

# Arizona Administrative REGISTER

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# From the Publisher

## ABOUT THIS PUBLICATION

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

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

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

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

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

## ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

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

## LEGAL CITATIONS AND FILING NUMBERS

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

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

# Arizona Administrative REGISTER

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This publication is available online for free at [www.azsos.gov](http://www.azsos.gov).

**ADMINISTRATIVE CODE**  
A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact us at (602) 364-3223.

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

**CONTACT US**  
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# Participate in the Process

## Look for the Agency Notice

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

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

## Attend a public hearing/meeting

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

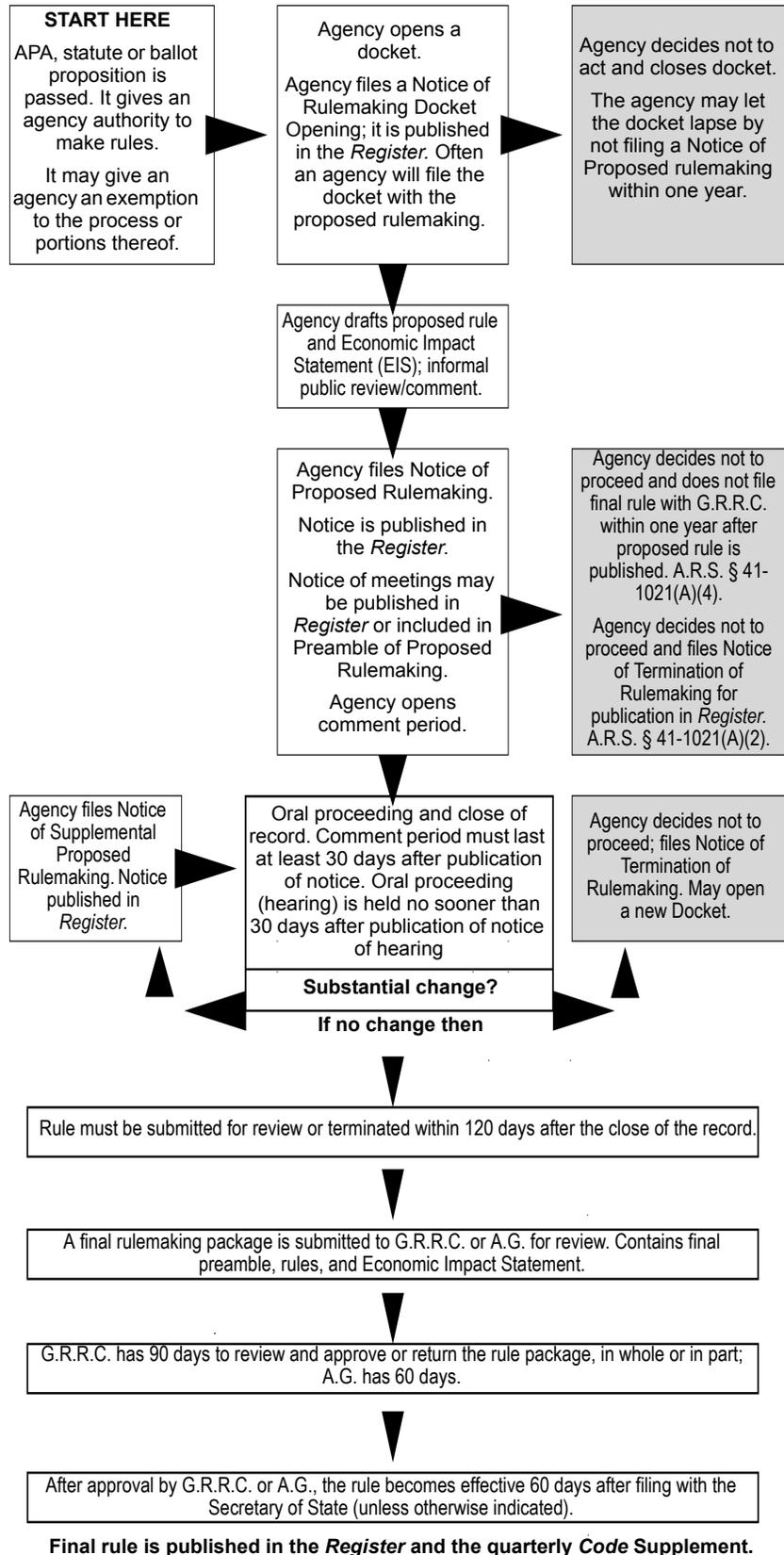
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## Write the agency

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

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

# Arizona Regular Rulemaking Process



## Definitions

**Arizona Administrative Code (A.A.C.):** Official rules codified and published by the Secretary of State's Office. Available online at [www.azsos.gov](http://www.azsos.gov).

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

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

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

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

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

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

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

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

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

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

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

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

## Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

## About Preambles

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

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

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



**NOTICES OF PROPOSED RULEMAKING**

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

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

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

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

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency 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**

- |   |                                 |
|---|---------------------------------|
| <b><u>1. Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
| 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:**  
 Notice of Rulemaking Docket Opening: 22 A.A.R. 1293, May 20, 2016 (*in this issue*).
- 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 \$840,008.24 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



Flagstaff, AZ 86004

Nature: Public Hearing

**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
- R9-22-407. ~~Repealed~~ Burden of Proof
- R9-22-408. ~~Repealed~~ 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.

