Information ........................................................................................................................................... 1286
Rulemaking Guide .................................................................................................................................. 1287
RULES AND RULEMAKING
  Proposed Rulemaking, Notices of
  9 A.A.C. 22 AHCCCS - Administration ............................................................................................. 1289
OTHER AGENCY NOTICES
  Docket Opening, Notices of Rulemaking
  9 A.A.C. 22 AHCCCS - Administration ............................................................................................. 1293
  Public Information, Notices of
  Department of Environmental Quality - Pesticides and Water Pollution Control ............................. 1294
GOVERNOR’S OFFICE
  Governor’s Executive Orders
  E.O. 2016-03: Internal Review of Administrative Rules; Moratorium to Promote Job Creation and
  Customer-Service-Oriented Agencies .................................................................................................... 1297
  Governor’s Proclamations
  Arizona Military Women Day .................................................................................................................. 1299
  Arizona Small Business Month ............................................................................................................. 1299
  Congenital Disorders of Glycosylation Awareness Day .................................................................... 1300
  Food Allergy and Anaphylaxis Awareness Month .............................................................................. 1300
  Healthcare Decision Day ..................................................................................................................... 1301
  International Jazz Day .......................................................................................................................... 1301
  Motorcycle Safety and Awareness Month ............................................................................................ 1302
  National Park Week .............................................................................................................................. 1302
  Pay It Forward Day ............................................................................................................................... 1303
  Rosie the Riveter Day ............................................................................................................................ 1303
  Senior Corps Week ............................................................................................................................... 1304
ARIZONA COUNTY NOTICES
  Pima County ........................................................................................................................................... 1305
  Pima County ........................................................................................................................................... 1324
INDEXES
  Register Index Ledger ............................................................................................................................. 1326
  Rulemaking Activity, Cumulative Index for 2016 ................................................................................. 1327
  Other Notices and Public Records, Cumulative Index for 2016 ............................................................ 1329
CALENDAR/DEADLINES
  Rules Effective Dates Calendar ............................................................................................................. 1331
  Register Publishing Deadlines .............................................................................................................. 1333
GOVERNOR’S REGULATORY REVIEW COUNCIL
  Governor’s Regulatory Review Council Deadlines .............................................................................. 1334
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 Statues 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.
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

START HERE
APA, statute or ballot proposition is passed. It gives an agency authority to make rules.

Agency opens a docket.
Agency files a Notice of Rulemaking Docket Opening; it is published in the Register. Often an agency will file the docket with the proposed rulemaking.

Agency drafts proposed rule and Economic Impact Statement (EIS); informal public review/comment.

Agency files Notice of Proposed Rulemaking. Notice is published in the Register. Notice of meetings may be published in Register or included in Preamble of Proposed Rulemaking. Agency opens comment period.


Oral proceeding and close of record. Comment period must last at least 30 days after publication of notice. Oral proceeding (hearing) is held no sooner than 30 days after publication of notice of hearing.

Substantial change?
If no change then
Rule must be submitted for review or terminated within 120 days after the close of the record.

A final rulemaking package is submitted to G.R.R.C. or A.G. for review. Contains final preamble, rules, and Economic Impact Statement.

G.R.R.C. has 90 days to review and approve or return the rule package, in whole or in part; A.G. has 60 days.

After approval by G.R.R.C. or A.G., the rule becomes effective 60 days after filing with the Secretary of State (unless otherwise indicated).

Final rule is published in the Register and the quarterly Code Supplement.
Definitions


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


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

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 that 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 9. HEALTH SERVICES

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

[R16-80]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) | Rulemaking Action
--- | ---
Article 4 | New Section
R9-22-401 | New Section
R9-22-402 | New Section
R9-22-403 | New Section
R9-22-404 | New Section
R9-22-405 | New Section
R9-22-406 | New Section
R9-22-407 | New Section
R9-22-408 | New Section

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

   Authorizing statutes: A.R.S. § 36-2905.04; A.R.S. § 36-2991
   Implementing statutes: A.R.S. § 36-2905.04; A.R.S. § 36-2991

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:


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

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

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

   A.R.S. §§ 36-2905.04 and 36-2991 provide for the control and deterrence of fraud relating to AHCCCS eligibility, including the Hospital Presumptive Eligibility (HPE) program, through the discretionary imposition of a civil pen-
alty on those persons who obtain AHCCCS eligibility through fraudulent means. A.R.S. §§ 36-2905.04(E) and 36-2991(E) require the AHCCCS Director to adopt rules providing for the appeal of a decision to impose such a penalty. The Administration will promulgate rules necessary for the imposition and appeal of penalties resulting from eligibility fraud, including fraud associated with the HPE program.

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:

A study was not referenced or relied upon when adding these regulations as A.R.S. §§ 36-2905.04(E) and 36-2991(E) require AHCCCS to promulgate these 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 Administration anticipates a minimal economic impact on the implementing agency, small businesses and consumers. AHCCCS currently pursues civil remedies against those who obtain AHCCCS eligibility through fraudulent means; therefore, AHCCCS does not anticipate that adding these regulations to its recovery efforts will have more than a minimal economic impact.

In SFY 2015, the AHCCCS Member Compliance section, through prosecutions and repayment agreements, recovered $812,124.14 in money from persons who obtained eligibility through fraudulent means. In addition, the unit saved $840,088.24 by discontinuing the eligibility of persons who were deemed ineligible due to non-residency in Arizona, unreported income, impermissible transference of resources and other misrepresentations.

The Administration anticipates an increase of 10% to 25% above the existing recovery amounts within the next fiscal year as a result of this rulemaking, which represents a potentially positive economic impact for the implementing agency.

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

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

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

Proposed rule language will be available on the AHCCCS website www.azahcccs.gov the week of May 2, 2016. Please send written or email comments to the above address by the close of the comment period, 5:00 p.m., June 20, 2016.

Date: June 20, 2016
Time: 10:00 a.m.
Location: AHCCCS
701 E. Jefferson
Phoenix, AZ 85034
Nature: Public Hearing

Date: June 20, 2016
Time: 10:00 a.m.
Location: ALTCS: Arizona Long-Term Care System
1010 N. Finance Center Dr., Suite 201
Tucson, AZ 85710
Nature: Public Hearing

Date: June 20, 2016
Time: 10:00 a.m.
Location: 2717 N. 4th St., Suite 130
11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

No other matters have been prescribed.

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

   Not applicable

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

   The following federal law applies to the subject of this rulemaking:

   42 C.F.R. Part 455 requires AHCCCS to maintain a fraud detection and investigation program to maintain the integrity of the Arizona Health Care Cost Containment System.

   This rulemaking is not more stringent than, or prohibited by, 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 9. HEALTH SERVICES**

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

   **ARTICLE 4. REPEALED PENALTY FOR OBTAINING ELIGIBILITY BY FRAUD**

   **Section**
   R9-22-401. Repealed Definitions
   R9-22-402. Repealed Determining the Amount of the Penalty
   R9-22-403. Repealed Mitigating and Aggravating Circumstances
   R9-22-404. Repealed Notice of Intent
   R9-22-405. Repealed Failure to Respond to the Notice of Intent
   R9-22-406. Repealed Request for State Fair Hearing
   R9-22-408. Rescission of the Notice of Intent

   **ARTICLE 4. REPEALED PENALTY FOR OBTAINING ELIGIBILITY BY FRAUD**

   **R9-22-401. Repealed Authority and Definitions**

   Definitions. The following definitions apply specifically to terms used within this Article:

   “Amounts incurred by the system” include capitation payments, costs incurred by any contractor in excess of capitation, reinsurance, and other administrative, legal or investigative costs associated with a person who obtained eligibility contrary to A.R.S. §§ 36-2905.04 and/or A.R.S. § 36-2991.

   “Application for eligibility” means any request for benefits administered by AHCCCS under the authority of A.R.S. Title 36, Chapter 29, including applications for presumptive eligibility submitted to hospitals as described under Article 16 of this Chapter.

   “Penalty” means an amount not to exceed the amounts incurred by the system during any time period that the person would have been ineligible for benefits but for the false or fraudulent information provided on the application for eligibility. A penalty does not include, and does not need to be reduced by, the amount of any overpayments that AHCCCS may be entitled to recoup from a person who violated A.R.S. § 36-2905.04 and/or A.R.S. § 36-2991.

   **R9-22-402. Repealed Determining the Amount of the Penalty**

   A. AHCCCS shall determine the amount of a penalty according to A.R.S. § 36-2905.04(B) or A.R.S. § 36-2991(B), whichever is applicable, and this Article.

   B. In addition to any penalty imposed pursuant to A.R.S. §§ 36-2905.04 or 36-2991, and this Article, the Administration may also recoup from the person the amounts incurred by the system as a part of the notice and appeal process described in this Article.
R9-22-403. Repealed Mitigating and Aggravating Circumstances

A. AHCCCS shall consider any of the following to be mitigating circumstances when determining the amount of a penalty for obtaining eligibility by fraud.

1. Degree of culpability. The degree of culpability of a person is a mitigating circumstance if the person did not intend to provide or cause to be provided false or fraudulent information on the application for eligibility but was negligent as to the truthfulness of the information provided.

2. Prior Offenses. At the time of the submittal of the application the person:
   a. Did not have any prior criminal convictions; and
   b. Had not been held civilly liable for defrauding a public assistance program.

3. Financial condition. The financial condition of a person who violates A.R.S. §§ 36-2905.04 or 36-2991 is a mitigating circumstance if the imposition of a penalty without reduction will render the person incapable of obtaining necessities of life such as food, clothing, and shelter. AHCCCS may consider the resources available to the person when determining the amount of the penalty.

4. Other matters as justice may require. AHCCCS shall take into account other circumstances of a mitigating nature, if in the interest of justice; the circumstances require a reduction of the penalty.

B. AHCCCS shall consider any of the following to be aggravating circumstances when determining the amount of a penalty for obtaining eligibility by fraud.

1. Degree of culpability. The degree of culpability of a person who provides or causes to be provided false or fraudulent information on the application for eligibility is an aggravating circumstance if the person knows or had reason to know that the information provided on the application for eligibility was false or fraudulent, or the person failed to correct the false or fraudulent information prior to AHCCCS incurring a financial loss as a result of the application for eligibility.

2. Prior offenses. At any time before the submittal of the application for eligibility, the person was held criminally or civilly liable for committing any fraud, waste, or abuse against any public assistance program.

3. Financial Loss. The person’s violation of A.R.S. §§ 36-2905.04 or 36-2991 caused a loss to the system equal to or exceeding $5,000.00.

