

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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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

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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.

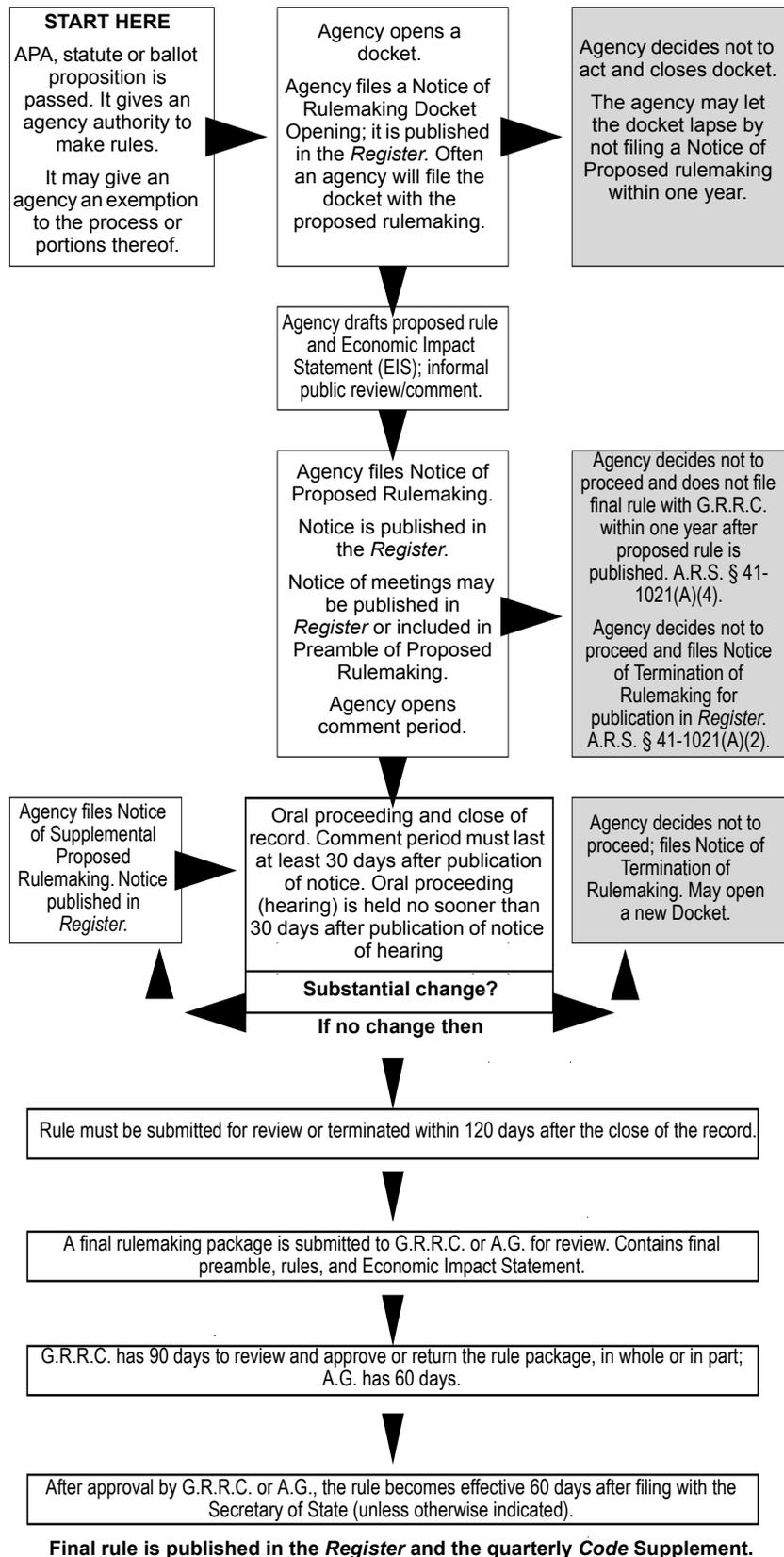
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## 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 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 10. BOARD OF COSMETOLOGY**

[R16-117]

**PREAMBLE**

- |   |                                 |
|---|---------------------------------|
| <b><u>1. Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
| R4-10-108   | Amend                           |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. § 32-504(A)(1)  
 Implementing statute: A.R.S. §§ 32-504(A)(3) and 32-514
- 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. 1611, June 17, 2016
- 4. The agency's contact person who can answer questions about the rulemaking:**  
 Name: Donna Aune  
 Address: State Board of Cosmetology  
 1721 E. Broadway  
 Tempe, AZ 85282-1611  
 Telephone: (480) 784-4539  
 Fax: (480) 784-4962  
 E-mail: daune@azboc.gov  
 Web site: www.azboc.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:**  
 The Board currently contracts with Professional Credential Services, Inc. (PCS) to administer and grade the Board's licensing examinations. PCS offers written cosmetology examinations in English, Spanish, Korean, and Vietnamese. This rulemaking allows the written licensing examination to be offered in Arizona in all available languages. The rulemaking also relates, in part, to a 5YRR submitted to the Council on February 16, 2016.  
  
 An exemption from EO2016-03 was provided for this rulemaking by Christina Corieri, Policy Advisor for Health and Human Services in the Governor's office, in an email dated May 16, 2016.
- 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:**  
 The Board does not intend to review or rely on a study in its evaluation of or justification for this rulemaking.



**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:**

This rulemaking may make it easier for individuals who are more fluent in Spanish, Korean, or Vietnamese to pass the written licensing examination and obtain a license. This will have a positive economic benefit for these individuals. The Board will incur the cost of doing this rulemaking.

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

Name: Donna Aune  
Address: State Board of Cosmetology  
1721 E. Broadway  
Tempe, AZ 85282-1611  
Telephone: (480) 784-4539  
Fax: (480) 784-4962  
E-mail: daune@azboc.gov  
Web site: www.azboc.gov

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

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

Date: Monday, September 12, 2016  
Time: 12:00 p.m.  
Location: 1721 E. Broadway  
Tempe, AZ 85282-1611

**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:**

None

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

The rule does not require a permit.

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

There is no federal law uniquely applicable to the subject matter of this rulemaking.

**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 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 10. BOARD OF COSMETOLOGY**

**ARTICLE 1. GENERAL PROVISIONS**

Section

R4-10-108. Pre-screening Review; Licensing Examinations Examination

**ARTICLE 1. GENERAL PROVISIONS**

**R4-10-108. Pre-screening Review; Licensing Examinations Examination**

A. ~~The A student planning to apply to the Board for licensure may, but is not required to, request that the Board may complete a pre-screening review of examination qualifications, if requested, whether the student is qualified to take the licensing examination, before the student graduates from a school, but the Board shall not approve the examination application until the~~ The student may request the pre-screening review before the student graduates from a school licensed by the Board but the student shall not be issued an examination date until the student has completed a minimum of:

- 1. 1450 hours of cosmetology training,



2. 500 hours of aesthetics or nail technician training,
  3. 550 hours of cosmetology instructor training,
  4. 400 hours for aesthetics instructor training, or
  5. 250 hours of nail technician instructor training.
- B.** After the Board completes the pre-screening review and determines the student has completed the number of hours specified in subsection (A), ~~an applicant may receive the Board or national professional organization with which the Board contracts to administer the licensing examination shall issue an examination date; to the student, but the applicant is~~ However, the Board shall not ~~allowed in~~ allow the student to take the examination site until the applicant student applies for licensure and provides a certification of graduation to the Board.
- C.** ~~If the applicant a student who has been issued an examination date fails to apply for licensure and provide a certification of graduation by the date set for the examination date or the applicant does not fails to appear at the examination site at the scheduled examination time, the applicant forfeits the examination fee is forfeited.~~
- D.** A request for a pre-screening review is not a substitute for an official agency acceptance or issuance of a license an application for licensure and does not guarantee the Board will issue a license.
- C.** ~~If the applicant does not request an examination pre-screening review, the Board shall not consider an examination application until the applicant has received the hours required for graduation and has graduated from a school licensed by the Board.~~
- D.E.** ~~All examinations shall be held in the Board's examination center at the Board's office unless another location is designated by the Board in its written notice to the applicant. The Board or national professional organization with which the Board contracts to administer the licensing examination shall provide written notice to an applicant of the date, time, and location for the examination.~~
- E.** ~~The Board shall notify applicants in writing of the time and place assigned for the examination.~~
- F.** An applicant shall provide photographic identification upon entering the examination center site. Acceptable forms of identification include United States issued The following U.S.-issued forms of identification are acceptable: passport, driver license, bank identification card, military identification, or other government-issued identification card. Identification shall contain a photograph of the applicant.
- G.** ~~An~~ The licensing examination shall ~~consist~~ consists of both a written and practical sections section, and the practical sections An applicant shall ~~include perform a live demonstrations~~ demonstration on a model as follows: during the practical section of the licensing examination. During the live demonstration, the applicant shall:
1. An applicant shall perform a cosmetology or nail technology demonstration on a mannequin, Provide the model required for the demonstration. If the applicant provides a live model for the demonstration, the live model shall not be a current or former student of aesthetics, cosmetology, or nail technology or a current or former licensee;
  2. An applicant shall perform a demonstration for an aesthetics examination on a person, and Provide all equipment, supplies, tools, or instruments required for the demonstration; and
  3. An applicant shall perform demonstrations for an instructor examination on a person for an aesthetics class or a mannequin for a cosmetology or nail technology class. Comply with all infection control and safety standards specified in R4-10-112, including those regarding blood spills. If an applicant fails to follow proper blood-spill procedures during the demonstration, the examination administrator shall dismiss the applicant from the examination and cause the examination fee to be forfeited.
- H.** An applicant shall comply with all infection control and safety standards required by R4-10-112 during the examination.
- H.H.** ~~An~~ If an applicant who cannot fails to appear for an a licensing examination as scheduled, shall forfeit the applicant forfeits the examination fee. An If an applicant who arrives at an examination site after a the scheduled examination begins, the examination administrator shall not be allowed to test at the scheduled time allow the applicant to take the examination. If an An applicant arrives after the examination begins or fails to appear for a scheduled examination, the Board shall may reschedule the a missed examination upon payment of by paying another examination fee.
- I.** ~~The An~~ applicant is ~~allowed a one time cancellation of the~~ may cancel a scheduled examination test date if the applicant ~~eneels once by providing notice of cancellation~~ at least 48 hours before the examination start time. The Board does not require another examination fee for ~~rescheduling to reschedule~~ a canceled examination.
- J.** ~~An applicant shall supply equipment, supplies, tools or instruments, and a model as required.~~
- K.** ~~An applicant shall not use a current or former student in an aesthetics, cosmetology, or nail technology school as a model in the live demonstration of aesthetics or instructor examinations.~~
- L.J.** ~~Examination~~ Neither the Board nor the examination administrator shall make examination materials are not available for inspection or copying by any person, nor shall any A person shall not attempt to obtain or provide examination materials.
- M.K.** ~~The An~~ applicant shall not bring and the examination administrator shall not allow written material or recording media ~~in to either the written or practical sections section of the licensing examination for aestheticians, cosmetologists, or nail technicians.~~ The examination administrator may exclude ~~other items~~ from the written or practical sections section of the licensing examination any items the examination administrator believes that may impede the fair administration or security of the examination. An The examination administrator shall dismiss from the examination an applicant who seeks to impede the fair administration of an exam the examination, or copies or asks for information from another applicant shall be dismissed from the examination and shall forfeit and cause the examination fee to be forfeited. An applicant who has a blood spill that is not treated following proper blood spill procedures in R4-10-112 shall be dismissed from the examination and shall forfeit the examination fee.
- N.L.** ~~If an applicant passes the examination but does not apply for an original license~~ fails to complete the licensure process within one year after the date of the examination, the Board shall void the examination scores.



~~O.M.~~ If application is made for licensure by reciprocity, the Board ~~may~~ shall accept a score on a written or practical examination from another jurisdiction if the examination:

1. Is the same national examination ~~as that~~ administered in Arizona,
2. The score obtained by the applicant is at least the same as the passing score ~~that was~~ required by the Board at the time the applicant took the examination in the other jurisdiction, and
3. The applicant provides the Board with documentation from the other jurisdiction verifying the passing score and that the score was received within one year ~~of~~ before the application for licensure by reciprocity.

~~P.N.~~ The Board or national professional organization with which the Board contracts to administer the licensing examination shall conduct:

1. ~~all examinations~~ The practical section of the licensing examination in English and applicants an applicant shall submit answers in English;
2. The written section of the licensing examination in English and other languages specified by the national professional organization. An applicant may choose to take the written section of the licensing examination in any of the offered languages.



NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKINGS

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

After an agency has filed a Notice of Proposed Rulemaking and it is published in the Register, an agency may decide to make substantial changes to the rule after it is proposed. The agency prepares a Notice of Supplemental Proposed Rulemaking with these proposed changes. When filed, the notice is published under the deadline schedule in the back of the Register.

The Notice of Supplemental Proposed Rulemaking shall be published in the Register before holding any oral proceedings (A.R.S. § 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 #11 for the close of record and information related to public hearings and oral comments.

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

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

[R16-119]

PREAMBLE

1. Citations to the agency’s Notice of Rulemaking Docket Opening, the Notice of Proposed Rulemaking, and any other Notices of Supplemental Proposed Rulemaking (if applicable) as published in the Register as specified in R1-1-409(A). A list of any other related notices published in the Register as specified in R1-1-409(A):

Notice of Rulemaking Docket Opening: 22 A.A.R. 784, April 8, 2016

Notice of Proposed Rulemaking: 22 A.A.R. 770, April 8, 2016 (proposing an amendment to R9-22-712.15)

Notice of Public Information: 22 A.A.R. 1067, May 6, 2016

2. Articles, Parts, or Sections Affected (as applicable) Rulemaking Action: R9-22-712.90 New Section

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

Authorizing statute: A.R.S. § 36-2903.01

Implementing statute: A.R.S. § 36-2903.01

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

Name: James Maguire
Address: AHCCCS
Office of Administrative and Legal Services
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4232
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:

This rulemaking is proposed as part of the AHCCCS Administration’s obligation under the federal Medicaid Act, 42 U.S.C. § 1396a(a)(30)(A), to establish methods for the reimbursement of health care providers that are consistent with efficiency, economy, quality care, and adequate access to care for persons enrolled in AHCCCS, Arizona’s implementation of the Medicaid program. Specifically, this rulemaking distinguishes services provided by a hospital-based freestanding emergency department from other hospital services and establishes the payment methodology for services provided by hospital-based freestanding emergency departments.

