

# Arizona Administrative REGISTER

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~ Administrative Register Contents ~

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**DIRECTOR**  
Public Services Division  
Scott Cancelosi

**PUBLISHER**  
Secretary of State  
**MICHELE REAGAN**

**RULES MANAGING EDITOR**  
Arizona Administrative Register  
Rhonda Paschal

# From the Publisher

## ABOUT THIS PUBLICATION

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

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

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

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

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

## ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

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

## LEGAL CITATIONS AND FILING NUMBERS

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

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

# Arizona Administrative REGISTER

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**PUBLISHER**  
SECRETARY OF STATE  
Michele Reagan

**PUBLIC SERVICES STAFF**  
DIRECTOR  
Scott Cancelosi

**RULES MANAGING EDITOR**  
Rhonda Paschal

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

**CONTACT US**  
The Honorable Michele Reagan  
Office of the Secretary of State  
1700 W. Washington Street, Fl. 7  
Phoenix, AZ 85007  
(602) 364-3223

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# Participate in the Process

## Look for the Agency Notice

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

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

## Attend a public hearing/meeting

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

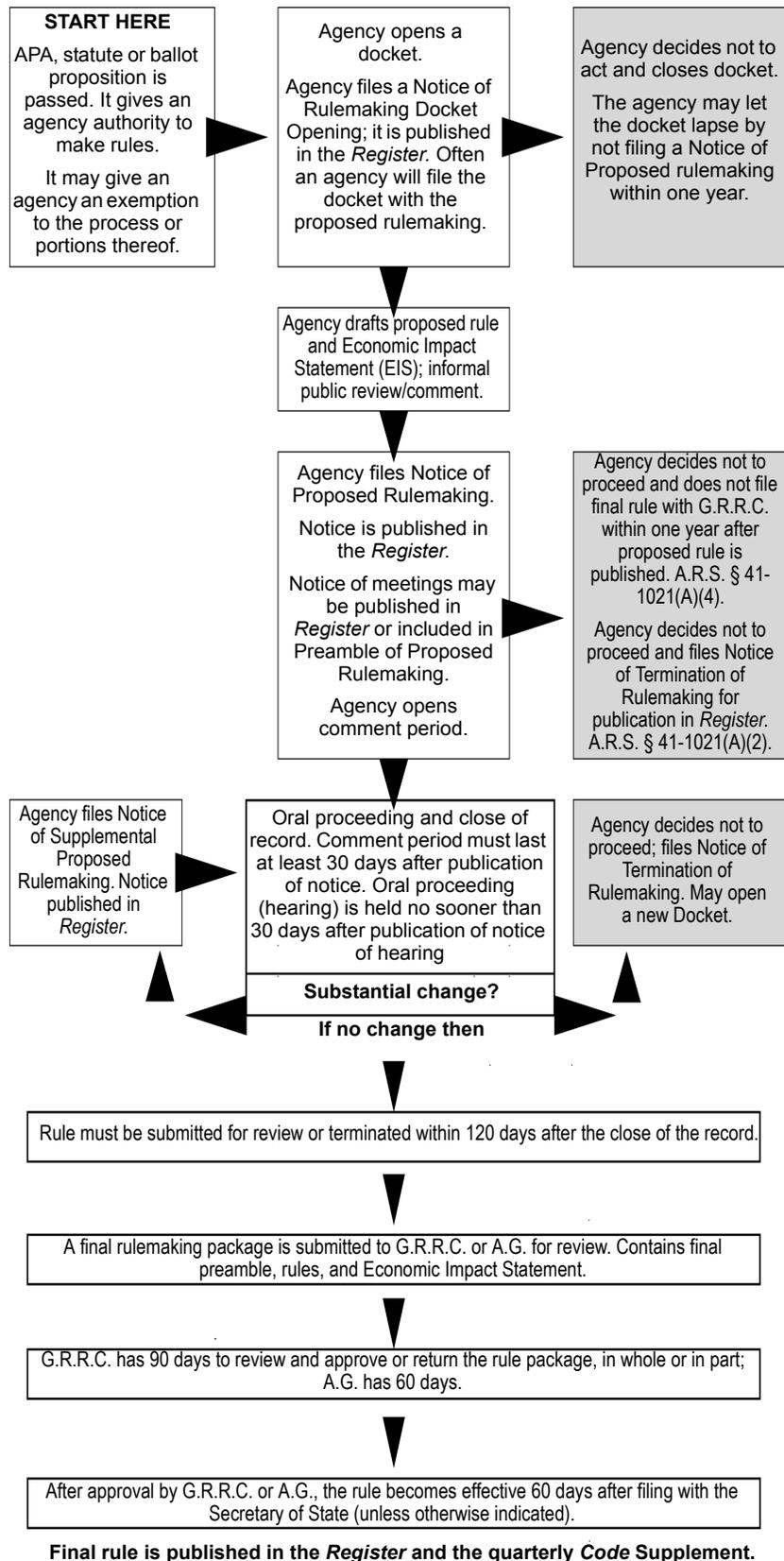
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## Write the agency

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

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

# Arizona Regular Rulemaking Process



## Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

## About Preambles

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

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

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



**NOTICES OF PROPOSED RULEMAKING**

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

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

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

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

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

**NOTICE OF PROPOSED RULEMAKING  
TITLE 18. ENVIRONMENTAL QUALITY  
CHAPTER 9. DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER POLLUTION CONTROL**

[R17-100]

**PREAMBLE**

<b><u>1. Article, Part of Sections Affected (as applicable)</u></b>	<b><u>Rulemaking Action</u></b>
Article 6	Repeal
R18-9-601	Repeal
R18-9-602	Repeal
R18-9-603	Repeal
Article 7	Amend
R18-9-701	Repeal
R18-9-702	Repeal
R18-9-703	Repeal
R18-9-704	Repeal
R18-9-705	Repeal
R18-9-706	Repeal
R18-9-707	Repeal
R18-9-708	Repeal
R18-9-709	Repeal
R18-9-710	Repeal
R18-9-711	Repeal
R18-9-712	Repeal
R18-9-713	Repeal
R18-9-714	Repeal
R18-9-715	Repeal
R18-9-716	Repeal
R18-9-717	Repeal
R18-9-718	Repeal
R18-9-719	Repeal
R18-9-720	Repeal
Part A	New Part
R18-9-A701	Repeal
R18-9-A701	Amend
R18-9-A702	Repeal
R18-9-A702	Amend
R18-9-A703	Repeal
R18-9-A703	Amend
R18-9-A704	Repeal
R18-9-A704	Amend
R18-9-A705	Repeal
R18-9-A705	Amend
R18-9-A706	Repeal
R18-9-A706	Amend
R18-9-A707	New Section



Part B	New Part
R18-9-B701	Renumber
R18-9-B701	Amend
R18-9-B702	Renumber
R18-9-B702	Amend
R18-9-B703	Renumber
R18-9-B703	Amend
R18-9-B704	Renumber
R18-9-B704	Amend
R18-9-B705	Renumber
R18-9-B705	Amend
R18-9-B706	Renumber
R18-9-B706	Amend
R18-9-B707	Renumber
R18-9-B707	Amend
R18-9-B708	Renumber
R18-9-B708	Amend
R18-9-B709	Renumber
R18-9-B709	Amend
R18-9-B710	Renumber
R18-9-B710	Amend
Part C	New Part
R18-9-C701	Renumber
R18-9-C701	Amend
Part D	New Part
R18-9-D701	Renumber
R18-9-D701	Amend
R18-9-D702	Renumber
R18-9-D702	Amend
Part E	New Part
R18-9-E701	New Section

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

Authorizing statutes: A.R.S. § 49-203(A)(6).

Implementing statute: A.R.S. § 49-203.

**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: 23 A.A.R. 1687, June 23, 2017 (*in this issue*)

Notice of Rulemaking Docket Opening: 22 A.A.R. 16, January 1, 2016

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

Name: Heidi M. Haggerty (Welborn)

Address: Department of Environmental Quality  
Water Quality Division  
1110 W. Washington St.  
Phoenix, AZ 85007

Telephone: (602) 771-4815 (This number may be reached toll-free in state by dialing 1-800-234-5677 and entering the seven digit number at any time during the automated message.)

E-mail: haggerty.heidi@azdeq.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:**

**Summary**

The Arizona Department of Environmental Quality (ADEQ) proposes to amend 18 A.A.C. 9, Articles 6 & 7 to update and restructure the reclaimed water rules, and allow for treatment of reclaimed water for potable use.

ADEQ last adopted a comprehensive revision of the reclaimed water reuse rules in January, 2001. These rules have fostered the beneficial reuse of reclaimed water while protecting water quality and human health. This regulatory framework has served Arizona well in expanding its water supply portfolio.

Since 2001, however, the science and technology of treatment and monitoring have advanced and new concerns and needs have arisen, including the need for clarification of ambiguities in the rules. In early 2016, ADEQ held informal listening sessions in Tucson, Phoenix, and Flagstaff to gather comments and feedback on the current rules. This rule proposal is an outcome of that process and represents the first round of three planned rulemaking phases.

In addition to meeting stakeholders' water augmentation requests, this rulemaking furthers the goals of the Governor's Arizona Water Initiative's Augmentation Council, originated by Governor Ducey under Executive Order 2015-13 and the Governor's Blue Ribbon Panel on Water Sustainability, which was formed in 2009 by Governor Brewer. The *Blue Ribbon Panel on Water Sustain-*



ability Final Report contained recommendations to advance and expand the use of reclaimed water and other recycled waters. In *The Arizona Water Initiative Annual Report, July 1, 2016*, experts identified the need for water augmentation through expanding reclaimed water reuse. This rulemaking is the first phase in expanding the use of reclaimed and recycled waters to meet these augmentation needs.

Based on the need for augmentation and the listening sessions held in early 2016, future phases will likely involve updates and amendments to A.A.C. Title 18, Chapter 11, Article 3, Reclaimed Water Quality Standards and additional amendments to A.A.C. Title 18, Chapter 9, Article 7 regarding infrastructure and technology and potable use criteria.

ADEQ is planning a second rulemaking phase that will involve amending A.A.C. Title 18, Chapter 11, Article 3, Reclaimed Water Quality Standards. To assist ADEQ in revising the reclaimed water quality standards, ADEQ has convened an expert workgroup to review the suitability of existing standards in light of current knowledge and provide recommendations on revisions.

ADEQ has also convened a workgroup of experts to provide recommendations to ADEQ on infrastructure and technology for a third rulemaking phase. This work group is charged with two tasks: (1) review the reclaimed water conveyance requirements (formerly A.A.C. Title 18, Chapter 9, Article 6 provisions, which are now proposed for incorporation into Part B of Article 7) and determine whether the current technical criteria are adequate, and (2) develop and recommend comprehensive criteria for advanced water treatment of reclaimed water for direct potable use. Comprehensive criteria for direct potable use would replace the interim criteria specified in Part E of this rulemaking.

ADEQ intends to modify the reclaimed rules in phases for several reasons. The review and modification process for such an expansive program is expected to take a good deal of time. The workgroups have been established to provide technical recommendations, but their review is expected to take approximately six months. ADEQ will then modify the rules, considering workgroup and other stakeholder recommendations to further modify the rules. The magnitude of necessary future modification cannot be fully known at this time without further review and stakeholder process. Currently, however, gray water permits are underutilized because of impracticable requirements. Further, the rules as originally written did not account for advanced reclaimed water treatment technologies so the rules now potentially suppress potable water augmentation innovation and implementation. Phasing the rulemaking will allow for the flow of innovation and utilization of reclaimed and gray water permits. If ADEQ batches all of the phases into one rulemaking, it may be years before permittees may utilize Type 3 gray water permits sufficiently, and before the state can begin to augment its water supply through treated reclaimed water potable use. Also, modifying the rule in phases will allow the regulated community and the public to adapt to the new structure and standards as the rules are modified, and provide additional opportunities for comment and improvement of the rules.

**Explanation of Major Modifications**

ADEQ proposes several major changes for 18 A.A.C. 9, Articles 6 and 7 in this rulemaking, including the following:

- Nomenclature and Restructuring Modifications;
- Modification of the Prohibition Against Providing Reclaimed Water for Human Consumption;
- Addition of Interim Permitting Criteria for an Advanced Reclaimed Water Treatment Facility, Which Produces Potable Water from Reclaimed Source Water;
- Modification of Gray Water Permitting Requirements;
- Modification of Notice and Signage Provisions;
- Modification of Reporting Requirements;
- Modification of Permit Revocation Provisions;
- Addition of Recycled Permit Transition Provision;
- Repeal of Unnecessary Sections and Subsections;
- Modification of Permit Notice Requirements; and
- Other minor clarifications, grammatical changes, and technical and consistency modifications to implement the above listed overarching changes.

**Nomenclature and Restructuring Modifications.**

ADEQ modified the overall nomenclature of Article 7. Under ADEQ’s current regulations, gray water, industrial wastewater, and reclaimed water are regulated as “reclaimed water.” However, gray water, industrial wastewater, and reclaimed water are all separate and unique categories of “recycled water.” ADEQ proposes to modify Article 7 to regulate all of these categories of water under the same umbrella term of “recycled water.” ADEQ renamed A.A.C. Title 18, Chapter 9, Article 7, from Direct Reuse of Reclaimed Water to Use of Recycled Water. A definition for recycled water is also proposed in R18-9-A701. To implement this new nomenclature, ADEQ proposes a new organizational structure for Article 7 clearly distinguishing the general recycled water provisions and the different categories of recycled water. The proposed structure is designed to ease the addition of any potential new categories of recycled waters in the future.

ADEQ modified the general provisions for reclaimed water to be applicable to all recycled waters and moved the provisions into Part A. Reclaimed water is now addressed in Part B. Reuse of industrial wastewater is regulated separately in Part C. Gray water is now regulated in Part D. Part E, which has no counterpart in the current rules, contains the interim criteria for advanced reclaimed-water treatment for distribution of water for direct potable reuse. Below is the proposed structure for Article 7:

**Table 1 Proposed Article 7 Restructure According to Part**

Article 7	Use of Recycled Water
Part A	General Provisions
Part B	Reclaimed Water
Part C	Recycled Industrial Wastewater



Part D	Gray Water
Part E	Purified Water for Potable Use

In the current rules, the permit types are listed consecutively in R18-9-711 through R18-9-719. However, as a part of the nomenclature and restructuring changes, ADEQ proposes these permits be located in the part of the rule addressing the particular category of recycled water regulated in the permit. For example, gray water is regulated under Part D. Also as a result of the restructure, every permit is now a “recycled water” permit and renamed as such. Below is a table showing each of the permit types proposed for regulation under Article 7.

**Table 2 Proposed Permits by Type**

<i>Permit Type</i>	<i>Part</i>
Type 1 Recycled Water General Permit for Gray Water	D
Type 2 Recycled Water General Permit for Direct Reuse of Class A+ Reclaimed Water	B
Type 2 Recycled Water General Permit for Direct Reuse of Class A Reclaimed Water	B
Type 2 Recycled Water General Permit for Direct Reuse of Class B+ Reclaimed Water	B
Type 2 Recycled Water General Permit for Direct Reuse of Class B Reclaimed Water	B
Type 2 Recycled Water General Permit for Direct Reuse of Class C Reclaimed Water	B
Type 3 Recycled Water General Permit for a Reclaimed Water Blending Facility	B
Type 3 Recycled Water General Permit for a Reclaimed Water Agent	B
Type 3 Recycled Water General Permit for Gray Water	D
Recycled Water Individual Permit (General)	A
Recycled Water Individual Permit for Industrial Wastewater That Is Reused	C
Recycled Water Individual Permit for an Advanced Reclaimed Water Treatment Facility	E

The Recycled Water Individual Permit Application in Part A must be used for specific individual permits, which are prescribed by other Parts in Article 7 for particular types of water or situations (e.g. an individual permit for a reclaimed water agent). The Part A individual permit application may also be used for situations involving more than one type of permit at one facility or for situations not captured by a general permit in order to ensure recycled water is used appropriately for the end use. For example, one individual permit may be issued for a facility using gray water and reclaimed water.

The proposed modifications also transfer all of the provisions from A.A.C. Title 18, Chapter 9, Article 6, Reclaimed Water Conveyances, into Article 7 for regulation as general reclaimed water requirements under Part B of Article 7. The definitions for “open water conveyance” and “pipeline conveyance” are moved into the Article 7 General Provisions definition section, R18-9-A701. The reclaimed water pipeline conveyance and open water conveyance sections, R18-9-602 and R18-9-603, respectively, are moved into the section for general requirements for reclaimed water, R18-9-B702. These provisions are only applicable to reclaimed water conveyance and distribution and so are only regulated under the reclaimed water category under Part B of Article 7.

**Modification of the Prohibition Against Providing Reclaimed Water for Human Consumption.**

In furtherance of augmenting Arizona’s potable water supply to meet future demands, ADEQ is providing an exception to the prohibition against providing reclaimed water for human consumption by allowing reclaimed water to be treated appropriately for potable use.

ADEQ proposes to leave the current reclaimed classes and permitting methodology substantially in place to allow for the continued appropriate regulation of reclaimed water, which has benefited the state over the years. Without additional advanced treatment, current classes of reclaimed water (A+, A, B+, B, and C) are not verifiably safe to drink. For this reason, ADEQ maintains the prohibition against providing direct reclaimed water for human consumption should continue in order to protect human health.