4. Other matters as justice may require. AHCCCS shall take into account other circumstances of an aggravating nature, if in the interest of justice; the circumstances require an increase of the penalty.

R9-22-404. Repealed Notice of Intent

A. If AHCCCS imposes a penalty pursuant to this Article, AHCCCS shall hand deliver or send by certified mail, return receipt requested, or Federal Express to the person, a written Notice of Intent to impose a penalty.

B. The Notice of Intent shall include:
   1. The legal and factual basis for AHCCCS’ determination that there has been a violation of A.R.S §§ 36-2905.04 and/or 36-2991;
   2. The penalty;
   3. The amounts incurred by the system as a result of the violation of A.R.S. §§ 36-2905.04 and/or 36-2991, if AHCCCS intends to recoup those amounts through this process; and
   4. The procedure for requesting a State Fair Hearing.

R9-22-405. Repealed Failure to Respond to the Notice of Intent

If a person fails to respond to the Notice of Intent within the timeframe described in A.A.C. § R9-22-406(A), AHCCCS shall uphold the penalty and recoupment amounts described in the Notice of Intent.

R9-22-406. Repealed Request for State Fair Hearing

A. To dispute the agency action described in the Notice of Intent, the person shall file a written Request for State Fair Hearing with AHCCCS within sixty (60) days from the date of receipt of the Notice of Intent.

B. If AHCCCS receives a timely request for a State Fair Hearing from the person, AHCCCS shall mail a Notice of Hearing pursuant to the Uniform Administrative Hearing Procedures described in A.R.S. Title 41, Chapter 6, Article 10.

C. AHCCCS shall accept a written request for withdrawal of a hearing request if the written request for withdrawal is received from the person before AHCCCS mails a Notice of Hearing under the Uniform Administrative Hearing Procedures described in A.R.S. Title 41, Chapter 6, Article 10.


A. In any State Fair Hearing conducted under this Article, AHCCCS shall prove a violation of A.R.S. §§ 36-2905.04 and/or 36-2991, and any aggravating circumstances by a preponderance of the evidence.

B. AHCCCS does not have to prove any specific intent to defraud.

C. A person shall bear the burden of producing and proving by a preponderance of the evidence any affirmative defense or any circumstance that would justify reducing the amount of the penalty.

R9-22-408. Rescission of the Notice of Intent

AHCCCS may rescind the Notice of Intent at any time prior to the State Fair Hearing without prejudice.
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 HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION [R16-81]

1. Title and its heading: 9, Health Services
   Chapter and its heading: 22, Arizona Health Care Cost Containment System - Administration
   Article and its heading: 4, Repealed Penalty For Obtaining Eligibility By Fraud
   Section numbers: R9-22-401 through R9-22-409 (As part of this rulemaking, the Administration may add, delete, or modify Sections as necessary.)

2. The subject matter of the proposed rule: A.R.S. §§ 36-2905.04 and 36-2991 provide for the control and deterrence of fraud relating to AHCCCS eligibility, including the Hospital Presumptive Eligibility (HPE) program, through the discretionary imposition of a civil penalty on those persons who obtain AHCCCS eligibility through fraudulent means. A.R.S. §§ 36-2905.04(E) and 36-2991(E) require the AHCCCS Director to adopt rules providing for the appeal of a decision to impose such a penalty. The Administration will promulgate rules necessary for the imposition and appeal of penalties resulting from eligibility fraud, including fraud associated with the HPE program.


4. The name and address of agency personnel with whom persons may communicate regarding the rule:
   Name: Mariaelena Ugarte
   Address: AHCCCS Office of Administrative Legal Services 701 E. Jefferson, Mail Drop 6200 Phoenix, AZ 85034
   Telephone: (602) 417-4693
   Fax: (602) 253-9115
   E-mail: AHCCCSrules@azahcccs.gov

5. The time which the agency will accept written comments and the time and place where oral comments may be made:
   The Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

6. A timetable for agency decisions or other action on the proceeding, if known:
   The Administration has initiated this rulemaking within the 60-day time period as stated under A.R.S. § 41-1033. The Notice of Proposed Rulemaking is published along with this notice.
NOTICES OF PUBLIC INFORMATION

DEPARTMENT OF ENVIRONMENTAL QUALITY

1. Name of the Agency: Arizona Department of Environmental Quality
   Title and its heading: 18, Environmental Quality
   Chapter and its heading: 6, Department of Environmental Quality - Pesticides and Water Pollution Control
   Article and its heading: 3, Groundwater Protection List
   Section and its heading: R18-6-301, Groundwater Protection List

2. The public information relating to the listed statute:
   Pursuant to A.R.S. § 49-305, the Arizona Department of Environmental Quality (Department) maintains a Groundwater Protection List (GWPL) composed of agricultural use pesticides and active ingredients that have the potential to pollute groundwater. The statute requires the Department to place a pesticide identified under A.R.S. § 49-303(C)(2) and (3) on the GWPL, and to regulate the use of the pesticide if the pesticide is intended for application to or injection into the soil by ground-based application equipment or chemigation, or the label of the pesticide requires or recommends that the application be followed within 72 hours by flood or furrow irrigation.

3. Draft 2016 Groundwater Protection List
   The GWPL is a list of agricultural use pesticide active ingredients that have the potential to pollute groundwater. An agricultural use pesticide active ingredient is placed on the GWPL for any of the following reasons: 1) it fails to comply with the established specific numeric values, 2) the environmental fate assessment indicates potential to leach to groundwater, or 3) an active ingredient or degradation product has been detected in groundwater consistent with established testing requirements.

   Pursuant to A.A.C. R18-6-301, the Department is publishing the draft 2016 GWPL to provide an opportunity for the public to comment on the active ingredients being placed on or removed from the GWPL. The final 2015 GWPL contained 92 active ingredients; the draft 2016 GWPL would add four new active ingredients: Acetochlor, Bicyclopyrone, Flupyradifurone and S-Metolachlor. With this publication, a 30-day public review and written comment period begins. After completion of the 30-day review and comment period, the Department will formulate a response to any comments submitted and consider making modifications to the GWPL in response to the comments. If no comments are received, the draft GWPL becomes final. If comments are received, the revised GWPL will then be re-published in the Arizona Administrative Register, including a summary of comments received and the Department’s response to the comments. The final 2016 GWPL will become effective on December 1, 2016, in accordance with R18-6-301(A)(3) and will be posted on the agency’s website at: http://www.azdeq.gov/environ/water/permits/pesticide.html
<table>
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<th>CAS Number</th>
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<td>94-75-7</td>
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Notices of Public Information

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<table>
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**Bold** text indicates ingredients that have been detected historically in Arizona groundwater. Asterisk (*) indicates new additions to the GWPL.

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

   Name: David M. Haag, Pesticide Program Coordinator
   Address: Arizona Department of Environmental Quality
   1110 W. Washington St., 5415B-3
   Phoenix, AZ 85007
   Telephone: (602) 771-4669 (in Arizona: 1-800-234-5677; 771-4669)
   E-mail: dh1@azdeq.gov
   Fax: (602) 771-4674

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

   There is no public hearing associated with establishment of the GWPL. The Department will accept written comments on the draft GWPL for 30 days following publication of this Notice. If there are any changes, the Department will publish the revised draft 2016 GWPL in the *Arizona Administrative Register* and post on the agency’s website at: http://www.azdeq.gov/cgi-bin/vertical.pl
EXECUTIVE ORDER 2016-03

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

WHEREAS, Arizona is poised to lead the nation in job growth;
WHEREAS, burdensome regulations inhibit job growth and economic development;
WHEREAS, small businesses and startups are especially hurt by regulations;
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 comply with a state statutory requirement.
   g. 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.
   h. 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.
   i. 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.
   j. To eliminates rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government.
3. For the purposes of this Order, the term “State agencies,” includes without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those State agencies, boards and commissions excluded
from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.

4. 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.

5. This Executive Order expires on December 31, 2016.

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 Eighth day of February in the Year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Thirty-Fourth.

ATTEST:
Michele Reagan
Secretary of State
ARIZONA MILITARY WOMEN DAY

WHEREAS, throughout our history, women have provided outstanding service to the defense and protection of our nation and its democratic ideals; and
WHEREAS, women veterans comprise the fastest growing segment of the veteran population; and
WHEREAS, numerous women in the military have earned combat decorations in service to our country, others were prisoners of war and many died in defense of our country; and
WHEREAS, women serving in our armed forces have made, and continue to make, tremendous contributions and sacrifices to ensure the nation’s defense as members of the Active Duty and of the Reserve Components.
NOW, THEREfore, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 21, 2016 as ARIZONA MILITARY WOMEN 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 eighteenth day of April in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.
ATTEST:
Michele Reagan
SECRETARY OF STATE

ARIZONA SMALL BUSINESS MONTH

WHEREAS, according to the U.S. Department of Labor, most new jobs created throughout the nation in the past decade have come from the creative efforts of entrepreneurs and small businesses; and
WHEREAS, entrepreneurs have been the source of economic innovation throughout U.S. history, and our society has been improved by people who successfully market their ideals; and
WHEREAS, small business provides the basis of our community fabric by underwriting innumerable local civic, cultural, educational and charitable endeavors; and
WHEREAS, small business has consistently provided for Arizona’s growing population by providing the necessary services for Arizona’s citizens, and enriched the quality of life here in Arizona.
NOW, THEREfore, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 2016 as ARIZONA SMALL BUSINESS MONTH

in recognition of the contributions of small business to make Arizona the great state that it is.