**R9-22-407. ~~Repealed~~ Burden of Proof**

- 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. ~~Repealed~~ Rescission of the Notice of Intent**

AHCCCS may rescind the Notice of Intent at any time prior to the State Fair Hearing without prejudice.

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## NOTICES OF RULEMAKING DOCKET OPENING

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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.

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### 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.
- 3. A citation to all published notices relating to the proceeding:**  
Notice of Proposed Rulemaking: 22 A.A.R. 1289, May 20, 2016 (*in this issue*).
- 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

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rulemaking information that does not fit into any other category of notice; and other types of information required by statute to be published in the Register.

Because of the variety of Notices of Public Information, the Office of the Secretary of State has not established a specific publishing format for these notices. We do however require agencies to use a numbered list of questions and answers and follow our filing requirements by presenting receipts with electronic and paper copies.

NOTICE OF PUBLIC INFORMATION

DEPARTMENT OF ENVIRONMENTAL QUALITY

[M16-107]

- 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/environmental/permits/pesticide.html>



<b>Draft 2015 Groundwater Protection List</b>		
	CAS Number	Chemical Name
1.	<b>94-75-7</b>	<b>2,4-D Acid</b>
2.	1928-43-4	2,4-D 2-Ethylhexyl Ester
3.	1929-73-3	2,4-D Butoxyethyl Ester
4.	5742-19-8	2,4-D Diethanolamine Salt
5.	2008-39-1	2,4-D Dimethylamine Salt
6.	5742-17-6	2,4-D Isopropylamine Salt
7.	94-11-1	2,4-D Isopropyl Ester of
8.	32341-80-3	2,4-D Trisopropanolamine Salt
9.	34256-82-1	*Acetochlor*
10.	135158-54-2	Acibenzolar-S-Methyl
11.	129909-90-6	Amicarbazone
12.	858956-08-8	Aminocyclopyrachlor
13.	<b>1912-24-9</b>	<b>Atrazine</b>
14.	131860-33-8	Azoxystrobin
15.	352010-68-5	*Bicyclopyrone*
16.	<b>314-40-9</b>	<b>Bromacil</b>
17.	53404-19-6	Bromacil, Lithium Salt
18.	<b>63-25-2</b>	<b>Carbaryl</b>
19.	128639-02-1	Carfentrazone-Ethyl
20.	50008-15-1	Chlorantraniliprole
21.	122453-73-0	Chlorfenapyr
22.	1702-17-6	Clopyralid
23.	420-04-2	Cyanamide
24.	736994-63-1	Cyantraniliprole
25.	113136-77-9	Cyclanilide
26.	52918-63-5	Deltamethrin
27.	13684-56-5	Desmedipham
28.	<b>1918-00-9</b>	<b>Dicamba</b>
29.	25059-78-3	Dicamba, DEA Salt
30.	104040-79-1	Dicamba, DGA Salt
31.	2300-66-5	Dicamba, DMA Salt
32.	10007-85-9	Dicamba, Potassium Salt
33.	1982-69-0	Dicamba, Sodium Salt
34.	<b>110488-70-5</b>	<b>Dimethomorph</b>
35.	165252-70-0	Dinotefuran
36.	<b>330-54-1</b>	<b>Diuron</b>
37.	144-21-8	DSMA (Disodium Methanearsonate)
38.	137512-74-4	Emamectin Benzoate
39.	<b>115-29-7</b>	<b>Endosulfan</b>
40.	473798-59-3	Fenpyrazamine
41.	104040-78-0	Flazasulfuron
42.	158062-67-0	Flonicamid
43.	145701-21-1	Florasulam
44.	335104-84-2	Flubendiamide
45.	318290-98-1	Fluensulfone
46.	142459-58-3	Flufenacet (Thiafluamide)
47.	658066-35-4	Fluopyram
48.	193740-76-0	Fluoxastrobin
49.	951659-40-8	*Flupyradifurone*
50.	<b>66332-96-5</b>	<b>Flutolanil</b>
51.	76674-21-0	Flutriafol
52.	77182-82-2	Glufosinate-Ammonium
53.	112226-61-6	Halofenozide
54.	100784-20-1	Halosulfuron-Methyl
55.	<b>114311-32-9</b>	<b>Imazamox</b>
56.	104098-48-8	Imazapic



57.	<b>81335-77-5</b>	<b>Imazethapyr</b>
58.	101917-66-2	Imazethapyr, Ammonium Salt
59.	122548-33-8	Imazosulfuron
60.	<b>138261-41-3</b>	<b>Imidacloprid</b>
61.	950782-96-2	Indaziflam
62.	<b>330-55-2</b>	<b>Linuron</b>
63.	128-58-3	MAA (Methanearsonic Acid)
64.	374726-62-2	Mandipropamid
65.	12427-38-2	Maneb
66.	16484-77-8	Mecoprop-P (MCP-P)
67.	70630-17-0	Mefenoxam
68.	208465-21-8	Mesosulfuron-Methyl
69.	<b>16752-77-5</b>	<b>Methomyl</b>
70.	<b>161050-58-4</b>	<b>Methoxyfenozide</b>
71.	<b>21087-64-9</b>	<b>Metribuzin</b>
72.	2163-80-6	Monosodium Methanearsonate (MSMA)
73.	111991-09-04	Nicosulfuron
74.	<b>23135-22-0</b>	<b>Oxamyl</b>
75.	494793-67-8	Penflufen
76.	117428-22-5	Picoxystrobin
77.	<b>1610-78-0</b>	<b>Prometon</b>
78.	<b>7287-19-6</b>	<b>Prometryn</b>
79.	18311274-15-7	Propoxycarbazone-sodium
80.	94125-34-5	Prosulfuron
81.	123312-89-0	Pymetrozine
82.	123343-16-8	Pyriithiobac Sodium
83.	447399-55-5	Pyroxasulfone
84.	84087-01-4	Quinclorac
85.	372137-35-4	Saflufenacil
86.	87392-12-9	*S-Metolachlor*
87.	81591-81-3	Sulfosate
88.	107534-96-3	Tebuconazole
89.	112410-23-8	Tebufenozide
90.	153719-23-4	Thiamethoxam
91.	317815-83-1	Thiencarbazone-methyl
92.	210631-68-8	Topramezone
93.	55335-06-3	Triclopyr
94.	117718-60-2	Thiazopyr
95.	199119-58-9	Trifloxysulfuron-Sodium
96.	95266-40-3	Trinexapac-Ethyl