The Arizona Department of Health Services has established a class of health care institutions known as outpatient treatment centers (OTCs). See generally, A.A.C. Title 9, Chapter 10, Article 10. A subclass of OTCs is authorized to provide emergency department services. A.A.C. § R9-10-1019. In this rulemaking, OTCs licensed to provide emergency department services are referred to as “freestanding emergency departments” (FSEDs). FSEDs are rela-



tively new to the Arizona health care delivery system with most of the facilities opening since 2015. A single license may be issued for a hospital which also operates satellite facilities, such as FSEDs, at the request of the hospital. A.R.S. § 36-422(F). Under the billing methodologies currently in place, a claim for services provided in the hospital is indistinguishable from a claim for services provided in a FSED operated by the same hospital when a single group license is issued because provider registration is based on that license.

Outpatient hospital services are reimbursed using the outpatient prospective fee schedule described in A.A.C. R9-712.10 through R9-22-712.50. Because hospital-based FSED have been registered under the same license as the hospital operating the FSED, that reimbursement methodology has been used even though the hospital-based FSED does not have the same capabilities as a hospital emergency department. They often do not have the same equipment or access to on-call specialists and do not have the ability to immediately admit persons requiring inpatient care. By the very nature of being a FSED, transportation services are required when a patient requires inpatient care. Services provided by an OTC that is not hospital-based are reimbursed based on a capped fee schedule established by the AHCCCS Administration which also applies to services provided in any clinic or physician's office which, in general, is a lower total reimbursement than that provided for outpatient hospital services and associated professional (e.g., physician) services.

FSEDs generally offer and advertise hours of operation that exceed those of most urgent care clinics or physician's office. Media coverage and promotional materials published by hospitals present these facilities as an appropriate alternative to treatment by a primary care practitioner in an office setting. Treatment of non-emergency conditions by healthcare providers other than the patient's primary care practitioner restricts the ability of the primary care practitioner to coordinate care for the patient, potentially leading to sub-optimal health outcomes. As such, the AHCCCS Administration is concerned about use of the FSED as a substitute for services that are more appropriately and cost-effectively rendered in a clinic or physician's office.

This rulemaking requires hospital-based FSEDs to register separately from the hospital with which it shares common ownership regardless of whether both are listed as part of a single group license so that the AHCCCS Administration can clearly distinguish claims for services from hospital-based FSEDs from claims for services provided by the hospital itself. The rule provides that reimbursement for services in a hospital-based FSED is a percentage (that varies depending on the level of services provided) of the amount that would otherwise be paid for similar services provided as outpatient hospital services but does not include the adjustment in A.A.C. R9-22-712.35 that accounts for the unique costs of services provided in a hospital outpatient setting but which are not applicable to FSEDs. The percentage reductions are applied to level 1, 2, and 3 emergency department procedures, procedures which generally can be addressed by a primary care physician in an office setting.

The rulemaking also includes an exception that permits the application of the adjustment applicable to the hospital in instances where a FSED is established to replace the services of a hospital that has closed in a rural area where appropriate local care might not otherwise be available.

**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 revising these regulations.

**7. An explanation of the substantial change which resulted in the supplemental notice:**

The Notice of Proposed Rulemaking, published at 22 A.A.R. 770 on April 8, 2016, proposed amending R9-22-712.15 to provide that services rendered by outpatient treatment centers, including hospital-based FSEDs, would not be considered outpatient hospital services reimbursed as specified in A.A.C. R9-22-712.10 through R9-22-712.50. Instead, the Administration originally proposed that those services be reimbursed under the capped fee schedule established by AHCCCS Administration which schedule is exempt from the requirements of rule-making under A.R.S. § 41-1005(A)(9). Public comments received in response to the Notice of Proposed Rulemaking requested that the proposed rulemaking describe the reimbursement methodology in the proposed rule. In response, this Notice of Supplemental Proposed Rulemaking makes no changes to R9-22-712.15, but instead, creates a new rule, R9-22-712.90, that is specific to hospital-based FSEDs. Under the Supplemental Proposed Rulemaking, services provided at those facilities are treated as a special type of outpatient hospital services which are reimbursed based on a modified version of the methodology for other outpatient hospital services. The Supplemental Proposed Rulemaking sets forth the modified reimbursement methodology

The Notice of Proposed Rulemaking, published at 22 A.A.R. 770 on April 8, 2016, proposed that services provided by outpatient treatment centers, including hospital-based FSEDs, are not outpatient hospital services which are reimbursed as specified in A.A.C. R9-22-712.10 through R9-22-712.50. Instead, the administration proposed that those services be reimbursed under the capped fee schedule established by the AHCCCS Administration which schedule is exempt from the requirements of rule-making under A.R.S. 41-1005(A)(9). Public comments received in response to the Notice of Proposed Rulemaking requested that the Proposed Rulemaking describe the reimbursement methodology in the proposed rule. In response, this Supplemental Proposed Rulemaking treats hospital-based FSEDs as a special type of outpatient hospital services which are reimbursed based on a modified version of the



methodology for other outpatient hospital services.

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

This rulemaking does not diminish a previous grant of authority of a political subdivision.

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

The Administration does not anticipate a significant economic impact on the implementing agency, small businesses, or consumers. Hospital-based FSEDs, a subclass of outpatient treatment centers, are relatively new to Arizona. Five such facilities have been identified as currently existing although the administration has information that additional hospital-based FSEDs are planned for the future. Because the administration cannot currently distinguish services provided by hospital-based FSEDs from other outpatient hospital services, the AHCCCS Administration presumes that services provided at these five facilities have been reimbursed as specified in A.A.C. R9-22-712.10 through R9-22-712.50. While this proposed rulemaking reduces the payments for level 1, 2 and 3 – services that could usually be provided more efficiently and cost effectively by a primary care physician – information provided to the administration by an operator of several of the hospital-based FSEDs suggests low utilization of services at those levels of care. As such, the administration assumes that the economic impact of this supplemental proposed rulemaking on hospital revenues will be minimal.

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

Name: James Maguire  
Address: AHCCCS  
Office of Administrative and Legal Services  
701 E. Jefferson, Mail Drop 6200  
Phoenix, AZ 85034  
Telephone: (602) 417-4232  
Fax: (602) 253-9115  
E-mail: AHCCCSrules@azahcccs.gov  
Web site: www.azahcccs.gov

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

Close of the comment period is: September 6, 2016, 5 p.m. A person may submit their comments or attend the public hearing at one of the following locations:

Date: September 6, 2016  
Time: 2:00 p.m.  
Location: AHCCCS  
701 E. Jefferson  
Phoenix, AZ 85034

Nature: Public Hearing  
Date: September 6, 2016  
Time: 2:00 p.m.  
Location: ALTCS: Arizona Long-Term Care System  
1010 N. Finance Center Dr., Suite 201  
Tucson, AZ 85710

Nature: Public Hearing  
Date: September 6, 2016  
Time: 2:00 p.m.  
Location: 2717 N. 4th St., Suite 130  
Flagstaff, AZ 86004

Nature: Public Hearing

**12. 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:**

None

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

Not applicable

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

Not applicable



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

Not applicable

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

None

14. The full text of the rules follows:

## TITLE 9. HEALTH SERVICES

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

#### ARTICLE 7. STANDARDS FOR PAYMENTS

Section

R9-22-712.90. Reimbursement of Freestanding Emergency Departments

#### ARTICLE 7. STANDARDS FOR PAYMENTS

##### R9-22-712.90. Reimbursement of Freestanding Emergency Departments

- A. "Hospital-based freestanding emergency department" (FSEDs) means an outpatient treatment center as defined in R9-10-101 that: (1) provides emergency department services under R9-10-1019, (2) is subject to the requirements of 42 CFR 489.24, and (3) shares an ownership interest with a hospital, regardless of whether the outpatient treatment center operates under a hospital's single group license as described in A.R.S. § 36-422.
- B. Hospital-based FSEDs shall be required to register with the Administration separately from the hospital and obtain a separate provider identification number. The Administration shall not charge a separate provider enrollment fee for registration of the hospital-based FSEDs. The Administration shall accept the hospital's compliance with the provider screening and enrollment requirements of 42 CFR Part 455 as compliance by the hospital-based FSEDs.
- C. For dates of service on and after January 1, 2017, and except as provided in subsection (D), hospital-based FSEDs shall be reimbursed a percentage of amounts otherwise reimbursable under sections R9-22-712.20 through R9-22-712.30 based on the Emergency Department Facility Level Coding Guidelines adopted by the American College of Emergency Physicians and the appropriate CPT and revenue codes:
1. 60% for a level 1 emergency department visit.
  2. 80% for a level 2 emergency department visit.
  3. 90% for a level 3 emergency department visit.
  4. 100% for a level 4 or 5 emergency department visit.
- D. Hospital-based FSEDs located in a city or town in a county with less than 500,000 residents where the only hospital in the city or town operating an emergency department closed on or after January 1, 2015, shall be reimbursed under sections R9-22-712.20 through R9-22-712.35 using the adjustment in R9-712.35 associated with the nearest hospital with which the freestanding emergency department shares an ownership interest.
- E. Services provided by an outpatient treatment center that does not meet the criteria in subsection B shall be reimbursed based on the non-hospital AHCCCS capped fee-for-service schedule.
- F. AHCCCS will not reimburse a hospital for services provided at a hospital-based FSED if the member is admitted directly from the hospital-based FSED to a hospital with an ownership interest in the hospital-based FSED. As provided in R9-22-712.60(B), payments made for the inpatient stay using the DRG methodology shall be the sole reimbursement.





Fax: (602) 542-4870  
E-mail: mscott@azcc.gov  
Web site: www.azcc.gov

Name: Robin Mitchell, Staff Attorney, Legal Division  
Address: Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

Telephone: (602) 542-3402  
Fax: (602) 542-4870  
E-mail: rmitchell@azcc.gov  
Web site: www.azcc.gov

Name: Matthew Connolly, Executive Consultant, Utilities Division  
Address: Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

Telephone: (602) 542-0856  
Fax: (602) 364-2270  
E-mail: MConnolly@azcc.gov  
Web site: www.azcc.gov

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

The purpose of the rule change is to amend R14-2-802(A) to exempt telecommunications carriers, whose retail telecommunications services have all been determined to be competitive, from application of the Affiliated Interests Rules, except as may be determined by a future Arizona Corporation Commission order. The specific change is based upon and supported by the changes to A.R.S. § 40-285 made by the Arizona Legislature in 2013.

The rule change is expected to relieve exempt telecommunications companies from having to submit to the Commission applications for waivers of the Affiliated Interests Rules associated with reorganizations, mergers, consolidations or refinancing, along with no longer having to submit Affiliated Interests Annual Reports.

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

Not applicable

**8. A showing of good cause why the 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

**9. A summary of the economic, small business, and consumer impact:**

The purpose of the rule change is to amend R14-2-802(A) to exempt telecommunications carriers whose retail telecommunications services have all been determined to be competitive, from application of the Affiliated Interests Rules, except as may be determined by a future Commission order. Those directly affected by the rulemaking include telecommunications service providers whose retail services have been determined to be competitive in Arizona and the Commission. There are no probable costs to the Commission. The benefits include time and cost savings due to no longer having to process waiver applications and Annual Affiliated Interests Reports. Benefits for telecommunications companies include time and cost savings due to no longer having to submit waiver applications and Annual Affiliated Interests Reports. No impact on employment is expected. Small businesses may benefit from a less regulatory burdensome merger transaction. There should be no costs or benefits to customers of exempted telecommunications companies.

**10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:**

The clarity, conciseness, and understandability of the rule is enhanced in the final rulemaking by moving the new language to a new subsection (B); replacing the introductory language "Notwithstanding the preceding sentence" with "Notwithstanding subsection (A)"; moving the existing subsection (B) and relabeling it as subsection (C); and replacing the citation "A.A.C. 14-2-1101 et seq." with "A.A.C. Title 14, Chapter 2, Article 11" to conform to the Secretary of State rulemaking style requirements.

The modifications to the proposed rule do not result in a rule that is substantially different, under A.R.S. § 41-1025, than the proposed rule published in the Notice of Proposed Rulemaking.



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

Summaries of the formal comments received and of Commission Staff’s responses thereto, along with the Commission’s responses are included in the following table. All of the formal and informal comments received regarding the rule revision were supportive of the rule revision.