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 sixth day of April in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.
ATTEST:
Michele Reagan
SECRETARY OF STATE
CONGENITAL DISORDERS OF GLYCOSYLATION AWARENESS DAY

WHEREAS, Congenital Disorders of Glycosylation (CDG) are a group of rare metabolic disorders that affect normal organ development and the neurological system, leaving children, adolescents and adults impaired with significant physical and developmental disability; and

WHEREAS, CDG is severely under-diagnosed and misdiagnosed with only approximately 1,000 cases diagnosed with CDG globally, and only 150 cases currently reported in the United States; and

WHEREAS, lack of public awareness and visibility of CDG contributes to under-diagnosis and difficulties in accessing specialized services and proper rehabilitation and support; and

WHEREAS, early diagnosis of CDG is important to ensure timely management of clinical complications, genetic counseling and when available treatment and therapeutic remedies; and

WHEREAS, the goal is to raise awareness and increase the accurate and timely diagnosis of this rare group of inherited metabolic disorders, known as CDG.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 16, 2016 as CONGENITAL DISORDERS OF GLYCOSYLATION AWARENESS 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 eighteenth day of April in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
SECRETARY OF STATE

FOOD ALLERGY AND ANAPHYLAXIS AWARENESS MONTH

WHEREAS, as many as 15 million Americans have food allergies and 4 out of 100 children under the age of 18 have a food allergy; and

WHEREAS, research shows that the prevalence of food allergy is increasing among children; and

WHEREAS, eight foods cause 90 percent of all food allergy reactions in the United States: shellfish, fish, milk, eggs, tree nuts, peanuts, soy, and wheat; and

WHEREAS, symptoms of a food-allergic reaction typically appear from within a few minutes to two hours after a person has eaten and can include hives, flushed skin or rash, tingling or itchy sensation in the mouth, face, tongue, or lip swelling, vomiting and/or diarrhea, abdominal cramps, coughing or wheezing, dizziness and/or lightheadedness, swelling of the throat and vocal cords, difficulty breathing and loss of consciousness; and

WHEREAS, according to the Centers for Disease Control and Prevention, each year in the United States, anaphylaxis to food results in 30,000 Emergency Room visits, 2,000 hospitalizations, and 150 deaths; and

WHEREAS, there is no cure for food allergy. Strict avoidance of the offending food is the only way to prevent an allergic reaction; and

WHEREAS, anaphylaxis is a serious allergic reaction that is rapid in onset and may cause death.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 2016 as FOOD ALLERGY AND ANAPHYLAXIS AWARENESS MONTH

and I further encourage education and inclusion for the safety and well-being of those infected.

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 eighteenth day of April in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
SECRETARY OF STATE
Healthcare Decision Day

WHEREAS, Healthcare Decisions Day is designed to raise public awareness of the need to plan ahead for health care decisions, related to end of life care and medical decision-making whenever patients are unable to speak for themselves and to encourage the specific use of advance directives to communicate these important health care decisions; and

WHEREAS, in Arizona, the Act provides the specifics of our advance directives law and offers a model form for citizen use; and

WHEREAS, it is estimated that only about 20 percent of people in Arizona have executed an advance directive. Moreover, it is estimated that less than 50 percent of severely or terminally ill patients have an advance directive; and

WHEREAS, it is likely that a significant reason for these low percentages is that there is both a lack of awareness and considerable confusion in the public about advance directives; and

WHEREAS, one of the principal goals of Healthcare Decision Day is to encourage hospitals, nursing homes, assisted living facilities, continuing care retirement communities, and hospices to participate in a statewide effort to provide clear and consistent information to the public about advance directives, as well as to encourage medical professionals and lawyers to volunteer their time and efforts to improve public knowledge and increase the number of Arizona citizens with advance directives; and

WHEREAS, various medical, nursing, legal, and senior care organizations throughout Arizona have endorsed this event and are committed to educating the public about the importance of discussing health care choices and executing advance directives; and

WHEREAS, as a result of April 16, 2016, being recognized as Healthcare Decisions Day in Arizona, more citizens will have conversations about their health care decisions, more citizens will execute advance directives to make their wishes known, and fewer families and health care providers will have to struggle with making difficult health care decisions in the absence of guidance from the patient.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 16, 2016 as

Healthcare Decision 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 thirteenth day of April in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
SECRETARY OF STATE

International Jazz Day

WHEREAS, jazz is a unique form of music that can be a unifying force for positive engagement among diverse groups worldwide. Further, jazz is an original American art form, first developed in New Orleans, Louisiana, that affirms the noblest aspirations of our national character, individual discipline, perseverance, and innovation; and

WHEREAS, years before the integration of social structures such as the workplace; educational systems; military; and professional sports teams, the jazz bandstand was a visual example of tolerance, cooperation and mutual understanding; and

WHEREAS, jazz music, from its inception, is synonymous with freedom, has been utilized as a tool to connect people of all ages from every ethnic group, is a platform for performing musicians and lovers of the art; and enhancing the lives of listeners and performers; and

WHEREAS, jazz is the universal language of freedom spoken eloquently by people in the United States and abroad, and has become an international language that bridges differences and brings people together regardless of race, age, gender or socio-economic class; and

WHEREAS, Arizona has joined the world in celebration of jazz music on April 30th as declared by the United Nations Education and Science Cultural (UNESCO), spotlighting the history and significance of the art form through a Jazz Festival in the State Capitol of Arizona over the past three years; and

WHEREAS, proclaiming April 30th as International Jazz Day provides for an effective and powerful means to highlight the contribution of jazz to the dialogue among cultures by connecting different communities, schools and other groups around the world in celebrating and raising awareness about the art of jazz and how it has become a part of our culture.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 30, 2016 as
INTERNATIONAL JAZZ 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 sixth day of April in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
SECRETARY OF STATE

MOTORCYCLE SAFETY AND AWARENESS MONTH

WHEREAS, motorcycle riding is a popular form of recreation and transportation for thousands of people across Arizona and our Nation; and
WHEREAS, the safe operation of a motorcycle requires the use of special skills developed through a combination of training and experience, the use of good judgment, and thorough knowledge of traffic laws and licensing requirements; and
WHEREAS, it is especially important that the residents of Arizona be aware of motorcycles on the streets and highways and recognize the importance of motorcycle safety; and
WHEREAS, all highway users are being encouraged to safely share the roadway throughout Arizona.
NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 2016 as

MOTORCYCLE SAFETY AND AWARENESS MONTH

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 sixth day of April in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
SECRETARY OF STATE

NATIONAL PARK WEEK

WHEREAS, Arizona is graced with spectacular natural and cultural resources that provide a bounty of recreational and educational opportunities to Arizonans, and domestic and international visitors; and
WHEREAS, this year the National Park Service is celebrating 100 years of stewardship of America's national parks and engaging communities through recreation, conservation, and historic preservation programs; and
WHEREAS, Arizona is home to 22 national parks, with over 10 million visitors annually contributing $837 million to the state's economy through visits to unique treasures such as Grand Canyon National Park; and
WHEREAS, diverse National Park Week events including free admission to all national parks, National Junior Ranger Day, Earth Day, National Park Instameet, and Park Rx Day; and
WHEREAS, in recognition of our state's rich history and the importance of preserving it for future generations, the National Park Service has awarded Arizona over $26 million in historic preservation grants since 1969, and facilitated $86 million of historic rehabilitation projects through tax incentives since 1995; and
WHEREAS, since 1965, the National Park Service has partnered with communities in Arizona and provided over $61 million in Land and Water Conservation Fund grants to create and maintain a legacy of high quality public outdoor recreation opportunities; and
WHEREAS, the National Park Service works in communities through education programs and community assistance projects, carrying out 65 community conservation and recreation projects in Arizona since 1987; and
WHEREAS, the National Park Service Centennial goal is to connect with and nurture the next generation of park visitors, supporters, and advocates, including encouraging individuals and families to take advantage of our Country's natural wonders and iconic sites as part of the “Find Your Park” initiative.
NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 16 – 24, 2016 as
NATIONAL PARK WEEK

and I further urge all Arizonans and visitors from other states and other lands to explore and enjoy, protect and conserve Arizona’s National Parks.

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 thirteenth day of April in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
SECRETARY OF STATE

PAY IT FORWARD DAY

WHEREAS, the aim of the Pay It Forward concept is to promote community spirit through acts of kindness; and
WHEREAS, the Pay It Forward novel, written by Catherine Ryan Hyde in 2000, has inspired the creation of a movie, a non-profit foundation, and a movement that has been vital in inspiring millions of good deeds all over the world; and
WHEREAS, Pay It Forward Day was first created in 2007 in Australia to further the altruistic movement of goodwill and is now a worldwide effort being supported by people in more than 70 countries on 6 continents; and
WHEREAS, Pay It Forward Day encourages people to do good deeds for others without asking for anything in return except for the recipients to pay it forward to others in need; and
WHEREAS, together we can make a difference by creating positive change in our community and world – one good deed at a time.
NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 28, 2016 as PAY IT FORWARD DAY

and I further urge all citizens to observe this day with activities and acts of kindness that demonstrate and celebrate selfless giving.

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 fourth day of April in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
SECRETARY OF STATE

ROSIE THE RIVETER DAY

WHEREAS, National Rosie the Riveter Day is a collective national effort to raise awareness of the 16 million working women during World War II; and
WHEREAS, Americans have chosen to honor female workers who contributed on the home front during World War II; and
WHEREAS, these women left their homes to work or volunteer full-time in factories, farms, shipyards, airplane factories, banks and other institutions in support of the military overseas; and
WHEREAS, these women worked with the USO or Red Cross, drove trucks, riveted airplane parts, collected critical materials, rolled bandages, and served on rationing boards; and
WHEREAS, it is appropriate to recognize and preserve the history and legacy of working women, including volunteer women, during World War II to promote cooperation and fellowship among such members and their descendants; and
WHEREAS, these women and their descendants wish to further the advancement of patriotic ideas, excellence in the workplace, and loyalty to the United States of America.
NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 27, 2016 as ROSIE THE RIVETER DAY

and I further encourage citizens to honor these women who contributed to our country through their patriotism.
WHEREAS, older Americans bring a lifetime of skills and experience as parents, workers, and citizens that can be tapped to meet challenges in our communities; and
WHEREAS, for more than four decades, Senior Corps have proven to be a highly effective way to engage Americans ages 55 and over in meeting national and community needs; and
WHEREAS, each year Senior Corps provides opportunities for nearly 330,000 older Americans across the nation, including 44 Senior Companion Program Volunteers serving approximately 350 clients, and 42 Foster Grandparent Program Volunteers serving 275 students in Southern Arizona and their communities; and
WHEREAS, Senior Corps volunteers last year provided more than 96.2 million hours of service, helping to improve the lives of our most vulnerable citizens, strengthen our educational system; protect our environment, provide independent living services, and contribute to our public safety; and
WHEREAS, Senior Corps volunteers build capacity of organizations and communities by serving through more than 65,000 non-profit, community, educational, and faith-based community groups nationwide; and
WHEREAS, at a time of mounting social needs and growing interest in service by older Americans, there is an unprecedented opportunity to harness the talents of 55-plus volunteers to address community challenges; and
WHEREAS, service by older Americans helps volunteers by keeping them active, healthy, and engaged; helps our communities by solving local problems, and helps our nation by saving taxpayer dollars, reducing healthcare costs, and strengthening our democracy; and
WHEREAS, the sixth annual Senior Corps Week, taking place May 16 – 20, 2016, is an opportunity to thank Senior Corps volunteers for their service and recognize their positive impact and value to our communities and nation.
NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby designate May 16 - 20, 2016 as

SENIOR CORPS WEEK

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 eighteenth day of April in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:
Michele Reagan
SECRETARY OF STATE
NOTICE OF PROPOSED EXPEDITED RULEMAKING

