at 77 FR 49490, August 16, 2012] This action finalized the review of new source performance standards for the listed oil and natural gas source category. In this action the EPA revised the new source performance standards for volatile organic compounds from leaking components at onshore natural gas processing plants and new source performance standards for sulfur dioxide emissions from natural gas processing plants. The EPA also established standards for certain oil and gas operations not covered by the existing standards. In addition to the operations covered by the existing standards, the newly established standards will regulate volatile organic compound emissions from gas wells, centrifugal compressors, reciprocating compressors, pneumatic controllers and storage vessels. This action also finalized the residual risk and technology review for the Oil and Natural Gas Production source category and the Natural Gas Transmission and Storage source category. This action includes revisions to the existing leak detection and repair requirements. In addition, the EPA has established in this action emission limits reflecting maximum achievable



control technology for certain currently uncontrolled emission sources in these source categories. This action also includes modification and addition of testing and monitoring and related notification, recordkeeping and reporting requirements, as well as other minor technical revisions to the national emission standards for hazardous air pollutants. This action finalized revisions to the regulatory provisions related to emissions during periods of startup, shut-down and malfunction.

40 CFR 60, Subpart CCCC—Standards of Performance for Commercial and Industrial Solid Waste Incineration Units (CISWI), [Amended at 76 FR 15703, March 21, 2011] This action promulgated EPA's final response to the 2001 voluntary remand of the December 1, 2000, new source performance standards and emission guidelines for commercial and industrial solid waste incineration units and the vacatur and remand of several definitions by the District of Columbia Circuit Court of Appeals in 2007. In addition, this action included the 5-year technology review of the new source performance standards and emission guidelines required under section 129 of the Clean Air Act. This action also promulgated other amendments that EPA believes are necessary to address air emissions from commercial and industrial solid waste incineration units.

[Delayed at 76 FR 28662, May 18, 2011] The EPA delayed the effective dates for the final rules titled “National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters” and “Standards of Performance for New Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units” under the authority of the Administrative Procedure Act (APA) until the proceedings for judicial review of these rules is completed or the EPA completes its reconsideration of the rules, whichever is earlier. DATES: The effective dates of the final rules published in the Federal Register on March 21, 2011 (76 FR 15608 and 76 FR 15704), are delayed until such time as judicial review is no longer pending or until the EPA completes its reconsideration of the rules, whichever is earlier. The EPA will publish in the Federal Register announcing the effective dates and the incorporation by reference approvals once delay is no longer necessary. On January 9, 2012, The U.S. District Court for the D.C. Circuit vacated the EPA's May 18, 2011, notice that delayed the effective date of the CISWI rule. Civil Action No. 11-1278 (PLF). On February 7, 2012, the EPA issued a No Action Assurance Letter to establish that EPA would exercise enforcement discretion to not pursue enforcement action for violations of certain notification deadlines in the final CISWI rule. (Available at http://www.epa.gov/ttn/atw/boiler/boiler_ciswi-no_action_2012-02-07.pdf).

[Amended at 78 FR 9112, February 7, 2013] This action set forth the EPA's final decision on the issues for which it granted reconsideration in December 2011, which pertain to certain aspects of the March 21, 2011, final rule titled “Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units” (CISWI rule). This action also included EPA's final decision to deny the requests for reconsideration with respect to all issues raised in the petitions for reconsideration of the final commercial and industrial solid waste incineration rule for which EPA did not grant reconsideration. Among other things, this final action established effective dates for the standards and makes technical corrections to the final rule to clarify definitions, references, and applicability and compliance issues. In addition, the EPA is issued final amendments to the regulations that were codified by the Non-Hazardous Secondary Materials rule (NHSM rule). Originally promulgated on March 21, 2011, the non-hazardous secondary materials rule provided the standards and procedures for identifying whether non-hazardous secondary materials are solid waste under the Resource Conservation and Recovery Act when used as fuels or ingredients in combustion units. The purpose of these amendments was to clarify several provisions in order to implement the non-hazardous secondary materials rule as the agency originally intended.

40 CFR 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines,

40 CFR 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines [Amended at 76 FR 37953, June 28, 2011] The EPA finalized revisions to the standards of performance for new stationary compression ignition internal combustion engines under section 111(b) of the Clean Air Act. The final rule requires more stringent standards for stationary compression ignition engines with displacement greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder, consistent with recent revisions to standards for similar mobile source marine engines. In addition, the action revises the requirements for engines with displacement at or above 30 liters per cylinder to align more closely with recent standards for similar mobile source marine engines, and for engines in remote portions of Alaska that are not accessible by the Federal Aid Highway System. The action also provides additional flexibility to owners and operators of affected engines, and corrects minor mistakes in the original standards of performance. Finally, the action makes minor revisions to the standards of performance for new stationary spark ignition internal combustion engines to correct minor errors and to mirror certain revisions finalized for compression ignition engines, which provides consistency where appropriate for the regulation of stationary internal combustion engines. The final standards will reduce nitrogen oxides by an estimated 1,100 tons per year, particulate matter by an estimated 38 tons per year, and hydrocarbons by an estimated 18 tons per year in the year 2030.



[Amended at 78 FR 6674, January 30, 2013] The EPA finalized amendments to the national emission standards for hazardous air pollutants for stationary reciprocating internal combustion engines. The final amendments include alternative testing options for certain large spark ignition (generally natural gas-fueled) stationary reciprocating internal combustion engines, management practices for a subset of existing spark ignition stationary reciprocating internal combustion engines in sparsely populated areas and alternative monitoring and compliance options for the same engines in populated areas. The EPA established management practices for existing compression ignition engines on offshore vessels. The EPA also finalized limits on the hours that stationary emergency engines may be used for emergency demand response and establishing fuel and reporting requirements for certain emergency engines used for emergency demand response. The final amendments also correct minor technical or editing errors in the current regulations for stationary reciprocating internal combustion engines.

40 CFR 60, Subpart A, Appendix A-7 to Part 60—Test Methods 19 through 25E [Amended at 77 FR 2456, January 18, 2012]. EPA promulgated a final rule to incorporate the most recent versions of ASTM International (ASTM) standards into EPA regulations that provide flexibility to use alternatives to mercury-containing industrial thermometers. This final rule allows the use of such alternatives in certain field and laboratory applications previously impermissible as part of compliance with EPA regulations. EPA believes the older embedded ASTM standards unnecessarily impede the use of effective, comparable, and available alternatives to mercury-containing industrial thermometers. Due to mercury's high toxicity, EPA sought to reduce potential mercury exposures to humans and the environment by reducing the overall use of mercury-containing products, including mercury-containing industrial thermometers.

40 CFR 60, Appendix A-3, Method 5I—Determination of Low Level Particulate Matter Emissions From Stationary Sources

40 CFR 60, Appendix A-4, Method 6—Determination of Sulfur Dioxide Emissions From Stationary Sources,

40 CFR 60, Appendix A-4, Method 6A—Determination of Sulfur Dioxide, Moisture and Carbon Dioxide Emissions From Fossil Fuel Combustion Sources,

40 CFR 60, Appendix A-4, Method 6C—Determination of Sulfur Dioxide Emissions From Stationary Sources (Instrumental Analyzer Procedure),

40 CFR 60, Appendix A-4, Method 7—Determination of Nitrogen Oxide Emissions From Stationary Sources,

40 CFR 60, Appendix A-4, Method 7A—Determination of Nitrogen Oxide Emissions From Stationary Sources (Ion Chromatographic Method),

40 CFR 60, Appendix A-4, Method 7B—Determination of Nitrogen Oxide Emissions From Stationary Sources (Ultraviolet Spectrophotometric Method),

40 CFR 60, Appendix A-4, Method 7C—Determination of Nitrogen Oxide Emissions From Stationary Sources (Alkaline Permanganate/Colorimetric Method),

40 CFR 60, Appendix A-4, Method 7D—Determination of Nitrogen Oxide Emissions From Stationary Sources—Alkaline-Permanganate/Ion Chromatographic Method,

40 CFR 60, Appendix A-4, Method 8—Determination of Sulfuric Acid and Sulfur Dioxide Emissions From Stationary Sources,

40 CFR 60, Appendix A-5, Method 15A—Determination of Total Reduced Sulfur Emissions From Sulfur Recovery Plants in Petroleum Refineries,

40 CFR 60, Appendix A-6, Method 16A—Determination of Total Reduced Sulfur Emissions From Stationary Sources (Impinger Technique),

40 CFR 60, Appendix A-6, Method 18—Measurement of Gaseous Organic Compound Emissions by Gas Chromatography,

40 CFR 60, Appendix A-7, Method 25—Determination of Total Gaseous Nonmethane Organic Emissions as Carbon,

40 CFR 60, Appendix A-7, Method 25C—Determination of Nonmethane Organic Compounds (NMOC) in Landfill Gases,

40 CFR 60, Appendix A-8, Method 26—Determination of Hydrogen Halide and Halogen Emissions From Stationary Sources Non-Isokinetic Method,

40 CFR 60, Appendix A-8, Method 26A—Determination of Hydrogen Halide and Halogen Emissions From Stationary Sources Isokinetic Method [Amended at 75 FR 55636, September 13, 2010]. EPA promulgated amendments to the General Provisions to allow accredited providers to supply stationary source audit samples and to require sources to obtain and use these samples from the accredited providers instead of from EPA, as is the current practice. All requirements pertaining to the audit samples have been moved to the General Provisions and have been removed from the test methods because the current language in the test methods regarding audit samples is inconsistent from method to method. Therefore, deleting all references to audit samples in the test methods eliminates any possible confusion and inconsistencies. Under this final rule, the requirement to use an audit sample



during a compliance test will apply to all test methods for which a commercially available audit exists.

40 CFR 60, Appendix B, Performance Specification 12A— Specifications and Test Procedures for Total Vapor Phase Mercury Continuous Emission Monitoring Systems in Stationary Sources,
40 CFR 60, Appendix B, Performance Specification 12B—Specifications and Test Procedures for Monitoring Total Vapor Phase Mercury Emissions From Stationary Sources Using a Sorbent Trap Monitoring System,
40 CFR 60, Appendix F, Procedure 5. Quality Assurance Requirements for Vapor Phase Mercury Continuous Emissions Monitoring Systems and Sorbent Trap Monitoring Systems Used for Compliance Determination at Stationary Sources [Amended at 75 FR 54970, September 9, 2010]. The final amendments to the NSPS add or revise, as applicable, emission limits for PM, opacity, nitrogen oxides (NO_x), and sulfur dioxide (SO₂) for facilities that commence construction, modification, or reconstruction after June 16, 2008. The final rule also includes additional testing and monitoring requirements for affected sources.

NESHAP - 40 CFR PART 61

SUBPARTS ADDED:

The following Subparts were added at 54 FR 51694, December 15, 1989, and amended as listed below in “Subparts Significantly Revised”:

40 CFR 61, Subpart B - National Emission Standards for Radon Emissions from Underground Uranium Mines,

40 CFR 61, Subpart H -National Emission Standards for Emissions of Radionuclides Other Than Radon from Department of Energy Facilities,

40 CFR 61, Subpart I -National Emission Standards for Radionuclide Emissions from Federal Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H,

40 CFR 61, Subpart K - National Emission Standards for Radionuclide Emissions From Elemental Phosphorus Plants,

40 CFR 61, Subpart Q - National Emission Standard for Radon Emissions from Department of Energy Facilities,

40 CFR 61, Subpart T - National Emission Standards for Radon Emissions from the Disposal of Uranium Mill Tailings,

40 CFR 61, Subpart W - National Emission Standards for Radon Emissions from Operating Mill Tailings

[added at 54 FR 51694, December 15, 1989] This final rule announced the Administrator’s final decisions on National Emission Standards for Hazardous Air Pollutants (NEHSAPs) under section 112 of the Clean Air Act for emissions of radionuclides from the following source categories: DOE Facilities, Licensees for Nuclear Regulatory Commission and Non-DOE Federal Facilities, Uranium Fuel Cycle Facilities, Elemental Phosphorus Plants, Coal-Fired Boilers, High-level Nuclear Waste Disposal Facilities, Phosphogypsum Stacks, Underground and Surface Uranium Mines, and operation and disposal of Uranium Mill Tailings Piles. The final rule also responded to the major public comments on March 7, 1989 proposed decisions for these categories (54 FR 9612). EPA conducted this rulemaking pursuant to voluntary remand and a schedule issued by the U.S. Court of Appeals for the D.C. Circuit which required final action by October 31, 1989. In addition, EPA granted a reconsideration of the standards of 40 CFR Part 61, subpart I concerning emissions from facilities licensed by the Nuclear Regulatory Commission, with respect to the issues of duplicative regulation and possible effects on medical treatment.

40 CFR 61, Subpart R - National Emission Standard for Radon Emissions from Phosphogypsum Stacks,

[added at 57 FR 23317, June 3, 1992] This final rule announced the Administrator’s final decision on reconsideration of 40 CFR part 61, subpart R, National Emission Standards for Radon Emissions from Phosphogypsum Stacks. EPA previously announced it would reconsider that portion of subpart R that required that all phosphogypsum be disposed in stacks or mines (55 FR 13480, April 10, 1990). The disposal requirement precluded the distribution and use of phosphogypsum for agriculture, construction, and research and development activities. The form of the final rule adopted by the EPA is a combination of the options proposed for public comment on April 10, 1990 (55 FR 13482) and is based on the various risks presented by the radionuclides contained in the phosphogypsum. First, distribution of phosphogypsum for use in agriculture will be permitted provided that the certified average concentration of radium-226 in the phosphogypsum does not exceed 10 pCi/g. This limit is intended to assure that the risks from indoor radon and direct gamma radiation exposure in residences constructed on land previously treated with phosphogypsum do not exceed an acceptable level. Second, distribution of phosphogypsum for use in research and development (R&D) will be permitted so long as affected facilities do not use more than 700 pounds of phosphogypsum for a particular R&D activity and warning labels are placed on containers used to store phosphogypsum for R&D purposes. Third, other uses of phosphogypsum will be permitted on a case-by-case basis with prior EPA approval. EPA approval will be granted only if EPA finds that the proposed use of the phosphogypsum will be at least as protective of public health, in the short term and the long term, as disposal in a stack or mine.

**SUBPARTS SIGNIFICANTLY REVISED:**

40 CFR 61, Subpart H -National Emission Standards for Emissions of Radionuclides Other Than Radon from Department of Energy Facilities, [amended at 67 FR 57166, September 9, 2002] This action amended the National Emission Standards for Hazardous Air Pollutants (NESHAPs), which regulated the air emissions of radionuclides other than radon-222 and radon-220 from facilities owned or operated by the Department of Energy (DOE) (Subpart H) and from Federal Facilities other than Nuclear Regulatory Commission (NRC) licensees and not covered by Subpart H (Subpart I). The regulations require that emissions of radionuclides to the ambient air shall not exceed those amounts that would cause any member of the public to receive in any year an effective dose equivalent of 10 millirem per year (mrem/yr). Also, for non-DOE federal facilities, emissions of iodine shall not exceed those amounts that would cause any member of the public to receive in any year an effective dose equivalent of 3 mrem/yr. Regulated facilities demonstrate compliance with the standard by sampling and monitoring radionuclide emissions from all applicable point sources. Radionuclide emissions from point sources were measured in accordance with the American National Standards Institutes's (ANSI) "Guide to Sampling Airborne Radioactive Materials in Nuclear Facilities," ANSI N13.1-1969. In 1999, the American National Standards Institute substantively revised ANSI N13.1-1969 and renamed it "Sampling and Monitoring Releases of Airborne Radioactive Substances from the Stacks and Ducts of Nuclear Facilities," ANSI/HPS N13.1-1999. This action amended 40 CFR Part 61, subparts H and I to require the use of ANSI/HPS N13.1-1999 for all applicable newly constructed or modified facilities. This action also imposed additional inspection requirements on existing facilities subject to subparts H and I of 40 CFR Part 61.

