

Arizona Administrative REGISTER

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From the Publisher

ABOUT THIS PUBLICATION

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

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

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

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

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

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

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

LEGAL CITATIONS AND FILING NUMBERS

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

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

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

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

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Participate in the Process

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

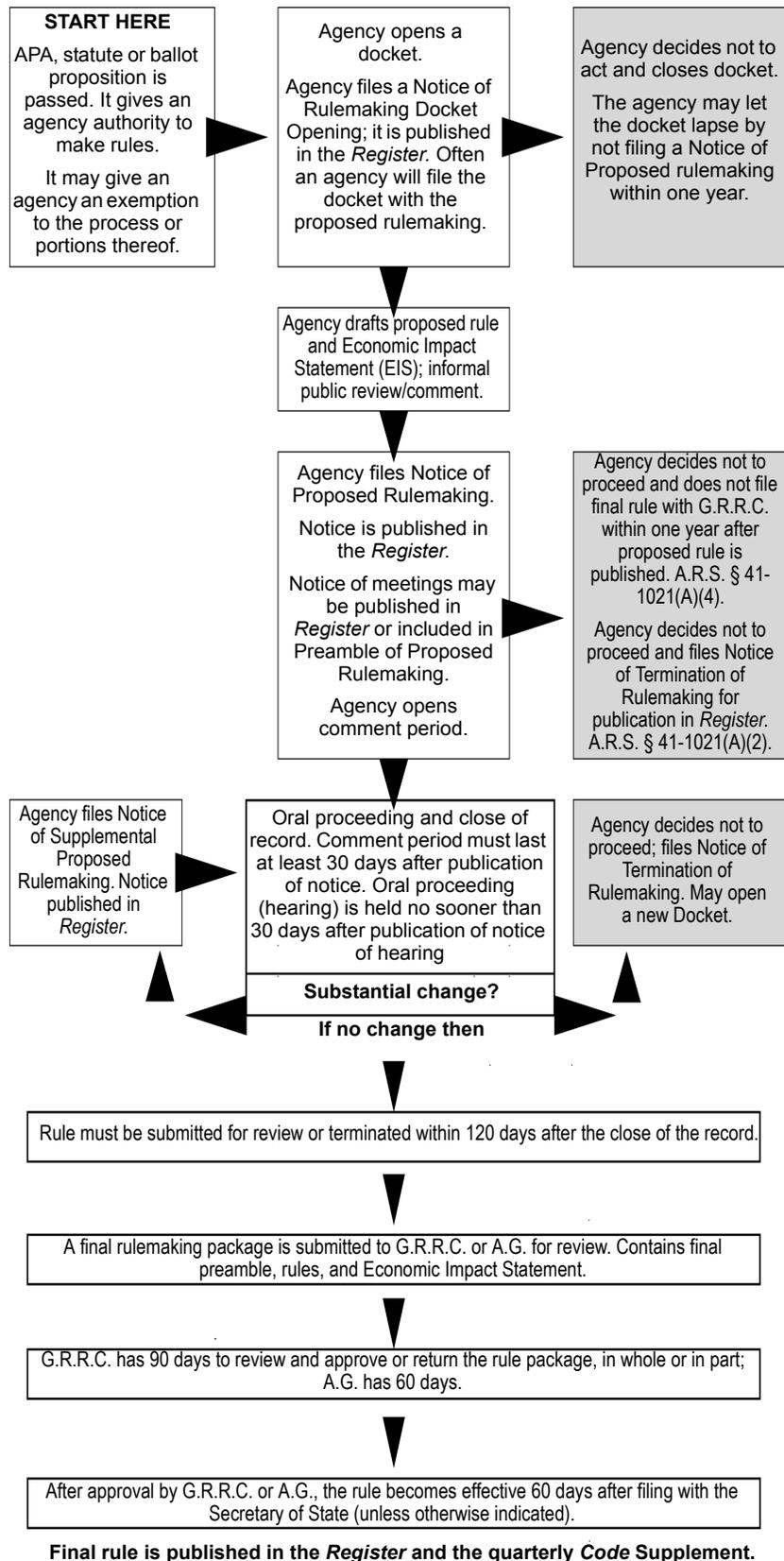
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

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

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

Arizona Regular Rulemaking Process



Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

About Preambles

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

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

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



NOTICES OF PROPOSED RULEMAKING

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

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

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

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

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

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

**CHAPTER 17. DEPARTMENT OF HEALTH SERVICES
MEDICAL MARIJUANA PROGRAM**

[R16-252]

PREAMBLE

- | | |
|---|---------------------------------|
| 1. <u>Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R9-17-202 | Amend |
| R9-17-204 | Amend |
| R9-17-310 | Amend |
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statutes: A.R.S. §§ 36-132(A)(1), 36-136(F)
 Implementing statutes: A.R.S. § 36-2803
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Rulemaking Docket Opening: 22 A.A.R. 2407, September 2, 2016
- 4. The agency’s contact person who can answer questions about the rulemaking:**
- Name: Thomas Salow, Deputy Assistant Director
 Address: Department of Health Services
 Division of Licensing Services
 150 N. 18th Ave., Suite 400
 Phoenix, AZ 85007
- Telephone: (602) 364-1935
 Fax: (602) 364-4808
 E-mail: Thomas.Salow@azdhs.gov
- or
- Name: Robert Lane, Manager
 Address: Department of Health Services
 Office of Administrative Counsel and Rules
 150 N. 18th Ave., Suite 200
 Phoenix, AZ 85007
- Telephone: (602) 542-1020
 Fax: (602) 364-1150
 E-mail: Robert.Lane@azdhs.gov
- 5. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**
 On April 5, 2016, Governor Doug Ducey signed HB 2061 into law, requiring the Arizona Department of Health Ser-



vices (Department) to adopt rules warning of potential risks related to medical marijuana and pregnancy. Under the legislation, the rules must require each certifying physician to address “the potential dangers to fetuses caused by smoking or ingesting marijuana while pregnant or to infants while breastfeeding and the risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report”. The rules must also require each nonprofit medical marijuana dispensary to conspicuously post signs addressing these same potential risks. After receiving an exception from the rulemaking moratorium, established by Executive Order 2016-03, the Department is amending the rules in Arizona Administrative Code Title 9, Chapter 17 to comply with HB 2061. The proposed amendments conform to the rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.

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 Department did not review or rely on any study related to this rulemaking package.

7. A showing of good cause why the rule 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:

As used in this summary, annual costs/revenues are designated as minimal when less than \$1,000; moderate when between \$1,000 and \$10,000; and substantial when greater than \$10,000. Costs are listed as significant when meaningful or important, but not readily subject to quantification.

Potential costs will be imposed on the Department, dispensaries, certifying physicians, and female qualifying patients. Potential benefits will be conferred on certifying physicians, female qualifying patients, the children of female qualifying patients, and the general public. The Department believes that the proposed rules will impose at most a minimal cost on the Department due to the small amount of additional time it may take to ensure dispensaries are in compliance with the rules. The proposed rules will require no new FTEs and will have a significant benefit in that they will bring the Department into compliance with statute. The proposed rules, which are required by Arizona Revised Statutes (A.R.S.) § 36-2803, as amended by Laws 2016, Ch. 92, may impose a minimum cost on dispensaries by causing them to spend a minimal amount of money to print and post required signage. They may also impose a minimum cost on certifying physicians, who will have to spend a few more minutes with female qualifying patients. Certifying physicians, qualifying female patients, the children of qualifying female patients, and the general public will all experience a significant benefit in that qualifying female patients will be made aware of the potential dangers to a fetus or a breastfeeding child as a result of a female qualifying patient smoking or ingesting marijuana.

The proposed rules do not impose any fees or charges that affect the general fund or any other state agencies. The Department has determined that no other methods may be used to further reduce the economic impact while achieving the intention of Laws 2016, Ch. 92.

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

Name: Thomas Salow, Deputy Assistant Director

Address: Department of Health Services
Division of Licensing Services
150 N. 18th Ave., Suite 400
Phoenix, AZ 85007

Telephone: (602) 364-1935

Fax: (602) 364-4808

E-mail: Thomas.Salow@azdhs.gov

or

Name: Robert Lane, Manager

Address: Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 200
Phoenix, AZ 85007

Telephone: (602) 542-1020

Fax: (602) 364-1150

E-mail: Robert.Lane@azdhs.gov

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:

The Department has scheduled the following meeting:



Date and time: Wednesday, January 25, 2017, 1:00 p.m.

Location: Department of Health Services
150 N. 18th Ave., Room 415B
Phoenix, AZ 85007

Close of record: Wednesday, January 25, 2017, 4:00 p.m.

A person may submit written comments on the proposed rules not later than the close of record to either of the individuals listed in item 4 or 9.

A person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Robert Lane at Robert.Lane@azdhs.gov or (602) 542-1020. Requests should be made as early as possible to allow time to arrange the accommodation.

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

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

Arizona Revised Statutes, Title 36, Chapter 28.1 requires individuals or entities that wish to operate a medical marijuana dispensary to apply for a medical marijuana dispensary registration certificate and individuals who wish to use or possess a medical marijuana card for themselves to apply for a medical marijuana patient card. Hence, a general permit is not used.

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.

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 person has submitted an analysis to the Department that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.

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

Not applicable

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 17. DEPARTMENT OF HEALTH SERVICES
MEDICAL MARIJUANA PROGRAM**

ARTICLE 2. QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS

Section

- R9-17-202. Applying for a Registry Identification Card for a Qualifying Patient or a Designated Caregiver
- R9-17-204. Renewing a Qualifying Patient's or Designated Caregiver's Registry Identification Card

ARTICLE 3. DISPENSARIES AND DISPENSARY AGENTS

Section

- R9-17-310. Administration

ARTICLE 2. QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS

R9-17-202. Applying for a Registry Identification Card for a Qualifying Patient or a Designated Caregiver

- A. Except for a qualifying patient who is under 18 years of age, a qualifying patient is not required to have a designated caregiver.
- B. A qualifying patient may have only one designated caregiver at any given time.
- C. Except for a qualifying patient who is under 18 years of age, if the information submitted for a qualifying patient complies with A.R.S. Title 36, Chapter 28.1 and this Chapter but the information for the qualifying patient's designated caregiver does not comply with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall issue the registry identification card for the qualifying patient separate from issuing a registry identification card for the qualifying patient's designated caregiver.
- D. If the Department issues a registry identification card to a qualifying patient under subsection (C), the Department shall continue the process for issuing or denying the qualifying patient's designated caregiver's registry identification card.
- E. The Department shall not issue a designated caregiver's registry identification card before the Department issues the designated caregiver's qualifying patient's registry identification card.
- F. Except as provided in subsection (G), to apply for a registry identification card, a qualifying patient shall submit to the



Department the following:

1. An application in a Department-provided format that includes:
 - a. The qualifying patient's:
 - i. First name; middle initial, if applicable; last name; and suffix, if applicable;
 - ii. Date of birth; and
 - iii. Gender;
 - b. Except as provided in subsection (F)(1)(i), the qualifying patient's residence address and mailing address;
 - c. The county where the qualifying patient resides;
 - d. The qualifying patient's e-mail address;
 - e. The identifying number on the applicable card or document in subsection (F)(2)(a) through (e);
 - f. The name, address, and telephone number of the physician providing the written certification for medical marijuana for the qualifying patient;
 - g. Whether the qualifying patient is requesting authorization for cultivating marijuana plants for the qualifying patient's medical use because the qualifying patient believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
 - h. If the qualifying patient is requesting authorization for cultivating marijuana plants, whether the qualifying patient is designating the qualifying patient's designated caregiver to cultivate marijuana plants for the qualifying patient's medical use;
 - i. If the qualifying patient is homeless, an address where the qualifying patient can receive mail;
 - j. Whether the qualifying patient would like notification of any clinical studies needing human subjects for research on the medical use of marijuana;
 - k. An attestation that the information provided in the application is true and correct; and
 - l. The signature of the qualifying patient and date the qualifying patient signed;
2. A copy of the qualifying patient's:
 - a. Arizona driver's license issued on or after October 1, 1996;
 - b. Arizona identification card issued on or after October 1, 1996;
 - c. Arizona registry identification card;
 - d. Photograph page in the qualifying patient's U.S. passport; or
 - e. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the qualifying patient:
 - i. Birth certificate verifying U.S. citizenship,
 - ii. U.S. Certificate of Naturalization, or
 - iii. U.S. Certificate of Citizenship;
3. A current photograph of the qualifying patient;
4. A statement in a Department-provided format signed by the qualifying patient pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
5. A physician's written certification in a Department-provided format dated within 90 calendar days before the submission of the qualifying patient's application that includes:
 - a. The physician's:
 - i. Name,
 - ii. License number including an identification of the physician license type,
 - iii. Office address on file with the physician's licensing board,
 - iv. Telephone number on file with the physician's licensing board, and
 - v. E-mail address;
 - b. The qualifying patient's name and date of birth;
 - c. A statement that the physician has made or confirmed a diagnosis of a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;
 - d. An identification, initialed by the physician, of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition;
 - e. If the debilitating medical condition identified in subsection (F)(5)(d) is a condition in:
 - i. R9-17-201(9) through (13), the underlying chronic or debilitating disease or medical condition; or
 - ii. R9-17-201(14), the debilitating medical condition;
 - f. A statement, initialed by the physician, that the physician:
 - i. Has established a medical record for the qualifying patient, and
 - ii. Is maintaining the qualifying patient's medical record as required in A.R.S. § 12-2297;
 - g. A statement, initialed by the physician, that the physician has conducted an in-person physical examination of the qualifying patient within the previous 90 calendar days appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed or confirmed by the physician;
 - h. The date the physician conducted the in-person physical examination of the qualifying patient;
 - i. A statement, initialed by the physician, that the physician reviewed the qualifying patient's:



- i. Medical records including medical records from other treating physicians from the previous 12 months;
 - ii. Response to conventional medications and medical therapies; and
 - iii. Profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database;
 - j. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the medical use of marijuana to the qualifying patient;
 - k. A statement, initialed by the physician, that in the physician's professional opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition;
 - l. A statement, initialed by the physician, that if the physician has referred the qualifying patient to a dispensary, the physician has disclosed to the qualifying patient any personal or professional relationship the physician has with the dispensary;
 - m. A statement, initialed by the physician, that the physician has provided information to the qualifying patient, if the qualifying patient is female, that warns about:
 - i. The potential dangers to a fetus caused by smoking or ingesting marijuana while pregnant or to an infant while breastfeeding, and
 - ii. The risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;
 - ~~m.n.~~ An attestation that the information provided in the written certification is true and correct; and
 - ~~n.o.~~ The physician's signature and the date the physician signed;
6. If the qualifying patient is designating a caregiver, the following in a Department-provided format:
 - a. The designated caregiver's first name; middle initial, if applicable; last name; and suffix, if applicable;
 - b. The designated caregiver's date of birth;
 - c. The designated caregiver's residence address and mailing address;
 - d. The county where the designated caregiver resides;
 - e. The identifying number on the applicable card or document in subsection (F)(6)(i)(i) through (v);
 - f. One of the following:
 - i. A statement that the designated caregiver does not currently hold a valid registry identification card, or
 - ii. The assigned registry identification number for the designated caregiver for each valid registry identification card currently held by the designated caregiver;
 - g. An attestation signed and dated by the designated caregiver that the designated caregiver has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801;
 - h. A statement signed by the designated caregiver:
 - i. Agreeing to assist the qualifying patient with the medical use of marijuana; and
 - ii. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
 - i. A copy of the designated caregiver's:
 - i. Arizona driver's license issued on or after October 1, 1996;
 - ii. Arizona identification card issued on or after October 1, 1996;
 - iii. Arizona registry identification card;
 - iv. Photograph page in the designated caregiver's U.S. passport; or
 - v. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the designated caregiver:
 - (1) Birth certificate verifying U.S. citizenship,
 - (2) U.S. Certificate of Naturalization, or
 - (3) U.S. Certificate of Citizenship;
 - j. A current photograph of the designated caregiver; and
 - k. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
 - i. The designated caregiver's fingerprints on a fingerprint card that includes:
 - (1) The designated caregiver's first name; middle initial, if applicable; and last name;
 - (2) The designated caregiver's signature;
 - (3) If different from the designated caregiver, the signature of the individual physically rolling the designated caregiver's fingerprints;
 - (4) The designated caregiver's address;
 - (5) If applicable, the designated caregiver's surname before marriage and any names previously used by the designated caregiver;
 - (6) The designated caregiver's date of birth;
 - (7) The designated caregiver's Social Security number;
 - (8) The designated caregiver's citizenship status;
 - (9) The designated caregiver's gender;



- (10) The designated caregiver's race;
 - (11) The designated caregiver's height;
 - (12) The designated caregiver's weight;
 - (13) The designated caregiver's hair color;
 - (14) The designated caregiver's eye color; and
 - (15) The designated caregiver's place of birth; or
 - ii. If the designated caregiver's fingerprints and information required in subsection (F)(6)(k)(i) were submitted to the Department as part of an application for a designated caregiver or a dispensary agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the designated caregiver as a result of the application; and
7. The applicable fees in R9-17-102 for applying for:
- a. A qualifying patient registry identification card; and
 - b. If applicable, a designated caregiver registry identification card.
- G.** To apply for a registry identification card for a qualifying patient who is under 18 years of age, the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient shall submit to the Department the following:
- 1. An application in a Department-provided format that includes:
 - a. The qualifying patient's:
 - i. First name; middle initial, if applicable; last name; and suffix, if applicable;
 - ii. Date of birth; and
 - iii. Gender;
 - b. The qualifying patient's residence address and mailing address;
 - c. The county where the qualifying patient resides;
 - d. The qualifying patient's custodial parent's or legal guardian's first name; middle initial, if applicable; last name; and suffix, if applicable;
 - e. The identifying number on the applicable card or document in subsection (G)(5)(a) through (e);
 - f. The qualifying patient's custodial parent's or legal guardian's residence address and mailing address;
 - g. The county where the qualifying patient's custodial parent or legal guardian resides;
 - h. The qualifying patient's custodial parent's or legal guardian's e-mail address;
 - i. The name, address, and telephone number of a physician who has a physician-patient relationship with the qualifying patient and is providing the written certification for medical marijuana for the qualifying patient;
 - j. The name, address, and telephone number of a second physician who has conducted a comprehensive review of the patient's medical record maintained by other treating physicians, and is providing a written certification for medical marijuana for the qualifying patient;
 - k. The qualifying patient's custodial parent's or legal guardian's date of birth;
 - l. Whether the qualifying patient's custodial parent or legal guardian is requesting authorization for cultivating medical marijuana plants for the qualifying patient's medical use because the qualifying patient's custodial parent or legal guardian believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
 - m. Whether the qualifying patient's custodial parent or legal guardian would like notification of any clinical studies needing human subjects for research on the medical use of marijuana;
 - n. Whether the individual submitting the application on behalf of the qualifying patient under 18 years of age is the qualifying patient's custodial parent or legal guardian;
 - o. One of the following:
 - i. A statement that the qualifying patient's custodial parent or legal guardian does not currently hold a valid registry identification card, or
 - ii. The assigned registry identification number for the qualifying patient's custodial parent or legal guardian for each valid registry identification card currently held by the qualifying patient's custodial parent or legal guardian;
 - p. An attestation that the information provided in the application is true and correct; and
 - q. The signature of the qualifying patient's custodial parent or legal guardian and the date the qualifying patient's custodial parent or legal guardian signed;
 - 2. A current photograph of the:
 - a. Qualifying patient, and
 - b. Qualifying patient's custodial parent or legal guardian serving as the qualifying patient's designated caregiver;
 - 3. An attestation in a Department-provided format signed and dated by the qualifying patient's custodial parent or legal guardian that the qualifying patient's custodial parent or legal guardian has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801;
 - 4. A statement in a Department-provided format signed by the qualifying patient's custodial parent or legal guardian who is serving as the qualifying patient's designated caregiver:



- a. Allowing the qualifying patient's medical use of marijuana;
 - b. Agreeing to assist the qualifying patient with the medical use of marijuana; and
 - c. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
5. A copy of one of the following for the qualifying patient's custodial parent or legal guardian:
- a. Arizona driver's license issued on or after October 1, 1996;
 - b. Arizona identification card issued on or after October 1, 1996;
 - c. Arizona registry identification card;
 - d. Photograph page in the qualifying patient's custodial parent or legal guardian U.S. passport; or
 - e. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the qualifying patient's custodial parent or legal guardian:
 - i. Birth certificate verifying U.S. citizenship,
 - ii. U. S. Certificate of Naturalization, or
 - iii. U. S. Certificate of Citizenship;
6. If the individual submitting the application on behalf of a qualifying patient is the qualifying patient's legal guardian, a copy of documentation establishing the individual as the qualifying patient's legal guardian;
7. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
- a. The qualifying patient's custodial parent or legal guardian's fingerprints on a fingerprint card that includes:
 - i. The qualifying patient's custodial parent or legal guardian's first name; middle initial, if applicable; and last name;
 - ii. The qualifying patient's custodial parent or legal guardian's signature;
 - iii. If different from the qualifying patient's custodial parent or legal guardian, the signature of the individual physically rolling the qualifying patient's custodial parent's or legal guardian's fingerprints;
 - iv. The qualifying patient's custodial parent's or legal guardian's address;
 - v. If applicable, the qualifying patient's custodial parent's or legal guardian's surname before marriage and any names previously used by the qualifying patient's custodial parent or legal guardian;
 - vi. The qualifying patient's custodial parent's or legal guardian's date of birth;
 - vii. The qualifying patient's custodial parent's or legal guardian's Social Security number;
 - viii. The qualifying patient's custodial parent's or legal guardian's citizenship status;
 - ix. The qualifying patient's custodial parent's or legal guardian's gender;
 - x. The qualifying patient's custodial parent's or legal guardian's race;
 - xi. The qualifying patient's custodial parent's or legal guardian's height;
 - xii. The qualifying patient's custodial parent's or legal guardian's weight;
 - xiii. The qualifying patient's custodial parent's or legal guardian's hair color;
 - xiv. The qualifying patient's custodial parent's or legal guardian's eye color; and
 - xv. The qualifying patient's custodial parent's or legal guardian's place of birth; or
 - b. If the qualifying patient's custodial parent's or legal guardian's fingerprints and information required in subsection (G)(7)(a) were submitted to the Department as part of an application for a designated caregiver or a dispensary agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the qualifying patient's custodial parent or legal guardian as a result of the application;
8. A written certification from the physician in subsection (G)(1)(i) and a separate written certification from the physician in (G)(1)(j) in a Department-provided format dated within 90 calendar days before the submission of the qualifying patient's application that includes:
- a. The physician's:
 - i. Name,
 - ii. License number including an identification of the physician license type,
 - iii. Office address on file with the physician's licensing board,
 - iv. Telephone number on file with the physician's licensing board, and
 - v. E-mail address;
 - b. The qualifying patient's name and date of birth;
 - c. An identification of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition;
 - d. If the debilitating medical condition identified in subsection (G)(9)(c) is a condition in:
 - i. R9-17-201(9) through (13), the underlying chronic or debilitating disease or medical condition; or
 - ii. R9-17-201(14), the debilitating medical condition;
 - e. For the physician listed in subsection (G)(1)(i):
 - i. A statement that the physician has made or confirmed a diagnosis of a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;
 - ii. A statement, initialed by the physician, that the physician:



- (1) Has established a medical record for the qualifying patient, and
- (2) Is maintaining the qualifying patient's medical record as required in A.R.S. § 12-2297;
- iii. A statement, initialed by the physician, that the physician has conducted an in-person physical examination of the qualifying patient within the previous 90 calendar days appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed or confirmed by the physician;
- iv. The date the physician conducted the in-person physical examination of the qualifying patient;
- v. A statement, initialed by the physician, that the physician reviewed the qualifying patient's:
 - (1) Medical records, including medical records from other treating physicians from the previous 12 months,
 - (2) Response to conventional medications and medical therapies, and
 - (3) Profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database; ~~and~~
- vi. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the use of medical marijuana to the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient; and
- vii. A statement, initialed by the physician, that the physician has provided information to the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient, if the qualifying patient is female, that warns about:
 - (1) The potential dangers to a fetus caused by smoking or ingesting marijuana while pregnant or to an infant while breastfeeding, and
 - (2) The risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;
- f. For the physician listed in subsection (G)(1)(j), a statement, initialed by the physician, that the physician conducted a comprehensive review of the qualifying patient's medical records from other treating physicians;
- g. A statement, initialed by the physician, that, in the physician's professional opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition;
- h. A statement, initialed by the physician, that if the physician has referred the qualifying patient's custodial parent or legal guardian to a dispensary, the physician has disclosed to the qualifying patient any personal or professional relationship the physician has with the dispensary;
- i. An attestation that the information provided in the written certification is true and correct; and
- j. The physician's signature and the date the physician signed; and
- 9. The applicable fees in R9-17-102 for applying for a:
 - a. Qualifying patient registry identification card, and
 - b. Designated caregiver registry identification card.
- H.** For purposes of this Article, "25 miles" includes the area contained within a circle that extends for 25 miles in all directions from a specific location.
- I.** For purposes of this Article, "residence address" when used in conjunction with a qualifying patient means:
 - 1. The street address including town or city and zip code assigned by a local jurisdiction; or
 - 2. For property that does not have a street address assigned by a local jurisdiction, the legal description of the property on the title documents recorded by the assessor of the county in which the property is located.

R9-17-204. Renewing a Qualifying Patient's or Designated Caregiver's Registry Identification Card

- A.** Except for a qualifying patient who is under 18 years of age, to renew a qualifying patient's registry identification card, the qualifying patient shall submit the following to the Department at least 30 calendar days before the expiration date of the qualifying patient's registry identification card:
 - 1. An application in a Department-provided format that includes:
 - a. The qualifying patient's first name; middle initial, if applicable; last name; and suffix, if applicable;
 - b. The qualifying patient's date of birth;
 - c. Except as provided in subsection (A)(1)(j), the qualifying patient's residence address and mailing address;
 - d. The county where the qualifying patient resides;
 - e. The qualifying patient's e-mail address;
 - f. The registry identification number on the qualifying patient's current registry identification card;
 - g. The name, address, and telephone number of the physician providing the written certification for medical marijuana for the qualifying patient;
 - h. Whether the qualifying patient is requesting authorization for cultivating marijuana plants for the qualifying patient's medical use because the qualifying patient believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;