However, a body of research and studies has shown, and ADEQ concurs, the science and technology of advanced water treatment is at a level today where reclaimed water can be reliably treated to produce potable water. Therefore, ADEQ proposes to modify the prohibition against providing reclaimed water for human consumption to allow for an exception. As proposed, reclaimed water may be used as a source water for human consumption if the water undergoes further advanced water treatment and permitting under Part E. Part E prescribes a permitting process and a list of criteria that must be considered for ADEQ to issue a permit for an advanced reclaimed water treatment facility as an end user. The proposed term “advanced reclaimed water treatment facility” is defined in R18-9-A701(1).

Given the proven effectiveness of advanced water treatment techniques to produce drinkable water, ADEQ intends reclaimed water appropriately treated by an advanced reclaimed water treatment facility is no longer considered “reclaimed water” and therefore subsequent use is not to be “direct reuse” of reclaimed water as defined in the rules. To implement this concept, ADEQ proposes to modify the definition of “direct reuse” to clarify it does not include the use of potable water produced by an advanced reclaimed water treatment facility. ADEQ also proposes part of the definition of advanced reclaimed water treatment facility to specifically state, “Potable water produced by such a facility is not reclaimed water.”

In other words, while an advanced reclaimed water treatment facility is considered an end user of reclaimed water, a person receiving water produced by an advanced reclaimed water treatment facility is not an end user of reclaimed water and is not subject to the end user permitting requirements under Article 7. However, water produced by an advanced reclaimed water treatment facility



may be subject to other water quality regulations. For example, if the water produced by an advanced reclaimed water treatment facility is subsequently delivered to a public water system, Safe Drinking Water Act regulations would apply as they would to a surface source water.

#### **Addition of Interim Permitting Criteria for an Advanced Reclaimed Water Treatment Facility, Which Produces Potable Water from Reclaimed Source Water.**

Part E of this proposed rulemaking provides protective interim permitting criteria for an advanced reclaimed water treatment facility. These interim rules will remain in effect until ADEQ next modifies Article 7 to perfect the interim criteria based on experience and additional stakeholder input.

As stated in the previous section above, ADEQ is confident in the science and technology that advanced water treatment techniques can provide a finished water suitable for any potable use. These conclusions are based on research of laboratory analyses and multiple publications. E.g. *WaterReuse, Framework for Direct Potable Use 79* (2015) (“The ability of a wide range of treatment processes to meet chemical and pathogen standards for [advanced treated water] production. . . . have been demonstrated and are well documented. . .”). These conclusions are also supported in practice by facilities in the United States and internationally currently producing potable water by treating reclaimed water through multiple treatment technology barriers.

An advanced reclaimed water treatment facility consists of a chain of state-of-the-art treatment processes provide multiple purification mechanisms that remove contaminants from reclaimed water to produce potable water. The source water allowed by the proposed Part E, Class A+ and B+ reclaimed water, already has received a significant level of treatment by high performance wastewater treatment plants. An advanced reclaimed water treatment facility further purifies this water through a sequence of technologies such as ultrafiltration, reverse osmosis, advanced oxidation, and granular activated carbon. These technologies remove chemical constituents and have the capability to eliminate microbial contaminants many times over. For example, typical treatment trains employed for this purpose provide six to ten or more logarithm removal levels for microbial contaminants. This is equivalent to a removal capability of 99.9999 to 99.99999999 percent or more. This is far more than needed considering the high quality of the source water. By comparison, under the Safe Drinking Water Act, public water systems fed by surface water sources must maintain 4 log removal of viruses, which is equivalent to a 99.99 percent removal. The Safe Drinking Water Act applies its most stringent microbial log removal targets to viruses.

State-of-the-art monitoring technology is also used to track in real time the treatment processes and the quality of the finished water product. Using these monitoring technologies, nonconforming water can be diverted almost immediately. These technological advances ensure the facility can reliably purify water for drinking from virtually any source water to any desired standard of protection and ensure no nonconforming water is co-mingled with potable water for delivery.

Under the proposed rules, an advanced reclaimed water treatment facility must obtain a Recycled Water Individual Permit for an Advanced Reclaimed Water Treatment Facility. An applicant would provide the same information as required for any Recycled Water Individual Permit, as well as additional information required in a prescribed design report. The design report must demonstrate the advanced treatment provides multiple barriers of protection reliably producing water suitable for human consumption. Among other required information, the design report must include proof of pilot studies and results, a plan for monitoring for public health, and a complete identification, description, and analysis of the treatment stream, treatment system performance alerts and various technologies. The proposed interim criteria will serve as a framework to develop final criteria for the design, treatment, monitoring, and operation of advanced reclaimed water treatment facilities producing potable water.

To assist in further developing the interim criteria into final criteria, ADEQ has convened a workgroup of experts with access and knowledge of recent publications, research, and practice. Several of these experts have knowledge of or are involved in developing a recent document on Arizona-specific potable use considerations facilitated by the Steering Committee on Arizona Potable Reuse (SCAPR), an ad hoc group formed by experts from municipalities, consulting firms, and academia. Once finalized, ADEQ will likely use this document to further expand the potable use criteria in a later rulemaking phase. However, during this interim period, ADEQ is confident the interim criteria will ensure that any advanced reclaimed water treatment plant proposed produces an exceptional and drinkable finished water product.

#### **Modification of Gray Water Permitting Requirements.**

ADEQ updated the gray water use rules to clarify ambiguities and expand the utility of gray water permits.

ADEQ proposes to modify some of the language and requirements in the Type 1 General Permit for Gray Water in R18-9-D701, which regulates residential gray water use. The proposed rule provides greater clarity as to what best practices are most appropriate, safe, and practical. The changes proposed in this rule revision reflect more than 15 years of experience under the current approach. The changes:

- Clarify the use of gray water for safely watering food plants;
- Allow gray water use for shrubs as well as trees;
- Disallow mixing of water used to wash diapers or similarly soiled garments with gray water because disinfection is too complicated for most home gray water systems;
- Provide examples for minimizing standing water on the surface, including the now widespread practice of distributing gray water under a mulch cover;
- Mandate that if blockage, backup, or overload of the system occurs, distribution of gray water should cease until the deficiency is corrected. This may provide additional options over the former language, which required the flow to be directed to the sewer or septic tank;
- Broaden the scope of filtration language to clarify that best practices and additional components may achieve the same level of water quality;



- Specify that gray water storage tank holding time should be 24 hours or less to avoid development of anaerobic conditions and odors (such tanks have proven problematic in practice, leading to the use of surge tanks with shorter holding times in some systems); and
- Provide specific examples of flood gray water application including containment by horticultural mulch basins and swales.

Further, under the proposed R18-9-A703 Recycled Water Individual Permit, ADEQ will allow the addition of kitchen sink and dishwasher wastewater to a gray water source, as long as the water is treated appropriately for its end use.

Additionally, ADEQ proposes to increase the utility of the Type 3 General Permit for Gray water. The current Type 3 General Permit for Gray Water is not usable for most applicants due to inappropriate gray water dispersal requirements. The dispersal requirements as currently written mirror the disposal requirements for an on-site wastewater treatment facility, which require disposal into trenches. Trench disposal for on-site waste water treatment facilities is intended to allow for the infiltration of septic tank effluent, which gray water is not. Trench disposal limits the ability of a gray water permittee to use the water for simple irrigation or composting uses.

The proposed R18-9-D702 Type 3 Recycled Water General Permit for Gray Water also reshapes the former Type 3 permit. The new permit language addresses a need by many non-household entities to use gray water for simple subsurface irrigation of landscape plants in a way that protects human health and the environment.

**Modification of Notice and Signage Provisions.**

Recognizing that not all allowed end uses are amenable to posting signs, the proposed rules allow a permittee to post signs or provide notification for Type 2 Reclaimed Water General Permits for Direct Reuse of Class A+, A, B+, B, and C waters in R18-9-B704 through -B708.

ADEQ proposes changes to the signage requirement for “Mobile Reclaimed Water Dispersal” in R18-9-B702 to accommodate dispersal equipment other than trucks and tanks.

**Modification of Reporting Requirements.**

ADEQ proposes in R18-9-A705 to mandate if certain informational changes have occurred, a recycled water permittee must report such changes at least once annually by January 31<sup>st</sup>. While certain informational changes must be submitted for notice purposes only, ADEQ proposes any other changes will require a new permit application. ADEQ also proposes required annual reporting be due by a calendar date versus the permit anniversary date, in order to minimize work for both ADEQ and the customer to keep track of specific permit effective dates.

**Modification of Permit Revocation Provisions.**

ADEQ proposes to simplify and consolidate permit revocation provisions into one section, R18-9-A706, for both general and individual permits.

**Addition of Recycled Permit Transition Provision.**

ADEQ proposes a permit transition provision so that until their permits expire, existing permittees will follow Article 7 rules as they existed at the beginning of 2017.

**Repeal of Unnecessary Sections and Subsections.**

Upon review, some sections and subsection in Article 7 are unnecessary because the Department is already required by statute or rule to implement such sections or subsections. For example, the Department is already subject to permitting and licensing time-frame requirements by statute in Arizona Revised Statutes Title 41 and general agency rules in the Arizona Administrative Code, Title 18, Chapter 1. In addition, enforcement and penalty procedures in the current R18-9-720 are already established in A.R.S. §§ 49-261 through 49-263.

**Modification of Notice Requirements.**

In R18-9-A703, ADEQ proposes the agency must post notices of permitting decisions and for hearings on the Department’s website, rather than in newspaper publications.

**Section by Section Explanation of Proposed Rules**

**Table 3 Section by Section Crosswalk and Condensed Explanation of Proposed Rules**

<i>Proposed Rule Number and Title</i>	<i>Current Rule Number and Title</i>	<i>Condensed Explanation of Modification</i>
Repeal Article 6	Article 6 Reclaimed Water Conveyances	Repeal as this article will no longer be necessary because all text will be transferred to Article 7.
Repeal	R18-6-601 Definitions	Repeal and transfer text into the Article 7 definitions in R18-9-A701.
Repeal	R18-9-602 Pipeline Conveyances of Reclaimed Water	Repeal and transfer text into the reclaimed water general requirements in R18-9-B702(J).
Repeal	R18-9-603 Open Water Conveyances of Reclaimed Water	Repeal and transfer text into the reclaimed water general requirements in R18-9-B702(K).



<i>Proposed Rule Number and Title</i>	<i>Current Rule Number and Title</i>	<i>Condensed Explanation of Modification</i>
Article 7 Use of Recycled Water	Article 7 Direct Reuse of Reclaimed Water	Restructure into several parts to regulate different types of water under the umbrella term recycled water.
<b>Part A General Provisions</b>	N/A	New part for recycled water general provisions.
R18-9-A701 Definitions	R18-9-701 Definitions	Renumbered. Insert “Open water conveyance” and “pipeline conveyance” definitions from Article 6 here. Amend gray water definition to be consistent with statutory definition. Add a definition for recycled water. Add a definition for an advanced reclaimed water treatment facility. Modify definition of direct reuse to clarify it does not include the use of potable water produced by an advanced reclaimed water treatment facility. Add a definition for a sewage treatment facility to clarify the term means the same as it does under the Aquifer Protection Program.
R18-9-A702 Applicability and Standards for Recycled Water	R18-9-702 Applicability and Standards for Reclaimed Water Classes	Renumber and make minor amendments to clarify applicability under recycled water structure.
R18-9-A703 Recycled Water Individual Permit Application	R18-9-705 Reclaimed Water Individual Permit Application	Renumber and amend to include certain general information changes an applicant must annually submit. Modify the notice requirements from requiring newspaper notices to posting on the Department’s website. Repeal pre-application conference provision as ADEQ is always willing to hold pre-application conferences when requested by applicants. Repeal provisions already required by other agency rules or specific applicable statutes. Amend to ensure treatment measures will be employed to meet appropriate water quality. Fix rule references.
R18-9-A704 Recycled Water General Permit	R18-9-708 Reusing Reclaimed Water Under a General Permit	Renumber and clarify process and information required for Notice of Intent to Use Recycled Water. Recycled Water Authorization is not automatically issued for a Type 3 permit and ADEQ must inform permittees of its receipt of a Notice of Intent for Type 2 permits.
R18-9-A705 Recycled Water Permit Term, Information Changes, and Renewal	R18-9-709 Reclaimed Water General Permit Renewal and Transfer	Renumber and completely restructure to apply to all recycled water permits. Requires the permittee to provide certain information annually if there are any changes in the information. If there are any changes other than those allowed with notice, a new permit is required.
R18-9-A706 Recycled Water Permit Revocation	R18-9-710 Reclaimed Water General Permit Revocation	Renumber, restructure, and simplify permit revocation procedures for general and individual permits. This rule was modified to be applicable to all recycled water permits, not just reclaimed water general permits.
R18-9-A707. Recycled Water Permit Transition	N/A	Add provisions so until their permits expire, existing permittees will follow Article 7 rules as they existed at the beginning of 2017.
Repeal	R18-9-720 Enforcement and Penalties	Repeal because enforcement and penalty processes are provided by statute in A.R.S. §§ 49-261 through 49-263.
<b>Part B Reclaimed Water</b>	N/A	New part for reclaimed water regulation.
R18-9-B701 Transition of Aquifer Protection Permits and Permits for the Reuse of Reclaimed Wastewater	R18-9-703 Transition of Permits	Renumber and minor grammar edits and consistency changes, such as updating cross-references and nomenclature.
R18-9-B702 General Requirements	R18-9-704 General Requirements	Modify the prohibition against direct reuse for human consumption to allow for an exemption for reclaimed water treated under Part E. The hose bibb provision is transferred to its own subsection to clarify all hose bibbs discharging reclaimed water shall be secured to prevent use by the public, not just hose bibbs associated with irrigation. Modify signage and notice requirements. Pipeline and open water conveyance requirements from Article 6 are moved into this section. Renumber and make nomenclature, grammar, and reference fixes for consistency. This section is still only applicable to reclaimed water.



<i>Proposed Rule Number and Title</i>	<i>Current Rule Number and Title</i>	<i>Condensed Explanation of Modification</i>
R18-9-B703 General Provisions for Recycled Water Individual Permit for Reclaimed Water	R18-9-706 Reclaimed Water Individual Permit Application	Renumber and make minor consistency and clarification edits. Remove permit transfer provisions, now covered in Part A. Add provisions for closure as applicable and signage and notification requirements, as appropriate for the end use. Update reference to strip chart recordings to the more generic word "data" to reflect digital data collection methods. For clarity, provide reference to discretionary alternate direct reuses allowed under R18-11-309.
R18-9-B704 Type 2 Recycled Water General Permit for Direct Reuse of Class A+ Reclaimed Water	R18-9-712 Type 2 Recycled Water General Permit for Direct Reuse of Class A+ Reclaimed Water	Renumber and make minor changes for consistency.
R18-9-B705 Type 2 Recycled Water General Permit for Direct Reuse of Class A Reclaimed Water	R18-9-713 Type 2 Reclaimed Water General Permit for Direct Reuse of Class A Reclaimed Water	Renumber and minor changes for consistency and clarity.
R18-9-B706 Type 2 Recycled Water General Permit for Direct Reuse of Class B+ Reclaimed Water	R18-9-714 Type 2 Reclaimed Water General Permit for Direct Reuse of Class B+ Reclaimed Water	Renumber and make minor changes for consistency.
R18-9-B707 Type 2 Recycled Water General Permit for Direct Reuse of Class B Reclaimed Water	R18-9-715 Type 2 Reclaimed Water General Permit for Direct Reuse of Class B Reclaimed Water	Renumber and make minor changes for consistency.
R18-9-B708 Type 2 Recycled Water General Permit for Direct Reuse of Class C Reclaimed Water	R18-9-716 Type 2 Reclaimed Water General Permit for Direct Reuse of Class C Reclaimed Water	Renumber and make minor changes for consistency.
R18-9-B709 Type 3 Recycled Water General Permit for a Reclaimed Water Blending Facility	R18-9-717 Type 3 Reclaimed Water General Permit for a Reclaimed Water Blending Facility	Renumber and clarify information requirements for Type 3 blending facility applications. Clarify requirements if nitrogen or fecal coliform concentrations are exceeded. Modifies annual reporting date from permit anniversary to a uniform calendar year date of January 31.
R18-9-B710 Type 3 Recycled Water General Permit for a Reclaimed Water Agent	R18-9-718 Type 3 Reclaimed Water General Permit for a Reclaimed Water Agent	Renumbered, modified for consistency, and clarifies information requirements for Type 3 water agent permit. Modifies annual reporting date from permit anniversary to a uniform calendar year date of January 31.
<b>Part C Recycled Industrial Wastewater</b>	N/A	New part for recycled industrial wastewater regulation.
R18-9-C701 Recycled Water Individual Permit for Industrial Wastewater	R18-9-707 Reclaimed Water Individual Permit Where Industrial Wastewater Influences the Characteristics of Reclaimed Water	Renumber and minor changes for consistency. Updated industrial code terminology.
<b>Part D Gray Water</b>	N/A	New part for gray water regulation.
R18-9-D701 Type 1 Recycled Water General Permit for Gray Water	R18-9-711 Type 1 Reclaimed Water General Permit for Gray Water	Renumber and make minor changes for consistency. Several changes to clarify ambiguities in current rule and to provide more useful guidance for residential gray water use.