| WRITTEN COMMENTS   |   |  |
|--|---|--|
| Comment  | Staff Response  | Commission Response  |
| <p>Qwest Corporation dba CenturyLink QC, CenturyLink Communications, L.L.C., and CenturyLink Public Communications, Inc. (collectively “CenturyLink”) stated the following in support of the rule revision in the Notice of Proposed Rulemaking (“NPRM”):</p> <ul style="list-style-type: none"> <li>• The Affiliated Interests Rules were adopted by the Commission six years before Congress adopted the Telecommunications Act of 1996, which opened local telecommunications services to competition;</li> <li>• According to the decision in which they were adopted (Decision No. 56844 (March 14, 1990)), the Commission’s purpose in adopting the Affiliated Interests Rules was to protect ratepayers from paying rates that included costs associated with holding company structure, financially struggling affiliates, or sweetheart deals with affiliates intended to extract capital from the utility to subsidize non-utility operations;</li> <li>• As a result of the Telecommunications Act of 1996, the telecommunications industry in Arizona and the rest of the nation has grown and become more fully competitive, providing customers with numerous options for service, including service from non-regulated providers;</li> <li>• The existence of competition has made it impossible for utilities to pass through to utility customers, through rate increases, the losses from bad business diversification decisions, and without the ability to pass through such costs, utilities “have no incentive to engage in cross-subsidization or other activities that financially weaken the utility operation”;</li> <li>• In 2013, in recognition of the competitive telecommunications market as a substitute for Commission regulation, the Arizona Legislature amended A.R.S. § 40-285 to exempt competitive telecommunications providers from the requirement to obtain Commission approval to dispose of assets or acquire the stock of other public service corporations, and the rule revision is consistent with the amendment to A.R.S. § 40-285;</li> <li>• The Commission has granted numerous limited waivers to telecommunications utilities, which suggests that the Affiliated Interests Rules are overly broad;</li> <li>• Because separate utilities have filed for waivers from portions of the Affiliated Interests Rules, and the Commission has not granted any utility complete exemption, telecommunications utilities are now subjected to disparate levels of relief from the Affiliated Interests Rules; and</li> <li>• Telecommunications utilities, Staff, and the Commission are spending “inordinate amounts of time and energy on waivers for matters . . . better addressed by a total exemption from the [Affiliated Interests Rules] for competitive providers.”</li> </ul> | <p>Staff believes that the proposed rule revision will eliminate the need for the Commission to process and grant certain waivers of the Affiliated Interests Rules in the future and that this will conserve Commission resources and the resources of the affected telecommunications utilities. Staff supports the proposed rule revision and recommends that it be adopted.</p> | <p>The Commission acknowledges the supportive comment. No change to the proposed rule revision is necessary as a result of this comment.</p> |



| ORAL COMMENTS   |  |   |
|---|--|---|
| Comment   | Staff Response                             | Commission Response   |
| Counsel for competitive providers XO Communications Services, LLC; Talk America, LLC; McLeodUSA Telecommunications Services; Paetec Communications, LLC; and Windstream Services, LLC stated that all of these carriers support the proposed rule change for efficiency and economic reasons and hope that the Commission will adopt it; that the proposed rule change tracks the legislative change to A.R.S. § 40-285 made in 2013; that putting the language of the revision into a separate subsection rather than including it in subsection (A) is a great idea; and that a number of counsel’s clients would be filing their Affiliated Interests Rules Annual Reports that week, although those reports would not provide the Commission any useful information because the companies are not rate regulated. | Staff acknowledged the supportive comment. | The Commission acknowledges the supportive comment. No change to the proposed rule revision is necessary as a result of this comment. |
| Counsel for Cox Arizona Telecom, LLC (“Cox”) stated that Cox supports the proposed amendment because the Affiliated Interests Rules were adopted in an era of monopoly utilities due to concerns regarding traditional rate of return regulation, the market has since changed radically to a competitive market that does not need the Affiliated Interests Rules, and the amendment will remove an unnecessary regulatory burden from the competitive telecommunications market.  | Staff acknowledged the supportive comment. | The Commission acknowledges the supportive comment. No change to the proposed rule revision is necessary as a result of this comment. |
| Counsel for AT&T, Incorporated (“AT&T”) stated that AT&T supports the rule amendment as stated in its informal comments filed on December 16, 2015.   | Staff acknowledged the supportive comment. | The Commission acknowledges the supportive comment. No change to the proposed rule revision is necessary as a result of this comment. |
| Counsel for Qwest Corporation dba CenturyLink QC, CenturyLink Communications, L.L.C., and CenturyLink Public Communications, Inc. (collectively “CenturyLink”) stated that it had filed written comments and that it is in favor of the rule amendment for the reasons stated in those written comments.  | Staff acknowledged the supportive comment. | The Commission acknowledges the supportive comment. No change to the proposed rule revision is necessary as a result of this comment. |

**12. 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 are applicable.

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

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 rule is no more stringent than Federal Communications Commission rules (47 C.F.R. 63.04).

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

No analysis was submitted.

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

None

**14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**

Not applicable



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

**TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS;  
SECURITIES REGULATION**

**CHAPTER 2. CORPORATION COMMISSION – FIXED UTILITIES**

**ARTICLE 8. PUBLIC UTILITY HOLDING COMPANIES AND AFFILIATED INTERESTS**

Section  
R14-2-802. Applicability

**ARTICLE 8. PUBLIC UTILITY HOLDING COMPANIES AND AFFILIATED INTERESTS**

**R14-2-802. Applicability**

- A. These rules are applicable to all Class A investor-owned utilities under the jurisdiction of the Commission and are applicable to all transactions entered into after the effective date of these rules.
- B.** Notwithstanding subsection (A), these rules shall not apply to a telecommunications utility whose retail telecommunications services have been classified as competitive pursuant to A.A.C. Title 14, Chapter 2, Article 11, except as may otherwise be determined by a future Commission order.
- ~~B-C.~~ No change



NOTICES OF RULEMAKING DOCKET OPENING

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

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

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

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

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

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES
COMMUNICABLE DISEASES

[R16-116]

- 1. Title and its heading: 9, Health Services
Chapter and its heading: 6, Department of Health Services - Communicable Diseases
Articles and their headings: 1, General; 2, Communicable Disease and Infestation Reporting; 3, Control Measures for Communicable Diseases and Infestations
Section numbers: R9-6-101, R9-6-201, R9-6-202, Table 1, R9-6-203, Table 2, R9-6-204, Table 4, R9-6-205, R9-6-206, Table 4, R9-6-207, R9-6-301 through R9-6-329, R9-6-331 through R9-6-342, R9-6-344 through R9-6-362, R9-6-364 through R9-6-383, and R9-6-385 through R9-6-393 (The Department may add, delete, or modify other Sections, as necessary.)

2. The subject matter of the proposed rules: Arizona Revised Statutes (A.R.S.) § 36-136(H)(1) requires the Arizona Department of Health Services (Department) to make rules defining and prescribing "reasonably necessary measures for detecting, reporting, preventing, and controlling communicable and preventable diseases." The Department has adopted rules to implement this statute in Arizona Administrative Code (A.A.C.) Title 9, Chapter 6. The rules specifying reporting requirements for communicable diseases are in 9 A.A.C. 6, Article 2. The rules covering control measures for communicable diseases are in 9 A.A.C. 6, Article 3. The rules in 9 A.A.C. 6, Articles 2 and 3 contain requirements for the reporting of several conditions that no longer need to be included as reportable conditions and do not contain reporting requirements for other conditions that should be reportable to protect public health. The rules need to be revised to update reportable conditions and their control measures, ensure more accurate tracking and better reporting, and improve the effectiveness of the rules in preventing a significant threat to public health. After receiving an exception from the Governor's rulemaking moratorium established by Executive Order 2016-03, the Department is revising the rules to address these concerns, account for changes in laboratory methodologies, allow for electronic reporting, and reduce the regulatory burden of the rules. The proposed amendments will conform to rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State. The Department may add, delete, or modify other Sections, as necessary.

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

4. The name and address of agency personnel with whom persons may communicate regarding the rules:

Name: Ken Komatsu, State Epidemiologist
Address: Department of Health Services
Bureau of Epidemiology and Disease Control
150 N. 18th Ave., Suite 100
Phoenix, AZ 85007-3248
Telephone: (602) 364-3587
Fax: (602) 364-3199



E-mail: Ken.Komatsu@azdhs.gov  
or  
Name: Robert Lane, Manager  
Address: Department of Health Services  
Office of Administrative Counsel and Rules  
150 N. 18th Ave., Suite 200  
Phoenix, AZ 85007  
Telephone: (602) 542-1020  
Fax: (602) 364-1150  
E-mail: Robert.Lane@azdhs.gov

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

Written comments will be accepted at the addresses listed in item #4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

**6. A timetable for agency decisions or other action on the proceeding, if known:**

To be announced in the Notice of Proposed Rulemaking



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**

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

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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.

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**NOTICE OF EXPEDITED RULEMAKING  
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS  
REGULATION III – CONTROL OF AIR CONTAMINANTS**

[M16-192]

**PREAMBLE**

**AQ-2016-001-INCORPORATION BY REFERENCE 2015-2016**

**1. Rules affected:**

Rule 321: Municipal Solid Waste Landfills  
Rule 360: New Source Performance Standards  
Rule 370: Federal Hazardous Air Pollutant Program  
Rule 371: Acid Rain  
Appendix G: Incorporated Materials

**Rulemaking action**

Amend  
Amend  
Amend  
Amend  
Amend

**2. Statutory authority for the rulemaking:**

Authorizing Statutes: A.R.S. §§ 49-474, 49-479, and 49-480  
Implementing Statutes: A.R.S. §§ 41-1055, 49-112 and 49-471.08

**3. Name and address of department personnel with whom persons may communicate regarding the rulemaking:**

Name: Cheri Dale or Hether Krause  
Planning and Analysis Division  
Maricopa County Air Quality Department  
Address: 1001 N. Central Ave., Suite 125  
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**4. Demonstration of compliance with A.R.S. §49-471.08 expedited rulemaking:**

The department is proposing to declare this as an expedited rule making action as described in A.R.S. § 49-471.08(A).

**A.R.S. § 49-471.08(A)(1):**

Demonstration that the rule or ordinance making is substantially identical to the sense, meaning and effect of the federal or state rule or law from which it is derived.

Rule 321 is substantially identical to 40 CFR Part 60, Subpart WWW.

Rule 360 is substantially identical to 40 CFR Part 60 revisions:

- Subpart A. [80 FR 64510, October 23, 2015].
- Subpart Da. [81 FR 20172, April 6, 2016].
- Subpart F. [80 FR 44772, July 27, 2015].
- Subpart J. [80 FR 75178, December 1, 2015].



- Subpart Ja. [80 FR 75178, December 1, 2015].
- Subpart T. [80FR 50386, August 19, 2015].
- Subpart U. [80FR 50386, August 19, 2015].
- Subpart V. [80FR 50386, August 19, 2015].
- Subpart W. [80FR 50386, August 19, 2015].
- Subpart X. [80FR 50386, August 19, 2015].
- Subpart CCCC. [81 FR 40956, June 23, 2016].
- Subpart DDDD. [81 FR 40956, June 23, 2016].
- Subpart KKKK. [81 FR 42543, June 30, 2016].
- Subpart OOOO. [80 FR 48262, August 12, 2015].

Rule 370 is substantially identical to 40 CFR Part 63 revisions:

- Subpart A. [80 FR 50386, August 19, 2015; 80 FR 56700, September 18, 2015; 80 FR 65470, October 26, 2015; and 80 FR 75178, December 1, 2015].
- Subpart Y. [80 FR 75178, December 1, 2015].
- Subpart AA. [80 FR 50386, August 19, 2015].
- Subpart BB. [80 FR 50386, August 19, 2015].
- Subpart CC. [80 FR 75178, December 1, 2015].
- Subpart GG. [80 FR 76152, December 7, 2015].
- Subpart LL. [80 FR 62390, October 15, 2015].
- Subpart DDD. [80 FR 45280, July 29, 2015].
- Subpart LLL. [80 FR 44772, July 27, 2015 and 80 FR 54728, September 11, 2015].
- Subpart RRR. [80 FR 56700, September 18, 2015 and 81 FR 38085, June 13, 2016].
- Subpart UUU. [80 FR 75178, December 1, 2015].
- Subpart DDDDD. [80 FR 72790, November 20, 2015].
- Subpart JJJJ. [80 FR 65470, October 26, 2015].
- Subpart KKKKK. [80 FR 65470, October 26, 2015].
- Subpart UUUUU. [81 FR 20172, April 6, 2016].

Rule 371 is substantially identical to 40 CFR Part 72, Part 74, Part 75 and Part 76 and all accompanying appendices revisions:

- 40 CFR 75. [81 FR 10508, March 1, 2016].

Appendix G is substantially identical to the following revisions:

- 40 CFR Part 50. [80 FR 65292, October 26, 2015].
- 40 CFR Part 50, Appendix D. [80 FR 65292, October 26, 2015].
- 40 CFR Part 51, Subpart I. [80 FR 65292, October 26, 2015].
- 40 CFR Part 52. [80 FR 65292, October 26, 2015].
- 40 CFR Part 53. [80 FR 51802, August 26, 2015].
- 40 CFR Part 53, Subpart A. [80 FR 65292, October 26, 2015].
- 40 CFR Part 53, Subpart B. [80 FR 65292, October 26, 2015].
- 40 CFR Part 53, Subpart C. [80 FR 65292, October 26, 2015].
- 40 CFR Part 58, Subpart B. [80 FR 65292, October 26, 2015].
- 40 CFR Part 58, Subpart F. [80 FR 65292, October 26, 2015].
- 40 CFR Part 58, Subpart G. [80 FR 65292, October 26, 2015].
- 40 CFR Part 58, Appendix G. [80 FR 65292, October 26, 2015].
- 40 CFR Part 60, Appendix A. [80 FR 38628, July 7, 2015].
- 40 CFR Part 60, Appendix B. [80 FR 38628, July 7, 2015; 80 FR 42397, July 17, 2015].
- 40 CFR Part 60, Appendix F. [80 FR 38628, July 7, 2015].
- 40 CFR Part 63, Appendix A. [80 FR 75178, December 1, 2015].

**In addition, the department is proposing the following revisions:****Rules 321, 360, 370, 371, and Appendix G:**

- To update the incorporation by reference date from July 1, 2015, to July 1, 2016.
- To add the title of the associated subparts.
- To revise and clarify the availability of information section of each rule.

**Rule 360:**

- To revise Section 301.
- To add Section 301.105: 40 CFR Part 60, Subpart RRRR—(Reserved).
- To add Section 301.106: 40 CFR Part 60, Subpart SSSS—(Reserved).
- To add Section 301.107: 40 CFR Part 60, Subpart TTTT—Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units. [Added at 80 FR 64510, October 23, 2015].

**Rule 370:**

- To revise Section 301.
- To revise Section 302.
- To revise Section 302.34 by deleting [Reserved] and adding 40 CFR Part 63, Subpart NN— National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources. [Added at 80 FR 45280, July 29, 2015].

**Appendix G:** The proposed revisions to Appendix G are substantially identical to the applicable code of federal regulations to which they apply. The proposed revisions will provide clarity in the identification of the applicable part and appendices that are incorporated by reference. In addition, the proposed revisions will remove appendices that the department does not have authority to regulate. In order to provide an easily readable underline strikeout version of Appendix G, sections 1.a-1.k are shown as deleted. Section 1 is proposed to be revised as indicated below.

- To delete 1.a and 1.b
- To delete 1.c
- To delete 1.d
- To delete 1.e
- To delete 1.f
- To delete 1.g
- To delete 1.h
- To delete 1.i
- To delete 1.j
- To delete 1.k: Appendices for Part 75 are incorporated by reference in Maricopa County Rule 371 (Acid Rain), Section 301.
- To revise #1 to include the title of the code of federal regulations part number, test methods, protocols, federal interpretations, guidelines, and appendices.
- To add 1.a: To incorporate by reference 40 CFR Part 50 which includes all the associated appendices.
- To add 1.b: To incorporate by reference the applicable appendices of 40 CFR Part 51.
- To add 1.c: To incorporate by reference the applicable appendices of 40 CFR Part 52.
- To add 1.d: To incorporate by reference 40 CFR Part 53 – Ambient Air Monitoring Reference and Equivalent Methods which includes all associated appendices.
- To add 1.e: To incorporate by reference 40 CFR Part 58 – Ambient Air Quality Surveillance which includes all the associated appendices.
- To add 1.f: To incorporate by reference Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B, C, D and F of 40 CFR Part 60 – Standards of Performance for New Stationary Sources. Appendix G is not incorporated by reference because the appendix is specific to a power plant located outside of Maricopa County.
- To add 1.g: To incorporate by reference Appendices A, B and C to 40 CFR Part 61 – National Emission Standards for Hazardous Air Pollutants. Appendices D and E are not incorporated by reference because Maricopa County does not regulate the emissions of radionuclides into the atmosphere.
- To add 1.h: To incorporate by reference Appendices A, B, C, D and E of 40 CFR Part 63 – National Emission Standards for Hazardous Air Pollutants for Source Categories. All other appendices of 40 CFR Part 63 listed in a specific subpart to Part 63 are incorporated by reference in Maricopa County Air Quality Rule 370, Section 302.