- i. If the qualifying patient is requesting authorization for cultivating marijuana plants, whether the qualifying patient is designating the qualifying patient's designated caregiver to cultivate marijuana plants for the qualifying patient's medical use;
 - j. If the qualifying patient is homeless, an address where the qualifying patient can receive mail;
 - k. Whether the qualifying patient would like notification of any clinical studies needing human subjects for research on the medical use of marijuana;
 - l. An attestation that the information provided in the application is true and correct; and
 - m. The signature of the qualifying patient and the date the qualifying patient signed;
2. If the qualifying patient's name in subsection (A)(1)(a) is not the same name as on the qualifying patient's current registry identification card, one of the following with the qualifying patient's new name:
 - a. An Arizona driver's license,
 - b. An Arizona identification card, or
 - c. The photograph page in the qualifying patient's U.S. passport;
 3. A current photograph of the qualifying patient;
 4. A statement in a Department-provided format signed by the qualifying patient pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
 5. A physician's written certification in a Department-provided format dated within 90 calendar days before the submission of the qualifying patient's renewal application that includes:
 - a. The physician's:
 - i. Name,
 - ii. License number including an identification of the physician license type,
 - iii. Office address on file with the physician's licensing board,
 - iv. Telephone number on file with the physician's licensing board, and
 - v. E-mail address;
 - b. The qualifying patient's name and date of birth;
 - c. A statement that the physician has made or confirmed a diagnosis of a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;
 - d. An identification of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition;
 - e. If the debilitating medical condition identified in subsection (A)(5)(d) is a condition in:
 - i. R9-17-201(9) through (13), the underlying chronic or debilitating disease or medical condition; or
 - ii. R9-17-201(14), the debilitating medical condition;
 - f. A statement, initialed by the physician, that the physician:
 - i. Has established a medical record for the qualifying patient, and
 - ii. Is maintaining the qualifying patient's medical record as required in A.R.S. § 12-2297;
 - g. A statement, initialed by the physician, that the physician has conducted an in-person physical examination of the qualifying patient within the previous 90 calendar days appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed or confirmed by the physician;
 - h. The date the physician conducted the in-person physical examination of the qualifying patient;
 - i. A statement, initialed by the physician, that the physician reviewed the qualifying patient's:
 - i. Medical records including medical records from other treating physicians from the previous 12 months;
 - ii. Response to conventional medications and medical therapies, and
 - iii. Profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database;
 - j. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the medical use of marijuana to the qualifying patient;
 - k. A statement, initialed by the physician, that in the physician's professional opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition;
 - l. A statement, initialed by the physician, that if the physician has referred the qualifying patient to a dispensary, the physician has disclosed to the qualifying patient any personal or professional relationship the physician has with the dispensary;
 - m. A statement, initialed by the physician, that the physician has provided information to the qualifying patient, if the qualifying patient is female, that warns about:
 - i. The potential dangers to a fetus caused by smoking or ingesting marijuana while pregnant or to an infant while breastfeeding, and
 - ii. The risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report.
 - ~~n. An attestation that the information provided in the written certification is true and correct; and~~
 - ~~o. The physician's signature and the date the physician signed;~~



6. If the qualifying patient is designating a caregiver or if the qualifying patient's designated caregiver's registry identification card has the same expiration date as the qualifying patient's registry identification card, the following in a Department-provided format:
 - a. The designated caregiver's first name; middle initial, if applicable; last name; and suffix, if applicable;
 - b. The designated caregiver's date of birth;
 - c. The designated caregiver's residence address and mailing address;
 - d. The county where the designated caregiver resides;
 - e. If the qualifying patient is renewing the designated caregiver's registry identification card, the registry identification number on the designated caregiver's registry identification card associated with the qualifying patient;
 - f. If the qualifying patient is designating an individual not previously designated as the qualifying patient's designated caregiver, the identification number on and a copy of the designated caregiver's:
 - i. Arizona driver's license issued on or after October 1, 1996;
 - ii. Arizona identification card issued on or after October 1, 1996;
 - iii. Arizona registry identification card;
 - iv. Photograph page in the designated caregiver's U. S. passport; or
 - v. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the designated caregiver:
 - (1) Birth certificate verifying U.S. citizenship,
 - (2) U. S. Certificate of Naturalization, or
 - (3) U. S. Certificate of Citizenship;
 - g. If the qualifying patient is designating an individual not previously designated as the qualifying patient's designated caregiver, one of the following:
 - i. A statement that the designated caregiver does not currently hold a valid registry identification card, or
 - ii. The assigned registry identification number for the designated caregiver for each valid registry identification card currently held by the designated caregiver;
 - h. A current photograph of the designated caregiver;
 - i. An attestation signed and dated by the designated caregiver that the designated caregiver has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801;
 - j. A statement in a Department-provided format signed by the designated caregiver:
 - i. Agreeing to assist the qualifying patient with the medical use of marijuana; and
 - ii. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1; and
 - k. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
 - i. The designated caregiver's fingerprints on a fingerprint card that includes:
 - (1) The designated caregiver's first name; middle initial, if applicable; and last name;
 - (2) The designated caregiver's signature;
 - (3) If different from the designated caregiver, the signature of the individual physically rolling the designated caregiver's fingerprints;
 - (4) The designated caregiver's address;
 - (5) If applicable, the designated caregiver's surname before marriage and any names previously used by the designated caregiver;
 - (6) The designated caregiver's date of birth;
 - (7) The designated caregiver's Social Security number;
 - (8) The designated caregiver's citizenship status;
 - (9) The designated caregiver's gender;
 - (10) The designated caregiver's race;
 - (11) The designated caregiver's height;
 - (12) The designated caregiver's weight;
 - (13) The designated caregiver's hair color;
 - (14) The designated caregiver's eye color; and
 - (15) The designated caregiver's place of birth; or
 - ii. If the designated caregiver's fingerprints and information required in subsection (A)(6)(k)(i) were submitted to the Department as part of an application for a designated caregiver or a dispensary agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the designated caregiver as a result of the application;
7. If the qualifying patient's designated caregiver's registry identification card has the same expiration date as the qualifying patient's registry identification card and the designated caregiver's name in subsection (A)(6)(a) is not the same name as on the designated caregiver's current registry identification card, one of the following with the designated caregiver's new name:
 - a. An Arizona driver's license,



- b. An Arizona identification card, or
- c. The photograph page in the designated caregiver's U.S. passport; and
8. The applicable fees in R9-17-102 for applying to:
 - a. Renew a qualifying patient's registry identification card; and
 - b. If applicable, issue or renew a designated caregiver's registry identification card.
- B.** To renew a registry identification card for a qualifying patient who is under 18 years of age, the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient shall submit to the Department the following:
 1. An application in a Department-provided format that includes:
 - a. The qualifying patient's:
 - i. First name; middle initial, if applicable; last name; and suffix, if applicable; and
 - ii. Date of birth;
 - b. The qualifying patient's residence address and mailing address;
 - c. The county where the qualifying patient resides;
 - d. The registry identification number on the qualifying patient's current registry identification card;
 - e. The qualifying patient's custodial parent's or legal guardian's first name; middle initial, if applicable; last name; and suffix, if applicable;
 - f. The qualifying patient's custodial parent's or legal guardian's residence address and mailing address;
 - g. The county where the qualifying patient's custodial parent or legal guardian resides;
 - h. The qualifying patient's custodial parent's or legal guardian's e-mail address;
 - i. The registry identification number on the qualifying patient's custodial parent's or legal guardian's current registry identification card;
 - j. The name, address, and telephone number of a physician who has a physician-patient relationship with the qualifying patient and is providing the written certification for medical marijuana for the qualifying patient;
 - k. The name, address, and telephone number of a second physician who has conducted a comprehensive review of the qualifying patient's medical record maintained by other treating physicians, and is providing a written certification for medical marijuana for the qualifying patient;
 - l. Whether the qualifying patient's custodial parent or legal guardian is requesting approval for cultivating marijuana plants for the qualifying patient's medical use because the qualifying patient's custodial parent or legal guardian believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
 - m. Whether the qualifying patient's custodial parent or legal guardian would like notification of any clinical studies needing human subjects for research on the medical use of marijuana;
 - n. A statement in a Department-provided format signed by the qualifying patient's custodial parent or legal guardian who is serving as the qualifying patient's designated caregiver:
 - i. Allowing the qualifying patient's medical use of marijuana;
 - ii. Agreeing to assist the qualifying patient with the medical use of marijuana; and
 - iii. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
 - o. An attestation that the information provided in the application is true and correct; and
 - p. The signature of the qualifying patient's custodial parent or legal guardian and the date the qualifying patient's custodial parent or legal guardian signed;
 2. If the qualifying patient's custodial parent's or legal guardian's name in subsection (B)(1)(e) is not the same name as on the qualifying patient's custodial parent's or legal guardian's current registry identification card, one of the following with the custodial parent's or legal guardian's new name:
 - a. An Arizona driver's license,
 - b. An Arizona identification card, or
 - c. The photograph page in the qualifying patient's custodial parent's or legal guardian's U.S. passport;
 3. A current photograph of the qualifying patient;
 4. A written certification from the physician in subsection (B)(1)(j) and a separate written certification from the physician in subsection (B)(1)(k) in a Department-provided format dated within 90 calendar days before the submission of the qualifying patient's renewal application that includes:
 - a. The physician's:
 - i. Name,
 - ii. License number including an identification of the physician license type,
 - iii. Office address on file with the physician's licensing board,
 - iv. Telephone number on file with the physician's licensing board, and
 - v. E-mail address;
 - b. The qualifying patient's name and date of birth;
 - c. An identification of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition;



- d. If the debilitating medical condition identified in subsection (B)(4)(c) is a condition in:
 - i. R9-17-201(9) through (13), the underlying chronic or debilitating disease or medical condition; or
 - ii. R9-17-201(14), the debilitating medical condition;
- e. For the physician listed in subsection (B)(1)(j):
 - i. A statement that the physician has made or confirmed a diagnosis of a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;
 - ii. A statement, initialed by the physician, that the physician:
 - (1) Has established a medical record for the qualifying patient, and
 - (2) Is maintaining the qualifying patient's medical record as required in A.R.S. § 12-2297;
 - iii. A statement, initialed by the physician, that the physician has conducted an in-person physical examination of the qualifying patient within the previous 90 calendar days appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed or confirmed by the physician;
 - iv. The date the physician conducted the in-person physical examination of the qualifying patient;
 - v. A statement, initialed by the physician, that the physician reviewed the qualifying patient's:
 - (1) Medical records including medical records from other treating physicians from the previous 12 months; and
 - (2) Response to conventional medications and medical therapies, and
 - (3) Profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database; and
 - vi. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the use of medical marijuana to the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient; and
 - vii. A statement, initialed by the physician, that the physician has provided information to the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient, if the qualifying patient is female, that warns about:
 - (1) The potential dangers to a fetus caused by smoking or ingesting marijuana while pregnant or to an infant while breastfeeding, and
 - (2) The risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;
- f. For the physician listed in subsection (B)(1)(k), a statement, initialed by the physician, that the physician conducted a comprehensive review of the qualifying patient's medical records from other treating physicians;
- g. A statement, initialed by the physician, that in the physician's professional opinion the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition;
- h. A statement, initialed by the physician, that if the physician has referred the qualifying patient's custodial parent or legal guardian to a dispensary, the physician has disclosed to the qualifying patient's custodial parent or legal guardian any personal or professional relationship the physician has with the dispensary;
- i. An attestation that the information provided in the written certification is true and correct; and
- j. The physician's signature and the date the physician signed; and
- 5. A current photograph of the qualifying patient's custodial parent or legal guardian;
- 6. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
 - a. The qualifying patient's custodial parent's or legal guardian's fingerprints on a fingerprint card that includes:
 - i. The qualifying patient's custodial parent's or legal guardian's first name; middle initial, if applicable; and last name;
 - ii. The qualifying patient's custodial parent's or legal guardian's signature;
 - iii. If different from the qualifying patient's custodial parent or legal guardian, the signature of the individual physically rolling the qualifying patient's custodial parent's or legal guardian's fingerprints;
 - iv. The qualifying patient's custodial parent's or legal guardian's address;
 - v. If applicable, the qualifying patient's custodial parent's or legal guardian's surname before marriage and any names previously used by the qualifying patient's custodial parent or legal guardian;
 - vi. The qualifying patient's custodial parent's or legal guardian's date of birth;
 - vii. The qualifying patient's custodial parent's or legal guardian's Social Security number;
 - viii. The qualifying patient's custodial parent's or legal guardian's citizenship status;
 - ix. The qualifying patient's custodial parent's or legal guardian's gender;
 - x. The qualifying patient's custodial parent's or legal guardian's race;
 - xi. The qualifying patient's custodial parent's or legal guardian's height;
 - xii. The qualifying patient's custodial parent's or legal guardian's weight;
 - xiii. The qualifying patient's custodial parent's or legal guardian's hair color;
 - xiv. The qualifying patient's custodial parent's or legal guardian's eye color; and



- xv. The qualifying patient's custodial parent's or legal guardian's place of birth; or
- b. If the qualifying patient's custodial parent's or legal guardian's fingerprints and information required in subsection (B)(6)(a) were submitted as part of an application for a designated caregiver or a dispensary agent registry identification card to the Department within the previous six months, the registry identification number on the registry identification card issued to the patient's custodial parent or legal guardian serving as the qualifying patient's designated caregiver as a result of the application; and
- 7. The applicable fees in R9-17-102 for applying to renew a:
 - a. Qualifying patient's registry identification card, and
 - b. Designated caregiver's registry identification card.
- C. Except as provided in subsection (A)(6), to renew a qualifying patient's designated caregiver's registry identification card, the qualifying patient shall submit to the Department, at least 30 calendar days before the expiration date of the designated caregiver's registry identification card, the following:
 - 1. An application in a Department-provided format that includes:
 - a. The qualifying patient's first name; middle initial, if applicable; last name; and suffix, if applicable;
 - b. The registry identification number on the qualifying patient's current registry identification card;
 - c. The designated caregiver's first name; middle initial, if applicable; last name; and suffix, if applicable;
 - d. The designated caregiver's date of birth;
 - e. The designated caregiver's residence address and mailing address;
 - f. The county where the designated caregiver resides;
 - g. The registry identification number on the designated caregiver's current registry identification card;
 - 2. If the designated caregiver's name in subsection (C)(1)(a) is not the same name as on the designated caregiver's current registry identification card, one of the following with the designated caregiver's new name:
 - a. An Arizona driver's license,
 - b. An Arizona identification card, or
 - c. The photograph page in the designated caregiver's U.S. passport;
 - 3. A current photograph of the designated caregiver;
 - 4. A statement in a Department-provided format signed by the designated caregiver:
 - a. Agreeing to assist the qualifying patient with the medical use of marijuana; and
 - b. Pledging not to divert marijuana to any individual or person who is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1; and
- 5. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
 - a. The designated caregiver's fingerprints on a fingerprint card that includes:
 - i. The designated caregiver's first name; middle initial, if applicable; and last name;
 - ii. The designated caregiver's signature;
 - iii. If different from the designated caregiver, the signature of the individual physically rolling the designated caregiver's fingerprints;
 - iv. The designated caregiver's address;
 - v. If applicable, the designated caregiver's surname before marriage and any names previously used by the designated caregiver;
 - vi. The designated caregiver's date of birth;
 - vii. The designated caregiver's Social Security number;
 - viii. The designated caregiver's citizenship status;
 - ix. The designated caregiver's gender;
 - x. The designated caregiver's race;
 - xi. The designated caregiver's height;
 - xii. The designated caregiver's weight;
 - xiii. The designated caregiver's hair color;
 - xiv. The designated caregiver's eye color; and
 - xv. The designated caregiver's place of birth; or
 - b. If the designated caregiver's fingerprints and information required in subsection (C)(1)(j)(i) were submitted as part of an application for a designated caregiver or a dispensary agent registry identification card to the Department within the previous six months, the registry identification number on the registry identification card issued to the designated caregiver as a result of the application; and
- 6. The applicable fee in R9-17-102 for renewing a designated caregiver's registry identification card.