<i>Proposed Rule Number and Title</i>	<i>Current Rule Number and Title</i>	<i>Condensed Explanation of Modification</i>
R18-9-D702 Type 3 Recycled Water General Permit for Gray Water	R18-9-719 Type 3 Reclaimed Water General Permit for Gray Water	Renumber and make minor changes for consistency. Significant changes to technical requirements for large-scale gray water use. New requirements expand the utility of the permit.
<b>Part E Purified Water for Potable Use</b>	N/A	New part for potable use regulation.
R18-9-E701 Recycled Water Individual Permit for an Advanced Reclaimed Water Treatment Facility	N/A	New section to provide an individual permit process for an advanced reclaimed water treatment facility, a facility treats reclaimed water to produce potable water. Provides interim criteria requirements permittees must meet for purifying water for potable use. Clarifies product water subject to the Safe Drinking Water Act would be treated as surface water.

**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:**

*Framework for Direct Potable Reuse*, Sept 14, 2015, sponsored by the WaterReuse Association and co-sponsored by NWRI, American Water Works Association, and Water Environment Federation.

George Tchobanoglous, University of California, Davis, et al., “Direct Potable Reuse: A Path Forward” (2011), sponsored by WaterReuse, Bureau of Reclamation, and California State Water Resources Control Board.

WaterReuse Research Foundation, *The Opportunities and Economics of Direct Potable Reuse* (2014).

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

Not applicable

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

This rule does not limit conduct already occurring, but rather allows for conduct previously prohibited. Currently, no one is allowed to provide reclaimed water for human consumption under the rule, except as allowed by current substantive policy. However, ADEQ proposes to modify the prohibition and allow for the distribution of highly treated reclaimed water in order to augment Arizona’s water supply and spark innovation. Based on Southern California figures as reported in WaterReuse Research Foundation’s *The Opportunities and Economics of Direct Potable Reuse*, the total cost of treating reclaimed water to produce potable water, including treatment, conveyance and brine management may run between \$820 acre-foot and \$2000 acre-foot. This cost is likely lower than imported water supply and brackish groundwater supply options. The price of direct potable use may be more expensive than current conservation options, but conservation typically requires increasingly more expensive technologies and resources as the level of acre-feet saved increases. Advanced water treatment may provide increased supply with limited additional resources. Advanced reclaimed water treatment is a voluntary activity which may be pursued to augment Arizona’s water supply for environmental reasons, and it may soon become a profitable industry given the high value of potable water in Arizona.

Gray water requirement modifications will allow for activity previously effectively impossible to legally implement. The other rule modifications should have limited, if any, economic effects, except to clarify requirements and restructure the rules.

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

Name: Heidi M. Haggerty (Welborn)

Address: Department of Environmental Quality  
Water Quality Division  
1110 W. Washington St.  
Phoenix, AZ 85007

Telephone: (602) 771- 4815 (This number may be reached toll-free in state by dialing 1-800-234-5677 and entering the seven digit number at any time during the automated message.)

E-mail: haggerty.heidi@azdeq.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:**

ADEQ has scheduled an oral proceeding to receive oral comments on the rules, in accordance with A.R.S. § 41-1023; the time, place, and location of the hearing are listed below:

Date: July 25, 2017

Time: 10:00 a.m.

Location: Department of Environmental Quality  
1110 W. Washington, Room 3175  
Phoenix, AZ 85007

Nature: Oral Proceeding on the proposed rules, with opportunity for formal comments on the record

Close of Comment: 5:00 p.m. on July 25, 2017



Written or e-mailed comments may be made to the contact person listed above by the close of comment date. Upon request, ADEQ will provide appropriate auxiliary aids and services to persons with disabilities, at no charge, to assist in accessible communication to enable people who have speech, hearing, vision, learning, or other impairments to participate equally, including qualified sign language interpreters. To request an auxiliary aid or service, to obtain this document in alternative format, or for further information, please contact Christine Harp at (602) 771-4280 or via email at harp.christine@azdeq.gov as early as possible to allow time to arrange the accommodation. TTY/TTD Services: 7-1-1. The ADA does not require ADEQ to take any action fundamentally altering the nature of its programs, services or activities, or impose an undue financial or administrative burden on ADEQ.

**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:**

The rules require several different types of permits. General permits are used where possible. However, individual permits are prescribed for case-by-case situations. An individual permit is also required for advanced reclaimed water treatment facilities. Such facilities will have varying advanced water treatment techniques and will also require case-by-case facility-specific determinations.

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

There is no federal law applicable to reclaimed water.

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

No analysis has been submitted.

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

None

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

**TITLE 18. ENVIRONMENTAL QUALITY  
CHAPTER 9. DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER POLLUTION CONTROL**

**ARTICLE 6. RECLAIMED WATER CONVEYANCES REPEALED**

Section

- R18-9-601. ~~Definitions~~ Repealed
- R18-9-602. ~~Pipeline Conveyances of Reclaimed Water~~ Repealed
- R18-9-603. ~~Open Water Conveyances of Reclaimed Water~~ Repealed

**ARTICLE 7. DIRECT REUSE OF RECLAIMED USE OF RECYCLED WATER**

Section

- R18-9-701. ~~Definitions~~ Renumbered
- R18-9-702. ~~Applicability and Standards for Reclaimed Water Classes~~ Renumbered
- R18-9-703. ~~Transition of Permits~~ Renumbered
- R18-9-704. ~~General Requirements~~ Renumbered
- R18-9-705. ~~Reclaimed Water Individual Permit Application~~ Renumbered
- R18-9-706. ~~Reclaimed Water Individual Permit General Provisions~~ Renumbered
- R18-9-707. ~~Reclaimed Water Individual Permit Where Industrial Wastewater Influences the Characteristics of Reclaimed Water~~ Renumbered
- R18-9-708. ~~Reusing Reclaimed Water Under a General Permit~~ Renumbered
- R18-9-709. ~~Reclaimed Water General Permit Renewal and Transfer~~ Renumbered
- R18-9-710. ~~Reclaimed Water General Permit Revocation~~ Renumbered
- R18-9-711. ~~Type 1 Reclaimed Water General Permit for Gray Water~~ Renumbered
- R18-9-712. ~~Type 2 Reclaimed Water General Permit for Direct Reuse of Class A+ Reclaimed Water~~ Renumbered
- R18-9-713. ~~Type 2 Reclaimed Water General Permit for Direct Reuse of Class A Reclaimed Water~~ Renumbered
- R18-9-714. ~~Type 2 Reclaimed Water General Permit for Direct Reuse of Class B+ Reclaimed Water~~ Renumbered
- R18-9-715. ~~Type 2 Reclaimed Water General Permit for Direct Reuse of Class B Reclaimed Water~~ Renumbered
- R18-9-716. ~~Type 2 Reclaimed Water General Permit for Direct Reuse of Class C Reclaimed Water~~ Renumbered
- R18-9-717. ~~Type 3 Reclaimed Water General Permit for a Reclaimed Water Blending Facility~~ Renumbered
- R18-9-718. ~~Type 3 Reclaimed Water General Permit for a Reclaimed Water Agent~~ Renumbered
- R18-9-719. ~~Type 3 Reclaimed Water General Permit for Gray Water~~ Renumbered
- R18-9-720. ~~Enforcement and Penalties~~ Repealed

**PART A. GENERAL PROVISIONS**

Section



~~R18-9-701-R18-9-A701. Definitions~~  
~~R18-9-702-R18-9-A702. Applicability and Standards for Reclaimed Recycled Water Classes~~  
~~R18-9-705-R18-9-A703. Reclaimed Recycled Water Individual Permit Application~~  
~~R18-9-708-R18-9-A704. Reusing Reclaimed Recycled Water Under a General Permit~~  
~~R18-9-709-R18-9-A705. Reclaimed Recycled Water General Permit Term, Information Changes, and Renewal and Transfer~~  
~~R18-9-710-R18-9-A706. Reclaimed Recycled Water General Permit Revocation~~  
~~R18-9-A707. Recycled Water Permit Transition~~

#### PART B. RECLAIMED WATER

~~R18-9-703-R18-9-B701. Transition of Aquifer Protection Permits and Permits for the Reuse of Reclaimed Wastewater~~  
~~R18-9-704-R18-9-B702. General Requirements~~  
~~R18-9-706-R18-9-B703. General Provisions for Reclaimed Recycled Water Individual Permit for Reclaimed Water General Provisions~~  
~~R18-9-712-R18-9-B704. Type 2 Reclaimed Recycled Water General Permit for Direct Reuse of Class A+ Reclaimed Water~~  
~~R18-9-713-R18-9-B705. Type 2 Reclaimed Recycled Water General Permit for Direct Reuse of Class A Reclaimed Water~~  
~~R18-9-714-R18-9-B706. Type 2 Reclaimed Recycled Water General Permit for Direct Reuse of Class B+ Reclaimed Water~~  
~~R18-9-715-R18-9-B707. Type 2 Reclaimed Recycled Water General Permit for Direct Reuse of Class B Reclaimed Water~~  
~~R18-9-716-R18-9-B708. Type 2 Reclaimed Recycled Water General Permit for Direct Reuse of Class C Reclaimed Water~~  
~~R18-9-717-R18-9-B709. Type 3 Reclaimed Recycled Water General Permit for a Reclaimed Water Blending Facility~~  
~~R18-9-718-R18-9-B710. Type 3 Reclaimed Recycled Water General Permit for a Reclaimed Water Agent~~

#### PART C. RECYCLED INDUSTRIAL WASTEWATER

Section

~~R18-9-707-R18-9-C701. Reclaimed Recycled Water Individual Permit Where for Industrial Wastewater Influences the Characteristics of Reclaimed Water That Is Reused~~

#### PART D. GRAY WATER

Section

~~R18-9-711-R18-9-D701. Type 1 Reclaimed Recycled Water General Permit for Gray Water~~  
~~R18-9-719-R18-9-D702. Type 3 Reclaimed Recycled Water General Permit for Gray Water~~

#### PART E. PURIFIED WATER FOR POTABLE USE

Section

~~R18-9-E701. Recycled Water Individual Permit for an Advanced Reclaimed Water Treatment Facility~~

### **ARTICLE 6. RECLAIMED WATER CONVEYANCES REPEALED**

#### **R18-9-601. Definitions Repealed**

In addition to the definitions provided in R18-9-701, the following terms apply to this Article:

1. "Open water conveyance" means any constructed open waterway, including canals and laterals that transports reclaimed water from a sewage treatment facility to a reclaimed water blending facility or from a sewage treatment facility or reclaimed water blending facility to the point of land application or end use. An open water conveyance does not include waters of the United States.
2. "Pipeline conveyance" means any system of pipelines that transports reclaimed water from a sewage treatment facility to a reclaimed water blending facility or from a sewage treatment facility or reclaimed water blending facility to the point of land application or end use.

#### **R18-9-602. Pipeline Conveyances of Reclaimed Water Repealed**

**A.** Applicability.

1. Any person constructing a pipeline conveyance on or after January 1, 2001, whether new or a replacement of an existing pipeline shall meet the requirements of this Article.
2. Any person who has constructed a pipeline conveyance before January 1, 2001, is considered to be in compliance with this Article.

**B.** A person shall design and construct a pipeline conveyance system using good engineering judgement following standards of practice.

**C.** A person shall construct a pipeline conveyance so that:

1. Reclaimed water does not find its way into, or otherwise contaminate, a potable water system;
2. System structural integrity is maintained; and
3. The capability for inspection, maintenance, and testing is maintained.

**D.** A person shall construct a pipeline conveyance and all appurtenances conducting reclaimed water to withstand a static pressure of at least 50 pounds per square inch greater than the design working pressure without leakage as determined in A.A.C. R18-9-E301(D)(2)(j).

**E.** A person shall provide a pipeline conveyance with thrust blocks or restrained joints where needed to prevent excessive movement of the pipeline.

**F.** The following requirements for minimum separation distance apply. A person shall:

1. Locate a pipeline conveyance no closer than 50 feet from a drinking water well unless the pipeline conveyance is constructed as specified under subsection (F)(3);
2. Locate a pipeline conveyance no closer than two feet vertically nor six feet horizontally from a potable water pipeline unless the pipeline conveyance is constructed as specified under subsection (F)(3);



- 3. Construct a pipeline conveyance that does not meet the minimum separation distances specified in subsections (F)(1) and (F)(2) by encasing the pipeline conveyance in at least six inches of concrete or using mechanical joint ductile iron pipe or other materials of equivalent or greater tensile and compressive strength at least 10 feet beyond any point on the pipeline conveyance within the specified minimum separation distance; and
- 4. If a reclaimed water system is supplemented with water from a potable water system, separate the potable water system from the pipeline conveyance by an air gap.

**G. A person shall:**

- 1. For a pipeline conveyance, eight inches in diameter or less, use pipe marked on opposite sides in English: "CAUTION: RECLAIMED WATER, DO NOT DRINK" in intervals of three feet or less and colored purple or wrapped with durable purple tape.
- 2. For a mechanical appurtenance to a pipeline conveyance, ensure that the mechanical appurtenance is colored purple or legibly marked to identify it as part of the reclaimed water distribution system and distinguish it from systems for potable water distribution and sewage collection.

**R18-9-603. Open Water Conveyances of Reclaimed Water Repealed**

~~A. This Article applies to an open water conveyance, regardless of the date of construction.~~

~~B. A person shall maintain an open water conveyance to prevent release of reclaimed water except as allowed under federal and state regulations. The maintenance program shall include periodic inspections and follow-up corrective measures to ensure the integrity of conveyance banks and capacity of the conveyance to safely carry operational flows.~~

~~C. Signage for Class B+, B, and C Reclaimed Water. A person shall:~~

- 1. Ensure that signs state: "CAUTION: RECLAIMED WATER, DO NOT DRINK," and display the international "do not drink" symbol;
- 2. Place signs at all points of ingress and, if the open water conveyance is operated with open access, at least every ¼ mile along the length of the open water conveyance; and
- 3. Ensure that signs are visible and legible from both sides of the open water conveyance.

**ARTICLE 7. DIRECT REUSE OF RECLAIMED USE OF RECYCLED WATER**

**PART A. GENERAL PROVISIONS**

**~~R18-9-701, R18-9-A701, Definitions~~**

Unless provided otherwise, the definitions provided in A.R.S. § 49-201, A.A.C. R18-9-101, R18-9-601, R18-11-301, and the following terms apply to this Article:

- 1. "Advanced reclaimed water treatment facility" means a facility that treats and purifies Class A+ or Class B+ reclaimed water to produce potable water suitable for distribution for human consumption. R18-9-B702(B) does not apply to an advanced reclaimed water treatment facility. Potable water produced by an advanced reclaimed water treatment facility is not reclaimed water.
- 1-2. "Direct reuse" means the beneficial use of reclaimed water for a purpose allowed by this Article. The following is not a direct reuse of reclaimed water:
  - a. The use of water subsequent to its discharge under the conditions of a ~~National~~ Arizona Pollutant Discharge Elimination System permit;
  - b. The use of water subsequent to discharge under the conditions of an Aquifer Protection Permit issued under 18 A.A.C. 9, Articles 1 through 3; ~~or~~
  - c. The use of industrial wastewater, reclaimed water, or both, in a workplace subject to a federal program that protects workers from workplace exposures; ~~or~~
  - d. The use of potable water produced by an advanced reclaimed water treatment facility.
- 2-3. "Direct reuse site" means an area permitted for the application or impoundment of reclaimed water. An impoundment operated for disposal under an Aquifer Protection Permit is not a direct reuse site.
- 3-4. "End user" means a person who directly reuses reclaimed water meeting the standards for Classes A+, A, B+, B, and C, established under 18 A.A.C. 11, Article 3.
- 4-5. "Gray water" means wastewater that has been collected separately from a sewage flow and that originates from a clothes washer, bathtub, shower, and sink, or a bathroom tub, shower or sink but that does not include wastewater from a kitchen sink, dishwasher, or toilet. A.R.S. § 49-201(18).
- 5-6. "Industrial wastewater" means wastewater generated from an industrial process.
- 6-7. "Irrigation" means the beneficial use of water or reclaimed water, or both, for growing crops, turf, or silviculture, or for landscaping.
- 7-8. "Open access" means ~~that~~ access to reclaimed water by the general public is uncontrolled.
- 9. "Open water conveyance" means any constructed open waterway, including canals and laterals, that transports reclaimed water from a sewage treatment facility to a reclaimed water blending facility or from a sewage treatment facility or reclaimed water blending facility to the point of land application or end use. An open water conveyance does not include waters of the United States.
- 10. "Pipeline conveyance" means any system of pipelines that transports reclaimed water from a sewage treatment facility to a reclaimed water blending facility or from a sewage treatment facility or reclaimed water blending facility to the point of land application or end use.
- 8-11. "Reclaimed water" means water that has been treated or processed by a wastewater treatment plant or an on-site wastewater treatment facility. A.R.S. § ~~49-201(31)~~ 49-201(32).
- 9-12. "Reclaimed water agent" means a person who holds a permit to distribute reclaimed water to more than one end user.



- ~~10-13.~~ “Reclaimed water blending facility” means an installation or method of operation that receives reclaimed water from a sewage treatment facility or other reclaimed water blending facility classified to produce Class C or better reclaimed water and blends it with other water so that the produced water may be used for a higher-class purpose listed in 18 A.A.C. 11, Article 3, ~~Appendix Table A.~~
14. “Recycled water” means a processed water that originated as a waste or discarded water, including reclaimed water and gray water, for which the Department has designated water quality specifications to allow the water to be used as a supply.
- ~~11-15.~~ “Restricted access” means that access to reclaimed water by the general public is controlled.
16. “Sewage Treatment Facility” means a sewage treatment facility as defined in 18 A.A.C. 9, Article 1.