- To delete 2.b: The federal requirements for recordkeeping for t-butyl acetate (also known as tertiary butyl acetate or TBAC; CAS Number: 540–88–5) were deleted at 81 FR 9339, February 25, 2016.
- To delete 3.b: ASTM standards are incorporated by reference in the applicable Maricopa County Air Quality Rule(s).
- To delete 4.a: Appendix A to Subpart A of Part 51 – Table 2A. This table is proposed to be included in 1.b of Appendix G.
- To delete 4.b: 40 CFR Part 75 is incorporated by reference in Maricopa County Rule 371, Section 301.
- To add 4: Availability of Information.

To correct typographical or other clerical errors; make minor grammatical changes to improve readability or clarity; modify the format, numbering, order, capitalization, punctuation, or syntax of certain text to increase standardization within and among rules; and make various other minor changes of a purely editorial nature. As these proposed changes do not alter the sense, meaning, or effect of the rule, they are not described in detail here, but can be readily discerned in the “strikeout and underline” version of the rule contained in Item #6 of this notice.

**A.R.S. § 49-471.08(A)(2):**

Written finding by the Control Officer setting forth the reasons why the rule or ordinance making is necessary and does not alter the sense, meaning or effect of the federal or state rule or law from which it is derived.

This rulemaking is required to update the applicability dates in these rules. It incorporates subparts that have been passed by the federal government which are required to be implemented by the department. Rules 321, 360, 370, 371, and Appendix G do not alter the sense, meaning or effect of the state rules and federal regulations from which they are derived, as they incorporate language that is essentially the same as the state's applicable rules and the federal code of regulations.

**A.R.S. § 49-471.08(A)(3):**

Demonstration that fees established in the rule or ordinance do not exceed limits specified in § 49-112. Rules 321, 360, 370, 371, and Appendix G do not establish fees. Any costs associated with these rules will come from permit application fees for sources obtaining a permit revision to reflect new emission limits, due to applicability of a new standard. Therefore, fees associated with these rules will be exactly the same as fees associated with similar permits and would not exceed any limits specified in § 49-112.

**5. Public comments regarding the proposed rulemaking:**

This is a proposed expedited rule making. Written comments will be accepted if received between the date of this publication and August 29, 2016, by 5:00 PM. Written comments may be mailed, e-mailed or hand delivered to the department. Written comments received during the comment period will be considered formal comments to the expedited rulemaking and will be responded to in the Notice of Final Rulemaking.

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

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS  
REGULATION III – CONTROL OF AIR CONTAMINANTS  
RULE 321  
MUNICIPAL SOLID WASTE LANDFILLS  
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**SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)****SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)**

Adopted 05/14/1997; Revised 03/01/2000; Revised 03/07/2001; Revised 11/19/2003; Revised 03/15/2006; Revised 12/17/2008; Revised 09/16/2009; Revised 07/07/2010; Revised 08/17/2011; Revised 07/25/2012; Revised 03/26/2014; Revised 11/05/2014; ~~and~~ Revised 11/18/2015; and Revised MM/DD/YYYY.

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS  
REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 321  
MUNICIPAL SOLID WASTE LANDFILLS**

**SECTION 100 – GENERAL**

- 101 PURPOSE:** To limit the emission of non-methane organic compounds from municipal solid waste landfills.
- 102 APPLICABILITY:** The provisions of this rule shall apply to each municipal solid waste landfill for which construction, reconstruction, or modification commenced prior to May 30, 1991, and which has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition.
- 103 AVAILABILITY OF INFORMATION:** Copies of 40 CFR Part 60, Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills, are available as listed: electronically at: <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>; at the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 125, Phoenix, AZ, 85004; or by calling (602) 506-6010 for information. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at [www.astm.org](http://www.astm.org).
  - a.** Maricopa County Air Quality Department, 1001 N. Central Ave, Suite 125, Phoenix, AZ, 85004.
  - b.** Maricopa County Rules are available electronically at <http://www.maricopa.gov/aq>.
  - c.** EPA documents are available electronically at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.
  - d.** ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at [www.astm.org](http://www.astm.org).

**SECTION 200 – DEFINITIONS:** See Rule 100 of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply, in addition to those definitions found



in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definitions in this rule take precedence.

- 201 ADMINISTRATOR:** The Control Officer, except that the Control Officer shall not be empowered to approve alternative or equivalent test methods.
- 202 AFFECTED FACILITY:** Any municipal solid waste landfill to which this rule is applicable.
- 203 COMMENCED:** State or condition where an owner or operator has undertaken a continuous program of construction; or where an owner or operator has entered into a contractual obligation to undertake and complete such a program.
- 204 CONSTRUCTION:** The fabrication, erection, or installation of an affected facility.
- 205 MODIFICATION:** Any physical change in, or change in the method of operation of, an affected facility which would result in a change in actual emissions.
- 206 MUNICIPAL SOLID WASTE LANDFILL (MSW LANDFILL):** An entire, publicly or privately owned, disposal facility in a contiguous geographical space where household waste is placed in or on land. Portions of a MSW landfill may be separated by access roads.
- 207 NMOC:** Non-methane organic compound.
- 208 OWNER OR OPERATOR:** Any person who owns, leases, operates, controls, or supervises an affected facility.

#### SECTION 300 – STANDARDS

- 301 STANDARDS OF PERFORMANCE FOR MSW LANDFILLS** The federal standards of performance for municipal solid waste landfills set forth in 40 CFR Part 60, Subpart WWW ~~is adopted as of July 1, 2015 codified on July 1, 2016~~, and all accompanying appendices, excluding 40 CFR 60.750, are adopted and incorporated by reference with the amendments and revisions set forth in this section. This adoption by reference includes no future editions or revisions. Each owner or operator of an affected facility shall comply with the requirements of 40 CFR Part 60, Subpart WWW as adopted and, where applicable, revised herein.
- 301.1 Collection and Control System Design Plan:** 40 CFR 60.752(b)(2)(i) is amended to read: “Submit a collection and control design plan prepared by a professional engineer to the Administrator for approval not later than 12 months after submittal of the initial NMOC emission rate report.”
- 301.2 Design Capacity Report:** 40 CFR 60.757(a) is amended to read “Each owner or operator of an affected facility shall submit an initial design capacity report to the Administrator within 90 days from May 14, 1997.” 40 CFR 60.757(a)(1) is deleted.
- 301.3 NMOC Emission Rate Report:** 40 CFR 60.757(b) is amended to read “Each owner or operator of an affected facility shall submit an NMOC emission rate report to the Administrator initially and annually thereafter, except as provided for in paragraphs (b)(1)(ii) or (b)(3) of this section. The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate.” 40 CFR 60.757(b)(1)(i) is amended to read: “The initial NMOC emission rate report shall be submitted within 90 days from May 14, 1997 and may be combined with the initial design capacity report required in paragraph (a) of this section. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in paragraphs (b)(1)(ii) and (b)(3) of this section.”

**302 DELAYED APPLICABILITY:** For an affected facility that first becomes subject to the collection and control system requirement of 40 CFR 60.752 after May 14, 1997, the design plan shall be due not later than 12 months after submittal or scheduled submittal of an NMOC emission rate report of 50 megagrams (55.12 tons) per year or more.

**SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)**

**SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)**

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS  
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NEW SOURCE PERFORMANCE STANDARDS  
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Revised 07/13/1988; Revised 04/06/1992; Revised 11/20/1996; Revised 05/14/1997; Revised 08/19/1998; Revised 04/07/1999; Revised 03/01/2000; Revised 03/07/2001; Revised 11/19/2003; Revised 03/15/2006; Revised 12/17/2008; Revised 09/16/2009; Revised 07/07/2010; Revised 08/17/2011; Revised 07/25/2012; Revised 03/26/2014; Revised 11/05/2014; ~~and~~ Revised 11/18/2015; and Revised MM/DD/YYYY.

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS  
REGULATION III – CONTROL OF AIR CONTAMINANTS  
RULE 360  
NEW SOURCE PERFORMANCE STANDARDS**

**SECTION 100 – GENERAL**

**101 PURPOSE:** To establish acceptable design and performance criteria for specified new or modified emission sources.

**102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source which contains an affected facility on which the construction, reconstruction, or a modification is commenced after the date of publication of any standard applicable to such facility in 40 CFR Part 60 and for which federal delegation of the implementation and enforcement of the standards to the Maricopa County Air Quality Department (department) has been accomplished. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.

**103 AVAILABILITY OF INFORMATION:** Copies of all 40 CFR, Part 60 revisions currently enforced by the department are available as listed: electronically at: <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>; at the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 125, Phoenix, AZ, 85004; or by calling (602) 506-6010 for information. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at [www.astm.org](http://www.astm.org).

**a.** Maricopa County Air Quality Department, 1001 N. Central Ave, Suite 125, Phoenix, AZ, 85004.

**b.** Maricopa County Rules are available electronically at <http://www.maricopa.gov/aq>.

**c.** EPA documents are available electronically at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.

**d.** ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at [www.astm.org](http://www.astm.org).

**104 FEDERAL DELEGATION AUTHORITY:** The department shall enforce the federal new source performance standards (NSPS) (40 CFR Part 60) listed in Section 300 of this rule which have been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. The department may, in addition, enforce such other NSPS as delegated for such enforcement by the EPA to the County.

**SECTION 200 – DEFINITIONS:** For the purpose of this rule, the following definitions shall apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definitions in this rule take precedence.

**201 ADMINISTRATOR:** As used in Part 60, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods or alternative standards/work practices, or other nondelegable authorities such as those listed in 40 CFR 60.4(d), except as specifically provided in each subpart.

**202 AFFECTED FACILITY –** With reference to a stationary source, any apparatus to which a standard is applicable.

**203 COMMENCED:** With respect to the definition of “new source” in Section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction, reconstruction, or modification or that an owner or operator has entered into a contracted obligation to undertake and complete, within a reasonable time, a continuous program of construction, reconstruction or modification.

**204 CONSTRUCTION:** The fabrication, erection, or installation of an affected facility.

**205 MODIFICATION:** Any physical change in, or change in the method of operation of, an existing facility which increases the amount of any contaminant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air contaminant (to which a standard applies) into the atmosphere not previously emitted.

**206 OWNER OR OPERATOR:** Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.

- 207 STANDARD:** A standard of performance promulgated under this rule.
- 208 STATIONARY SOURCE:** Any building, structure, facility, or installation which emits or may emit any air pollutant.

**SECTION 300 – STANDARDS**

- 301 ADOPTED FEDERAL STANDARDS:** ~~The federal standards of performance for those subparts of 40 CFR Part 60 adopted as of July 1, 2015, as listed below, and all accompanying appendices are adopted and incorporated by reference, in the Maricopa County Air Pollution Control Regulations as indicated. The following federal regulations located in the U.S. Code of Federal Regulations, Part 60 of Title 40, Subchapter C (CFR) as codified on July 1, 2016, are herein incorporated by reference in Maricopa County’s Air Pollution Control Regulations.~~ The following federal regulations located in the U.S. Code of Federal Regulations, Part 60 of Title 40, Subchapter C (CFR) as codified on July 1, 2016, are herein incorporated by reference in Maricopa County’s Air Pollution Control Regulations. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.
- 301.1 Subpart A**—General Provisions; exclude any sections dealing with equivalency determinations or innovative technology waivers, as covered in Sections 111(h)(3) and 111(j) respectively of the Clean Air Act.
- 301.2 Subpart D**—Standards of Performance for Fossil-Fuel-Fired Steam Generators for which Construction is Commenced after August 17, 1971.
- 301.3 Subpart Da**—Standards of Performance for Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978.
- 301.4 Subpart Db**—Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.
- 301.5 Subpart Dc**—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.
- 301.6 Subpart E**—Standards of Performance for Incinerators.
- 301.7 Subpart Ea**—Standards of Performance for Municipal Waste Combustors for which Construction is Commenced after December 20, 1989 and on or before September 20, 1994.
- 301.8 Subpart Eb**—Standards of Performance for Large Municipal Waste Combustors for which Construction is Commenced after September 20, 1994 or for which Modification or Reconstruction is Commenced after June 19, 1996.
- 301.9 Subpart Ec**—Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for which Construction is Commenced after June 20, 1996.
- 301.10 Subpart F**—Standards of Performance for Portland Cement Plants.
- 301.11 Subpart G**—Standards of Performance for Nitric Acid Plants.
- 301.12 Subpart Ga**—Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011.
- 301.13 Subpart H**—Standards of Performance for Sulfuric Acid Plants.



- 301.14 Subpart I**—Standards of Performance for Hot Mix Asphalt Facilities.
- 301.15 Subpart J**—Standards of Performance for Petroleum Refineries.
- 301.16 Subpart Ja**—Standards of Performance for Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after May 14, 2007.
- 301.17 Subpart K**—Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after June 11, 1973, and prior to May 19, 1978.
- 301.18 Subpart Ka**—Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after May 18, 1978, and prior to July 23, 1984.
- 301.19 Subpart Kb**—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23, 1984.
- 301.20 Subpart L**—Standards of Performance for Secondary Lead Smelters.
- 301.21 Subpart M**—Standards of Performance for Secondary Brass and Bronze Production Plants.
- 301.22 Subpart N**—Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for which Construction Commenced after June 11, 1973.
- 301.23 Subpart Na**—Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for which Construction Commenced after January 20, 1983.
- 301.24 Subpart O**—Standards of Performance for Sewage Treatment Plants.
- 301.25 Subpart P**—Standards of Performance for Primary Copper Smelters.
- 301.26 Subpart Q**—Standards of Performance for Primary Zinc Smelters.
- 301.27 Subpart R**—Standards of Performance for Primary Lead Smelters.
- 301.28 Subpart S**—Standards of Performance for Primary Aluminum Reduction Plants.
- 301.29 Subpart T**—Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
- 301.30 Subpart U**—Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
- 301.31 Subpart V**—Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
- 301.32 Subpart W**—Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.