ARTICLE 3. DISPENSARIES AND DISPENSARY AGENTS

R9-17-310. Administration

- A. A dispensary shall:
 - 1. Ensure that the dispensary is operating and available to dispense medical marijuana to qualifying patients and designated caregivers at least 30 hours weekly between the hours of 7:00 a.m. and 10:00 p.m.;
 - 2. Develop, document, and implement policies and procedures regarding:



- a. Job descriptions and employment contracts, including:
 - i. Personnel duties, authority, responsibilities, and qualifications;
 - ii. Personnel supervision;
 - iii. Training in and adherence to confidentiality requirements;
 - iv. Periodic performance evaluations; and
 - v. Disciplinary actions;
- b. Business records, such as manual or computerized records of assets and liabilities, monetary transactions, journals, ledgers, and supporting documents, including agreements, checks, invoices, and vouchers;
- c. Inventory control, including:
 - i. Tracking;
 - ii. Packaging;
 - iii. Accepting marijuana from qualifying patients and designated caregivers;
 - iv. Acquiring marijuana from other dispensaries; and
 - v. Disposing of unusable marijuana, which may include submitting any unusable marijuana to a local law enforcement agency;
- d. Qualifying patient records, including purchases, denials of sale, any delivery options, confidentiality, and retention; and
- e. Patient education and support, including:
 - i. Availability of different strains of marijuana and the purported effects of the different strains;
 - ii. Information about the purported effectiveness of various methods, forms, and routes of medical marijuana administration;
 - iii. Methods of tracking the effects on a qualifying patient of different strains and forms of marijuana; and
 - iv. Prohibition on the smoking of medical marijuana in public places;
- 3. Maintain copies of the policies and procedures at the dispensary and provide copies to the Department for review upon request;
- 4. Review dispensary policies and procedures at least once every 12 months from the issue date of the dispensary registration certificate and update as needed;
- 5. Employ or contract with a medical director;
- 6. Ensure that each dispensary agent has the dispensary agent's registry identification card in the dispensary agent's immediate possession when the dispensary agent is:
 - a. Working or providing volunteer services at the dispensary or the dispensary's cultivation site, or
 - b. Transporting marijuana for the dispensary;
- 7. Ensure that a dispensary agent accompanies any individual other than another dispensary agent associated with the dispensary when the individual is present in the enclosed, locked facility where marijuana is cultivated by the dispensary;
- 8. Not allow an individual who does not possess a dispensary agent registry identification card issued under the dispensary registration certificate to:
 - a. Serve as a principal officer or board member for the dispensary,
 - b. Serve as the medical director for the dispensary,
 - c. Be employed by the dispensary, or
 - d. Provide volunteer services at or on behalf of the dispensary;
- 9. Provide written notice to the Department, including the date of the event, within 10 working days after the date, when a dispensary agent no longer:
 - a. Serves as a principal officer or board member for the dispensary,
 - b. Serves as the medical director for the dispensary,
 - c. Is employed by the dispensary, or
 - d. Provides volunteer services at or on behalf of the dispensary;
- 10. Document and report any loss or theft of marijuana from the dispensary to the appropriate law enforcement agency;
- 11. Maintain copies of any documentation required in this Chapter for at least 12 months after the date on the documentation and provide copies of the documentation to the Department for review upon request;
- 12. Post the following information in a place that can be viewed by individuals entering the dispensary:
 - a. If applicable, the dispensary's approval to operate;
 - b. The dispensary's registration certificate;
 - c. The name of the dispensary's medical director and the medical director's license number on a sign at least 20 centimeters by 30 centimeters; ~~and~~
 - d. The hours of operation during which the dispensary will dispense medical marijuana to a qualifying patient or a designated caregiver; and
 - e. A sign in a Department-provided format that contains the following language:
 - i. "WARNING: There may be potential dangers to fetuses caused by smoking or ingesting marijuana while pregnant or to infants while breastfeeding." and



- ii. “WARNING: Use of marijuana during pregnancy may result in a risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report.”
 - 13. Not lend any part of the dispensary's income or property without receiving adequate security and a reasonable rate of interest;
 - 14. Not purchase property for more than adequate consideration in money or cash equivalent;
 - 15. Not pay compensation for salaries or other compensation for personal services that is in excess of a reasonable allowance;
 - 16. Not sell any part of the dispensary's property or equipment for less than adequate consideration in money or cash equivalent; and
 - 17. Not engage in any other transaction that results in a substantial diversion of the dispensary's income or property.
- B.** If a dispensary cultivates marijuana, the dispensary shall cultivate the marijuana in an enclosed, locked facility.



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 PHARMACY

[R16-253]

- 1. Title and its heading: 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Article and its heading: 4, Professional Practices
Section numbers: R4-23-407.1

- 2. The subject matter of the proposed rule: Under Laws 2016, Chapter 212, Section 5, the legislature added A.R.S. § 32-1979 authorizing a licensed pharmacist to dispense an opioid antagonist approved by the U.S. Food and Drug Administration without a prescription order to an individual at risk of experiencing an opioid-related overdose or a family or community member in position to assist the individual. The statute requires the Board to make rules regarding dispensing an opioid antagonist without a prescription order and documenting the dispensing. This rulemaking makes the required rule.

- 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: 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

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

The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

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

To be determined



NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

[R16-254]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Article and its heading: 7, Non-pharmacy Licensed Outlets - General Provisions
Section numbers: R4-23-703

2. The subject matter of the proposed rule:

The Board is making its rules consistent with standard practice of assisted living facilities (ALF), rules of the Department of Health Services (See R9-10-816(A)(2)), which licenses ALFs, and an advisory opinion of the Board of Nursing (<https://www.azbn.gov/media/1067/ao-orders-accepting-transcribing-reviewing-orders.pdf>). As a convenience to residents, personnel of ALFs, after obtaining a verbal direction from a resident's physician, call the prescription order into the resident's pharmacy of choice. A confirming written prescription order is then generated by the physician's office and sent to the pharmacy and ALF for their records.

The Board has determined that as currently written, R4-23-703, which provides that a pharmacy shall dispense, sell, or deliver a prescription or nonprescription drug to an ALF resident only after receiving a prescription order from the resident's medical practitioner, is inconsistent with the standard practice of ALFs, rules of the Department of Health Services, and the advisory opinion of the Board of Nursing. This rulemaking will make the Board's rules consistent with the practices of other agencies.

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: 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

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



GOVERNOR EXECUTIVE ORDERS

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

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

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

EXECUTIVE ORDER 2016-03

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

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

[M16-29]

WHEREAS, Arizona is poised to lead the nation in job growth;

WHEREAS, burdensome regulations inhibit job growth and economic development;

WHEREAS, small businesses and startups are especially hurt by regulations;

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

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

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

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

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

- 1. A State agency subject to this Order, shall not conduct any rulemaking except as permitted by this Order.
2. A State agency subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
c. To prevent a significant threat to the public health, peace, or safety.
d. To avoid violating a court order or federal law that would result in sanctions by a court or the federal government against an agency for failure to conduct the rulemaking action.
e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
f. To comply with a state statutory requirement.
g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
j. To eliminates rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government.
3. For the purposes of this Order, the term "State agencies," includes without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those State agencies, boards and commissions excluded



from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.

4. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, “person,” “rule,” and “rulemaking” have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.
5. This Executive Order expires on December 31, 2016.

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

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this Eighth day of February in the Year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Thirty-Fourth.

ATTEST:

Michele Reagan
Secretary of State

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

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

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

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

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

[M16-282]

PREAMBLE

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

1. Rules affected: Rulemaking action

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

2. Statutory authority for the rulemaking:

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

3. The effective date of the rule:

Date of adoption: November 2, 2016

4. List of all previous notices addressing this rulemaking:

Notice of Briefing to Maricopa County Manager: June 6, 2016
Notice of Docket Opening: 22 A.A.R. 1708, July 1, 2016
Notice of Expedited Rulemaking: 22 A.A.R. 1958, July 29, 2016

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

Name: Cheri Dale or Hether Krause
Planning and Analysis Division
Maricopa County Air Quality Department
Address: 1001 N. Central Ave., Suite 125
Phoenix, AZ 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179
E-mail: aqplanning@mail.maricopa.gov

6. Explanation of the rule, including the department’s reasons for initiating the rulemaking:

Background:
The Maricopa County Air Quality Department (department) incorporated by reference various federal regulations and documents promulgated by the U.S. Environmental Protection Agency (EPA) and published in the Federal Register. The rule amendments in this “Notice of Final Rulemaking” implemented federal requirements according to each federal program identified or applicable source type subject to these regulations. The rule amendments incorporated by reference actions relating to New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain and other parts of Title 40 of the Code of Federal Regulations (CFR). The amendments implemented federal requirements according to each federal program identified or applicable source type subject to these regulations. The rulemaking amended the incorporation by reference date from July 1, 2015, to July 1, 2016, in each of the rules to remain current with federal regulations. The adoption of the amendments to Maricopa County Air Pollution Control Regulations Rules 321, 360, 370, 371 and Appendix G was necessary prior to requesting the EPA’s delegation of authority to the department for the implementation and enforcement of the federal regulations and docu-



ments.

In addition, the amendments corrected typographical or other clerical errors; made minor grammatical changes to improve readability or clarity; modified the format, numbering, order, capitalization, punctuation, or syntax of certain text to increase standardization within and among rules; or made various other minor changes of a purely editorial nature. As these amendments did not alter the sense, meaning, or effect of the rule, they are not described in detail here, but can be readily discerned in the “strikeout and underline” version of the rule contained in Item #17 of this notice.

Issues Raised and Discussed During This Rulemaking Process:

In the Notice of Expedited Rulemaking (22 A.A.R. 1958, July 29, 2016), the department proposed revising Appendix G in order to clarify the subparts and test methods that are incorporated by reference in Appendix G. The revisions to Appendix G were substantially identical to the applicable code of federal regulations to which they apply. The revisions provided clarity in the identification of the applicable part and appendices that were incorporated by reference. In addition, the revisions removed appendices that the department does not have authority to regulate. No comments were received by the department concerning these revisions to Appendix G.

Significant Amendments Common to Rules 321, 360, 370, 371 and Appendix G:

- Amended the incorporation by reference date from “July 1, 2015”, to “July 1, 2016”.
- Added the title of the associated subparts.
- Revised and clarified the availability of information section of each rule.

Significant Amendments to Rule 321 (Municipal Solid Waste Landfills):

The incorporation by reference is substantially identical to 40 CFR 60, Subpart WWW.

Significant Amendments to Rule 360 (New Source Performance Standards):

This incorporation by reference is substantially identical to 40 CFR 60, Subparts A, Da, F, J, Ja, T, U, V, W, X, CCCC, DDDD, KKKK, and OOOO. Updates to the federal NSPS regulations at 40 CFR 60 are incorporated by reference as of July 1, 2016, and no future editions or amendments.

Significant Amendments to Rule 370 (Federal Hazardous Air Pollutant Program):

This incorporation by reference is substantially identical to 40 CFR 63 Subparts A, Y, AA, BB, CC, GG, LL, DDD, LLL, RRR, UUU, DDDDD, JJJJ, KKKKK, and UUUUU. Updates to the federal NESHAP regulations at 40 CFR 61 and 40 CFR 63 are incorporated by reference as of July 1, 2016, and no future editions or amendments.

Significant Amendments to Rule 371 (Acid Rain): This incorporation by reference is substantially identical to 42 CFR 72, 74, 75 and 76. Updates to the federal Acid Rain regulations at 40 CFR 72, 74, 75 and 76 are incorporated by reference as of July 1, 2016, and no future editions or amendments.

Appendix G (Incorporated Materials):

This incorporation by reference updated specific sections in the CFR. The amendments to Appendix G are substantially identical to 40 CFR 50 with Appendix D; 40 CFR 51 Subpart I; 40 CFR 52; 40 CFR 53 with Subparts A, B, and C; 40 CFR 58, Subparts B, F and G and Appendix G; 40 CFR 60, Appendixes A, B, and F; and 40 CFR 63, Appendix A. The department also made the following revisions:

Rule 360:

- Revised Section 301.
- Added Section 301.105: 40 CFR Part 60, Subpart RRRR—(Reserved).
- Added Section 301.106: 40 CFR Part 60, Subpart SSSS—(Reserved).
- Added Section 301.107: 40 CFR Part 60, Subpart TTTT—Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units.

Rule 370:

- Revised Section 301.
- Revised Section 302.
- Revised Section 302.34 by deleting [Reserved] and adding 40 CFR Part 63, Subpart NN— National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources.