40 CFR 61, Subpart I -National Emission Standards for Radionuclide Emissions from Federal Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H, [amended at 61 FR 46212, September 5, 1995] EPA is rescinding subpart I of 40 CFR part 61 as it applies to nuclear power reactors, pursuant to section 112(d)(9) of the Clean Air Act Amendments of 1990. This section allows EPA to decline to regulate Nuclear Regulatory Commission (NRC) licensees if the Administrator determines by rule, and in consultation with the NRC, that the regulatory program established by the NRC pursuant to the Atomic Energy Act provides an ample margin of safety to protect the public health. A proposed rule to rescind subpart I as it applies to nuclear power reactors was published on August 5, 1991. Based upon the record compiled in the subsequent rulemaking, EPA has concluded that the NRC regulatory program controlling air emissions of radionuclides from nuclear power reactors will assure that the resultant doses will consistently and predictably be below the levels which EPA has determined are necessary to provide an ample margin of safety to protect the public health.

[amended at 61 FR 68981, December 30, 1996] EPA is rescinding 40 CFR part 61, subpart I (subpart I) as it applies to Nuclear Regulatory Commission (NRC) or NRC Agreement State licensed facilities other than commercial nuclear power reactors. Subpart I is a National Emission Standard for Hazardous Air Pollutants (NESHAPs) which was published on December 15, 1989 and which limits radionuclide emissions to the ambient air from NRC-licensed facilities. As required by section 112(d)(9) of the Clean Air Act as amended in 1990, EPA has determined that the NRC regulatory program for licensed facilities other than commercial nuclear power reactors protects public health with an ample margin of safety, the same level of protection that would be afforded by continued implementation of subpart I.

[amended at 67 FR 57167, September 9, 2002] This action amended the National Emission Standards for Hazardous Air Pollutants (NESHAPs), which regulate the air emissions of radionuclides other than radon-222 and radon-220 from facilities owned or operated by the Department of Energy (DOE) (Subpart H) and from Federal Facilities other than Nuclear Regulatory Commission (NRC) licensees and not covered by Subpart H (Subpart I). The regulations require that emissions of radionuclides to the ambient air shall not exceed those amounts that would cause any member of the public to receive in any year an effective dose equivalent of 10 millirem per year (mrem/yr). Also, for non-DOE federal facilities, emissions of iodine shall not exceed those amounts that would cause any member of the public to receive in any year an effective dose equivalent of 3 mrem/yr. Regulated facilities demonstrate compliance with the standard by sampling and monitoring radionuclide emissions from all applicable point sources. Radionuclide emissions from point sources are measured in accordance with the American National Standards Institutes's (ANSI) "Guide to Sampling Airborne Radioactive Materials in Nuclear Facilities," ANSI N13.1-1969. In 1999, the American National Standards Institute substantively revised ANSI N13.1-1969 and renamed it "Sampling and Monitoring Releases of Airborne Radioactive Substances from the Stacks and Ducts of Nuclear Facilities," ANSI/HPS N13.1-1999. This action amended 40 CFR Part 61, subparts H and I to require the use of ANSI/HPS N13.1-1999 for all applicable newly constructed or modified facilities. This action also imposed additional inspection requirements on existing facilities subject to subparts H and I of 40 CFR Part 61.

40 CFR 61, Subpart K - National Emission Standards for Radionuclide Emissions From Elemental Phosphorus Plants, [amended at 56 FR 65943, December 19, 1991] This final rule announced the Administrator's decision modifying 40 CFR part 61, subpart K, the National Emission Standard for Hazardous Air Pollutants ("NESHAP") for Radionuclide Emissions from Elemental Phosphorus Plants (54 FR 51699 December 15, 1989). In this final



rule, subpart K is amended to permit elemental phosphorus plants an alternative means of demonstrating compliance with the standard. Under the previous standard, an elemental phosphorus plant has to ensure that total emissions of polonium-210 from that facility did not exceed 2 curies per year. Under this amendment, an elemental phosphorus plant would be in compliance if it limits polonium-210 emissions to 2 curies per year. However, in the alternative, the plant may demonstrate compliance by: (1) Installing a Hydro-Sonic (registered) Tandem Nozzle Fixed Throat Free-Jet Scrubber System n1 including four scrubber units, (2) operating all four scrubber units continuously with a minimum average over any 6-hour period of 40 inches (water column) of pressure drop across each scrubber during calcining of phosphate shale, (3) scrubbing emissions from all calciners and/or nodulizing kilns at the plant, and (4) limiting total emissions of polonium-210 from the plant to no more than 4.5 curies per year. EPA proposed this modified standard for elemental phosphorus plants as a result of settlement discussions between EPA and the FMC Corporation (“FMC”) in *FMC Corporation v. U.S. Environmental Protection Agency*, Docket No. 90-1057 in the D.C. Circuit Court of Appeals, a judicial action by FMC challenging subpart K as it was originally promulgated.

40 CFR 61, Subpart R - National Emission Standard for Radon Emissions from Phosphogypsum Stacks, [amended at 64 FR 5579, February 3, 1999] The EPA promulgated revisions to the National Emission Standard for Hazardous Air Pollutants (NESHAP) that set limits on radon emissions from phosphogypsum stacks, codified as subpart R of 40 CFR part 61. The action was in response to a petition for reconsideration from The Fertilizer Institute (TFI), which critiqued the risk assessment EPA performed in support of the version of subpart R promulgated in 1992. This action raised the limit on the quantity of phosphogypsum that may be used for indoor research and development from 700 to 7,000 pounds, eliminated current sampling requirements for phosphogypsum used in indoor research and development, and clarified sampling procedures for phosphogypsum removed from stacks for other purposes.

40 CFR 61, Subpart T - National Emission Standards for Radon Emissions from the Disposal of Uranium Mill Tailings, [amended at 59 FR 36301, July 15, 1994] EPA rescinded 40 CFR part 61, subpart T (subpart T) as it applies to owners and operators of uranium mill tailings disposal sites licensed by the Nuclear Regulatory Commission (NRC) or an affected Agreement State (Agreement States). As required by section 112(d)(9) of the Clean Air Act as amended, EPA determined that the NRC regulatory program protects public health with an ample margin of safety to the same level as would implementation of subpart T. Subpart T is a National Emission Standard for Hazardous Air Pollutants (NESHAPs) which was published on December 15, 1989 and which regulates emissions of radon-222 into the ambient air from uranium mill tailings disposal sites. Subpart T continues to apply to unlicensed uranium mill tailings disposal sites currently regulated under subpart T that are under the control of the Department of Energy (DOE).

40 CFR 61, Subpart B - National Emission Standards for Radon Emissions from Underground Uranium Mines,

40 CFR 61, Subpart H -National Emission Standards for Emissions of Radionuclides Other Than Radon from Department of Energy Facilities,

40 CFR 61, Subpart I -National Emission Standards for Radionuclide Emissions from Federal Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H,

40 CFR 61, Subpart K - National Emission Standards for Radionuclide Emissions From Elemental Phosphorus Plants,

40 CFR 61, Subpart Q - National Emission Standard for Radon Emissions from Department of Energy Facilities,

40 CFR 61, Subpart R - National Emission Standard for Radon Emissions from Phosphogypsum Stacks,

40 CFR 61, Subpart T - National Emission Standards for Radon Emissions from the Disposal of Uranium Mill Tailings,

40 CFR 61, Subpart W - National Emission Standards for Radon Emissions from Operating Mill Tailings, [amended at 65 FR 61744, October 17, 2000] In this rule, EPA made final minor amendments to the stationary source testing and monitoring rules. These amendments included miscellaneous editorial changes and technical corrections. EPA also promulgated Performance Specification 15, which contains the criteria for certifying continuous emission monitoring systems (CEMS) that use fourier transform infrared spectroscopy (FTIR). In addition, EPA changed the outline of the test methods and CEMS performance specifications already listed in Parts 60, 61, and 63 to fit a new format recommended by the Environmental Monitoring Management Council (EMMC). The editorial changes and technical corrections update the rules and help maintain their original intent. Performance Specification 15 provided the needed acceptance criteria for FTIR CEMS as they emerge as a new technology. EPA reformatted the test methods and performance specifications to make them more uniform in content and interchangeable with other Agency methods. The amendments applied to a large number of industries that are already subject to the current provisions of Parts 60, 61, and 63. Therefore, EPA did not list specific affected industries or



their Standard Industrial Classification codes.

40 CFR 61, Appendix B, Method 104—Determination of Beryllium Emissions From Stationary Sources,
40 CFR 61, Appendix B, Method 106—Determination of Vinyl Chloride Emissions From Stationary Sources,
40 CFR 61, Appendix B, Method 108—Determination of Particulate and Gaseous Arsenic Emissions,
40 CFR 61, Appendix B, Method 108A—Determination of Arsenic Content in Ore Samples From Nonferrous Smelters,
40 CFR 61, Appendix B, Method 108B—Determination of Arsenic Content in Ore Samples From Nonferrous Smelters,
40 CFR 61, Appendix B, Method 108C—Determination of Arsenic Content in Ore Samples From Nonferrous Smelters (Molybdenum Blue Photometric Procedure),
40 CFR 61, Appendix B, Method 111—Determination of Polonium—210 Emissions From Stationary Sources [Amended at 75 FR 55636, September 13, 2010] EPA promulgated amendments to the General Provisions to allow accredited providers to supply stationary source audit samples and to require sources to obtain and use these samples from the accredited providers instead of from EPA, as is the current practice. All requirements pertaining to the audit samples have been moved to the General Provisions and have been removed from the test methods because the current language in the test methods regarding audit samples is inconsistent from method to method. Therefore, deleting all references to audit samples in the test methods eliminates any possible confusion and inconsistencies. Under this final rule, the requirement to use an audit sample during a compliance test will apply to all test methods for which a commercially available audit exists.

40 CFR 63, Subpart WWWW – National Emission Standards for Hospital Ethylene Oxide Sterilizers [Added at 72 FR 73611, December 28, 2007]. EPA issued NESHAPS for new and existing hospital sterilizers that emit hazardous air pollutants and are area sources within the meaning of Clean Air Act section 112(a)(2). The final rule is based on EPA's determination as to what constitutes the generally available control technology or management practices for the hospital sterilizer area source category. This action was finalized as part of EPA's obligation to regulate area sources listed for regulation pursuant to Clean Air Act section 112(c)(3).

40 CFR 63, Subpart YYYYY – National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities [Added at 72 FR 74087, December 28, 2007]. EPA issued NESHAPS for electric arc furnace steel-making facilities that are area sources of hazardous air pollutants. The final rule established requirements for the control of mercury emissions that are based on the maximum achievable control technology and requirements for the control of other hazardous air pollutants that are based on generally available control technology or management practices.

40 CFR 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources [Added at 73 FR 225, January 2, 2008]. EPA issued NESHAPS for two area source categories (iron foundries and steel foundries). The requirements for the two area source categories are combined in one subpart. The final rule established different requirements for foundries based on size. Small area source foundries are required to comply with pollution prevention management practices for metallic scrap, the removal of mercury switches, and binder formulations. Large area source foundries are required to comply with the same pollution prevention management practices as small foundries, in addition to emissions standards for melting furnaces and foundry operations. The final standards reflect the generally achievable control technology and/or management practices for each subcategory.

40 CFR 63, Subparts BBBB and CCCCC – National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities [Added at 73 FR 1915, January 10, 2008]. The EPA promulgated NESHAPS for the facilities in the gasoline distribution (Stage I) area source category. EPA promulgated these emission standards for hazardous air pollutants pursuant to Clean Air Act section 112(c)(3) and 112(d)(5). EPA added two regulations that address the facilities contained in this area source category. The first includes requirements for bulk distribution facilities, i.e., gasoline distribution bulk terminals, bulk plants, and pipeline facilities. The second includes requirements for loading of storage tanks at gasoline dispensing facilities. EPA also incorporated by reference four test methods. This action also finalized EPA's decision not to regulate the above noted facilities under Clean Air Act section 112(c)(6).

40 CFR 63, Subparts DDDDD, EEEEE, FFFFF, and GGGGG – National Emission Standards for Hazardous Air Pollutants for Area Sources: Polyvinyl Chloride and Copolymers Production, Primary Copper Smelting, Secondary Copper Smelting, and Primary Nonferrous Metals: Zinc, Cadmium, and Beryllium [Added at 72 FR 2930, January 23, 2007]. EPA issued NESHAPS for four area source categories. These final



NESHAPS include emissions limits and/or work practice standards that reflect the generally available control technologies (GACT) and/or management practices in each of these area source categories.

40 CFR 63, Subpart HHHHHH – National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources [Added at 73 FR 1737, January 9, 2008]. This action promulgated NESHAPS for area sources engaged in paint stripping, surface coating of motor vehicles and mobile equipment, and miscellaneous surface coating operations. EPA has listed “Paint Stripping,” “Plastic Parts and Products (Surface Coating),” and “Autobody Refinishing Paint Shops” as area sources of hazardous air pollutants (HAP) that contribute to the risk to public health in urban areas under the Integrated Urban Air Toxics Strategy. This final rule includes emissions standards that reflect the generally available control technology or management practices in each of these area source categories. “Plastic Parts and Products (Surface Coating)” has been renamed “Miscellaneous Surface Coating,” and “Autobody Refinishing Paint Shops” has been renamed “Motor Vehicle and Mobile Equipment Surface Coating” to more accurately reflect the scope of these source categories.

40 CFR 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers [Added at 76 FR 15554, March 21, 2011] EPA promulgated national emission standards for control of hazardous air pollutants from two area source categories: Industrial boilers and commercial and institutional boilers. The final emission standards for control of mercury and polycyclic organic matter emissions from coal-fired area source boilers are based on the maximum achievable control technology. The final emission standards for control of hazardous air pollutants emissions from biomass-fired and oil-fired area source boilers are based on EPA's determination as to what constitutes the generally available control technology or management practices.

[Effective dates delayed at 76 FR 28662, May 18, 2011] The EPA delayed the effective dates for the final rules titled “National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters” and “Standards of Performance for New Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units” under the authority of the Administrative Procedure Act (APA) until the proceedings for judicial review of these rules is completed or the EPA completes its reconsideration of the rules, whichever is earlier. DATES: The effective dates of the final rules published in the Federal Register on March 21, 2011 (76 FR 15608 and 76 FR 15704), are delayed until such time as judicial review is no longer pending or until the EPA completes its reconsideration of the rules, whichever is earlier. The EPA will publish in the Federal Register announcing the effective dates and the incorporation by reference approvals once delay is no longer necessary.

[Amended at 78 FR 7488, February 1, 2013] In this action, the EPA took final action on reconsideration of certain issues related to the emission standards to control hazardous air pollutants from new and existing industrial, commercial and institutional boilers at area sources which were issued under section 112 of the Clean Air Act. As part of this action, the EPA amended certain compliance dates for the standard and making technical corrections to the final rule to clarify definitions, references, applicability and compliance issues raised by petitioners and other stakeholders affected by the rule. The EPA took final action on the proposed reconsideration.

40 CFR 63, Subparts LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, and QQQQQQ – National Emission Standards for Hazardous Air Pollutants for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving [Added at 72 FR 38863, July 15, 2007]. EPA issued six NESHAPS for seven area source categories. The final emissions standards and associated requirements for two area source categories (Flexible Polyurethane Foam Production and Flexible Polyurethane Foam Fabrication) are combined in one subpart. These final rules include emission standards that reflect the generally available control technologies or management practices in each of these area source categories.