- 301.33 **Subpart X**—Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
- 301.34 **Subpart Y**—Standards of Performance for Coal Preparation and Processing Plants.
- 301.35 **Subpart Z**—Standards of Performance for Ferroalloy Production Facilities.
- 301.36 **Subpart AA**—Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974, and on or before August 17, 1983.
- 301.37 **Subpart AAa**—Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 17, 1983.
- 301.38 **Subpart BB**—Standards of Performance for Kraft Pulp Mills.
- 301.39 **Subpart BBa**—Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013.
- 301.40 **Subpart CC**—Standards of Performance for Glass Manufacturing Plants.
- 301.41 **Subpart DD**—Standards of Performance for Grain Elevators.
- 301.42 **Subpart EE**—Standards of Performance for Surface Coating of Metal Furniture.
- 301.43 **Subpart FF**—(Reserved)
- 301.44 **Subpart GG**—Standards of Performance for Stationary Gas Turbines.
- 301.45 **Subpart HH**—Standards of Performance for Lime Manufacturing Plants.
- 301.46 **Subpart II**—(Reserved)
- 301.47 **Subpart JJ**—(Reserved)
- 301.48 **Subpart KK**—Standards of Performance for Lead-Acid Battery Manufacturing Plants.
- 301.49 **Subpart LL**—Standards of Performance for Metallic Mineral Processing Plants.
- 301.50 **Subpart MM**—Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.
- 301.51 **Subpart NN**—Standards of Performance for Phosphate Rock Plants.
- 301.52 **Subpart OO**—(Reserved)
- 301.53 **Subpart PP**—Standards of Performance for Ammonium Sulfate Manufacture.
- 301.54 **Subpart QQ**—Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.
- 301.55 **Subpart RR**—Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
- 301.56 **Subpart SS**—Standards of Performance for Industrial Surface Coating: Large Appliances.



- 301.57 Subpart TT**—Standards of Performance for Metal Coil Surface Coating.
- 301.58 Subpart UU**—Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.
- 301.59 Subpart VV**—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced after January 5, 1981, and on or before November 7, 2006.
- 301.60 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.
- 301.61 Subpart WW**—Standards of Performance for the Beverage Can Surface Coating Industry.
- 301.62 Subpart XX**—Standards of Performance for Bulk Gasoline Terminals.
- 301.63 Subpart YY**—(Reserved)
- 301.64 Subpart ZZ**—(Reserved)
- 301.65 Subpart AAA**—Standards of Performance for New Residential Wood Heaters.
- 301.66 Subpart BBB**—Standards of Performance for the Rubber Tire Manufacturing Industry.
- 301.67 Subpart CCC**—(Reserved)
- 301.68 Subpart DDD**—Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
- 301.69 Subpart EEE**—(Reserved)
- 301.70 Subpart FFF**—Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.
- 301.71 Subpart GGG**—Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after January 4, 1983, and on or before November 7, 2006.
- 301.72 Subpart GGGa**—Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after November 7, 2006.
- 301.73 Subpart HHH**—Standards of Performance for Synthetic Fiber Production Facilities.
- 301.74 Subpart III**—Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
- 301.75 Subpart JJJ**—Standards of Performance for Petroleum Dry Cleaners.
- 301.76 Subpart KKK**—Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
- 301.77 Subpart LLL**—Standards of Performance for Onshore Natural Gas Processing: SO<sub>2</sub> Emissions.



- 301.78 Subpart MMM**—(Reserved)
- 301.79 Subpart NNN**—Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.
- 301.80 Subpart OOO**—Standards of Performance for Nonmetallic Mineral Processing Plants.
- 301.81 Subpart PPP**—Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants.
- 301.82 Subpart QQQ**—Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems.
- 301.83 Subpart RRR**—Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.
- 301.84 Subpart SSS**—Standards of Performance for Magnetic Tape Coating Facilities.
- 301.85 Subpart TTT**—Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.
- 301.86 Subpart UUU**—Standards of Performance for Calciners and Dryers in Mineral Industries.
- 301.87 Subpart VVV**—Standards of Performance for Polymeric Coating of Supporting Substrates Facilities.
- 301.88 Subpart WWW**—Standards of Performance for Municipal Solid Waste Landfills.
- 301.89 Subpart XXX**—(Reserved)
- 301.90 Subpart YYY**—(Reserved)
- 301.91 Subpart ZZZ**—(Reserved)
- 301.92 Subpart AAAA**—Standards of Performance for Small Municipal Waste Combustion Units for which Construction is Commenced after August 30, 1999 or for which Modification or Reconstruction is Commenced after June 6, 2001.
- 301.93 Subpart CCCC**—Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for which Construction is Commenced after November 30, 1999 or for which Modification or Reconstruction is Commenced on or after June 1, 2001.
- 301.94 Subpart EEEE**—Standards of Performance for Other Solid Waste Incineration Units for which Construction is Commenced after December 9, 2004, or for which Modification or Reconstruction is Commenced on or after June 16, 2006.
- 301.95 Subpart GGGG**—(Reserved)
- 301.96 Subpart HHHH**—(Reserved)
- 301.97 Subpart IIII**—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.
- 301.98 Subpart JJJJ**—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.



**301.99 Subpart KKKK**—Standards of Performance for Stationary Combustion Turbines.

**301.100 Subpart LLLL**—Standards of Performance for New Sewage Sludge Incineration Units.

**301.101 Subpart NNNN**—(Reserved)

**301.102 Subpart OOOO**—Standards for Crude Oil and Natural Gas Production, Transmission and Distribution.

**301.103 Subpart PPPP**—(Reserved)

**301.104 Subpart QQQQ**—Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces.

**301.105 Subpart RRRR**—(Reserved)

**301.106 Subpart SSSS**—(Reserved)

**301.107 Subpart TTTT**—Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units

**302 ADDITIONAL REQUIREMENTS:** From the general standards identified in Section 301 of this rule, delete 40 CFR 60.4, §60.5, and §60.6. All requests, reports, applications, submittals, and other communications to the Control Officer pursuant to this rule shall be submitted to the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 125, Phoenix, AZ, 85004.

**SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)**

**SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)**

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS  
REGULATION III – CONTROL OF AIR CONTAMINANTS  
RULE 370  
FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

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**SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)**

Revised 07/13/1988; Revised 04/06/1992; Repealed and Adopted 11/15/1993; Revised 11/20/1996; Revised 05/14/1997; Revised 05/20/1998; Revised 08/19/1998; Revised 03/01/2000; Revised 03/07/2001; Revised 11/19/2003; Revised 03/15/2006; Revised 12/17/2008; Revised 09/16/2009; Revised 07/07/2010; Revised 08/17/2011; Revised 07/25/2012; Revised 03/26/2014; Revised 11/05/2014; ~~and Revised 11/18/2015;~~ and Revised MM/DD/YYYY.

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS  
REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 370  
FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

**SECTION 100 – GENERAL**

**101 PURPOSE:** To establish emission standards for federally listed hazardous air pollutants.

**102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source for which a standard is prescribed under this rule, and for which federal delegation of the implementation and enforcement of the standards to the Maricopa County Air Quality Department (department) has been accomplished. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.

**103 AVAILABILITY OF INFORMATION:** Copies of all 40 CFR, Part 61 and Part 63 revisions currently enforced by the department ~~are available electronically at: <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>; at the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 125, Phoenix, AZ, 85004; or by calling (602) 506-6010 for information. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at [www.astm.org](http://www.astm.org).~~ are available as listed:

- a.** Maricopa County Air Quality Department, 1001 N. Central Ave, Suite 125, Phoenix, AZ, 85004.



- b.** Maricopa County Rules are available electronically at <http://www.maricopa.gov/aq>.
- c.** EPA documents are available electronically at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.
- d.** ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at [www.astm.org](http://www.astm.org).

**104 FEDERAL DELEGATION AUTHORITY:** The department shall enforce the national emission standards for hazardous air pollutants (NESHAPs) (40 CFR 61 and 40 CFR 63) listed in Section 300 of this rule which have been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. The department in addition, may enforce such other NESHAPs as delegated for such enforcement by the EPA to the County.

**SECTION 200 – DEFINITIONS:** For the purpose of this rule, the following definitions shall apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definitions in this rule take precedence.

- 201 ADMINISTRATOR:** As used in Parts 61 and 63, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods, alternative standards/work practices, or other nondelegable authorities, except as specifically provided in each subpart.
- 202 AMENDED WATER:** Water to which surfactant (wetting agent) has been added to increase the ability of the liquid to penetrate asbestos-containing material (ACM).
- 203 EXISTING SOURCE:** Any stationary source other than a new source.
- 204 FEDERALLY LISTED HAZARDOUS AIR POLLUTANT:** Any air pollutant listed pursuant to Section 112(b) of the Act.
- 205 GOVERNMENT-ISSUED PHOTO IDENTIFICATION CARD:** Includes, but is not limited to, a valid driver's license, a valid non-operating identification license, a valid tribal enrollment card or tribal identification card, or other valid government issued photo identification that includes the name, address, and photograph of the card holder.
- 206 HAZARDOUS AIR POLLUTANT:** Any air pollutant regulated under Section 112 of the Act, any air pollutant subject to NESHAP, or any air pollutant designated by the Director as a hazardous air pollutant pursuant to A.R.S. § 49-426.04.
- 207 MAJOR SOURCE:** A stationary source or group of stationary sources located within a contiguous area, and under common control, and that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any federally listed hazardous air pollutant or 25 tons per year or more of any combination of federally listed hazardous air pollutants. A lesser quantity or, in the case of radionuclides, a different criteria may be established by the Administrator pursuant to Section 112 of the Act and may be adopted by the Board of Supervisors by rule.
- 208 MODIFICATION:** Any physical change in, or change in the method of operation of a major source which increases the actual emissions of any federally listed hazardous air pollutant emitted by such source by more than a de minimis amount, or which results in the emission of any federally listed hazardous air pollutant, not previously emitted by more than a de minimis amount.
- 209 NESHAP:** National emission standards for hazardous air pollutants pursuant to 40 CFR Part 61 and Part 63.



- 210 **NEW SOURCE:** A stationary source, the construction or reconstruction of which commences after the Administrator first proposes regulations under Section 112 of the Act establishing an emission standard applicable to such source.
- 211 **STATIONARY SOURCE:** Any building, structure, facility, or installation which emits or may emit any air pollutant.

**SECTION 300 – STANDARDS**

**301 STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS:**  
 The federally listed hazardous air pollutants as listed in ~~Table 370.1 of this rule and~~ TABLE 370-1. FEDERAL LIST OF HAZARDOUS AIR POLLUTANTS of this rule and the following federal regulations located in the U.S. Code of Federal Regulations, Part 61 of Title 40, Subchapter C (CFR) as codified on July 1, 2016, are herein incorporated by reference with the listed exclusions, in Maricopa County’s Air Pollution Control Regulations. ~~NESHAPs adopted as of July 1, 2015, as listed below and as which can be found at 40 CFR 61 and all accompanying appendices, are incorporated by reference with the listed exclusions and additions and shall be applied by the Control Officer.~~ This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.

- 301.1 **Subpart A**—General Provisions; exclude any sections dealing with equivalency determinations that are nontransferable through Section 112(e)(3) of the Act.
- 301.2 **Subpart C**—National Emission Standard for Beryllium.
- 301.3 **Subpart D**—National Emission Standard for Beryllium Rocket Motor Firing.
- 301.4 **Subpart E**—National Emission Standard for Mercury.
- 301.5 **Subpart F**—National Emission Standard for Vinyl Chloride.
- 301.6 **Subpart G**—(Reserved).
- 301.7 **Subpart J**—National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.
- 301.8 **Subpart L**—National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants.
- 301.9 **Subpart M**—National Emission Standard for Asbestos.
  - a. Each owner or operator of a demolition activity or renovation activity involving a facility as defined in 40 CFR 61, Subpart M shall:
    - (1) Fully comply with all requirements of 40 CFR 61, Subpart M.
    - (2) Thoroughly inspect the facility within 12 months of commencement of demolition or renovation activity for the presence of asbestos, including Category I and Category II nonfriable ACM. Include the date of this inspection on the written notification.
    - (3) Provide the Control Officer with written notification of intention to demolish or to renovate in the manner described in 40 CFR 61.145.



involving Category I nonfriable ACM and Category II nonfriable ACM exclusively. Viewing devices shall be so designed as to allow an inspector to view the facility from the outside, either through ports or by video monitoring.

- (c) All exposed RACM subject to cutting or dismantling operations and all RACM being removed from a facility or a facility component shall be kept adequately wet by using amended water to control the release of asbestos fibers. The use of amended water will not be required in the case of an ordered demolition, as defined in 40 CFR 61.145(a)(3), where the debris is suspected to contain or is known to contain ACM, however ordered demolitions are subject to 40 CFR 61.145(c)(9). Specific exemptions are listed under 40 CFR 61.145(c)(3)(i)(A), 40 CFR 61.145(c)(3)(ii) and/or 40 CFR 61.145(c)(7)(i). To claim these exemptions, the owner or operator shall follow the requirements of 40 CFR 61.145(c)(3)(i)(B), 40 CFR 61.145(c)(3)(iii) and/or 61.145(c)(7)(ii) and (iii).
- (d) All RACM shall be contained in transparent, leak-tight wrapping and shall remain adequately wet to prevent dust emissions during removal, transport, storage, and proper landfill disposal following local, county, state, and federal regulations. Affix a visible and legible label to each individual wrapping with the name of the site owner or operator and the name and address of the location that generated the RACM.

- 301.10 Subpart N**—National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants.
- 301.11 Subpart O**—National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters.
- 301.12 Subpart P**—National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.
- 301.13 Subpart S**—(Reserved).
- 301.14 Subpart U**—(Reserved).
- 301.15 Subpart V**—National Emission Standard for Equipment Leaks (Fugitive Emission Sources).
- 301.16 Subpart X**—(Reserved).
- 301.17 Subpart Y**—National Emission Standard for Benzene Emissions from Benzene Storage Vessels.
- 301.18 Subpart Z**—(Reserved).
- 301.19 Subpart AA**—(Reserved).
- 301.20 Subpart BB**—National Emission Standard for Benzene Emissions from Benzene Transfer Operations.
- 301.21 Subpart CC**—(Reserved).
- 301.22 Subpart DD**—(Reserved).
- 301.23 Subpart EE**—(Reserved).
- 301.24 Subpart FF**—National Emission Standard for Benzene Waste Operations.