**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>



GOVERNOR EXECUTIVE ORDERS

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

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

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

EXECUTIVE ORDER 2016-03

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

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2016, as a notice to the public regarding state agencies' rulemaking activities.

[M16-29]

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**



**GOVERNOR PROCLAMATIONS**

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

**ARIZONA MILITARY WOMEN DAY**

[M16-125]

**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**

[M16-126]

**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**

[M16-127]

**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**

[M16-128]

**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

[M16-129]

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

[M16-130]

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**

[M16-131]

**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**

[M16-132]

**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**

[M16-133]

**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**

[M16-138]

**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 work place, 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.



**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**

#### **SENIOR CORPS WEEK**

[M16-134]

**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**



COUNTY NOTICES ACCORDING TO A.R.S. § 49-112

This section of the Arizona Administrative Register contains County Notices (according to A.R.S. § 49-112).

Each county writes rules and regulations in its own unique style. Although these notices are published in the Register, they do not conform to the standards specified in

the Arizona Rulemaking Manual. With the exception of minor formatting changes, County Notices (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

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

[M16-108]

PREAMBLE

Table with 2 columns: Sections Affected and Rulemaking Action. Lists PCC codes and their corresponding actions (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 50.15 – National primary and secondary ambient air quality standards for ozone. [Amended at 80 FR 65292, October 26, 2015]

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 50.17 – National primary ambient air quality standards for sulfur oxides (sulfur dioxide). [Amended at 75 FR 35592, June 22, 2010].

40 CFR Part 50.18 – National primary ambient air quality standards for PM<sub>2.5</sub>. [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 BBa - Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013** [Added at 79 FR 18966, April 4, 2014].

**Subpart AAA - Standards of Performance for New Residential Wood Heaters** [Added at 80 FR 13702, March 16, 2015].

**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].

**Subpart QQQQ – Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces** [Added at 80 FR 13715, March 16, 2015].

**40 CFR 60 (NSPS) Subparts Amended:**

**Subpart A – General Provisions** [Amended at 72 FR 27442, May 16, 2007], [72 FR 32714, June 13, 2007], [73 FR 78209, December 22, 2008], [75 FR 55646, September 13, 2010], [79 FR 11241, February 27, 2014], [79 FR 18965, April 4, 2014], and [80 FR 13701, March 16, 2015].

**Subpart D - Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced after August 17, 1971** [Amended 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 GG - Stationary Gas Turbines** [Amended at 79 FR 11250, February 27, 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 VV - Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry** [Amended at 73 FR 31375, June 2, 2008].

