### Administrative Register Contents ~ September 23, 2016

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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 Statues known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

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

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

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

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

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

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the Arizona Administrative Code under a specific Title. Titles represent broad subject areas.

The Title number is listed first; with the acronym A.A.C., which stands for the Arizona Administrative Code; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the Arizona Administrative Code. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

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

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

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

Write the agency

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

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

Arizona Regular Rulemaking Process

START HERE

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

It may give an agency an exemption to the process or portions thereof.

Agency opens a docket.

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

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

Agency files Notice of Proposed Rulemaking.

Notice is published in the Register.

Notice of meetings may be published in the Register or included in the Preamble of Proposed Rulemaking.

Agency opens comment period.

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

Substantial change?

If no change then

If substantial change then

Rule must be submitted for review or terminated within 120 days after the close of the record.

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

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

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

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


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

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

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

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

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


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

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

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

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

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

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

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

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**Acronyms**

A.A.C. – Arizona Administrative Code  
A.A.R. – Arizona Administrative Register  
APA – Administrative Procedure Act  
A.R.S. – Arizona Revised Statutes  
CFR – Code of Federal Regulations  
EIS – Economic, Small Business, and Consumer Impact Statement  
FR – Federal Register  
G.R.R.C. – Governor’s Regulatory Review Council  

**About Preambles**

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

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

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.
NOTICES OF PROPOSED RULEMAKING

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

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

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

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

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

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

[R16-178]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)**
   - R4-23-411

2. **Rulemaking Action**
   - Amend

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. § 32-1904(A)(1)
   - Implementing statute: A.R.S. § 32-1974

4. **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:**

5. **The agency's contact person who can answer questions about the rulemaking:**
   - **Name:** Kamlesh Gandhi
   - **Address:** Board of Pharmacy
     1616 W. Adams St., Suite 120
     Phoenix, AZ 85007
   - **Telephone:** (602) 771-2740
   - **Fax:** (602) 771-2749
   - **E-mail:** kgandhi@azpharmacy.gov
   - **Web site:** www.azpharmacy.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:**
   - During the last legislative session, the legislature amended A.R.S. § 32-1974, regarding administration of immunizations, vaccines, and emergency medications by a pharmacist (See Laws 2016, Chapter 267). The amended statute allows a licensed pharmacist or an intern working under the immediate personal supervision of a licensed pharmacist to administer, without a prescription order, an influenza immunization to an individual who is at least three years old, booster doses for the primary adolescent series recommended by the Centers for Disease Control (CDC), all immunizations recommended by the CDC for an individual who is at least 13 years old, and emergency medication to manage an acute allergic reaction to a medication or during a public health emergency response. The amended statute allows a licensed pharmacist or an intern working under the immediate personal supervision of a licensed pharmacist to administer, with a prescription order, the first dose for the primary adolescent series to an individual who is between the ages of six and thirteen years.
   - A licensed pharmacist or a licensed intern working under the immediate personal supervision of a licensed pharmacist who wants to administer immunizations, vaccines, or emergency medication is required to obtain certification...
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 of the rule in 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:**

   It is the statutory changes made in the last legislative session that have economic impact. Statute expands the opportunity for a licensed pharmacist to provide immunizations, vaccines, and emergency medications. This will have positive economic benefit for those who obtain the required certification from the Board. The statutory changes also have positive economic benefit for individuals who are able to obtain necessary immunizations and vaccinations without incurring the expense of seeing a physician and obtaining a prescription order. The conforming changes made in this rulemaking have no economic effect.

   Reducing the information a licensed pharmacist is required to provide to an individual’s primary-care physician or provider will have positive economic benefit for the licensed pharmacist by reducing a regulatory burden while still achieving the same regulatory objective.

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

   Name: Kamlesh Gandhi
   Address: Board of Pharmacy
   1616 W. Adams St., Suite 120
   Phoenix, AZ 85007
   Telephone: (602) 771-2740
   Fax: (602) 771-2749
   E-mail: kgandhi@azpharmacy.gov
   Web site: www.azpharmacy.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 rule will be held as follows:
   Date: Monday, October 24, 2016
   Time: 9:00 a.m.
   Location: Board of Pharmacy
   1616 W. Adams St.
   Board Conference Room
   Phoenix, AZ 85007

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

   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 certification described under R4-23-411(A) is a general permit consistent with A.R.S. § 41-1037 because it is issued to qualified individuals to conduct activities that are substantially similar in nature.

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

      The rule is not more stringent than federal law because no federal law is applicable to the subject of the rule.
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.

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

None

The full text of the rule follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 23. BOARD OF PHARMACY
ARTICLE 4. PROFESSIONAL PRACTICES

A. Certification to administer immunizations, vaccines, and, in an emergency, epinephrine and diphenhydramine medications, as defined at A.R.S. § 32-1974(N), to an eligible adult patient or eligible minor patient. As used in this Section, "eligible adult patient" means an eligible patient 18 years of age or older and "eligible minor patient" means an eligible patient at least 6 years of age but under 18 years of age. A pharmacist or pharmacy or graduate intern in the presence of and under the immediate personal supervision of a certified pharmacist, may administer, without a prescription, immunizations or vaccines and, in an emergency, epinephrine and diphenhydramine medications to an eligible adult patient or eligible minor patient, if:

1. The pharmacist or pharmacy or graduate intern meets the qualifications and standards specified by A.R.S. § 32-1974 and this Section;
2. The Board certifies the pharmacist or pharmacy or graduate intern as specified in subsection (D);
3. For an eligible adult patient, the immunization or vaccine is:
   a. Listed in the United States Centers for Disease Control and Prevention’s Recommended Adult Immunization Schedule; or
   b. Recommended in the United States Centers for Disease Control and Prevention’s Health Information for International Travel;
4. For an eligible adult patient, the immunization or vaccine is not on the Arizona Department of Health Services list specified in A.A.C. R9-6-1301 as required under A.R.S. § 32-1974(I) and subsection (I);
5. For an eligible minor patient, the immunization or vaccine is for influenza; and
6. For an eligible minor patient, any immunizations or vaccines other than influenza are administered in response to a public health emergency declared by the Governor under A.R.S. § 36-787.

B. A pharmacist or pharmacy or graduate intern in the presence of and under the immediate personal supervision of a certified pharmacist, may administer, with a prescription, any immunizations, or vaccines, and, in an emergency, epinephrine and diphenhydramine medications to an eligible adult patient or eligible minor patient, if:

1. The pharmacist or pharmacy or graduate intern meets the qualifications and standards specified by A.R.S. § 32-1974 and this Section;
2. The Board certifies both the pharmacist or pharmacy or graduate intern as specified in subsection (D);

C. A pharmacist or pharmacy or graduate intern who is certified to administer immunizations, or vaccines, and, in an emergency, epinephrine and diphenhydramine medications to an eligible adult patient or eligible minor patient shall:

1. Not delegate the authority to any other pharmacist, pharmacy or graduate intern, or employee; and
2. Maintain their current certificate for inspection by the Board or its designee or review by the public.

D. Qualifications for certification to administer immunizations, or vaccines, and, in an emergency, epinephrine and diphenhydramine medications to an eligible adult patient or eligible minor patient. After receipt of a completed application form, the Board shall issue a certificate authorizing the administration of immunizations, or vaccines, and, in an emergency, epinephrine and diphenhydramine medications to an eligible adult patient or eligible minor patient to a pharmacist or pharmacy or graduate intern who meets the following qualifications:

1. Has a current license to practice pharmacy in this state,
2. Successfully completes a training program specified in subsection (E), and
3. Has a current certificate in basic cardiopulmonary resuscitation.

E. Immunizations training program requirements. A training program for pharmacists or pharmacy or graduate interns to administer immunizations, or vaccines, and, in an emergency, epinephrine and diphenhydramine medications to an eligible adult patient or eligible minor patient shall include the following courses of study:

1. Basic immunology and the human immune response;
2. Mechanics of immunity, adverse effects, dose, and administration schedule of available vaccines;
3. Response to an emergency situation as a result of the administration of an immunization, vaccine, or medication including administering epinephrine and diphenhydramine an emergency medication to counteract the adverse effects of an immunization, vaccine, or medication given based on a patient-specific prescription order received before administering the immunization;
4. Administration of intramuscular injections;
5. Other immunization administration methods; and
6. Recordkeeping and reporting requirements specified in subsection (F).

F. Recordkeeping and reporting requirements.
1. A pharmacist or pharmacy or graduate intern granted certification certified under this Section to administer immunizations, or vaccines, and, in an emergency, epinephrine and diphenhydramine medications to an eligible patient shall provide to the pharmacy the following information and documentation regarding each immunization, or vaccine, or emergency medication administered:
   a. The name, address, and date of birth of the patient;
   b. The date of administration and site of injection;
   c. The name, dose, manufacturer’s lot number, and expiration date of the vaccine, immunization, epinephrine, or emergency medication diphenhydramine;
   d. The name and address of the patient’s primary-care provider or physician, as identified by the patient;
   e. The name of the pharmacist or pharmacy or graduate intern administering the immunization, vaccine, or emergency medication;
   f. A record of the pharmacist’s or pharmacy or graduate intern’s consultation with the patient determining that the patient is an eligible patient as defined in R4-23-110;
   g. The date and time that the written report specified in subsection (F)(2) was sent to the patient’s primary-care provider or physician;
   h. Consultation or other professional information provided to the patient by the pharmacist or pharmacy or graduate intern;
   i. The name and date of the immunization or vaccine information sheet provided to the patient; and
   j. For immunizations an immunization or vaccines vaccine given to an eligible minor patient, a consent form signed by the minor’s parent or guardian.
2. The pharmacist or pharmacy or graduate intern shall provide a written report to the patient’s primary-care provider or physician containing the documentation required in subsection (F)(1)(a-d), (g), and (j) within 48 hours after the immunization or vaccination. The pharmacy shall make the required records specified in subsection (F)(1) and a record of compliance with this subsection available in the pharmacy for inspection by the Board or its designee.
3. A pharmacy’s pharmacist-in-charge shall maintain the records required in subsection (F)(1) in the pharmacy for a minimum of seven years from the immunization’s administration date.

G. Confidentiality of records. A pharmacist, pharmacy or graduate intern, pharmacy permittee, or pharmacist-in-charge shall comply with applicable state and federal privacy statutes and rules when releasing patient health information.

H. Renewal of a certificate for pharmacist-administered immunizations. A certificate authorizing a pharmacist to administer immunizations, or vaccines, and, in an emergency, epinephrine and diphenhydramine medications to an eligible adult patient or eligible minor patient expires after five years. A pharmacist who wishes to continue administering immunizations, vaccines, and emergency medications shall renew the certification by submitting a renewal request to the Board within the 30 days before the certificate’s expiration date. A pharmacist desiring to renew the certificate shall provide to the Board proof of the following:
1. Current certification in basic cardiopulmonary resuscitation, and
2. Completion of a minimum of five contact hours (0.5 CEU) of continuing education related to immunizations during the five-year renewal period. A pharmacist may use the continuing education hours required in this subsection as part of the total continuing education hours required for pharmacist license renewal.

I. Pharmacist-administered or pharmacy or graduate intern-administered adult immunizations that require a prescription order. A pharmacist or pharmacy or graduate intern certified by the Board to administer adult immunizations or vaccines shall not administer any immunization or vaccine listed in A.A.C. R9-6-1301 without a prescription order. In addition to filing a prescription order as required in A.R.S. § 32-1964, a pharmacist or pharmacy or graduate intern who administers an immunization or vaccine listed in A.A.C. R9-6-1301 shall comply with the recordkeeping requirements of subsection (F)(1).
NOTICE OF PROPOSED RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 5. DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS

PREAMBLE

1. Article, Part, or Section Affected (as applicable) | Rulemaking Action
   Article 9 | Amend
   R17-5-901 | Repeal
   R17-5-901 | New Section
   R17-5-902 | Repeal
   R17-5-902 | New Section
   R17-5-903 | Repeal
   R17-5-903 | New Section
   R17-5-904 | Repeal
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   Article 10 | New Article
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   R17-5-1002 | New Section
   R17-5-1003 | New Section
   R17-5-1004 | New Section
   R17-5-1005 | New Section
   R17-5-1006 | New Section
   R17-5-1007 | New Section
   R17-5-1008 | New Section
   R17-5-1009 | New Section

2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
   Authorizing statutes: A.R.S. §§ 28-366, 28-9502(A) and 28-9502(B)(2)
   Implementing statutes: Laws 2015, Ch. 244; Laws 2015, Ch. 235; Laws 2016, Ch. 232; and Laws 2016, Ch. 171

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 rules:
   Notice of Final Exempt Rulemaking: 21 A.A.C. 1825, September 11, 2015
   Notice of Docket Opening: 22 A.A.R. 2090, August 12, 2016

4. The agency’s contact person who can answer questions about the rulemaking:
   Name: Jane McVay
   Address: Department of Transportation
            206 S. 17th Ave., Mail Drop 140A
            Phoenix, AZ 85007
   Telephone: (602) 712-4279
   E-mail: jmcvay@azdot.gov
   Please visit the ADOT web site to track progress of these rules and any other agency rulemaking matters.

5. An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:
   ADOT received approval from Rene Guillen at the Governor’s Office on July 11, 2016 to make rule changes necessary to implement Laws 2016, Chapters 171 and 232. The Department of Weights and Measures (DWM) received approval from Ted Vogt at the Governor’s Office on July 2, 2015 to implement Laws 2015, Chapter 235. Laws 2015, Chapter 244 transferred the regulation of vehicles for hire (taxis, livery vehicles, and limousines) from the Department of Weights and Measures to ADOT effective July 1, 2016. In addition, Laws 2015, Chapter 235, gave
new authority to DWM to regulate transportation network companies. These statutes directed Legislative Council to
transfer the applicable statutes and authority over transportation network companies and vehicles for hire to ADOT in A.R.S. Title 28. To accelerate the program transfer, ADOT assumed responsibility for the transportation network company and vehicle for hire company programs on August 1, 2015. ADOT filed exempt rules on transportation network companies that became effective on August 31, 2015. The Legislature made additional changes in Laws 2016, Chapters 171 and 232, which eased the regulatory requirements for vehicles for hire in a similar fashion to the regulatory requirements for transportation network companies in the 2015 legislation. These proposed rules implement these legislative changes.

A.R.S. § 28-9552 prohibits a transportation network company driver from operating in the state unless the transportation network company obtains a permit from ADOT and pays an application fee, as determined by the Director. ADOT consulted with existing transportation network companies to establish an application fee that the companies felt was fair for both large and small transportation network companies. The exempt rules established an application fee of $1,000 for a transportation network company permit that is valid for three years. A.R.S. § 41-1008 provides that a fee established by exempt rulemaking is effective for two years, and an agency shall not charge the fee after this period unless the agency goes through the rulemaking process.

A.R.S. § 28-9502(A) requires ADOT to adopt rules necessary to administer and enforce the vehicle for hire and transportation network company statutes. A.R.S. § 28-9503 requires ADOT to charge and collect an application fee of $24 per vehicle used as a taxi by a vehicle for hire company at the time of application, not to exceed a total of $1,000 per applicant. This application fee is for three years and caps the total amount that a vehicle for hire company that operates 42 or more taxis pays at the time of application at $1,000.

To avoid confusion with the prior exempt rulemaking for transportation network companies, the rulemaking actions for the rules in Article 9 are “repeal” to repeal the exempt rules, and “new section” to show the new rules. The rulemaking adds a new Article 10 on vehicles for hire that includes provisions on taxis, livery vehicles, and limousines.