Appendix G:

- Deleted 1.a and 1.b
- Deleted 1.c
- Deleted 1.d
- Deleted 1.e
- Deleted 1.f
- Deleted 1.g
- Deleted 1.h
- Deleted 1.i

- Deleted 1.j
- Deleted 1.k: Appendices for Part 75 are incorporated by reference in Maricopa County Rule 371 (Acid Rain), Section 301.
- Revised #1 Included the title of the code of federal regulations part number, test methods, protocols, federal interpretations, guidelines, and appendices.
- Added 1.a: Incorporated by reference 40 CFR Part 50 which includes all the associated appendices.
- Added 1.b: Incorporated by reference the applicable appendices of 40 CFR Part 51.
- Added 1.c: Incorporated by reference the applicable appendices of 40 CFR Part 52.
- Added 1.d: Incorporated by reference 40 CFR Part 53 – Ambient Air Monitoring Reference and Equivalent Methods which includes all associated appendices.
- Added 1.e: Incorporated by reference 40 CFR Part 58 – Ambient Air Quality Surveillance which includes all the associated appendices.
- Added 1.f: Incorporated by reference Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B, C, D and F of 40 CFR Part 60 – Standards of Performance for New Stationary Sources. Appendix G is not incorporated by reference because the appendix is specific to a power plant located outside of Maricopa County.
- Added 1.g: Incorporated by reference Appendices A, B and C to 40 CFR Part 61 – National Emission Standards for Hazardous Air Pollutants. Appendices D and E are not incorporated by reference because Maricopa County does not regulate the emissions of radionuclides into the atmosphere.
- Added 1.h: Incorporated by reference Appendices A, B, C, D and E of 40 CFR Part 63 – National Emission Standards for Hazardous Air Pollutants for Source Categories. All other appendices of 40 CFR Part 63 listed in a specific subpart to Part 63 are incorporated by reference in Maricopa County Air Quality Rule 370, Section 302.
- Deleted 2.b: The federal requirements for recordkeeping for t-butyl acetate (also known as tertiary butyl acetate or TBAC; CAS Number: 540–88–5) were deleted at 81 FR 9339, February 25, 2016.
- Deleted 3.b: ASTM standards are incorporated by reference in the applicable Maricopa County Air Quality Rule(s).
- Deleted 4.a: Appendix A to Subpart A of Part 51 – Table 2A. The appendix referenced was moved to 1.b.1 because it is an applicable appendix of 40 CFR 51.
- Deleted 4.b: 40 CFR Part 75 is incorporated by reference in Maricopa County Rule 371, Section 301.
- Added 4: Availability of Information.

Corrected typographical or other clerical errors; made minor grammatical changes to improve readability or clarity; modified the format, numbering, order, capitalization, punctuation, or syntax of certain text to increase standardization within and among rules; and made various other minor changes of a purely editorial nature. As these changes did not alter the sense, meaning, or effect of the rule, they are not described in detail here, but can be readily discerned in the “strikeout and underline” version of the rule contained in Item #17 of this notice.

7. Demonstration of compliance with A.R.S. §§ 49-112 and 49-471.08:

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

A.R.S. § 49-471.08(A)(1):

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

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

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

- Subpart A. [80 FR 64510, October 23, 2015].
- Subpart Da. [81 FR 20172, April 6, 2016].
- Subpart F. [80 FR 44772, July 27, 2015].
- Subpart J. [80 FR 75178, December 1, 2015].
- Subpart Ja. [80 FR 75178, December 1, 2015].
- Subpart T. [80FR 50386, August 19, 2015].
- Subpart U. [80FR 50386, August 19, 2015].
- Subpart V. [80FR 50386, August 19, 2015].
- Subpart W. [80FR 50386, August 19, 2015].
- Subpart X. [80FR 50386, August 19, 2015].
- Subpart CCCC. [81 FR 40956, June 23, 2016].
- Subpart DDDD. [81 FR 40956, June 23, 2016].
- Subpart KKKK. [81 FR 42543, June 30, 2016].



- Subpart OOOO. [80 FR 48262, August 12, 2015].

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

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

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

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

Appendix G is substantially identical to the following revisions:

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

A.R.S. § 49-471.08(A)(2):

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

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

A.R.S. § 49-471.08(A)(3):

Demonstration that fees established in the rule or ordinance do not exceed limits specified in § 49-112.

Rules 321, 360, 370, 371, and Appendix G do not establish fees. Any costs associated with these rules will come from permit application fees for sources obtaining a permit revision to reflect new emission limits, due to applicability of a new standard. Therefore, fees associated with these rules will be exactly the same as fees associated with similar permits

and would not exceed any limits specified in § 49-112.

8. Reference to any study relevant to the rule that the department reviewed and either proposes 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:

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

9. 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:

Not applicable

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

The department incorporated by reference the following federal regulations and documents promulgated by the EPA and published in the Federal Register: New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain and other parts of Title 40 Code of Federal Regulations. These amendments should not have an economic impact on businesses in Maricopa 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 with these rules have already occurred and were considered when the federal and state rule or law was proposed and adopted.

11. Name and address of department personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact:

Name: Cheri Dale
Maricopa County Air Quality Department
Planning and Analysis Division
Address: 1001 N. Central Ave., Suite 125
Phoenix, Arizona 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179
E-mail: aqplanning@mail.maricopa.gov

12. Description of the changes between the proposed rule, including supplemental notices and final rule:

The department did not make any changes between the proposed rule and this final rule.

13. Summary of the comments made regarding the rule and the department response to them:

No comments were received concerning the proposed expedited rulemaking.

14. Other matters prescribed by statute that are applicable to the specific department or to any specific rule or class of rules:

Not applicable

15. Incorporations by reference and their location in the rule:

<u>Incorporations</u>	<u>Location</u>
40 CFR 60, Subpart WWW	Rule 321
40 CFR 60, Subparts A, Da, F, J, Ja, T, U, V, W, X, CCCC, DDDD, KKKK, and OOOO	Rule 360
40 CFR 63 Subparts A, Y, AA, BB, CC, GG, LL, DDD, LLL, RRR, UUU, DDDDD, JJJJ, KKKKK, and UUUUU	Rule 370
42 CFR 72, 74, 75 and 76	Rule 371
40 CFR 50 with Appendix D; 40 CFR 51 Subpart I; 40 CFR 52; 40 CFR 53 with Subparts A, B and C; 40 CFR 58, Subparts B, F and G and Appendix G; 40 CFR 60, Appendices A, B and F; and 40 CFR 63, Appendix A	Appendix G

16. Was this rule previously an emergency rule?

No

17. Full text of the rule follows:



MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS
RULE 321
MUNICIPAL SOLID WASTE LANDFILLS
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MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS
RULE 321
MUNICIPAL SOLID WASTE LANDFILLS

SECTION 100 – GENERAL

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

SECTION 200 – DEFINITIONS: See Rule 100 of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definitions in this rule take precedence.

- 201 ADMINISTRATOR:** The Control Officer, except that the Control Officer shall not be empowered to approve alternative or equivalent test methods.

- 202 **AFFECTED FACILITY:** Any municipal solid waste landfill to which this rule is applicable.
- 203 **COMMENCED:** State or condition where an owner or operator has undertaken a continuous program of construction; or where an owner or operator has entered into a contractual obligation to undertake and complete such a program.
- 204 **CONSTRUCTION:** The fabrication, erection, or installation of an affected facility.
- 205 **MODIFICATION:** Any physical change in, or change in the method of operation of, an affected facility which would result in a change in actual emissions.
- 206 **MUNICIPAL SOLID WASTE LANDFILL (MSW LANDFILL):** An entire, publicly or privately owned, disposal facility in a contiguous geographical space where household waste is placed in or on land. Portions of a MSW landfill may be separated by access roads.
- 207 **NMOC:** Non-methane organic compound.
- 208 **OWNER OR OPERATOR:** Any person who owns, leases, operates, controls, or supervises an affected facility.

SECTION 300 – STANDARDS

- 301 **STANDARDS OF PERFORMANCE FOR MSW LANDFILLS** The federal standards of performance for municipal solid waste landfills set forth in 40 CFR Part 60, Subpart WWW is adopted as of July 1, 2015 codified on July 1, 2016, and all accompanying appendices, excluding 40 CFR 60.750, are adopted and incorporated by reference with the amendments and revisions set forth in this section. This adoption by reference includes no future editions or revisions. Each owner or operator of an affected facility shall comply with the requirements of 40 CFR Part 60, Subpart WWW as adopted and, where applicable, revised herein.
 - 301.1 **Collection and Control System Design Plan:** 40 CFR 60.752(b)(2)(i) is amended to read: “Submit a collection and control design plan prepared by a professional engineer to the Administrator for approval not later than 12 months after submittal of the initial NMOC emission rate report.”
 - 301.2 **Design Capacity Report:** 40 CFR 60.757(a) is amended to read “Each owner or operator of an affected facility shall submit an initial design capacity report to the Administrator within 90 days from May 14, 1997.” 40 CFR 60.757(a)(1) is deleted.
 - 301.3 **NMOC Emission Rate Report:** 40 CFR 60.757(b) is amended to read “Each owner or operator of an affected facility shall submit an NMOC emission rate report to the Administrator initially and annually thereafter, except as provided for in paragraphs (b)(1)(ii) or (b)(3) of this section. The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate.” 40 CFR 60.757(b)(1)(i) is amended to read: “The initial NMOC emission rate report shall be submitted within 90 days from May 14, 1997 and may be combined with the initial design capacity report required in paragraph (a) of this section. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in paragraphs (b)(1)(ii) and (b)(3) of this section.”
- 302 **DELAYED APPLICABILITY:** For an affected facility that first becomes subject to the collection and control system requirement of 40 CFR 60.752 after May 14, 1997, the design plan shall be due not later than 12 months after submittal or scheduled submittal of an NMOC emission rate report of 50 megagrams (55.12 tons) per year or more.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

**MARICOPA COUNTY
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Revised 07/13/1988; Revised 04/06/1992; Revised 11/20/1996; Revised 05/14/1997; Revised 08/19/1998; Revised 04/07/1999; Revised 03/01/2000; Revised 03/07/2001; Revised 11/19/2003; Revised 03/15/2006; Revised 12/17/2008; Revised 09/16/2009; Revised 07/07/2010; Revised 08/17/2011; Revised 07/25/2012; Revised 03/26/2014; Revised 11/05/2014; ~~and~~ Revised 11/18/2015; and Revised 11/02/2016.

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

SECTION 100 – GENERAL

- 101 PURPOSE:** To establish acceptable design and performance criteria for specified new or modified emission sources.
- 102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source which contains an affected facility on which the construction, reconstruction, or a modification is commenced after the date of publication of any standard applicable to such facility in 40 CFR Part 60 and for which federal delegation of the implementation and enforcement of the standards to the Maricopa County Air Quality Department (department) has been accomplished. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 AVAILABILITY OF INFORMATION:** Copies of all 40 CFR, Part 60 revisions currently enforced by the department are available ~~as listed~~, electronically at: <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>; at the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 125, Phoenix, AZ, 85004; or by calling (602) 506-6010 for information. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at www.astm.org.
 - a.** Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 125, Phoenix, AZ, 85004.
 - b.** Maricopa County Rules are available electronically at <http://www.maricopa.gov/aq>.
 - c.** EPA documents are available electronically at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.
 - d.** ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at www.astm.org.
- 104 FEDERAL DELEGATION AUTHORITY:** The department shall enforce the federal new source performance standards (NSPS) (40 CFR Part 60) listed in Section 300 of this rule which have been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. The department may, in addition, enforce such other NSPS as delegated for such enforcement by the EPA to the County.

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

- 201 ADMINISTRATOR:** As used in Part 60, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods or alternative standards/work practices, or other nondelegable authorities such as those listed in 40 CFR 60.4(d), except as specifically provided in each subpart.
- 202 AFFECTED FACILITY –** With reference to a stationary source, any apparatus to which a standard is applicable.
- 203 COMMENCED:** With respect to the definition of “new source” in Section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction, reconstruction, or modification or that an owner or operator has entered into a contracted obligation to undertake and complete, within a reasonable time, a continuous program of construction, reconstruction or modification.
- 204 CONSTRUCTION:** The fabrication, erection, or installation of an affected facility.

- 205 MODIFICATION:** Any physical change in, or change in the method of operation of, an existing facility which increases the amount of any contaminant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air contaminant (to which a standard applies) into the atmosphere not previously emitted.
- 206 OWNER OR OPERATOR:** Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.
- 207 STANDARD:** A standard of performance promulgated under this rule.
- 208 STATIONARY SOURCE:** Any building, structure, facility, or installation which emits or may emit any air pollutant.

SECTION 300 – STANDARDS

- 301 ADOPTED FEDERAL STANDARDS:** ~~The federal standards of performance for those subparts of 40 CFR Part 60 adopted as of July 1, 2015, as listed below, and all accompanying appendices are adopted and incorporated by reference, in the Maricopa County Air Pollution Control Regulations as indicated. The following federal regulations located in the U.S. Code of Federal Regulations, Part 60 of Title 40, Subchapter C (CFR) as codified on July 1, 2016, are herein incorporated by reference in Maricopa County’s Air Pollution Control Regulations.~~ This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.
- 301.1 Subpart A—**General Provisions; exclude any sections dealing with equivalency determinations or innovative technology waivers, as covered in Sections 111(h)(3) and 111(j) respectively of the Clean Air Act.
- 301.2 Subpart D—**Standards of Performance for Fossil-Fuel-Fired Steam Generators for which Construction is Commenced after August 17, 1971.
- 301.3 Subpart Da—**Standards of Performance for Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978.
- 301.4 Subpart Db—**Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.
- 301.5 Subpart Dc—**Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.
- 301.6 Subpart E—**Standards of Performance for Incinerators.
- 301.7 Subpart Ea—**Standards of Performance for Municipal Waste Combustors for which Construction is Commenced after December 20, 1989 and on or before September 20, 1994.
- 301.8 Subpart Eb—**Standards of Performance for Large Municipal Waste Combustors for which Construction is Commenced after September 20, 1994 or for which Modification or Reconstruction is Commenced after June 19, 1996.
- 301.9 Subpart Ec—**Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for which Construction is Commenced after June 20, 1996.
- 301.10 Subpart F—**Standards of Performance for Portland Cement Plants.
- 301.11 Subpart G—**Standards of Performance for Nitric Acid Plants.
- 301.12 Subpart Ga—**Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011.
- 301.13 Subpart H—**Standards of Performance for Sulfuric Acid Plants.
- 301.14 Subpart I—**Standards of Performance for Hot Mix Asphalt Facilities.
- 301.15 Subpart J—**Standards of Performance for Petroleum Refineries.
- 301.16 Subpart Ja—**Standards of Performance for Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after May 14, 2007.
- 301.17 Subpart K—**Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after June 11, 1973, and prior to May 19, 1978.
- 301.18 Subpart Ka—**Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after May 18, 1978, and prior to July 23, 1984.
- 301.19 Subpart Kb—**Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23, 1984.