**Subpart VVa - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006** [Amended at 73 FR 31375, June 2, 2008].

**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 NNN—Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations** [Amended at 79 FR 11251, February 27, 2014].
- Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants** [Amended at 74 FR 19309, April 28, 2009].
- 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** [Amended at 76 FR 15450, March 21, 2011] and [Amended at 78 FR 9178, February 7, 2013].
- Subpart DDDD - Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units** [Amended at 76 FR 15769, March 21, 2011] and [Amended at 78 FR 9195, 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].
- Subpart N - National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants** [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 WWWWWW - 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 XXXXXX - National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories** [Added at 73 FR 43000, July 23, 2008].
- 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 BBBBBB - National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry** [Added at 74 FR 69208, December 30, 2009].
- Subpart CCCCCC - 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 EEEEEEE - 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 G - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater** [Amended at 73 FR 78213, December 22, 2008] and [Amended at 79 FR 11283, February 27, 2014].
- Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks** [Amended at 73 FR 78213, December 22, 2008].
- Subpart M - National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities** [Amended at 73 FR 39875, July 11, 2008].
- Subpart N - National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks** [Amended at 77 FR 58242, September. 19, 2012] and [Amended at 79 FR 11283, February 27, 2014].
- 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 S - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)** [Amended at 77 FR 55710, September 11, 2012].
- Subpart T - National Emission Standards for Hazardous Air Pollutants for Halogenated Solvent Cleaning** [Amended at 72 FR 25157, May 3, 2007].
- 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 W - National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production** [Amended at 71 FR 20457, April 20, 2006].
- Subpart X - National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting** [Amended at 77 FR 580, January 5, 2012] and [Amended at 79 FR 371, January 3, 2014].
- 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 DD - National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations** [Amended at 71 FR 20457, April 20, 2006] and [Amended at 80 FR 14271, March 18, 2015].
- 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 JJ - National Emission Standards for Wood Furniture Manufacturing Operations** [Amended at 76 FR 72071, November 21, 2011].
- 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 MM - National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfit, and Stand-Alone Semichemical Pulp Mills** [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 CCC - National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants** [Amended at 77 FR 58250, September 19, 2012].
- Subpart EEE - National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors** [Amended at 73 FR 18979, April 8, 2008] and [Amended at 73 FR 64094, October 28, 2008].
- 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 III - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production** [Amended at 79 FR 48086, August 15, 2014].
- Subpart JJJ - National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins** [Amended at 73 FR 78214, December 22, 2008] and [Amended at 79 FR 17363, March 27, 2014].
- Subpart LLL - National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry** [Amended at 75 FR 55051, September 9, 2010], [Amended at 76 FR 2836, January 18, 2011], and [Amended at 78 FR 10036, February 12, 2013].
- Subpart MMM - National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production** [Amended at 79 FR 17371, March 27, 2014].
- Subpart PPP - National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production** [Amended at 79 FR 17376, March 27, 2014].
- Subpart RRR - National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production** [Amended at 79 FR 11284, February 27, 2014].
- Subpart TTT - National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting** [Amended at 76 FR 70852, November 15, 2011].
- Subpart VVV - National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works** [Amended at 73 FR 78215, December 22, 2008].
- Subpart EEEE - National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)** [Amended at 73 FR 21830, April 23, 2008], [Amended at 73 FR 40981, July 17, 2008], and [Amended at 73 FR 78215, December 22, 2008].
- Subpart FFFF - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing** [Amended at 73 FR 72816, December 22, 2008].
- Subpart UUUU - National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing** [Amended at 73 FR 78216, December 22, 2008].
- 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 75 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 BBBB - National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing** [Amended at 73 FR 42532, July 22, 2008].
- Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters** [Amended at 76 FR 15664, March 21, 2011] and [Amended at 78 FR 7162, January 31, 2013].
- Subpart EEEEE - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries** [Amended at 73 FR 7218, February 7, 2008].
- Subpart GGGGG - National Emission Standards for Hazardous Air Pollutants: Site Remediation** [Amended at 73 FR 78216, December 22, 2008].
- Subpart HHHHH - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing** [Amended at 73 FR 78216, December 22, 2008].
- Subpart BBBBB - National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities** [Amended at 73 FR 12276, March 7, 2008] and [Amended at 76 FR 4176, January 24, 2011].



- 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.**



**Location:** Pima County Board of Supervisors  
 Public Hearing Room, First Floor  
 130 West Congress Street  
 Tucson, Arizona 85701

**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:**

<u>New incorporations by reference as of July 1, 2015:</u>	<u>Location in PCC</u>
40 CFR 60, Subparts Ga, Ja, Y, BBa, AAA, JJJJ, LLLL, MMMM, OOOO, QQQQ	17.16.490
40 CFR 63, Subparts UUUUU, JJJJJ, VVVVVV, WWWWWW, XXXXXX, YYYYYY, ZZZZZZ, AAAAAA, BBBBBB, CCCCCC, DDDDDD, EEEEEEE, and HHHHHH	17.16.530
<u>Incorporations by Reference updated to July 1, 2015</u>	
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<sub>10</sub>) and PM<sub>2.5</sub>).
- 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:

- A. The Arizona Department of Environmental Quality's "Arizona Testing Manual for Air Pollutant Emissions," amended as of March 1992 (and no future editions).
- B. The ASTM Test Methods referenced in this title as of the year specified in the reference (and no future amendments). They are available from the American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103-1187.
- 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.
- D. The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987" and no future editions.

**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. 1,1,1,2-tetrafluoroethane (HFC-134a);
- n. 1,1-dichloro 1-fluoroethane (HCFC-141b);
- o. 1-chloro 1,1-difluoroethane (HCFC-142b);
- p. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
- q. Pentafluoroethane (HFC-125);
- r. 1,1,2,2-tetrafluoroethane (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. 1,1,1,2,3,4,4,5,5,5-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-pentafluoropropane (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-1,1,2-trifluoroethane (HCFC-123a);
- nn. 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C4F9OCH3 or HFE-7100);
- oo. 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCF2OCH3);
- pp. 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C4F9OC2H5 or HFE-7200);
- qq. 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCF2OC2H5);
- rr. Methyl acetate;
- ss. 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE - 7000);
- tt. 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);
- uu. 1,1,1,2,3,3,3-hentafluoropropane (HFC 227ea);
- vv. Methyl formate (HCOOCH3);
- ww. (1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); and
- xx. propylene carbonate
- yy. dimethyl-carbonate
- zz. 2,3,3,3-tetrafluoropropene (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.



bbb. 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**

**Article I. Ambient Air 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 is:
  - ~~1. 0.03 parts per million (ppm) (80µg/m3) — annual arithmetic mean.~~
  - ~~2. 0.14 parts per million (ppm) (365µg/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 99<sup>th</sup> 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<sub>10</sub>) and PM<sub>2.5</sub>.**