PIMA COUNTY CODE
TITLE 17 – AIR QUALITY CONTROL
CHAPTER 4 GENERAL PROVISIONS
CHAPTER 8 AMBIENT AIR QUALITY STANDARDS
CHAPTER 12 PERMITS AND PERMIT REVISIONS
CHAPTER 16 EMISSION LIMITING STANDARDS

PREAMBLE

1. Sections Affected
   - PCC 17.04.070 Amend
   - PCC 17.04.340 Amend
   - PCC 17.08.020 Amend
   - PCC 17.08.030 Amend
   - PCC 17.08.050 Amend
   - PCC 17.08.060 Amend
   - PCC 17.08.070 Amend
   - PCC 17.12.045 Amend
   - PCC 17.12.180 Amend
   - PCC 17.12.365 Amend
   - PCC 17.16.120 Amend
   - PCC 17.16.490 Amend
   - PCC 17.16.530 Amend

2. Statutory authority for the rulemaking:
   Authorizing Statutes: Arizona Revised Statutes (A.R.S.) §§ 41-1027, 49-402 and 49-479
   Implementing Statutes: A.R.S. §§ 49-112, 49-479, 49-480, and 41-1028

3. A list of all previous notices appearing in the Register addressing the expedited rule:
   None

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
   Name: Sarah Reitmeyer
   Address: Pima County DEQ
           33 N. Stone Avenue, Suite 700
           Tucson, AZ 85701
   Telephone: (520) 724-7437
   Fax: (520) 838-7432
   E-mail: sarah.reitmeyer@pima.gov

5. An explanation of the rule, including the control officer’s reasons for initiating the rule:
   The Pima County Board of Supervisors (PC-BOS) as the governing body for the Pima County Air Quality Control District adopts rules for Pima County Code (PCC). The Pima County Air Quality Control District operates within the Pima County Department of Environmental Quality (PDEQ). PDEQ periodically proposes updates to PCC by and through the rulemaking process set forth by the PC-BOS. This rulemaking is proposed to conform to the Code of Federal Regulations (CFR) in an effort to achieve consistency and accuracy in Title 17 of the Pima County Code. PDEQ is proposing new and updated incorporations by reference of the following federal regulations: Acid Rain, National Emission Standards for
Hazardous Air Pollutants (NESHAP), New Source Performance Standards (NSPS), National Ambient Air Quality Standards (NAAQS), and other parts of Title 40 CFR. The federal regulations would be incorporated as of July 1, 2015. The intention in updating the incorporations by reference is to continue its delegated authority from EPA to implement and enforce the Acid Rain, NESHAP, and NSPS programs in Pima County. This rulemaking will also update the Mineral Tailings section of PCC Title 17 to conform to Arizona Administrative Code Title 18. These updates include changes to Sections PCC 17.04.070, PCC 17.04.340, PCC 17.08.020, PCC 17.08.030, PCC 17.08.050, PCC 17.08.060, PCC 17.08.070, PCC 17.12.045, PCC 17.12.180, PCC 17.12.365, PCC 17.16.120, PCC 17.16.490, and PCC 17.16.530.

**Miscellaneous Incorporations by Reference:** The provisions in Sections PCC 17.04.070 and PCC 17.12.045 have been updated from February 1, 2008 to July 1, 2015. These provisions are cited throughout Title 17 of the Pima County Code, but are incorporated by reference once for convenience.

**VOC Definition:** PDEQ is updating its definition of "Volatile Organic Compounds (VOC)" to reflect the changes in the federal definition from 40 CFR 51.100, amended at 73 FR 15620, March 24, 2008, 74 FR 3441, January 21, 2009, and 74 FR 29603, June 23, 2009. These revisions are reflected in the PDEQ definition of VOC at Section PCC 17.04.340.

**NAAQS:** Federal regulations already incorporated by reference from 40 CFR 50 and all accompanying appendices have been updated to October 26, 2015 at Sections PCC 17.08.020, PCC 17.08.030, PCC 17.08.050, PCC 17.08.060, PCC 17.08.070.

**40 CFR 50 National Primary and Secondary Ambient Air Quality Standards Amended:**
40 CFR Part 50.11 – National primary and secondary ambient air quality standards for oxides of nitrogen (with nitrogen dioxide as the indicator). [Amended at 75 FR 6531, February 9, 2010].
40 CFR Part 50.16 – National primary and secondary ambient air quality standards for lead. [Amended at 73 FR 67051, November 12, 2008].
40 CFR Part 50.18 – National primary ambient air quality standards for PM$_{2.5}$. [Amended at 78 FR 3277, January 15, 2013].

**Acid Rain:** Federal regulations already incorporated by reference from 40 CFR 72, 74, 75, 76 and all accompanying appendices have been updated from February 1, 2008 to July 1, 2015, at Section PCC 17.12.365.

**Mineral Tailings:** PDEQ is updating its Mineral Tailings rule to reflect the changes in the state rule from Arizona Administrative Code R18-2-608, amended at 15 A.A.R. 228, March 7, 2009. These revisions are reflected in the PDEQ Mineral Tailings rule at Section PCC 17.16.120.

**NESHAP and NSPS:** Federal regulations already incorporated by reference from 40 CFR 60, 61 and 63 have been updated from February 1, 2008 to July 1, 2015, at Sections PCC 17.16.490 and PCC 17.16.530.

**40 CFR 60 (NSPS) Subparts Added:**
Subpart Ga - Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011 [Added at 77 FR 48445, August 14, 2012].
Subpart Ja - Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 - [Added at 73 FR 35867, June 24, 2008], [Amended at 77 FR 56464, September 12, 2012], and [Amended at 78 FR 76756, December 19, 2013].
Subpart Y - Standards of Performance for Coal Preparation and Processing Plants [Added at 74 FR 51977, October 8, 2009].
Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines [Added at 73 FR 3591, January 18, 2008].
Subpart LLLL – Standards of Performance for New Sewage Sludge Incineration Units [Added at 76 FR 15372, March 21, 2011].
Subpart MMMM – Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units [Added at 76 FR 15404, March 21, 2011].
Subpart OOOO – Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution [Added at 77 FR 49542, August 16, 2012], [Amended at 78 FR 58435 September 23, 2013], and [Amended at 79 FR 79036 December 31, 2014].


40 CFR 60 (NSPS) Subparts Amended:

Subpart D - Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced after August 17, 1971 [Added at 74 FR 5077, January 28, 2009], [Amended at 76 FR 3522, January 20, 2011], and [Amended at 77 FR 9447, February 16, 2012].

Subpart Da - Electric Utility Steam Generating Units for Which Construction is Commenced after September 18, 1978 [Amended at 74 FR 5078, January 28, 2009], [Amended at 76 FR 3522, January 20, 2011], [Amended at 77 FR 9448, February 16, 2012], [Amended at 77 FR 23402, April 19, 2012], [Amended at 78 FR 24082, April 24, 2013], and [Amended at 79 FR 68788, November 19, 2014].

Subpart Db - Industrial-Commercial-Institutional Steam Generating Units [Amended at 74 FR 5084, January 28, 2009], [Amended at 76 FR 3523, January 20, 2011], [Amended at 77 FR 9459, February 16, 2012], and [Amended at 79 FR 11249, February 27, 2014].

Subpart Dc - Small Industrial-Commercial-Institutional Steam Generating Units [Amended at 74 FR 5090, January 28, 2009], [Amended 76 FR 3523, January 20, 2011], and [Amended 77 FR 9461, February 16, 2012].

Subpart Ec - Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996 [Amended at 74 FR 51408, October 6, 2009], [Amended at 76 FR 18407, April 4, 2011], [Amended at 78 FR 28066, May 13, 2013], and [Amended at 79 FR 11249, February 27, 2014].

Subpart F - Standards of Performance for Portland Cement Plants [Amended at 78 FR 10032, February 12, 2013].

Subpart G - Standards of Performance for Nitric Acid Plants [Amended at 77 FR 48445, August 14, 2012].

Subpart H - Standards of Performance for Sulfuric Acid Plants [Amended at 79 FR 11250, February 27, 2014].

Subpart J - Petroleum Refineries - [Amended at 73 FR 35865, June 24, 2008] and [Amended at 77 FR 56463, September 12, 2012].

Subpart O - Standards of Performance for Sewage Treatment Plants [Amended at 79 FR 11250, February 27, 2014].

Subpart BB - Kraft Pulp Mills [Amended at 79 FR 11250, February 27, 2014] and [Amended at 79 FR 18966, April 4, 2014].

Subpart KK - Standards of Performance for Lead-Acid Battery Manufacturing Plants [Amended at 79 FR 11250, February 27, 2014].

Subpart LL - Standards of Performance for Metallic Mineral Processing Plants [Amended at 79 FR 11250, February 27, 2014].

Subpart UU - Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture [Amended at 79 FR 11250, February 27, 2014].


Subpart GGG - Equipment Leaks of VOC in Petroleum Refineries [Amended at 73 FR 31376, June 2, 2008].

Subpart GGGa - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 [Amended at 73 FR 31376, June 2, 2008].

Subpart KKK - Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 [Amended at 77 FR 49542, August 16, 2012].

Subpart LLL—Standards of Performance for SO2 Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 [Amended at 77 FR 49542, August 16, 2012].

Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants [Amended at 74 FR 19309, April 28, 2009].

Subpart CCCCC - 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 [Amended at 76 FR 15450, March 21, 2011] and [Amended at 78 FR 9178, February 7, 2013].


Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines [Amended at 76 FR 37967, June 28, 2011] and [Amended at 78 FR 6695, January 30, 2013].

Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines [Amended at 73 FR 59175, October 8, 2008], [Amended at 76 FR 37972, June 28, 2011], and [Amended at 78 FR 6697, January 30, 2013].

Subpart KKKK - Standards of Performance for Stationary Combustion Turbines [Amended at 74 FR 11861, March 20, 2009].

40 CFR 61 (NESHAP) Subparts Added:
No Subparts were added.

40 CFR 61 (NESHAP) Subparts Amended:
Subpart A - General Provisions [Amended at 75 FR 55652, September 13, 2010], [Amended at 78 FR 2338, January 11, 2013], and [Amended at 79 FR 11275, February 27, 2014].

Subpart C - National Emission Standard for Beryllium [Amended at 79 FR 11275, February 27, 2014].

Subpart D - National Emission Standard for Beryllium Rocket Motor Firing [Amended at 79 FR 11275, February 27, 2014].

Subpart E - National Emission Standard for Mercury [Amended at 79 FR 11275, February 27, 2014].