**302 STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES:** ~~The federally listed hazardous air pollutants as listed in Table 370.1 of this rule and TABLE 370-1. FEDERAL LIST OF HAZARDOUS AIR POLLUTANTS of this rule and the following federal regulations located in the U.S. Code of Federal Regulations, Part 63 of Title 40, Subchapter C (CFR), as codified on July 1, 2016, are herein incorporated by reference with the listed exclusions, in Maricopa County’s Air Pollution Control Regulations, NESHAPs adopted as of July 1, 2015, as listed below and as which can be found at 40 CFR 63 and all accompanying appendices, are incorporated by reference with the listed exclusions and additions and shall~~



~~be applied by the Control Officer.~~ This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.

- 302.1 Subpart A**—General Provisions.
- 302.2 Subpart F**—National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.
- 302.3 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.
- 302.4 Subpart H**—National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.
- 302.5 Subpart I**—National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.
- 302.6 Subpart J**—National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production.
- 302.7 Subpart K**—(Reserved).
- 302.8 Subpart L**—National Emission Standards for Coke Oven Batteries.
- 302.9 Subpart M**—National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.
- 302.10 Subpart N**—National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
- 302.11 Subpart O**—Ethylene Oxide Emissions Standards for Sterilization Facilities.
- 302.12 Subpart P**—(Reserved).
- 302.13 Subpart Q**—National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.
- 302.14 Subpart R**—National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).
- 302.15 Subpart S**—National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.
- 302.16 Subpart T**—National Emission Standards for Halogenated Solvent Cleaning.
- 302.17 Subpart U**—National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.
- 302.18 Subpart V**—(Reserved).
- 302.19 Subpart W**—National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production.
- 302.20 Subpart X**—National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting.
- 302.21 Subpart Z**—(Reserved).
- 302.22 Subpart AA**—National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants.
- 302.23 Subpart BB**—National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants.



- 302.24 **Subpart CC**—National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.
- 302.25 **Subpart DD**—National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.
- 302.26 **Subpart EE**—National Emission Standards for Magnetic Tape Manufacturing Operations.
- 302.27 **Subpart FF**—(Reserved).
- 302.28 **Subpart GG**—National Emission Standards for Aerospace Manufacturing and Rework Facilities.
- 302.29 **Subpart HH**—National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities.
- 302.30 **Subpart JJ**—National Emission Standards for Wood Furniture Manufacturing Operations.
- 302.31 **Subpart KK**—National Emission Standards for the Printing and Publishing Industry.
- 302.32 **Subpart LL**—National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants.
- 302.33 **Subpart MM**—National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills.
- 302.34 **Subpart NN**—~~(Reserved)~~ National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources.
- 302.35 **Subpart OO**—National Emission Standards for Tanks – Level 1.
- 302.36 **Subpart PP**—National Emission Standards for Containers.
- 302.37 **Subpart QQ**—National Emission Standards for Surface Impoundments.
- 302.38 **Subpart RR**—National Emission Standards for Individual Drain Systems.
- 302.39 **Subpart SS**—National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.
- 302.40 **Subpart TT**—National Emission Standards for Equipment Leaks – Control Level 1.
- 302.41 **Subpart UU**—National Emission Standards for Equipment Leaks – Control Level 2 Standards.
- 302.42 **Subpart VV**—National Emission Standards for Oil-Water Separators and Organic-Water Separators.
- 302.43 **Subpart WW**—National Emission Standards for Storage Vessels (Tanks) – Control Level 2.
- 302.44 **Subpart XX**—National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.
- 302.45 **Subpart YY**—National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.
- 302.46 **Subpart ZZ**—(Reserved).
- 302.47 **Subpart AAA**—(Reserved).
- 302.48 **Subpart BBB**—(Reserved).
- 302.49 **Subpart CCC**—National Emission Standards for Hazardous Air Pollutants for Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants.
- 302.50 **Subpart DDD**—National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.
- 302.51 **Subpart EEE**—National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.



- 302.52 Subpart FFF**—(Reserved).
- 302.53 Subpart GGG**—National Emission Standards for Pharmaceuticals Production.
- 302.54 Subpart HHH**—National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities.
- 302.55 Subpart III**—National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.
- 302.56 Subpart JJJ**—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.
- 302.57 Subpart KKK**—(Reserved).
- 302.58 Subpart LLL**—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry.
- 302.59 Subpart MMM**—National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.
- 302.60 Subpart NNN**—National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.
- 302.61 Subpart OOO**—National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins.
- 302.62 Subpart PPP**—National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production.
- 302.63 Subpart QQQ**—National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting.
- 302.64 Subpart RRR**—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.
- 302.65 Subpart SSS**—(Reserved).
- 302.66 Subpart TTT**—National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.
- 302.67 Subpart UUU**—National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.
- 302.68 Subpart VVV**—National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.
- 302.69 Subpart WWW**—(Reserved).
- 302.70 Subpart XXX**—National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese.
- 302.71 Subpart YYY**—(Reserved).
- 302.72 Subpart ZZZ**—(Reserved).
- 302.73 Subpart AAAA**—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.
- 302.74 Subpart BBBB**—(Reserved).
- 302.75 Subpart CCCC**—National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast.
- 302.76 Subpart DDDD**—National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products.



- 302.77 **Subpart EEEE**—National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline).
- 302.78 **Subpart FFFF**—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing.
- 302.79 **Subpart GGGG**—National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production.
- 302.80 **Subpart HHHH**—National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production.
- 302.81 **Subpart IIII**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks.
- 302.82 **Subpart JJJJ**—National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating.
- 302.83 **Subpart KKKK**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans.
- 302.84 **Subpart LLLL**—(Reserved).
- 302.85 **Subpart MMMM**—National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.
- 302.86 **Subpart NNNN**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances.
- 302.87 **Subpart OOOO**—National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles.
- 302.88 **Subpart PPPP**—National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.
- 302.89 **Subpart QQQQ**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products.
- 302.90 **Subpart RRRR**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture.
- 302.91 **Subpart SSSS**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.
- 302.92 **Subpart TTTT**—National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations.
- 302.93 **Subpart UUUU**—National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing.
- 302.94 **Subpart VVVV**—National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing.
- 302.95 **Subpart WWWW**—National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production.
- 302.96 **Subpart XXXX**—National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing.
- 302.97 **Subpart YYYYY**—National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.
- 302.98 **Subpart ZZZZ**—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.



- 302.99 Subpart AAAAAA**—National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.
- 302.100 Subpart BBBBBB**—National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.
- 302.101 Subpart CCCCCC**—National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.
- 302.102 Subpart DDDDDD**—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters.
- 302.103 Subpart EEEEE**—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.
- 302.104 Subpart FFFFFF**—National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities.
- 302.105 Subpart GGGGG**—National Emission Standards for Hazardous Air Pollutants: Site Remediation.
- 302.106 Subpart HHHHH**—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing.
- 302.107 Subpart IIIII**—National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants.
- 302.108 Subpart JJJJJ**—National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.
- 302.109 Subpart KKKKK**—National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.
- 302.110 Subpart LLLLL**—National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing.
- 302.111 Subpart MMMMM**—National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations.
- 302.112 Subpart NNNNN**—National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production.
- 302.113 Subpart OOOOO**—(Reserved).
- 302.114 Subpart PTTTT**—National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/ Stands.
- 302.115 Subpart QQQQQ**—National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.
- 302.116 Subpart RRRRR**—National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing.
- 302.117 Subpart SSSSS**—National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.
- 302.118 Subpart TTTTT**—National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining.
- 302.119 Subpart UUUUU**—National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units.
- 302.120 Subpart VVVVV**—(Reserved).



- 302.121 Subpart WWWW**—National Emission Standards for Hospital Ethylene Oxide Sterilizers.
- 302.122 Subpart XXXX**—(Reserved).
- 302.123 Subpart YYYY**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities.
- 302.124 Subpart ZZZZ**—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.
- 302.125 Subpart AAAAA**—(Reserved).
- 302.126 Subpart BBBB**—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.
- 302.127 Subpart CCCC**—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.
- 302.128 Subpart DDDD**—National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.
- 302.129 Subpart EEEE**—National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Area Sources.
- 302.130 Subpart FFFF**—National Emission Standards for Hazardous Air Pollutants: Secondary Copper Smelting Area Sources.
- 302.131 Subpart GGGG**—National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources--Zinc, Cadmium, and Beryllium.
- 302.132 Subpart HHHH**—National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.
- 302.133 Subpart IIII**—(Reserved).
- 302.134 Subpart JJJJ**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers.
- 302.135 Subpart KKKK**—(Reserved).
- 302.136 Subpart LLLL**—National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.
- 302.137 Subpart MMMM**—National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources.
- 302.138 Subpart NNNN**—National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds.
- 302.139 Subpart OOOO**—National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.
- 302.140 Subpart PPPP**—National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area.
- 302.141 Subpart QQQQ**—National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.
- 302.142 Subpart RRRR**—National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.
- 302.143 Subpart SSSS**—National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources.



- 302.144 Subpart TTTTTT**—National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources.
- 302.145 Subpart UUUUUU**—(Reserved).
- 302.146 Subpart VVVVVV**—National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources
- 302.147 Subpart WWWWWW**—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.
- 302.148 Subpart XXXXXX**—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.
- 302.149 Subpart YYYYYY**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities.
- 302.150 Subpart ZZZZZZ**—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.
- 302.151 Subpart AAAAAA**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing.
- 302.152 Subpart BBBBBB**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry.
- 302.153 Subpart CCCCCC**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing.
- 302.154 Subpart DDDDDD**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.
- 302.155 Subpart EEEEEEE**—National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category.
- 302.156 Subpart FFFFFFFF**—(Reserved).
- 302.157 Subpart GGGGGG**—(Reserved).
- 302.158 Subpart HHHHHH**—National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production.

### 303 ADDITIONAL REQUIREMENTS:

- 303.1** From the general standards identified in Section 301 of this rule, delete 40 CFR 61.04. All requests, reports, applications, submittals, and other communications to the Control Officer pursuant to this rule shall be submitted to the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 125, Phoenix, AZ, 85004.
- 303.2** Where the Act has established provisions, including specific schedules, for the regulation of source categories pursuant to Sections 112(e)(5) and 112(n) of the Act, the Control Officer may enforce those provisions.
- 303.3** For any category or subcategory of sources licensed by the U.S. Nuclear Regulatory Commission, the Board of Supervisors shall not adopt and the Control Officer shall not enforce any standard or limitation respecting emissions of radionuclides which is more stringent than the standard or limitation adopted by the Administrator pursuant to Section 112 of the Act.

**303.4** If the Administrator finds by rule that regulation is not appropriate or necessary or that alternative control strategies should be applied, the Control Officer shall administer and enforce this rule based on the Administrator's findings.

**SECTION 400 – ADMINISTRATIVE REQUIREMENTS**

**401 CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES IN ACCORDANCE WITH CLEAN AIR ACT SECTIONS, SECTIONS 112(g) AND 112(j):** 40 CFR 63.40 through 40 CFR 63.44 and 40 CFR 63.50 through 40 CFR 63.56 are adopted by reference as of ~~July 1, 2015~~ July 1, 2016.

**402 COMPLIANCE EXTENSIONS FOR EARLY REDUCTION OF FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS:** 40 CFR 63.70 through 40 CFR 63.81 and Table 370.1 are adopted by reference as of ~~July 1, 2015~~ July 1, 2016.

**SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)**

**TABLE 370-1. FEDERAL LIST OF HAZARDOUS AIR POLLUTANTS**

**A.** All of the following are federally listed hazardous air pollutants:

| <u>CAS No.</u> | <u>Chemical Name</u>                      |
|----------------|---|
| 75-07-0        | Acetaldehyde                              |
| 60-35-5        | Acetamide                                 |
| 75-05-8        | Acetonitrile                              |
| 98-86-2        | Acetophenone                              |
| 53-96-3        | 2-Acetylaminofluorene                     |
| 107-02-8       | Acrolein                                  |
| 79-06-1        | Acrylamide                                |
| 79-10-7        | Acrylic acid                              |
| 107-13-1       | Acrylonitrile                             |
| 107-05-1       | Allyl chloride                            |
| 92-67-1        | 4-Aminobiphenyl                           |
| 62-53-3        | Aniline                                   |
| 90-04-0        | o-Anisidine                               |
| 1332-21-4      | Asbestos                                  |
| 71-43-2        | Benzene (including benzene from gasoline) |
| 92-87-5        | Benzidine                                 |
| 98-07-7        | Benzotrichloride                          |
| 100-44-7       | Benzyl chloride                           |
| 92-52-4        | Biphenyl                                  |
| 117-81-7       | Bis(2-ethylhexyl)phthalate (DEHP)         |
| 542-88-1       | Bis(chloromethyl)ether                    |
| 75-25-2        | Bromoform                                 |
| 106-99-0       | 1,3-Butadiene                             |
| 156-62-7       | Calcium cyanamide                         |
| 133-06-2       | Captan                                    |
| 63-25-2        | Carbaryl                                  |
| 75-15-0        | Carbon disulfide                          |
| 56-23-5        | Carbon tetrachloride                      |
| 463-58-1       | Carbonyl sulfide                          |
| 120-80-9       | Catechol                                  |
| 133-90-4       | Chloramben                                |
| 57-74-9        | Chlordane                                 |
| 7782-50-5      | Chlorine                                  |
| 79-11-8        | Chloroacetic acid                         |
| 532-27-4       | 2-Chloroacetophenone                      |