The rules do the following:

- Define terms relating to vehicles for hire and transportation network companies, and incorporate by reference taximeter specifications;
- Establish the permitting and application requirements, and applicable fees for a transportation network company and a vehicle for hire company to operate in the state;
- Require transportation network companies and vehicle for hire companies to establish a designated point of contact for the company and allow ADOT to review company records;
- State the circumstances under which livery vehicles must post fares; and
- Reference the hearing procedures applicable to appealable agency actions and contested cases for vehicle for hire companies.

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

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

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

Laws 2015, Chapter 235, amended A.R.S. § 28-142, by expanding the state preemption to regulate taxis, limousines, and livery vehicles to include transportation network companies and vehicles. The law contains an exception for public airports to establish the number of livery vehicles, taxis, and transportation network companies and vehicles that conduct business at a public airport, or to set additional or more restrictive requirements on their operation at a public airport. The rules do not diminish the authority of political subdivisions over transportation network companies or taxis, livery vehicles, or limousines.

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

A.R.S. § 41-1001 defines a small business as a concern that is independently owned and operated, not dominant in its field, and which employs fewer than 100 full-time employees, or which had gross annual receipts of less than $4,000,000 last fiscal year. As of August 2016, a total of 263 businesses have valid vehicle for hire company permits. The vast majority of the taxi, livery, and limousine companies are small businesses with a vehicle fleet of fewer than 10 vehicles. Several companies have very large fleets. Seven transportation network companies have a transportation network company permit in the state. Several ride-sharing businesses that operate in many cities and states throughout the U.S. have permits, are large businesses that generate substantially more than $4,000,000 annually. A number of vehicle for hire companies that have formed recently fall within the definition of a small business.

The transportation network company rules establish an application fee of $1,000 for a transportation network company permit that lasts for three years. On an annual basis, a transportation network company permit costs about...
$333 per year, which allows the company to operate statewide with an unlimited number of rideshare drivers. The large transportation network companies have thousands of rideshare drivers in the state and generate substantially more than $4,000,000 in revenue.

ADOT representatives consulted with transportation network company representatives to discuss setting a reasonable fee for a vehicle for hire company. Transportation network company representatives agreed with the Department that a $1,000 fee for a three-year permit was a fair and reasonable fee to operate their business in the state. The transportation network company, and not the rideshare driver, pays the application fee to ADOT. Transportation network companies or transportation network company drivers are required under the statutes to have commercial liability insurance or motor vehicle liability coverage at established levels while conducting rideshare business. The insurance coverage must be maintained by either the driver or the transportation network company. It is likely that transportation network companies may pass on a small portion of the application fee to the customer, however, the quick growth of rideshare company business does not indicate customer displeasure with paying a portion of the fee. With the volume of rideshare business occurring in large cities, it does not appear that the amount passed on to a customer on a single trip is substantial. Customers, especially those without a personal vehicle, benefit by having more transportation options from numerous ridesharing businesses with varying rates set by the companies.

Prior to ADOT’s regulation of vehicles for hire, the Department of Weights and Measures (DWM) performed this function. DWM statutes provided for an annual $24 fee for each taximeter installed in a taxi. This fee was changed to an application fee of $24 payable by each taxi company for each vehicle used as a taxi at the time of application. The Legislature also extended the permit to 3 years in similar fashion to the transportation network company permit. The legislation also establishes a cap over 3 years of $1,000 for a vehicle for hire applicant. These changes benefit small vehicle for hire companies by lengthening the permit period and essentially reducing the annual fee. Large companies with more than 42 taxis also benefit with the $1,000 cap by paying less than previously. For a small taxi company, the $24 fee for a three-year period is a minimal business cost. Livery vehicle and limousine businesses do not pay any fees, but must obtain a vehicle for hire company permit.

The Department incurred costs of $147,160 to completely automate and streamline the application and fee payment process for vehicle for hire and transportation network companies through a secure website. Fees collected by the Department from vehicle for hire and transportation network companies are deposited in the state general fund, thus increasing state revenue. The streamlining and automation of the application and payment process and the reduction in regulatory requirements are an incentive for new business development and lower the regulatory burden on businesses.

9. The agency’s contact person who can answer questions about the economic, small business, and consumer impact statement:
   Name: Jane McVay
   Address: Department of Transportation
             Government Relations and Policy Development
             206 S. 17th Ave., Mail Drop 140A
             Phoenix, AZ 85007
   Telephone: (602) 712-4279
   E-mail: jmcvay@azdot.gov
   Web site: http://www.azdot.gov/mvd/professional-services/vehicle-for-hire

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:
    The Department has scheduled the following oral proceeding on the proposed rules:
    Date: November 2, 2016
    Time: 10:00 a.m.
    Location: Department of Transportation
              206 S. 17th Ave.
              Phoenix, AZ 85007
    Nature: Oral Proceeding/Public Hearing
    Written comments on the proposed rulemaking should be directed to the person listed under item 4 and may be submitted for 30 days after the publication of the proposed rules until the close of record at 5 p.m. on November 2, 2016.
    Pursuant to Title VI of the Civil Rights Act of 2964, and the Americans with Disabilities Act (ADA), ADOT does not discriminate on the basis of race, color, national origin, age, gender or disability. Persons that require a reasonable accommodation based on language or disability should contact ADOT Civil Rights at (602) 712-8946 or civilrightsoffice@azdot.gov. Requests should be made as early as possible to ensure the state has an opportunity to address the accommodation.
    Personas que requieren asistencia o una adaptacion razonable porhabilidad limitada en Ingles o discapacidad deben
11. All agencies shall list other matters prescribed by statute that are 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:

   There are no other matters prescribed by statute applicable to the Department or to any specific rule or class of rules.

   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:
      A.R.S. § 28-9503 provides that a vehicle for-hire company may not operate in this state without a Department-issued vehicle for hire company permit. A person may not act as a transportation network company driver in the state unless the transportation network company has a transportation network company permit from ADOT. The vehicle for hire company permit and the transportation network company permit are general permits because the activities and practices authorized by this class of permit are the same for all companies that have the permit.

   b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
      No federal law is applicable to the rules.

   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 to the Department.

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


13. The full text of the rules follows:

   TITLE 17. TRANSPORTATION

   CHAPTER 5. DEPARTMENT OF TRANSPORTATION COMMERCIAL PROGRAMS

   ARTICLE 9. TRANSPORTATION SERVICE PROVIDERS TRANSPORTATION NETWORK COMPANIES

   R17-5-901. Definitions

   In addition to the definitions provided under A.R.S. § 28-9551, when applicable to a transportation network company, and
A.R.S. § 41-2051, when applicable to an owner of a taxi, livery vehicle, or limousine, the following definitions apply to this Article unless otherwise specified:

“Applicant” means a person that meets the statutory requirements of a transportation network company as prescribed under A.R.S. Title 28, Chapter 30, Article 3.

“Designated point of contact” means a person employed by a transportation service provider who has the authority to gather and provide records to the Department on request.

“Transportation network company permit” means a document issued by the Department to an applicant that meets the requirements prescribed under A.R.S. Title 28, Chapter 30, Article 3, as authorization to conduct transportation network services in this state.

“Transportation service provider” means the owner of a taxi, livery vehicle, limousine, or transportation network company.

“Violation” means a failure to maintain or make available to the Department any records the transportation service provider is required to maintain and provide to the Department on request as provided under A.R.S. §§ 28-9554 through 28-9556, when applicable to a transportation network company, and A.R.S. § 41-2097 when applicable to an owner of a taxi, livery vehicle, or limousine.

In addition to the definitions provided under A.R.S. § 28-9551, when applicable to a transportation network company, the following definitions apply to this Article unless otherwise specified:

“Applicant” means a person that meets the statutory requirements of a transportation network company as prescribed under A.R.S. Title 28, Chapter 30, Article 3.

“Designated point of contact” means a person employed by a transportation network company who has the authority to gather and provide records to the Department on request.

“Transportation network company permit” means a document issued by the Department to an applicant that meets the requirements prescribed under A.R.S. Title 28, Chapter 30, Article 3, as authorization to conduct transportation network services in this state.

“Violation” means a failure to maintain or make available to the Department any records the transportation network company is required to maintain and provide to the Department on request as provided under A.R.S. §§ 28-9554 through 28-9556.

R17-5-902. Transportation Network Company Permit - Initial Application; Issuance; Fee

A transportation network company permit issued by the Department under A.R.S. § 28-9552, shall apply to the Department by:

1. Completing and submitting online the application form provided by the Department at www.azdot.gov;
2. Providing the full name and contact information of the applicant’s agent for service of process in this state;
3. Certifying that the transportation network company meets the requirements of A.R.S. Title 28, Chapter 30, Article 3;
4. Filing a legible illustration of the applicant’s trade dress; and
5. Paying a $1,000 application fee as provided under A.R.S. § 28-9552(A).

B. Upon receipt and acceptance of all required documents, fees, and certifications, the Department shall issue to an applicant a transportation network company permit.

C. The application fee paid to the Department under subsection (A) is refundable in full if the transportation network company permit application is:

1. Denied by the Department, or
2. Withdrawn by the applicant before the Department issues a transportation network company permit.

D. A transportation network company permit issued by the Department under this Section expires three years after issuance and may be renewed as provided under R17-5-903.
A transportation network company shall apply to the Department for renewal of a transportation network company permit issued by the Department under A.R.S. § 28-9552 and R17-5-902, no earlier than 90 days, and no later than 30 days, before the permit expires by:

1. Completing and submitting online the renewal application form provided by the Department at https://secure.servicearizona.com;

2. Filing with the Department a legible illustration of the applicant’s trade dress if different than the illustration already on file with the Department;

3. Certifying that the transportation network company meets the requirements of A.R.S. Title 28, Chapter 30, Article 3; and

4. Paying a $1,000 renewal application fee as provided under A.R.S. § 28-9552(A).

Upon receipt and acceptance of all required documents, fees, and certifications, the Department shall issue to an applicant a transportation network company permit renewal.

The holder of an expired transportation network company permit may apply to the Department for a new transportation network company permit using the initial application procedure provided under R17-5-903(A).

A transportation network company shall apply to the Department for renewal of a transportation network company permit issued by the Department under A.R.S. § 28-9552 and R17-5-902, no earlier than 90 days, and no later than 30 days, before the permit expires by:

1. Completing and submitting online the renewal application form provided by the Department at https://secure.servicearizona.com;

2. Filing with the Department a legible illustration of the applicant’s trade dress if different than the illustration already on file with the Department;

3. Certifying that the transportation network company meets the requirements of A.R.S. Title 28, Chapter 30, Article 3; and

4. Paying a $1,000 renewal application fee as provided under A.R.S. § 28-9552(A).

Upon receipt and acceptance of all required documents, fees, and certifications, the Department shall issue to an applicant a transportation network company permit renewal.

A transportation network company permit renewal issued by the Department under this Article expires three years after the date the existing transportation network company permit expires.

The holder of an expired transportation network company permit may apply to the Department for a new transportation network company permit using the renewal application procedure provided under R17-5-903(A).

A transportation network company permit or renewal issued by the Department under this Article shall include an assigned number that remains effective until either withdrawn by the Department or until it expires.

A transportation network company permit or renewal issued by the Department under this Article shall not be transferred or assigned, in whole or in part, to any person other than the person to whom the permit is issued, except upon a merger, change in control, or sale of substantially all of the transportation network company’s assets to an entity that assumes the duties and obligations of the permit. The transportation network company shall notify the Department within 30 days of such a transfer or assignment, and the Department shall have 30 days beginning on such notification to nullify the transfer or assignment based on the criteria set forth in this Article. An initial public offering shall not be deemed a transfer or assignment under this Section.

A transportation network company permit or renewal issued by the Department under this Article shall include an assigned number that remains effective until either withdrawn by the Department or until it expires.

A transportation network company permit or renewal issued by the Department under this Article shall not be transferred or assigned, in whole or in part, to any person other than the person to whom the permit is issued, except upon a merger, change in control, or sale of substantially all of the transportation network company’s assets to an entity that assumes the duties and obligations of the permit. The transportation network company shall notify the Department within 30 days of such a transfer or assignment, and the Department shall have 30 days beginning on such notification to nullify the transfer or assignment based on the criteria set forth in this Article. An initial public offering shall not be deemed a transfer or assignment under this Section.

A transportation network company permit or renewal issued by the Department under this Article shall include an assigned number that remains effective until either withdrawn by the Department or until it expires.

A transportation network company permit or renewal issued by the Department under this Article shall not be transferred or assigned, in whole or in part, to any person other than the person to whom the permit is issued, except upon a merger, change in control, or sale of substantially all of the transportation network company’s assets to an entity that assumes the duties and obligations of the permit. The transportation network company shall notify the Department within 30 days of such a transfer or assignment, and the Department shall have 30 days beginning on such notification to nullify the transfer or assignment based on the criteria set forth in this Article. An initial public offering shall not be deemed a transfer or assignment under this Section.
cause all records a transportation network company is required to make available to the Department on request as pro-
vided under A.R.S. §§ 28-9554 through 28-9556.

B. A transportation network company shall make all records described under subsection (A) available to the Department
for review at an Arizona location.

C. The Department shall conduct a record review during the transportation network company’s normal business hours.

D. The Department shall provide a copy of its review report to the transportation network company’s designated point of
contact. The report shall include the review results and indicate any violations found.

R17-5-906. Transportation Service Provider—Designated Point of Contact Transportation Network Company -
Designated Point of Contact

A. A transportation service provider shall provide to the Department the name and contact information of the transportation
service provider’s designated point of contact in this state.

B. A transportation service provider shall notify the Department within 10 business days of making a change to the name
or contact information of the transportation service provider’s designated point of contact in this state.

A. A transportation network company shall provide to the Department the name and contact information of the transporta-
tion network company’s designated point of contact in this state.

B. A transportation network company shall notify the Department within 10 business days of making a change to the name
or contact information of the transportation network company’s designated point of contact in this state.

ARTICLE 10. VEHICLE FOR HIRE

R17-5-1001. Definitions

In addition to the definitions in A.R.S. §§ 28-101 and 28-9501, the following terms apply to this Article unless otherwise
specified:

“Appealable agency action” has the meaning prescribed in A.R.S. § 41-1092.

“Applicant” means a company that applies to the Department for a vehicle for hire company permit as prescribed
under A.R.S. Title 28, Chapter 30, Article 1, and these rules.

“Application” means forms designated as an application and all documents and additional information the Depart-
ment requires a vehicle for hire company applicant to submit to obtain a vehicle for hire company permit.

“Contested case” has the meaning prescribed in A.R.S. § 41-1001.

“Designated point of contact” means a person employed by a vehicle for hire company who has the authority to
gather and provide records to the Department on request.

“Good standing” means that an applicant does not have:

Any outstanding civil penalties owed to the Department;

Any suspension, revocation, or cancellation of a vehicle for hire company permit issued by the Department;

Any delinquent fees, taxes, or unpaid balances owed to the Department; or

Any open complaints submitted to the Department regarding compliance with vehicle for hire statutes or rules.

“Government agency” means this state and any political subdivision of this state that receives and uses tax reve-

cues.

“Handbook 44” means the U. S. Department of Commerce, National Institute of Standards and Technology (NIST)
Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices,
Section 5.54. Taximeters, revised as of 2016.

“NIST” means the National Institute of Standards and Technology of the U.S. Department of Commerce.