- A. Particulate Matter (PM<sub>10</sub>)
  - 1. The primary and secondary ambient air quality standards for particulate matter PM<sub>10</sub> is are
    - ~~a. 50 micrograms per cubic meter of PM<sub>10</sub> — annual arithmetic mean concentration.~~
    - ~~b. 150 micrograms per cubic meter of PM<sub>10</sub> — 24-hour average concentration.~~
  - ~~2. The secondary ambient air quality standards for particulate matter (PM<sub>10</sub>) are:~~
    - ~~a. 50 micrograms per cubic meter of PM<sub>10</sub> — annual arithmetic mean concentration.~~
    - ~~b. 150 micrograms per cubic meter of PM<sub>10</sub> — 24-hour average concentration.~~
  - ~~3.~~ 2. For the purposes of determining attainment of the primary and secondary standards, particulate matter (PM<sub>10</sub>) shall be measured in the ambient air as PM<sub>10</sub> 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<sub>10</sub> 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.~~ 3. The primary and secondary 24-hour ambient air quality standards for PM<sub>10</sub> 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<sub>2.5</sub>)
  - 1. The primary ambient air quality standards for particulate matter (PM<sub>2.5</sub>) are:
    - ~~a. 45 12 micrograms per cubic meter of PM<sub>2.5</sub> — annual arithmetic mean concentration.~~
    - ~~b. 65 35 micrograms per cubic meter of PM<sub>2.5</sub> — 24-hour average concentration.~~
  - 2. The secondary ambient air quality standards for particulate matter (PM<sub>2.5</sub>) are:
    - a. 15 micrograms per cubic meter of PM<sub>2.5</sub> — annual arithmetic mean concentration.
    - b. ~~65~~ 35 micrograms per cubic meter of PM<sub>2.5</sub> — 24-hour average concentration.
  - 3. For purposes of determining attainment of the primary and secondary standards, particulate matter (PM<sub>2.5</sub>) shall be measured in the ambient air by:
    - a. A reference method based on 40 CFR 50, Appendix ~~J~~ L, 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<sub>2.5</sub> are met when the annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, Appendix N, is less than or equal to ~~45~~ 12 micrograms per cubic meter.
  - 5. The secondary annual ambient air quality standard for PM<sub>2.5</sub> 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.
  - ~~5.~~ 6. The primary and secondary 24-hour ambient air quality standards for PM<sub>2.5</sub> 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 ~~65~~ 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:~~
- ~~The 1-hour primary ambient air quality standard for ozone is 0.12 ppm (235 micrograms per cubic meter).~~
  - ~~The 1-hour secondary ambient air quality standard for ozone is 0.12 ppm (235 micrograms per cubic meter).~~
  - ~~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.
- The 8-hour averaged-primary and secondary ambient air quality ~~standard~~ standards for ozone is ~~0.08~~ 0.070 ppm parts per million (ppm).
  - The 8-hour averaged secondary ambient air quality standard for ozone is ~~0.08~~ 0.070 ppm, daily maximum 8-hour average.
  - 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~~ 0.070 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:
- A reference method based on 40 CFR 53, Appendix D, and designated in accordance with 40 CFR 53; or
  - 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:~~
- 53 ppb — annual arithmetic mean concentration.
  - 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:
- 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.
  - The 3-year average of the annual 98<sup>th</sup> 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 standard is 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.~~
- ↯ E. The levels of nitrogen dioxide in the ambient air shall be measured by:
- A reference method based on 40 CFR 50, Appendix F, and designated in accordance with 40 CFR 53; or
  - 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 ~~4.5~~ 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:
- A reference method based on 40 CFR 50, Appendix G, and designated in accordance with 40 CFR 53; or
  - 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

#### Article I. General Provisions

##### 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.
- 40 CFR 50;
  - 40 CFR 50, Appendices A through N;
  - 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.
  - 1. Subpart A - General Provisions.
  - 2. Subpart D - Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced after August 17, 1971.
  - 3. Subpart Da - Electric Utility Steam Generating Units for Which Construction is Commenced after September 18, 1978.
  - 4. Subpart Db - Industrial-Commercial-Institutional Steam Generating Units.
  - 5. Subpart Dc - Small Industrial-Commercial-Institutional Steam Generating Units.
  - 6. Subpart E - Incinerators.
  - 7. Subpart Ea - Municipal Waste Combustors for Which Construction is Commenced after December 20, 1989, and on or before September 20, 1994.