~~R18-9-702.~~ **R18-9-A702. Applicability and Standards for Reclaimed Recycled Water Classes**

- A. This Article applies to:
1. An owner or operator of a sewage treatment facility that generates reclaimed water for direct reuse,
  2. An owner or operator of a reclaimed water blending facility,
  3. A reclaimed water agent,
  4. An end user of reclaimed water,
  5. A person who uses ~~gray water~~ recycled water regulated under this Article,
  6. A person who directly reuses reclaimed water from a sewage treatment facility combined with industrial wastewater or combined with ~~reclaimed~~ water from an industrial wastewater treatment facility, and
  7. A person who directly reuses reclaimed water from an industrial wastewater treatment facility in the production or processing of a crop or substance that may be used as human or animal food.
- B. Reclaimed water classes A+, A, B+, B, and C specified in this Article shall meet the standards established in 18 A.A.C. 11, Article 3.
- C. Nothing in this Article exempts the disposal of reclaimed water from the Aquifer Protection Permit requirements under A.R.S. Title 49, Chapter 2, Articles 1, 2, and 3.

~~R18-9-703.~~ **R18-9-B701.**

~~R18-9-704.~~ **R18-9-B702.**

~~R18-9-705.~~ **R18-9-A703. Reclaimed Recycled Water Individual Permit Application**

- ~~A.~~ Pre-application conference. Upon request of an applicant, the Department shall schedule and hold a pre-application conference with the applicant to discuss any requirements in this Article.
- ~~B-A.~~ To apply for a Reclaimed Recycled Water Individual Permit, a person shall provide the Department with:
1. ~~The applicable permit fee specified under 18 A.A.C. 14; and~~
  - ~~2.~~ The following information on a form provided by the Department:
    - a. ~~The name, e-mail address, telephone number, and mailing address of the owner or operator of the facility or, if applicable, the reclaimed water agent;~~
    - b. ~~The social security number of the applicant, if the applicant is an individual;~~
    - c. ~~The legal description of the direct reuse site, including latitude and longitude coordinates; township range, and section; site address, if applicable; and a map showing the facility or site location;~~
    - d. Any other federal or state environmental permits issued to the applicant;
    - e. Source of ~~reclaimed recycled~~ water to be ~~directly reused~~ used;
    - f. ~~The applicant may propose for approval, and the Department may issue, a single permit that includes more than one type of recycled water allowed by this article, including for multiple classes of reclaimed water, if the applicant demonstrates the waters will be treated appropriately for the end use;~~
    - g. ~~The applicant may propose, and the Department may permit, the inclusion of kitchen sink and dishwasher wastewater with gray water under a Recycled Water Individual Permit, if the applicant demonstrates such waters will be treated appropriately for the end use;~~
    - ~~f-h.~~ ~~Volume of reclaimed~~ Estimated volume of recycled water to be ~~directly reused~~ used on an annual basis;
    - ~~g-l.~~ Class of reclaimed water to be directly reused, if applicable;
    - ~~h-j.~~ Description of the ~~direct reuse~~ use activity; and
    - k. Any treatment measures utilized to meet or maintain reclaimed water quality standards or otherwise ensure the quality of the recycled water is fit for the intended use; and
    - ~~i-l.~~ The applicant’s ~~signature certifying certification~~ that the information submitted in the application is true and accurate to the best of the applicant’s knowledge;
  2. ~~A copy of the certificate of disclosure of violations required under A.R.S. § 49-109; and~~
  3. ~~The applicable permit fee specified under 18 A.A.C. 14.~~
- ~~C.~~ Administrative completeness review. Upon receipt, the Department shall review the Reclaimed Water Individual Permit application to determine its administrative completeness under A.R.S. § 41-1074 and A.A.C. R18-1-503.
- ~~D.~~ Substantive review. Upon receipt of a complete Reclaimed Water Individual Permit application, the Department shall review the application to determine its substantive adequacy under A.R.S. § 41-1075 and A.A.C. R18-1-504.
- ~~E.~~ Draft permit. The Department shall provide the applicant a copy of a draft of the Reclaimed Recycled Water Individual Permit before the notice specified in subsection (F) is published.
- ~~F-B.~~ Public participation.
1. Notice of Preliminary Decision.
    - a. The Department shall publish a Notice of Preliminary Decision to issue or deny a Reclaimed Water Individual Permit within a period of time that allows the Department to meet the licensing time frame requirements under 18 A.A.C. 5.
    - ~~b-a.~~ The Department shall publish the Notice of Preliminary Decision regarding the issuance or denial of a final permit determination in one or more newspapers of general circulation where the facility is located on the Department’s website.



- e.b. The Department shall accept written comments from the public before a ~~Reclaimed~~ Recycled Water Individual Permit is issued or denied.
- ~~e.c.~~ The written public comment period begins on the publication date of the Notice of Preliminary Decision and extends for 30 calendar days.
- 2. After publishing the notice specified in subsection ~~(F)(1)(a)~~ (B)(1)(a), the Department shall hold a public hearing to address the Notice of Preliminary Decision if the Department determines that:
  - a. ~~Public~~ Significant public interest in a public hearing exists, or
  - b. ~~Issues~~ Significant issues or information have been brought to the attention of the Department that are relevant to the permitting decision and have not been considered previously in the permitting process.
- 3. If the Department determines ~~that a public hearing is necessary and a public hearing has not already been noticed under subsection (F)(1)(a)~~ (B)(1)(a), the Department shall schedule a public hearing and republish the Notice of Preliminary Decision ~~as a legal notice at least once, in one or more newspapers of general circulation where the facility is located and notice of the public hearing on the Department's website.~~
- 4. The Department shall accept written public comment until the close of the hearing record as specified by the person presiding at the public hearing.

**G.C.** Final permit issuance or denial.

- 1. ~~The Department shall give the applicant written notification of its final decision to issue or deny the permit application within the overall licensing time frame requirements in 18 A.A.C. 5.~~
- 2.1. The Department may deny a ~~Reclaimed~~ Recycled Water Individual Permit if the Department determines upon completion of the application process ~~that~~ the applicant has:
  - a. Failed or refused to correct a deficiency in the permit application;
  - b. Failed to demonstrate ~~that~~ the facility and the operation will protect public health and water quality. This determination shall be based on:
    - i. The information submitted in the permit application,
    - ii. Any information submitted to the Department as written public comment or following a public hearing; or
    - iii. Any information relevant to the demonstration ~~that is~~ developed or acquired by the Department, or
  - c. Provided false or misleading information.
- 3.2. If the Department denies a ~~Reclaimed~~ Recycled Water Individual Permit the Department shall provide the applicant with written notification ~~that explains~~ explaining the following:
  - a. The reasons for the denial with references to the statutes or rules on which the denial is based.
  - b. The applicant's right to appeal the denial, including the number of days the applicant has to file a notice of appeal, and the name and telephone number of the Department contact person who can answer questions regarding the appeals process.
  - c. The applicant's right to request an informal settlement conference under A.R.S. §§ 41-1092.03(A) and 41-1092.06.

**R18-9-706-R18-9-B703.**

**R18-9-707-R18-9-C701.**

**R18-9-708-R18-9-A704. Reusing Reclaimed Recycled Water Under a General Permit**

- A. Type 1 ~~Reclaimed~~ Recycled Water General Permit ~~for Gray Water.~~ A person may ~~directly reuse reclaimed~~ use recycled water without notice to the Department if ~~the use~~:
  - 1. ~~The direct reuse is~~ is specifically authorized by and meets the requirements of this Article, and
  - 2. Complies with the requirements of the Type 1 ~~Reclaimed~~ Recycled Water General Permit under ~~R18-9-714~~ this Article.
- B. Type 2 ~~Reclaimed~~ Recycled Water General Permit ~~for Reclaimed Water.~~
  - 1. A person may ~~directly reuse reclaimed~~ use recycled water under a Type 2 ~~Reclaimed~~ Recycled Water General Permit if:
    - a. The ~~direct reuse~~ use is authorized by and meets the requirements of this Article;
    - b. The ~~direct reuse~~ use meets all the conditions of the applicable Type 2 ~~Reclaimed~~ Recycled Water General Permit under ~~R18-9-712 through R18-9-716~~ this Article;
    - c. The person files a Notice of Intent ~~for Direct Reuse of Reclaimed~~ to Use Recycled Water under subsection (B)(2); and
    - d. The person submits the applicable fee established in 18 A.A.C. 14.
  - 2. Notice of Intent ~~for Direct Reuse of Reclaimed~~ to Use Recycled Water.
    - a. A person shall submit, by ~~certified~~ mail, in person, or by another method approved by the Department, the Notice of Intent ~~for Direct Reuse of Reclaimed~~ to Use Recycled Water on a form provided by the Department.
    - b. The Notice of Intent ~~for Direct Reuse of Reclaimed~~ to Use Recycled Water shall include;
      - i. The name, address, e-mail address, and telephone number of the applicant;
      - ii. ~~The social security number of the applicant, if the applicant is an individual;~~
      - iii. The name, address, and telephone number of the contact person;
      - iv. ~~iii.~~ The source, estimated volume, and, if applicable, contact of reclaimed recycled water to be ~~directly reused~~ used;
      - v. ~~A legal description of the direct reuse site, including~~ iv. The latitude and longitude coordinates of the approximate center point of the use site;
      - vi. ~~v.~~ The description of the ~~direct reuse~~ use activity, ~~including a description of acreage and the type of vegetation to be irrigated, if applicable to the type of direct reuse activity;~~ and
      - vii. ~~vi.~~ The ~~permittee's applicant's~~ signature certifying certification that the ~~permittee~~ applicant agrees to comply with all requirements of this Article, including specific terms of the applicable ~~Reclaimed~~ Recycled Water General Permit.
    - c. ~~For a Type 2 Recycled Water General Permit for Direct Reuse of Reclaimed Water, the Notice of Intent to Use Recycled Water must include the description of the direct reuse activity, including a description of acreage and the type of vegetation to be irrigated, if applicable to the type of direct reuse activity.~~



3. The Department shall notify the applicant that the Department received the Notice of Intent to Use Recycled Water and that the applicant is authorized to use the recycled water according to Type 2 permit conditions.
- C. Type 3 Reclaimed Recycled Water General Permit for Reclaimed Water and Type 3 Recycled Water General Permit for Gray Water. A person may shall not operate under a Type 3 Reclaimed Recycled Water General Permit after filing an applicable Notice of Intent to Operate with the Department and receiving until the Department issues a written Verification of General Permit Conformance for the operation Recycled Water Authorization.
1. Application submittal. The applicant shall submit, either by certified mail, in person at the Department, or by another method approved by the Department:
    - a. The Notice of Intent to Operate Use Recycled Water on a form provided by the Department containing the information specified in the applicable Type 3 Reclaimed Recycled Water General Permit under R18-9-717(B), R18-9-718(C), or R18-9-719(B) this Article, and
    - b. The applicable fee established in 18 A.A.C. 14.
  2. Verification issuance: Issuance of Recycled Water Authorization. If, after reviewing the Notice of Intent to Operate Use Recycled Water, the Department determines that the direct reuse conforms with the conditions of a Type 3 Reclaimed Recycled Water General Permit and all other applicable requirements of this Article, the Department shall issue the Verification of General Permit Conformance Recycled Water Authorization.
  3. Verification denial Denial of Recycled Water Authorization.
    - a. If the Department determines on the basis of its review or an inspection that the direct reuse use does not conform to the conditions of the applicable Type 3 Reclaimed Recycled Water General Permit or other applicable requirements of this Article, the Department shall notify the applicant of its decision not to issue the Verification of General Permit Conformance Recycled Water Authorization.
    - b. If an application is denied, the applicant shall not operate under a Type 3 Reclaimed Recycled Water General Permit.
    - e-b. The applicant may appeal the decision not to issue a Verification of General Permit Conformance Recycled Water Authorization under A.R.S. §§ 41-1092 through 41-1092.12.
  4. Automatic issuance. If the Department does not issue the Verification of General Permit Conformance within the time frame specified under 18 A.A.C. 1, Article 5, and does not notify the applicant that it will not issue the verification, the verification automatically becomes effective upon expiration of the overall time frame.

**R18-9-709, R18-9-A705, Reclaimed Recycled Water General Permit Term, Information Changes, and Renewal and Transfer**

- A. General permit renewal. A permittee shall renew a Reclaimed Water General Permit at least 90 days before the permit expires by following the procedure described in either R18-9-708(B) or (C) and include the applicable fee established in 18 A.A.C. 14.
1. A Type 1 Reclaimed Water General Permit is valid as long as the conditions of the general permit and the requirements of this Article are met. No renewal is required;
  2. A Type 2 Reclaimed Water General Permit is valid for five years from the date the Department receives the Notice of Intent for Direct Reuse of Reclaimed Water;
  3. A Type 3 Reclaimed Water General Permit is valid for five years from the date the Verification of General Permit Conformance becomes effective.
- B. General permit transfer. A permittee shall provide notice to the Department by certified mail within 15 days following the transfer of a Type 2 or Type 3 Reclaimed Water General Permit. The Notice of Transfer shall:
1. Contain any information that has changed from the original Notice of Intent for Direct Reuse of Reclaimed Water or the Notice of Intent to Operate, including all information on the proposed new permittee, and
  2. Include the applicable fee established in 18 A.A.C. 14.
- A. A recycled water general permit is valid as follows:
1. A Type 1 Recycled Water General Permit is valid as long as the conditions of the general permit and the requirements of this Article are met. No renewal is required.
  2. A Type 2 Recycled Water General Permit is valid for five years from the date the Department receives the Notice of Intent to Use Recycled Water;
  3. A Type 3 Recycled Water General Permit is valid for five years from the date the Recycled Water Authorization is issued.
- B. If any change in the following information occurs, a permittee operating under any individual, or Type 2 or Type 3 recycled water general permit shall update the Department with such changes at least once annually by January 31:
1. Permittee.
  2. Ownership.
  3. Contact person.
  4. Phone number, address, email address, or telephone number, or any combination of any of the above, for permittee or contact person.
  5. Name of the use site.
  6. For a Type 2 Recycled Water General Permit for Direct Reuse of Class A + or B + Reclaimed Water remaining under the same ownership:
    - a. Expansion of the reuse area.
    - b. Addition of another allowable use if it is located within the same property boundary as the boundary identified in the Notice of Intent to Use Recycled Water submitted to the Department.
  7. An increase in Class A, B, or C reclaimed water use of more than ten percent but less than twenty percent above the volume of reclaimed water currently permitted for use at the reuse site, if applicable.
- C. To renew any Type 2 or Type 3 Recycled Water General Permit, a permittee must submit a Notice of Renewal at least 30 days before the permit expires and include the applicable fee established in 18 A.A.C. 14. A permittee may update or change any information as described in subsections (B) in a Notice of Renewal.



D. For changes not described in subsections (B) or (C), the permittee must submit a new Notice of Intent to Use Recycled Water or a Recycled Water Individual Permit application, as applicable.

**R18-9-710, R18-9-A706, Reclaimed Recycled Water General Permit Revocation**

**A.** The Director may revoke a Reclaimed Water General Permit if the permittee fails to comply with any requirement in this Article, including a condition specified in the applicable Reclaimed Water General Permit. The Director shall make the determination based on the risk to public health and safety or a threat to waters of the state.

1. Before revoking a general permit, the Department shall provide notice to the permittee by certified mail of the Department's intent to revoke the Reclaimed Water General Permit. The notice of intent to revoke the general permit shall provide the permittee a reasonable opportunity to correct any noncompliance and specify a time frame within which the permittee shall achieve compliance.

2. If the permittee fails to correct the noncompliance within the specified time frame, the Department shall notify the permittee, by certified mail, of the Director's decision to revoke the Reclaimed Water General Permit.

**B.** The Director shall revoke a Reclaimed Water General Permit for any or all facilities located within a specific geographic area, if, due to a geologic or hydrologic condition, the cumulative effect of the facilities subject to the Reclaimed Water General Permit has violated or will violate a Water Quality Standard established under A.R.S. §§ 49-221 and 49-223.

**A.** After notice and opportunity for a hearing, the Director may revoke coverage under a Recycled Water General Permit and require the permittee to obtain an individual permit in order to operate for any of the following:

1. The permittee failed to comply with any applicable provision of A.R.S. Title 49, Chapter 2; Article 7 of this Chapter; or any permit condition;

2. The permittee misrepresented or omitted a fact, information, or data related to an application or permit condition;

3. The Director determines a permitted activity is causing or will cause a violation of a water quality standard established under A.R.S. §§ 49-221;

4. A permitted activity is causing or will cause imminent and substantial endangerment to public health or the environment.

**B.** The Director may revoke coverage under a general permit for any or all facilities within a specific geographic area, if, due to geologic or hydrologic conditions, the cumulative effect of the facilities subject to the Recycled Water General Permit has violated or will violate a water quality standard established under A.R.S. § 49-221.

**C.** If an individual permit is issued to replace general permit coverage, the coverage under the general permit is automatically revoked upon issuance of the individual permit.

**D.** The Director may, after notice and opportunity for hearing, suspend or revoke a Recycled Water Individual Permit for any of the reasons listed in subsections (A)(1) through (A)(4) of this section.