“Permittee” means the owner or responsible party in the vehicle for hire company that meets all permit require-
ments and holds a vehicle for hire company permit.

“Trade dress” means a removable and distinct logo, insignia or emblem attached to, or visible from the exterior of a
taxi while providing vehicle for hire services as a taxi, and that includes the word “taxi” or “cab.”

“Vehicle for hire company permit” means the permit required in A.R.S. § 28-9503 for a vehicle for hire company to
operate in this state.

“Violation” means the failure of a vehicle for hire company to:

Provide to the Department any records the vehicle for hire company is required to maintain and provide on
request, as provided in A.R.S. § 28-9507;

Follow these rules; or

Follow A.R.S. Title 28, Chapter 30, Articles 1 and 2.

R17-5-1002. Incorporation by Reference

The Department incorporates by reference the U. S. Department of Commerce, National Institute of Standards and Technol-
ogy (NIST) Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring
Devices, Section 5.54. Taximeters, revised as of 2016, and no later amendments or editions. The incorporated material is
Vehicle for Hire Company Permit; Good Standing; Handbook 44

Providing the full name and contact information of the vehicle for hire company’s agent for service of process in
Completing and submitting the application form to the Department that is located at: www.azdot.gov;
The Department shall conduct a record review during the vehicle for hire company’s normal business hours.
A vehicle for hire company shall apply to the Department for renewal of an existing vehicle for hire company permit
After the inspection, the Department shall provide a copy of the inspection report to the vehicle for hire company or the
A vehicle for hire company shall make all records described under subsection (A) available to the Department for
Upon receipt and acceptance of all required documents, fees, if applicable, and certifications, the Department shall issue
A vehicle for hire company that operates a vehicle for hire as a taxi shall have an operating taxi meter installed in each
taxi by a person or company that uses Handbook 44.
A vehicle for hire company operating a taxi shall maintain, and make available to the Department, records for the installation and calibration of each taxi meter for the duration of the three-year vehicle for hire company permit.

Vehicle for Hire Company Permit - Initial Application; Issuance; Fee
A vehicle for hire company shall apply to the Department for a vehicle for hire company permit by:
1. Completing and submitting the application form to the Department that is located at: www.azdot.gov;
2. Providing the full name and contact information of the vehicle for hire company’s agent for service of process in this state;
3. Submitting a clear illustration of the vehicle for hire company’s trade dress, if operating as a taxi;
4. Paving the application fee of $24 per vehicle that is used as a taxi by the vehicle for hire company at the time of application, not to exceed a total of $1,000 per applicant, as required by A.R.S. § 28-9503;
5. Certifying that the vehicle for hire company meets all vehicle for hire company requirements in A.R.S. Title 28, Chapter 30, Article 1; and
6. Stating the total number of vehicles for hire in the vehicle for hire company fleet at the time of application.
A vehicle for hire company shall provide to the Department the name and contact information of the vehicle for hire company’s designated point of contact in this state.
After the Department receives and accepts a completed application, all certifications, and the application fee, if applicable, the Department shall issue to an applicant a vehicle for hire company permit.
A vehicle for hire company may apply to renew a vehicle for hire company permit as provided in R17-5-1005.
A vehicle for hire company shall notify the Department within 10 business days of making a change to the name or contact information of the vehicle for hire company’s designated point of contact in this state.
A vehicle for hire company permit or renewal issued by the Department under this Article may be transferred to a person other than the person to whom the permit is issued, if ownership of the vehicle for hire company changes. The vehicle for hire company shall notify the Department within 30 days of such a transfer.

Vehicle for Hire Company Permit - Renewal Application; Issuance; Fee
A vehicle for hire company shall apply to the Department for renewal of an existing vehicle for hire company permit under A.R.S. § 28-9503, no earlier than 90 days and no later than 30 days before the three-year permit expires by:
1. Completing and submitting the required information, all certifications, and the application fee, if applicable, to the Department at: https://secure.servicearizona.com;
2. Submitting a clear illustration of the vehicle for hire company’s trade dress, if operating as a taxi, and if different than the illustration already on file with the Department;
3. Paying the renewal application fee of $24 per vehicle that is used as a taxi at the time of permit renewal, not to exceed a total of $1,000 per applicant, as required by A.R.S. § 28-9503; and
4. Certifying that the vehicle for hire company meets all the vehicle for hire company requirements in A.R.S. Title 28, Chapter 30, Article 1.
Upon receipt and acceptance of all required documents, fees, if applicable, and certifications, the Department shall issue to an applicant a vehicle for hire company permit renewal.
A vehicle for hire company permit renewal issued by the Department expires three years after the existing vehicle for hire company permit expires.
The holder of an expired vehicle for hire company permit may apply to the Department for a new vehicle for hire company permit using the renewal application procedure provided under R17-5-1005(A).

Vehicle for Hire Company Permit or Renewal - General Provisions
A vehicle for hire company permit issued by the Department shall include an assigned number that remains effective until either withdrawn by the Department or until the permit expires.

Vehicle for Hire Company: Record Review: Inspection
The Department, after providing reasonable notice to a company with a vehicle for hire company permit, may review, with or without cause, all records of a vehicle for hire company as prescribed in A.R.S. § 28-9507, at intervals determined by the Department.
A vehicle for hire company shall make all records described under subsection (A) available to the Department for review at an Arizona location.
The Department shall conduct a record review during the vehicle for hire company’s normal business hours.
The Department may conduct a periodic, random inspection of a taxi meter and any vehicle for hire, or in response to a complaint by the public. An inspection may include an inspection of the taxi meter in a taxi and the signage required by A.R.S. § 28-9506.
After the inspection, the Department shall provide a copy of the inspection report to the vehicle for hire company or the designated point of contact. The report shall include any deficiencies or violations indicated during the inspection.
R17-5-1008. Posting of Fares
A. When a livery vehicle provides local transportation at fares that are established in a contract with a government agency, the livery vehicle interior signage shall indicate that fares are determined by contract with a government agency when providing those services.
B. When a livery vehicle provides local transportation services at fares that are not established in a contract with a government agency, the livery vehicle interior signage shall post fares in accordance with A.R.S. § 28-9506(A)(2).

R17-5-1009. Appealable Agency Actions; Rehearing; Judicial Review
A. A.R.S. Title 41, Chapter 6, Article 10 applies to all contested cases and all appealable agency actions of the Department under A.R.S. Title 28, Chapter 30, Article 2.
B. A vehicle for hire company whose permit, renewal, or authority is denied has a right to a hearing, an opportunity for rehearing under A.R.S. Title 41, Chapter 6, Articles 6 and 10, and if the denial is upheld, judicial review under A.R.S. Title 12, Chapter 7, Article 6.
NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)**
   - R4-23-110 Amend
   - R4-23-205 Amend

2. **Citations to the agency’s statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**
   - Authorizing statute: A.R.S. § 32-1904(A)(1)
   - Implementing statute: A.R.S. § 32-1904(B)(17)
   - Statute or session law authorizing the exemption: Laws 2016, Chapter 284, Section 3

3. **The effective date for the rules and the reason the agency selected the effective date:**
   - August 31, 2016. Under the exemption provided by Laws 2016, Chapter 284, Section 3, the rulemaking will be effective when filed with the Office of the Secretary of State.

4. **Citation to all related notices published in the Register to include the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:**
   - None

5. **The agency’s contact person who can answer questions about the rulemaking:**
   - Name: Kamlesh Gandhi
   - Address: Board of Pharmacy
   - 1616 W Adams, Suite 120
   - Phoenix, AZ 85007
   - Telephone: (602) 771-2740
   - Fax: (602) 771-2749
   - E-mail: kgandhi@azpharmacy.gov
   - Web site: www.azpharmacy.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:**
   - During the last legislative session, the legislature amended A.R.S. § 32-1904 to authorize the Board to issue a certificate of free sale to a person licensed by the Board as a manufacturer (See Laws 2016, Chapter 284). The certificate of free sale allows the person to sell food supplements of dietary supplements internationally. A certificate of free sale indicates a product is marketed in the U.S. and eligible for export. A certificate of good manufacturing practices indicates a food or dietary supplement is manufactured in a manner that results in the product meeting standards regarding safety, identity and strength, and quality and purity.
   - The amended statute authorizes the Board to establish an inspection process for issuance of certificates of free sale or good manufacturing practice and expressly authorizes the Board to establish the new fees in this rulemaking. Statute also requires the Board to define “food supplements” and “dietary supplements” in rule.
   - An exemption from EO2016-03 was provided to the Board in an e-mail from Christina Corieri, Policy Advisor for Health and Human Services in the Governor’s office, dated May 23, 2016.
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:
   The Board did not review or rely on a study in its evaluation of or justification for the rule in this rulemaking.

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, if applicable:
   A person licensed by the Board that wishes to obtain a certificate of free sale or good manufacturing practice will incur the cost of paying the fee established in this rulemaking. However, the person will have the benefit of being able to export food supplements or dietary supplements. When a manufacturer of food or dietary supplements wishes to export the products, the foreign government or customer may require a certificate, preferably from a state regulatory agency, regarding the product’s regulatory and marketing status.
   The Board estimates four or five manufacturers may apply for certificates of free sale or good manufacturing practice. A separate certificate is needed for each shipment of products to a foreign country. The Board estimates it may collect approximately $15,000 in fees and contribute $1,500 to the state's general fund.

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking (if applicable):
    None

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments, if applicable:
    None

12. Other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:
    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 certificates established in statute and for which fees are established in this rulemaking are general permits consistent with A.R.S. § 41-1037 because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.
    b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
       No federal law is applicable to this rulemaking. There are, however, federal laws with which a manufacturer or distributor of food supplements or dietary supplements must comply. These include the Dietary Supplement Health and Education Act, 21 CFR, Chapter 1, Subchapter B, Part 111, and the Federal Food, Drug and Cosmetic Act.
    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.

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:
    None of the rules in this rulemaking was previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

   TITLE 4. PROFESSIONS AND OCCUPATIONS

   CHAPTER 23. BOARD OF PHARMACY

   ARTICLE 1. ADMINISTRATION

   Section R4-23-110. Definitions

   ARTICLES 2. PHARMACIST LICENSURE

   Section R4-23-205. Fees
ARTICLE 1. ADMINISTRATION

R4-23-110. Definitions
In addition to definitions in A.R.S. § 32-1901, the following definitions apply to 4 A.A.C. 23 this Chapter:

“Active ingredient” means any component that furnishes pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease or that affects the structure or any function of the body of man or other animals. The term includes those components that may undergo chemical change in the manufacture of the drug, that are present in the finished drug product in a modified form, and that furnish the specified activity or effect.

“AHCCCS” means the Arizona Health Care Cost Containment System.

“Annual family income” means the combined yearly gross earned income and unearned income of all adult individuals within a family unit.

“Approved course in pharmacy law” means a continuing education activity that addresses practice issues related to state or federal pharmacy statutes, rules, or regulations.

“Approved Provider” means an individual, institution, organization, association, corporation, or agency that is approved by the Accreditation Council for Pharmacy Education (ACPE) in accordance with ACPE’s policy and procedures or by the Board as meeting criteria indicative of the ability to provide quality continuing education.

“Assisted living facility” means a residential care institution as defined in A.R.S. § 36-401.

“Authentication of product history” means identifying the purchasing source, the ultimate fate, and any intermediate handling of any component of a radiopharmaceutical or other drug.

“Automated dispensing system” means a mechanical system in a long-term care facility that performs operations or activities, other than compounding or administration, relative to the storage, packaging, counting, labeling, and dispensing of medications, and which collects, controls, and maintains all transaction information.

“Automated storage and distribution system” means a mechanical system that performs operations or activities other than counting, compounding, or administration, relative to the storage, packaging, or distributing of drugs or devices and that collects, controls, and maintains all transaction information.

“Batch” means a specific quantity of drug that has uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.

“Beyond-use date” means:

A date determined by a pharmacist and placed on a prescription label at the time of dispensing to indicate a time beyond which the contents of the prescription are not recommended to be used; or

A date determined by a pharmacist and placed on a compounded pharmaceutical product’s label at the time of preparation as specified in R4-23-410(B)(3)(d), R4-23-410(I)(6)(e), or R4-23-410(J)(1)(d) to indicate a time beyond which the compounded pharmaceutical product is not recommended to be used.

“Biological safety cabinet” means a containment unit suitable for the preparation of low to moderate risk agents when there is a need for protection of the product, personnel, and environment, consistent with National Sanitation Foundation (NSF) standards, published in the National Sanitation Foundation Standard 49, Class II (Laminar Flow) Biohazard Cabninetry, NSF International P. O. Box 130140, Ann Arbor, MI, revised June 1987 edition, (and no future amendments or editions), incorporated by reference and on file with the Board.

“Care-giver” means a person who cares for someone who is sick or disabled or an adult who cares for an infant or child and includes a patient’s husband, wife, son, daughter, mother, father, sister, brother, legal guardian, nurse, or medical practitioner.

“Community pharmacy” means any place under the direct supervision of a pharmacist where the practice of pharmacy occurs or where prescription orders are compounded and dispensed other than a hospital pharmacy or a limited service pharmacy.

“Component” means any ingredient used in compounding or manufacturing drugs in dosage form, including an ingredient that may not appear in the finished product.

“Compounding and dispensing counter” means a pharmacy counter working area defined in this Section where a pharmacist or a graduate intern, pharmacy intern, pharmacy technician, or pharmacy technician trainee under the supervision of a pharmacist compounds, mixes, combines, counts, pours, or prepares and packages a prescription medication to dispense an individual prescription order or prepackages a drug for future dispensing.

“Computer system” means an automated data-processing system that uses a programmable electronic device to store, retrieve, and process data.
“Computer system audit” means an accounting method, involving multiple single-drug usage reports and audits, used to determine a computer system’s ability to store, retrieve, and process original and refill prescription dispensing information.

“Contact hour” means 50 minutes of participation in a continuing education activity sponsored by an Approved Provider.

“Container” means:

A receptacle, as described in the official compendium or the federal act, that is used in manufacturing or compounding a drug or in distributing, supplying, or dispensing the finished dosage form of a drug; or

A metal receptacle designed to contain liquefied or vaporized compressed medical gas and used in manufacturing, transferring, distributing, supplying, or dispensing a compressed medical gas.

“Continuing education” means a structured learning process required of a licensee to maintain licensure that includes study in the general areas of socio-economic and legal aspects of health care; the properties and actions of drugs and dosage forms; etiology, characteristics and therapeutics of disease status; or pharmacy practice.

“Continuing education activity” means continuing education obtained through an institute, seminar, lecture, conference, workshop, mediated instruction, programmed learning course, or postgraduate study in an accredited college or school of pharmacy.

“Continuing education unit” or “CEU” means 10 contact hours of participation in a continuing education activity sponsored by an Approved Provider.

“Continuous quality assurance program” or “CQA program” means a planned process designed by a pharmacy permittee to identify, evaluate, and prevent medication errors.

“Correctional facility” has the same meaning as in A.R.S. §§ 13-2501 and 31-341.

“CRT” means a cathode ray tube or other mechanism used to view information produced or stored by a computer system.

“CSPMP” means the Controlled Substances Prescription Monitoring Program established under A.R.S. Title 36, Chapter 28.

“Current good compounding practices” means the minimum standards for methods used in, and facilities or controls used for, compounding a drug to ensure that the drug has the identity and strength and meets the quality and purity characteristics it is represented to possess.