- 301.20 Subpart L**—Standards of Performance for Secondary Lead Smelters.
- 301.21 Subpart M**—Standards of Performance for Secondary Brass and Bronze Production Plants.
- 301.22 Subpart N**—Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for which Construction Commenced after June 11, 1973.
- 301.23 Subpart Na**—Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for which Construction Commenced after January 20, 1983.
- 301.24 Subpart O**—Standards of Performance for Sewage Treatment Plants.
- 301.25 Subpart P**—Standards of Performance for Primary Copper Smelters.
- 301.26 Subpart Q**—Standards of Performance for Primary Zinc Smelters.
- 301.27 Subpart R**—Standards of Performance for Primary Lead Smelters.
- 301.28 Subpart S**—Standards of Performance for Primary Aluminum Reduction Plants.
- 301.29 Subpart T**—Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
- 301.30 Subpart U**—Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
- 301.31 Subpart V**—Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
- 301.32 Subpart W**—Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.
- 301.33 Subpart X**—Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
- 301.34 Subpart Y**—Standards of Performance for Coal Preparation and Processing Plants.
- 301.35 Subpart Z**—Standards of Performance for Ferroalloy Production Facilities.
- 301.36 Subpart AA**—Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974, and on or before August 17, 1983.
- 301.37 Subpart AAa**—Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 17, 1983.
- 301.38 Subpart BB**—Standards of Performance for Kraft Pulp Mills.
- 301.39 Subpart BBa**—Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013.
- 301.40 Subpart CC**—Standards of Performance for Glass Manufacturing Plants.
- 301.41 Subpart DD**—Standards of Performance for Grain Elevators.
- 301.42 Subpart EE**—Standards of Performance for Surface Coating of Metal Furniture.
- 301.43 Subpart FF**—(Reserved)
- 301.44 Subpart GG**—Standards of Performance for Stationary Gas Turbines.
- 301.45 Subpart HH**—Standards of Performance for Lime Manufacturing Plants.
- 301.46 Subpart II**—(Reserved)
- 301.47 Subpart JJ**—(Reserved)
- 301.48 Subpart KK**—Standards of Performance for Lead-Acid Battery Manufacturing Plants.
- 301.49 Subpart LL**—Standards of Performance for Metallic Mineral Processing Plants.
- 301.50 Subpart MM**—Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.
- 301.51 Subpart NN**—Standards of Performance for Phosphate Rock Plants.
- 301.52 Subpart OO**—(Reserved)
- 301.53 Subpart PP**—Standards of Performance for Ammonium Sulfate Manufacture.
- 301.54 Subpart QQ**—Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.
- 301.55 Subpart RR**—Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
- 301.56 Subpart SS**—Standards of Performance for Industrial Surface Coating: Large Appliances.
- 301.57 Subpart TT**—Standards of Performance for Metal Coil Surface Coating.
- 301.58 Subpart UU**—Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.
- 301.59 Subpart VV**—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced after January 5, 1981, and on or before November 7, 2006.
- 301.60 Subpart VVa**—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic

- Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced after November 7, 2006.
- 301.61 **Subpart WW**—Standards of Performance for the Beverage Can Surface Coating Industry.
 - 301.62 **Subpart XX**—Standards of Performance for Bulk Gasoline Terminals.
 - 301.63 **Subpart YY**—(Reserved)
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 - 301.65 **Subpart AAA**—Standards of Performance for New Residential Wood Heaters.
 - 301.66 **Subpart BBB**—Standards of Performance for the Rubber Tire Manufacturing Industry.
 - 301.67 **Subpart CCC**—(Reserved)
 - 301.68 **Subpart DDD**—Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
 - 301.69 **Subpart EEE**—(Reserved)
 - 301.70 **Subpart FFF**—Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.
 - 301.71 **Subpart GGG**—Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after January 4, 1983, and on or before November 7, 2006.
 - 301.72 **Subpart GGGa**—Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after November 7, 2006.
 - 301.73 **Subpart HHH**—Standards of Performance for Synthetic Fiber Production Facilities.
 - 301.74 **Subpart III**—Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
 - 301.75 **Subpart JJJ**—Standards of Performance for Petroleum Dry Cleaners.
 - 301.76 **Subpart KKK**—Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
 - 301.77 **Subpart LLL**—Standards of Performance for Onshore Natural Gas Processing: SO₂ Emissions.
 - 301.78 **Subpart MMM**—(Reserved)
 - 301.79 **Subpart NNN**—Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.
 - 301.80 **Subpart OOO**—Standards of Performance for Nonmetallic Mineral Processing Plants.
 - 301.81 **Subpart PPP**—Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants.
 - 301.82 **Subpart QQQ**—Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems.
 - 301.83 **Subpart RRR**—Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.
 - 301.84 **Subpart SSS**—Standards of Performance for Magnetic Tape Coating Facilities.
 - 301.85 **Subpart TTT**—Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.
 - 301.86 **Subpart UUU**—Standards of Performance for Calciners and Dryers in Mineral Industries.
 - 301.87 **Subpart VVV**—Standards of Performance for Polymeric Coating of Supporting Substrates Facilities.
 - 301.88 **Subpart WWW**—Standards of Performance for Municipal Solid Waste Landfills.
 - 301.89 **Subpart XXX**—(Reserved)
 - 301.90 **Subpart YYY**—(Reserved)
 - 301.91 **Subpart ZZZ**—(Reserved)
 - 301.92 **Subpart AAAA**—Standards of Performance for Small Municipal Waste Combustion Units for which Construction is Commenced after August 30, 1999 or for which Modification or Reconstruction is Commenced after June 6, 2001.
 - 301.93 **Subpart CCCC**—Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for which Construction is Commenced after November 30, 1999 or for which Modification or Reconstruction is Commenced on or after June 1, 2001.
 - 301.94 **Subpart EEEE**—Standards of Performance for Other Solid Waste Incineration Units for which Construction is Commenced after December 9, 2004, or for which Modification or Reconstruction is Commenced on or after June 16, 2006.
 - 301.95 **Subpart GGGG**—(Reserved)
 - 301.96 **Subpart HHHH**—(Reserved)
 - 301.97 **Subpart IIII**—Standards of Performance for Stationary Compression Ignition Internal Combustion

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301.98 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

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

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

301.101 Subpart NNNN—(Reserved)

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

301.103 Subpart PPPP—(Reserved)

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

301.105 Subpart RRRR—(Reserved)

301.106 Subpart SSSS—(Reserved)

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

302

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

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
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- 401 CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES IN ACCORDANCE WITH CLEAN AIR ACT SECTIONS, SECTIONS 112(g) AND 112(j)
- 402 COMPLIANCE EXTENSIONS FOR EARLY REDUCTION OF FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

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

03/26/2014; Revised 11/05/2014; ~~and~~ Revised 11/18/2015; and Revised **11/02/2016**.

MARICOPA COUNTY

AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS

RULE 370

FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

SECTION 100 – GENERAL

- 101 PURPOSE:** To establish emission standards for federally listed hazardous air pollutants.
- 102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source for which a standard is prescribed under this rule, and for which federal delegation of the implementation and enforcement of the standards to the Maricopa County Air Quality Department (department) has been accomplished. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 AVAILABILITY OF INFORMATION:** Copies of all 40 CFR, Part 61 and Part 63 revisions currently enforced by the department are available electronically at: <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>; at the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 125, Phoenix, AZ, 85004; or by calling (602) 506-6010 for information. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at www.astm.org. are available as listed:
- a.** Maricopa County Air Quality Department, 1001 N. Central Ave, Suite 125, Phoenix, AZ, 85004.
 - b.** Maricopa County Rules are available electronically at <http://www.maricopa.gov/aq>.
 - c.** EPA documents are available electronically at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.
 - d.** ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at www.astm.org.
- 104 FEDERAL DELEGATION AUTHORITY:** The department shall enforce the national emission standards for hazardous air pollutants (NESHAPs) (40 CFR 61 and 40 CFR 63) listed in Section 300 of this rule which have been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. The department in addition, may enforce such other NESHAPs as delegated for such enforcement by the EPA to the County.

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

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



increases the actual emissions of any federally listed hazardous air pollutant emitted by such source by more than a de minimis amount, or which results in the emission of any federally listed hazardous air pollutant, not previously emitted by more than a de minimis amount.

- 209 NESHAP:** National emission standards for hazardous air pollutants pursuant to 40 CFR Part 61 and Part 63.
- 210 NEW SOURCE:** A stationary source, the construction or reconstruction of which commences after the Administrator first proposes regulations under Section 112 of the Act establishing an emission standard applicable to such source.
- 211 STATIONARY SOURCE:** Any building, structure, facility, or installation which emits or may emit any air pollutant.

SECTION 300 – STANDARDS

- 301 STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS:**
The federally listed hazardous air pollutants as listed in ~~Table 370.1 of this rule and~~ TABLE 370-1. FEDERAL LIST OF HAZARDOUS AIR POLLUTANTS of this rule and the following federal regulations located in the U.S. Code of Federal Regulations, Part 61 of Title 40, Subchapter C (CFR) as codified on July 1, 2016, are herein incorporated by reference with the listed exclusions, in Maricopa County’s Air Pollution Control Regulations, NESHAPs adopted as of July 1, 2015, as listed below and as which can be found at 40 CFR 61 and all accompanying appendices, are incorporated by reference with the listed exclusions and additions and shall be applied by the Control Officer. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.
- 301.1 Subpart A—**General Provisions; exclude any sections dealing with equivalency determinations that are nontransferable through Section 112(e)(3) of the Act.
- 301.2 Subpart C—**National Emission Standard for Beryllium.
- 301.3 Subpart D—**National Emission Standard for Beryllium Rocket Motor Firing.
- 301.4 Subpart E—**National Emission Standard for Mercury.
- 301.5 Subpart F—**National Emission Standard for Vinyl Chloride.
- 301.6 Subpart G—**(Reserved).
- 301.7 Subpart J—**National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.
- 301.8 Subpart L—**National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants.
- 301.9 Subpart M—**National Emission Standard for Asbestos.
- a. Each owner or operator of a demolition activity or renovation activity involving a facility as defined in 40 CFR 61, Subpart M shall:
 - (1) Fully comply with all requirements of 40 CFR 61, Subpart M.
 - (2) Thoroughly inspect the facility within 12 months of commencement of demolition or renovation activity for the presence of asbestos, including Category I and Category II nonfriable ACM. Include the date of this inspection on the written notification.
 - (3) Provide the Control Officer with written notification of intention to demolish or to renovate in the manner described in 40 CFR 61.145.
 - (4) Update all notifications in accordance with 40 CFR 61.145(b). For renovations described in 40 CFR 61.145(a)(4)(iii), notifications shall expire every December 31, with new notices required at least 10 working days before the end of the calendar year preceding the year for which notice is being given. All other notifications shall expire one year from either the original postmark date or commercial delivery date or date of hand delivery to the Control Officer. For a demolition activity or renovation activity that continues beyond the expiration date, the owner or operator of the demolition or renovation activity shall notify the Control Officer in accordance with 40 CFR 61.145(b) at least 10 working days prior to the expiration of the original notice and pay all applicable fees prescribed by Rule 280 of these rules.
 - (5) Pay all applicable fees prescribed by Rule 280 of these rules.
 - b. In addition, each owner or operator of a demolition activity or renovation activity shall comply with the following requirements:
 - (1) Certification, training, and record keeping requirements:
 - (a) All facilities scheduled for demolition or renovation shall be inspected by a currently certified Asbestos Hazard Emergency Response Act (AHERA) accredited asbestos building inspector (herein referenced as inspector), as required by either AHERA or the Asbestos

School Hazard Abatement Reauthorization Act (ASHARA).

- (b) Each owner and operator of a facility shall maintain a copy of any reports of inspections made for a facility for two years from completion of project, including laboratory test results of samples collected. A copy of the inspection reports and laboratory test results shall be on-site and available for inspection at the facility, upon request of the Department, during all demolition and renovation (asbestos setup, removal, handling, collecting, containerizing, cleanup and dismantling) activities.
 - (c) All asbestos workers shall maintain current AHERA worker certification. All asbestos contractor/supervisors shall maintain current AHERA/ASHARA contractor/supervisor certification and shall be on-site at all times during any active asbestos abatement work at or above NESHAP threshold amounts. A legible copy of all asbestos workers and contractor/supervisor's current training certificates from an EPA accredited training provider shall be available for inspection at all times at the demolition or renovation site.
 - (d) All asbestos workers and contractor/supervisors shall have color photo identification on-site and available for inspection, upon request of the Department, at all times during asbestos setup, removal, handling, collecting, containerizing, cleanup and dismantling. The color photo identification shall be from an EPA accredited training provider verifying the certification requirements in section (b)(1)(c), or a current government-issued photo identification card.
- (2) Asbestos renovation and demolition standards:
- (a) A facility owner or operator shall not create visible dust emissions when removing or transporting to the disposal site Category I nonfriable asbestos-containing material (ACM) and Category II nonfriable ACM that remain nonfriable Category I ACM and nonfriable Category II ACM.
 - (b) Inspection viewing devices at facilities are required at all asbestos renovation projects where regulated asbestos-containing material (RACM) is being abated, except for roofing projects involving Category I nonfriable ACM and Category II nonfriable ACM exclusively. Viewing devices shall be so designed as to allow an inspector to view the facility from the outside, either through ports or by video monitoring.
 - (c) All exposed RACM subject to cutting or dismantling operations and all RACM being removed from a facility or a facility component shall be kept adequately wet by using amended water to control the release of asbestos fibers. The use of amended water will not be required in the case of an ordered demolition, as defined in 40 CFR 61.145(a)(3), where the debris is suspected to contain or is known to contain ACM, however ordered demolitions are subject to 40 CFR 61.145(c)(9). Specific exemptions are listed under 40 CFR 61.145(c)(3)(i)(A), 40 CFR 61.145(c)(3)(ii) and/or 40 CFR 61.145(c)(7)(i). To claim these exemptions, the owner or operator shall follow the requirements of 40 CFR 61.145(c)(3)(i)(B), 40 CFR 61.145(c)(3)(iii) and/or 61.145(c)(7)(ii) and (iii).
 - (d) All RACM shall be contained in transparent, leak-tight wrapping and shall remain adequately wet to prevent dust emissions during removal, transport, storage, and proper landfill disposal following local, county, state, and federal regulations. Affix a visible and legible label to each individual wrapping with the name of the site owner or operator and the name and address of the location that generated the RACM.
- 301.10 Subpart N**—National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants.
- 301.11 Subpart O**—National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters.
- 301.12 Subpart P**—National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.
- 301.13 Subpart S**—(Reserved).
- 301.14 Subpart U**—(Reserved).
- 301.15 Subpart V**—National Emission Standard for Equipment Leaks (Fugitive Emission Sources).
- 301.16 Subpart X**—(Reserved).
- 301.17 Subpart Y**—National Emission Standard for Benzene Emissions from Benzene Storage Vessels.
- 301.18 Subpart Z**—(Reserved).