**R18-9-A707, Recycled Water Permit Transition**

The terms and conditions of Type 2, Type 3, and individual reclaimed water permits issued before January 1, 2018, including permits issued for gray water, shall remain in effect according to the language of this Article effective as of the date the permit was issued.

**R18-9-711, R18-9-D701.**

**R18-9-712, R18-9-B704.**

**R18-9-713, R18-9-B705.**

**R18-9-714, R18-9-B706.**

**R18-9-715, R18-9-B707.**

**R18-9-716, R18-9-B708.**

**R18-9-717, R18-9-B709.**

**R18-9-718, R18-9-B710.**

**R18-9-719, R18-9-D702.**

**R18-9-720. Enforcement and Penalties Repealed**

Any person who violates a condition specified in a permit issued under this Article, falsifies data or information submitted to the Department as required under Articles 6 or 7 of this Chapter, or violates a provision of Article 6 or 7 of this Chapter, is subject to the enforcement actions prescribed under A.R.S. §§ 49-261 and 49-262.

**PART B. RECLAIMED WATER**

**R18-9-B701, Transition of Aquifer Protection Permits and Permits for the Reuse of Reclaimed Wastewater.**

**A.** A person may directly reuse reclaimed water under an individual Aquifer Protection Permit or a Permit for the Reuse of Reclaimed Wastewater issued by the Department before January 1, 2001 if the person meets the conditions of the permit and the permit does not expire.

**B.** A person meeting the requirements of subsection (A) may apply for a new reclaimed water permit under this Article.

1. To obtain a reclaimed water permit, a person shall submit a ~~Reclaimed Recycled~~ Water Individual Permit application, required under ~~R18-9-705(B)~~ ~~R18-9-A703(A)~~, or a Notice of Intent for ~~Direct Reuse of Reclaimed~~ ~~to Use Recycled~~ Water, required under ~~R18-9-708(B)(2)~~ ~~R18-9-A704(B)(2)~~ or ~~R18-9-A704(B)(3)~~, or a Notice of Intent to Operate, required under ~~R18-9-708(C)(4)~~ to the Department at least 120 days before the current permit expires.

2. The Department shall continue the terms of the individual Aquifer Protection Permit or the Permit for the Reuse of Reclaimed Wastewater beyond the stated date of expiration if:



- a. The permitted direct reuse is of a continuing nature; and
  - b. The permittee submits a timely and complete application for a new permit.
- C. Sewage treatment facility generating reclaimed water.
1. At the request of a permittee holding an individual Aquifer Protection Permit, the Department shall amend an individual Aquifer Protection Permit issued before January 1, 2001 if the permittee adequately demonstrates that the applicable quality of reclaimed water produced for direct reuse is achieved. The Department shall review:
    - a. The information in the individual Aquifer Protection Permit application, any applicable supporting documentation, and the water quality test results from the previous two years to determine the classification of reclaimed water generated by the sewage treatment facility; and
    - b. The available water quality data if the sewage treatment facility has operated for less than two years.
  2. The Department shall ensure that issue an amended individual Aquifer Protection Permit under procedures specified under 18 A.A.C. 9, Article 2 contains containing:
    - a. Identification of the class of reclaimed water generated by the facility;
    - b. Requirements for monitoring reclaimed water quality and flow at a frequency appropriate to demonstrate compliance with this Article and 18 A.A.C. 11, Article 3;
    - c. Requirements for quarterly reporting of the following data to the Department, any reclaimed water agent who has contracted for delivery of reclaimed water from the facility, and any end user who has not waived interest in receiving this information:
      - i. Water quality test results demonstrating that reclaimed water produced by the facility meets the applicable standards for the class of water identified in subsection (C)(2)(a), and
      - ii. The total volume of reclaimed water generated for direct reuse.
    - d. Provision for cessation of delivery, if necessary, and storage or disposal if reclaimed water cannot be delivered for direct reuse.

#### **R18-9-B702. General Requirements**

- A. Sewage treatment facility. ~~Except for permits continued under R18-9-703(A), a~~ A sewage treatment facility owner or operator shall provide reclaimed water for direct reuse only as authorized under an individual Aquifer Protection Permit amended under R18-9-703(C)(2).
- B. Additional treatment. If an owner or operator of a facility accepts reclaimed water and provides additional treatment for a higher quality direct reuse, the facility is considered a sewage treatment facility and shall operate under the requirements of provide reclaimed water for direct reuse only as authorized under an individual Aquifer Protection Permit amended under R18-9-703(C)(2).
- C. Reclaimed water blending facility. An owner or operator of a reclaimed water blending facility shall not conduct blending operations without obtaining only as authorized under a Reclaimed Recycled Water Individual Permit or Reclaimed a Type 3 Recycled Water General Permit for a Reclaimed Water Blending Facility.
- D. Reclaimed water agent. A person shall not operate as a reclaimed water agent without obtaining only as authorized under a Reclaimed Recycled Water Individual Permit or a Reclaimed Type 3 Recycled Water General Permit for a Reclaimed Water Agent.
- E. End user. A person shall not directly reuse reclaimed water unless permitted under this Article.
- F. Irrigating with reclaimed water. A permittee irrigating with reclaimed water applying reclaimed water for an irrigation use allowed in Chapter 11, Article 3, Table A shall:
  1. Use application methods that reasonably preclude human contact with reclaimed water;
  2. Prevent reclaimed water from standing on open access areas during normal periods of use; and
  3. Prevent reclaimed water from coming into contact with drinking fountains, water coolers, or eating areas; and
  4. Secure hose bibbs discharging reclaimed water to prevent use by the public.
- G. Hose bibbs. A permittee directly reusing reclaimed water shall secure hose bibbs discharging reclaimed water to prevent use by the public.
- ~~G.H.~~ H. Prohibited activities.
  1. Irrigating with untreated sewage;
  2. Providing water for human consumption from a reclaimed water source except as allowed in Part E of this article.
  - 2-3. Providing or using reclaimed water for any of the following activities:
    - a. Direct reuse for human consumption;
    - b-a. Direct reuse for swimming, wind surfing, water skiing, or other full-immersion water activity with a potential of ingestion; or
    - e-b. Direct reuse for evaporative cooling or misting.
  - 3-4. Misapplying reclaimed water for any of the following reasons:
    - a. Application of a stated class of reclaimed water that is of lesser quality than allowed by this Article for the type of direct reuse application;
    - b. Application of reclaimed water to any area other than a direct reuse site; or
    - c. Allowing runoff of reclaimed water or reclaimed water mixed with stormwater from a direct reuse site, except for:
      - i. agricultural return flow that is directed onto an adjacent field or returned to an open water conveyance; or
      - ii. a discharge authorized by an individual or general NPDES or AZPDES permit.
- H-I. Signage and Notification. A permittee shall place and maintain signage at locations and provide applicable notification as specified in Table 1 so the public is informed that reclaimed water is in use and that no one should drink from the system.



Table 1. Signage and Notification Requirements for Direct Reuse Sites

Reclaimed Water Class	Hose Bibbs	Residential Irrigation	Schoolground Irrigation	Other Open Access Irrigation	Restricted Access Irrigation	Mobile Reclaimed Water Dispersal
A+	Each bibb	Front yard, or all entrances to a subdivision if the signage is supplemented by written yearly notification to individual homeowners by the homeowner's association.	On premises visible to staff and students	None	None	<del>Back of truck or on-tank</del> <u>On dispersal equipment and visible to the public</u>
A	Each bibb	Front yard, or all entrances to a subdivision if the signage is supplemented by written yearly notification to individual homeowners by the homeowner's association.	On premises visible to staff and students	None	None	<del>Back of truck or on-tank</del> <u>On dispersal equipment and visible to the public</u>
B+	Each bibb	Direct Reuse Not Allowed	Direct Reuse Not Allowed	Direct Reuse Not Allowed	1. Ingress points 2. On premises or at reasonably spaced intervals not more than 1/4 mile, as applicable to the use 3. Notice on golf score cards, if applicable	<del>Back of truck or on-tank</del> <u>On dispersal equipment and visible to the public</u>
B	Each bibb	Direct Reuse Not Allowed	Direct Reuse Not Allowed	Direct Reuse Not Allowed	1. Ingress points 2. On premises or at reasonably spaced intervals not more than 1/4 mile, as applicable to the use 3. Notice on golf score cards, if applicable	<del>Back of truck or on-tank</del> <u>On dispersal equipment and visible to the public</u>
C	Each bibb	Direct Reuse Not Allowed	Direct Reuse Not Allowed	Direct Reuse Not Allowed	1. Ingress points 2. On premises or at reasonably spaced intervals not more than 1/4 mile, as applicable to the use	<del>Back of truck or on-tank</del> <u>On dispersal equipment and visible to the public</u>

Note: All impoundments with open access including lakes, ponds, ornamental fountains, waterfalls, and other water features shall be posted with signs regardless of the class of reclaimed water.

**J. Pipeline Conveyances of Reclaimed Water.**

1. Applicability. Any person constructing a pipeline conveyance, whether new or a replacement of an existing pipeline, shall meet the requirements of this subsection.
2. A person shall design and construct a pipeline conveyance system using good engineering judgement following standards of practice.
3. A person shall construct a pipeline conveyance so that:
  - a. Reclaimed water does not find its way into, or otherwise contaminate, a potable water system;
  - b. System structural integrity is maintained; and
  - c. The capability for inspection, maintenance, and testing is maintained.
4. A person shall construct a pipeline conveyance and all appurtenances conducting reclaimed water to withstand a static pressure of at least 50 pounds per square inch greater than the design working pressure without leakage as determined in R18-9-E301(D)(2)(j).
5. A person shall provide a pipeline conveyance with thrust blocks or restrained joints where needed to prevent excessive movement of the pipeline.
6. The following requirements for minimum separation distance apply. A person shall:



- a. Locate a pipeline conveyance no closer than 50 feet from a drinking water well unless the pipeline conveyance is constructed as specified under subsection (J)(5)(c);
  - b. Locate a pipeline conveyance no closer than two feet vertically nor six feet horizontally from a potable water pipeline unless the pipeline conveyance is constructed as specified under subsection (J)(5)(c);
  - c. Construct a pipeline conveyance that does not meet the minimum separation distances specified in subsections (J)(5)(a) and (J)(5)(b) by encasing the pipeline conveyance in at least six inches of concrete or using mechanical joint ductile iron pipe or other materials of equivalent or greater tensile and compressive strength at least 10 feet beyond any point on the pipeline conveyance within the specified minimum separation distance; and
  - d. If a reclaimed water system is supplemented with water from a potable water system, separate the potable water system from the pipeline conveyance by an air gap.
7. A person shall:
- a. For a pipeline conveyance, eight inches in diameter or less, use pipe marked on opposite sides in English: "CAUTION: RECLAIMED WATER, DO NOT DRINK" in intervals of three feet or less and colored purple or wrapped with durable purple tape.
  - b. For a mechanical appurtenance to a pipeline conveyance, ensure the mechanical appurtenance is colored purple or legibly marked to identify it as part of the reclaimed water distribution system and distinguish it from systems for potable water distribution and sewage collection.

**K. Open Water Conveyances of Reclaimed Water.**

1. This subsection applies to an open water conveyance, regardless of the date of construction.
2. A person shall maintain an open water conveyance to prevent release of reclaimed water except as allowed under federal and state regulations. The maintenance program shall include periodic inspections and follow-up corrective measures to ensure the integrity of conveyance banks and capacity of the conveyance to safely carry operational flows.
3. Signage for Class B+, B, and C Reclaimed Water. A person shall:
  - a. Ensure signs state: "CAUTION: RECLAIMED WATER, DO NOT DRINK," and display the international "do not drink" symbol;
  - b. Place signs at all points of ingress and, if the open water conveyance is operated with open access, at least every 1/4-mile along the length of the open water conveyance; and
  - c. Ensure signs are visible and legible from both sides of the open water conveyance.

**R18-9-B703. General Provisions for Reclaimed Recycled Water Individual Permit for Reclaimed Water General Provisions**

- A. A Reclaimed Recycled Water Individual Permit for Reclaimed Water is obtained under R18-9-705 R18-9-A703. A Reclaimed Recycled Water Individual Permit for Reclaimed Water:
1. Is valid for five years;
  2. May be amended, transferred, reissued, or revoked by the Director based on whether the permittee meets the terms of the individual permit and the requirements of this Article. Must be updated as prescribed by R18-9-A705; and
  3. Continues, pending the issuance of a new permit, with the same terms following its expiration if the following are met:
    - a. The permittee submits an application for a new permit at least 60 days before the expiration of the existing permit; and
    - b. The permitted activity is of a continuing nature.
- B. A Reclaimed Recycled Water Individual Permit for Reclaimed Water shall contain, if applicable:
1. The class of reclaimed water to be applied for direct reuse or the alternative water quality criteria appropriate for a direct reuse type not listed in 18 A.A.C. 11, Article 3, Table A that ADEQ may allow under R18-11-309;
  2. Specific types of direct reuse applications or and any limitations on reuse;
  3. Requirements for monitoring reclaimed water quality and flow to demonstrate compliance with this Article and 18 A.A.C. 11, Article 3;
  4. Requirements for reporting the following data to demonstrate compliance with this Article and 18 A.A.C. 11, Article 3:
    - a. Water quality test results demonstrating that the reclaimed water meets the applicable standards for the class of water or the alternative water quality criteria identified in subsection (B)(1), and
    - b. The total volume of reclaimed water generated for direct reuse.
  5. Requirements for maintaining records of all monitoring information and monitoring activities that include:
    - a. The date, description of sampling location, and time of sampling or measurement;
    - b. The name of the person who performed the sampling or measurement;
    - c. The date the analyses were performed;
    - d. The name of the person who performed the analyses;
    - e. The analytical techniques or methods used;
    - f. The results of the analyses; and
    - g. Documentation of sampling technique, sample preservation, and transportation, including chain-of-custody forms.
  6. Requirements to retain all monitoring activity records and results, including all original strip chart recordings data for continuous monitoring instrumentation, and calibration and maintenance records for five years from the date of sampling or analysis. The Director shall extend the five-year retention period:
    - a. During the course of an unresolved litigation regarding compliance with the permit conditions, or
    - b. For any other justifiable cause.
  7. A requirement to allow all end users access to the records of physical, chemical, and biological quality of the reclaimed water.
  8. Signage or other notification requirements appropriate to the use; and
  9. Closure requirements, if applicable.
- C. Permit transfer. A permittee may transfer a Reclaimed Water Individual Permit to another person if the following conditions are met:
1. The permittee notifies the Director of the proposed transfer.



- 2. The permittee submits a written agreement containing a specific date for the transfer of permit responsibility and coverage between the current permittee and the proposed new permittee, including an acknowledgment that the existing permittee is liable for violations up to the date of transfer and that the proposed new permittee will be liable for violations from that date forward.
- 3. The notice specified in subsection (C)(1) contains any information for the proposed new permittee that is changed from the information submitted under R18-9-705(B).
- 4. The Director, within 30 days of receiving a transfer notice from the permittee, does not notify both the current permittee and proposed new permittee of the intent to amend, revoke, or reissue the permit or require the proposed new permittee to file an application for a new permit rather than agreeing to transfer the current permit.

**R18-9-B704. Type 2 Reclaimed Recycled Water General Permit for Direct Reuse of Class A+ Reclaimed Water**

- A. A Type 2 Reclaimed Recycled Water General Permit for Direct Reuse of Class A+ Reclaimed Water allows any direct reuse application of reclaimed water listed in 18 A.A.C. 11, Article 3, ~~Appendix Table A~~, if the conditions in this Article are met.
- B. Record maintenance. A permittee shall maintain records for five years ~~that describe~~ describing the direct reuse site and the total amount of reclaimed water used annually for the permitted direct reuse activity. The records shall be made available to the Department upon request.
- C. A permittee shall post signs or provide notification or both as specified in ~~R18-9-704(H)~~ R18-9-B702(I).
- D. No lining is required for an impoundment storing Class A+ reclaimed water.

**R18-9-B705. Type 2 Reclaimed Recycled Water General Permit for Direct Reuse of Class A Reclaimed Water**

- A. A Type 2 Reclaimed Recycled Water General Permit for the Direct Reuse of Class A Reclaimed Water allows any direct reuse application of reclaimed water listed in 18 A.A.C. 11, Article 3, ~~Appendix Table A~~, if the conditions in this Article are met.
- B. Records and reporting. A permittee shall:
  - 1. Maintain records containing the following information for five years, and make them available to the Department upon request:
    - a. The direct reuse site,
    - b. The volume of reclaimed water applied monthly for each category of direct reuse activity listed in 18 A.A.C. 11, Article 3, ~~Appendix Table A~~,
    - c. The total nitrogen concentration of the reclaimed water applied, if applicable, and
    - d. The acreage and type of vegetation to which the reclaimed water is applied, if applicable.
  - 2. Report annually to the Department on or before the anniversary date of the Notice of Intent to Use Recycled Water:
    - a. The volume of reclaimed water received,
    - b. The type of reclaimed water application, and
    - c. If used for irrigation, the vegetation and acreage irrigated.
- C. Nitrogen management. A permittee shall ensure ~~that~~:
  - 1. Impoundments storing reclaimed water allowed by the general permit are lined using a low-hydraulic conductivity artificial or site-specific liner material achieving a calculated discharge rate less than 550 gallons per acre per day; and
  - 2. The application rates of the reclaimed water are based on one of the following:
    - a. ~~The~~ If assigned, the water allotment ~~assigned~~ specified by the Arizona Department of Water Resources;
    - b. A water balance that considers consumptive use of water by the crop, turf, or landscape vegetation; or
    - c. An alternative method approved by the Department.
- D. In addition to the Notice of Intent to Use Recycled Water for Direct Reuse of Reclaimed Water specified in ~~R18-9-708(B)(2)~~ R18-9-A704(B)(2), the applicant shall provide a list of impoundments, water depth, freeboard, and the liner characteristics and the method chosen from the list in subsection (C)(2).
- E. The permittee shall post signs or provide notification, or both, as specified in ~~R18-9-704(H)~~ R18-9-B702(I).