8. Subpart Eb - Large Municipal Waste Combustors for Which Construction is Commenced after September 20, 1994 or for Which Modification or Reconstruction is Commenced after June 19, 1996.
9. Subpart Ec - Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced after June 20, 1996.
10. Subpart F - Portland Cement Plants.
11. Subpart G - Nitric Acid Plants.
12. Subpart Ga - Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011.
- ~~12.~~ 13. Subpart H - Sulfuric Acid Plants.
- ~~13.~~ 14. Subpart I - Hot Mix Asphalt Facilities.
- ~~14.~~ 15. Subpart J - Petroleum Refineries.
16. Subpart Ja - Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007
- ~~15.~~ 17. Subpart K - Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced after June 11, 1973, and Prior to May 19, 1978.
- ~~16.~~ 18. Subpart Ka - Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced after May 18, 1978, and Prior to July 23, 1984.
- ~~17.~~ 19. Subpart Kb - Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984.
- ~~18.~~ 20. Subpart L - Secondary Lead Smelters.
- ~~19.~~ 21. Subpart M - Secondary Brass and Bronze Ingot Production Plants.
- ~~20.~~ 22. Subpart N - Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced after June 11, 1973.
- ~~21.~~ 23. Subpart Na - Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced after January 20, 1983.
- ~~22.~~ 24. Subpart O - Sewage Treatment Plants.
- ~~23.~~ 25. Subpart P - Primary Copper Smelters.
- ~~24.~~ 26. Subpart Q - Primary Zinc Smelters.
- ~~25.~~ 27. Subpart R - Primary Lead Smelters.
- ~~26.~~ 28. Subpart S - Primary Aluminum Reduction Plants.
- ~~27.~~ 29. Subpart T - Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
- ~~28.~~ 30. Subpart U - Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
- ~~29.~~ 31. Subpart V - Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
- ~~30.~~ 32. Subpart W - Phosphate Fertilizer Industry: Triple Superphosphate Plants.
- ~~31.~~ 33. Subpart X - Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
- ~~32.~~ 34. Subpart Y - Coal Preparation and Processing Plants.
- ~~33.~~ 35. Subpart Z - Ferroalloy Production Facilities.
- ~~34.~~ 36. Subpart AA - Steel Plants: Electric Arc Furnaces Constructed after November 21, 1974, and on or before August 17, 1983.
- ~~35.~~ 37. Subpart AAa - Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 7, 1983.
- ~~36.~~ 38. Subpart BB - Kraft Pulp Mills.
39. Subpart BBa - Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013.
- ~~37.~~ 40. Subpart CC - Glass Manufacturing Plants.
- ~~38.~~ 41. Subpart DD - Grain Elevators.
- ~~39.~~ 42. Subpart EE - Surface Coating of Metal Furniture.
- ~~40.~~ 43. Subpart GG - Stationary Gas Turbines.
- ~~41.~~ 44. Subpart HH - Lime Manufacturing Plants.
- ~~42.~~ 45. Subpart KK - Lead-Acid Battery Manufacturing Plants.
- ~~43.~~ 46. Subpart LL - Metallic Mineral Processing Plants.
- ~~44.~~ 47. Subpart MM - Automobile and Light Duty Truck Surface Coating Operations.
- ~~45.~~ 48. Subpart NN - Phosphate Rock Plants.
- ~~46.~~ 49. Subpart PP - Ammonium Sulfate Manufacture.
- ~~47.~~ 50. Subpart QQ - Graphic Arts Industry: Publication Rotogravure Printing.
- ~~48.~~ 51. Subpart RR - Pressure Sensitive Tape and Label Surface Coating Operations.



- ~~49.~~ 52. Subpart SS - Industrial Surface Coating: Large Appliances.
- ~~50.~~ 53. Subpart TT - Metal Coil Surface Coating.
- ~~51.~~ 54. Subpart UU - Asphalt Processing and Asphalt Roofing Manufacture.
- ~~52.~~ 55. Subpart VV - Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
- ~~53.~~ 56. Subpart VVa - Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced after November 7, 2006.
- ~~54.~~ 57. Subpart WW - Beverage Can Surface Coating Industry.
- ~~55.~~ 58. Subpart XX - Bulk Gasoline Terminals.
- ~~56.~~ 59. Subpart AAA - New Residential Wood Heaters.
- ~~57.~~ 60. Subpart BBB - Rubber Tire Manufacturing Industry.
- ~~58.~~ 61. Subpart DDD - Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
- ~~59.~~ 62. Subpart FFF - Flexible Vinyl and Urethane Coating and Printing.
- ~~60.~~ 63. Subpart GGG - Equipment Leaks of VOC in Petroleum Refineries.
- ~~61.~~ 64. Subpart GGGa - Equipment Leaks for VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced after November 7, 2006.
- ~~62.~~ 65. Subpart HHH - Synthetic Fiber Production Facilities.
- ~~63.~~ 66. Subpart III - Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
- ~~64.~~ 67. Subpart JJJ - Petroleum Dry Cleaners.
- ~~65.~~ 68. Subpart KKK - Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
- ~~66.~~ 69. Subpart LLL - Onshore Natural Gas Processing; SO2 Emissions.
- ~~67.~~ 70. Subpart NNN - Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.
- ~~68.~~ 71. Subpart OOO - Nonmetallic Mineral Processing Plants.
- ~~69.~~ 72. Subpart PPP - Wool Fiberglass Insulation Manufacturing Plants.
- ~~70.~~ 73. Subpart QQQ - VOC Emissions from Petroleum Refinery Wastewater Systems.
- ~~71.~~ 74. Subpart RRR - Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.
- ~~72.~~ 75. Subpart SSS - Magnetic Tape Coating Facilities.
- ~~73.~~ 76. Subpart TTT - Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.
- ~~74.~~ 77. Subpart UUU - Calciners and Dryers in Mineral Industries.
- ~~75.~~ 78. Subpart VVV - Polymeric Coating of Supporting Substrates Facilities.
- ~~76.~~ 79. Subpart WWW - Municipal Solid Waste Landfills.
- ~~77.~~ 80. 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.~~ 81. 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.~~ 82. 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.~~ 83. Subpart IIII - Stationary Compression Ignition Internal Combustion Engines.
- ~~84.~~ Subpart JJJJ - Stationary Spark Ignition Internal Combustion Engines.
- ~~82.~~ 85. Subpart KKKK - Stationary Combustion Turbines.
- ~~86.~~ Subpart LLLL - New Sewage Sludge Incineration Units.
- ~~87.~~ Subpart MMMM - Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units.
- ~~88.~~ Subpart OOOO - Crude Oil and Natural Gas Production, Transmission and Distribution.
- ~~89.~~ Subpart QQQQ - New Residential Hydronic Heaters and Forced-Air Furnaces.

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**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~~ 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.