“Current good manufacturing practice” means the minimum standard for methods used in, and facilities or controls used for manufacturing, processing, packing, or holding a drug to ensure that the drug meets the requirements of the federal act as to safety, and has the identity and strength and meets the quality and purity characteristics it is represented to possess.

“Cytotoxic” means a pharmaceutical that is capable of killing living cells.

“Day” means a calendar day unless otherwise specified.

“DEA” means the Drug Enforcement Administration as defined in A.R.S. § 32-1901.

“Declared disaster areas” means areas designated by the governor or by a county, city, or town under A.R.S. § 32-1910 as those areas that have been adversely affected by a natural disaster or terrorist attack and require extraordinary measures to provide adequate, safe, and effective health care for the affected population.

“Delinquent license” means a pharmacist, pharmacy intern, graduate intern, or pharmacy technician license the Board suspends for failure to renew or pay all required fees on or before the date the renewal is due.

“Dietary supplement or food supplement” means a product (other than tobacco) that:

Is intended to supplement the diet that contains one or more of the following dietary ingredients: a vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total daily intake, or a concentrate, metabolite, constituent, extract, or combinations of these ingredients;

Is intended for ingestion in pill, capsule, tablet, or liquid form;

Is not represented for use as a conventional food or as the sole item of a meal or diet; and

Is labeled as a “dietary supplement” or “food supplement.”

“Digital signature” has the same meaning as in A.R.S. § 41-132(E).

“Dispensing pharmacist” means a pharmacist who, in the process of dispensing a prescription medication after the complete preparation of the prescription medication and before delivery of the prescription medication to a patient or patient’s agent, verifies, checks, and initials the prescription medication label, as required in R4-23-402(A).

“Drug sample” means a unit of a prescription drug that a manufacturer provides free of charge to promote the sale of the drug.
“Durable medical equipment” or “DME” means technologically sophisticated medical equipment that may be used by a patient or consumer in a home or residence. DME may be prescription-only devices as defined in A.R.S. § 32-1901(75). DME includes:

- Air-fluidized beds,
- Apnea monitors,
- Blood glucose monitors and diabetic testing strips,
- Continuous Positive Airway Pressure (CPAP) machines,
- Electronic and computerized wheelchairs and seating systems,
- Feeding pumps,
- Home phototherapy devices,
- Hospital beds,
- Infusion pumps,
- Medical oxygen and oxygen delivery systems excluding compressed medical gases,
- Nebulizers,
- Respiratory disease management devices,
- Sequential compression devices,
- Transcutaneous electrical nerve stimulation (TENS) unit, and
- Ventilators.

“Earned income” means monetary payments received by an individual as a result of work performed or rental property owned or leased by the individual, including:

- Wages,
- Commissions and fees,
- Salaries and tips,
- Profit from self-employment,
- Profit from rent received from a tenant or boarder, and
- Any other monetary payments received by an individual for work performed or rental of property.

“Electronic signature” has the same meaning as in A.R.S. § 44-7002.

“Eligible patient” means a patient who a pharmacist determines is eligible to receive an immunization using professional judgment after consulting with the patient regarding the patient’s current health condition, recent health condition, and allergies.

“Emergency drug supply unit” means those drugs that may be required to meet the immediate and emergency therapeutic needs of long-term care facility residents and hospice inpatient facility patients, and which are not available from any other authorized source in sufficient time to prevent risk of harm to residents or patients.

“Extreme emergency” means the occurrence of a fire, water leak, electrical failure, public disaster, or other catastrophe constituting an imminent threat of physical harm to pharmacy personnel or patrons.

“Family unit” means:

- A group of individuals residing together who are related by birth, marriage, or adoption; or
- An individual who:
  - Does not reside with another individual; or
  - Resides only with another individual or group of individuals to whom the individual is unrelated by birth, marriage, or adoption.

“FDA” means the Food and Drug Administration, a federal agency within the United States Department of Health and Human Services, established to set safety and quality standards for foods, drugs, cosmetics, and other consumer products.

“Health care decision maker” has the same meaning as in A.R.S. § 12-2291.

“Health care institution” has the same meaning as in A.R.S. § 36-401.
“Hospice inpatient facility” means a health care institution licensed under A.R.S. § 36-401 and Article 8 that provides hospice services to a patient requiring inpatient services.

“Immediate notice” means a required notice sent by mail, facsimile, or electronic mail to the Board Office within 24 hours.

“Immunizations training program” means an immunization training program for pharmacists, pharmacy interns, and graduate interns that meets the requirements of R4-23-411(E).

“Inactive ingredient” means any component other than an “active ingredient” present in a drug.

“Internal test assessment” means performing quality assurance or other procedures necessary to ensure the integrity of a test.


“Licensed health care professional” means an individual who is licensed and regulated under A.R.S. Title 32, Chapter 7, 11, 13, 14, 15, 16, 17, 18, 25, 29, or 35.

“Limited-service correctional pharmacy” means a limited-service pharmacy, as defined in A.R.S. § 32-1901, that:

Holds a current Board permit under A.R.S. § 32-1931;

Is located in a correctional facility; and

Uses pharmacists, interns, and support personnel to compound, produce, dispense, and distribute drugs.

“Limited-service long-term care pharmacy” means a limited-service pharmacy, as defined in A.R.S. § 32-1901, that holds a current Board-issued permit and dispenses prescription medication or prescription-only devices to patients in long-term care facilities.

“Limited-service mail-order pharmacy” means a limited-service pharmacy, as defined in A.R.S. § 32-1901, that holds a current Board permit under A.R.S. § 32-1931 and dispenses a majority of its prescription medication or prescription-only devices by mailing or delivering the prescription medication or prescription-only device to an individual by the United States mail, a common or contract carrier, or a delivery service.

“Limited-service nuclear pharmacy” means a limited-service pharmacy, as defined in A.R.S. § 32-1901, that holds a current Board permit under A.R.S. § 32-1931 and provides radiopharmaceutical services.


“Limited-service sterile pharmaceutical products pharmacy” means a limited-service pharmacy, as defined in A.R.S. § 32-1901, that holds a current Board permit under A.R.S. § 32-1931 and dispenses a majority of its prescription medication or prescription-only devices as sterile pharmaceutical products.

“Long-term care consultant pharmacist” means a pharmacist providing consulting services to a long-term care facility.

“Long-term care facility” or “LTCF” means a nursing care institution as defined in A.R.S. § 36-401.

“Lot” means a batch or any portion of a batch of a drug, or if a drug produced by a continuous process, an amount of drug produced in a unit of time or quantity in a manner that assures its uniformity. In either case, a lot is identified by a distinctive lot number and has uniform character and quality with specified limits.

“Lot number” or “control number” means any distinctive combination of letters or numbers, or both, from which the complete history of the compounding or manufacturing, control, packaging, and distribution of a batch or lot of a drug can be determined.

“Low-income subsidy” means Medicare-provided assistance that may partially or fully cover the costs of drugs and is based on the income of an individual and, if applicable, the individual’s spouse.

“Materials approval unit” means any organizational element having the authority and responsibility to approve or reject components, in-process materials, packaging components, and final products.

“Mechanical counting device for a drug in solid, oral dosage form” means a mechanical device that counts drugs in solid, oral dosage forms for dispensing and includes an electronic balance when used to count drugs.
“Mechanical storage and counting device for a drug in solid, oral dosage form” means a mechanical device that stores and counts and may package or label drugs in solid, oral dosage forms for dispensing.

“Mediated instruction” means information transmitted via intermediate mechanisms such as audio or video tape or telephone transmission.

“Medical practitioner-patient relationship” means that before prescribing, dispensing, or administering a prescription-only drug, prescription-only device, or controlled substance to a person, a medical practitioner, as defined in A.R.S. § 32-1901, shall first conduct a physical examination of that person or have previously conducted a physical examination. This subdivision does not apply to:

A medical practitioner who provides temporary patient supervision on behalf of the patient’s regular treating medical practitioner;

Emergency medical situations as defined in A.R.S. § 41-1831;

Prescriptions written to prepare a patient for a medical examination; or

Prescriptions written, prescription-only drugs, prescription-only devices, or controlled substances issued for use by a county or tribal public health department for immunization programs, emergency treatment, in response to an infectious disease investigation, public health emergency, infectious disease outbreak or act of bioterrorism. For purposes of this subsection, “bioterrorism” has the same meaning as in A.R.S. § 36-781.

“Medicare” means a federal health insurance program established under Title XVIII of the Social Security Act.

“Medication error” means any unintended variation from a prescription or medication order. Medication error does not include any variation that is corrected before the medication is dispensed to the patient or patient’s care-giver, or any variation allowed by law.

“Mobile pharmacy” means a pharmacy that is self-propelled or movable by another vehicle that is self-propelled.

“MPJE” means Multistate Pharmacy Jurisprudence Examination, a Board-approved national pharmacy law examination written and administered in cooperation with NABP.

“NABP” means National Association of Boards of Pharmacy.

“NABPLEX” means National Association of Boards of Pharmacy Licensure Examination.

“NAPLEX” means North American Pharmacist Licensure Examination.

“Order” means either of the following:

A prescription order as defined in A.R.S. § 32-1901; or

A medication order as defined in A.A.C. R4-23-651.

“Other designated personnel” means a non-pharmacist individual who is permitted in the pharmacy area, for a limited time, under the direct supervision of a pharmacist, to perform non-pharmacy related duties, such as trash removal, floor maintenance, and telephone or computer repair.

“Outpatient” means an individual who is not a residential patient in a health care institution.

“Outpatient setting” means a location that provides medical treatment to an outpatient.

“Patient profile” means a readily retrievable, centrally located information record that contains patient demographics, allergies, and medication profile.

“Pharmaceutical patient care services” means the provision of drug selection, drug utilization review, drug administration, drug therapy monitoring, and other drug-related patient care services intended to achieve outcomes related to curing or preventing a disease, eliminating or reducing a patient’s symptoms, or arresting or slowing a disease process, by identifying and resolving or preventing potential and actual drug-related problems.

“Pharmaceutical product” means a medicinal drug.

“Pharmacy counter working area” means a clear and continuous working area that contains no major obstacles such as a desktop computer, computer monitor, computer keyboard, external computer drive device, printer, facsimile machine, pharmacy balance, typewriter, or pill-counting machine, but may contain individual documents or prescription labels, pens, prescription blanks, refill log, pill-counting tray, spatula, stapler, or other similar items necessary for the prescription-filling process.

“Pharmacy law continuing education” means a continuing education activity that addresses practice issues related to state or federal pharmacy statutes, rules, or regulations, offered by an Approved Provider.

“Pharmacy permittee” means a person who holds a current pharmacy permit that complies with A.R.S. §§ 32-1929, 32-1930, 32-1931, 32-1934, and R4-23-606 and R4-23-652.

“Physician” means a medical practitioner licensed under A.R.S. Title 32, Chapter 13 or 17.
“Physician-in-charge” means a physician who is responsible to the Board for all aspects of a prescription medication donation program required in A.R.S. § 32-1909 and operated in the physician’s office or in a health care institution.

“Poverty level” means the annual family income for a family unit of a particular size, as specified in the poverty guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services.

“Precursor chemical” means a precursor chemical I as defined in A.R.S. § 13-3401(26) and a precursor chemical II as defined in A.R.S. § 13-3401(27).

“Prepackaged drug” means a drug that is packaged in a frequently prescribed quantity, labeled in compliance with A.R.S. §§ 32-1967 and 32-1968, stored, and subsequently dispensed by a pharmacist or a graduate intern or pharmacy intern under the supervision of a pharmacist, who verifies at the time of dispensing that the drug container is properly labeled, in compliance with A.R.S. § 32-1968, for the patient.

“Prep area” means a specified area either within an ISO class 7 environment or adjacent to but outside an ISO class 7 environment that:

- Allows the assembling of necessary drugs, supplies, and equipment for compounding sterile pharmaceutical products, but does not allow the use of paper products such as boxes or bulk drug storage;
- Allows personnel to don personnel protective clothing, such as gown, gloves, head cover, and booties before entering the clean compounding area; and
- Is a room or a specified area within a room, such as an area specified by a line on the floor.

“Primary care provider” means the medical practitioner who is treating an individual for a disease or medical condition.


“Provider pharmacy” means a pharmacy that contracts with a long-term care facility to supply prescription medication or other services for residents of a long-term care facility.

“Radiopharmaceutical” means any drug that emits ionizing radiation and includes:

- Any nonradioactive reagent kit, nuclide generator, or ancillary drug intended to be used in the preparation of a radiopharmaceutical, but does not include drugs such as carbon-containing compounds or potassium-containing salts, that contain trace quantities of naturally occurring radionuclides; and
- Any biological product that is labeled with a radionuclide or intended to be labeled with a radionuclide.

“Radiopharmaceutical quality assurance” means performing and interpreting appropriate chemical, biological, and physical tests on radiopharmaceuticals to determine the suitability of the radiopharmaceutical for use in humans and animals. Radiopharmaceutical quality assurance includes internal test assessment, authentication of product history, and appropriate record retention.

“Radiopharmaceutical services” means procuring, storing, handling, compounding, preparing, labeling, quality assurance testing, dispensing, distributing, transferring, recordkeeping, and disposing of radiochemicals, radiopharmaceuticals, and ancillary drugs. Radiopharmaceutical services include quality assurance procedures, radiological health and safety procedures, consulting activities associated with the use of radiopharmaceuticals, and any other activities required for the provision of pharmaceutical care.

“Red C stamp” means a device used with red ink to imprint an invoice with a red letter C at least one inch high, to make an invoice of a Schedule III through IV controlled substance, as defined in A.R.S. § 36-2501, readily retrievable, as required by state and federal rules.

“Refill” means other than the original dispensing of the prescription order, dispensing a prescription order in the same quantity originally ordered or in multiples of the originally ordered quantity when specifically authorized by the prescriber, if the refill is authorized by the prescriber:

- In the original prescription order;
- By an electronically transmitted refill order that the pharmacist promptly documents and files; or
- By an oral refill order that the pharmacist promptly documents and files.

“Regulated chemical” means the same as in A.R.S. § 13-3401(30).

“Remodel” means to alter structurally the pharmacy area or location.

“Remote drug storage area” means an area that is outside the premises of the pharmacy, used for the storage of drugs, locked to deny access by unauthorized persons, and secured against the use of force.

“Resident” means:
An individual admitted to and living in a long-term care facility or an assisted living facility,

An individual who has a place of habitation in Arizona and lives in Arizona as other than a tourist, or

A person who owns or operates a place of business in Arizona.

“Responsible person” means the owner, manager, or other employee who is responsible to the Board for a permitted establishment’s compliance with the laws and administrative rules of this state and of the federal government pertaining to distribution of drugs, devices, precursor chemicals, and regulated chemicals. Nothing in this definition relieves other individuals from the responsibility to comply with state and federal laws and administrative rules.

“Score transfer” means the process that enables an applicant to take the NAPLEX in a jurisdiction and be eligible for licensure by examination in other jurisdictions.

“Security features” means the attributes incorporated into the paper of a prescription order, referenced in A.R.S. § 32-1968(A)(4), that are approved by the Board or its staff and that includes include one or more of the following features that attempt designed to prevent duplication or aid the authentication of a paper document: laid lines, enhanced laid lines, thermochromic ink, artificial watermark, fluorescent ink, chemical void, persistent void, penetrating numbers, high-resolution border, high-resolution latent images, micro-printing, prismatic printing, embossed images, abrasion ink, holograms, and foil stamping.