**R18-9-B706. Type 2 Reclaimed Recycled Water General Permit for Direct Reuse of Class B+ Reclaimed Water**

- A. A Type 2 Reclaimed Recycled Water General Permit for Direct Reuse of Class B+ Reclaimed Water allows any direct reuse application of Class B and Class C reclaimed water listed in 18 A.A.C. 11, Article 3, ~~Appendix Table A~~, if the conditions in this Article are met.
- B. A permittee shall comply with the record maintenance and posting requirements established under ~~R18-9-712~~ R18-9-B704 and make records available to the Department upon request.
- C. No lining is required for an impoundment storing Class B+ reclaimed water.

**R18-9-B707. Type 2 Reclaimed Recycled Water General Permit for Direct Reuse of Class B Reclaimed Water**

- A. A Type 2 Reclaimed Recycled Water General Permit for the Direct Reuse of Class B Reclaimed Water allows the direct reuse application of Class B and Class C reclaimed water listed in 18 A.A.C. 11, Article 3, ~~Appendix Table A~~, if conditions in this Article are met.
- B. A permittee shall comply with the requirements established under ~~R18-9-713(B)~~ R18-9-B705(B), (C), (D), and (E).

**R18-9-B708. Type 2 Reclaimed Recycled Water General Permit for Direct Reuse of Class C Reclaimed Water**

- A. A Type 2 Reclaimed Recycled Water General Permit for the Direct Reuse of Class C Reclaimed Water allows the direct reuse application of Class C reclaimed water listed in 18 A.A.C. 11, Article 3, ~~Appendix Table A~~, if conditions in this Article are met.
- B. A permittee shall comply with the requirements established under ~~R18-9-713(B)~~ R18-9-B705(B), (C), (D), and (E).

**R18-9-B709. Type 3 Reclaimed Recycled Water General Permit for a Reclaimed Water Blending Facility**

- A. Permit conditions.
  - 1. A Type 3 Reclaimed Recycled Water General Permit for a Reclaimed Water Blending Facility allows the blending of reclaimed water with other water, if the conditions in this Article are met.
  - 2. Blending reclaimed water with industrial wastewater or with reclaimed water from an industrial wastewater treatment plant is not authorized by this general permit.



- B. A person shall file with the Department a Notice of Intent to Operate a reclaimed water blending facility ~~at least 90 days before the date the proposed activity will start on a form provided by the Department.~~ The Notice of Intent to Operate shall include:
1. The name, address, e-mail address, and telephone number of the applicant;
  2. ~~The social security number of the applicant, if the applicant is an individual;~~
  - 3-2. The name, address, e-mail address, and telephone number of a contact person;
  - 4-3. The source and volume of reclaimed water to be blended;
  - 5-4. The class of reclaimed water to be blended;
  - 6-5. The source, volume, and quality of other water to be blended;
  - 7-6. ~~A legal description of the reclaimed water blending facility, including~~ The latitude and longitude coordinates of the blending facility;
  - 8-7. ~~A description of the reclaimed water blending facility, including a demonstration that the proposed blending methodology will meet the standards established in 18 A.A.C. 11, Article 3 for the class of reclaimed water the facility will produce;~~
  - 9-8. ~~A signature on the notice of intent certifying~~ The applicant's certification that the applicant agrees to comply with the requirements of this Article, 18 A.A.C. 11, Article 3, and the terms of this recycled water general permit; and
  - 10-9. ~~The applicable permit fee specified under 18 A.A.C. 14.~~
- C. A person shall not operate a reclaimed water blending facility until the Department issues a written ~~Verification of General Permit Conformance~~ Recycled Water Authorization under ~~R18-9-708(C) R18-9-A704(C).~~
- D. A permittee shall monitor:
1. The blended water quality for total nitrogen and fecal coliform at frequencies specified by the class of reclaimed water in 18 A.A.C. 11, Article 3.
    - a. If the concentration in the blended water of either total nitrogen or fecal coliform, as applicable, exceeds the limits for the applicable reclaimed water class established in 18 A.A.C. 11, Article 3, within 30 days of the exceedance, the permittee shall submit a report plan to the Department within 30 days with a proposal to change the blending process or to otherwise correct the deficiency. The permittee shall also double the monitoring frequency for the next ~~two~~ four months.
    - b. If another exceedance occurs within the interval of increased monitoring, the permittee shall submit an application within 45 days for a Reclaimed Recycled Water Individual Permit for Reclaimed Water.
  2. The volume of reclaimed water, the volume of the other water, and the total volume of blended water delivered for direct reuse on a monthly basis.
- E. The permittee shall report the results of the monitoring under subsection (D) to the Department ~~on or before the anniversary date of the verification approval~~ by January 31, for the immediately preceding calendar year, and shall make this information available to the end users.

**R18-9-B710. Type 3 Reclaimed Recycled Water General Permit for a Reclaimed Water Agent**

- A. A Type 3 Reclaimed Recycled Water General Permit for a Reclaimed Water Agent allows a person to operate as a Reclaimed Water Agent if ~~that~~ the conditions of this Article are met, and the following conditions are met for the class of reclaimed water delivered by the Reclaimed Water Agent:
1. Signage and notification requirements specified under ~~R18-9-704(H) R18-9-B702(I)~~, as applicable;
  2. Impoundment liner requirements specified under ~~R18-9-712(D), R18-9-713(C), R18-9-714(C), R18-9-715(B), or R18-9-716(B) R18-9-B704(D), R18-9-B705(C), R18-9-B706(C), R18-9-B707(B) or R18-9-B708(B)~~, as applicable; and
  3. Nitrogen management requirements specified under ~~R18-9-713(C), R18-9-715(B), and R18-9-716(B) R18-9-B705(C), R18-9-B707(B), R18-9-B708(B)~~, as applicable.
- B. A person holding a Type 3 Reclaimed Recycled Water Permit for a Reclaimed Water Agent:
1. Is responsible for the direct reuse of reclaimed water by more than one end user instead of direct reuse by the end users under separate Type 2 Recycled Water General Permits, and
  2. Shall maintain a contractual agreement with each end user stipulating any end user responsibilities for the requirements specified under subsection (A).
- C. A person shall file with the Department a Notice of Intent to Operate as a reclaimed water agent ~~at least 90 days before the date the proposed activity will start.~~ The Notice of Intent to Operate shall include:
1. The name, address, e-mail address, and telephone number of the applicant;
  2. ~~The social security number of the applicant, if the applicant is an individual;~~
  - 3-2. The name, address, e-mail address, and telephone number of a contact person;
  - 4-3. The following information for each end user to be supplied reclaimed water by the applicant:
    - a. The name, address, e-mail address, and telephone number of the end user;
    - b. ~~A legal description of each direct reuse site, including~~ A system map showing the locations of the direct reuse sites and the latitude and longitude coordinates of each site; and
    - c. A description of each direct reuse activity, including the type of vegetation, acreage, and annual volume of reclaimed water to be used, unless Class A+ or Class B+ reclaimed water is delivered.
  - 5-4. The source, class, and annual volume of reclaimed water to be delivered by the applicant;
  - 6-5. A description of the contractual arrangement between the applicant and each end user, including any end user responsibilities for the requirements specified under subsection (A); and
  - 7-6. The applicable permit fee specified under 18 A.A.C. 14.
- D. A proposed reclaimed water agent shall not distribute reclaimed water to end users until the Department issues a written ~~Verification of General Permit Conformance~~ Recycled Water Authorization issued under ~~R18-9-708(C) R18-9-A704(C).~~
- E. A reclaimed water agent shall record and annually report the following information to the Department, ~~on or before each anniversary date of the verification approval~~ by January 31, for the immediately preceding year:
1. The total volume of reclaimed water delivered by the reclaimed water agent;
  2. The volume of reclaimed water delivered to each end user for Class A, Class B, and Class C reclaimed water; and



- 3. Any change in the information submitted under subsection (C).
- F. The reclaimed water agent shall notify the Department before the end of each calendar year of any changes in the information submitted under subsection (C).

**PART C. RECYCLED INDUSTRIAL WASTEWATER**

**R18-9-C701. Reclaimed Recycled Water Individual Permit Where for Industrial Wastewater Influences the Characteristics of Reclaimed Water That Is Reused**

- A. The following activities are prohibited unless a Reclaimed Recycled Water Individual Permit is obtained under ~~R18-9-705~~ R18-9-A703:
  - 1. ~~Direct reuse~~ Use of reclaimed water from a sewage treatment facility that is combined with industrial wastewater or ~~that is combined with reclaimed~~ water from an industrial wastewater treatment facility.
  - 2. ~~Direct reuse~~ Use of reclaimed water from an industrial wastewater treatment facility for production or processing of a crop or substance that may be used as human or animal food.
- B. In addition to the requirements in ~~R18-9-705(B)~~ R18-A703(A), an application for a Reclaimed Recycled Water Individual Permit shall include:
  - 1. Each source of the industrial wastewater with Standard Industrial Code or North American Industry Classification System Code, and the projected rates and volumes from each source;
  - 2. The chemical, biological, and physical characteristics of the industrial wastewater from each source; and
  - 3. If reclaimed water will be used in the processing of any crop or substance that may be used as human or animal food, the information regarding food safety and any potential adverse health effects of this direct reuse.

**PART D. GRAY WATER**

**R18-9-D701. Type 1 Reclaimed Recycled Water General Permit for Gray Water**

- A. A Type 1 Reclaimed Recycled Water General Permit for Gray Water allows private residential ~~direct reuse~~ use of gray water for a flow of less than 400 gallons per day if all the following conditions are met:
  - ~~1. Human contact with gray water and soil irrigated by gray water is avoided;~~
  - ~~2.1.~~ Gray water originating from the residence is used and contained within the property boundary for household gardening, composting, ~~lawn watering,~~ or landscape irrigation watering;
  - ~~2.~~ Human contact with gray water and soil watered by gray water is avoided;
  - ~~3.~~ Surface application of gray water is not used for irrigation watering of food plants, except for ~~citrus and nut trees and shrubs which have an edible portion that does not come into contact with the gray water;~~
  - ~~4.~~ The gray water does not contain hazardous chemicals derived from activities such as cleaning car parts, washing greasy or oily rags, or disposing of waste solutions from ~~home photo labs or similar~~ hobbyist or home occupational activities;
  - ~~5.~~ The gray water does not contain water used to wash diapers or similarly soiled or infectious garments;
  - ~~5-6.~~ The application of gray water is managed to minimize standing water on the surface by using measures such as avoiding overwatering, distributing the gray water beneath a mulch or other cover, and using best practices to improve soil condition and increase filtration;
  - ~~6-7.~~ The gray water system is constructed so that if If blockage, plugging, or backup, or overload of the system occurs, gray water can be directed into the sewage collection system or on-site wastewater treatment and disposal system, as applicable gray water distribution shall cease until the deficiency is corrected. The gray water system may include a means of filtration components to reduce ~~plugging and blockage and backup and be operated using best practices to extend system lifetime;~~
  - ~~7-8.~~ Any gray Gray water storage tank is surge tanks, if any, are covered to restrict access and to eliminate habitat for mosquitoes or other vectors, and holding time is 24 hours or less to avoid development of anaerobic conditions and odors;
  - ~~8-9.~~ The gray water system is sited outside of a floodway;
  - ~~9-10.~~ The gray water system is operated to maintain a minimum vertical separation distance of at least five feet from the point of gray water application to the top of the seasonally high groundwater table;
  - ~~10-11.~~ For a ~~residence~~ residence using an on-site wastewater treatment facility for black water treatment and disposal, the use of a gray water system does not change the design, capacity, or reserve area requirements for the on-site wastewater treatment facility at the residence, and ensures ~~that~~ the facility can handle the combined black water and gray water flow ~~if the gray water system fails or is not fully used;~~
  - ~~11-12.~~ Any pressure piping used in a gray water system that may be susceptible to cross connection with a potable water system clearly indicates ~~that~~ the piping does not carry potable water; and
  - ~~12.~~ Gray water applied by surface irrigation does not contain water used to wash diapers or similarly soiled or infectious garments unless the gray water is disinfected before irrigation; and
  - ~~13.~~ Surface ~~irrigation by~~ application of gray water is only by flood or drip ~~irrigation distribution methods.~~ Flood distribution methods may include containment by horticultural mulch basins and swales.
- B. Prohibitions. The following are prohibited:
  - 1. Gray water use for purposes other than irrigation watering and composting, and
  - 2. ~~Spray irrigation.~~ Application of gray water by a spray method.
- C. Towns, cities, or counties may further limit the use of gray water described in this Section by rule or ordinance.

**R18-9-D702. Type 3 Reclaimed Recycled Water General Permit for Gray Water**

- A. A Type 3 Reclaimed Recycled Water General Permit for Gray Water allows ~~a for the use of~~ gray water ~~irrigation system~~ for landscape irrigation and composting if:
  - 1. The general permit described in ~~R18-9-711~~ R18-9-D701 does not apply,
  - 2. The flow is not more than 3000 gallons per day, and



3. The gray water system satisfies the notification, design, and installation requirements specified in ~~subsection~~ subsections (B) and (C).
- B.** A person shall file a Notice of Intent to Operate a Gray Water Irrigation System with the Department ~~at least 90 days before the date the proposed activity will start on a form provided by the Department.~~ The Notice of Intent to Operate shall include:
1. The name, address, e-mail address, and telephone number of the applicant;
  2. ~~The social security number of the applicant, if the applicant is an individual;~~
  3. ~~A legal description of the direct reuse site, including~~ The latitude and longitude coordinates;
  3. ~~A description of the sources of gray water and calculations demonstrating the flow is not more than 3000 gallons per day;~~
  4. Design plans for the gray water irrigation system;
  5. ~~A signature on the Notice of Intent to Operate certifying~~ The applicant's certification that the applicant agrees to comply with the requirements of this Article and the terms of this Reclaimed Recycled Water General Permit for Gray Water; and
  6. The applicable permit fee specified under 18 A.A.C. 14.
- C.** The following ~~technical~~ requirements apply to the design, ~~and installation, and operation~~ of a gray water irrigation system allowed under this Reclaimed Recycled Water General Permit for Gray Water:
1. ~~Design of the gray water irrigation system shall meet the on-site wastewater treatment facility requirements under R18-9-A312(C), (D)(1), (D)(2), (E)(1), (G), and R18-9-E302(C)(1), except the septic tank specified in R18-9-E302(C)(1) is not required if pretreatment of gray water is not necessary for the intended application;~~
  2. ~~Design of the dispersal trenches for the gray water irrigation system shall meet the on-site wastewater treatment facility requirements for shallow trenches specified in R18-9-E302(C)(2);~~
  3. ~~The depth of the gray water dispersal trenches shall be appropriate for the intended irrigation use but not more than 5 feet below the finished grade of the native soil; and~~
  4. ~~The void space volume of the aggregate fill in the gray water dispersal trench below the bottom of the distribution pipe shall have enough capacity to contain two days of gray water at the design flow.~~
    1. ~~Human contact with gray water and soil irrigated by gray water is avoided;~~
    2. ~~Gray water is not applied to an exposed surface but into a bed or trench of permeable material, through piping installed below the soil surface, or by similar means. Spray irrigation of gray water is not allowed. The application of gray water shall not result in standing water on the surface;~~
    3. ~~The design shall ensure gray water is used and contained within the property boundary for landscape irrigation or composting;~~
    4. ~~Gray water is not used for irrigation of food plants, except for trees and shrubs which have an edible portion that does not come into contact with the gray water;~~
    5. ~~The gray water may contain water from drinking fountains but does not contain hazardous chemicals derived from industrial, hobbyist, or similar activities at the site;~~
    6. ~~Gray water does not contain water used to wash diapers or similarly soiled or infectious garments;~~
    7. ~~The gray water system is constructed so if blockage, plugging, or backup of the system occurs, gray water can be directed into the sewage collection system or on-site wastewater treatment and disposal system, as applicable;~~
    8. ~~Gray water surge tanks, if any, are covered to restrict access and to eliminate habitat for mosquitoes or other vectors, and holding time is 24 hours or less to avoid development of anaerobic conditions and odors;~~
    9. ~~The gray water system is sited outside of a floodway;~~
    10. ~~The gray water system is operated to maintain a minimum vertical separation distance of at least five feet from the point of gray water application to the top of the seasonally high groundwater table;~~
    11. ~~If an on-site wastewater treatment facility is used for black water treatment and disposal, the use of a gray water system does not change the design, capacity, or reserve area requirements for the on-site wastewater treatment facility so the facility may handle the combined black water and gray water flow; and~~
    12. ~~Any piping used in a gray water system susceptible to cross connection with a potable water system clearly indicates the piping does not carry potable water.~~
- D.** ~~The applicant shall not operate the gray water system until the Department issues a written Recycled Water Authorization under R18-9-A704(C).~~
- E.** ~~The Department may review design plans and details and accept a gray water irrigation system~~ issue a Recycled Water Authorization that differs from the requirements specified in subsection (C) if the system provides equivalent performance and protection of human health and water quality.
- F.** ~~In the Recycled Water Authorization, the Department may require a permittee to report data or information for any of the conditions in this section if the Department deems the reporting necessary to protect human health or water quality or both.~~