1. Subpart A - General Provisions.
2. Subpart C - Beryllium.
3. Subpart D - Beryllium Rocket Motor Firing.
4. Subpart E - Mercury.
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.
9. Subpart N - Inorganic Arsenic Emissions from Glass Manufacturing Plants.
10. Subpart O - Inorganic Arsenic Emissions from Primary Copper Smelters.
11. Subpart P - Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production.
12. Subpart V - Equipment Leaks (Fugitive Emission Sources).
13. Subpart Y - Benzene Emissions from Benzene Storage Vessels.
14. Subpart BB - Benzene Emissions from Benzene Transfer Operations.
15. Subpart FF - Benzene Waste Operations.

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.

1. Subpart A - General Provisions.
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.
4. Subpart F - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.
5. Subpart G - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.
6. Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.
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.
9. Subpart L - National Emission Standards for Coke Oven Batteries.
10. Subpart M - National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.
11. Subpart N - National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
12. Subpart O - Ethylene Oxide Emissions Standards for Sterilization Facilities.
13. Subpart Q - National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.
14. Subpart R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).
15. Subpart S - National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.
16. Subpart T - National Emission Standards for Halogenated Solvent Cleaning.
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.
19. Subpart X - National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting.
20. Subpart AA - National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants.
21. Subpart BB - National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants.
22. Subpart CC - National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.



- 23. Subpart DD - National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.
- 24. Subpart EE - National Emission Standards for Magnetic Tape Manufacturing Operations.
- 25. Subpart GG - National Emission Standards for Aerospace Manufacturing and Rework Facilities.
- 26. Subpart HH - National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities.
- 27. Subpart JJ - National Emission Standards for Wood Furniture Manufacturing Operations.
- 28. Subpart KK - National Emission Standards for the Printing and Publishing Industry.
- 29. Subpart LL - National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants.
- 30. Subpart MM - National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfit, and Stand-Alone Semicheical Pulp Mills.
- 31. Subpart OO - National Emission Standards for Tanks-Level 1.
- 32. Subpart PP - National Emission Standards for Containers.
- 33. Subpart QQ - National Emission Standards for Surface Impoundments.
- 34. Subpart RR - National Emission Standards for Individual Drain Systems.
- 35. Subpart SS - National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.
- 36. Subpart TT - National Emission Standards for Equipment Leaks-Control Level 1.
- 37. Subpart UU - National Emission Standards for Equipment Leaks-Control Level 2 Standards.
- 38. Subpart VV - National Emission Standards for Oil-Water Separators and Organic-Water Separators.
- 39. Subpart WW - National Emission Standards for Storage Vessels (Tanks)-Control Level 2.
- 40. Subpart XX - National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.
- 41. Subpart YY - National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.
- 42. Subpart CCC - National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants.
- 43. Subpart DDD - National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.
- 44. Subpart EEE - National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.
- 45. Subpart GGG - National Emission Standards for Pharmaceuticals Production.
- 46. Subpart HHH - National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities.
- 47. Subpart III - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.
- 48. Subpart JJJ - National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.
- 49. Subpart LLL - National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry.
- 50. Subpart MMM - National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.
- 51. Subpart NNN - National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.
- 52. Subpart OOO - National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins.
- 53. Subpart PPP - National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production.
- 54. Subpart QQQ - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting.
- 55. Subpart RRR - National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.
- 56. Subpart TTT - National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.
- 57. Subpart UUU - National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.
- 58. Subpart VVV - National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.



59. Subpart XXX - National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese.
60. Subpart AAAA - National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.
61. Subpart CCCC - National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast.
62. Subpart DDDD - National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products.
63. Subpart EEEE - National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline).
64. Subpart FFFF - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing.
65. Subpart GGGG - National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production.
66. Subpart HHHH - National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production.
67. Subpart IIII - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks.
68. Subpart JJJJ - National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating.
69. Subpart KKKK - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans.
70. Subpart MMMM - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.
71. Subpart NNNN - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances.
72. Subpart OOOO - National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles.
73. Subpart PPPP - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.
74. Subpart QQQQ - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products.
75. Subpart RRRR - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture.
76. Subpart SSSS - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.
77. Subpart TTTT - National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations.
78. Subpart UUUU - National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing.
79. Subpart VVVV - National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing.
80. Subpart WWWW - National Emission Standards for Hazardous Air Pollutants: Reinforced Plastics Composites Production.
81. Subpart XXXX - National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing.
82. Subpart YYYY - National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.
83. Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines
84. Subpart AAAAA - National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.
85. Subpart BBBBB - National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.
86. Subpart CCCCC - National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching and Battery Stacks.
87. Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters.
- ~~87-88.~~ Subpart EEEEE - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.
- ~~88-89.~~ Subpart FFFFF - National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities.
- ~~89-90.~~ Subpart GGGGG - National Emission Standards for Hazardous Air Pollutants: Site Remediation.