40 CFR 63, Subparts RRRRRR, SSSSSS, and TTTTTT – National Emission Standards for Hazardous Air Pollutants for Area Sources: Clay Ceramics Manufacturing, Glass Manufacturing, and Secondary Nonferrous Metals Processing [Added at 72 FR 73179, December 26, 2007]. EPA finalized NESHAPS for the Clay Ceramics Manufacturing, Glass Manufacturing, and Secondary Nonferrous Metals Processing area source categories. Each of these three final emissions standards reflects the generally available control technology or management practices used by sources within the respective area source category.

40 CFR 63, Subpart VVVVVV – National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources [Added at 74 FR 56008, October 29, 2009] EPA issued national emission standards for the control of hazardous air pollutants for nine area source categories in the chemical manufacturing sector: Agricultural Chemicals and Pesticides Manufacturing, Cyclic Crude and Intermediate Production, Industrial Inorganic Chemical Manufacturing, Industrial Organic Chemical Manufacturing, Inorganic Pigments Manufacturing,



Miscellaneous Organic Chemical Manufacturing, Plastic Materials and Resins Manufacturing, Pharmaceutical Production, and Synthetic Rubber Manufacturing. The standards and associated requirements for the nine area source categories are combined in one subpart. This final rule establishes emission standards in the form of management practices for each chemical manufacturing process unit as well as emission limits for certain subcategories of process vents and storage tanks. The rule also establishes management practices and other emission reduction requirements for subcategories of wastewater systems and heat exchange systems.

40 CFR 63, Subpart WWWW – National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations; Final Rule [Added at 73 FR 37727, July 1, 2008] EPA issued national emission standards for control of hazardous air pollutants (HAP) for the plating and polishing area source category. This final rule established emission standards in the form of management practices for new and existing tanks, thermal spraying equipment, and mechanical polishing equipment in certain plating and polishing processes. The final emission standards reflect EPA's determination regarding the generally achievable control technology (GACT) and/or management practices for the area source category.

40 CFR 63, Subpart XXXXXX – National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Nine Metal Fabrication and Finishing Source Categories; Final Rule [Added at 73 FR 42977, July 23, 2008] EPA issued national emission standards for control of hazardous air pollutants for nine metal fabrication and finishing area source categories (identified in section I.A. below). This final rule established emission standards in the form of management practices and equipment standards for new and existing operations of dry abrasive blasting, machining, dry grinding and dry polishing with machines, spray painting and other spray coating, and welding operations. These standards reflect EPA's determination regarding the generally achievable control technology and/or management practices for the nine area source categories.

40 CFR 63, Subpart YYYYYY – Revision of Source Category List for Standards Under Section 112(k) of the Clean Air Act; and National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities [Added at 73 FR 78637, December 23, 2008] EPA revised the area source category list by changing the name of the ferroalloys production category to clarify that it includes all types of ferroalloys. EPA also added two additional products (calcium carbide and silicon metal) to the source category. EPA issued final national emissions standards for control of hazardous air pollutants (HAP) for area source ferroalloys production facilities. The final emissions standards for new and existing sources reflect EPA's determination regarding the generally available control technology (GACT) or management practices for the source category.

40 CFR 63, Subpart ZZZZZZ – Revision of Source Category List for Standards Under Section 112(k) of the Clean Air Act; National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries [Added at 74 FR 30365, June 25, 2009] EPA revised the area source category list by changing the name of the “Secondary Aluminum Production” category to “Aluminum Foundries” and the “Nonferrous Foundries, not elsewhere classified (nec)” category to “Other Nonferrous Foundries.” At the same time, EPA issued final national emission standards for the Aluminum Foundries, Copper Foundries, and Other Nonferrous Foundries area source categories. These final emission standards for new and existing sources reflect EPA's determination regarding the generally available control technologies or management practices (GACT) for each of the three area source categories.

40 CFR 63, Subpart AAAAAA – National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing [Added at 74 FR 63236, December 2, 2009] EPA promulgated national emissions standards for the control of emissions of hazardous air pollutants (HAP) from the asphalt processing and asphalt roofing manufacturing area source category. These final emissions standards for new and existing sources are based upon EPA's final determination as to what constitutes the generally available control technology or management practices (GACT) for the source category.

40 CFR 63, Subpart BBBB – National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry [Added at 74 FR 69194, December 30, 2009] EPA promulgated national emissions standards for control of hazardous air pollutants (HAP) from the chemical preparations area source category. These final emissions standards for new and existing sources reflect EPA's final determination regarding the generally available control technology or management practices (GACT) for the source category.

40 CFR 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing [Added at 74 FR 63503, December 3, 2009]. EPA issued national emission standards for control of hazardous air pollutants (HAP) for the Paints and Allied Products Manufacturing area source category. The final rule establishes emission standards in the form of management practices



for volatile HAP, and emission standards in the form of equipment standards for particulate HAP. The emissions standards for new and existing sources are based on EPA's determination as to what constitutes the generally available control technology or management practices (GACT) for the area source category.

40 CFR 63, Subpart DDDDDDD – National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing [Added at 75 FR 522, January 5, 2010] EPA issued national emission standards for control of hazardous air pollutants (HAP) for the Prepared Feeds Manufacturing area source category. The emissions standards for new and existing sources are based on EPA's determination as to what constitutes the generally available control technology or management practices for the area source category.

40 CFR 63, Subpart EEEEEEE—National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category [Added at 76 FR 9449, February 17, 2011] EPA added the gold mine ore processing and production area source category to the list of source categories to be regulated under Section 112(c)(6) of the Clean Air Act due to its mercury emissions. EPA also promulgated national emission standards for hazardous air pollutants to regulate mercury emissions from this source category.

40 CFR 63, Subpart HHHHHHH—National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production [Added at 77 FR 22848, April 17, 2012] The EPA promulgated National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production. The final rules establish emission standards that apply at all times, including periods of startup, shutdown and malfunction, for hazardous air pollutants from polyvinyl chloride and copolymers production located at major and area sources. The final rules include requirements to demonstrate initial and continuous compliance with the emission standards, including monitoring provisions and recordkeeping and reporting requirements.

SUBPARTS SIGNIFICANTLY REVISED:

40 CFR 63, Subpart A – General Provisions [Amended at 75 FR 54970, September 9, 2010]

The final amendments to the NSPS add or revise, as applicable, emission limits for PM, opacity, nitrogen oxides (NO_x), and sulfur dioxide (SO₂) for facilities that commence construction, modification, or reconstruction after June 16, 2008. The final rule also includes additional testing and monitoring requirements for affected sources. EPA finalized amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry and to the New Source Performance Standards (NSPS) for Portland Cement Plants. The final amendments to the NESHAP add or revise, as applicable, emission limits for mercury, total hydrocarbons (THC), and particulate matter (PM) from new and existing kilns located at major and area sources, and for hydrochloric acid (HCL) from new and existing kilns located at major sources. The standards for new kilns apply to facilities that commence construction, modification, or reconstruction after May 6, 2009.

[Amended at 76 FR 9449, February 17, 2011] EPA added the gold mine ore processing and production area source category to the list of source categories to be regulated under Section 112(c)(6) of the Clean Air Act due to its mercury emissions. EPA also promulgated national emission standards for hazardous air pollutants to regulate mercury emissions from this source category. (Subpart EEEEEEE added, discussed above.)

[Amended at 77 FR 9304, February 16, 2012] On May 3, 2011, under authority of Clean Air Act (CAA) sections 111 and 112, the EPA proposed both national emission standards for hazardous air pollutants (NESHAP) from coal- and oil-fired electric utility steam generating units (EGUs) and standards of performance for fossil-fuel-fired electric utility, industrial-commercial institutional, and small industrial-commercial-institutional steam generating units (76 FR 24976). After consideration of public comments, the EPA finalized these rules in this action. Pursuant to CAA section 111, the EPA revised standards of performance in response to a voluntary remand of a final rule. Specifically, EPA amended new source performance standards (NSPS) after analysis of the public comments received. EPA also finalized several minor amendments, technical clarifications, and corrections to existing NSPS provisions for fossil fuel-fired EGUs and large and small industrial-commercial-institutional steam generating units. Pursuant to CAA section 112, the EPA established NESHAP that will require coal- and oil-fired EGUs to meet hazardous air pollutant (HAP) standards reflecting the application of the maximum achievable control technology. This rule protects air quality and promotes public health by reducing emissions of the HAP listed in CAA section 112(b)(1).

[Amended at 77 FR 22848, April 17, 2012] The EPA promulgated National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production. The final rules establish emission standards that apply at all times, including periods of startup, shutdown and malfunction, for hazardous air pollutants from polyvinyl chloride and copolymers production located at major and area sources. The final rules include requirements to demonstrate initial and continuous compliance with the emission standards, including monitoring provisions and recordkeeping and reporting requirements.

40 CFR 63, Subpart A, G, H, I, R, S, U, Y, CC, DD, EE, GG, HH, OO, PP, QQ, SS, TT, UU, VV, YY, GGG, HHH, III, JJJ, MMM, OOO, VVV, and GGGGG – Alternative Work Practice To Detect Leaks From Equip-



ment [Amended at 73 FR 78199, December 22, 2008] Numerous EPA air emissions standards require specific work practices for equipment leak detection and repair. On April 6, 2006, EPA proposed a voluntary alternative work practice for leak detection and repair using a newly developed technology, optical gas imaging. The alternative work practice is an alternative to the current leak detection and repair work practice, which is not being revised. The proposed alternative has been amended in this final rule to add a requirement to perform monitoring once per year using the current Method 21 leak detection instrument. This action revised the General Provisions to incorporate the final alternative work practice.

40 CFR 63, Subparts F, G, H, and I – National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry [Amended at 71 FR 76603, December 21, 2006]. In 1994, EPA promulgated NESHAPS for the synthetic organic chemical manufacturing industry. This rule is commonly known as the hazardous organic NESHAP (HON) and established maximum achievable control technology standards to regulate the emissions of hazardous air pollutants from production processes that are located at major sources. The Clean Air Act directs EPA to assess the risk remaining (residual risk) after the application of the maximum achievable control technology standards and to promulgate additional standards if required to provide an ample margin of safety to protect public health or prevent an adverse environmental effect. The Clean Air Act also requires EPA to review and revise maximum achievable control technology standards, as necessary, every 8 years, taking into account developments in practices, processes, and control technologies that have occurred during that time. On June 14, 2006, EPA proposed two options regarding whether to amend the current emission standards for synthetic organic chemical manufacturing industry units. This action finalized one of those options, and reflects EPA’s decision not to impose further controls and not to revise the existing standards based on the residual risk and technology review. It also amended the existing regulations in certain aspects.

40 CFR 63, Subpart M – National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities [Amended at 71 FR 42723, July 27, 2006]. EPA promulgated revised NESHAPS to limit emissions of perchloroethylene (PCE) from existing and new dry cleaning facilities. On September 22, 1993, EPA promulgated technology-based emission standards to control emissions of PCE from dry cleaning facilities. EPA has reviewed these standards and is promulgating revisions to take into account new developments in production practices, processes, and control technologies. In addition, EPA has evaluated the remaining risk to public health and the environment following implementation of the technology-based rule and is promulgating more stringent standards for major sources in order to protect public health with an ample margin of safety. The final standards are expected to provide further reductions of PCE beyond the 1993 NESHAPS, based on application of equipment and work practice standards and, in certain situations, disallowing the use of PCE at dry cleaning facilities. In addition, EPA made some technical corrections to the 1993 Dry Cleaning NESHAPS.

**40 CFR 63, Subpart N,
40 CFR 63, Subpart CCC--National Emission Standards for Hazardous Air Pollutant Emissions: Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; and Steel Pickling— HCl Process Facilities and Hydrochloric Acid Regeneration Plants** [Amended at 78 FR 58220, September 19, 2012] This action finalized the residual risk and technology review conducted for the following source categories regulated under two national emission standards for hazardous air pollutants (NESHAP): hard and decorative chromium electroplating and chromium anodizing tanks, and steel pickling—HCl process facilities and hydrochloric acid regeneration plants. On October 21, 2010, EPA proposed amendments to these NESHAP under section 112(d)(6) and (f)(2) of the Clean Air Act. On February 8, 2012, EPA published a supplemental proposal with new analyses and results. For hard and decorative chromium electroplating and chromium anodizing tanks these final amendments addressing Clean Air Act (CAA) sections 112(d)(6) and (f)(2) include revisions to the emissions limits for total chromium; addition of housekeeping requirements to minimize fugitive emissions; and a requirement to phase-out the use of perfluorooctane sulfonic acid (PFOS) based fume suppressants. These requirements will provide greater protection for public health and the environment by reducing emissions of hexavalent chromium (a known human carcinogen). In addition, as part of the October 2010 proposal, EPA proposed certain actions pursuant to CAA section 112(d)(2) and (3) for hard and decorative chromium electroplating and chromium anodizing tanks. For these sources, EPA modified and added testing and monitoring, recordkeeping, and reporting requirements; and revisions to the regulatory provisions related to emissions during periods of malfunction. For steel pickling hydrochloric acid regeneration plants, EPA finalized the proposal to remove the alternative compliance method because EPA believes it is inconsistent with the requirements of CAA section 112(d)(2) and (3). This amendment will achieve reductions in chlorine emissions. Additionally, EPA added provisions to the Steel Pickling Facilities NESHAP requiring that the emission limits of the rule apply at all times, including during periods of startup, shutdown and malfunction.

**40 CFR 63, Subpart A,
40 CFR 63, Subpart S--National Emission Standards for Hazardous Air Pollutants From the Pulp and Paper**



Industry [Amended at 78 FR 55698, September 11, 2012] This action finalized the residual risk and technology review conducted for the pulp and paper industry source category regulated under national emission standards for hazardous air pollutants. The EPA is required to conduct residual risk and technology reviews under the Clean Air Act. This action finalized amendments to the national emission standards for hazardous air pollutants that include a requirement for 5-year repeat emissions testing for selected process equipment; revisions to provisions addressing periods of startup, shutdown and malfunction; a requirement for electronic reporting; additional test methods for measuring methanol emissions; and technical and editorial changes. The amendments are expected to ensure that control systems are properly maintained over time, ensure continuous compliance with standards and improve data accessibility; EPA estimates facilities nationwide will spend \$2.1 million per year to comply.

40 CFR 63, Subpart U—National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins,

40 CFR 63, Subpart Y - National Emission Standards for Marine Tank Vessel Loading Operations,

40 CFR 63, Subpart KK—National Emission Standards for the Printing and Publishing Industry,

40 CFR 63, Subpart GGG—National Emission Standards for Pharmaceuticals Production, [Amended at 76 FR 22566, April 21, 2011] EPA took final action for four national emission standards for hazardous air pollutants (NESHAP) that regulate 12 industrial source categories evaluated in our risk and technology review. The four NESHAP include: National Emissions Standards for Group I Polymers and Resins (Butyl Rubber Production, Epichlorohydrin Elastomers Production, Ethylene Propylene Rubber Production, Hypalon/TM\ Production, Neoprene Production, Nitrile Butadiene Rubber Production, Polybutadiene Rubber Production, Polysulfide Rubber Production, and Styrene Butadiene Rubber and Latex Production); Marine Tank Vessel Loading Operations; Pharmaceuticals Production; and The Printing and Publishing Industry. For some source categories, EPA finalized our decisions concerning the residual risk and technology reviews. For the Marine Tank Vessel Loading Operations NESHAP and the Group I Polymers and Resins NESHAP, EPA finalized emission standards to address certain emission sources not previously regulated under the NESHAP. EPA also finalized changes to the Pharmaceuticals Production NESHAP to correct an editorial error. For each of the four NESHAP, EPA finalized revisions to the regulatory provisions related to emissions during periods of startup, shutdown, and malfunction and promulgating provisions addressing electronic submission of emission test results.