#### PART E. PURIFIED WATER FOR POTABLE USE

##### **R18-9-E701. Recycled Water Individual Permit for an Advanced Reclaimed Water Treatment Facility.**

- A.** An application for a Recycled Water Individual Permit for an Advanced Reclaimed Water Treatment Facility must be submitted to the Department according to the requirements in R18-9-A703, as applicable.
- B.** Safe Drinking Water Act. For purposes of Safe Drinking Water Act requirements, water produced by an Advanced Reclaimed Water Treatment Facility shall be treated as surface water.
- C.** Design Report. In addition to the information required by subsection (A), the applicant shall submit a design report for the Advanced Reclaimed Water Treatment Facility according to a form prescribed by the Department and certified by an Arizona-registered professional engineer. The design report must include the following information:
1. Characterization of source water quantity and quality, including:
    - a. Average and anticipated minimum and maximum source water flows to the facility;



- b. Concentrations of the source water’s physical, microbiological, and chemical constituents regulated for drinking water Maximum Contaminant Levels under the Safe Drinking Water Act and which the Department determines are appropriate for the particular facility and source water;
- c. Description and concentrations of constituents in the source water used for unit treatment process monitoring and assessment of unit treatment process efficacy, and
- d. A list of unregulated microbial and chemical constituents and corresponding concentrations in the source water a facility proposes to monitor in order to assess the treatment effectiveness of the overall treatment train. The particular constituents will depend on consideration of factors, such as:
  - i. Occurrence of the constituent in source and local waters.
  - ii. Availability of standardized laboratory methods for quantification of the constituent.
  - iii. Usefulness as representatives of or surrogates for larger classes of constituents, and
  - iv. Availability of toxicity data for the constituent.
- 2. Description of, and results from, the pilot water treatment system for the facility or of analogous systems where comparable treatment components are demonstrated as appropriate for treating the particular characteristics of the applicant’s proposed source water;
- 3. Identification and description of the technologies, processes, methodologies, and process control monitoring to be employed for microbial control;
- 4. Logarithmic reduction targets for microbial control, to ensure the product water is free of pathogens and suitable for potable use;
- 5. Identification and description of technologies, processes, methodologies and process control monitoring for chemical control;
- 6. Plan for monitoring the product water for public health protection;
- 7. Commissioning and startup plan, including preoperational and startup testing and monitoring, expected time-frame for meeting full operational performance, and any other special startup condition meriting consideration in the individual permit;
- 8. Operation and maintenance plan including corrective actions for out-of-range monitoring results and contingencies for non-compliant water;
- 9. Operator training plan; and
- 10. Documentation of technical, financial, and management capability.



**NOTICES OF RULEMAKING DOCKET OPENING**

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

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

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

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

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

**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

[R17-101]

- 1. Title and its heading:** 18, Environmental Quality
- Chapter and its heading:** 9, Department of Environmental Quality – Water Pollution Control
- Articles and their headings:** 6, Reclaimed Water Conveyances  
7, Direct Reuse of Reclaimed Water
- Parts and their headings:** A, General Provisions  
B, Reclaimed Water  
C, Recycled Industrial Wastewater  
D, Gray Water  
E, Purified Water for Potable Use
- Section numbers:** R18-9-601 through R18-9-603  
R18-9-701 through R18-9-720  
*(Sections may be added, deleted, or modified as necessary)*

**2. The subject matter of the proposed rule:**  
Reclaimed water is highly treated wastewater from a wastewater treatment plant. A.R.S. § 49-201(32). Reclaimed water has uses such as for irrigation. Using reclaimed water offsets and conserves potable water for human consumption and domestic purposes. The Arizona Department of Environmental Quality (ADEQ) is developing changes to the reclaimed water rules, including the gray water requirements. ADEQ is considering changes to all the reclaimed water rules, including:

- The pipeline and open water conveyances in 18 A.A.C. 9, Article 6 (Reclaimed Water Conveyances),
- The permitting requirements in 18 A.A.C. 9, Article 7 (Direct Reuse of Reclaimed Water), and
- Reclaimed water uses and standards in 18 A.A.C. 11, Article 3 (Reclaimed Water Quality Standards).

ADEQ held statewide listening sessions over winter and spring 2016. ADEQ has engaged with a group of interested stakeholders to develop proposed rule changes. ADEQ will publish proposed rule changes with this Notice of Rulemaking Docket Opening. Such proposed rule changes mark the first of three phases of rulemaking that ADEQ intends to make to the reclaimed water rules.

Please check the website: <http://www.azdeq.gov/draft-and-proposed-rule-water-quality-division> for further details and the opportunity to sign up to receive e-mail updates.

**3. A citation to all published notices relating to the proceeding:**  
Notice of Proposed Rulemaking: 23 A.A.R. 1663, June 23, 2017 (*in this issue*)

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

Name: Heidi Haggerty (Welborn)  
 Telephone: (602) 771-4815, or (800) 234-5677, ext. 771-4815  
 Fax: (602) 771-4834  
 E-mail: [Haggerty.heidi@azdeq.gov](mailto:Haggerty.heidi@azdeq.gov)  
 Address: Arizona Department of Environmental Quality  
 Water Quality Division  
 1110 W. Washington Street  
 Phoenix, AZ 85007  
 Web Site: <http://www.azdeq.gov/draft-and-proposed-rule-water-quality-division>

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

Written comments on this rulemaking may be submitted at any time to the person referenced in item # 4 above. Formal written comments for the rulemaking record should be submitted after publication of the Notice of Proposed Rulemaking in the *Arizona*



*Administrative Register* and prior to the close of public record date, which is 5:00 p.m. on July 25, 2017.

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

ADEQ is filing proposed rule changes with this Notice of Rulemaking Docket Opening, marking its first of three rulemaking phases to modify the reclaimed water rules.




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## NOTICES OF SUBSTANTIVE POLICY STATEMENT

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The Administrative Procedure Act (APA) requires the publication of Notices of Substantive Policy Statement issued by agencies (A.R.S. § 41-1013(B)(14)).

Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice.

Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal

procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

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

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### NOTICE OF SUBSTANTIVE POLICY STATEMENT DEPARTMENT OF ENVIRONMENTAL QUALITY

[M17-124]

**1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**

Temporary Interpretation of "Direct Reuse for Human Consumption," Rev. 3001.2017

**2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**

Issued: April 27, 2017

Effective: April 27, 2017

**3. Summary of the contents of the substantive policy statement:**

This guidance document has been developed by the Water Quality Division (WQD) of the Arizona Department of Environmental Quality (ADEQ) to establish a temporary interpretation of "direct reuse for human consumption" under A.A.C. R18-9-704 (2016). The policy is valid until ADEQ next modifies its reclaimed water rules in 18 A.A.C. 9, Article 7.

The policy clarifies that "direct reuse for human consumption" does not include providing, for human consumption, water from a Class A+ or Class B+ reclaimed water source if the reclaimed water has been further treated by a permitted advanced water treatment facility ("the Facility") that produces potable water. The policy also clarifies that Potable water properly produced by the Facility is no longer considered reclaimed water subject to regulation under 18 A.A.C. 9, Article 7.

The Facility is considered a reclaimed water end user and under the policy and rules must obtain a reclaimed water individual permit. The policy establishes that permit conditions will ensure that the Facility properly produces potable water and that the Facility will meet treatment performance standards. The policy establishes minimum treatment performance standards.

The policy allows for the advancement of new technology and innovation, increased augmentation of Arizona's water supply, and beneficial use of Class A+ or Class B+ reclaimed source water.

**4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**

A.R.S. § 49-203(a)(6)

A.A.C. R18-9-701

A.A.C. R18-9-704(G)

A.A.C. R18-9-705

A.A.C. R18-11-309

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

This is a new substantive policy statement.

**6. The agency contact person who can answer questions about the substantive policy statement:**

Name: Heidi Haggerty (Welborn), Water Quality Division Rules Specialist

Address: Department of Environmental Quality  
1110 W. Washington St.  
Phoenix, AZ 85007

Telephone: (602) 771-4815

Email: haggerty.heidi@azdeq.gov

**7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**

Copies of this Policy Statement are available at no cost on the Department's web site: [www.azdeq.gov](http://www.azdeq.gov), specifically at [http://static.azdeq.gov/legal/aqd\\_temp\\_interpret.pdf](http://static.azdeq.gov/legal/aqd_temp_interpret.pdf). Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page. The document is 14 pages.



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 2017-02

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

[M17-23]

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2017, as a notice to the public regarding state agencies' rulemaking activities.

WHEREAS, burdensome regulations inhibit job growth and economic development;

WHEREAS, job creators and entrepreneurs are especially hurt by red tape and regulations;

WHEREAS, all government agencies 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 of 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 eliminate rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government.
3. All directors of state agencies subject to this Order shall engage their respective regulated or stakeholder communities to solicit comment on which rules the regulated community believes to be overly burdensome and not necessary to protect consumers, public health, or public safety. Each agency shall submit a report regarding the aforementioned information to the Governor's Office no later than September 1, 2017.
4. 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.
5. 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.



6. This Executive Order expires on December 31, 2017.

**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 Eleventh day of January in the Year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST:**

**Michele Reagan**  
**SECRETARY OF STATE**



GOVERNOR PROCLAMATIONS

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

ACCESS TO JUSTICE MONTH

[M17-130]

WHEREAS, as citizens we commit ourselves to the goal of equal access to justice for all; and
WHEREAS, promotion of meaningful access to justice for all Arizonans helps build public confidence in the legal system; and
WHEREAS, most clients for indigent civil legal aid services are single heads of household with children, and many of them are victims of domestic violence; and
WHEREAS, it is important to secure to all persons, particularly those with limited financial resources, professional legal help and meaningful access to the courts, thereby creating meaningful opportunities to preserve families, protect victims of crime and uphold protection for all under the law; and
WHEREAS, many organizations and individuals – lawyers, legal professionals, judges, court staff and volunteers – work valiantly to promote access to justice for all, and their efforts deserve our support and recognition; and
WHEREAS, we celebrate over 100 years of Arizona’s legal community and judiciary working to assure equal access to justice for all Arizonans.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 2017 as

ACCESS TO JUSTICE MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona
Douglas A. Ducey
GOVERNOR
DONE at the Capitol in Phoenix on this thirteenth day of March in the year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.
ATTEST:
Michele Reagan
SECRETARY OF STATE

ADULT LEARN TO SWIM MONTH

[M17-131]

WHEREAS, the State of Arizona has twenty-four rivers, one hundred and sixty-two lakes, twenty-two reservoirs, nine canals and more than fifty-four public pools; and
WHEREAS, The Centers for Disease Control recognizes that exercising in water offers many physical and mental health benefits; and
WHEREAS, The Centers for Disease Control estimates that thirty-seven percent of American adults cannot swim and could not save themselves if they fell in water over their heads. With the inability to swim affecting people’s lives in a broad spectrum of ways with direct negative implications on American’s quality of life; and
WHEREAS, U.S. Masters Swimming (USMS), a 501(c)(3) nonprofit organization, represents 60,000 adult members who swim with its more than 1,500 local adult swim programs across the country; and
WHEREAS, adult drowning is a problem we can solve – teaching adults to swim is the cause of the USMS Swimming Saves Lives Foundation and they have provided grant resources to Master Swimming programs in Arizona so they may teach potentially thousands of adults who might not otherwise have the opportunity; and
WHEREAS, April is the ideal month for this designation as pools and other bodies of water open for the spring and summer seasons; and
WHEREAS, nationally, April is being recognized as Adult Learn to Swim Month, and with the help of state governments throughout our great nation highlighting this lifesaving effort, the commendable goal of making water available for fun, fitness and health to our fellow non-swimming neighbors can be attained.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 2017 as

ADULT LEARN TO SWIM MONTH



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

**Douglas A. Ducey**

**GOVERNOR**

**DONE** at the Capitol in Phoenix on this twelfth day of April in the year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST:**

**Michele Reagan**

**SECRETARY OF STATE**

#### ARIZONA ALCOHOL AWARENESS MONTH

[M17-132]

**WHEREAS**, excessive drinking is responsible for more than 4,300 deaths among underage youth each year; and

**WHEREAS**, alcohol is the most commonly used addictive substance in the United States; and

**WHEREAS**, young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21; and

**WHEREAS**, the typical American will see 100,000 beer commercials before he or she turns 18; and

**WHEREAS**, the average age of first use in Arizona is 13; and

**WHEREAS**, 22 percent of Arizona youth drank alcohol in the past 30 days; and

**WHEREAS**, kids who drink are more likely to be victims of violent crime, to be involved in alcohol-related traffic crashes, and to have serious school-related problems; and

**WHEREAS**, a supportive family environment is associated with lowered rates of alcohol use for adolescents; and

**WHEREAS**, kids who have conversations with their parents and learn about the dangers of alcohol and drug use are 50% less likely to use alcohol and drugs than those who don't have such conversations.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 2017 as

#### ARIZONA ALCOHOL AWARENESS MONTH

and call upon all citizens, parents, governmental agencies, public and private institutions, businesses, hospitals, schools and colleges in the State of Arizona to support efforts that will provide early education about alcoholism and addiction and increase support for individuals and families coping with alcoholism. Through these efforts, together, we can provide *Hope, Help and Healing* for those in our community who are facing challenges with alcohol use and abuse.

**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 fourteenth day of March in the year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST:**

**Michele Reagan**

**SECRETARY OF STATE**

#### ARIZONA ARBOR DAY

[M17-133]

**WHEREAS**, in 1872, the holiday called Arbor Day was first observed with the planting of more than a million trees, and is now recognized throughout the nation and world – reminding us that one person's initiative can make a lasting and meaningful difference; and

**WHEREAS**, the State of Arizona is committed to a community forestry program that supports a safe, resilient, and attractive urban forest for every citizen; and

**WHEREAS**, trees are a renewable resource that yield fruit and nuts for food and profit, wood for construction, fuel for warmth, paper products, and a wide variety of other goods and materials; and

**WHEREAS**, when properly selected, planted in the right places, and tended appropriately, trees increase property values, enhance economic vitality of business districts, mitigate the heat island effect, and provide buffers for traffic; and

**WHEREAS**, a healthy urban forest can bring a sense of vibrancy or respite, adventure or calm, escape or contentment, and connection to wild nature, amidst asphalt and concrete.



NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 28, 2017 as

**ARIZONA ARBOR DAY**

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

**Douglas A. Ducey**

**GOVERNOR**

**DONE** at the Capitol in Phoenix on this fourteenth day of March in the year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST:**

**Michele Reagan**

**SECRETARY OF STATE**

**ARIZONA BOYS AND GIRLS CLUB DAY**

[M17-134]

**WHEREAS**, Arizona Boys and Girls Clubs operate 52 neighborhood clubhouses in 34 cities, 12 counties, 10 Native American communities, and all five military bases throughout Arizona; and

**WHEREAS**, Arizona Boys and Girls Clubs provide year-round programs in five Core Service Areas: Education & Career Development; Character & Leadership Development; Health & Life Skills; The Arts; and Sports, Fitness & Recreation; and

**WHEREAS**, Boys and Girls Clubs in Arizona serve 112,775 Arizona children annually; and

**WHEREAS**, Boys and Girls Clubs exemplify the spirit of Arizona’s volunteerism through a diverse network of local, state, and national volunteers committed to improving the lives of over 3 million young people in America; and

**WHEREAS**, Boys and Girls Clubs have been investing in Youth Development generally at the local level for the past 60 years in Arizona, setting a shining example of what strong private and public partnerships can accomplish when Arizona communities step up to its responsibilities.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 11, 2017 as

**ARIZONA BOYS AND GIRLS CLUB DAY**

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

**Douglas A. Ducey**

**GOVERNOR**

**DONE** at the Capitol in Phoenix on this thirteenth day of March in the year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST:**

**Michele Reagan**

**SECRETARY OF STATE**

**ARIZONA EDUCATION AND SHARING DAY**

[M17-135]

**WHEREAS**, excellence in education is vital to the success of our nation and our city/state; and in the great state of Arizona we seek the betterment of our citizens, and look to instill each child and adolescent with a good education; and

**WHEREAS**, by preparing our students for the responsibilities and opportunities of the future, education develops the intellect through lessons in literacy, math, and science; and

**WHEREAS**, one shining example for all people of what education ought to be was provided by the Rebbe, Rabbi Menachem Schneerson, of righteous memory, a global spiritual leader who dedicated his life to the betterment of mankind. A tireless advocate for youth around the world, the Rebbe emphasized the importance of education and good character, and instilled the hope for a brighter future into the lives of countless people in America and across the globe; and

**WHEREAS**, the Rebbe taught that education, in general, should not be limited to the acquisition of knowledge and preparation for a career, or, in common parlance, “to make a better living,” and we must think in terms of a “better living” not only for the individual but also for the society as a whole, and that the educational system must, therefore, pay more attention, indeed the main attention, to the building of character, with emphasis on moral and ethical values; and

**WHEREAS**, in recognition of the Rebbe’s outstanding and lasting contributions toward improvements in world education, morality, and acts of charity, he has been awarded the Congressional Gold Metal, and the United States Congress has established his birth date as a national day to raise awareness and strength for the education of our children; and



**WHEREAS**, the President of the United States has paid recognition to the Rebbe's vision each year on that day by proclaiming it "Education & Sharing Day USA;" and

**WHEREAS**, the character of our young people is strengthened by serving a cause greater than self and by the anchor of virtues, including courage and compassion. By instilling a spirit of service in our children, we create a more optimistic future for them and our State.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 7, 2017 as

**ARIZONA EDUCATION AND SHARING DAY**

and call upon government officials, educators, volunteers, and citizens to reach out to young people and work to create a better, brighter, and more hopeful future for all.