40 CFR 63 (NESHAP) Subparts Added:
Subpart UUUUU - National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units [Added at 77 FR 9464, February 16, 2012], [Amended at 77 FR 23402, April 19, 2012], and [Amended at 78 FR 24084, April 24, 2013].

Subpart JJJJJJ - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources [Added at 76 FR 15591, March 21, 2011] and [Amended at 78 FR 7506, February 1, 2013].

Subpart VVVVVV - National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources [Added at 74 FR 56041, October 29, 2009] and [Amended at 77 FR 75756, December 21, 2012].

Subpart WWWW - National Emission Standards for Hazardous Air Pollutants for Plating and Polishing Operations [Added at 73 FR 37741, July 1, 2008] and [Amended at 76 FR 57919, September 19, 2011].


Subpart YYYYYY - National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities [Added at 73 FR 78643, December 23, 2008].

Subpart ZZZZZZ - National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries [Added at 74 FR 30393, June 25, 2009] and [Amended at 74 FR 46495, September 10, 2009].

Subpart AAAAAA - National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing [Added at 74 FR 63260, December 2, 2009] and [Amended at 75 FR 12989, March 18, 2010].

Subpart BBBBBBB - National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry [Added at 74 FR 69208, December 30, 2009].

Subpart CCCCCCCC - National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing [Added at 74 FR 63525, December 3, 2009], [Amended at 75 FR 10186, March 5, 2010], and [Amended at 75 FR 31320, June 3, 2010].
Subpart DDDDDDD - National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing [Added at 75 FR 546, January 5, 2010], Amended at 75 FR 41994, July 20, 2010], and [Amended at 76 FR 80265, December 23, 2011].

Subpart EEEEEE - National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category [Added at 76 FR 9480, February 17, 2011].

Subpart HHHHHHH - National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production [Added at 77 FR 22906, April 17, 2012].

40 CFR 63 (NESHAP) Subparts Amended:
Subpart A - General Provisions [Amended at 73 FR 24871, May 6, 2008], [Amended at 73 FR 78211, December 22, 2008], [Amended at 75 FR 55655, September 13, 2010], [Amended at 75 FR 69532, November 12, 2010], [Amended at 76 FR 49673, August 11, 2011], [Amended at 78 FR 37977, June 25, 2013], [Amended at 79 FR 11277, February 27, 2014], [Amended at 79 FR 17363, March 27, 2014], and [Amended at 80 FR 37389, June 30, 2015].


Subpart M - National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities [Amended at 73 FR 39875, July 11, 2008].


Subpart O - Ethylene Oxide Emissions Standards for Sterilization Facilities [Amended at 79 FR 11283, February 27, 2014].

Subpart R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) [Amended at 73 FR 78213, December 22, 2008].


Subpart U - National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins [Amended at 71 FR 20456, April 20, 2006], [Amended at 73 FR 78213, December 22, 2008], and [Amended at 76 FR 22586, April 21, 2011].


Subpart CC - National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries [Amended at 74 FR 55683, October. 28, 2009], [Amended at 75 FR 37731, June 30, 2010], and, [Amended at 78 FR 37145, June 20, 2013].


Subpart GG - National Emission Standards for Hazardous Air Pollutants for Aerospace Manufacturing and Rework Facilities [Amended at 71 FR 20457, April 20, 2006] and [Amended at 79 FR 11284, February 27, 2014].

Subpart HH - National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities [Amended at 71 FR 20457, April 20, 2006], [Amended at 72 FR 36, January 3, 2007], [Amended at 73 FR 78214, December 22, 2008], and [Amended at 77 FR 49568, August 16, 2012].


Subpart KK - National Emission Standards for the Printing and Publishing Industry [Amended at 71 FR 29799, May 24, 2006] and [Amended at 76 FR 22597, April 21, 2011].

Subpart LL - National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants [Amended at 71 FR 20458, April 20, 2006].

Subpart SS - National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process [Amended at 71 FR 20458, April 20, 2006].


Subpart GGG - National Emission Standards for Pharmaceuticals Production [Amended at 73 FR 78213, December 22, 2008], [Amended at 76 FR 22599, April 21, 2011], and [Amended at 79 FR 11284, February 27, 2014].

Subpart HHH - National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities [Amended at 77 FR 49584, August 16, 2012].


Subpart MMM - National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production [Amended at 79 FR 17371, March 27, 2014].


Subpart TTT - National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting [Amended at 76 FR 70852, November 15, 2011].


Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines [Amended at 73 FR 3603, January 18, 2008], [Amended at 73 FR 9674, March 3, 2010], [Amended at 75 FR 37733, June 30, 2010], [Amended at 75 FR 51588, August 20, 2010], [Amended at 76 FR 12866, March 9, 2011], [Amended at 78 FR 6700, January 30, 2013], and [Amended at 78 FR 14457, March 6, 2013].


Subpart EEEEEE - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries [Amended at 73 FR 7218, February 7, 2008].


Subpart CCCCCC - National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities [Amended at 73 FR 12276, March 7, 2008], [Amended at 73 FR 35944, June 25, 2008], and [Amended at 76 FR 4181, January 24, 2011].

Subpart LLLLLL - National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources [Amended at 73 FR 15928, March 26, 2008].

Subpart MMMMMM - National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources [Amended at 73 FR 15928, March 26, 2008].

Subpart NNNNNN - National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds [Amended at 73 FR 15928, March 26, 2008].

Subpart OOOOOO - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources [Amended at 73 FR 15928, March 26, 2008].

Subpart PPPPPP - National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources [Amended at 73 FR 15928, March 26, 2008].

Subpart QQQQQQ - National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources [Amended at 73 FR 15928, March 26, 2008].

6. Demonstration of compliance with A.R.S. § 49-471.08 expedited rule or ordinance making:

A county may declare an expedited rulemaking and is not subject to A.R.S. § 49-471.07 if the rule is adopted pursuant to A.R.S. § 49-112(B) and the rule incorporates a conforming change to directly reflect federal or state rule or law. PDEQ is updating Pima County Code Title 17 to directly reflect changes in federal and state rule or law.

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

No studies were reviewed in reference to this rulemaking action.

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

Not Applicable

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

PDEQ periodically proposes updates to PCC by and through the rulemaking process set forth by the PC-BOS. This rulemaking is proposed to update its incorporations by reference of the following federal regulations: Acid Rain, New Emission Standards for Hazardous Air Pollutants (NESHAP), New Source Performance Standards (NSPS), National Ambient Air Quality Standards, revise the definition of Volatile Organic Compounds. These revisions should not have an economic impact on businesses in Pima County, and should not impose additional costs on the regulated community, small businesses, political subdivisions, and members of the public beyond that already incurred by reason of federal or state rule or law. The costs of compliance for the Acid rain, NESHAP, NSPS, NAAQS, Mineral Tailings, and Volatile Organic Compounds definition have already occurred, and were considered when the federal and state rule or law was proposed and adopted.

10. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Sarah Reitmeyer
Address: 33 N. Stone Avenue, Suite 700
Tucson, AZ 85701-1429
Telephone: (520) 724-7437
Fax: (520) 838-7432
E-mail: sarah.reitmeyer@pima.gov

11. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Written comments will be accepted if received between the date of this publication and June 20, 2016 by 5:00 p.m.
Written comments may be mailed or hand delivered to the Pima County Department of Environmental Quality (see #10 above). Written comments received during the comment period will be considered formal comments to the expedited rule or ordinance, and will be responded to in the notice of final rulemaking.

Oral Proceeding: Tuesday, August 2, 2016
Time: 9 a.m.
12. Any other matters prescribed by the statute that are applicable to the specific agency or to any specific rule or class of rules:
None

13. Incorporations by reference and their location in the rules:
New incorporations by reference as of July 1, 2015: Location in PCC
40 CFR 60, Subparts Ga, Ja, Y, BBa, AAA, JJJJ, LLLL, MMMM, OOOO, QQOOQ 17.16.490
40 CFR 63, Subparts UUUUU, JJJJJJ, VVVVVV, WWWWWW, XXXXXX, YYYYYY, ZZZZZZ, AAAAAA, BBBBBBB, CCCCCCC, DDDDDDD, EEEEEEE, and HHHHHHHH 17.16.530

Incorporations by Reference updated to July 1, 2015
40 CFR 50 17.08.020
40 CFR 50 17.08.030
40 CFR 50 17.08.050
40 CFR 50 17.08.060
40 CFR 50 17.08.070
40 CFR 50, all appendices 17.12.045
40 CFR 51, Appendix M, Section IV of Appendix S, & Appendix W 17.12.045
40 CFR 52.21 17.08.150
40 CFR 52, Appendices D and E 17.12.045
40 CFR 53 17.12.045
40 CFR 58 17.12.045
40 CFR 58, all appendices 17.12.045
40 CFR 60, listed subparts and accompanying appendices 17.16.490
40 CFR 60, all appendices 17.12.045
40 CFR 61, listed subparts and accompanying appendices 17.16.530
40 CFR 61, all appendices 17.12.045
40 CFR 63, listed subparts and accompanying appendices 17.16.530
40 CFR 63, all appendices 17.12.045
40 CFR 64 17.12.180
40 CFR 72, 74, 75, 76 17.12.365
40 CFR 75, all appendices 17.12.045
40 CFR 81.303 17.08.110 & 17.08.130

14. The full text of the rule follows:

TITLE 17 - AIR QUALITY CONTROL

CHAPTER 17.04 GENERAL PROVISIONS

ARTICLE III. INCORPORATED MATERIALS

Section
17.04.070 Incorporated materials.

ARTICLE IX. DEFINITIONS AND MEANINGS

Section
17.04.340 Words, phrases, and terms.

CHAPTER 17.08 AMBIENT AIR QUALITY STANDARDS

ARTICLE I. AMBIENT AIR STANDARDS
Section
17.08.020 - Sulfur oxides (sulfur dioxide).
17.08.030 - Particulate matter: (PM_{10} and PM_{2.5}).
17.08.050 - Ozone: 1-hour standard and 8-hour averaged standard.
17.08.060 - Nitrogen dioxide.
17.08.070 - Lead.

CHAPTER 17.12 PERMITS AND PERMIT REVISIONS

ARTICLE I. GENERAL PROVISIONS

Section
17.12.045 Test methods and procedures.

ARTICLE II. INDIVIDUAL SOURCE PERMITS

Section
17.12.180 Permit contents for Class I permits.
17.12.365 Acid rain.

CHAPTER 17.16 EMISSION LIMITING STANDARDS

ARTICLE III. EMISSIONS FROM EXISTING AND NEW NONPOINT SOURCES

Section
17.16.120 Mineral Tailings.