“Shared order filling” means the following:

Preparing, packaging, compounding, or labeling an order, or any combination of these functions, that are performed by:

A person with a current Arizona Board license, located at an Arizona pharmacy, on behalf of and at the request of another resident or nonresident pharmacy; or

A person, located at a nonresident pharmacy, on behalf of and at the request of an Arizona pharmacy; and

Returning the filled order to the requesting pharmacy for delivery to the patient or patient’s care-giver or, at the request of this pharmacy, directly delivering the filled order to the patient.

“Shared order processing” means the following:

Interpreting the order, performing order entry verification, drug utilization review, drug compatibility and drug allergy review, final order verification, and when necessary, therapeutic intervention, or any combination of these order processing functions, that are performed by:

A pharmacist or intern, under pharmacist supervision, with a current Arizona Board license, located at an Arizona pharmacy, on behalf of and at the request of another resident or nonresident pharmacy: or

A pharmacist or intern, under pharmacist supervision, located at a nonresident pharmacy, on behalf of and at the request of an Arizona pharmacy; and

After order processing is completed, returning the processed order to the requesting pharmacy for order filling and delivery to the patient or patient’s care-giver or, at the request of this pharmacy, returning the processed order to another pharmacy for order filling and delivery to the patient or patient’s care-giver.

“Shared services” means shared order filling or shared order processing, or both.

“Sight-readable” means that an authorized individual is able to examine a record and read its information from a CRT, microfiche, microfilm, printout, or other method acceptable to the Board or its designee.

“Single-drug audit” means an accounting method that determines the numerical and percentage difference between a drug’s beginning inventory plus purchases and ending inventory plus sales.

“Single-drug usage report” means a computer system printout of original and refill prescription order usage information for a single drug.

“Standard-risk sterile pharmaceutical product” means a sterile pharmaceutical product compounded from sterile commercial drugs using sterile commercial devices or a sterile pharmaceutical optic or ophthalmic product compounded from non-sterile ingredients.

“State of emergency” means a governmental declaration issued under A.R.S. § 32-1910 as a result of a natural disaster or terrorist attack that results in individuals being unable to refill existing prescriptions.

“Sterile pharmaceutical product” means a medicinal drug free from living biological organisms.

“Strength” means:

The concentration of the drug substance (for example, weight/weight, weight/volume, or unit dose/volume basis); or
The potency, that is, the therapeutic activity of a drug substance as indicated by bioavailability tests or by controlled clinical data (expressed, for example, in terms of unity by reference to a standard).

“Substantial-risk sterile pharmaceutical product” means a sterile pharmaceutical product compounded as a parenteral or injectable dosage form from non-sterile ingredients.

“Supervision” means a pharmacist is present, assumes legal responsibility, and has direct oversight of activities relating to acquiring, preparing, distributing, administering, and selling prescription medications by pharmacy interns, graduate interns, pharmacy technicians, or pharmacy technician trainees and when used in connection with the intern training requirements means that, in a pharmacy where intern training occurs, a pharmacy intern preceptor assumes the primary responsibility of teaching the intern during the entire period of the training.

“Supplying” means selling, transferring, or delivering to a patient or a patient’s agent one or more doses of:
   A nonprescription drug in the manufacturer’s or compressed medical gas distributor’s original container for subsequent use by the patient, or
   A compressed medical gas in the manufacturer’s or compressed medical gas distributor’s original container for subsequent use by the patient.

“Support personnel” means an individual, working under the supervision of a pharmacist, trained to perform clerical duties associated with the practice of pharmacy, including cashiering, bookkeeping, pricing, stocking, delivering, answering non-professional telephone inquiries, and documenting third-party reimbursement. Support personnel shall not perform the tasks of a pharmacist, pharmacy intern, graduate intern, pharmacy technician, or pharmacy technician trainee.

“Temporary pharmacy facility” means a facility established as a result of a declared state of emergency to temporarily provide pharmacy services within or adjacent to declared disaster areas.

“Tourist” means an individual who is living in Arizona but maintains a place of habitation outside of Arizona and lives outside of Arizona for more than six months during a calendar year.

“Transfill” means a manufacturing process by which one or more compressed medical gases are transferred from a bulk container to a properly labeled container for subsequent distribution or supply.

“Unearned income” means monetary payment received by an individual that is not compensation for work performed or rental of property owned or leased by the individual, including:
   Unemployment insurance,
   Workers’ compensation,
   Disability payments,
   Payments from the Social Security Administration,
   Payments from public assistance,
   Periodic insurance or annuity payments,
   Retirement or pension payments,
   Strike benefits from union funds,
   Training stipends,
   Child support payments,
   Alimony payments,
   Military family allotments,
   Regular support payments from a relative or other individual not residing in the household,
   Investment income,
   Royalty payments,
   Periodic payments from estates or trusts, and
   Any other monetary payments received by an individual that are not:
   As a result of work performed or rental of property owned by the individual,
   Gifts,
   Lump-sum capital gains payments,
   Lump-sum inheritance payments,
Lump-sum insurance payments, or payments made to compensate for personal injury.

“Verified signature” or “signature verifying” means in relation to a Board license or permit application or report, form, or agreement, the hand-written or electronic signature of an individual who, by placing a hand-written or electronic signature on a hard-copy or electronic license or permit application or report, form, or agreement agrees with and verifies that the statements and information within or attached to the license or permit application or report, form, or agreement are true in every respect and that inaccurate reporting can result in denial or loss of a license or permit or report, form, or agreement.

“Veteran” means an individual who has served in the United States Armed Forces.

“Wholesale distribution” means distribution of a drug to a person other than a consumer or patient, but does not include:

- Selling, purchasing, or trading a drug or offering to sell, purchase, or trade a drug for emergency medical reasons. For purposes of this Section, “emergency medical reasons” includes transferring a prescription drug by a community or hospital pharmacy to another community or hospital pharmacy to alleviate a temporary shortage;
- Selling, purchasing, or trading a drug, offering to sell, purchase, or trade a drug, or dispensing a drug as specified in a prescription;
- Distributing a drug sample by a manufacturers’ or distributors’ representative; or
- Selling, purchasing, or trading blood or blood components intended for transfusion.

“Wholesale distributor” means any person engaged in wholesale distribution of drugs, including: manufacturers; repackers; own-label distributors; private-label distributors; jobbers; brokers; warehouses, including manufacturers and distributors’ warehouses, chain drug warehouses, and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies that conduct wholesale distributions in the amount of at least 5% of gross sales.

### ARTICLE 2. PHARMACIST LICENSURE

**R4-23-205. Fees**

**A. Licensure fees:**

1. **Pharmacist:**
   - a. Initial licensure [Prorated according to A.R.S. § 32-1925(B)]: $180.
2. **Pharmacy or graduate intern. Initial licensure:** $50.
3. **Pharmacy technician:**
   - a. Initial licensure [Prorated according to A.R.S. § 32-1925(B)]: $72.
   - b. Licensure renewal: $72.
4. **Pharmacy technician trainee:** $36.

**B. Reciprocity fee:** $300.

**C. Application fee:** $50.

**D. Vendor permit fees (Resident and nonresident) [New permits prorated according to A.R.S. § 32-1931(B)]:**

1. **Pharmacy:** $480 biennially (Including hospital, and limited service).
2. **Drug wholesaler or manufacturer:**
   - a. Manufacturer: $1000 biennially.
   - b. Full-service drug wholesaler: $1000 biennially.
3. **Drug packager or repackager:** $1000 biennially.
4. **Nonprescription drug, retail:**
   - a. Category I (30 or fewer items): $120 biennially.
   - b. Category II (more than 30 items): $200 biennially.
5. **Compressed medical gas distributor:** $200 biennially.
6. **Durable medical equipment and compressed medical gas supplier:** $100 biennially.

**E. Certificate fees:**

1. **Certificate of free sale:** $200 per certificate.
2. **Certificate of good manufacturing practice:** $200 per certificate.
3. **Annual inspection fee calculated at the average hourly rate of a pharmacy inspector multiplied by the duration of the inspection measured in 10-minute increments or portion of a 10-minute increment.

**F. Other Fees:**

1. **Wall license.**
b. Pharmacy or graduate intern: $10.
c. Pharmacy technician: $10.
d. Pharmacy technician trainee: $10.

2. Duplicate of any Board-issued license, registration, certificate, or permit: $10.
4. Permit or certificate verification: $15.

E.G. Fees are not refunded under any circumstances except for the Board’s failure to comply with its established licensure or permit time frames under R4-23-202 or R4-23-602.

G.H. Penalty fee. Renewal applications submitted after the expiration date are subject to a penalty fee as provided in A.R.S. §§ 32-1925 and 32-1931.
1. Licensees: A fee equal to half the licensee’s biennial licensure renewal fee under subsection (A) and not to exceed $350.
2. Permittees: A fee equal to half the permittee’s biennial permit fee under subsection (D) and not to exceed $350.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

[R16-181]

PREAMBLE

1. Article, Part, or Section Affected (as applicable)  Rulemaking Action
   R7-2-612.01    New Section
   R7-2-614     Amend

2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:
   Authorizing statute: A.R.S. §§ 15-203 (A) (1) and 15-203 (A) (14)
   Implementing statute: Not applicable

3. The effective date of the rules and the agency’s reason it selected the effective date:
   August 22, 2016

4. A list of all notices published in the Register as specified in R1-1-409(A) that pertains to the record of the exempt rulemaking:
   N/A

5. The agency’s contact person who can answer questions about the rulemaking:
   Name: Dr. Karol Schmidt, Executive Director
   Address: State Board of Education
           1700 W. Washington, Suite 300
           Phoenix, AZ 85007
   Telephone: (602) 542-5057
   Fax: (602) 542-3046
   E-mail: inbox@azsbe.az.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:
   A.R.S. § 15-203(A)(14) authorizes the State Board to supervise and control the certification of educators. SB 1502 provided an additional pathway for CTE certification. A new section was added to conform to these changes in R7-2-612.01. SB 1208 included clarifying language regarding teaching intern certificates and placements for student teaching. Conforming changes are made to R7-2-614(E).

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:
   N/A

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
   N/A
9. The summary of the economic, small business and consumer impact, if applicable:
   The rules are not expected to have significant, if any, economic impact on small businesses.

10. A description of the changes between the proposed rules, including supplemental notices and final rules (if applicable):
   N/A

11. A summary of the comments made regarding the rule and the agency response to them:
   At its August 1, 2016 special meeting, the Board initiated emergency rulemaking, finding that the proposed amend-
   ment to R7-2-614(E) and the proposed rule R7-2-612.01 were necessary as an emergency measure to avoid serious
   prejudice to the public interest or the interest of the parties concerned, especially those individuals seeking certification
   or seeking to hire individuals consistent with the provisions of SB 1208 or SB 1502. No public comment was
   received.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class
    of rules:
   N/A

13. Incorporations by reference and their location in the rules:
   N/A

14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:
   N/A

15. The full text of the rule follows:

   TITLE 7. EDUCATION

   CHAPTER 2. STATE BOARD OF EDUCATION

   ARTICLE 6. CERTIFICATION

   Section
   R7-2-612.01. Standard Specialized Career and Technical Education (CTE) Certificates – grades K-12
   R7-2-614. Other Teaching Certificates

   ARTICLE 6. CERTIFICATION

   R7-2-612.01. Standard Specialized Career and Technical Education (CTE) Certificates – grades K-12
   A. Standard Specialized CTE certificates are subject to the general certification provisions in R7-2-607 and the renewal
      requirements in R7-2-619.
   B. The certificate is valid for eight years.
      1. The holder is qualified to teach CTE Agriculture, CTE Business and Marketing, CTE Education and Training, CTE
         Family and Consumer Sciences, CTE Health Careers, or CTE Industrial and Emerging Technologies as specified
         on the certificate.
      2. The requirements are:
         a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
         b. Demonstration of expertise in the specified CTE area through one of the following:
            i. A Bachelor’s or more advanced degree in the specified CTE area; or
            ii. A Bachelor’s or more advanced degree and completion of twenty-four semester hours of coursework in
                the specified CTE area; or
            iii. An Associate’s degree in the specified CTE area; or
            iv. An industry certification, license, or credential in the specified CTE area approved by the appropriate
                Department of Education Career and Technical Education Program Specialist or Career and Technical
                Education Program Services Director.
         c. Verification of five years of work experience in the specified CTE occupational area.

   R7-2-614. Other Teaching Certificates
   A. No change
   B. No change
      1. No change
      2. No change
      3. No change
      4. No change
      5. No change
      6. No change
      7. No change
C. No change
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      c. No change

D. No change
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   5. No change
      a. No change
      b. No change
      c. No change
      d. No change
         i. No change
         ii. No change
   6. No change

E. No change
   1. No change
   2. No change
   3. The teaching intern certificate entitles the holder to enter into a teaching contract while completing the requirements for an Arizona provisional teaching certificate. During the valid period of the intern certificate the holder may teach in a Structured English Immersion classroom, or in any subject area in which the holder has passed the appropriate Arizona Teacher Proficiency Assessment. Teaching Intern certificate holders who teach in a Structured English Immersion classroom shall hold a valid Provisional or full Structured English Immersion Endorsement, an English as a Second Language Endorsement, or a Bilingual Endorsement. The candidate shall be enrolled in a Board authorized alternative path to certification program or a Board approved teacher educator preparation program.
   4. No change
   5. No change
      a. No change
      b. A passing score on one or more subject knowledge portions of the Arizona Teacher Proficiency Assessment that corresponds to the applicant’s teaching assignment(s) Board approved alternative path to certification program, or Board approved educator preparation program, in which the applicant is enrolled;
      c. No change
      d. No change
   6. No change
      a. No change
      b. No change
      c. No change
      d. Completion of the requirements for a Provisional or full Structured English Immersion endorsement.
   7. The holder of the teaching intern certificate may apply for an Arizona Provisional Teaching Certificate upon completion of the following:
      a. No change
      b. No change
      c. No change
      d. Completion of the requirements for a full Structured English Immersion endorsement.
   8. Placement decisions of teaching intern certificate holders shall only be based on agreements between the educator preparation provider, the provider’s partner organizations and the local education agency except as otherwise provided in R7-2-614(E).
F. No change
   1. No change
   2. No change
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      b. No change
   3. No change
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      b. No change

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      a. No change
      b. No change
      c. No change
      d. No change
   4. No change

J. No change
   1. No change
   2. No change
   3. No change
      a. No change
      b. No change
   4. No change
NOTICE OF EMERGENCY RULEMAKING

TITLE 15. REVENUE
CHAPTER 10. DEPARTMENT OF REVENUE
GENERAL ADMINISTRATION

[R16-177]

PREAMBLE

1. Article, Part or Section Affected (as applicable) | Rulemaking Action
   Article 7 | New Article
   R15-10-702 | New Section
   R15-10-703 | New Section
   R15-10-704 | New Section
   R15-10-705 | New Section

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
   Authorizing statute: A.R.S. § 42-1004
   Implementing statute: Laws 2016, Second Regular Session, Chapter 125, Section 17

3. The effective date of the rules:
   August 29, 2016
   Although rules normally are effective sixty days after filing with the Office of the Secretary of State, pursuant to A.R.S. § 41-1032(A), these rules are effective immediately upon filing with the Secretary of State in order to comply with the deadlines set forth in Laws 2016, Second Regular Session, Chapter 125, Section 17; and the need for an immediate effective date is not created due to the agency's delay or inaction.