40 CFR 63, Subpart A – General Provisions,

40 CFR 63, Subpart CC – National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries [Amended at 74 FR 55669, October 28, 2009] This action amends the national emission standards for petroleum refineries to add maximum achievable control technology standards for heat exchange systems. This action also amends the general provisions cross-reference table and corrects section references.

[Partial withdrawal at 76 FR 42052, July 18, 2011] On October 28, 2009, the EPA proposed to withdraw the residual risk and technology review portions of the final rule amending the National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries. EPA provided final notice of the partial withdrawal in this action.

[Amended at 78 FR 37133, June 20, 2013] This action amended the national emission standards for hazardous air pollutants for heat exchange systems at petroleum refineries. The amendments address issues raised in a petition for reconsideration of the EPA's final rule setting maximum achievable control technology rules for these systems and also provides additional clarity and regulatory flexibility with regard to that rule. This action does not change the level of environmental protection provided under those standards. The final amendments do not add any new cost burdens to the refining industry and may result in cost savings by establishing an additional monitoring option that sources may use in lieu of the monitoring provided in the original standard.

40 CFR 63, Subpart HH – National Emission Standards for Hazardous Air Pollutants for Source Categories From Oil and Natural Gas Production Facilities [Amended at 72 FR 26, January 3, 2007]. This action promulgated NESHAPS to regulate hazardous air pollutant emissions from oil and natural gas production facilities that are area sources. The final NESHAPS for major sources was promulgated on June 17, 1999, but final action with respect to area sources was deferred. Oil and natural gas production is identified in the Urban Air Toxics Strategy as an area source category for regulation under section 112(c)(3) of the Clean Air Act because of benzene emissions from triethylene glycol dehydration units located at such facilities. This final rule also amended a general provision in the regulation to allow the use of an ASTM standard as an alternative test method to EPA Method 18 in the National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities.

40 CFR 63, Subpart HH,

40 CFR 63, Subpart HHH--Oil and Natural Gas Sector: National Emission Standards for Hazardous Air Pollutants Reviews [Amended at 77 FR 49490, August 16, 2012] This action finalized the review of new source performance standards for the listed oil and natural gas source category. In this action the EPA revised the new source performance standards for volatile organic compounds from leaking components at onshore natural gas pro-



cessing plants and new source performance standards for sulfur dioxide emissions from natural gas processing plants. The EPA also established standards for certain oil and gas operations not covered by the existing standards. In addition to the operations covered by the existing standards, the newly established standards will regulate volatile organic compound emissions from gas wells, centrifugal compressors, reciprocating compressors, pneumatic controllers and storage vessels. This action also finalized the residual risk and technology review for the Oil and Natural Gas Production source category and the Natural Gas Transmission and Storage source category. This action includes revisions to the existing leak detection and repair requirements. In addition, the EPA established emission limits reflecting maximum achievable control technology for certain currently uncontrolled emission sources in these source categories. This action also includes modification and addition of testing and monitoring and related notification, recordkeeping and reporting requirements, as well as other minor technical revisions to the national emission standards for hazardous air pollutants. This action finalized revisions to the regulatory provisions related to emissions during periods of startup, shutdown and malfunction.

40 CFR 63, Subpart JJ—National Emission Standards for Wood Furniture Manufacturing Operations

[Amended at 76 FR 72050, November 21, 2011] This action finalized the residual risk and technology review conducted for two industrial source categories regulated by separate national emission standards for hazardous air pollutants. The two national emission standards for hazardous air pollutants are: National Emissions Standards for Shipbuilding and Ship Repair (Surface Coating) and National Emissions Standards for Wood Furniture Manufacturing Operations. This action also finalizes revisions to the regulatory provisions related to emissions during periods of startup, shutdown and malfunction.

40 CFR 63, Subpart EEE – National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors [Amended at 71 FR 62388, October 25, 2006]. The EPA amended the effective date of the standard for particulate matter for new cement kilns that burn hazardous waste. EPA promulgated this standard as part of the national emission standards for hazardous air pollutants (NESHAP) for hazardous waste combustors that were issued on October 12, 2005, under section 112 of the Clean Air Act. EPA agreed to reconsider the standard and proposed to change it on March 23, 2006 (71 FR 14665). This amendment suspended the obligation of new cement kilns to comply with the particulate matter standard until EPA takes final action on this proposal. This amendment does not affect other standards applicable to new or existing hazardous waste burning cement kilns.

40 CFR 63, Subpart EEE – National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; Amendments [Amended at 73 FR 18970, April 8, 2008]. EPA finalized amendments to the NESHAPS for hazardous waste combustors, which EPA promulgated on October 12, 2005. The amendments to the October 2005 final rule clarified several compliance and monitoring provisions, and also corrected several omissions and typographical errors in the final rule. EPA finalized the amendments to facilitate compliance and improve understanding of the final rule requirements. This rule did not address issues for which petitioners sought reconsideration, nor did it address issues raised in EPA's comment solicitation of September 27, 2007.

[Amended at 73 FR 64067, October 28, 2008] On October 12, 2005, EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for new and existing sources at hazardous waste combustion facilities (the final rule). Subsequently, the Administrator received four petitions for reconsideration of the final rule. On March 23, 2006 and September 6, 2006, EPA granted reconsideration with respect to eight issues raised by the petitions. After evaluating public comments submitted in response to these reconsideration notices, EPA took final action regarding the eight issues raised in the petitions for reconsideration. EPA also re-opened the rule to consider comments relating to a post-promulgation decision of the United States Court of Appeals for the District of Columbia Circuit, and responded in this proceeding to the comments received on that notice, published on September 27, 2007. As a result of this reconsideration process, EPA revised the new source standard for particulate matter for cement kilns and for incinerators that burn hazardous waste. EPA also made amendments to the particulate matter detection system provisions and revisions to the health-based compliance alternative for total chlorine of the final rule. Finally, EPA issued several corrections and clarifications to the rule.

40 CFR 63, Subpart LLL – National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry [Amended at 71 FR 76517, December 20, 2006]. On June 14, 1999, under the authority of section 112 of the Clean Air Act (CAA), EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for new and existing sources in the Portland cement manufacturing industry. On December 15, 2000, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) remanded parts of the NESHAP for the Portland cement manufacturing industry to EPA to consider, among other things, setting standards based on the performance of the maximum achievable control technology (MACT) floor standards for hydrogen chloride (HCl), mercury, and total hydrocarbons (THC), and metal hazardous air pollutants (HAP). EPA published a proposed response to the court's remand on December 2, 2005, and received over 1700 comments on the proposed response. This action promulgated EPA's final rule amendments in response to the court's remand and



the comments received on the proposed amendments.

[Amended at 75 FR 54970, September 9, 2010] The final amendments to the NSPS add or revise, as applicable, emission limits for PM, opacity, nitrogen oxides (NO_x), and sulfur dioxide (SO₂) for facilities that commence construction, modification, or reconstruction after June 16, 2008. The final rule also includes additional testing and monitoring requirements for affected sources. EPA finalized amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry and to the New Source Performance Standards (NSPS) for Portland Cement Plants. The final amendments to the NESHAP add or revise, as applicable, emission limits for mercury, total hydrocarbons (THC), and particulate matter (PM) from new and existing kilns located at major and area sources, and for hydrochloric acid (HCL) from new and existing kilns located at major sources. The standards for new kilns apply to facilities that commence construction, modification, or reconstruction after May 6, 2009.

[Amended at 76 FR 2832, January 18, 2011] The EPA took direct final action on amendments to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry and Standards of Performance (NSPS) for Portland Cement Plants. The final rules were published on September 9, 2010. The direct final action amends certain regulatory text to clarify compliance dates and clarifies that the previously issued emission limits that were changed in the September 9, 2010, action remain in effect until sources are required to comply with the revised limits. EPA Also corrected two minor typographical errors in the regulatory text to the September 9, 2010 action.

[Denied in part and granted in part of petitions to reconsider at 76 FR 28318, May 17, 2011] The EPA denied in part and granted in part the petitions to reconsider the final revised National Emission Standards for Hazardous Air Pollutants emitted by the Portland Cement Industry and the New Source Performance Standards for Portland Cement Plants issued under sections 112(d) and 111(b) of the Clean Air Act, respectively. The EPA also denied all requests that the EPA issue an administrative stay of the National Emission Standards for Hazardous Air Pollutants and the New Source Performance Standards.

[Amended at 78 FR 10006, February 12, 2013] On July 18, 2012, the EPA proposed amendments to the National Emission Standards for Hazardous Air Pollutants for the Portland Cement Manufacturing Industry and the Standards of Performance for Portland Cement Plants. This final action amends the national emission standards for hazardous air pollutants for the Portland cement industry. The EPA also promulgated amendments with respect to issues on which it granted reconsideration on May 17, 2011. In addition, the EPA amended the new source performance standard for particulate matter. These amendments promote flexibility, reduce costs, ease compliance and preserve health benefits. The amendments also addressed the remand of the national emission standards for hazardous air pollutants for the Portland cement industry by the United States Court of Appeals for the District of Columbia Circuit on December 9, 2011. Finally, the EPA set the date for compliance with the existing source national emission standards for hazardous air pollutants to be September 9, 2015.

40 CFR 63, Subpart TTT—National Emission Standards for Hazardous Air Pollutants for Primary Lead Processing [Amended at 76 FR 70834, November 15, 2011] This action finalized the residual risk and technology review conducted for the Primary Lead Processing source category regulated under national emission standards for hazardous air pollutants (NESHAP). This action finalized amendments to the NESHAP that include revision of the rule's title and applicability provision, revisions to the stack emission limits for lead, work practice standards to minimize fugitive dust emissions, and the modification and addition of testing and monitoring and related notification, recordkeeping, and reporting requirements. It also finalized revisions to the regulatory provisions related to emissions during periods of startup, shutdown, and malfunction and makes minor non-substantive changes to the rule.

40 CFR 63, Subpart EEEE – National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) [Amended at 71 FR 42897, July 28, 2006]. EPA promulgated amendments to the national emission standards for hazardous air pollutants for organic liquids distribution (non-gasoline) (Prior NESHAP), which EPA had promulgated on February 3, 2004. After promulgation of the final Prior NESHAP, the Administrator received petitions for administrative reconsideration of the promulgated rule, and several petitions for judicial review of the final rule were filed in the United States Court of Appeals for the District of Columbia Circuit. On November 14, 2005, pursuant to a settlement agreement between some of the parties to the litigation, EPA published a notice of proposed amendments to address some of the concerns raised in the petitions and requested comments on the proposed amendments. In this action, EPA promulgated those amendments, adding additional vapor balancing options, and making technical corrections to the final rule.

40 CFR 63, Subpart ZZZZ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines [Amended at 73 FR 3567, January 18, 2008]. EPA promulgated new source standards of performance for stationary spark ignition internal combustion engines in Part 60. EPA also promulgated NESHAPS for new and



reconstructed stationary reciprocating internal combustion engines that either are located at area sources of hazardous air pollutant emissions or that have a site rating of less than or equal to 500 brake horsepower and are located at major sources of hazardous air pollutant emissions.

[Amended at 75 FR 9647, March 3, 2010] EPA promulgated national emission standards for hazardous air pollutants for existing stationary compression ignition reciprocating internal combustion engines that either are located at area sources of hazardous air pollutant emissions or that have a site rating of less than or equal to 500 brake horsepower and are located at major sources of hazardous air pollutant emissions. In addition, EPA promulgated national emission standards for hazardous air pollutants for existing non-emergency stationary compression ignition engines greater than 500 brake horsepower that are located at major sources of hazardous air pollutant emissions. Finally, EPA revised the provisions related to startup, shutdown, and malfunction for the engines that were regulated previously by these national emission standards for hazardous air pollutants.

[Amended at 78 FR 6673, January 30, 2013] The EPA finalized amendments to the national emission standards for hazardous air pollutants for stationary reciprocating internal combustion engines. The final amendments included alternative testing options for certain large spark ignition (generally natural gas-fueled) stationary reciprocating internal combustion engines, management practices for a subset of existing spark ignition stationary reciprocating internal combustion engines in sparsely populated areas and alternative monitoring and compliance options for the same engines in populated areas. The EPA established management practices for existing compression ignition engines on offshore vessels. The EPA also finalized limits on the hours that stationary emergency engines may be used for emergency demand response and establishing fuel and reporting requirements for certain emergency engines used for emergency demand response. The final amendments also corrected minor technical or editing errors in the current regulations for stationary reciprocating internal combustion engines.

40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

40 CFR 63, Appendix A, Test Method 323—Measurement of Formaldehyde Emissions From Natural Gas-Fired Stationary Sources—Acetyl Acetone Derivatization Method [Amended at 75 FR 51570, August 20, 2010] EPA promulgated national emission standards for hazardous air pollutants for existing stationary spark ignition reciprocating internal combustion engines that either are located at area sources of hazardous air pollutant emissions or that have a site rating of less than or equal to 500 brake horsepower and are located at major sources of hazardous air pollutant emissions.

[Amended at 76 FR 12863, March 9, 2011] EPA took direct final action to promulgate amendments to a final rule that provided national emission standards for hazardous air pollutants for existing stationary spark ignition reciprocating internal combustion engines. The final rule was published on August 20, 2010. This direct final action amends certain regulatory text to clarify compliance requirements related to continuous parameter monitoring systems. EPA also corrected minor typographical errors in the regulatory text to the August 20, 2010, action.

[Amended at 78 FR 6674, January 30, 2013] The EPA finalized amendments to the national emission standards for hazardous air pollutants for stationary reciprocating internal combustion engines. The final amendments include alternative testing options for certain large spark ignition (generally natural gas-fueled) stationary reciprocating internal combustion engines, management practices for a subset of existing spark ignition stationary reciprocating internal combustion engines in sparsely populated areas and alternative monitoring and compliance options for the same engines in populated areas. The EPA established management practices for existing compression ignition engines on offshore vessels. The EPA also finalized limits on the hours that stationary emergency engines may be used for emergency demand response and establishing fuel and reporting requirements for certain emergency engines used for emergency demand response. The final amendments also correct minor technical or editing errors in the current regulations for stationary reciprocating internal combustion engines.

40 CFR 63, Subpart DDDDD – National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters: Reconsideration of Emissions Averaging Provision and Technical Corrections [Amended at 71 FR 70651, December 6, 2006]. EPA promulgated amendments to the NESHAPS for Industrial, Commercial, and Institutional Boilers and Process Heaters. After promulgation of this final rule, the Administrator received petitions for reconsideration of certain provisions in the final rule. Subsequently, EPA published a notice of the reconsideration and requested public comment on proposed amendments to the NESHAPS. After evaluating public comments, EPA adopted each of the amendments that were proposed.

[Amended at 76 FR 15607, March 21, 2011] On September 13, 2004, under authority of section 112 of the Clean Air Act, EPA promulgated national emission standards for hazardous air pollutants for new and existing industrial/commercial/institutional boilers and process heaters. On June 19, 2007, the United States Court of Appeals for the District of Columbia Circuit vacated and remanded the standards. In response to the Court's vacatur and remand, EPA, in this action, established emission standards that will require industrial/commercial/institutional boilers and process heaters located at major sources to meet hazardous air pollutants standards reflecting the application of the maximum achievable control technology. This rule protects air quality and promotes public health by reducing



emissions of the hazardous air pollutants listed in section 112(b)(1) of the Clean Air Act.