ARTICLE IV. NEW AND EXISTING STATIONARY SOURCE PERFORMANCE STANDARDS

ARTICLE VI. NEW SOURCE PERFORMANCE STANDARDS

Section
17.16.490 Standards of performance for new stationary sources (NSPS).

ARTICLE VII. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Section
17.16.530 National emission standards for hazardous air pollutants (NESHAP).

Chapter 17.04 General Provisions
Article III. Incorporated Materials
17.04.070 Incorporated materials.

The following documents are incorporated herein by reference and are on file with the control officer:
C. All parts of the CFR referenced in this Title are amended as of February 1, 2008 July 1, 2015, as applicable requirements and no future editions or amendments unless specifically indicated otherwise.

Article IX. Definitions and Meanings
17.04.340 Words, phrases, and terms.

Words, phrases, and terms used in this title shall have the following meanings except where any narrative portion specifically indicates otherwise:
A. Definitions.

250. “Volatile organic compounds (VOC)” means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:
   a. Methane;
   b. Ethane;
c. Methylene chloride (dichloromethane);
d. 1,1,1-trichloroethane (methyl chloroform);
e. 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
f. Trichlorofluoromethane (CFC-11);
g. Dichlorodifluoromethane (CFC-12);
h. Chlorodifluoromethane (HCFC-22);
i. Trifluoromethane (HFC-23);
j. 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
k. Chloropentafluoroethane (CFC-115);
l. 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
m. 1,1,2-tetrafluoroethane (HFC-134a);
n. 1,1-dichloro 1-fluoroethane (HCFC-141b);
o. 1-chloro 1,1,2,2-tetrafluoroethane (HCFC-142b);
p. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
q. Pentafluoroethane (HFC-125);
r. 1,1,2,2,2-pentafluoroethane (HFC-134);
s. 1,1,1-trifluoroethane (HFC-143a);
t. 1,1-difluoroethane (HFC-152a);
u. Parachlorobenzotrifluoride (PCBTF);
v. Cyclic, branched, or linear completely methylated siloxanes;
w. Acetone;
x. Perchloroethylene (tetrachloroethylene);
y. 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
z. 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
aa. 1,1,2,2,3,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
bb. Difluoromethane (HFC-32);
cc. Ethylfluoride (HFC-161);
dd. 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
ee. 1,1,2,2,3-pentafluoro propane (HFC-245ca);
ff. 1,1,2,3,3-pentafluoropropane (HFC-245ea);
gg. 1,1,1,2,3-pentafluoropropane (HFC-245eb);
hh. 1,1,1,3,3-pentafluoropropane (HFC-245fa);
ii. 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
jj. 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
kk. Chlorofluoromethane (HCFC-31);
ll. 1 chloro-1-fluoroethane (HCFC-151a);
mm. 1,2-dichloro-1,1-trifluoroethane (HCFC-123a);
nn. 1,1,2,2,3,3,4,4,4-pentafluoro-4-methoxy-2-butane (C4F9OCH3 or HFE-7100);
 oo. 2-(difluoromethoxy)methyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCH2OCH3);
 pp. 1-ethoxy-1,1,2,2,3,3,4,4,4-pentafluorobutane (C4F9OC2H5 or HFE-7200);
 qq. 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCH2OC2H5);
 rr. Methyl acetate;
 ss. 1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE - 7000);
tt. 3-ethoxy-1,1,1,2,3,4,4,4-decafluoro-2-(trifluoromethyl) hexane (HFE-7500);
uu. 1,1,1,2,3,3-hentafluoropropane (HFC 227ea);
vv. Methyl formate (HCOOCH3);
ww. (1) 1,1,1,2,2,3,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); and
xx. propylene carbonate
yy. dimethyl carbonate
zz. 2,3,3,3-tetrafluoropropane (HFO-1234yf)

aaa. Perfluorocarbon compounds that fall into these classes:
i. Cyclic, branched, or linear, completely fluorinated alkanes;
ii. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
iii. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
iv. Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
The following compound is VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.

Chapter 17.08 Ambient Air Quality Standards

17.08.020 - Sulfur oxides (sulfur dioxide).

A. The primary ambient air quality standards for sulfur oxides measured as sulfur dioxide using the reference method described in 40 CFR 50, Appendix A or A-1, or by an equivalent method, are:

1. 0.03 parts per million (ppm) (80μg/m3) — annual arithmetic mean.
2. 0.14 parts per million (ppm) (36μg/m3) — maximum 24-hour concentration not to be exceeded more than once per year.

1. 75 parts per billion (ppb) — maximum one-hour concentration. The one-hour primary standard is met at an ambient air quality monitoring site when the three-year average of the annual 99th percentile of the daily maximum one-hour average concentration is less than or equal to 75 parts per billion, as determined according to 40 CFR 50, Appendix T.

B. The secondary ambient air quality standard for sulfur oxides, measured as sulfur dioxide is 0.5 parts per million (ppm) (1300μg/m3) — maximum 3-hour concentration not to be exceeded more than once per year.

17.08.030 – Particulate Matter: (PM$_{10}$) and PM$_{2.5}$.

A. Particulate Matter (PM$_{10}$)

1. The primary and secondary ambient air quality standards for particulate matter PM$_{10}$ are:

   a. 50 micrograms per cubic meter of PM$_{10}$ — annual arithmetic mean concentration.
   b. 150 micrograms per cubic meter of PM$_{10}$ — 24-hour average concentration.

2. The secondary ambient air quality standards for particulate matter (PM$_{10}$) are:

   a. 50 micrograms per cubic meter of PM$_{10}$ — annual arithmetic mean concentration.
   b. 150 micrograms per cubic meter of PM$_{10}$ — 24-hour average concentration.

3. For the purposes of determining attainment of the primary and secondary standards, particulate matter (PM$_{10}$) shall be measured in the ambient air as PM$_{10}$ by:

   a. A reference method based on 40 CFR 50, Appendix J, and designated in accordance with 40 CFR 53; or
   b. An equivalent method designated in accordance with 40 CFR 53.

4. The primary and secondary annual ambient air quality standards for PM$_{10}$ shall be considered attained if the expected annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, Appendix K, is less than or equal to 50 micrograms per cubic meter.

5. The primary and secondary 24-hour ambient air quality standards for PM$_{10}$ shall be considered attained when the expected number of days per calendar year with a 24-hour average concentration above 150 micrograms per cubic meter, as determined in accordance with 40 CFR 50, Appendix K, is less than or equal to 1.

B. Particulate Matter (PM$_{2.5}$)

1. The primary ambient air quality standards for particulate matter (PM$_{2.5}$) are:

   a. 12 micrograms per cubic meter of PM$_{2.5}$ — annual arithmetic mean concentration.
   b. 35 micrograms per cubic meter of PM$_{2.5}$ — 24-hour average concentration.

2. The secondary ambient air quality standards for particulate matter (PM$_{2.5}$) are:

   a. 15 micrograms per cubic meter of PM$_{2.5}$ — annual arithmetic mean concentration.
   b. 35 micrograms per cubic meter of PM$_{2.5}$ — 24-hour average concentration.

3. For purposes of determining attainment of the primary and secondary standards, particulate matter (PM$_{2.5}$) shall be measured in the ambient air by:

   a. A reference method based on 40 CFR 50, Appendix J, and designated in accordance with 40 CFR 53; or
   b. An equivalent method designated in accordance with 40 CFR 53.

4. The primary and secondary annual ambient air quality standards for PM$_{2.5}$ are met when the annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, Appendix N, is less than or equal to 12 micrograms per cubic meter.

5. The secondary annual ambient air quality standard for PM$_{2.5}$ are met when the annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, Appendix N, is less than or equal to 15 micrograms per cubic meter.

6. The primary and secondary 24-hour ambient air quality standards for PM$_{2.5}$ are met when the 98th percentile 24-hour concentration, as determined in accordance with 40 CFR 50, Appendix N, is less than or equal to 35 micrograms per cubic meter.

17.08.050 - Ozone: 1-hour standard and 8-hour averaged standard.
A. 1-hour standard. Until June 15, 2005:
1. The 1-hour primary ambient air quality standard for ozone is 0.12 ppm (235 micrograms per cubic meter).
2. The 1-hour secondary ambient air quality standard for ozone is 0.12 ppm (235 micrograms per cubic meter).
3. The 1-hour standards are attained when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 ppm (235 micrograms per cubic meter) is less than or equal to 1, as determined by 40 CFR 50, Appendix H.

B.A. 8-hour averaged standard.
1. The 8-hour averaged primary and secondary ambient air quality standard for ozone is 0.08 ppm.
2. The 8-hour averaged secondary ambient air quality standard for ozone is 0.070 ppm, daily maximum 8-hour average.
3. 8-hour averaged primary and secondary ambient air quality standards for ozone are met at an ambient air quality monitoring site when the 3-year average of the annual fourth-highest daily maximum 8-hour ozone concentration is less than or equal to 0.08 ppm, as determined in accordance with 40 CFR 50, Appendix I P.

B. The levels of ozone in the ambient air shall be measured by:
1. A reference method based on 40 CFR 53, Appendix D, and designated in accordance with 40 CFR 53; or
2. An equivalent method designated in accordance with 40 CFR 53.

17.08.060 - Nitrogen dioxide.
A. The primary and secondary ambient air quality standards for nitrogen dioxide are: 0.053 parts per million (one hundred micrograms per cubic meter), annual arithmetic mean concentration.
1. 53 ppb — annual arithmetic mean concentration.
2. 100 ppb — 1-hour average concentration.
B. The secondary ambient air quality standard for nitrogen dioxide is 0.053 ppm (one hundred micrograms per cubic meter), annual arithmetic mean concentration.
C. The primary standards are attained when:
1. The annual arithmetic mean concentration in a calendar year is less than or equal to 53 ppb, as determined in accordance with 40 CFR 50, Appendix S.
2. The 3-year average of the annual 98th percentile of the daily maximum 1-hour average concentration is less than or equal to 100 ppb, as determined in accordance with 40 CFR 50, Appendix S.

B. D. The secondary standards are attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 parts per million, rounded to three decimal places (fractional parts equal to or greater than 0.0005 must be rounded up). To demonstrate attainment, an annual mean shall be based upon hourly data that are at least seventy-five percent complete or upon data derived from manual methods that are at least seventy-five percent complete for the scheduled sampling days in each calendar quarter.

C. E. The levels of nitrogen dioxide in the ambient air shall be measured by:
1. A reference method based on 40 CFR 50, Appendix F, and designated in accordance with 40 CFR 53; or
2. An equivalent method designated in accordance with 40 CFR 53.