4. Is this rulemaking a renewal of a previous emergency rulemaking?
   No

5. The name and address of agency personnel with whom persons may communicate regarding the rule:
   Name: Christie Comanita
   Address: Department of Revenue
            1600 W. Monroe
            Phoenix, AZ 85007
   Telephone: (602) 716-6791
   Fax: (602) 716-7995
   E-mail: ccomanita@azdor.gov

6. An explanation of the rule, including the agency’s reasons for initiating the rule:
   The rules provide guidance and direction for the administration of the Arizona Tax Recovery Program. Laws 2016, Second Regular Session, Chapter 125, Section 17, states that the Department of Revenue may make emergency rules as necessary to administer the Program.
   The tax recovery program is an opportunity for taxpayers to settle their tax liabilities at the lowest possible cost. The program is authorized by Laws 2016, Second Regular Session, Chapter 125, Section 17. Both individuals and businesses that owe back taxes may apply for the tax recovery program subject to certain conditions. The taxpayer must select one of the following options to pay the tax liability: (a) Payment in full during the recovery period.
Payment in full over three years. If the taxpayer elects to pay the tax liability in full during the recovery period, the taxpayer must pay the full tax liability on or before October 31, 2016. If the taxpayer elects to pay the tax liability in full over three years, the taxpayer must pay the full tax liability as follows:
1. At least thirty-three percent of the full tax liability on or before October 31, 2016.
2. At least sixty-six percent of the full tax liability on or before October 31, 2017.
3. One hundred percent of the full tax liability on or before October 31, 2018.

If a taxpayer is granted tax recovery, the department will waive or abate civil penalties and interest that were or could have been assessed for the periods covered by the application. In addition, if tax recovery is granted, no civil, administrative, or criminal actions will be brought against the taxpayer for the periods covered by the application.

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

8. The summary of the economic, small business, and consumer impact:
N/A per A.R.S. § 41-1055(D).

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
N/A

10. Incorporations by reference and their location in the rules:
None

11. An explanation of the situation justifying the rule’s making as an emergency rule:
The Legislature has authorized the adoption of emergency rules in Laws 2016, Second Regular Session, Chapter 125, Section 17, paragraph M, subparagraph 2 by providing that the Director of the Department of Revenue may adopt emergency rules pursuant to section 41-1026, as necessary to administer the program. These rules meet the emergency requirements because they are necessary to comply with deadlines imposed under the program and to avoid serious prejudice to the public interest or the interest of the taxpayers of Arizona.

12. The date of the Attorney General’s approval of the emergency rule:
August 29, 2016

13. The full text of the rules follows:

TITLE 15. REVENUE
CHAPTER 10. DEPARTMENT OF REVENUE
GENERAL ADMINISTRATION

ARTICLE 7. TAX RECOVERY PROGRAM

Section
Article 7. Tax Recovery Program
R15-10-702. General
R15-10-703. Tax Periods Under Audit
R15-10-705. Application of Payments and Credits

ARTICLE 7. TAX RECOVERY PROGRAM

R15-10-702. General
A. The Arizona Department of Revenue has established a Tax Recovery Program for the period of September 1, 2016 through October 31, 2016, as required under Laws 2016, Second Regular Session, Chapter 125, Section 17.

B. The Tax Recovery Program applies to tax liabilities for the following:
1. Income tax, including individual, corporate and fiduciary;
2. Transaction privilege tax;
3. Severance tax;
4. Use tax;
5. Telecommunications services excise tax;
6. County excise taxes;
7. Tax on water use;
8. Jet fuel excise and use tax;
9. Car rental surcharge levied under A.R.S. § 5-839;
10. Tax on hotels levied under A.R.S. § 5-840;
11. County jail district excise tax levied under A.R.S. § 48-4022;  
12. Car rental surcharge for major league spring training levied under § 48-4234;  
13. Public health services district transaction privilege tax or property tax levied under § 48-5805.

C. To qualify for the Tax Recovery Program, the taxpayer must submit a complete and correct application for recovery and such application must be received by the Department no later than October 31, 2016. The taxpayer must select one of the following options to pay the tax liability: (a) Payment in full during the recovery period. (b) Payment in full over three years. If the taxpayer elects to pay the tax liability in full during the recovery period, the taxpayer must pay the full tax liability on or before October 31, 2016. If the taxpayer elects to pay the tax liability in full over three years, the taxpayer must pay the full tax liability as follows:
1. At least thirty-three percent of the full tax liability on or before October 31, 2016.
2. At least sixty-six percent of the full tax liability on or before October 31, 2017.
3. One hundred percent of the full tax liability on or before October 31, 2018.
4. The taxpayer may make more frequent payments, but at a minimum must pay the full tax liability as provided above.

D. Any return or report filed under the Tax Recovery Program is subject to verification as provided in law.

R15-10-703. Tax Periods Under Audit
A taxpayer does not qualify for recovery if the taxpayer’s tax liability due is the subject of an audit being conducted by the Department.

A. An individual taxpayer that does not have sufficient information to fully complete the Arizona personal income tax return may file a gross income tax return. To file a gross income tax return, a taxpayer shall complete the form, Arizona Tax Recovery Application – Individual Gross Income Tax Return.

B. A taxpayer that files a gross income tax return shall use the following table to calculate the tax due. The tax rate is determined by locating the income range of the gross income for the tax year for which recovery is sought. The gross income for the year shall be multiplied by the tax rate listed under the income range for that tax year. For example, for 2004 if gross income is $50,000, the tax due is $975 ($50,000 × .0195).

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R15-10-705. Application of Payments and Credits
A. Payments received pursuant to a tax recovery application shall be applied to the tax periods on the application.
1. If a taxpayer elects to pay the tax liability in full during the recovery period, but fails to pay the tax liability in full on or before October 31, 2016, a partial payment for a tax period will be applied to the tax liability starting with the oldest tax period and progressing chronologically until all the payments have been applied, but the partial payment will not entitle the taxpayer to the benefits under the Tax Recovery Program. The taxpayer will remain subject to the full penalty and interest.
2. If a taxpayer elects to pay the tax liability in full over three years, a payment for a tax period will be applied to the tax liability starting with the oldest tax period and progressing chronologically until all payments have been made.
Failure to make payments in accordance with the schedule outlined in R15-10-702(C), will disqualify the taxpayer from the benefits under the Tax Recovery Program. The taxpayer will remain subject to the full penalty and interest.

B. Tax periods for which the taxpayer is entitled to a refund or credit may be included on a tax recovery application. The credit shall be applied to other tax periods included in the application in the order described in subsection (A).

C. For purposes of determining the total tax due from a taxpayer applying for tax recovery, credits from overpayment of other tax periods shall be applied as if a payment had been received on the fifteenth day of April of the year following the calendar year of the tax period of the overpayment. For example, a taxpayer has an overpayment of income tax for calendar year 2004 and an under payment of income tax for calendar year 2005. The credit from the overpayment in 2004 will be applied to the 2005 liability as if it were a payment made on April 15, 2005.

D. No refund shall be given to a taxpayer for payments made or credits applied prior to September 1, 2016 for any tax periods included in a tax recovery application. If a credit for overpayment in one or more of the tax periods contained in a tax recovery application exceeds the total tax liabilities for all other tax periods contained in the application, the amount due shall be reduced to zero but no refund shall be paid.
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
BOARD OF BARBERS

[R16-182]

1. Title and its heading:
4, Professions and Occupations

Chapter and its heading:
5, Board of Barbers

Article and its heading:
1, General Provisions

Section numbers:
R4-5-103 (Additional Sections may be made, amended, or repealed as necessary)

2. The subject matter of the proposed rule:
The Board is amending the rule for three reasons. First, the Board is concerned about having sums of cash in an unsecured office building, the need to make change when offered cash, and the need to move the cash from the Board office to the Department of Administration and then to the Treasurer’s office. Second, both the Department of Administration and Treasurer’s office have asked the Board to discontinue accepting cash payments. Third, to move towards providing e-commerce user friendly services, the Board wants to be able to accept payments by credit card.

An exemption from EO2016-03 was provided by Christina Corieri, Policy Advisor for Health and Human Services in the Governor’s office, in an e-mail dated July 20, 2016.

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

4. Name and address of agency personnel with whom persons may communicate regarding the rule:
Name: Sam Barcelona
Address: Board of Barbers
1400 W. Washington St., Suite 220
Phoenix, AZ 85007
Telephone: (602) 542-4498
Fax: (602) 542-3093
E-mail: sam.barcelona@azbarberboard.us
Web site: www.azbarberboard.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:
The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:
To be determined
NOTICE OF PUBLIC INFORMATION

NOTICES OF PUBLIC INFORMATION

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

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

NOTICE OF PUBLIC INFORMATION

DEPARTMENT OF CHILD SAFETY

[1] Name of the Agency: Arizona Department of Child Safety (DCS)

2. The topic of the public information matter:

Soliciting written input from foster families and the public on the implementation of the foster home licensing rules, guidelines and checklists.

3. The Public Information relating to the topic:

On May 10, 2016, Governor Ducey signed HB 2705. http://www.azleg.gov/legtext/52leg/2r/laws/0123.pdf Session Law, Section Nine requires the Department to review the implementation, solicit input from foster families, and identify any modifications to the foster home rules, guidelines and checklists. The Department’s new foster home rules became effective on January 24, 2016. An opportunity for electronic written public comment will be available until Wednesday, October 12, 2016.

4. The name and address of agency personnel to whom questions and comments may be addressed:

Information and an opportunity to provide written comments electronically regarding the implementation of the foster home rules, guidelines and checklists can be found at: https://dcs.az.gov/about/dcs-rules-rulemaking Close of on-line comment period is Wednesday, October 12, 2016 at 5:00 p.m.

Point of Contact: Carrie Senseman, Lead Rules Analyst, Department of Child Safety
Telephone: (602) 255-2534
Comment E-mail: DCSPolicyUpdate@azdes.gov
NOTICES OF SUBSTANTIVE POLICY STATEMENT

The Administrative Procedure Act (APA) requires the publication of Notices of Substantive Policy Statement issued by agencies (A.R.S. § 41-1013(B)(14)). Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice. Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

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

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF HEALTH SERVICES

[135x38]September 23, 2016 | Published by the Arizona Secretary of State | Vol. 22, Issue 39

1. **Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:**
   SP-041-PHL-MED: Clarification of “Private Office or Clinic of a Health Care Provider”

2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
   Effective date: September 1, 2016

3. **Summary of the contents of the substantive policy statement:**
   The substantive policy statement notifies the public of the Arizona Department of Health Service's interpretation of the phrase “private office or clinic of a health care provider licensed under title 32” in Arizona Revised Statutes (A.R.S.) § 36-402(A)(3).

4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
   A.R.S. §§ 36-402(A), 36-405(A) and 36-407(A)

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

6. **The agency contact person who can answer questions about the substantive policy statement:**
   Name: Kathryn McCanna, Branch Chief
   Address: Arizona Department of Health Services
   Public Health Licensing Services
   Health Care Institutions Licensing
   150 N. 18th Ave., Suite 400
   Phoenix, AZ 85007
   Telephone: (602) 364-2841
   Fax: (602) 364-4808
   E-mail: Kathryn.McCanna@azdhs.gov
   or
   Name: Robert Lane, Manager
   Address: Arizona Department of Health Services
   Office of Administrative Counsel and Rules
   150 N. 18th Ave, Suite 201
   Phoenix, AZ 85007
   Telephone: (602) 542-1020
   Fax: (602) 364-1150
   E-mail: Robert.Lane@azdhs.gov

7. **Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**
   A copy of the substantive policy statement is available, free of charge, from the Arizona Department of Health Ser-
vices, Office of Administrative Counsel and Rules at the following web address: http://www.azdhs.gov/director/administrative-counsel-rules/rules/index.php#sps-licensing. A copy of the substantive policy statement may also be obtained from the Arizona Department of Health Services, Public Health Licensing Services, 150 N. 18th Ave., Suite 400, Phoenix, AZ 85007 for 25 cents per page. Payment is accepted in cash or money order made payable to the Arizona Department of Health Services.
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.

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
NOTICE OF FINAL RULEMAKING

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

[Page: M16-212]

PREAMBLE

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

2. Statutory authority for the rulemaking:
   **Authorizing Statutes**: Arizona Revised Statutes (A.R.S.) §§ 49-471.08, 49-402, and 49-479
   **Implementing Statutes**: A.R.S. §§ 49-112, 49-479, and 49-480

3. The effective date of the rule:
   September 2, 2016

4. A list of all previous notices appearing in the Register addressing the expedited rule:

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

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

6. An explanation of the rule, including the control officer’s reasons for initiating the rule:

The Pima County Board of Supervisors (BOS) as the governing body for the Pima County Air Quality Control District adopts ordinances which are codified in the Pima County Code (PCC). The Pima County Air Quality Control District operates within the Pima County Department of Environmental Quality (PDEQ). PDEQ periodically proposes updates to PCC through the BOS. This rulemaking was adopted to conform to the Code of Federal Regulations (CFR) in an effort to achieve consistency and accuracy in Title 17 of the Pima County Code. The rulemaking adopted new and updated incorporations by reference of the following federal regulations: Acid Rain, National Emission Standards for Hazardous Air Pollutants (NESHAP), New Source Performance Standards (NSPS), National Ambient Air Quality Standards (NAAQS), and other parts of Title 40 CFR. The federal regulations for Acid Rain, NESHAP, and NSPS in effect July 1, 2015 were incorporated and the NAAQS in effect on October 26, 2015 were incorporated. In addition, PDEQ updated definitions, addresses, and minor grammatical updates. The intention in updating the incorporations by reference is to continue its delegated authority from EPA to implement and enforce the Acid Rain, NESHAP, NSPS, and NAAQS programs in Pima County. In addition, PDEQ is updating the definition of "Volatile Organic Compounds (VOC)" to conform to federal regulations. Finally, this rulemaking will update the Mineral Tailings definition at section PCC 17.16.120 of PCC to conform to Arizona Administrative Code Title 18. These updates includes changes to Sections PCC 17.04.070, PCC 17.04.340, PCC 17.08.020, PCC 17.08.030, PCC 17.08.050, PCC 17.08.060, PCC 17.08.070, PCC 17.12.045, PCC 17.12.180, PCC 17.12.365, PCC 17.16.120, PCC 17.16.490, and PCC 17.16.530. PDEQ also made technical changes to Sections 17.04.070 and 17.16.490 to update addresses where publications may be obtained.

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

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

NAAQS: Federal regulations already incorporated by reference from 40 CFR 50 and all accompanying appendices have been updated to October 26, 2015 at Sections PCC 17.08.020, PCC 17.08.030, PCC 17.08.050, PCC 17.08.060, PCC 17.08.070.
40 CFR 50 National Primary and Secondary Ambient Air Quality Standards Amended:

40 CFR Part 50.11 – National primary and secondary ambient air quality standards for oxides of nitrogen (with nitrogen dioxide as the indicator). [Amended at 75 FR 6531, February 9, 2010].


40 CFR Part 50.16 – National primary and secondary ambient air quality standards for lead. [Amended at 73 FR 67051, November 12, 2008].


40 CFR Part 50.18 – National primary ambient air quality standards for PM$_{2.5}$. [Amended at 78 FR 3277, January 15, 2013].

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

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

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

40 CFR 60 (NSPS) Subparts Added:

Subpart Ga - Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011 [Added at 77 FR 48445, August 14, 2012].

Subpart Ja - Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 - [Added at 73 FR 35867, June 24, 2008], [Amended at 77 FR 56464, September 12, 2012], and [Amended at 78 FR 76756, December 19, 2013].