- 301.19 **Subpart AA**—(Reserved).
- 301.20 **Subpart BB**—National Emission Standard for Benzene Emissions from Benzene Transfer Operations.
- 301.21 **Subpart CC**—(Reserved).
- 301.22 **Subpart DD**—(Reserved).
- 301.23 **Subpart EE**—(Reserved).
- 301.24 **Subpart FF**—National Emission Standard for Benzene Waste Operations.
- 302 **STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES:** ~~The federally listed hazardous air pollutants as listed in Table 370.1 of this rule and TABLE 370-1. FEDERAL LIST OF HAZARDOUS AIR POLLUTANTS of this rule and the following federal regulations located in the U.S. Code of Federal Regulations, Part 63 of Title 40, Subchapter C (CFR), as codified on July 1, 2016, are herein incorporated by reference with the listed exclusions, in Maricopa County’s Air Pollution Control Regulations, NESHAPs adopted as of July 1, 2015, as listed below and as which can be found at 40 CFR 63 and all accompanying appendices, are incorporated by reference with the listed exclusions and additions and shall be applied by the Control Officer.~~ This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.
- 302.1 **Subpart A**—General Provisions.
- 302.2 **Subpart F**—National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.
- 302.3 **Subpart G**—National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.
- 302.4 **Subpart H**—National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.
- 302.5 **Subpart I**—National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.
- 302.6 **Subpart J**—National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production.
- 302.7 **Subpart K**—(Reserved).
- 302.8 **Subpart L**—National Emission Standards for Coke Oven Batteries.
- 302.9 **Subpart M**—National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.
- 302.10 **Subpart N**—National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
- 302.11 **Subpart O**—Ethylene Oxide Emissions Standards for Sterilization Facilities.
- 302.12 **Subpart P**—(Reserved).
- 302.13 **Subpart Q**—National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.
- 302.14 **Subpart R**—National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).
- 302.15 **Subpart S**—National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.
- 302.16 **Subpart T**—National Emission Standards for Halogenated Solvent Cleaning.
- 302.17 **Subpart U**—National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.
- 302.18 **Subpart V**—(Reserved).
- 302.19 **Subpart W**—National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production.
- 302.20 **Subpart X**—National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting.
- 302.21 **Subpart Z**—(Reserved).
- 302.22 **Subpart AA**—National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants.
- 302.23 **Subpart BB**—National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants.
- 302.24 **Subpart CC**—National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.
- 302.25 **Subpart DD**—National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.

- 302.26 Subpart EE**—National Emission Standards for Magnetic Tape Manufacturing Operations.
- 302.27 Subpart FF**—(Reserved).
- 302.28 Subpart GG**—National Emission Standards for Aerospace Manufacturing and Rework Facilities.
- 302.29 Subpart HH**—National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities.
- 302.30 Subpart JJ**—National Emission Standards for Wood Furniture Manufacturing Operations.
- 302.31 Subpart KK**—National Emission Standards for the Printing and Publishing Industry.
- 302.32 Subpart LL**—National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants.
- 302.33 Subpart MM**—National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills.
- 302.34 Subpart NN**—~~(Reserved)~~ National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources.
- 302.35 Subpart OO**—National Emission Standards for Tanks – Level 1.
- 302.36 Subpart PP**—National Emission Standards for Containers.
- 302.37 Subpart QQ**—National Emission Standards for Surface Impoundments.
- 302.38 Subpart RR**—National Emission Standards for Individual Drain Systems.
- 302.39 Subpart SS**—National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.
- 302.40 Subpart TT**—National Emission Standards for Equipment Leaks – Control Level 1.
- 302.41 Subpart UU**—National Emission Standards for Equipment Leaks – Control Level 2 Standards.
- 302.42 Subpart VV**—National Emission Standards for Oil-Water Separators and Organic-Water Separators.
- 302.43 Subpart WW**—National Emission Standards for Storage Vessels (Tanks) – Control Level 2.
- 302.44 Subpart XX**—National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.
- 302.45 Subpart YY**—National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.
- 302.46 Subpart ZZ**—(Reserved).
- 302.47 Subpart AAA**—(Reserved).
- 302.48 Subpart BBB**—(Reserved).
- 302.49 Subpart CCC**—National Emission Standards for Hazardous Air Pollutants for Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants.
- 302.50 Subpart DDD**—National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.
- 302.51 Subpart EEE**—National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.
- 302.52 Subpart FFF**—(Reserved).
- 302.53 Subpart GGG**—National Emission Standards for Pharmaceuticals Production.
- 302.54 Subpart HHH**—National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities.
- 302.55 Subpart III**—National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.
- 302.56 Subpart JJJ**—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.
- 302.57 Subpart KKK**—(Reserved).
- 302.58 Subpart LLL**—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry.
- 302.59 Subpart MMM**—National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.
- 302.60 Subpart NNN**—National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.
- 302.61 Subpart OOO**—National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins.
- 302.62 Subpart PPP**—National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production.
- 302.63 Subpart QQQ**—National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting.



- 302.64 Subpart RRR**—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.
- 302.65 Subpart SSS**—(Reserved).
- 302.66 Subpart TTT**—National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.
- 302.67 Subpart UUU**—National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.
- 302.68 Subpart VVV**—National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.
- 302.69 Subpart WWW**—(Reserved).
- 302.70 Subpart XXX**—National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese.
- 302.71 Subpart YYY**—(Reserved).
- 302.72 Subpart ZZZ**—(Reserved).
- 302.73 Subpart AAAA**—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.
- 302.74 Subpart BBBB**—(Reserved).
- 302.75 Subpart CCCC**—National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast.
- 302.76 Subpart DDDD**—National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products.
- 302.77 Subpart EEEE**—National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline).
- 302.78 Subpart FFFF**—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing.
- 302.79 Subpart GGGG**—National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production.
- 302.80 Subpart HHHH**—National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production.
- 302.81 Subpart IIII**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks.
- 302.82 Subpart JJJJ**—National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating.
- 302.83 Subpart KKKK**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans.
- 302.84 Subpart LLLL**—(Reserved).
- 302.85 Subpart MMMM**—National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.
- 302.86 Subpart NNNN**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances.
- 302.87 Subpart OOOO**—National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles.
- 302.88 Subpart PPPP**—National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.
- 302.89 Subpart QQQQ**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products.
- 302.90 Subpart RRRR**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture.
- 302.91 Subpart SSSS**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.
- 302.92 Subpart TTTT**—National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations.
- 302.93 Subpart UUUU**—National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing.
- 302.94 Subpart VVVV**—National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing.
- 302.95 Subpart WWWW**—National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Com-

- posites Production.
- 302.96 Subpart XXXX**—National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing.
- 302.97 Subpart YYYY**—National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.
- 302.98 Subpart ZZZZ**—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.
- 302.99 Subpart AAAAA**—National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.
- 302.100 Subpart BBBB**—National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.
- 302.101 Subpart CCCC**—National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.
- 302.102 Subpart DDDD**—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters.
- 302.103 Subpart EEEE**—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.
- 302.104 Subpart FFFF**—National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities.
- 302.105 Subpart GGGG**—National Emission Standards for Hazardous Air Pollutants: Site Remediation.
- 302.106 Subpart HHHH**—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing.
- 302.107 Subpart IIII**—National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants.
- 302.108 Subpart JJJJ**—National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.
- 302.109 Subpart KKKK**—National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.
- 302.110 Subpart LLLL**—National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing.
- 302.111 Subpart MMMM**—National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations.
- 302.112 Subpart NNNN**—National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production.
- 302.113 Subpart OOOO**—(Reserved).
- 302.114 Subpart PPPP**—National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/ Stands.
- 302.115 Subpart QQQQ**—National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.
- 302.116 Subpart RRRR**—National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing.
- 302.117 Subpart SSSS**—National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.
- 302.118 Subpart TTTT**—National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining.
- 302.119 Subpart UUUU**—National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units.
- 302.120 Subpart VVVV**—(Reserved).
- 302.121 Subpart WWWW**—National Emission Standards for Hospital Ethylene Oxide Sterilizers.
- 302.122 Subpart XXXX**—(Reserved).
- 302.123 Subpart YYYY**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities.
- 302.124 Subpart ZZZZ**—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.
- 302.125 Subpart AAAAAA**—(Reserved).



- 302.126 Subpart BBBBBB**—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.
- 302.127 Subpart CCCCCC**—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.
- 302.128 Subpart DDDDDD**—National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.
- 302.129 Subpart EEEEE**—National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Area Sources.
- 302.130 Subpart FFFFFF**—National Emission Standards for Hazardous Air Pollutants: Secondary Copper Smelting Area Sources.
- 302.131 Subpart GGGGGG**—National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources--Zinc, Cadmium, and Beryllium.
- 302.132 Subpart HHHHHH**—National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.
- 302.133 Subpart IIIII**—(Reserved).
- 302.134 Subpart JJJJJJ**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers.
- 302.135 Subpart KKKKKK**—(Reserved).
- 302.136 Subpart LLLLLL**—National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.
- 302.137 Subpart MMMMMM**—National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources.
- 302.138 Subpart NNNNNN**—National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds.
- 302.139 Subpart OOOOOO**—National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.
- 302.140 Subpart PPPPPP**—National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area.
- 302.141 Subpart QQQQQQ**—National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.
- 302.142 Subpart RRRRRR**—National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.
- 302.143 Subpart SSSSSS**—National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources.
- 302.144 Subpart TTTTTT**—National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources.
- 302.145 Subpart UUUUUU**—(Reserved).
- 302.146 Subpart VVVVVV**—National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources
- 302.147 Subpart WWWWWW**—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.
- 302.148 Subpart XXXXXX**—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.
- 302.149 Subpart YYYYYY**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferrous Alloys Production Facilities.
- 302.150 Subpart ZZZZZZ**—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.
- 302.151 Subpart AAAAAA**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing.
- 302.152 Subpart BBBBBB**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry.
- 302.153 Subpart CCCCCC**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing.
- 302.154 Subpart DDDDDD**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.

- 302.155 Subpart EEEEEEE**—National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category.
- 302.156 Subpart FFFFFFFF**—(Reserved).
- 302.157 Subpart GGGGGGG**—(Reserved).
- 302.158 Subpart HHHHHHH**—National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production.

303 ADDITIONAL REQUIREMENTS:

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

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

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

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

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

TABLE 370-1. FEDERAL LIST OF HAZARDOUS AIR POLLUTANTS

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

<u>CAS No.</u>	<u>Chemical Name</u>
75-07-0	Acetaldehyde
60-35-5	Acetamide
75-05-8	Acetonitrile
98-86-2	Acetophenone
53-96-3	2-Acetylaminofluorene
107-02-8	Acrolein
79-06-1	Acrylamide
79-10-7	Acrylic acid
107-13-1	Acrylonitrile
107-05-1	Allyl chloride
92-67-1	4-Aminobiphenyl
62-53-3	Aniline
90-04-0	o-Anisidine
1332-21-4	Asbestos
71-43-2	Benzene (including benzene from gasoline)
92-87-5	Benzidine
98-07-7	Benzotrichloride
100-44-7	Benzyl chloride
92-52-4	Biphenyl
117-81-7	Bis(2-ethylhexyl)phthalate (DEHP)
542-88-1	Bis(chloromethyl)ether
75-25-2	Bromoform



106-99-0	1,3-Butadiene
156-62-7	Calcium cyanamide
133-06-2	Captan
63-25-2	Carbaryl
75-15-0	Carbon disulfide
56-23-5	Carbon tetrachloride
463-58-1	Carbonyl sulfide
120-80-9	Catechol
133-90-4	Chloramben
57-74-9	Chlordane
7782-50-5	Chlorine
79-11-8	Chloroacetic acid
532-27-4	2-Chloroacetophenone
108-90-7	Chlorobenzene
510-15-6	Chlorobenzilate
67-66-3	Chloroform
107-30-2	Chloromethyl methyl ether
126-99-8	Chloroprene
1319-77-3	Cresols/Cresylic acid (isomers and mixture)
95-48-7	o-Cresol
108-39-4	m-Cresol
106-44-5	p-Cresol
98-82-8	Cumene
94-75-7	2,4-D, salts and esters
3547-04-4	DDE
334-88-3	Diazomethane
132-64-9	Dibenzofurans
96-12-8	1,2-Dibromo-3-chloropropane
84-74-2	Dibutylphthalate
106-46-7	1,4-Dichlorobenzene(p)
91-94-1	3,3-Dichlorobenzidene
111-44-4	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542-75-6	1,3-Dichloropropene
62-73-7	Dichlorvos
111-42-2	Diethanolamine
121-69-7	N,N-Diethyl aniline (N,N-Dimethylaniline)
64-67-5	Diethyl sulfate
119-90-4	3,3-Dimethoxybenzidine
60-11-7	Dimethyl aminoazobenzene
119-93-7	3,3'-Dimethyl benzidine
79-44-7	Dimethyl carbamoyl chloride
68-12-2	Dimethyl formamide
57-14-7	1,1-Dimethyl hydrazine
131-11-3	Dimethyl phthalate
77-78-1	Dimethyl sulfate
534-52-1	4,6-Dinitro-o-cresol, and salts
51-28-5	2,4-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
123-91-1	1,4-Dioxane (1,4-Diethyleneoxide)
122-66-7	1,2-Diphenylhydrazine
106-89-8	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106-88-7	1,2-Epoxybutane
140-88-5	Ethyl acrylate
100-41-4	Ethyl benzene
51-79-6	Ethyl carbamate (Urethane)
75-00-3	Ethyl chloride (Chloroethane)
106-93-4	Ethylene dibromide (Dibromoethane)
107-06-2	Ethylene dichloride (1,2-Dichloroethane)
107-21-1	Ethylene glycol
151-56-4	Ethylene imine (Aziridine)