[Delayed at 76 FR 28662, May 18, 2011] The EPA delayed the effective dates for the final rules titled “National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters” and “Standards of Performance for New Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units” under the authority of the Administrative Procedure Act (APA) until the proceedings for judicial review of these rules is completed or the EPA completes its reconsideration of the rules, whichever is earlier.

[Amended at 78 FR 7138, January 31, 2013] In this action the EPA took final action on its reconsideration of certain issues in the emission standards for the control of hazardous air pollutants from new and existing industrial, commercial, and institutional boilers and process heaters at major sources of hazardous air pollutants, which were issued under section 112 of the Clean Air Act. As part of this action, the EPA made technical corrections to the final rule to clarify definitions, references, applicability and compliance issues raised by petitioners and other stakeholders affected by this rule. On March 21, 2011, the EPA promulgated national emission standards for this source category. On that same day, the EPA also published a notice announcing its intent to reconsider certain provisions of the final rule. Following these actions, the Administrator received several petitions for reconsideration. After consideration of the petitions received, on December 23, 2011, the EPA proposed revisions to certain provisions of the March 21, 2011, final rule, and requested public comment on several provisions of the final rule. The EPA now took final action on the proposed reconsideration. DATES: The May 18, 2011 (76 FR28661), delay of the effective date revising subpart DDDDD at 76 FR 15451 (March 21, 2011) is lifted January 31, 2013. The amendments in this rule to 40 CFR part 63, subpart DDDDD are effective as of April 1, 2013.

40 CFR 63, Subpart EEEEE – National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries [Amended at 73 FR 7210, February 7, 2008]. EPA finalized amendments to the NESHAPS for iron and steel foundries. These final amendments added alternative compliance options for cupolas at existing foundries and clarified several provisions to increase operational flexibility and improve understanding of the final rule requirements.

40 CFR 63, Subpart FFFFF – National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities [Amended at 71 FR 39579, July 13, 2006]. This action amended the NESHAPS for integrated iron and steel manufacturing facilities. The final amendments added a new compliance option, revised emission limitations, reduced the frequency of repeat performance tests for certain emission units, added corrective action requirements, and clarified monitoring, recordkeeping, and reporting requirements.

40 CFR 63, Subpart GGGGG – National Emission Standards for Hazardous Air Pollutants: Site Remediation [Amended at 71 FR 69011, November 29, 2006]. This action amended NESHAPS for site remediation activities. This final rule revised specific provisions in the rule to resolve issues and questions subsequent to promulgation; corrected technical omissions; and corrected typographical, cross-reference, and grammatical errors.

40 CFR 63, Subpart HHHHH – National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing [Amended at 71 FR 58499, October 4, 2006]. This action promulgated amendments to the NESHAPS for miscellaneous coating manufacturing. The amendments clarified that coating manufacturing means the production of coatings using operations such as mixing and blending, not reaction or separation processes used in chemical manufacturing. The amendments extended the compliance date for certain coating manufacturing equipment that is also part of a chemical manufacturing process unit. The amendments also clarified that operations by end users that modify a purchased coating prior to application at the purchasing facility are exempt. These changes clarified applicability of the rule and minimize the compliance burden.

40 CFR 63, Subpart DDDDD - National Emission Standards For Hazardous Air Pollutants For Polyvinyl Chloride And Copolymers Production Area Sources [Amended at 77 FR 22848, April 17, 2012] The EPA promulgated National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production. The final rules establish emission standards that apply at all times, including periods of startup, shutdown and malfunction, for hazardous air pollutants from polyvinyl chloride and copolymers production located at major and area sources. The final rules include requirements to demonstrate initial and continuous compliance with the emission standards, including monitoring provisions and recordkeeping and reporting requirements.

40 CFR 63, Subpart BBBBB—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities,

40 CFR 63, Subpart CCCCC—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities [Amended at 76 FR4155, January 24, 2011] This action promulgates amendments to the National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Dis-



tribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities, which EPA promulgated on January 10, 2008, and amended on March 7, 2008. In this action, EPA is finalizing amendments and clarifications to certain definitions and applicability provisions of the final rules in response to some of the issues raised in the petitions for reconsideration. In addition, several other compliance-related questions posed by various individual stakeholders and State and local agency representatives are addressed in this action. EPA also denied reconsideration on one issue raised in a petition for reconsideration received by the Agency on the final rules.

40 CFR 63, Subpart VVVVVV—National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources [Stay issued for permit applications at 75 FR 77760, December 14, 2010, and at 76 FR 13514, March 14, 2011] EPA issued this final rule to stay the requirement for certain affected sources to comply with the title V permit program during the pendency of the reconsideration process. On June 15, 2010, EPA notified Petitioners that the Agency intended to initiate the reconsideration process in response to their request for reconsideration of certain provisions in the National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources. Among the provisions EPA reconsidered, is a requirement that certain affected sources obtain a permit. On December 14, 2010, EPA issued a 90-day stay of the requirement for certain affected sources to comply with the title V permit program because they believed that the reconsideration process would not be completed within 90 days, EPA concurrently proposed to stay the provision requiring certain sources to obtain a permit until the final reconsideration rule is published in the Federal Register. After considering the comments received, EPA promulgated the stay of compliance through this final rule.

[Amended at 77 FR 65135, October, 25, 2012] On January 30, 2012, the EPA published in the Federal Register a proposed rule reconsidering certain provisions in the final National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources (CMAS) that was promulgated on October 29, 2009. The compliance date for the final CMAS rule is October 29, 2012. However, the EPA is still in the process of finalizing the reconsideration action. For this reason, a short stay of the final CMAS rule pending completion of the reconsideration action is warranted. Pursuant to the Clean Air Act, the EPA is staying until December 24, 2012 the final CMAS rule.

[Final rule; lifted stay of final rule at 77 FR 246, December 21, 2012] On January 30, 2012, the EPA proposed revisions to several provisions of the final National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources. The proposed revisions were made, in part, in response to a petition for reconsideration received by the Administrator following the promulgation of the October 29, 2009, final rule (“2009 final rule”). In this action, the EPA finalized those amendments, lifting the stay of the title V permit requirement issued on March 14, 2011, and lifting the stay of the final rule issued on October 25, 2012. In addition, this final action includes revisions to the EPA’s approach for addressing malfunctions and standards applicable during startup and shutdown periods. This final action also includes amendments and technical corrections to the final rule to clarify applicability and compliance issues raised by stakeholders subject to the 2009 final rule. The revisions to the final rule do not reduce the level of environmental protection or emissions control on sources regulated by this rule but provide flexibility and clarity to improve implementation. This action also extends the compliance date for existing sources and the EPA’s final response to all issues raised in the petition for reconsideration.

40 CFR 63, Subpart WWWWWW—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations [Amended at 76 FR 35744, June 20, 2011] On June 12, 2008, EPA issued national emission standards for control of hazardous air pollutants (HAP) for the plating and polishing area source category under section 112 of the Clean Air Act (CAA). ON June 20, 2011 EPA took direct final action to amend the national emission standards for HAP (NESHAP) for the plating and polishing area source category. These final amendments clarify that the emission control requirements of the plating and polishing area source NESHAP do not apply to any bench-scale activities. Also, several technical corrections and clarifications that do not make significant changes in the rule’s requirements have been made to the rule text. EPA made these amendments by direct final rule, without prior proposal, because EPA viewed these revisions as noncontroversial and anticipated no adverse comments. Consistent with Executive Order 13563, “Improving Regulation and Regulatory Review,” issued on January 18, 2011, this amended rule will increase flexibility and freedom of choice for the public, and make the rule more clear and intelligible which, as a result, will reduce the burden.

[Amended at 76 FR 57913, September 19, 2011] On June 12, 2008, the EPA issued national emission standards for hazardous air pollutants (NESHAP) for the plating and polishing area source category under section 112 of the Clean Air Act (CAA). On June 20, 2011, the EPA proposed amendments to clarify that the emission control requirements of the plating and polishing area source NESHAP did not apply to any bench-scale activities. The amendments also made several technical corrections and clarifications that are not significant changes in the rule’s requirements. In addition, on June 20, 2011, the EPA issued a direct final rule amending the area source standards for plating and polishing area sources. Since EPA received an adverse comment, EPA withdrew the direct final rule today simultaneously with this final rule.



40 CFR 63, Subpart ZZZZZZ – National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries [Amended at 74 FR 46493, September 10, 2009] This action makes technical corrections to regulatory text of the “Revision of Source Category List for Standards Under Section 112(k) of the Clean Air Act; National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries,” which was issued as a final rule on June 25, 2009. These technical corrections will not change the standards established by the rule or the level of health protection provided.

40 CFR 63, Subpart DDDDDDD—National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing [Amended at 76 FR 80261, December 23, 2011] The EPA took direct final action to revise certain provisions of the area source national emission standards for hazardous air pollutants (NESHAP) for prepared feeds manufacturing published on January 5, 2010 (final rule). These revisions clarified the regulatory requirements for this source category and ensure that those requirements are consistent with the record. The revisions address the generally available control technology (GACT) requirements for pelleting processes at large, existing prepared feeds manufacturing facilities, specifically removal of the cyclone 95-percent design efficiency requirement, as well as associated requirements for compliance demonstration, monitoring, reporting, and recordkeeping; clarification of the requirement that doors be kept closed in areas where materials containing chromium and manganese are stored, used, or handled; and clarification of the requirement to install a device at the point of bulk loadout to minimize emissions. These amendments are not expected to result in increased emissions or in the imposition of costs beyond those described in the January 5, 2010, final rule.

40 CFR 63, Appendix A [Amended at 75 FR 55636, September 13, 2010] EPA promulgated amendments to the General Provisions to allow accredited providers to supply stationary source audit samples and to require sources to obtain and use these samples from the accredited providers instead of from EPA, as is the current practice. All requirements pertaining to the audit samples have been moved to the General Provisions and have been removed from the test methods because the current language in the test methods regarding audit samples is inconsistent from method to method. Therefore, deleting all references to audit samples in the test methods eliminates any possible confusion and inconsistencies. Under this final rule, the requirement to use an audit sample during a compliance test will apply to all test methods for which a commercially available audit exists.

40 CFR 63, Appendix A, Method 301—Field Validation of Pollutant Measurement Methods From Various Waste Media [Amended at 76 FR 28664, May 18, 2011]. This action amended EPA's Method 301, Field Validation of Pollutant Measurement Methods from Various Waste Media. EPA revised the procedures in Method 301 based on experience in applying the method and to correct errors that were brought to EPA's attention. The revised Method 301 is more flexible, less expensive, and easier to use. This action finalizes amendments to Method 301 after considering comments received on the proposed rule published in the Federal Register on December 22, 2004.

40 CFR 63, Appendix A, Test Method 321—Measurement of Gaseous Hydrogen Chloride Emissions at Portland Cement Kilns by Fourier Transform Infrared (FTIR) Spectroscopy [Amended at 75 FR 54970, September 9, 2010] The final amendments to the NSPS add or revise, as applicable, emission limits for PM, opacity, nitrogen oxides (NO_x), and sulfur dioxide (SO₂) for facilities that commence construction, modification, or reconstruction after June 16, 2008. The final rule also includes additional testing and monitoring requirements for affected sources. EPA finalized amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry and to the New Source Performance Standards (NSPS) for Portland Cement Plants. The final amendments to the NESHAP add or revise, as applicable, emission limits for mercury, total hydrocarbons (THC), and particulate matter (PM) from new and existing kilns located at major and area sources, and for hydrochloric acid (HCL) from new and existing kilns located at major sources. The standards for new kilns apply to facilities that commence construction, modification, or reconstruction after May 6, 2009.

ACID RAIN - 40 CFR PART 72, 74, 75, 76

SUBPARTS ADDED: None.

SUBPARTS SIGNIFICANTLY REVISED:

40 CFR 72—Subpart A: Acid Rain Program General Provisions,

40 CFR 75, Appendix D—Optional SO₂ Emissions Data Protocol for Gas-Fired and Oil-Fired Peaking Units, [Amended at 76 FR 48208, August 8, 2011] In this action, EPA limited the interstate transport of emissions of nitrogen oxides (NO_x) and sulfur dioxide (SO₂) that contribute to harmful levels of fine particle matter (PM_{2.5}) and ozone in downwind states. EPA identified emissions within 27 states in the eastern United States that significantly



affect the ability of downwind states to attain and maintain compliance with the 1997 and 2006 fine particulate matter national ambient air quality standards (NAAQS) and the 1997 ozone NAAQS. Also, EPA limited these emissions through Federal Implementation Plans (FIPs) that regulate electric generating units (EGUs) in the 27 states. This action substantially reduces adverse air quality impacts in downwind states from emissions transported across state lines. In conjunction with other federal and state actions, it will help assure that all but a handful of areas in the eastern part of the country achieve compliance with the current ozone and PM_{2.5} NAAQS by the deadlines established in the Clean Air Act (CAA or Act). The FIPs may not fully eliminate the prohibited emissions from certain states with respect to the 1997 ozone NAAQS for two remaining downwind areas and EPA is committed to identifying any additional required upwind emission reductions and taking any necessary action in a future rulemaking. In this action, EPA also modified its prior approvals of certain State Implementation Plan (SIP) submissions to rescind any statements that the submissions in question satisfy the interstate transport requirements of the CAA or that EPA's approval of the SIPs affects our authority to issue interstate transport FIPs with respect to the 1997 fine particulate and 1997 ozone standards for 22 states. EPA also issued a supplemental proposal to request comment on its conclusion that six additional states significantly affect downwind states' ability to attain and maintain compliance with the 1997 ozone NAAQS.

40 CFR 72 – Permit Regulation,
40 CFR 75 – Continuous Emission Monitoring,
40 CFR 75, Appendix A—Specifications and Procedures,
40 CFR 75, Appendix B—Quality Assurance and Quality Control Procedures,
40 CFR 75, Appendix D—Optional SO₂ Emissions Data Protocol for Gas-Fired and Oil-Fired Peaking Units,
40 CFR 75, Appendix E—Optional NO_x Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units,
40 CFR 75, Appendix F—Conversion Procedures [Amended at 76 FR 17288, March 28, 2011] EPA finalized rule revisions that modify existing requirements for sources affected by the federally administered emission trading programs including the NO_x Budget Trading Program, the Acid Rain Program, and the Clean Air Interstate Rule. EPA is amending its Protocol Gas Verification Program (PGVP) and the minimum competency requirements for air emission testing (formerly air emission testing body requirements) to improve the accuracy of emissions data. EPA also amended other sections of the Acid Rain Program continuous emission monitoring system regulations by adding and clarifying certain recordkeeping and reporting requirements, removing the provisions pertaining to mercury monitoring and reporting, removing certain requirements associated with a class-approved alternative monitoring system, disallowing the use of a particular quality assurance option in EPA Reference Method 7E, adding two incorporations by reference that were inadvertently left out of the January 24, 2008 final rule, adding two new definitions, revising certain compliance dates, and clarifying the language and applicability of certain provisions.