- ~~90- 91.~~ Subpart HHHHH - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing.
- ~~91- 92.~~ Subpart IIIII - National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants.
- ~~92- 93.~~ Subpart JJJJJ - National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.
- ~~93- 94.~~ Subpart KKKKK - National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.
- ~~94- 95.~~ Subpart LLLLL - National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing.
- ~~95- 96.~~ Subpart MMMMM - National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations.
- ~~96- 97.~~ Subpart NNNNN - National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production.
- ~~97- 98.~~ Subpart PTTTT - National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands.
- ~~98- 99.~~ Subpart QQQQQ - National Emission Standards for Hazardous Air Pollutants for Friction-Materials Manufacturing Facilities.
- ~~99- 100.~~ Subpart RRRRR - National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing.
- ~~100- 101.~~ Subpart SSSSS - National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.
- ~~101- 102.~~ Subpart TTTTT - National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining.
- 103. Subpart UUUUU - National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units.
- ~~102- 104.~~ Subpart WWWW - National Emission Standards for Hospital Ethylene Oxide Sterilizer.
- ~~103- 105.~~ Subpart YYYYY - National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities.
- ~~104- 106.~~ Subpart ZZZZZ - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.
- ~~105- 107.~~ Subpart BBBBBB - National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.
- ~~106- 108.~~ Subpart CCCCC - National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.
- ~~107- 109.~~ Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.
- ~~108- 110.~~ Subpart EEEEE - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources.
- ~~109- 111.~~ Subpart FFFFF - National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources.
- ~~110- 112.~~ Subpart GGGGG - National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources-Zinc, Cadmium, and Beryllium.
- ~~111- 113.~~ Subpart HHHHH - National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.
- 114. Subpart JJJJJ - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.
- ~~112- 115.~~ Subpart LLLLL - National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.
- ~~113- 116.~~ Subpart MMMMM - National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources.
- ~~114- 117.~~ Subpart NNNNN - National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds.
- ~~115- 118.~~ Subpart OOOOO - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.
- ~~116- 119.~~ Subpart PTTTT - National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources.



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

[M16-109]

- 1.** **Title and its heading:** Pima County Code Title 17 – Air Quality Control
- Rules and headings:** Chapter 17.04 – General Provisions - Article III – Incorporated Materials, Section 17.04.070 – Incorporated Materials.
- Chapter 17.04 – General Provisions - Article IX – Definitions and Meanings, Section 17.04.340 – Words, phrase, and terms.
- 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 17.12 – Permits and Permit Revisions – Article I – General Provisions – Section 17.12.045 – Test methods and procedures.

Chapter 17.12 – Permits and Permit Revisions – Article II – Individual Source Permits – Sections 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.

Chapter 17.16 – Emission Limiting Standards – Article VI – New Source Performance Standards – Section 17.16.490 – Standards of performance for new stationary sources (NSPS).

Chapter 17.16 – Emission Limiting Standards – Article VII – National Emission Standards for Hazardous Air Pollutants – Section 17.16.530 – National Emissions Standards for Hazardous Air Pollutants (NESHAP).

**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.

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**REGISTER INDEXES**

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

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Abbreviations for rulemaking activity in this Index include:

**PROPOSED RULEMAKING**

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

**SUPPLEMENTAL PROPOSED RULEMAKING**

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

**FINAL RULEMAKING**

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

**SUMMARY RULEMAKING****PROPOSED SUMMARY**

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

**FINAL SUMMARY**

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

**EXPEDITED RULEMAKING****PROPOSED EXPEDITED**

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

**SUPPLEMENTAL EXPEDITED**

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

**FINAL EXPEDITED**

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

**EXEMPT RULEMAKING****EXEMPT PROPOSED**

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

**EXEMPT SUPPLEMENTAL PROPOSED**

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

**FINAL EXEMPT RULMAKING**

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FXM = Final Exempt amended Section  
FXR = Final Exempt repealed Section  
FX# = Final Exempt renumbered Section

**EMERGENCY RULEMAKING**

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EM = Emergency amended Section  
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E# = Emergency renumbered Section  
EEXP = Emergency expired

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RC = Recodified

**REJECTION OF RULES**

RJ = Rejected by the Attorney General

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TM = Terminated proposed amended Section  
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T# = Terminated proposed renumbered Section

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*See also “emergency expired” under emergency rulemaking*

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

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**2016 RULES EFFECTIVE DATES CALENDAR**

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

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



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



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 with 3 columns: Deadline Date (paper only) Friday, 5:00 p.m., Register Publication Date, and Oral Proceeding may be scheduled on or after. Rows list dates from January 22, 2016 to August 5, 2016.



## GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

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

All rules and Five-Year Review Reports are due in the Council office by 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](http://www.grrc.state.az.us).

### GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES FOR 2016

DEADLINE TO BE PLACED ON COUNCIL AGENDA	FINAL MATERIALS DUE FROM AGENCIES	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
November 17, 2015	December 18, 2015	December 29, 2015	January 5, 2016
December 21, 2015	January 15, 2016	January 26, 2016	February 2, 2016
January 19, 2016 (Tuesday)	February 12, 2016	February 23, 2016	March 1, 2016
February 16, 2016 (Tuesday)	March 18, 2016	March 29, 2016	April 5, 2016
March 21, 2016	April 15, 2016	April 26, 2016	May 5, 2016
April 18, 2016	May 20, 2016	June 1, 2016 (Wednesday)	June 7, 2016
May 23, 2016	June 17, 2016	June 28, 2016	July 6, 2016 (Wednesday)
June 20, 2016	July 15, 2016	July 26, 2016	August 2, 2016
July 18, 2016	August 19, 2016	August 30, 2016	September 7, 2016 (Wednesday)
August 22, 2016	September 16, 2016	September 27, 2016	October 4, 2016
September 19, 2016	October 14, 2016	October 25, 2016	November 1, 2016
October 17, 2016	November 18, 2016	November 29, 2016	December 6, 2016
November 21, 2016	December 16, 2016	December 28, 2016 (Wednesday)	January 4, 2017 (Wednesday)

\*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.