17.08.070 - Lead.
A. The primary and secondary ambient air quality standards for lead and its compounds are 1.5 0.15 micrograms per cubic meter, maximum arithmetic mean averaged over a calendar quarter arithmetic mean concentration over a 3-month period.
B. The levels of lead and its compounds in the ambient air shall be measured as elemental lead by:
1. A reference method based on 40 CFR 50, Appendix G, and designated in accordance with 40 CFR 53; or
2. An equivalent method designated in accordance with 40 CFR 53.
C. The national primary and secondary ambient air quality standards for lead are met when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with Appendix R of this part, is less than or equal to 0.15 micrograms per cubic meter.

Chapter 17.12 Permits and Permit Revisions
17.12.045 Test methods and procedures.
A. The following test methods and protocols are approved for use as directed by the Department under this Chapter. These standards adopted as of February 1, 2008 July 1, 2015, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and are also available from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.
1. 40 CFR 50;
2. 40 CFR 50, Appendices A through N;
3. 40 CFR 51, Appendix M, Section IV of Appendix S, and Appendix W;
4. 40 CFR 52, Appendices D and E;
5. 40 CFR 53;
6. 40 CFR 58;
7. 40 CFR 58, all appendices;
8. 40 CFR 60, all appendices;
9. 40 CFR 61, all appendices;
10. 40 CFR 63, all appendices;
11. 40 CFR 75, all appendices.

Article II. Individual Source Permits

17.12.180 Permit contents for Class I permits.
A. Each permit issued shall include the following elements:

3. Each permit shall contain the following requirements with respect to monitoring:
   b. 40 CFR 64 adopted February 1, 2008 July 1, 2015, and no future editions or amendments, is incorporated by reference as applicable requirements and on file with the Department and shall be applied by the Department. If more than one monitoring or testing requirement applies, the permit may specify a streamlined set of monitoring or testing provisions if the specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements not included in the permit as a result of such streamlining;

17.12.365 Acid rain.
A. 40 CFR 2, 74, 75, and 76, and all accompanying appendices, adopted as of February 1, 2008 July 1, 2015, 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, Mail Stop SSOP, Washington D.C. 20402-9328.

Chapter 17.16 Emission Limiting Standards

Article III. Emissions from Existing and New Nonpoint Sources

17.16.120 Mineral Tailings.
A. No person shall cause, suffer, allow, or permit construction of, or otherwise own or operate, mineral tailing piles without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne. Reasonable precautions shall mean wetting, chemical stabilization, revegetation or such other measures as are approved by the control officer.

B. No person shall cause, suffer, allow, or permit construction of, or otherwise own or operate, mineral tailings piles without taking reasonable precautions (i.e., wetting, chemical stabilization and revegetation) to minimize and control to ensure compliance with Section 17.16.050.

Article VI. New Source Performance Standards

17.16.490 Standards of performance for new stationary sources (NSPS).
A. Except as provided in subsections B, C and D of this Section, and Sections 17.16.500 through 17.16.520, the following subparts of 40 CFR 60, New Source Performance Standards (NSPS), and all accompanying appendices, adopted as of February 1, 2008 July 1, 2015, 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, Mail Stop SSOP, Washington D.C. 20402-9328.

4. Subpart Db - Industrial-Commercial-Institutional Steam Generating Units.
5. Subpart Dc - Small Industrial-Commercial-Institutional Steam Generating Units.
<table>
<thead>
<tr>
<th>Subpart</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eb</td>
<td>Large Municipal Waste Combustors for Which Construction is Commenced after September 20, 1994 or for Which Modification or Reconstruction is Commenced after June 20, 1996.</td>
</tr>
<tr>
<td>Ec</td>
<td>Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced after June 20, 1996.</td>
</tr>
<tr>
<td>F</td>
<td>Portland Cement Plants.</td>
</tr>
<tr>
<td>G</td>
<td>Nitric Acid Plants.</td>
</tr>
<tr>
<td>Ga</td>
<td>Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011.</td>
</tr>
<tr>
<td>H</td>
<td>Sulfuric Acid Plants.</td>
</tr>
<tr>
<td>I</td>
<td>Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced after June 20, 1996.</td>
</tr>
<tr>
<td>J</td>
<td>Petroleum Refineries.</td>
</tr>
<tr>
<td>L</td>
<td>Secondary Lead Smelters.</td>
</tr>
<tr>
<td>M</td>
<td>Secondary Brass and Bronze Ingot Production Plants.</td>
</tr>
<tr>
<td>O</td>
<td>Sewage Treatment Plants.</td>
</tr>
<tr>
<td>P</td>
<td>Primary Copper Smelters.</td>
</tr>
<tr>
<td>Q</td>
<td>Primary Zinc Smelters.</td>
</tr>
<tr>
<td>R</td>
<td>Primary Lead Smelters.</td>
</tr>
<tr>
<td>S</td>
<td>Primary Aluminum Reduction Plants.</td>
</tr>
<tr>
<td>T</td>
<td>Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.</td>
</tr>
<tr>
<td>U</td>
<td>Phosphate Fertilizer Industry: Superphosphoric Acid Plants.</td>
</tr>
<tr>
<td>V</td>
<td>Phosphate Fertilizer Industry: Diammonium Phosphate Plants.</td>
</tr>
<tr>
<td>W</td>
<td>Phosphate Fertilizer Industry: Triple Superphosphate Plants.</td>
</tr>
<tr>
<td>X</td>
<td>Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.</td>
</tr>
<tr>
<td>Y</td>
<td>Coal Preparation and Processing Plants.</td>
</tr>
<tr>
<td>Z</td>
<td>Ferroalloy Production Facilities.</td>
</tr>
<tr>
<td>AA</td>
<td>Steel Plants: Electric Arc Furnaces Constructed after November 21, 1974, and on or before August 17, 1983.</td>
</tr>
<tr>
<td>Aa</td>
<td>Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 7, 1983.</td>
</tr>
<tr>
<td>BB</td>
<td>Kraft Pulp Mills.</td>
</tr>
<tr>
<td>Bb</td>
<td>Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013.</td>
</tr>
<tr>
<td>CC</td>
<td>Glass Manufacturing Plants.</td>
</tr>
<tr>
<td>DD</td>
<td>Grain Elevators.</td>
</tr>
<tr>
<td>EE</td>
<td>Surface Coating of Metal Furniture.</td>
</tr>
<tr>
<td>GG</td>
<td>Stationary Gas Turbines.</td>
</tr>
<tr>
<td>HH</td>
<td>Lime Manufacturing Plants.</td>
</tr>
<tr>
<td>KK</td>
<td>Lead-Acid Battery Manufacturing Plants.</td>
</tr>
<tr>
<td>LL</td>
<td>Metallic Mineral Processing Plants.</td>
</tr>
<tr>
<td>MM</td>
<td>Automobile and Light Duty Truck Surface Coating Operations.</td>
</tr>
<tr>
<td>NN</td>
<td>Phosphate Rock Plants.</td>
</tr>
<tr>
<td>PP</td>
<td>Ammonium Sulfate Manufacture.</td>
</tr>
<tr>
<td>QQ</td>
<td>Graphic Arts Industry: Publication Rotogravure Printing.</td>
</tr>
<tr>
<td>RR</td>
<td>Pressure Sensitive Tape and Label Surface Coating Operations.</td>
</tr>
</tbody>
</table>
49. Subpart SS - Industrial Surface Coating: Large Appliances.
50. Subpart TT - Metal Coil Surface Coating.
54. Subpart WW - Beverage Can Surface Coating Industry.
55. Subpart XX - Bulk Gasoline Terminals.
57. Subpart BBB - Rubber Tire Manufacturing Industry.
59. Subpart FFF - Flexible Vinyl and Urethane Coating and Printing.
60. Subpart GGG - Equipment Leaks of VOC in Petroleum Refineries.
62. Subpart HHH - Synthetic Fiber Production Facilities.
64. Subpart JJJ - Petroleum Dry Cleaners.
65. Subpart KKK - Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
66. Subpart LLL - Onshore Natural Gas Processing; SO2 Emissions.
68. Subpart OOO - Nonmetallic Mineral Processing Plants.
69. Subpart PPP - Wool Fiberglass Insulation Manufacturing Plants.
70. Subpart QQQ - VOC Emissions from Petroleum Refinery Wastewater Systems.
72. Subpart SSS - Magnetic Tape Coating Facilities.
73. Subpart TTT - Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.
74. Subpart UUU - Calciners and Dryers in Mineral Industries.
75. Subpart VVV - Polymeric Coating of Supporting Substrates Facilities.
76. Subpart WWW - Municipal Solid Waste Landfills.
77. Subpart AAAA - 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.
78. Subpart CCCC - 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.
79. Subpart EEEE - 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.
80. Subpart FFFF - Other Solid Waste Incineration Units for Which Construction is Commenced on or before December 9, 2004.
81. Subpart IIII - Stationary Compression Ignition Internal Combustion Engines.
82. Subpart JJJJ - Stationary Spark Ignition Internal Combustion Engines.
83. Subpart KKKK - Stationary Combustion Turbines.
84. Subpart LLLL - New Sewage Sludge Incineration Units.
85. Subpart MMMM - Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units.
86. Subpart OOOO - Crude Oil and Natural Gas Production, Transmission and Distribution.

Article VII. National Emission Standards for Hazardous Air Pollutants

17.16.530 National Emissions Standards for Hazardous Air Pollutants (NESHAP).
A. Except as provided in subsections B, C, and D of this Section, the following subparts of 40 CFR 61, National Emission Standards for Hazardous Air Pollutants (NESHAPs), and all accompanying appendices, adopted as of February 1, 2008, and July 1, 2015, 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

2. Subpart C - Beryllium.
5. Subpart F - Vinyl Chloride.
6. Subpart J - Equipment Leaks (Fugitive Emission Sources) of Benzene.
7. Subpart L - Benzene Emissions from Coke By-Product Recovery Plants.
8. Subpart M – Asbestos.
10. Subpart O - Inorganic Arsenic Emissions from Primary Copper Smelters.
12. Subpart V - Equipment Leaks (Fugitive Emission Sources).

B. Except as provided in subsection A, the following subparts of 40 CFR 63, NESHAPs for Source Categories, and all
accompanying appendices, adopted as of February 1, 2008 July 1, 2015, 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, Mail Stop SSOP, Washington D.C. 20402-9328.