40 CFR 75, Appendix K [Removed at 76 FR 17288, March 28, 2011] (see above description).

40 CFR 75, Appendix A—Specifications and Test Procedures,
40 CFR 75, Appendix F to Part 75—Conversion Procedures,
40 CFR 75—Continuous Emission Monitoring, Subpart A,
40 CFR 75, Appendix D—Optional SO₂ Emissions Data Protocol for Gas-Fired and Oil-Fired Peaking Units [Amended at 76 FR 2456, January 18, 2012] EPA promulgated a final rule to incorporate the most recent versions of ASTM International (ASTM) standards into EPA regulations that provide flexibility to use alternatives to mercury-containing industrial thermometers. This final rule will allow the use of such alternatives in certain field and laboratory applications previously impermissible as part of compliance with EPA regulations. EPA believes the older embedded ASTM standards unnecessarily impede the use of effective, comparable, and available alternatives to mercury-containing industrial thermometers. Due to mercury's high toxicity, EPA sought to reduce potential mercury exposures to humans and the environment by reducing the overall use of mercury-containing products, including mercury-containing industrial thermometers.

7. 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:
None

8. 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.
This proposed expedited rulemaking does not diminish a previous grant of authority of a political subdivision of this state.



9. The agency is exempt from the requirements under A.R.S. § 41-1055(G) to prepare and file an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2).

The NSPS/NESHAPs/Acid Rain standards are “applicable requirements” for purposes of the Title V Operating Permit Program and are standards already effective and must be followed by the regulated community as of the date they are promulgated by the EPA. Because the regulations are already effective, this rulemaking would impose no new costs on regulated sources. If ADEQ does not incorporate the regulations by reference, only EPA has the authority to enforce the regulations outside of those voluntarily included in a facility’s permit.

10. A description of any changes between the proposed expedited rulemaking and the final expedited rulemaking:

1) Due to the comment received from Maricopa County (below), ADEQ removed 40 CFR 63, Subpart B, C, and D from R18-2-1101(B), as these are not delegable to a State to local authority (authority is retained by EPA).

2) Changes to R18-2-210 were removed as part of this rulemaking since those changes were already made in another Department rulemaking at 21 A.A.R. 1156 (July 24, 2015).

3) Changes to Appendix 2 were reconciled with changes made by the rulemaking at 21 A.A.R. 1156 (July 24, 2015), to show the updated version of Appendix 2 with changes made by this rulemaking.

4) Subpart B to 40 CFR part 60 was removed from R18-2-901. This Subpart does not exist and was placed in this section by mistake. Subpart B, “National Emission Standards for Radon Emissions from Underground Uranium Mines,” is the correct Subpart and it is in R18-2-1101.

5) Subpart Ga to 40 CFR part 60 was mistakenly put into the “Significantly Revised” section of number 6 of the preamble, and not in the “Subparts Added” section. It has been moved to the “New” section and added to R18-2-901 as number (12). Since this was added, the numbering was changed for the rest of R18-2-901.

6) Subpart VVa to 40 CFR part 60 was mistakenly left out of R18-2-901. It was added to R18-2-901 as number (55). Since this was added, the numbering was changed for the rest of R18-2-901.

7) Subpart OOOO to 40 CFR part 60 was mistakenly put into the “Significantly Revised” section of number 6 of the preamble, and not in the “Subparts Added” section. It has been moved to the “New” section and added to R18-2-901 as number (86).

8) We are taking no action to finalize the incorporation by reference of Subpart UUUUU to 40 CFR part 63 at this time because of the uncertainty about the rule’s future created by the Supreme Court’s decision in *Michigan v. Environmental Protection Agency* decided June 29, 2015.

11. An agency’s summary of the public or stakeholder comments or objections made about the rulemaking and the agency response to the comments:

Comment from Cheri Dale, Planner, Maricopa County Air Quality:

ADEQ’s Notice of Proposed Expedited Rulemaking notice, July 18, 2014, in Section 11 (20 A.A.R. 1824), 40 CFR 63 Subpart B is listed as one of the subparts being revised. In Section 12 of the notice (20 A.A.R. 1828), 40 CFR 63, Subparts B, C and D are listed as incorporated by reference. The EPA does not delegate these subparts to state or local agencies. No states have been delegated authority for the following 40 CFR 63 subparts:

B - Requirements for Control Technology Determinations for Major Sources in Accordance with CAA Sections 112(g) and 112(j)

C - List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List

D - Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants

E - Approval of State Programs and Delegation of Federal Authorities

ADEQ’s Response to Comment:

ADEQ appreciates Maricopa County’s comment and has removed from R18-2-1101(B), 40 CFR 63, Subparts B, C, and D as part of this final rule making. Subpart E was never incorporated by ADEQ. ADEQ believes that these Subparts were mistakenly added many years ago. ADEQ did not receive any comments during the second public comment period (ending January 6, 2015).

12. Any 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:

The Department provided the notice and hearing required for rules under A.R.S. § 49-425(B).

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:



The rules require issuance of regulatory permits pursuant to Title IV and Title V of the Clean Air Act. As such, they fall within an exception to A.R.S. § 41-1037 for such permits.” A.R.S. § 41-1037(A)(6).

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:

The rules are not more stringent than federal law. The rules incorporate federal standards by reference. Regulated sources within ADEQ’s jurisdiction are already subject to the regulations; however incorporating them by reference provides the State, instead of EPA, the authority to enforce the regulations outside of those voluntarily included in a facility’s permit.

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 such analysis was submitted.

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

<u>New and revised incorporations by reference (subparts or larger as of 6/28/13)</u>	<u>Location</u>
40 CFR 60, Subparts A, B, F, D, Da, Db, Dc, Ec, Ga, J, Ja, Y, VV, VVa, GGG, GGGa, KKK, LLL, OOO, UUU, CCCC, IIII, KKKK, JJJJ, LLLL, OOOO	R18-2-901
40 CFR 61, Subparts B, H, I, K, Q, R, T, W	R18-2-1101(A)

40 CFR 63, Subparts A, F, G, H, I, M, N, R, S, U, Y, CC, DD, EE, GG, HH, KK, JJ, OO, PP, QQ, SS, TT, UU, VV, YY, CCC, EEE, GGG, HHH, III, JJJ, LLL, MMM, OOO, TTT, VVV, EEEE, ZZZZ, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, WWWWW, YYYYY, ZZZZZ, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, JJJJJ, LLLLL, MMMMM, NNNNN, OOOOO, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, VVVVV, WWWWW, XXXXX, YYYYY, ZZZZZ, AAAAAA, BBBBBB, CCCCCC, DDDDDD, EEEEE, HHHHHH	R18-2-1101(B)
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<u>Incorporations by reference updated to 6/28/13 (may include new sections)</u>	<u>Location</u>
40 CFR 72, 74, 75, and 76	R18-2-333(A)
40 CFR 60, listed subparts and accompanying appendices	R18-2-901
40 CFR 61, listed subparts and accompanying appendices	R18-2-1101(A)
40 CFR 63, listed subparts and accompanying appendices	R18-2-1101(B)
40 CFR 50	Appendix 2
40 CFR 50, all appendices	Appendix 2
40 CFR Part 51, Appendix M, Section IV of Appendix S, Appendix W	Appendix 2
40 CFR 52, Appendices D and E	Appendix 2
40 CFR 53	Appendix 2
40 CFR 58	Appendix 2
40 CFR 58, all appendices	Appendix 2
40 CFR Part 60, all appendices	Appendix 2
40 CFR Part 61, all appendices	Appendix 2
40 CFR Part 63, all appendices	Appendix 2
40 CFR Part 75, all appendices	Appendix 2

14. The full text of the rule follows:

TITLE 18. ENVIRONMENTAL QUALITY

**CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL**

ARTICLE 3. PERMITS AND PERMIT REVISIONS

Section
R18-2-333. Acid Rain

ARTICLE 9. NEW SOURCE PERFORMANCE STANDARDS

Section
R18-2-901. Standards of Performance for New Stationary Sources

ARTICLE 11. FEDERAL HAZARDOUS AIR POLLUTANTS

Section
R18-2-1101. National Emission Standards for Hazardous Air Pollutants (NESHAPs)



APPENDIX 2. TEST METHODS AND PROTOCOLS

ARTICLE 3. PERMITS AND PERMIT REVISIONS

R18-2-333. Acid Rain

- A. 40 CFR 72, 74, 75 and 76 and all accompanying appendices, adopted as of ~~July 1, 2006~~ June 28, 2013, (and no future amendments) are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.
- B. When used in 40 CFR 72, 74, 75 or 76, "Permitting Authority" means the Arizona Department of Environmental Quality and "Administrator" means the Administrator of the United States Environmental Protection Agency.
- C. If the provisions or requirements of the regulations incorporated in this Section conflict with any of the remaining portions of this Title, the regulations incorporated in this Section apply and take precedence.

ARTICLE 9. NEW SOURCE PERFORMANCE STANDARDS

R18-2-901. Standards of Performance for New Stationary Sources

Except as provided in R18-2-902 through R18-2-905, the following subparts of 40 CFR 60, New Source Performance Standards (NSPS), and all accompanying appendices, adopted as of ~~July 1, 2006~~ June 28, 2013, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.

1. Subpart A - General Provisions.
2. Subpart D - Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971.
3. Subpart Da - Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.
4. Subpart Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.
5. Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.
6. Subpart E - Standards of Performance for Incinerators.
7. Subpart Ea - Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced after December 20, 1989 and on or Before September 20, 1994.
8. Subpart Eb - Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced after September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996.
9. Subpart Ec - Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996.
10. Subpart F - Standards of Performance for Portland Cement Plants.
11. Subpart G - Standards of Performance for Nitric Acid Plants.
12. Subpart Ga – Standards of Performance for Nitric Acid Plants for which Construction, Reconstruction, or Modification Commenced after October 14, 2011.
- ~~12.~~ 13. Subpart H - Standards of Performance for Sulfuric Acid Plants.
- ~~13.~~ 14. Subpart I - Standards of Performance for Hot Mix Asphalt Facilities.
- ~~14.~~ 15. Subpart J - Standards of Performance for Petroleum Refineries.
16. Subpart Ja – Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007.
- ~~15.~~ 17. Subpart K - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.
- ~~16.~~ 18. Subpart Ka - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.
- ~~17.~~ 19. Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984.
- ~~18.~~ 20. Subpart L - Standards of Performance for Secondary Lead Smelters.
- ~~19.~~ 21. Subpart M - Standards of Performance for Secondary Brass and Bronze Production Plants.
- ~~20.~~ 22. Subpart N - Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.
- ~~21.~~ 23. Subpart Na - Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.
- ~~22.~~ 24. Subpart O - Standards of Performance for Sewage Treatment Plants.
- ~~23.~~ 25. Subpart P - Standards of Performance for Primary Copper Smelters.
- ~~24.~~ 26. Subpart Q - Standards of Performance for Primary Zinc Smelters.
- ~~25.~~ 27. Subpart R - Standards of Performance for Primary Lead Smelters.
- ~~26.~~ 28. Subpart S - Standards of Performance for Primary Aluminum Reduction Plants.



- 27-29, Subpart T - Standards of Performance for Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
- 28-30, Subpart U - Standards of Performance for Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
- 29-31, Subpart V - Standards of Performance for Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
- 30-32, Subpart W - Standards of Performance for Phosphate Fertilizer Industry: Triple Superphosphate Plants.
- 31-33, Subpart X - Standards of Performance for Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
- 32-34, Subpart Y - Standards of Performance for Coal Preparation Plants.
- 33-35, Subpart Z - Standards of Performance for Ferroalloy Production Facilities.
- 34-36, Subpart AA - Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983.
- 35-37, Subpart AAa - Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.
- 36-38, Subpart BB - Standards of Performance for Kraft Pulp Mills.
- 37-39, Subpart CC - Standards of Performance for Glass Manufacturing Plants.
- 38-40, Subpart DD - Standards of Performance for Grain Elevators.
- 39-41, Subpart EE - Standards of Performance for Surface Coating of Metal Furniture.
- 40-42, Subpart GG - Standards of Performance for Stationary Gas Turbines.
- 41-43, Subpart HH - Standards of Performance for Lime Manufacturing Plants.
- 42-44, Subpart KK - Standards of Performance for Lead-Acid Battery Manufacturing Plants.
- 43-45, Subpart LL - Standards of Performance for Metallic Mineral Processing Plants.
- 44-46, Subpart MM - Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.
- 45-47, Subpart NN - Standards of Performance for Phosphate Rock Plants.
- 46-48, Subpart PP - Standards of Performance for Ammonium Sulfate Manufacture.
- 47-49, Subpart QQ - Standards of Performance for Graphic Arts Industry: Publication Rotogravure Printing.
- 48-50, Subpart RR - Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
- 49-51, Subpart SS - Standards of Performance for Industrial Surface Coating: Large Appliances.
- 50-52, Subpart TT - Standards of Performance for Metal Coil Surface Coating.
- 51-53, Subpart UU - Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.
- 52-54, Subpart VV - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
- 55. Subpart VVa - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced after November 7, 2006.
- 53-56, Subpart WW - Standards of Performance for Beverage Can Surface Coating Industry.
- 54-57, Subpart XX - Standards of Performance for Bulk Gasoline Terminals.
- 55-58, Subpart AAA - Standards of Performance for New Residential Wood Heaters.
- 56-59, Subpart BBB - Standards of Performance for Rubber Tire Manufacturing Industry.
- 57-60, Subpart DDD - Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
- 58-61, Subpart FFF - Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.
- 59-62, Subpart GGG - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.
- 63. Subpart GGGa - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006.
- 60-64, Subpart HHH - Standards of Performance for Synthetic Fiber Production Facilities.
- 61-65, Subpart III - Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
- 62-66, Subpart JJJ - Standards of Performance for Petroleum Dry Cleaners.
- 63-67, Subpart KKK - Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
- 64-68, Subpart LLL - Standards of Performance for Onshore Natural Gas Processing; SO₂ Emissions.
- 65-69, Subpart NNN - Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.
- 66-70, Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants.
- 67-71, Subpart PPP - Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants.
- 68-72, Subpart QQQ - Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems.
- 69-73, Subpart RRR - Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.
- 70-74, Subpart SSS - Standards of Performance for Magnetic Tape Coating Facilities.
- 71-75, Subpart TTT - Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.
- 72-76, Subpart UUU - Standards of Performance for Calciners and Dryers in Mineral Industries.



- ~~73-77~~. Subpart VVV - Standards of Performance for Polymeric Coating of Supporting Substrates Facilities.
- ~~74-78~~. Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills.
- ~~75-79~~. Subpart AAAA - Standards of Performance for Small Municipal Waste Combustion Units for Which Construction Is Commenced after August 30, 1999, or for Which Modification or Reconstruction Is Commenced after June 6, 2001.
- ~~76-80~~. Subpart CCCC - Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced after November 30, 1999, or for Which Modification or Reconstruction Is Commenced on or after June 1, 2001.
- ~~77-81~~. Subpart EEEE - Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006.
- ~~78. Subpart FFFF - Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced On or Before December 9, 2004.~~
82. Subpart IIII - Standards of Performance for Stationary Compression Ignition Combustion Engines.
83. Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.
84. Subpart KKKK - Standards of Performance for Stationary Combustion Turbines.
85. Subpart LLLL - Standards of Performance for New Sewage Sludge Incineration Units.
86. Subpart OOOO - Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution.