75-21-8	Ethylene oxide
96-45-7	Ethylene thiourea
75-34-3	Ethylidene dichloride (1,1-Dichloroethane)
50-00-0	Formaldehyde
76-44-8	Heptachlor
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
77-47-4	Hexachlorocyclopentadiene
67-72-1	Hexachloroethane
822-06-0	Hexamethylene-1,6-diisocyanate
680-31-9	Hexamethylphosphoramide
110-54-3	Hexane
302-01-2	Hydrazine
7647-01-0	Hydrochloric acid
7664-39-3	Hydrogen fluoride (Hydrofluoric acid)
123-31-9	Hydroquinone
78-59-1	Isophorone
58-89-9	Lindane (all isomers)
108-31-6	Maleic anhydride
67-56-1	Methanol
72-43-5	Methoxychlor
74-83-9	Methyl bromide (Bromomethane)
74-87-3	Methyl chloride (Chloromethane)
71-55-6	Methyl chloroform (1,1,1-Trichloroethane)
60-34-4	Methyl hydrazine
74-88-4	Methyl iodide (Iodomethane)
108-10-1	Methyl isobutyl ketone (Hexone)
624-83-9	Methyl isocyanate
80-62-6	Methyl methacrylate
1634-04-4	Methyl tert butyl ether
101-14-4	4,4-Methylene bis (2-chloroaniline)
75-09-2	Methylene chloride (Dichloromethane)
101-68-8	Methylene diphenyl diisocyanate (MDI)
101-77-9	4,4'-Methylenedianiline
91-20-3	Naphthalene
98-95-3	Nitrobenzene
92-93-3	4-Nitrobiphenyl
100-02-7	4-Nitrophenol
79-46-9	2-Nitropropane
684-93-5	N-NitrosoNmethyleurea
62-75-9	N-Nitrosodimethylamine
59-89-2	N-Nitrosomorpholine
56-38-2	Parathion
82-68-8	Pentachloronitrobenzene (Quintobenzene)
87-86-5	Pentachlorophenol
108-95-2	Phenol
106-50-3	p-Phenylenediamine
75-44-5	Phosgene
7803-51-2	Phosphine
7723-14-0	Phosphorus
85-44-9	Phthalic anhydride
1336-36-3	Polychlorinated biphenyls (Aroclors)
1120-71-4	1,3-Propane sultone
57-57-8	beta-Propiolactone
123-38-6	Propionaldehyde
114-26-1	Propoxur (Baygon)
78-87-5	Propylene dichloride (1,2-Dichloropropane)
75-56-9	Propylene oxide
75-55-8	1,2-Propylenimine (2-Methylaziridine)
91-22-5	Quinoline



106-51-4	Quinone
100-42-5	Styrene
96-09-3	Styrene oxide
1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethylene (Perchloroethylene)
7550-45-0	Titanium tetrachloride
108-88-3	Toluene
95-80-7	2,4-Toluene diamine
584-84-9	2,4-Toluene diisocyanate
95-53-4	o-Toluidine
8001-35-2	Toxaphene (chlorinated camphene)
120-82-1	1,2,4-Trichlorobenzene
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethylene
95-95-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol
121-44-8	Triethylamine
1582-09-8	Trifluralin
540-84-1	2,2,4-Trimethylpentane
108-05-4	Vinyl acetate
593-60-2	Vinyl bromide
75-01-4	Vinyl chloride
75-35-4	Vinylidene chloride (1,1-Dichloroethylene)
1330-20-7	Xylenes (isomers and mixture)
95-47-6	o-Xylenes
108-38-3	m-Xylenes
106-42-3	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds ^[1]
0	Glycol ethers ^[2]
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers ^[3]
0	Nickel Compounds
0	Polycyclic Organic Matter ^[4]
0	Radionuclides (including radon) ^[5]
0	Selenium Compounds

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

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

[2] a. Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)_n.

OR' where:

n = 1, 2, or 3;

R = alkyl C7 or less; or

R = phenyl or alkyl substituted phenyl;

R' = H or alkyl C7 or less; or

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

b. Glycol ethers do not include ethylene glycol monobutyl ether (EGBE, 2-Butoxyethanol) (CAS No. 111-76-

- 2).
- [3] Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter one micrometer or less.
- [4] Includes organic compounds which have more than one benzene ring and which have a boiling point greater than or equal to 212 °F (100 °C).
- [5] A type of atom which spontaneously undergoes radioactive decay.

**MARICOPA COUNTY
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Adopted 02/15/1995; Revised 04/03/1996; Revised 03/01/2000; Revised 03/07/2001; Revised 11/19/2003; Revised 03/15/2006; Revised 12/17/2008; Revised 09/16/2009; Revised 07/07/2010; Revised 08/17/2011; Revised 07/25/2012; Revised 03/26/2014; Revised 11/05/2014; ~~and~~ Revised 11/18/2015; ~~and~~ **Revised 11/02/2016.**

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

SECTION 100 – GENERAL

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



which have been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. The department may, in addition, enforce such other Acid Rain Rules as delegated for such enforcement by the EPA to the County.

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

SECTION 300 – STANDARDS

301 INCORPORATED SUBPARTS OF THE FEDERAL ACID RAIN REGULATIONS: ~~40 CFR Parts 72, 74, 75 and 76 and all accompanying appendices, adopted as of July 1, 2015, (and no future additions or amendments) are incorporated by reference as applicable requirements. The following federal regulations located in the U.S. Code of Federal Regulations, Title 40, Subchapter C (CFR) as codified on July 1, 2016, are herein incorporated by reference in Maricopa County's Air Pollution Control Regulations. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.~~

- ~~a. 40 CFR Part 72 – Permits Regulation~~
- ~~b. 40 CFR Part 74 – Sulfur Dioxide Opt-Ins~~
- ~~c. 40 CFR Part 75 – Continuous Emission Monitoring~~
- ~~d. 40 CFR Part 76 – Acid Rain Nitrogen Oxides Emission Reduction Program~~

302 FEDERAL REGULATORY REVISIONS: The Maricopa County Board of Supervisors shall take action following promulgation by the Environmental Protection Agency (EPA) of regulations implementing Section 407 and Section 410 of the Clean Air Act (CAA), or revising either Part 72, 74, 75, and/or 76 of the regulations implementing Section 407 or Section 410 of the CAA, to either incorporate such new or revised provisions by reference or to submit, for the EPA approval, the Maricopa County Air Pollution Control Regulations implementing these provisions.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

Adopted 03/15/2006; Revised 12/17/2008; Revised 09/16/2009; Revised 07/07/2010; Revised 08/17/2011; Revised 07/25/2012; Revised 09/25/2013; Revised 03/26/2014; Revised 11/05/2014; ~~and Revised 11/18/2015;~~ and **Revised 11/02/2016.**

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
APPENDIX G**

Incorporated Materials

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

sions From Point Sources, Where Required by 40 CFR 51.30

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

CAS NUMBER	COMPOUND NAME
1615-75-4	1 chloro-1-fluoroethane (HCFC-151a);
163702-07-6	1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C ₄ F ₉ OCH ₃ or HFE-7100);
375-03-1	1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C ₃ F ₇ OCH ₃ , HFE-7000);
132182-92-4	1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);
431-89-0	1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);
431-63-0	1,1,1,2,3,3,3-hexafluoropropane (HFC-236ea);
138495-42-8	1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
431-31-2	1,1,1,2,3,3-pentafluoropropane (HFC-245eb);
811-97-2	1,1,1,2-tetrafluoroethane (HFC-134a);
690-39-1	1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
406-58-6	1,1,1,3,3,3-pentafluorobutane (HFC-365mfc);
460-73-1	1,1,1,3,3,3-pentafluoropropane (HFC-245fa);
71-55-6	1,1,1-trichloroethane (methyl chloroform);
306-83-2	1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
420-46-2	1,1,1-trifluoroethane (HFC-143a);
679-86-7	1,1,2,2,3-pentafluoropropane (HFC-245ca);
359-35-3	1,1,2,2-tetrafluoroethane (HFC-134);
2427076674	1,1,2,3,3-pentafluoropropane (HFC-245ea);



76-13-1	1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
1717-00-6	1,1-dichloro 1-fluoroethane (HCFC-141b);
75-34-3	1,1-difluoroethane (HFC-152a);
76-14-2	1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
354-23-4	1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
507-55-1	1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
75-68-3	1-chloro 1,1-difluoroethane (HCFC-142b);
163702-05-4	1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C ₄ F ₉ OC ₂ H ₅ or HFE-7200);
124-68-5	2-amino-2- methyl-1-propanol (AMP)
163702-08-7	2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF ₃) ₂ CF ₂ OCH ₃);
163702-06-5	2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF ₃) ₂ CF ₂ OC ₂ H ₅);
754-12-1	2,3,3,3-tetrafluoropropene;
2837-89-0	2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
422-56-0	3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
297730-93-9	3-ethoxy- 1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);
67-64-1	acetone;
75-45-6	chlorodifluoromethane (HCFC-22);
593-70-4	chlorofluoromethane (HCFC-31);
76-15-3	chloropentafluoroethane (CFC-115);
0	cyclic, branched, or linear completely methylated siloxanes;
75-71-8	dichlorodifluoromethane (CFC-12);
95508-16-0	difluoromethane (HFC-32);
616-38-6	dimethyl carbonate;
74-84-0	ethane;
95508-16-0	ethylfluoride (HFC-161);
188690-78-0	HCF ₂ OCF ₂ CF ₂ OCF ₂ H (HFE-338pcc13);
1691-17-4	HCF ₂ OCF ₂ H (HFE-134);
188690-77-9	HCF ₂ OCF ₂ OCF ₂ CF ₂ OCF ₂ H (H-Galden 1040x or H-Galden Z1 130 (or 150 or 180));
78522-47-1	HCF ₂ OCF ₂ OCF ₂ H (HFE-236cal2);
72-84-8	methane;
79-20-9	methyl acetate;
107-33-3	methyl formate (HCOOCH ₃);
75-09-2	methylene chloride (dichloromethane);
98-56-6	parachlorobenzotrifluoride (PCBTf);
354-33-6	pentafluoroethane (HFC-125);
127-18-4	perchloroethylene (tetrachloroethylene);
108-32-7	propylene carbonate;
102687-65-0	<i>trans</i> 1-chloro-3,3,3-trifluoroprop-1-ene (Solstice™ 1233zd(E))
29118-24-9	<i>trans</i> -1,3,3,3-tetrafluoropropene;
75-69-4	trichlorofluoromethane (CFC-11);
75-46-7	trifluoromethane (HFC-23);
0	and perfluorocarbon compounds which fall into these classes:
	(i) Cyclic, branched, or linear, completely fluorinated alkanes;
	(ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
	(iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
	(iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

b. The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements, which apply to VOC and shall be uniquely identified in emission reports but are not VOC for purposes of VOC emissions limitations or VOC content requirements: *t*-butyl acetate (540-88-5).

3. The following documents are incorporated by reference and are approved for use as directed by the department under the Maricopa County Air Pollution Control Regulations. These documents are incorporated by reference as of the year specified below, and no future editions or amendments.
 - a. Section 1 and Section 7 of the Arizona Department of Environmental Quality's (ADEQ) "Arizona Testing Manual for Air Pollutant Emissions," amended as of March 1992, and no future editions or amendments.
 - b.** All ASTM International (ASTM) standards referenced in the Maricopa County Air Pollution Control Regulations as of the year specified in the reference, and no future editions or amendments.
 - e.b.** The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987", published by the Executive Office of the President, Office of Management and Budget, and no future editions or amendments.
 - d.c.** EPA Publication No. AP-42, 1995, "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point



and Area Sources, Fifth Edition, including Supplements A, B, C, D, E, F, Updates 2001, 2002, 2003, and 2004 and all updates as of ~~July 1, 2015~~ July 1, 2016, and no future editions or amendments.

~~e.d.~~ EPA guidance document “Guidelines for Determining Capture Efficiency”, January 9, 1995, and no future editions or amendments.

~~f.e.~~ 2002 US NAICS Manual, “North American Industry Classification System United States”, National Technical Information Service, US Census Bureau, 2002, and no future editions or amendments.

4. ~~The following federal regulations located in Title 40, Code of Federal Regulations (CFR) are approved for use as directed by the department under the Maricopa County Air Pollution Control Regulations. These standards are incorporated by reference as of July 1, 2015, and no future editions or amendments.~~

~~a. The Air Emissions Reporting Requirements in 40 CFR 51, Subpart A, Appendix A, Table 2A.~~

~~b. 40 CFR 75.~~

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

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

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

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

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

d. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at www.astm.org.

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

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

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

SUPPLEMENTAL EXPEDITED

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SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

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FER = Final Expedited repealed Section
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EXEMPT RULEMAKING**EXEMPT PROPOSED**

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PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

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

FINAL EXEMPT RULMAKING

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

EMERGENCY RULEMAKING

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E# = Emergency renumbered Section
EEXP = Emergency expired

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See also “emergency expired” under emergency rulemaking

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2016 RULES EFFECTIVE DATES CALENDAR

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

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



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



REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Table with 3 columns: Deadline Date (paper only) Friday, 5:00 p.m., Register Publication Date, and Oral Proceeding may be scheduled on or after. Rows list dates from June 10, 2016 to December 30, 2016.



GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

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

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

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2016

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

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