Subpart Y - Standards of Performance for Coal Preparation and Processing Plants [Added at 74 FR 51977, October 8, 2009].

Subpart BBa - Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013 [Added at 79 FR 18966, April 4, 2014].


Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines [Added at 73 FR 3591, January 18, 2008].

Subpart LLLL – Standards of Performance for New Sewage Sludge Incineration Units [Added at 76 FR 15372, March 21, 2011].

Subpart OOOO – Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution [Added at 77 FR 49542, August 16, 2012], [Amended at 78 FR 58435 September 23, 2013], and [Amended at 79 FR 79036 December 31, 2014].
Subpart QQQQ – Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces
[Added at 80 FR 13715, March 16, 2015].

40 CFR 60 (NSPS) Subparts Amended:


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

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

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

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

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

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

Subpart G - Standards of Performance for Nitric Acid Plants [Amended at 77 FR 48445, August 12, 2013].

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

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

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

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

Subpart GG - Stationary Gas Turbines [Amended at 79 FR 11250, February 27, 2014].

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

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

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


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

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

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

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


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

Subpart CCCC - Commercial and Industrial Solid Waste Incineration Units for Which Construction is Commenced after November 30, 1999, or for Which Modification or Reconstruction is Commenced on or after June 1, 2001 [Amended at 76 FR 15450, March 21, 2011] and [Amended at 78 FR 9178, February 7, 2013].

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

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

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

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

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

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

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


40 CFR 63 (NESHAP) Subparts Added:

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

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

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

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


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

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

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

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

Subpart CCCCCCC - National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing [Added at 74 FR 63525, December 3, 2009], [Amended at 75 FR 10186, March 5, 2010], and [Amended at 75 FR 31320, June 3, 2010].

Subpart DDDDDDD - National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing [Added at 75 FR 546, January 5, 2010], Amended at 75 FR 41994, July 20, 2010], and [Amended at 76 FR 80265, December 23, 2011].

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

40 CFR 63 (NESHAP) Subparts Amended:

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


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

Subpart N - National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks [Amended at 77 FR 58242, September 19, 2012] and [Amended at 79 FR 11283, February 27, 2014].

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

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

Subpart S - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) [Amended at 77 FR 55710, September 11, 2012].


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


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

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

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


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

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


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


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

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


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


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


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


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


Subpart CCCCCC - National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities [Amended at 73 FR 12276, March 7, 2008], [Amended at 73 FR 35944, June 25, 2008], and [Amended at 76 FR 4181, January 24, 2011].
Subpart LLLLLL - National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources [Amended at 73 FR 15928, March 26, 2008].

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

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

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

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

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

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

No studies were reviewed in reference to this rulemaking action.

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

Not Applicable

9. Summary of the economic, small business, and consumer impact:

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

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

Name: Sarah Reitmeyer
Address: 33 N. Stone Avenue, Suite 700
         Tucson, AZ 85701-1429
Telephone: (520) 724-7437
Fax: (520) 838-7432
E-mail: sarah.reitmeyer@pima.gov
11. **A description of the changes between the expedited rule, including supplemental notices, and final rules (if applicable):**

40 CFR Part 60 Subpart DDDD has been removed because emission guidelines are not delegable under Clean Air Act Section 111(C).

40 CFR Part 60 MMMM has been removed because emission guidelines are not delegable under Clean Air Act Section 111(C).

The address for the American Society for Testing and Materials (ASTM) has been updated.

In addition, minor, non-substantive grammatical and typographical changes were made to the rule to improve clarity, conciseness, and understandability.

12. **A summary of the comments made regarding the rule and the agency response to them:**

**Comments:** Shawn Dolan, Virtual Technology LLC

E-mail dated May 3, 2016

How are comments to be registered to all these rules? Is there a formal comment web site like regs.gov? I looked on the PCDEQ web site and do not see how to register a comment.

Title 17 Air Quality Control,

17.12.045 - Test methods and procedures.

B) Except as otherwise provided in this subsection the opacity of visible emissions shall be determined by Reference Method 9 of the Arizona Testing Manual or Appendix A in 40 CFR 60. A permit may specify a method, other than Method 9, for determining the opacity of emissions from a particular emissions unit, if the method has been promulgated by the administrator in 40 CFR 60, Appendix A.

needs to be updated to specifically allow the use of US EPA Alternative Method 082, as published in CFR see attached, note the "administrator" does not promulgate changes specifically to 40 CFR 60 Appendix A. However the EPA administrator does promulgate and publish broadly applicable standards, for use in lieu of legacy reference methods. In CFR promulgation notices like the one attached approving US EPA Alternative Method 082 for use in lieu of Method 9 for all of 40 CFR 60, 61, 63. Now EPA ALT 082 is declared BACT by the Ferro-Alloy NESHAP final publication in CFR November 2015. Both references are attached. [Attachments included two Federal Register Notices: 77 FR 8865 and 80 FR 37366 and a Guidance letter from the U.S. Environmental Protection Agency]

My company being an Arizona Small Business, and the sole global provider of EPA Alternative Method 082 certified Digital Camera Opacity Technique systems, considers the current language of the Pima County Administrative Code to represent restraint of trade, and be in violation of CAA delegation authority. As it encourages, the use of legacy, out dated, subjective Methods (Method 9) versus, the use of new, improved and updated Methods (EPA ALT 082) as required in the CAA delegation authority.

I want to be certain the PC Title 17.12.045 is updated to read.

B) Except as otherwise provided in this subsection the opacity of visible emissions shall be determined using EPA Approved Methods for the determination of opacity, such as, EPA Alternative Method 082, (Digital Camera Method), and/or EPA Method 9 (Human Eye Method). A permit may specify a method, other than EPA Alternative Method 082 or
EPA Method 9, for determining the opacity of emissions from a particular emissions unit, if the method has been promulgated by the administrator and published as a broadly applicable standard in the code of federal regulations. I do not know where to write this comment for registration such that it is certain to be addressed.

E-mail dated May 3, 2016

I read through title 17 tonight and made other notes on other sections. The key are addressed here-in but repeat in every section of every title throughout the title, e.g. they all reference 40 CFR 60 Appendix A test methods. This wording needed to be updated in all sub sections to read Promulgated Broadly Applicable Alternative Methods and/or 40 CFR 60 Appendix A test method shall be used……..

The attached document represents my notes as I went through the sections.

Another question is the requirement for continuous emission monitors, where-by there is no backup method required for periods of downtime with the COM. This should be fixed to require the use of EPA Alternative Method 082 and/or EPA Method 9 opacity observations during periods of down time, or as a QA check to the COM. How does one know the true span and drift during production operations? Our testing has proven significant error in in stack COM when compared to stack exit opacity reading performed by Humans and cameras, e.g. the Humans and cameras agree, but the COM is typically way low comparatively.

Further in the public outreach section, high opacity producers should be required to make imagery of the stack operations tagged with opacity values available to the media’s listed.

How formal do these comments need to be? I see the code that requires public participation but I don’t see the instructions on how to participate.

Response (via e-mail): At this time we are only making conforming changes and incorporations by reference for the NSPS/NESHAP/NAAQS, and a couple definitions. Our existing language for Test Methods and Procedures is identical to the provisions found in the state code. We do recognize the Camera Opacity Method is a valid EPA alternative test method. However, our county code is conforming to the corresponding state code. We suggest you approach ADEQ to incorporate your suggested language in to the state code. We understand that ADEQ is currently using your technology. We would incorporate the language the state develops.

For each rulemaking there is a formal Public Comment period for 30 days from the date of official Public Notice. Written comments can be submitted via e-mail or in writing per the Public Notice for each rulemaking, and oral comments can be made at the Public Hearing for that rulemaking.

Comment: Shawn Dolan, Virtual Technology LLC

E-mail dated May 5, 2016

Regarding the 30 day period, is the current update official Public Notice date April 29, 2016? Is the public hearing on this May 12?

The announcement I received reads:

These updates include changes to Sections PCC 17.04.070, PCC 17.04.340, PCC 17.08.020, PCC 17.08.030, PCC 17.08.050, PCC 17.08.060, PCC 17.08.070, PCC 17.12.045, PCC 17.12.180, PCC 17.12.365, PCC 17.16.120, PCC 17.16.490, and PCC 17.16.530.
Thus I assume the specific comment to PCC 17.12.045 incorporated herein will be adjudicated in this round of updates?

Thanks again for your help and guidance in this matter, I am learning these “rules” and look forward to a very productive update

Response (via e-mail): As this is a rulemaking to only update incorporations by reference we are only updating the date within PCC 17.12.045, updating from February 1, 2008 to July 1, 2015). As stated in my previous e-mail our existing language for Test Methods and Procedures is identical to the provisions found in the state code. We do recognize the Camera Opacity Method is a valid EPA alternative test method. However, our county code is conforming to the corresponding state code. We suggest you approach ADEQ to incorporate your suggested language in to the state code. We understand that ADEQ is currently using your technology. We would incorporate the language the state develops.

The May 12th meeting is a stakeholder meeting and is not a formal public hearing. The Public Comment period for this rulemaking will open with the publication of a Public Notice on May 20, 2016, the Public Hearing for this rulemaking is currently proposed for August 2, 2016.

Comment: Cheri Dale, Maricopa County Air Quality Department

I respectfully propose three revisions to the Pima County Code, Title 17, Chapter 4, 8, 12 and 16 proposed rule revisions found in the NOTICE OF PROPOSED RULEMAKING, anticipated to be published in the Arizona Administrative Register on May 20, 2016.

- Delete 40 CFR 60, Subpart DDDD - Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units. Emission guidelines are not delegable to the state/local authority.
- Delete 40 CFR 60, Subpart MMMM – Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units. Emission guidelines are not delegable to the state/local authority.
- Update the address of the ASTM to P.O. Box C700, West Conshohocken, PA 19428.

Additional Information: ASTM Address 100 Barr Harbor Dr, PO Box C700, West Conshohocken, PA 19428-2959. Accessed at http://www.astm.org/

In an August 2015 letter from the EPA (refer to attachment), the EPA provided a detailed response to the department as to why NSPS subparts could not be delegated. An excerpt from the attached letter was included.

Response (via e-mail): PDEQ agrees that 40 CFR 60, Subpart DDDD and 40 CFR 60, Subpart MMMM should be removed from the rule because these rules are not delegated under the Clean Air Act Section 111(c). PDEQ will incorporate your suggested changes to the proposed rulemaking. PDEQ has also updated the address for the American Society for Testing and Materials.

Comment: Marlene Hilligoss, Tucson, AZ

Letter received June 8, 2016

Regarding Notice in AZ Star 5/20/16, Amendments to PCC title 17 code, CFR title 40 code AAC title 18 code, Does “UPDATE” mean MORE LENIENT OR LESS LENIENT? Please clarify.

Response (via letter):

This letter is in response to the comment you submitted to the Pima County Department of Environmental Quality (PDEQ) regarding the Notice of Expedited Rulemaking (22 A.A.R. 1305, May 20, 2016). The proposed amendments are to Pima County Code Title 17: Sections PCC 17.04.070, PCC 17.04.340, PCC 17.08.020, PCC 17.08.030, PCC 17.08.050, PCC
17.08.060, PCC 17.08.070, PCC 17.12.045, PCC 17.12.180, PCC 17.12.365, PCC 17.16.120, PCC 17.16.490, and PCC 17.16.530. This rulemaking does not make amendments to the Code of Federal Regulations (CFR) or to the Arizona Administrative Code (A.A.C.). The proposed rules are neither more, nor less lenient, the proposed amendments are conforming Pima County Code to federal and state rules that are already implemented.

13. **Incorporations by reference and their location in the rules:**

   New incorporations by reference as of July 1, 2015:

<table>
<thead>
<tr>
<th>CFR Reference</th>
<th>Location in PCC</th>
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<tbody>
<tr>
<td>40 CFR 60, Subparts Ga, Ja, Y, BBa, AAA, JJJJ, LLLL, OOOO, QQQQ</td>
<td>17.16.490</td>
</tr>
<tr>
<td>40 CFR 63, Subparts UUUUU, JJJJJJ, VVVVVV, WWWWWW, XXXXXX, YYYYYY, ZZZZZZ, AAAAAAA, BBBB BBB, CCCCCC, DDDDDD, EEEEEE, and HHHHHHH</td>
<td>17.16.530</td>
</tr>
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   Incorporations by Reference updated to July 1, 2015

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<tr>
<td>40 CFR 50</td>
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<td>40 CFR 75, all appendices</td>
<td>17.12.045</td>
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14. **The full text of the rule follows:**

   TITLE 17 -AIR QUALITY CONTROL
CHAPTER 17.04 GENERAL PROVISIONS

ARTICLE III. INCORPORATED MATERIALS

Section 17.04.070
Incorporated materials.

ARTICLE IX. DEFINITIONS AND MEANINGS

Section 17.04.340
Words, phrases, and terms.

CHAPTER 17.08 AMBIENT AIR QUALITY STANDARDS

ARTICLE I. Ambient Air Standards

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

CHAPTER 17.12 PERMITS AND PERMIT REVISIONS

ARTICLE I. GENERAL PROVISIONS

Section 17.12.045
Test methods and procedures.

ARTICLE II. INDIVIDUAL SOURCE PERMITS

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

CHAPTER 17.16 EMISSION LIMITING STANDARDS

ARTICLE III. EMISSIONS FROM EXISTING AND NEW NONPOINT SOURCES

Section 17.16.120
Mineral Tailings.

ARTICLE IV. NEW AND EXISTING STATIONARY SOURCE PERFORMANCE STANDARDS

ARTICLE VI. NEW SOURCE PERFORMANCE STANDARDS

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

ARTICLE VII. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

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

Chapter 17.04 General Provisions

...
Article III. Incorporated Materials

17.04.070 Incorporated materials.

The following documents are incorporated herein by reference and are on file with the control officer:


C. All parts of the CFR referenced in this Title are amended as of February 1, 2008 July 1, 2015, as applicable requirements and no future editions or amendments unless specifically indicated otherwise.