ARTICLE 11. FEDERAL HAZARDOUS AIR POLLUTANTS

R18-2-1101. National Emission Standards for Hazardous Air Pollutants (NESHAPs)

- A. Except as provided in R18-2-1102, the following subparts of 40 CFR 61, National Emission Standards for Hazardous Air Pollutants (NESHAPs), and all accompanying appendices, adopted as of ~~July 1, 2006~~ June 28, 2013, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.
- ~~1.~~ Subpart A - General Provisions.
 - ~~2.~~ Subpart B - Radon Emissions from Underground Uranium Mines.
 - ~~2-3.~~ Subpart C - Beryllium.
 - ~~3-4.~~ Subpart D - Beryllium Rocket Motor Firing.
 - ~~4-5.~~ Subpart E - Mercury.
 - ~~5-6.~~ Subpart F - Vinyl Chloride.
 - ~~7.~~ Subpart H - Radionuclides Other Than Radon from Department of Energy Facilities.
 - ~~8.~~ Subpart I - Radionuclide Emissions from Federal Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H.
 - ~~6-9.~~ Subpart J - Equipment Leaks (Fugitive Emission Sources) of Benzene.
 - ~~10.~~ Subpart K - Radionuclide Emissions From Elemental Phosphorus Plants.
 - ~~7-11.~~ Subpart L - Benzene Emissions from Coke By-Product Recovery Plants.
 - ~~8-12.~~ Subpart M - Asbestos.
 - ~~9-13.~~ Subpart N - Inorganic Arsenic Emissions from Glass Manufacturing Plants.
 - ~~10-14.~~ Subpart O - Inorganic Arsenic Emissions from Primary Copper Smelters.
 - ~~11-15.~~ Subpart P - Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production.
 - ~~16.~~ Subpart Q - Radon Emissions from Department of Energy Facilities.
 - ~~17.~~ Subpart R - Radon Emissions from Phosphogypsum Stacks.
 - ~~18.~~ Subpart T - Radon Emissions from the Disposal of Uranium Mill Tailings.
 - ~~12-19.~~ Subpart V - Equipment Leaks (Fugitive Emission Sources).
 - ~~20.~~ Subpart W - Radon Emissions from Operating Mill Tailings.
 - ~~13-21.~~ Subpart Y - Benzene Emissions From Benzene Storage Vessels.
 - ~~14-22.~~ Subpart BB - Benzene Emissions from Benzene Transfer Operations.
 - ~~15-23.~~ Subpart FF - Benzene Waste Operations.
- B. Except as provided in R18-2-1102, the following subparts of 40 CFR 63, NESHAPs for Source Categories, and all accompanying appendices, adopted as of ~~July 1, 2006~~ June 28, 2013, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.
- ~~1.~~ Subpart A - General Provisions.
 - ~~2.~~ Subpart B - Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j).



- ~~3. Subpart C - List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List.~~
- ~~4. Subpart D - Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants.~~
- ~~52. Subpart F - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.~~
- ~~63. Subpart G - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.~~
- ~~74. Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.~~
- ~~85. Subpart I - National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.~~
- ~~96. Subpart J - National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production.~~
- ~~107. Subpart L - National Emission Standards for Coke Oven Batteries.~~
- ~~148. Subpart M - National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.~~
- ~~129. Subpart N - National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.~~
- ~~1310. Subpart O - Ethylene Oxide Emissions Standards for Sterilization Facilities.~~
- ~~1411. Subpart Q - National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.~~
- ~~1512. Subpart R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).~~
- ~~1613. Subpart S - National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.~~
- ~~1714. Subpart T - National Emission Standards for Halogenated Solvent Cleaning.~~
- ~~1815. Subpart U - National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.~~
- ~~1916. Subpart W - National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production.~~
- ~~20. Subpart X - National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting.~~
- ~~17. Subpart Y - National Emission Standards for Marine Tank Vessel Loading Operations.~~
- ~~2418. Subpart AA - National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants.~~
- ~~2219. Subpart BB - National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants.~~
- ~~2320. Subpart CC - National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.~~
- ~~2421. Subpart DD - National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.~~
- ~~2522. Subpart EE - National Emission Standards for Magnetic Tape Manufacturing Operations.~~
- ~~2623. Subpart GG - National Emission Standards for Aerospace Manufacturing and Rework Facilities.~~
- ~~2724. Subpart HH - National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities.~~
- ~~2825. Subpart JJ - National Emission Standards for Wood Furniture Manufacturing Operations.~~
- ~~2926. Subpart KK - National Emission Standards for the Printing and Publishing Industry.~~
- ~~3027. Subpart LL - National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants.~~
- ~~3128. Subpart MM - National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills.~~
- ~~3229. Subpart OO - National Emission Standards for Tanks - Level 1.~~
- ~~3330. Subpart PP - National Emission Standards for Containers.~~
- ~~3431. Subpart QQ - National Emission Standards for Surface Impoundments.~~
- ~~3532. Subpart RR - National Emission Standards for Individual Drain Systems.~~
- ~~3633. Subpart SS - National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.~~
- ~~3734. Subpart TT - National Emission Standards for Equipment Leaks - Control Level 1.~~
- ~~3835. Subpart UU - National Emission Standards for Equipment Leaks - Control Level 2 Standards.~~
- ~~3936. Subpart VV - National Emission Standards for Oil-Water Separators and Organic-Water Separators.~~
- ~~4037. Subpart WW - National Emission Standards for Storage Vessels (Tanks) - Control Level 2.~~
- ~~4138. Subpart XX - National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.~~
- ~~4239. Subpart YY - National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.~~
- ~~4340. Subpart CCC - National Emission Standards for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants.~~
- ~~4441. Subpart DDD - National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.~~



4542. Subpart EEE - National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors.
4643. Subpart GGG - National Emission Standards for Pharmaceuticals Production.
4744. Subpart HHH - National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities.
4845. Subpart III - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.
4946. Subpart JJJ - National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.
5047. Subpart LLL - National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry.
5148. Subpart MMM - National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.
5249. Subpart NNN - National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.
5350. Subpart OOO - National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins.
5451. Subpart PPP - National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production.
5552. Subpart QQQ - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting.
5653. Subpart RRR - National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.
5754. Subpart TTT - National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.
5855. Subpart UUU - National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.
5956. Subpart VVV - National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.
6057. Subpart XXX - National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese.
6158. Subpart AAAA - National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.
6259. Subpart CCCC - National Emission Standards for Hazardous Air Pollutants: Manufacture of Nutritional Yeast.
6360. Subpart DDDD - National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products.
6461. Subpart EEEE - National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline).
6562. Subpart FFFF - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing.
6663. Subpart GGGG - National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production.
6764. Subpart HHHH - National Emissions Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production.
6865. Subpart IIII - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks.
6966. Subpart JJJJ - National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating.
7067. Subpart KKKK - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans.
7168. Subpart MMMM - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.
7269. Subpart NNNN - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances.
7370. Subpart OOOO - National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles.
7471. Subpart PPPP - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.
7572. Subpart QQQQ - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products.
7673. Subpart RRRR - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture.
7774. Subpart SSSS - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.
7875. Subpart TTTT - National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations.
7976. Subpart UUUU - National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing.
8077. Subpart VVVV - National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing.
8178. Subpart WWWW - National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production.
8279. Subpart XXXX - National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing.



- 8380. Subpart YYYY - National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.
- 8481. Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.
- 8582. Subpart AAAAA - National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.
- 8683. Subpart BBBBB - National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.
- 8784. Subpart CCCCC - National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.
- 8885. Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters.
- 8986. Subpart EEEEE - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.
- 9087. Subpart FFFFF - National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing.
- 9188. Subpart GGGGG - National Emission Standards for Hazardous Air Pollutants: Site Remediation.
- 9289. Subpart HHHHH - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing.
- 9390. Subpart IIIII - National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants.
- 9491. Subpart JJJJJ - National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.
- 9592. Subpart KKKKK - National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.
- 9693. Subpart LLLLL - National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing.
- 9794. Subpart MMMMM - National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations.
- 9895. Subpart NNNNN - National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production.
- 9996. Subpart PPPPP - National Emission Standards for Hazardous Air Pollutants: Engine Test Cells/Standards.
- 10097. Subpart QQQQQ - National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.
- 10198. Subpart RRRRR - National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing.
- 10299. Subpart SSSSS - National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.
- 103100. Subpart TTTTT - National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining.
- 101. Subpart WWWW – National Emission Standards for Hospital Ethylene Oxide Sterilizers.
- 102. Subpart YYYYY – National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities.
- 103. Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.
- 104. Subpart BBBBB – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.
- 105. Subpart CCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.
- 106. Subpart DDDDD – National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.
- 107. Subpart EEEEE – National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources.
- 108. Subpart FFFFF – National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources.
- 109. Subpart GGGGG – National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources—Zinc, Cadmium, and Beryllium.
- 110. Subpart HHHHH – National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.
- 111. Subpart JJJJJ – National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers Area Sources.
- 112. Subpart LLLLL – National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.
- 113. Subpart MMMMM – National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources.
- 114. Subpart NNNNN – National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds.



- 115. Subpart OOOOOO – National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.
- 116. Subpart PPPPPP – National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources.
- 117. Subpart QOOQQO – National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.
- 118. Subpart RRRRRR – National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.
- 119. Subpart SSSSSS – National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources.
- 120. Subpart TTTTTT – National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources.
- 121. Subpart VVVVVV – National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources.
- 122. Subpart WWWWWW – National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.
- 123. Subpart XXXXXX – National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.
- 124. Subpart YYYYYY – National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities.
- 125. Subpart ZZZZZZ – National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and other Nonferrous Foundries.
- 126. Subpart AAAAAA – National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing.
- 127. Subpart BBBBBB – National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry.
- 128. Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing.
- 129. Subpart DDDDDD – National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.
- 130. Subpart EEEEEEE – National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category.
- 131. Subpart HHHHHHH – National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production.

APPENDIX 2. TEST METHODS AND PROTOCOLS

The following test methods and protocols are approved for use as directed by the Department under this Chapter. These standards are incorporated by reference as applicable requirements revised as of ~~July 1, 2006~~ June 28, 2013, and no future editions or amendments. These standards are on file with the Department, and are also available from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.

- A. 40 CFR 50;
- B. 40 CFR 50, ~~Appendices A through N~~ all appendices;
- C. 40 CFR 51, Appendix M, Section IV of Appendix S, and Appendix W;
- D. 40 CFR 52, Appendices D and E;
- E. 40 CFR 53;
- F. 40 CFR 58;
- G. 40 CFR 58, all appendices;
- H. 40 CFR 60, all appendices;
- I. 40 CFR 61, all appendices;
- J. 40 CFR 63, all appendices;
- K. 40 CFR 75, all appendices.
- L. 40 CFR 51.128, Appendix A(1)(B).
- M. Silt Content Test Method. The purpose of this test method is to estimate the silt content of the trafficked parts of commercial farm roads, as defined in R18-2-610. The higher the silt content, the more fine dust particles that are released when cars and trucks drive on commercial farm roads.
 - 1. Equipment:
 - a. A set of sieves with the following openings: 4 millimeters (mm), 2mm, 1 mm, 0.5 mm and 0.25 mm and a lid and collector pan
 - b. A small whisk broom or paintbrush with stiff bristles and dustpan 1 ft. in width. (The broom/brush should preferably have one, thin row of bristles no longer than 1.5 inches in length.)
 - c. A spatula without holes A small scale with half ounce increments (e.g. postal/package scale)



- d. A shallow, lightweight container (e.g. plastic storage container)
 - e. A sturdy cardboard box or other rigid object with a level surface
 - f. Basic calculator
 - g. Cloth gloves (optional for handling metal sieves on hot, sunny days)
 - h. Sealable plastic bags (if sending samples to a laboratory)
 - i. Pencil/pen and paper
2. Step 1: Look for a routinely-traveled surface, as evidenced by tire tracks. [Only collect samples from surfaces that are not wet or damp due to precipitation, dew or watering.] Use caution when taking samples to ensure personal safety with respect to passing vehicles. Gently press the edge of a dustpan (1 foot in width) into the surface four times to mark an area that is 1 square foot. Collect a sample of loose surface material using a whisk broom or brush and slowly sweep the material into the dustpan, minimizing escape of dust particles. Use a spatula to lift heavier elements such as gravel. Only collect dirt/gravel to an approximate depth of 3/8 inch or 1 cm in the 1 square foot area. If you reach a hard, underlying subsurface that is < 3/8 inch in depth, do not continue collecting the sample by digging into the hard surface. In other words, you are only collecting a surface sample of loose material down to 1 cm. In order to confirm that samples are collected to 1 cm. in depth, a wooden dowel or other similar narrow object at least one foot in length can be laid horizontally across the survey area while a metric ruler is held perpendicular to the dowel. At this point, you can choose to place the sample collected into a plastic bag or container and take it to an independent laboratory for silt content analysis. A reference to the procedure the laboratory is required to follow is in subsection (10) below.
 3. Step 2: Place a scale on a level surface. Place a lightweight container on the scale. Zero the scale with the weight of the empty container on it. Transfer the entire sample collected in the dustpan to the container, minimizing escape of dust particles. Weigh the sample and record its weight.
 4. Step 3: Stack a set of sieves in order according to the size openings specified above, beginning with the largest size opening (4 mm) at the top. Place a collector pan underneath the bottom (0.25 mm) sieve.
Step 4: Carefully pour the sample into the sieve stack, minimizing escape of dust particles by slowly brushing material into the stack with a whisk broom or brush. (On windy days, use the trunk or door of a car as a wind barricade.) Cover the stack with a lid. Lift up the sieve stack and shake it vigorously up, down and sideways for at least 1 minute.
 5. Step 5: Remove the lid from the stack and disassemble each sieve separately, beginning with the top sieve. As you remove each sieve, examine it to make sure that all of the material has been sifted to the finest sieve through which it can pass; e.g. material in each sieve (besides the top sieve that captures a range of larger elements) should look the same size. If this is not the case, re-stack the sieves and collector pan, cover the stack with the lid, and shake it again for at least 1 minute. (You only need to reassemble the sieve(s) that contain material which requires further sifting.)
 6. Step 6: After disassembling the sieves and collector pan, slowly sweep the material from the collector pan into the empty container originally used to collect and weigh the entire sample. Take care to minimize escape of dust particles. You do not need to do anything with material captured in the sieves -- only the collector pan. Weigh the container with the material from the collector pan and record its weight.
 7. Step 7: If the source is an unpaved road, multiply the resulting weight by 0.38. If the source is an unpaved parking lot, multiply the resulting weight by 0.55. The resulting number is the estimated silt loading. Then, divide by the total weight of the sample you recorded earlier in Step 2 and multiply by 100 to estimate the percent silt content.
 8. Step 8: Select another two routinely-traveled portions of the unpaved road or unpaved parking lot and repeat this test method. Once you have calculated the silt loading and percent silt content of the 3 samples collected, average your results together.
 9. Step 9: Examine Results. If the average silt loading is less than 0.33 oz/ft², the surface is STABLE. If the average silt loading is greater than or equal to 0.33 oz/ft², then proceed to examine the average percent silt content. If the source is an unpaved road and the average percent silt content is 6% or less, the surface is STABLE. If the source is an unpaved parking lot and the average percent silt content is 8% or less, the surface is STABLE. If your field test results are within 2% of the standard (for example, 4%-8% silt content on an unpaved road), it is recommended that you collect 3 additional samples from the source according to Step 1 and take them to an independent laboratory for silt content analysis.
 10. Independent Laboratory Analysis: You may choose to collect 3 samples from the source, according to Step 1, and send them to an independent laboratory for silt content analysis rather than conduct the sieve field procedure. If so, the test method the laboratory is required to use comes from the following text: *Procedures For Laboratory Analysis Of Surface/Bulk Dust Loading Samples*, (Fifth Edition, Volume I, Appendix C.2.3 "Silt Analysis", 1995), AP-42, Office of air Quality Planning & Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina.

NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an "announcement" that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD

[R15-165]

- 1. Title and its heading:** 13, Public Safety

Chapter and its heading: 4, Arizona Peace Officer Standards and Training Board

Article and its heading: 1, General Provisions
2, Correctional Officers

Section numbers: R13-4-101 through R13-4-112, R13-4-114, R13-4-116 through R13-4-118, R13-4-201 through R13-4-206, and R13-4-208
- 2. The subject matter of the proposed rule:**

In response to a five-year-review report approved by the Council on June 7, 2011, and statutory changes (See Laws 2011, Chapter 303), the Board is updating its rules to make them consistent with statute, agency practice, and current rule-writing standards.

An exemption from Executive Order 2015-01 was provided to the Department by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated July 29, 2015.
- 3. A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 21 A.A.R. 2711, November 13, 2015 (*in this issue*).
- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Lyle Mann, Executive Director
Address: 2643 E. University
Phoenix, AZ 85034
Telephone: (602) 774-9350
Fax: (602) 244-0477
E-mail: mann@azpost.gov
Web site: www.azpost.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be determined



NOTICE OF RULEMAKING DOCKET OPENING

INDUSTRIAL COMMISSION OF ARIZONA

[R15-166]

1. **Title and its heading:** 20, Commerce, Financial Institutions, and Insurance
Chapter and its heading: 5, Industrial Commission of Arizona
Article and its heading: 6, Occupational Safety and Health
Section numbers: R20-5-601
2. **The subject matter of the proposed rule:**

The Arizona Division of Occupational Safety and Health (ADOSH), part of the Industrial Commission of Arizona, is amending A.A.C. R20-5-601 to incorporate by reference amendments from 29 CFR 1926, as published in the *Federal Register*.

The amendments apply to extending the deadline for employers to ensure that crane operators are certified by three years, until November 10, 2017 as published in the *Federal Register* 79 FR 57785-57798 on September 26, 2014, and OSHA is adding a new subpart to provide protections to employees working in confined spaces in construction as published in the *Federal Register* at 80 FR 25365-25526.
3. **A citation to all published notices relating to the proceeding:**

Notice of Proposed Rulemaking: 21 A.A.R. 2736, October 30, 2015 (*in this issue*).
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Larry Gast, Assistant Director
Address: Division of Occupational Safety and Health
Industrial Commission of Arizona
800 W. Washington St., Suite 203
Phoenix, AZ 85007
Phone: (602) 542-1695
Fax: (602) 542-1614
E-mail: Larry.Gast@azdosh.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**

The Industrial Commission will accept written comments during the public comment period (see item #10 of the Notice of Proposed Rulemaking in this issue). Information regarding an oral proceeding is also included in the Notice of Proposed Rulemaking.
6. **A timetable for agency decisions or other action on the proceeding, if known:**

See the Notice of Proposed Rulemaking on page 2736 of this issue.



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

[M15-276]

1. Title of the guidance document and the guidance document number by which the document is referenced:

GD-112-PHS-EMS: Curriculum for Law Enforcement/EMT Administration of Naloxone in the Pre-Hospital Setting

2. Date of the publication of the guidance document and the effective date of the document if different from the publication:

Date of publication: November 13, 2015

Effective date: October 19, 2015

3. Summary of the contents of the guidance document:

This guidance document provides instruction in a procedure for the administration of Naloxone by law enforcement officers and EMT providers.

4. Statement as to whether the guidance document is a new document or a revision:

The guidance document is a new document.

5. The agency contact person who can answer questions and comments about the agency guidance document:

Name: Terry Mullins, Bureau Chief
 Address: Department of Health Services
 Bureau of Emergency Medical Services and Trauma System
 150 N. 18th Ave., Suite 540
 Phoenix, AZ 85007-3248

Telephone: (602) 364-3150
 Fax: (602) 364-3568
 E-mail: Terry.Mullins@azdhs.gov

or

Name: Robert Lane, Interim 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: Robert.Lane@azdhs.gov

6. Information about where a person may obtain a copy of the guidance document and the costs for obtaining the guidance document:

A copy of the guidance document is available, free of charge, from the Arizona Department of Health Services, Office of Administrative Counsel and Rules at the following web address: <http://www.azdhs.gov/ops/oacr/rules/guidance/index.php>. A copy of the guidance document may also be obtained from the Arizona Department of Health Services, Bureau of Emergency Medical Services and Trauma System, 150 N. 18th Avenue, Suite 540, 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 PROPOSED DELEGATION AGREEMENT

This section of the Arizona Administrative Register contains Notices of Proposed Delegation Agreements.

The Administrative Procedure Act requires the publication of notices of proposed delegation agreements in the Register. A delegation agreement is an agreement between an agency and a political subdivision that authorizes the political subdivision to exercise functions, powers, or duties conferred on the delegating agency by a provision of law.

Delegation agreements are not intergovernmental agreements pursuant to A.R.S. Title 11, Chapter 7, Article 3. For at least 30 days after publication of the Notice of Proposed Delegation Agreement in the Register, the agency shall provide persons the opportunity to submit in writing statements, arguments, data, and views on the proposed delegation agreement and shall provide an opportunity for a public hearing if there is sufficient interest. The delegating agency shall follow the procedures for delegation agreements specified in A.R.S. Title 41, Chapter 6, Article 8.

NOTICE OF PROPOSED DELEGATION AGREEMENTS

[M15-287]

1. Name of the agency proposing the delegation agreement:

Arizona Department of Environmental Quality

2. The name of the political subdivision to which functions, powers and duties of the agency are proposed to be delegated:

Maricopa County

3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:

Name: Pamela Nicola, Manager
Inspections & Compliance Section Waste Programs Division
Address: Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007
Phone: (602) 771-4849
E-mail: pn2@azdeq.gov

4. A summary of the delegation agreement and the subjects and issues involved:

Under A.R.S. § 49-107, the Arizona Department of Environmental Quality proposes to amend the delegation agreement with Maricopa County, the Local Agency (LA). The proposed delegation agreement makes the following change to Appendix B, Waste Program Management:

- Limits delegation of "6. Investigation of and enforcement to eliminate used oil disposal to land" to disposal of nominal amounts up to 50 gallons of used oil at any one non-generator location.

All other delegated program elements remain the same as the current delegation agreement.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:

An electronic copy of the existing Agreement may be downloaded from the following web site address:
http://azdeq.gov/function/permits/delegated.html

Or contact: Sherri Zendri, Administrative Counsel
Arizona Department of Environmental Quality
Office of Administrative Counsel
1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-2242
E-mail: slz@azdeq.gov

6. The schedule of public hearings on the proposed delegation agreement:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the Register by 5:00 p.m. or postmarked not later than that date.



After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency's decision on whether to enter into the proposed delegation agreement.

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

[M15-288]

- 1. Name of the Agency:** Arizona Health Care Cost Containment System (AHCCCS)
- 2. The topic of the public information notice:** Final changes to the AHCCCS Section 1115 Demonstration Waiver Project regarding Disproportionate Share Hospital (DSH) payments.
- 3. The public information relating to the topic:**

The State Fiscal Year 2016 budget made a number of changes to Arizona law regarding supplemental payments made by AHCCCS to hospitals that service a disproportionate number of low income patients with special needs. Specifically, Arizona Laws 2015, Chapter 8, section 13, and Chapter 14, sections 6 and 10, made changes effecting State Fiscal Years (SFYs) 2015 and 2016 including:

 - Increasing the maximum amount of that can be claimed for costs incurred by the Maricopa Integrated Health Care System (MIHS) in SFY 2015 from \$89,877,700 to \$105,945,500. With the exception of \$4,202,300 which will be paid to MIHS, amounts otherwise claimed up to \$68,328,000 will be transferred to the State General Fund.
 - Increasing the maximum amount that can be claimed for costs incurred by MIHS in SFY 2016 to \$113,818,500. With the exception of \$4,202,300 which will be paid to MIHS, amounts otherwise claimed up to \$74,241,400 will be transferred to the State General Fund.
 - Expenditure authority allowing for approximately \$18 million for supplemental payments to qualifying hospitals in SFY 2016 if the non-federal share of those payments is voluntarily provided by political subdivisions, tribal governments, or universities under A.R.S. §36-2903.01(P) (“Pool 5”).
 - Providing a priority to qualifying hospitals outside of the Phoenix Metropolitan and Tucson Metropolitan Statistical Areas (outside of Maricopa, Pima, and Pinal Counties) to claim funds from Pool 5 to the extent federal allocation remains for such payments after other supplemental payments for 2015 and 2016.
 - Authorizing MIHS to obtain additional supplemental payments through Pool 5 under A.R.S. §36-2903.01(P) for the SFY’s 2015 and 2016.
 - Reducing the state appropriation for supplemental payments to private hospitals from \$9,284,800 to \$884,800 for SFY 2016.

The complete language of the law may be viewed through the Arizona Legislature’s website at www.azleg.gov by selecting the pull-down menu for “Bills,” then choosing “Session Laws,” and selecting Chapters 0008 and/or 0014. The Centers for Medicare and Medicaid Services (CMS) approved Arizona’s Waiver amendment request which contains the following changes to the DSH methodology, effective September 30, 2015:

- Removes duplicative language.
- Clarifies items to be consistent with current protocol.
- Allows adjustments to historical data (used in DSH calculation) to reflect AHCCCS population growth and the expiration of certain supplemental payments.
- Gives hospitals outside of the Phoenix Metropolitan and Tucson Metropolitan Statistical Areas (outside of Maricopa, Pima, and Pinal Counties) priority to obtain “Pool 5” monies.
- Allows public hospitals to access “Pool 5” payments.

Although the proposed amendment made changes to the definition of a “rural” hospital, the approved waiver retains the original definition which is defined in accordance with Section 1923(d)(2)(B) of the Social Security Act.

Amounts allocated to the different DSH pools are made annually through technical changes to the 1115 waiver.



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 2015-01

Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2015, as a notice to the public regarding state agencies' rulemaking activities.

[M15-02]

WHEREAS, Arizona has lost more jobs per capita than any other state and has yet to recover all of those jobs;

WHEREAS, burdensome regulations inhibit job growth and economic development;

WHEREAS, each agency of the State of Arizona should promote customer-service-oriented principles for the people that it serves;

WHEREAS, each State agency should undertake a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay, and legal uncertainty associated with government regulation;

WHEREAS, overly burdensome, antiquated, contradictory, redundant, and nonessential regulations should be repealed;

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor;

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

- 1. A State agency, subject to this Order, shall not conduct any rulemaking except as permitted by this Order.
2. A State agency, subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
b. To reduce or ameliorate 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 violating a court order or federal law that would result in sanctions by a court or the federal government against an agency for failure to conduct the rulemaking action.
e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
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 an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
3. Paragraphs 1 and 2 apply 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. Those State agencies to which Paragraphs 1 and 2 do not apply are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
4. Pursuant to Article 5, Section 4 of the Arizona Constitution and Arizona Revised Statutes Section 41-101(A)(1), the State agencies identified in Paragraph 3 must provide the Office of the Governor with a written report for each proposed rule 30 days prior to engaging in any rulemaking proceeding and must also provide the Office of the



Governor with a written report within 15 days of any rulemaking. The reports required by this Paragraph shall explain, in detail, how the rulemaking advances the priorities and principles set forth in this Order.

5. No later than September 1, 2015, each State agency shall provide to the Office of the Governor an evaluation of their rules, with recommendations for which rules could be amended or repealed consistent with the priorities and principles set forth in this Order. The evaluation shall also include a summary of licensing time frames and describe how those time frames compare to real processing time, and whether or not they can be reduced. Additionally, each agency shall identify any existing licenses or permits in which a general permit could be used in lieu of an individual permit, pursuant to Arizona Revised Statutes Section 41-1037.
6. No later than July 1, 2015, each State agency shall provide to the Office of the Governor an update on divisions where electronic reporting and payment are not implemented and a suggested plan for how to implement this customer-service-oriented service.
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. For the purposes of this Order, “person,” “rule” and “rulemaking” have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.
8. This Executive Order expires on December 31, 2015.

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

Douglas A. Ducey
G O V E R N O R

DONE at the Capitol in Phoenix on this fifth day of January in the year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Thirty-ninth.

ATTEST:
Michele Reagan
Secretary of State



GOVERNOR PROCLAMATIONS

The Administrative Procedure Act (APA) requires the publication of Governor proclamations of general applicability, and ceremonial dedications issued by the Governor.

STEVE NASH DAY

[M15-295]

WHEREAS, Steve Nash was the heart and soul of the Phoenix Suns during an era that revolutionized the NBA; and

WHEREAS, Steve Nash led the club to its best record in franchise history in 2004 – 2005 and earned back-to-back NBA Most Valuable Player awards in 2005 & 2006; and

WHEREAS, Steve Nash is an eight-time All-Star, including six such distinctions as a member of the Phoenix Suns; and

WHEREAS, Steve Nash finished his career as the Phoenix Suns’ all-time leader in assists, 3-point field goals made, and free-throw percentage; and

WHEREAS, Steve Nash was originally drafted by the Phoenix Suns with the 15th overall pick in the First Round of the 1996 NBA Draft; and

WHEREAS, Steve Nash played a total of 10 seasons in the Valley of the Sun (1996 – 1998, 2004 - 2012), and ranks third on the Phoenix Suns all-time games played list; and

WHEREAS, Steve Nash has an unmatched record of community service and charitable participation in Arizona; and

WHEREAS, Steve Nash has maintained a sterling reputation and remains a favorite of basketball fans at home and abroad; and

WHEREAS, Steve Nash is the 14th inductee into the Phoenix Suns Ring of Honor.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim October 30, 2015,

STEVE NASH DAY

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

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this twenty-eighth day of September in the year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
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
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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

RECODIFICATION 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

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C = Corrections to Published Rules

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Public records, such as Governor Office executive orders, proclamations, declarations and terminations of emergencies, summaries of Attorney General Opinions, and county notices are also listed in this section of the Index as published by volume page number.

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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.

Table with 12 columns: January, February, March, April, May, June. Each month has sub-columns for Date Filed and Effective Date. Rows list dates from 1/1 to 1/31 and corresponding effective dates.



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
September 4, 2015	September 25, 2015	October 26, 2015
September 11, 2015	October 2, 2015	November 2, 2015
September 18, 2015	October 9, 2015	November 9, 2015
September 25, 2015	October 16, 2015	November 16, 2015
October 2, 2015	October 23, 2015	November 23, 2015
October 9, 2015	October 30, 2015	November 30, 2015
October 16, 2015	November 6, 2015	December 7, 2015
October 23, 2015	November 13, 2015	December 14, 2015
October 30, 2015	November 20, 2015	December 21, 2015
November 6, 2015	November 27, 2015	December 28, 2015
November 13, 2015	December 4, 2015	January 4, 2016
November 20, 2015	December 25, 2015	January 25, 2016
November 27, 2015	December 18, 2015	January 18, 2016
December 4, 2015	December 25, 2015	January 25, 2016
December 11, 2015	January 1, 2016	February 1, 2016
December 18, 2015	January 8, 2016	February 8, 2016
December 25, 2015	January 15, 2016	February 15, 2016
January 1, 2016	January 22, 2016	February 22, 2016
January 8, 2016	January 29, 2016	February 29, 2016
January 15, 2016	February 5, 2016	March 7, 2016
January 22, 2016	February 12, 2016	March 14, 2016
January 29, 2016	February 19, 2016	March 21, 2016
February 5, 2016	February 26, 2016	March 28, 2016
February 12, 2016	March 4, 2016	April 4, 2016
February 19, 2016	March 11, 2016	April 11, 2016
February 26, 2016	March 18, 2016	April 18, 2016
March 4, 2016	March 25, 2016	April 25, 2016
March 11, 2016	April 1, 2016	May 2, 2016
March 18, 2016	April 8, 2016	May 9, 2016



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 courtesy.

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