2. Subpart B - Requirements for Control Technology Determinations for Major Sources in Accordance with
   Clean Air Act Sections 112(g) and 112(j).
3. Subpart D - Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air
   Pollutants.
   Chemical Manufacturing Industry.
   Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.
7. Subpart I - National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject
to the Negotiated Regulation for Equipment Leaks.
8. Subpart J - National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and
   Copolymers Production.
11. Subpart N - National Emission Standards for Chromium Emissions from Hard and Decorative Chromium
    Electroplating and Chromium Anodizing Tanks.
14. Subpart R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and
    Pipeline Breakout Stations).
17. Subpart U - National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and
    Resins.
18. Subpart W - National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and
    Non-Nylon Polyamides Production.
20. Subpart AA - National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid
    Manufacturing Plants.
    Production Plants.
32. Subpart PP - National Emission Standards for Containers.
37. Subpart UU - National Emission Standards for Equipment Leaks-Control Level 2 Standards.
45. Subpart GGG - National Emission Standards for Pharmaceuticals Production.
50. Subpart MMM - National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.
54. Subpart QQQ - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting.


Subpart HHHH - National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production.


Subpart KKKK - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans.

Subpart MMMM - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.

Subpart NNNN - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances.

Subpart OOOO - National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles.


Subpart RRRR - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture.

Subpart SSSS - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.


Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines


Subpart CCCCC - National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching and Battery Stacks.


102. 103. Subpart UUUUU - National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units.
103. 104. Subpart WWWWW - National Emission Standards for Hospital Ethylene Oxide Sterilizer.
105. 106. Subpart ZZZZZ - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.
109. 110. Subpart EEEEEEE - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources.
110. 111. Subpart FFFFFF - National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources.
111. 112. Subpart GGGGGG - National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources-Zinc, Cadmium, and Beryllium.
114. 115. Subpart LLLLLL - National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.
118. 119. Subpart PPPPPP - National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources.
C. When used in 40 CFR 61 or 63, "Administrator" means the control officer except that the control officer shall not be authorized to approve alternate or equivalent test methods or alternate standards or work practices, except as specifically provided in 40 CFR 63 Subpart B.

D. From the general standards identified in subsection A of this Section delete 40 CFR 61.04. All requests, reports, applications, submittals and other communications to the control officer pursuant to this Article shall be submitted to the Pima County Department of Environmental Quality, 33 N. Stone Ave, Suite 700, Tucson, AZ 85701.

E. The control officer shall not be delegated authority to deal with equivalency determinations that are nontransferable through Section 112(h)(3) of the Act.

NOTICE OF RULEMAKING DOCKET OPENING

PIMA COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY

Title and its heading:
Rules and headings:
Pima County Code Title 17 – Air Quality Control


Chapter 17.08 – Ambient Air Quality Standards – Article I – Ambient Air Standards – Sections 17.08.020 - Sulfur oxides (sulfur dioxide), 17.08.030 - Particulate matter: (PM) and PM., 17.08.050 - Ozone: 1-hour standard and 8-hour averaged standard., 17.08.060 - Nitrogen dioxide., 17.08.070 - Lead.


Chapter 17.16 – Emission Limiting Standards – Article III – Emissions from Existing and New Nonpoint Sources – Section 17.16.120 – Mineral tailings.


2. **The subject matter of the proposed rule:**
   The Pima County Board of Supervisors (PC-BOS) as the governing body for the Pima County Air Quality Control District adopts rules for Pima County Code (PCC). The Pima County Air Quality Control District operates within the Pima County Department of Environmental Quality (PDEQ). PDEQ periodically proposes updates to PCC by and through the rulemaking process set forth by the PC-BOS. This rulemaking is proposed to conform to the Code of Federal Regulations (CFR) in an effort to achieve consistency and accuracy in Title 17 of the Pima County Code. PDEQ is proposing new and updated incorporations by reference of the following federal regulations: Acid Rain, National Emission Standards for Hazardous Air Pollutants (NESHAP), New Source Performance Standards (NSPS), National Ambient Air Quality Standards (NAAQS), and other parts of Title 40 CFR. The federal regulations would be incorporated as of July 1, 2015. The intention in updating the incorporations by reference is to continue its delegated authority from EPA to implement and enforce the Acid Rain, NESHAP, and NSPS programs in Pima County. This rulemaking will also update the Mineral Tailings section of PCC Title 17 to conform to Arizona Administrative Code Title 18. These updates include changes to Sections PCC 17.04.070, PCC 17.04.340, PCC 17.08.020, PCC 17.08.030, PCC 17.08.050, PCC 17.08.060, PCC 17.08.070, PCC 17.12.045, PCC 17.12.180, PCC 17.12.365, PCC 17.16.120, PCC 17.16.490, and PCC 17.16.530.

3. **A citation to all published notices relating to this proceeding:**
   None published

4. **The name and address of department personnel with whom persons may communicate regarding the proposed rule:**
   Name: Sarah Reitmeyer
   Address: Pima County DEQ
   33 N. Stone Avenue, Suite 700
   Tucson, AZ. 85701
   Telephone: (520) 724-7437
   Fax: (520) 838-7432
   E-mail: sarah.reitmeyer@pima.gov

5. **The time during which the department will accept written comments and the time and place where oral comments may be made:**
   See Notice of Proposed Expedited Rulemaking in this issue.

6. **A timetable for department decisions or other action on the proceeding, if known:**
   See Notice of Proposed Expedited Rulemaking in this issue.
## 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:

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See also “emergency expired” under emergency rulemaking

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

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 20 OF VOLUME 22.
Other notices related to rulemakings are listed in the Index by notice type, agency/county and by volume page number. Agency policy statements and proposed delegation agreements are included in this section of the Index by volume page number.

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.

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 20 OF VOLUME 22.
**Indexes**

### County Notices Pursuant to A.R.S. § 49-112
Maricopa County; p. 431-535, 1116-1273

### Governor’s Office

**Executive Order:** pp. 19-20 (E.O. #2015-11); 20-21 (E.O. #2015-13); 21-22 (E.O. #2015-01); 84 (E.O. #2016-01); 85 (E.O. #2016-02); 86 (E.O. 2015-06); 87 (E.O. #2015-09); 88 (E.O. #2015-12); 426-27 (E.O. #2016-03)

**Proclamations:** pp. 23 (M15-350, M15-349); 24 (M15-348); 25 (M15-347); 64 (M15-354, M15-355); 82 (M15-356, M15-357); 123 (M16-04, M16-05); 202 (M16-23, M16-24); 203 (M16-25, M16-26); 428 (M16-33, M16-34); 429 (M16-35, M16-36); 711 (M16-62, M16-63); 712 (M16-66, M16-56); 713 (M16-67, M16-57); 714 (M16-69, M16-70); 715 (M16-71, M16-72); 788 (M16-64, M16-60); 789 (M16-75); 832 (M16-65, M16-83); 833 (M16-74, M16-84); 834 (M16-86, M16-87); 902 (M16-73, M16-89); 903 (M16-91, M16-85); 904 (M16-76, M16-77); 1002 (M16-88, M16-90); 1003 (M16-92, M16-93); 1004 (M16-94); 1070 (M16-110, M16-111); 1071 (M16-112, M16-113); 1072 (M16-114, M16-115); 1073 (M16-116, M16-117); 1074 (M16-118)

### Governor’s Regulatory Review Council

**Notices of Action Taken at Monthly Meetings:** pp. 96, 97-98, 402-403, 798, 1014

### Proposed Delegation Agreement

**Notices of**

- Environmental Quality, Department of; p. 826, 827

### Public Information, Notices of

- Arizona Health Care Cost Containment System; p. 49, 1067
- Child Safety, Department of; p. 160
- Environmental Quality, Department of; p. 49, 1112
- Environmental Quality, Department of - Water Pollution Control; p. 1112
- Health Services, Department of; p. 394
- Health Services, Department of - Loan Repayment; p. 346
- Health Services, Department of - Vital Records and Statistics; p. 899

**Rulemaking Docket Opening, Notices of**

- Acupuncture Board of Examiners; 4 A.A.C. 8; p. 703
- Agriculture, Department of - Animal Services Division; 3 A.A.C. 2; p. 344
- Arizona Health Care Cost Containment System - Administration; 9 A.A.C. 22; pp. 784-785
- Arizona Health Care Cost Containment System - Behavioral Health Services for Persons with Serious Mental Illness; 9 A.A.C. 21; p. 782
- Arizona Health Care Cost Containment System - Medicare Part D Prescription Coverage Extra Help Subsidy Program; 9 A.A.C. 30; p. 824
- Board for Charter Schools, State; 7 A.A.C. 5; p. 823
- Child Safety, Department of - Child Welfare Agency Licensing; 21 A.A.C. 7; p. 999
- Corporation Commission - Fixed Utilities; 14 A.A.C. 2; pp. 424-425
- Economic Security, Department of - Social Services; p. 1065
- Environmental Quality, Department of - Air Pollution Control; 18 A.A.C. 2; p. 998
- Environmental Quality, Department of - Water Pollution Control; 18 A.A.C. 9; pp. 16-17
- Environmental Quality, Department of - Water Quality Standards; 18 A.A.C. 9; pp. 16-17
- Game and Fish Commission; 12 A.A.C. 4; p. 825
- Health Services, Department of - Laboratories; 9 A.A.C. 14; p. 704
- Health Services, Department of - Medical Marijuana Program; 9 A.A.C. 17; pp. 423-424
- Industrial Commission of Arizona; 20 A.A.C. 5; p. 239
- Psychologist Examiners, Board of; 4 A.A.C. 26; pp. 1109-1110
- Retirement System, State; 2 A.A.C. 8; pp. 822, 823, 1063-1064
- Secretary of State, Office of; 2 A.A.C. 12; pp. 121-122, 239
- Secretary of State - Rules and Rulemaking; 1 A.A.C. 1; p. 121
- State Lottery Commission - 19 A.A.C. 3; p. 582
- Technical Registration, Board of; 4 A.A.C. 30; pp. 1110-1111
- Substantive Policy Statement, Notices of Behavior Health Examiners, Board of; p. 706
- Environmental Quality, Department of; pp. 58-59; 161
- Peace Officers Standards and Training Board; p. 348
- Real Estate Department; p. 829
- Registrar of Contractors; pp. 60-61, 706-707
- Retirement System, State; pp. 707-708
- Technical Registration, Board of; pp. 348
- Water Infrastructure Finance Authority; p. 349-352
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.

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## 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.

<table>
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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 noon 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.

<table>
<thead>
<tr>
<th>DEADLINE TO BE PLACED ON COUNCIL AGENDA</th>
<th>FINAL MATERIALS DUE FROM AGENCIES</th>
<th>DATE OF COUNCIL STUDY SESSION</th>
<th>DATE OF COUNCIL MEETING</th>
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*Materials must be submitted by **noon** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.