|           |   |
|-----------|---|
| 108-90-7  | Chlorobenzene                               |
| 510-15-6  | Chlorobenzilate                             |
| 67-66-3   | Chloroform                                  |
| 107-30-2  | Chloromethyl methyl ether                   |
| 126-99-8  | Chloroprene                                 |
| 1319-77-3 | Cresols/Cresylic acid (isomers and mixture) |
| 95-48-7   | o-Cresol                                    |
| 108-39-4  | m-Cresol                                    |
| 106-44-5  | p-Cresol                                    |
| 98-82-8   | Cumene                                      |
| 94-75-7   | 2,4-D, salts and esters                     |
| 3547-04-4 | DDE   |
| 334-88-3  | Diazomethane                                |
| 132-64-9  | Dibenzofurans                               |
| 96-12-8   | 1,2-Dibromo-3-chloropropane                 |
| 84-74-2   | Dibutylphthalate                            |
| 106-46-7  | 1,4-Dichlorobenzene(p)                      |
| 91-94-1   | 3,3-Dichlorobenzidene                       |
| 111-44-4  | Dichloroethyl ether                         |
|           | (Bis(2-chloroethyl)ether)                   |
| 542-75-6  | 1,3-Dichloropropene                         |
| 62-73-7   | Dichlorvos                                  |
| 111-42-2  | Diethanolamine                              |
| 121-69-7  | N,N-Diethyl aniline (N,N-Dimethylaniline)   |
| 64-67-5   | Diethyl sulfite                             |
| 119-90-4  | 3,3-Dimethoxybenzidine                      |
| 60-11-7   | Dimethyl aminoazobenzene                    |
| 119-93-7  | 3,3'-Dimethyl benzidine                     |
| 79-44-7   | Dimethyl carbamoyl chloride                 |
| 68-12-2   | Dimethyl form-amide                         |
| 57-14-7   | 1,1-Dimethyl hydrazine                      |
| 131-11-3  | Dimethyl phthalate                          |
| 77-78-1   | Dimethyl sulfate                            |
| 534-52-1  | 4,6-Dinitro-o-cresol, and salts             |
| 51-28-5   | 2,4-Trinitrotoluene                         |
| 121-14-2  | 2,4-Dinitrotoluene                          |
| 123-91-1  | 1,4-Dioxane (1,4-Diethyleneoxide)           |
| 122-66-7  | 1,2-Diphenylhydrazine                       |
| 106-89-8  | Epichlorohydrin                             |
|           | (1-Chloro-2,3-epoxypropane)                 |
| 106-88-7  | 1,2-Epoxybutane                             |
| 140-88-5  | Ethyl acrylate                              |
| 100-41-4  | Ethyl benzene                               |
| 51-79-6   | Ethyl carbamate (Urethane)                  |
| 75-00-3   | Ethyl chloride (Chloroethane)               |
| 106-93-4  | Ethylene dibromide (Dibromoethane)          |
| 107-06-2  | Ethylene dichloride (1,2-Dichloroethane)    |
| 107-21-1  | Ethylene glycol                             |
| 151-56-4  | Ethylene imine (Aziridine)                  |
| 75-21-8   | Ethylene oxide                              |
| 96-45-7   | Ethylene thiourea                           |
| 75-34-3   | Ethylidene dichloride (1,1-Dichloroethane)  |
| 50-00-0   | Formaldehyde                                |
| 76-44-8   | Heptachlor                                  |
| 118-74-1  | Hexachlorobenzene                           |
| 87-68-3   | Hexachlorobutadiene                         |
| 77-47-4   | Hexachlorocyclopentadiene                   |
| 67-72-1   | Hexachloroethane                            |

|           |  |
|-----------|--|
| 822-06-0  | Hexamethylene-1,6-diisocyanate             |
| 680-31-9  | Hexamethylphosphoramide                    |
| 110-54-3  | Hexane                                     |
| 302-01-2  | Hydrazine                                  |
| 7647-01-0 | Hydrochloric acid                          |
| 7664-39-3 | Hydrogen fluoride (Hydrofluoric acid)      |
| 123-31-9  | Hydroquinone                               |
| 78-59-1   | Isophorone                                 |
| 58-89-9   | Lindane (all isomers)                      |
| 108-31-6  | Maleic anhydride                           |
| 67-56-1   | Methanol                                   |
| 72-43-5   | Methoxychlor                               |
| 74-83-9   | Methyl bromide (Bromomethane)              |
| 74-87-3   | Methyl chloride (Chloromethane)            |
| 71-55-6   | Methyl chloroform (1,1,1-Trichloroethane)  |
| 60-34-4   | Methyl hydrazine                           |
| 74-88-4   | Methyl iodide (Iodomethane)                |
| 108-10-1  | Methyl isobutyl ketone (Hexone)            |
| 624-83-9  | Methyl isocyanate                          |
| 80-62-6   | Methyl methacrylate                        |
| 1634-04-4 | Methyl tert butyl ether                    |
| 101-14-4  | 4,4-Methylene bis (2-chloroaniline)        |
| 75-09-2   | Methylene chloride (Dichloromethane)       |
| 101-68-8  | Methylene diphenyl diisocyanate (MDI)      |
| 101-77-9  | 4,4'-Methylenedianiline                    |
| 91-20-3   | Naphthalene                                |
| 98-95-3   | Nitrobenzene                               |
| 92-93-3   | 4-Nitrobiphenyl                            |
| 100-02-7  | 4-Nitrophenol                              |
| 79-46-9   | 2-Nitropropane                             |
| 684-93-5  | N-Nitroso-N-methylurea                     |
| 62-75-9   | N-Nitrosodimethylamine                     |
| 59-89-2   | N-Nitrosomorpholine                        |
| 56-38-2   | Parathion                                  |
| 82-68-8   | Pentachloronitrobenzene (Quintobenzene)    |
| 87-86-5   | Pentachlorophenol                          |
| 108-95-2  | Phenol                                     |
| 106-50-3  | p-Phenylenediamine                         |
| 75-44-5   | Phosgene                                   |
| 7803-51-2 | Phosphine                                  |
| 7723-14-0 | Phosphorus                                 |
| 85-44-9   | Phthalic anhydride                         |
| 1336-36-3 | Polychlorinated biphenyls (Aroclors)       |
| 1120-71-4 | 1,3-Propane sultone                        |
| 57-57-8   | beta-Propiolactone                         |
| 123-38-6  | Propionaldehyde                            |
| 114-26-1  | Propoxur (Baygon)                          |
| 78-87-5   | Propylene dichloride (1,2-Dichloropropane) |
| 75-56-9   | Propylene oxide                            |
| 75-55-8   | 1,2-Propylenimine (2-Methylaziridine)      |
| 91-22-5   | Quinoline                                  |
| 106-51-4  | Quinone                                    |
| 100-42-5  | Styrene                                    |
| 96-09-3   | Styrene oxide                              |
| 1746-01-6 | 2,3,7,8-Tetrachlorodibenzo-p-dioxin        |
| 79-34-5   | 1,1,2,2-Tetrachloroethane                  |
| 127-18-4  | Tetrachloroethylene (Perchloroethylene)    |
| 7550-45-0 | Titanium tetrachloride                     |
| 108-88-3  | Toluene                                    |
| 95-80-7   | 2,4-Toluene diamine                        |



|           |  |
|-----------|--|
| 584-84-9  | 2,4-Toluene diisocyanate                         |
| 95-53-4   | o-Toluidine                                      |
| 8001-35-2 | Toxaphene (chlorinated camphene)                 |
| 120-82-1  | 1,2,4-Trichlorobenzene                           |
| 79-00-5   | 1,1,2-Trichloroethane                            |
| 79-01-6   | Trichloroethylene                                |
| 95-95-4   | 2,4,5-Trichlorophenol                            |
| 88-06-2   | 2,4,6-Trichlorophenol                            |
| 121-44-8  | Triethylamine                                    |
| 1582-09-8 | Trifluralin                                      |
| 540-84-1  | 2,2,4-Trimethylpentane                           |
| 108-05-4  | Vinyl acetate                                    |
| 593-60-2  | Vinyl bromide                                    |
| 75-01-4   | Vinyl chloride                                   |
| 75-35-4   | Vinylidene chloride (1,1-Dichloroethylene)       |
| 1330-20-7 | Xylenes (isomers and mixture)                    |
| 95-47-6   | o-Xylenes  |
| 108-38-3  | m-Xylenes  |
| 106-42-3  | p-Xylenes  |
| 0         | Antimony Compounds                               |
| 0         | Arsenic Compounds inorganic including<br>arsine) |
| 0         | Beryllium Compounds                              |
| 0         | Cadmium Compounds                                |
| 0         | Chromium Compounds                               |
| 0         | Cobalt Compounds                                 |
| 0         | Coke Oven Emissions                              |
| 0         | Cyanide Compounds <sup>[1]</sup>                 |
| 0         | Glycol ethers <sup>[2]</sup>                     |
| 0         | Lead Compounds                                   |
| 0         | Manganese Compounds                              |
| 0         | Mercury Compounds                                |
| 0         | Fine mineral fibers <sup>[3]</sup>               |
| 0         | Nickel Compounds                                 |
| 0         | Polycyclic Organic Matter <sup>[4]</sup>         |
| 0         | Radionuclides (including radon) <sup>[5]</sup>   |
| 0         | Selenium Compounds                               |

- B.** The following applies for all listings above which contain the word “compounds” or are glycol ethers: unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

[1] X'CN where X = H' or any other group where a formal dissociation may occur (e.g. KCN or Ca(CN)<sub>2</sub>).

[2] a. Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OR' where:

n = 1, 2, or 3;

R = alkyl C7 or less; or

R = phenyl or alkyl substituted phenyl;

R' = H or alkyl C7 or less; or

OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate.

- b. Glycol ethers do not include ethylene glycol monobutyl ether (EGBE, 2-Butoxyethanol) (CAS No. 111-76-2).
- [3] Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter one micrometer or less.
- [4] Includes organic compounds which have more than one benzene ring and which have a boiling point greater than or equal to 212 °F (100 °C).
- [5] A type of atom which spontaneously undergoes radioactive decay.

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS  
REGULATION III – CONTROL OF AIR CONTAMINANTS  
RULE 371  
ACID RAIN**

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Adopted 02/15/1995; Revised 04/03/1996; Revised 03/01/2000; Revised 03/07/2001; Revised 11/19/2003; Revised 03/15/2006; Revised 12/17/2008; Revised 09/16/2009; Revised 07/07/2010; Revised 08/17/2011; Revised 07/25/2012; Revised 03/26/2014; Revised 11/05/2014; ~~and~~ Revised 11/18/2015; and Revised MM/DD/YYYY.

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS  
REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 371  
ACID RAIN**

**SECTION 100 – GENERAL**



- 101 PURPOSE:** To incorporate by reference the Acid Rain federal regulations in order to obtain delegated authority to enforce portions of the Clean Air Act Amendments of 1990 (CAAA).
- 102 APPLICABILITY:** This rule applies to those affected units as described in ~~40 Code of Federal Regulations (CFR) 72.6~~ 40 CFR 72.6 which has been adopted by reference and no future additions or amendments. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 SEVERABILITY:** If the provisions or requirements of the regulations incorporated pursuant to this rule conflict with any of the remaining portions of these rules, the regulations incorporated pursuant to this rule shall apply and shall take precedence.
- 104 AVAILABILITY OF INFORMATION:** Copies of 40 CFR Part 72 (Permits Regulation), 40 CFR Part 74 (Sulfur Dioxide Opt-Ins), 40 CFR Part 75 (Continuous Emission Monitoring), and 40 CFR 76 (Acid Rain Nitrogen Oxides Emission Reduction Program) and all accompanying appendices currently enforced by the department are available as listed: electronically at: <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>; at the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 125, Phoenix, AZ, 85004; or by calling (602) 506-6010 for information. ~~ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at [www.astm.org](http://www.astm.org).~~
- a.** Maricopa County Air Quality Department, 1001 N. Central Ave, Suite 125, Phoenix, AZ, 85004.
  - b.** Maricopa County Rules are available electronically at <http://www.maricopa.gov/aaq>.
  - c.** EPA documents are available electronically at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.
  - d.** ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at [www.astm.org](http://www.astm.org).
- 105 FEDERAL DELEGATION AUTHORITY:** The department shall enforce the Federal Acid Rain Regulations which have been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. The department may, in addition, enforce such other Acid Rain Rules as delegated for such enforcement by the EPA to the County.

**SECTION 200 – DEFINITIONS:** See Rule 100 (General Provisions and Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule.

### SECTION 300 – STANDARDS

- 301 INCORPORATED SUBPARTS OF THE FEDERAL ACID RAIN REGULATIONS:** ~~40 CFR Parts 72, 74, 75 and 76 and all accompanying appendices, adopted as of July 1, 2015, (and no future additions or amendments) are incorporated by reference as applicable requirements. The following federal regulations located in the U.S. Code of Federal Regulations, Title 40, Subchapter C (CFR) as codified on July 1, 2016, are herein incorporated by reference in Maricopa County's Air Pollution Control Regulations. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.~~
- a.** 40 CFR Part 72 – Permits Regulation
  - b.** 40 CFR Part 74 – Sulfur Dioxide Opt-Ins
  - c.** 40 CFR Part 75 – Continuous Emission Monitoring
  - d.** 40 CFR Part 76 – Acid Rain Nitrogen Oxides Emission Reduction Program
- 302 FEDERAL REGULATORY REVISIONS:** The Maricopa County Board of Supervisors shall take action following promulgation by the Environmental Protection Agency (EPA) of regulations implementing Section 407 and Section 410 of the Clean Air Act (CAA), or revising either Part 72, 74, 75, and/or 76 of the

regulations implementing Section 407 or Section 410 of the CAA, to either incorporate such new or revised provisions by reference or to submit, for the EPA approval, the Maricopa County Air Pollution Control Regulations implementing these provisions.

**SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)****SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)**

Adopted 03/15/2006; Revised 12/17/2008; Revised 09/16/2009; Revised 07/07/2010; Revised 08/17/2011; Revised 07/25/2012; Revised 09/25/2013; Revised 03/26/2014; Revised 11/05/2014; ~~and Revised 11/18/2015;~~ and Revised MM/DD/YYYY.