**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 fifth day of April in the year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST:**

**Michele Reagan**

**SECRETARY OF STATE**

**ARIZONA INVASIVE PLANT PEST AND DISEASE AWARENESS MONTH**

[M17-136]

**WHEREAS**, Arizonans enjoy clean water, fresh air, safe neighborhoods, beautiful citrus and palms, lush landscapes, parks and green spaces, crop and food diversity, recreational destinations, wildlife habitats and prized natural resources; and

**WHEREAS**, the introduction and spread of terrestrial and aquatic invasive plant pests and diseases threaten our state's and our nation's trees, forests and food crops; and

**WHEREAS**, it is the desired goal of Arizona that citizens and visitors alike increase their understanding and awareness of these destructive plant pests and diseases and the environmental, ecological and economic impact of plant pests and diseases on Arizona and the nation; and

**WHEREAS**, by taking responsibility for our actions and being careful not to accidentally move invasive pests, we can curtail their human-assisted spread and help reduce the risk to Arizona's forests, landscapes, and agriculture; and

**WHEREAS**, spring marks the emergence of damaging pests that threaten our state and can hide in fruit, vegetables, plants, firewood or on familiar outdoor items or hitchhike on our cars, trucks, and campers; and

**WHEREAS**, pests are present year round, we must engage a cooperative spirit and environmental stewardship this month and all year long because the invasive species battle is nonstop; and

**WHEREAS**, Invasive Plant Pest and Disease Awareness Month is an opportunity for the government to join forces with schools, businesses, industry, environmental groups, community organizations, tourists and citizens to stop the spread of invasive pests; and

**WHEREAS**, during the month of April, the Arizona Departments of Agriculture, Forestry and Fire Management, State Land, and State Parks along with the Arizona Nursery Association and the United States Department of Agriculture, Animal and Plant Health Inspection Service will engage communities throughout Arizona in a coordinated and comprehensive education campaign.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 2017 as

**ARIZONA INVASIVE PLANT PEST AND DISEASE AWARENESS MONTH**

and urge all communities and citizens of Arizona to participate in efforts to protect Arizona's natural resources and economic interests by preventing the spread of invasive plant pests and diseases.

**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 fifth day of April in the year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST:**

**Michele Reagan**

**SECRETARY OF STATE**



ARIZONA SAFE DIGGING MONTH

[M17-137]

WHEREAS, each year, the nation’s underground utility infrastructure is jeopardized by unintentional damage by those who fail to call 811 and have underground lines located prior to digging; and

WHEREAS, undesired consequences such as serious and fatal injuries, interruption of vital services and damage to the environment are the potential results; and

WHEREAS, the Common Ground Alliance and its 1500 members, including Arizona 811, promote the National Call-before-you-dig-number, 811, in an effort to reduce these damages; and

WHEREAS, 811 provides potential excavators and homeowners a simple number to reach their local one call center to request utility line locations at the intended dig site; and

WHEREAS, through education of safe digging practices, excavators and homeowners can save time and money keeping our nation safe and connected by making a simple call to 811 before any digging project; waiting the required amount of time; respecting the marked lines by maintaining visual definition throughout the course of the excavation; and digging with care around the marks; and

WHEREAS, all parties agree that safe digging is no accident and protecting the public and preventing damage to underground utilities is a shared responsibility.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 2017 as

ARIZONA SAFE DIGGING MONTH

and I further encourage excavators and homeowners throughout Arizona to always call 811 before digging.

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 third day of February in the year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

ATTEST:

Michele Reagan

SECRETARY OF STATE

ARIZONA YOUTH SERVICE DAYS

[M17-138]

WHEREAS, young people under the age of 25 make up 1/3 of the United States population, and 1/2 of the world’s population; and

WHEREAS, Global Youth Service Day is the largest service event in the world and the only one that celebrates the contributions that children and youth make 365 days a year; and

WHEREAS, Global Youth Service Days partners span six continents, more than 100 countries, and all 50 states, together forming a global network of organizations committed to positive youth development; and

WHEREAS, for the second year in a row, Arizona has ranked number one in the world for most youth led service projects; and

WHEREAS, last year the youth in Arizona logged over 94,305 service hours, worth more than 2 million dollars, on Governor’s Youth Commission website; and

WHEREAS, youth are dedicated to making their communities healthier, smarter, and safer; and

WHEREAS, young people are uniquely suited to solve problems through service; and

WHEREAS, high quality service learning leads to increased academic engagement and success; and

WHEREAS, volunteering improves career and workforce readiness; and

WHEREAS, April 21 – 23, 2017 has been designated Global Youth Service Days to bring a statewide engagement of youth serving their communities and state through service projects.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 21 - 23, 2017 as

ARIZONA YOUTH SERVICE DAYS

in Arizona and encourage all citizens to recognize this observance by participating in meaningful youth led service projects and by logging those service hours and projects on BeSeenBeHeard.az.gov.

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 fifth day of April in the year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST:**

**Michele Reagan**

**SECRETARY OF STATE**

**BUSINESS CREDIT MANAGEMENT AWARENESS AND APPRECIATION MONTH**

[M17-139]

**WHEREAS**, Southwest Business Credit Services of Arizona (SWBCS), established in Arizona in 1927 is affiliated with the National Association of Credit Management (NACM), founded in 1896; and

**WHEREAS**, Southwest Business Credit Services is a leader in the business credit management arena and serves a diversified, member-owned association by providing a broad range of integrated business credit management services to credit managers and business owners'; and

**WHEREAS**, Southwest Business Credit Services is structured to provide today's sophisticated credit professional with an array of services second to none, all designed to help Arizona's business community avoid credit losses which ultimately could be harmful to the State's economy; and

**WHEREAS**, Southwest Business Credit Services continues an 81-year tradition of providing quality service and education to members through its accomplished staff and dedicated volunteers.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 2017 as

**BUSINESS CREDIT MANAGEMENT AWARENESS AND APPRECIATION MONTH**

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

**Douglas A. Ducey**

**GOVERNOR**

**DONE** at the Capitol in Phoenix on this seventh day of March in the year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST:**

**Michele Reagan**

**SECRETARY OF STATE**

**CHILD ABUSE PREVENTION MONTH**

[M17-140]

**WHEREAS**, in Fiscal Year 2016, Arizona's Department of Child Safety received over 49,937 reports involving alleged maltreatment of more than 77,698 children; and

**WHEREAS**, parenting is the single most important role as it lays the foundation for healthy children who thrive, strong communities and the future of the State of Arizona; and

**WHEREAS**, the community has a stake in ensuring that parents and guardians have the resources and supports they need to become successful and reduce adverse childhood experiences; and

**WHEREAS**, child abuse prevention requires partnerships among government agencies, schools, faith-based organizations, law enforcement, social service and community-based organizations, and families; and

**WHEREAS**, prevention works in communities with strong commitments to supporting families and building resilience in youth. Everyone can be involved in child abuse prevention by supporting local agencies and activities that provide opportunities and supports to at-risk families in need; and

**WHEREAS**, if you suspect child abuse or neglect is happening, call Arizona's Statewide Child Abuse Hotline or law enforcement immediately.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 2017 as

**CHILD ABUSE PREVENTION MONTH**

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

**Douglas A. Ducey**

**GOVERNOR**



**DONE** at the Capitol in Phoenix on this seventh day of April in the year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST:**  
**Michele Reagan**  
**SECRETARY OF STATE**

**COWBOY POETRY WEEK**

[M17-141]

**WHEREAS**, cowboy poetry celebrates today’s working West and its heritage, and throughout the history of the American West and through today, cowboy poets play a large part in preserving our western heritage and the culture of Arizona through poetry; and

**WHEREAS**, the long tradition and enduring qualities of these old poems and their stories demonstrate that cowboy poetry is part of a long-cherished legacy as well as today’s vibrant working West; and

**WHEREAS**, Arizona has produced numerous well-respected cowboy poets and each year, enthusiastically, hosts cowboy poetry events in Prescott, Sierra Vista, and other locations; and

**WHEREAS**, recognizing the contributions of these poets dates as far back as cowboys themselves and reflects the true culture, traditions and values of this great State.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 16 – 22, 2017 as

**COWBOY POETRY WEEK**

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

**Douglas A. Ducey**  
**GOVERNOR**

**DONE** at the Capitol in Phoenix on this thirteenth day of March in the year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST:**  
**Michele Reagan**  
**SECRETARY OF STATE**

**DAY OF REMEMBRANCE, MEMORIAL AND ASPIRATION IN THE BLACK APRIL MONTH**

[M17-142]

**WHEREAS**, the U.S. Armed Forces, of whom many service men and women were from Arizona, took part in the Vietnam War to help the Republic of Vietnam protect Freedom and Democracy for her People against the North Vietnamese Communist Invasion; and

**WHEREAS**, on April 30, 1975, the North Vietnamese, in violation of the 1973 Paris Peace Agreement, attacked and occupied the Republic of Vietnam, a country that had been recognized by 65 countries; and

**WHEREAS**, since April 30, 1975, of the millions of people who risked their lives to escape communist control, over four-hundred thousand men, women and children made the ultimate sacrifice; and

**WHEREAS**, April 30, in remembrance of the day Saigon was occupied by the North, leading to the fall of South Vietnam, is memorialized by the Vietnamese Diaspora as the Black April; and

**WHEREAS**, the Vietnamese immigrants and their descendants residing in Arizona deserve a chance to remember the darkest day that has befallen them; to thank the People of the United States of America and service men and women who assisted the Republic of Vietnam and those who have opened their arms to help Vietnamese immigrants resettle in the U.S.; and to look forward to a day when Vietnam and her people can, once again, live in Freedom and Democracy.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 30, 2017 as

**DAY OF REMEMBRANCE, MEMORIAL AND ASPIRATION IN THE BLACK APRIL MONTH**

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

**Douglas A. Ducey**  
**GOVERNOR**

**DONE** at the Capitol in Phoenix on this seventh day of April in the year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST:**  
**Michele Reagan**  
**SECRETARY OF STATE**



**DAYS OF REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST**

[M17-143]

**WHEREAS**, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945; and

**WHEREAS**, six million Jews were murdered, and millions more, who were targeted for racial, ethnic or national reasons, also suffered grievous oppression and death under Nazi tyranny; and

**WHEREAS**, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

**WHEREAS**, we the people of the State of Arizona should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and

**WHEREAS**, the people of the State of Arizona should actively rededicate themselves to the principles of individual freedom in a just society; and

**WHEREAS**, the Days of Remembrance have been set aside for the people of the State of Arizona to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 23 – 30, 2017 as

**DAYS OF REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST**

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

**Douglas A. Ducey**

**GOVERNOR**

**DONE** at the Capitol in Phoenix on this thirteenth day of March in the year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST:**

**Michele Reagan**

**SECRETARY OF STATE**

**DONATE LIFE MONTH**

[M17-144]

**WHEREAS**, organ, tissue, and cornea donation are life-giving acts recognized worldwide as expressions of generosity and compassion for those in need; and

**WHEREAS**, more than 118,000 individuals nationwide and more than 2,300 in Arizona are currently waiting for the gift of life through organ transplantation; and

**WHEREAS**, hundreds of lives each year are saved and healed by donors of organs, tissue, and corneas; and

**WHEREAS**, a single individual's donation of the heart, lungs, kidneys, pancreas, liver and small intestine can save up to eight lives; donation of tissue and corneas can save and heal the lives of up to 50 others; and

**WHEREAS**, more than 3 million Arizonans have joined the DonateLifeAZ Registry to ensure their wishes to be organ, tissue and cornea donors are honored; and

**WHEREAS**, Arizona residents can sign up and save lives with the DonateLifeAZ Registry online at [DonateLifeAZ.org](http://DonateLifeAZ.org) or when applying for or renewing their driver's licenses or identification cards at the Arizona Department of Transportation's Motor Vehicle Division.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim April 2017 as

**DONATE LIFE MONTH**

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

**Douglas A. Ducey**

**GOVERNOR**

**DONE** at the Capitol in Phoenix on this twenty-eighth day of February in the year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

**ATTEST:**

**Michele Reagan**

**SECRETARY OF STATE**

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

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Abbreviations for rulemaking activity in this Index include:

**PROPOSED RULEMAKING**

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

**SUPPLEMENTAL PROPOSED RULEMAKING**

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

**FINAL RULEMAKING**

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

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

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

**FINAL SUMMARY**

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

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

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

**SUPPLEMENTAL EXPEDITED**

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

**FINAL EXPEDITED**

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

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

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

**EXEMPT SUPPLEMENTAL PROPOSED**

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

**FINAL EXEMPT RULEMAKING**

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

**EMERGENCY RULEMAKING**

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

**RECODIFICATION OF RULES**

RC = Recodified

**REJECTION OF RULES**

RJ = Rejected by the Attorney General

**TERMINATION OF RULES**

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

**RULE EXPIRATIONS**

EXP = Rules have expired  
*See also “emergency expired” under emergency rulemaking*

**CORRECTIONS**

C = Corrections to Published Rules

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**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	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			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
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1



## 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.

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
March 3, 2017	March 24, 2017	April 24, 2017
March 10, 2017	March 31, 2017	May 1, 2017
March 17, 2017	April 7, 2017	May 8, 2017
March 24, 2017	April 14, 2017	May 15, 2017
March 31, 2017	April 21, 2017	May 22, 2017
April 7, 2017	April 28, 2017	May 30, 2017
April 14, 2017	May 5, 2017	June 5, 2017
April 21, 2017	May 12, 2017	June 12, 2017
April 28, 2017	May 19, 2017	June 19, 2017
May 5, 2017	May 26, 2017	June 26, 2017
May 12, 2017	June 2, 2017	July 3, 2017
May 19, 2017	June 9, 2017	July 10, 2017
May 26, 2017	June 16, 2017	July 17, 2017
June 2, 2017	June 23, 2017	July 24, 2017
June 9, 2017	June 30, 2017	July 31, 2017
June 16, 2017	July 7, 2017	August 7, 2017
June 23, 2017	July 14, 2014	August 14, 2017
June 30, 2017	July 21, 2017	August 21, 2017
July 7, 2017	July 28, 2017	August 28 2017
July 14, 2014	August 4, 2017	September 5, 2017
July 21, 2017	August 11, 2017	September 11, 2017
July 28, 2017	August 18, 2017	September 18, 2017
August 4, 2017	August 25, 2017	September 25, 2017
August 11, 2017	September 1, 2017	October 2, 2017
August 18, 2017	September 8, 2017	October 10, 2017
August 25, 2017	September 15, 2017	October 16, 2017
September 1, 2017	September 22, 2017	October 23, 2017
September 8, 2017	September 29, 2017	October 30, 2017
September 15, 2017	October 6, 2017	November 6, 2017
September 22, 2017	October 13, 2017	November 13, 2017



## 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 5 p.m. of the deadline date. The Council’s office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit [www.grrc.state.az.us](http://www.grrc.state.az.us).

### GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2017

[M16-300]

DEADLINE FOR PLACEMENT ON AGENDA	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
Tuesday November 22, 2016	Tuesday December 20, 2016	Wednesday December 28, 2016	Wednesday January 4, 2017
Tuesday December 27, 2016	Tuesday January 24, 2017	Tuesday January 31, 2017	Tuesday February 7, 2017
Tuesday January 24, 2017	Tuesday February 21, 2017	Tuesday February 28, 2017	Tuesday March 7, 2017
Tuesday February 21, 2017	Tuesday March 21, 2017	Tuesday March 28, 2017	Tuesday April 4, 2017
Tuesday March 21, 2017	Tuesday April 18, 2017	Tuesday April 25, 2017	Tuesday May 2, 2017
Tuesday April 25, 2017	Tuesday May 23, 2017	Wednesday May 31, 2017	Tuesday June 6, 2017
Tuesday May 23, 2017	Tuesday June 20, 2017	Tuesday June 27, 2017	Thursday July 6, 2017
Tuesday June 20, 2017	Tuesday July 18, 2017	Tuesday July 25, 2017	Tuesday August 1, 2017
Tuesday July 25, 2017	Tuesday August 22, 2017	Tuesday August 29, 2017	Wednesday September 6, 2017
Tuesday August 22, 2017	Tuesday September 19, 2017	Tuesday September 26, 2017	Tuesday October 3, 2017
Tuesday September 26, 2017	Tuesday October 24, 2017	Tuesday October 31, 2017	Tuesday November 7, 2017
Tuesday October 24, 2017	Tuesday November 21, 2017	Tuesday November 28, 2017	Tuesday December 5, 2017
Tuesday November 21, 2017	Tuesday December 19, 2017	Wednesday December 27, 2017	Wednesday January 3, 2018

\*Materials must be submitted by **5 P.M.** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.