Article IX. Definitions and Meanings

17.04.340 Words, phrases, and terms.

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

A. Definitions.

250. "Volatile organic compounds (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

a. Methane;
b. Ethane;
c. Methylene chloride (dichloromethane);
d. 1,1,1-trichloroethane (methyl chloroform);
e. 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
f. Trichlorofluoromethane (CFC-11);
g. Dichlorodifluoromethane (CFC-12);
h. Chlorodifluoromethane (HCFC-22);
i. Trifluoromethane (HFC-23);
j. 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
k. Chloropentafluoroethane (CFC-115);
l. 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
m. 1,1,1,2-tetrafluoroethane (HFC-134a);
n. 1,1-dichloro 1-fluoroethane (HCFC-141b);
o. 1-chloro 1,1-difluoroethane (HCFC-142b);
p. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
q. Pentfluoroethane (HFC-125);
r. 1,1,2,2-tetrafluoroethane (HFC-134);
s. 1,1,1-trifluoroethane (HFC-143a);
t. 1,1-difluoroethane (HFC-152a);
u. Parachlorobenzotrifluoride (PCBTF);
v. Cyclic, branched, or linear completely methylated siloxanes;
w. Acetone;
x. Perchloroethylene (tetrachloroethylene);
y. 3,3-dichloro-1,1,2,2-pentafluoropropane (HCFC-225ca);
z. 1,3-dichloro-1,2,2,3-pentafluoropropane (HCFC-225cb);
aa. 1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
bb. Difluoromethane (HFC-32);
c. Ethylfluoride (HFC-161);
dd. 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
ee. 1,1,2,2,3-pentafluoropropane (HFC-245ca);
ff. 1,1,2,3,3-pentafluoropropane (HFC-245ea);
gg. 1,1,1,2,3-pentafluoropropane (HFC-245eb);
hh. 1,1,1,3,3-pentafluoropropane (HFC-245fa);
ii. 1,1,2,3,3-hexafluoropropane (HFC-236ea);
jj. 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
k. Chlorofluoromethane (HCFC-31);
ll. 1 chloro-1-fluoroethane (HCFC-151a);
mm. 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
nn. 1,1,1,2,3,3,4,4-nonafluoro-4-methoxy-butane (C4F9OCH3 or HFE-7100);
oo. 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropene ((CF3)2CFCF2OCH3);
pp. 1-ethoxy-1,1,2,3,3,4,4,4-nonfluorobutane (C4F9OC2H5 or HFE-7200);
qq. 2-(ethoxydifluoromethy)-1,1,1,2,3,3,3-heptafluoropropene ((CF3)2CFCF2OC2H5);
rr. Methyl acetate;
ss. 1,1,1,2,2,3,3-heptafluoropropane (n-C3F7OCH3, HFE - 7000);
tt. 3-ethoxy-1,1,1,2,3,4,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);
uu. 1,1,1,2,3,3-hentafluoropropane (HFC 227ea);
vv. Methyl formate (HCOOCH3);
ww. (1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethylpentane (HFE-7300) and
xx. propylene carbonate
yy. dimethyl carbonate
zz. 2,3,3,3-tetrafluoropropene (HFO-1234yf)
Perfluorocarbon compounds that fall into these classes:

i. Cyclic, branched, or linear, completely fluorinated alkanes;
ii. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
iii. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
iv. Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

The following compound is VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.

Chapter 17.08 Ambient Air Quality Standards

Article I. Ambient Air Standards

17.08.020 - Sulfur oxides (sulfur dioxide).

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

1. 0.03 parts per million (ppm) (80μg/m³) — annual arithmetic mean.
2. 0.14 parts per million (ppm) (365μg/m³) — maximum 24-hour concentration not to be exceeded more than once per year.

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

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

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

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

1. The primary and secondary ambient air quality standards for particulate matter PM$_{10}$ are:
   a. 50 micrograms per cubic meter of PM$_{10}$ — annual arithmetic mean concentration.
   b. 150 micrograms per cubic meter of PM$_{10}$ — 24-hour average concentration.

2. The secondary ambient air quality standards for particulate matter (PM$_{10}$) are:
   a. 50 micrograms per cubic meter of PM$_{10}$ — annual arithmetic mean concentration.
   b. 150 micrograms per cubic meter of PM$_{10}$ — 24-hour average concentration.

3. For the purposes of determining attainment of the primary and secondary standards, particulate matter (PM$_{10}$) shall be measured in the ambient air as PM$_{10}$ by:
   a. A reference method based on 40 CFR 50, Appendix J, and designated in accordance with 40 CFR 53; or
   b. An equivalent method designated in accordance with 40 CFR 53.
4. The primary and secondary annual ambient air quality standards for PM$_{10}$ shall be considered attained if the expected annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, Appendix K, is less than or equal to 50 micrograms per cubic meter.

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

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

1. The primary ambient air quality standards for particulate matter (PM$_{2.5}$) are:
   a. 12 micrograms per cubic meter of PM$_{2.5}$ - annual arithmetic mean concentration.
   b. 35 micrograms per cubic meter of PM$_{2.5}$ - 24-hour average concentration.

2. The secondary ambient air quality standards for particulate matter (PM$_{2.5}$) are:
   a. 15 micrograms per cubic meter of PM$_{2.5}$ - annual arithmetic mean concentration.
   b. 35 micrograms per cubic meter of PM$_{2.5}$ - 24-hour average concentration.

3. For purposes of determining attainment of the primary and secondary standards, particulate matter (PM$_{2.5}$) shall be measured in the ambient air by:
   a. A reference method based on 40 CFR 50, Appendix J, and designated in accordance with 40 CFR 53; or
   b. An equivalent method designated in accordance with 40 CFR 53.

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

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

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

17.08.050 - Ozone: 1-hour standard and 8-hour averaged standard.

A. 1-hour standard. Until June 15, 2005:

1. The 1-hour primary ambient air quality standard for ozone is 0.12 ppm (235 micrograms per cubic meter).

2. The 1-hour secondary ambient air quality standard for ozone is 0.12 ppm (235 micrograms per cubic meter).

3. The 1-hour standards are attained when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 ppm (235 micrograms per cubic meter) is less than or equal to 1, as determined by 40 CFR 50, Appendix H.

B. 8-hour averaged standard.

1. The 8-hour averaged-primary ambient air quality standard for ozone is 0.08 0.070 ppm parts per million (ppm), daily maximum 8-hour average.
2. The 8-hour averaged secondary ambient air quality standard for ozone is 0.08 0.070 ppm, daily maximum 8-hour average.

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

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

17.08.060 - Nitrogen dioxide.
A. The primary and secondary ambient air quality standards for nitrogen dioxide are: 0.053 parts per million (one hundred micrograms per cubic meter), annual arithmetic mean concentration.

1. 53 ppb — annual arithmetic mean concentration.
2. 100 ppb — 1-hour average concentration.

B. The secondary ambient air quality standard for nitrogen dioxide is 0.053 ppm (one hundred micrograms per cubic meter), annual arithmetic mean concentration.

C. The primary standards are attained when:
1. The annual arithmetic mean concentration in a calendar year is less than or equal to 53 ppb, as determined in accordance with 40 CFR 50, Appendix S.
2. The 3-year average of the annual 98th percentile of the daily maximum 1-hour average concentration is less than or equal to 100 ppb, as determined in accordance with 40 CFR 50, Appendix S.

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

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

17.08.070 - Lead.
A. The primary and secondary ambient air quality standards for lead and its compounds are 1.5 0.15 micrograms per cubic meter, maximum arithmetic mean averaged over a calendar quarter arithmetic mean concentration over a 3-month period.

B. The levels of lead and its compounds in the ambient air shall be measured as elemental lead by:
1. A reference method based on 40 CFR 50, Appendix G, and designated in accordance with 40 CFR 53; or
2. An equivalent method designated in accordance with 40 CFR 53.

C. The national primary and secondary ambient air quality standards for lead are met when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with Appendix R of this part, is less than or equal to 0.15 micrograms per cubic meter.
Chapter 17.12 Permits and Permit Revisions

Article I. General Provisions

17.12.045 Test methods and procedures.
A. The following test methods and protocols are approved for use as directed by the Department under this Chapter. These standards adopted as of February 1, 2008 July 1, 2015, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and are also available from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.

1. 40 CFR 50;
2. 40 CFR 50, Appendices A through N;
3. 40 CFR 51, Appendix M, Section IV of Appendix S, and Appendix W;
4. 40 CFR 52, Appendices D and E;
5. 40 CFR 53;
6. 40 CFR 58;
7. 40 CFR 58, all appendices;
8. 40 CFR 60, all appendices;
9. 40 CFR 61, all appendices;
10. 40 CFR 63, all appendices;
11. 40 CFR 75, all appendices.

Article II. Individual Source Permits

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

3. Each permit shall contain the following requirements with respect to monitoring:

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

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

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

Article VI. New Source Performance Standards

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

A. Except as provided in subsections B, C and D of this Section, and Sections 17.16.500 through 17.16.520, the following subparts of 40 CFR 60, New Source Performance Standards (NSPS), and all accompanying appendices, adopted as of February 1, 2008 July 1, 2015, and no future editions or amendments are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.

4. Subpart Db - Industrial-Commercial-Institutional Steam Generating Units.
5. Subpart Dc - Small Industrial-Commercial-Institutional Steam Generating Units.
8. Subpart Eb - Large Municipal Waste Combustors for Which Construction is Commenced after September 20, 1994 or for Which Modification or Reconstruction is Commenced after June 19, 1996.
9. Subpart Ec - Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced after June 20, 1996.

10. Subpart F - Portland Cement Plants.

11. Subpart G - Nitric Acid Plants.

12. Subpart Ga - Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011.

13. Subpart H - Sulfuric Acid Plants.


21. Subpart M - Secondary Brass and Bronze Ingot Production Plants.


24. Subpart O - Sewage Treatment Plants.

25. Subpart P - Primary Copper Smelters.

26. Subpart Q - Primary Zinc Smelters.

27. Subpart R - Primary Lead Smelters.

28. Subpart S - Primary Aluminum Reduction Plants.

29. Subpart T - Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

30. Subpart U - Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

31. Subpart V - Phosphate Fertilizer Industry: Diammonium Phosphate Plants.

32. Subpart W - Phosphate Fertilizer Industry: Triple Superphosphate Plants.

33. Subpart X - Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.

34. Subpart Y - Coal Preparation and Processing Plants.

35. Subpart Z - Ferroalloy Production Facilities.

36. Subpart AA - Steel Plants: Electric Arc Furnaces Constructed after November 21, 1974, and on or before August 17, 1983.

36. 38. Subpart BB - Kraft Pulp Mills.


37. 40. Subpart CC - Glass Manufacturing Plants.

38. 41. Subpart DD - Grain Elevators.

39. 42. Subpart EE - Surface Coating of Metal Furniture.

40. 43. Subpart GG - Stationary Gas Turbines.

41. 44. Subpart HH - Lime Manufacturing Plants.

42. 45. Subpart KK - Lead-Acid Battery Manufacturing Plants.

43. 46. Subpart LL - Metallic Mineral Processing Plants.

44. 47. Subpart MM - Automobile and Light Duty Truck Surface Coating Operations.

45. 48. Subpart NN - Phosphate Rock Plants.

46. 49. Subpart PP - Ammonium Sulfate Manufacture.

47. 50. Subpart QQ - Graphic Arts Industry: Publication Rotogravure Printing.

48. 51. Subpart RR - Pressure Sensitive Tape and Label Surface Coating Operations.

49. 52. Subpart SS - Industrial Surface Coating: Large Appliances.

50. 53. Subpart TT - Metal Coil Surface Coating.

51. 54. Subpart UU - Asphalt Processing and Asphalt Roofing Manufacture.


54. 57. Subpart WW - Beverage Can Surface Coating Industry.

55. 58. Subpart XX - Bulk Gasoline Terminals.


57. 60. Subpart BBB - Rubber Tire Manufacturing Industry.


60. 63. Subpart GGG - Equipment Leaks of VOC in Petroleum Refineries.

61. 64. Subpart GGGa - Equipment Leaks for VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced after November 7, 2006.

62. 65. Subpart HHH - Synthetic Fiber Production Facilities.


64. 67. Subpart JJJ - Petroleum Dry Cleaners.

65. 68. Subpart KKK - Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
Subpart LLL - Onshore Natural Gas Processing; SO2 Emissions.


Subpart OOO - Nonmetallic Mineral Processing Plants.

Subpart PPP - Wool Fiberglass Insulation Manufacturing Plants.

Subpart QQQ - VOC Emissions from Petroleum Refinery Wastewater Systems.


Subpart SSS - Magnetic Tape Coating Facilities.

Subpart TTT - Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.

Subpart UUU - Calciners and Dryers in Mineral Industries.

Subpart VVV - Polymeric Coating of Supporting Substrates Facilities.

Subpart WWWW - Municipal Solid Waste Landfills.

Subpart AAAA - Small Municipal Waste Combustion Units for Which Construction is Commenced after August 30, 1999 or for Which Modification or Reconstruction is Commenced after June 6, 2001.

Subpart CCC - 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.

Subpart EEEE - Other Solid Waste Incineration Units for Which Construction is Commenced after December 9, 2004, or for Which Modification or Reconstruction is Commenced on or after June 16, 2006.

Subpart FFFF - Other Solid Waste Incineration Units for Which Construction is Commenced on or before December 9, 2004.

Subpart IIII - Stationary Compression Ignition Internal Combustion Engines.

Subpart JJJJ - Stationary Spark Ignition Internal Combustion Engines.

Subpart KKKK - Stationary Combustion Turbines.

Subpart LLLL - New Sewage Sludge Incineration Units.

Subpart OOOO - Crude Oil and Natural Gas Production, Transmission and Distribution.


Article VII. National Emission Standards for Hazardous Air Pollutants

17.16.530 National Emissions Standards for Hazardous Air Pollutants (NESHAP).

A. Except as provided in subsections B, C, and D of this Section, the following subparts of 40 CFR 61, National Emission Standards for Hazardous Air Pollutants (NESHAPs), and all accompanying appendices, adopted as of February 1, 2008, and July 1, 2015, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.

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

B. Except as provided in subsection A, the following subparts of 40 CFR 63, NESHAPs for Source Categories, and all accompanying appendices, adopted as of February 1, 2008 July 1, 2015, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington D.C. 20402-9328.

2. Subpart B - Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections 112(g) and 112(j).
32. Subpart PP - National Emission Standards for Containers.
37. Subpart UU - National Emission Standards for Equipment Leaks-Control Level 2 Standards.
45. Subpart GGG - National Emission Standards for Pharmaceuticals Production.
50. Subpart MMM - National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.
54. Subpart QQQ - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting.
70. Subpart MMMM - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.
83. Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines
86. Subpart CCCCC - National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching and Battery Stacks.
Subpart TTTTT - National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining.

Subpart UUUUU - National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units.

Subpart WWWW - National Emission Standards for Hospital Ethylene Oxide Sterilizer.


Subpart ZZZZZ - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.


Subpart DDDDDD - National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.

Subpart EEEEEE - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources.

Subpart FFFFFF - National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources.

Subpart GGGGGG - National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources-Zinc, Cadmium, and Beryllium.

Subpart HHHHHH - National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.

Subpart JJJJJJ - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

Subpart LLLLLL - National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.

Subpart MMMMMM - National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources.

Subpart NNNNNN - National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds.

Subpart OOOOOO - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.

Subpart PPPPPP - National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources.

Subpart QQQQQQ - National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.
118. 121. Subpart RRRRRR - National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.


130. Subpart BBB BBBB - National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry.


C. When used in 40 CFR 61 or 63, "Administrator" means the control officer except that the control officer shall not be authorized to approve alternate or equivalent test methods or alternate standards or work practices, except as specifically provided in 40 CFR 63 Subpart B.

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

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

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

Abbreviations for rulemaking activity in this Index include:

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

**SUPPLEMENTAL PROPOSED RULEMAKING**
- SPN = Supplemental proposed new Section
- SPM = Supplemental proposed amended Section
- SPR = Supplemental proposed repealed Section
- SP# = Supplemental proposed renumbered Section

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

**SUMMARY RULEMAKING**
**PROPOSED SUMMARY**
- PSMN = Proposed Summary new Section
- PSMR = Proposed Summary repealed Section
- PSM# = Proposed Summary renumbered Section

**FINAL SUMMARY**
- FSMN = Final Summary new 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
- P# = Proposed Exempt renumbered Section

**SUPPLEMENTAL EXEMPT PROPOSED**
- SPXN = Supplemental Proposed Exempt new Section
- SPXM = Supplemental Proposed Exempt amended Section
- SPXR = Supplemental Proposed Exempt repealed 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
- F# = 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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Public records, such as Governor Office executive orders, proclamations, declarations and terminations of emergencies, summaries of Attorney General Opinions, and county notices are also listed in this section of the Index as published by volume page number.

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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.

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**GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES**

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

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

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*Materials must be submitted by **noon** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.*