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS**

**APPENDIX G  
Incorporated Materials**

1. The following test methods, protocols, federal interpretations, guidelines, and appendices located in Title 40, Code of Federal Regulations (CFR) are approved for use as directed by the department under the Maricopa County Air Pollution Control Regulations. These standards are incorporated by reference as of July 1, 2015, and no future editions or amendments. The following federal regulations located in the U.S. Code of Federal Regulations, Title 40, Subchapter C (CFR) as codified on July 1, 2016, are herein incorporated by reference in Maricopa County's Air Pollution Control Regulations. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.
  - ~~a. 40 CFR 50;~~
  - ~~b. 40 CFR 50, Appendices A-1, A-2, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, and T;~~
  - ~~c. 40 CFR 51, Appendix M, Appendix S, Section IV; and Appendix W;~~
  - ~~d. 40 CFR 52, Appendices D and E;~~
  - ~~e. 40 CFR 53;~~
  - ~~f. 40 CFR 58;~~
  - ~~g. 40 CFR 58, Appendices A, C, D, E, and G;~~
  - ~~h. 40 CFR 60, Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B, C, D, F, G, and I;~~
  - ~~i. 40 CFR 61, Appendices A, B, C, D, and E;~~
  - ~~j. 40 CFR 63, all appendices~~
  - ~~k. 40 CFR 75, Appendices A, B, C, D, E, F, and G.~~
  - a. 40 CFR Part 50 – National Primary and Secondary Ambient Air Quality Standards-
  - b. The following appendices to 40 CFR Part 51:
    1. Appendix A to Subpart A of Part 51 – Table 2A: Facility Inventory Data Elements for Reporting Emissions From Point Sources, Where Required by 40 CFR 51.30
    2. Appendix M to Part 51 – Recommended Test Methods for State Implementation Plans
    3. Appendix S to Part 51, Section IV – Sources That Would Locate in a Designated Nonattainment Area



4. Appendix W to Part 51 – Guideline on Air Quality Models
- c.** The following appendices to 40 CFR Part 52:
1. Appendix D to Part 52 – Determination of Sulfur Dioxide Emissions From Stationary Sources by Continuous Monitors
  2. Appendix E to Part 52 – Performance Specifications and Specification Test Procedures for Monitoring Systems for Effluent Stream Gas Volumetric Flow Rate
- d.** 40 CFR Part 53 – Ambient Air Monitoring Reference and Equivalent Methods
- e.** 40 CFR Part 58 – Ambient Air Quality Surveillance
- f.** The following appendices to 40 CFR Part 60 – Standards of Performance for New Stationary Sources:
1. Appendix A-1 to Part 60 – Test Methods 1 through 2F
  2. Appendix A-2 to Part 60 – Test Methods 2G through 3C
  3. Appendix A-3 to Part 60 – Test Methods 4 through 5I
  4. Appendix A-4 to Part 60 – Test Methods 6 through 10B
  5. Appendix A-5 to Part 60 – Test Methods 11 through 15A
  6. Appendix A-6 to Part 60 – Test Methods 16 through 18
  7. Appendix A-7 to Part 60 – Test Methods 19 through 25E
  8. Appendix A-8 to Part 60 – Test Methods 26 through 30B
  9. Appendix B to Part 60 – Performance Specifications
  10. Appendix C to Part 60 – Determination of Emission Rate Change
  11. Appendix D to Part 60 – Required Emission Inventory Information
  12. Appendix F to Part 60 – Quality Assurance Procedures
- g.** The following appendices to 40 CFR Part 61 – National Emission Standards for Hazardous Air Pollutants:
1. Appendix A to Part 61 – National Emission Standards for Hazardous Air Pollutants Compliance Status Information.
  2. Appendix B to Part 61 – Test Methods
  3. Appendix C to Part 61 – Quality Assurance Procedures
- h.** The following appendices to 40 CFR Part 63 – National Emission Standards for Hazardous Air Pollutants for Source Categories
1. Appendix A to Part 63 – Test Methods Pollutant Measurement Methods from Various Waste Media
  2. Appendix C to Part 63 – Determination of the Fraction Biodegraded (Fbio) in a Biological Treatment Unit.
  3. Appendix E to Part 63 – Monitoring Procedure for Non-thoroughly Mixed Open Biological Treatment Systems at Kraft Pulp Mills Under Unsafe Sampling Conditions
- 2.** The following are federally listed non-precursor organic compounds, organic compounds which have been determined to have negligible photochemical reactivity as listed in 40 CFR 51.100(s). This list is incorporated by reference as of ~~July 1, 2015~~ July 1, 2016, and no future editions or amendments:

| CAS NUMBER  | COMPOUND NAME   |
|-------------|---|
| 1615-75-4   | 1 chloro-1-fluoroethane (HCFC-151a);  |
| 163702-07-6 | 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C <sub>4</sub> F <sub>9</sub> OCH <sub>3</sub> or HFE-7100); |
| 375-03-1    | 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE-7000);   |
| 132182-92-4 | 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);                              |
| 431-89-0    | 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);   |
| 431-63-0    | 1,1,1,2,3,3,3-hexafluoropropane (HFC-236ea);  |
| 138495-42-8 | 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);   |
| 431-31-2    | 1,1,1,2,3-pentafluoropropane (HFC-245eb);   |
| 811-97-2    | 1,1,1,2-tetrafluoroethane (HFC-134a);   |
| 690-39-1    | 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);  |
| 406-58-6    | 1,1,1,3,3-pentafluorobutane (HFC-365mfc);   |
| 460-73-1    | 1,1,1,3,3-pentafluoropropane (HFC-245fa);   |
| 71-55-6     | 1,1,1-trichloroethane (methyl chloroform);  |
| 306-83-2    | 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);  |
| 420-46-2    | 1,1,1-trifluoroethane (HFC-143a);   |
| 679-86-7    | 1,1,2,2,3-pentafluoropropane (HFC-245ca);   |
| 359-35-3    | 1,1,2,2-tetrafluoroethane (HFC-134);  |
| 24270-66-4  | 1,1,2,3,3-pentafluoropropane (HFC-245ea);   |
| 76-13-1     | 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);  |
| 1717-00-6   | 1,1-dichloro 1-fluoroethane (HCFC-141b);  |
| 75-34-3     | 1,1-difluoroethane (HFC-152a);  |



|             |  |
|-------------|--|
| 76-14-2     | 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);  |
| 354-23-4    | 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);  |
| 507-55-1    | 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);  |
| 75-68-3     | 1-chloro 1,1-difluoroethane (HCFC-142b);   |
| 163702-05-4 | 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C <sub>4</sub> F <sub>9</sub> OC <sub>2</sub> H <sub>5</sub> or HFE-7200);                        |
| 124-68-5    | 2-amino-2- methyl-1-propanol (AMP)   |
| 163702-08-7 | 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF <sub>3</sub> ) <sub>2</sub> CFCF <sub>2</sub> OCH <sub>3</sub> );              |
| 163702-06-5 | 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF <sub>3</sub> ) <sub>2</sub> CFCF <sub>2</sub> OC <sub>2</sub> H <sub>5</sub> ); |
| 754-12-1    | 2,3,3,3-tetrafluoropropene;  |
| 2837-89-0   | 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);   |
| 422-56-0    | 3,3-dichloro-1,1,1,2-pentafluoropropane (HCFC-225ca);  |
| 297730-93-9 | 3-ethoxy- 1,1,1,2,3,4,4,5,5,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);  |
| 67-64-1     | acetone;   |
| 75-45-6     | chlorodifluoromethane (HCFC-22);   |
| 593-70-4    | chlorofluoromethane (HCFC-31);   |
| 76-15-3     | chloropentafluoroethane (CFC-115);   |
| 0           | cyclic, branched, or linear completely methylated siloxanes;   |
| 75-71-8     | dichlorodifluoromethane (CFC-12);  |
| 95508-16-0  | difluoromethane (HFC-32);  |
| 616-38-6    | dimethyl carbonate;  |
| 74-84-0     | ethane;  |
| 95508-16-0  | ethylfluoride (HFC-161);   |
| 188690-78-0 | HCF <sub>2</sub> OCF <sub>2</sub> CF <sub>2</sub> OCF <sub>2</sub> H (HFE-338pcc13);   |
| 1691-17-4   | HCF <sub>2</sub> OCF <sub>2</sub> H (HFE-134);   |
| 188690-77-9 | HCF <sub>2</sub> OCF <sub>2</sub> OCF <sub>2</sub> CF <sub>2</sub> OCF <sub>2</sub> H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));     |
| 78522-47-1  | HCF <sub>2</sub> OCF <sub>2</sub> OCF <sub>2</sub> H (HFE-236cal2);  |
| 72-84-8     | methane;   |
| 79-20-9     | methyl acetate;  |
| 107-33-3    | methyl formate (HCOOCH <sub>3</sub> );   |
| 75-09-2     | methylene chloride (dichloromethane);  |
| 98-56-6     | parachlorobenzotrifluoride (PCBTF);  |
| 354-33-6    | pentafluoroethane (HFC-125);   |
| 127-18-4    | perchloroethylene (tetrachloroethylene);   |
| 108-32-7    | propylene carbonate;   |

|             |  |
|-------------|--|
| 102687-65-0 | <i>trans</i> 1-chloro-3,3,3-trifluoroprop-1-ene (Solstice™ 1233zd(E))  |
| 29118-24-9  | <i>trans</i> -1,3,3,3-tetrafluoropropene;  |
| 75-69-4     | trichlorofluoromethane (CFC-11);   |
| 75-46-7     | trifluoromethane (HFC-23);   |
| 0           | and perfluorocarbon compounds which 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. |

- ~~b.~~ The following compound(s) are 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 (540-88-5).~~
3. The following documents are incorporated by reference and are approved for use as directed by the department under the Maricopa County Air Pollution Control Regulations. These documents are incorporated by reference as of the year specified below, and no future editions or amendments.
- a. Section 1 and Section 7 of the Arizona Department of Environmental Quality's (ADEQ) "Arizona Testing Manual for Air Pollutant Emissions," amended as of March 1992, and no future editions or amendments.
  - ~~b.~~ ~~All ASTM International (ASTM) standards referenced in the Maricopa County Air Pollution Control Regulations as of the year specified in the reference, and no future editions or amendments.~~
  - ~~c.~~ b. The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987", published by the Executive Office of the President, Office of Management and Budget, and no future editions or amendments.
  - ~~d.~~ c. EPA Publication No. AP-42, 1995, "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, Fifth Edition, including Supplements A, B, C, D, E, F, Updates 2001, 2002, 2003, and 2004 and all updates as of ~~July 1, 2015~~ July 1, 2016, and no future editions or amendments.
  - ~~e.~~ d. EPA guidance document "Guidelines for Determining Capture Efficiency", January 9, 1995, and no future editions or amendments.
  - ~~f.~~ e. 2002 US NAICS Manual, "North American Industry Classification System United States", National Technical Information Service, US Census Bureau, 2002, and no future editions or amendments.
4. ~~The following federal regulations located in Title 40, Code of Federal Regulations (CFR) are approved for use as directed by the department under the Maricopa County Air Pollution Control Regulations. These standards are incorporated by reference as of July 1, 2015, and no future editions or amendments.~~
- ~~a.~~ ~~The Air Emissions Reporting Requirements in 40 CFR 51, Subpart A, Appendix A, Table 2A.~~
  - ~~b.~~ ~~40 CFR 75.~~



**Availability of Information:** Copies of these incorporated materials are available electronically at: <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>; at the Maricopa County Air Quality Department, 1001 N. Central Ave, Suite 125, Phoenix, AZ, 85004. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at [www.astm.org](http://www.astm.org)

**4. Availability of Information:** Incorporated materials are available as listed:

- a.** Maricopa County Air Quality Department, 1001 N. Central Ave, Suite 125, Phoenix, AZ, 85004.
- b.** Maricopa County Rules are available electronically at <http://www.maricopa.gov/aq>.
- c.** EPA documents are available electronically at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.
- d.** ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at [www.astm.org](http://www.astm.org).

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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**

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

**EMERGENCY RULEMAKING**

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

**RECODIFICATION OF RULES**

RC = Recodified

**REJECTION OF RULES**

RJ = Rejected by the Attorney General

**TERMINATION OF RULES**

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

**RULE EXPIRATIONS**

EXP = Rules have expired

*See also “emergency expired” under emergency rulemaking*

**CORRECTIONS**

C = Corrections to Published Rules

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|---|--|---|

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|   | F#-1675;        | R4-11-301.                                  | FM-371    | R18-4-121.                                     | FM-379   |
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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<br>(Tuesday)           | February 12, 2016                 | February 23, 2016                | March 1, 2016                    |
| February 16, 2016<br>(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<br>(Wednesday)      | June 7, 2016                     |
| May 23, 2016                            | June 17, 2016                     | June 28, 2016                    | July 6, 2016<br>(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<br>(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<br>(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.



**GOVERNOR'S REGULATORY REVIEW COUNCIL  
NOTICE OF ACTION TAKEN AT THE  
JULY 6, 2016 MEETING**

[M16-193]

**RULES:**

**ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (R-16-0701)**

Title 9, Chapter 21, Article 1, General Provisions; Article 2, Rights of Persons with Serious Mental Illness; Article 3, Individual Service Planning for Behavioral Health Services for Persons with Serious Mental Illness; Article 4, Appeals, Grievances, and Requests for Investigation for Persons with Serious Mental Illness

**Amend:** R9-21-101, R9-21-102, R9-21-103, R9-21-104, R9-21-105, R9-21-106, R9-21-201, R9-21-203, R9-21-204, R9-21-205, R9-21-206, R9-21-206.01, R9-21-208, R9-21-209, Exhibit A, R9-21-301, R9-21-303, R9-21-307, R9-21-309, R9-21-310, R9-21-311, R9-21-401, R9-21-402, R9-21-403, R9-21-404, R9-21-405, R9-21-406, R9-21-407, R9-21-408, R9-21-409, R9-21-410

**COUNCIL ACTION: APPROVED WITH AN IMMEDIATE EFFECTIVE DATE**

**FIVE-YEAR-REVIEW REPORTS:**

**ARIZONA DEPARTMENT OF ADMINISTRATION (F-16-0502)**

Title 2, Chapter 1, Article 6, Adjusted Work Hours

**COUNCIL ACTION: APPROVED**

**ARIZONA DEPARTMENT OF HEALTH SERVICES (F-16-0604)**

Title 9, Chapter 17, All Articles

**COUNCIL ACTION: APPROVED**

**ARIZONA RADIATION REGULATORY AGENCY (F-16-0702)**

Title 12, Chapter 1, Article 1, General Provisions; Article 15, Transportation

**COUNCIL ACTION: APPROVED**

**ARIZONA DEPARTMENT OF CHILD SAFETY (F-16-0703)**

Title 6, Chapter 5, Article 69, Child Placing Agency Licensing Standards

**COUNCIL ACTION: APPROVED**

**ARIZONA DEPARTMENT OF PUBLIC SAFETY (F-16-0704)**

Title 13, Chapter 3, Department of Public Safety Tow Trucks



**COUNCIL ACTION: APPROVED**

**ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (F-16-0705)**  
Title 9, Chapter 22, Article 20, Breast and Cervical Cancer Treatment Program

**COUNCIL ACTION: APPROVED**

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD  
(F-16-0706)**  
Title 13, Chapter 4, Arizona Peace Officer Standards and Training Board

**COUNCIL ACTION: APPROVED**

**ARIZONA OMBUDSMAN– CITIZENS’ AIDE (F-16-0707)**  
Title 2, Chapter 16, All Articles

**COUNCIL ACTION: APPROVED**