



Arizona Administrative REGISTER

Published by the Department of State ~ Office of the Secretary of State

Vol. 24, Issue 10

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March 9, 2018

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From the Publisher

ABOUT THIS PUBLICATION

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

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

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

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

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

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

The printed *Code* is the official publication of a rule in the A.A.C., and 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 page.

Arizona Administrative REGISTER

Vol. 24

Issue 10

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SECRETARY OF STATE
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ADMINISTRATIVE REGISTER
This publication is available online for
free at www.azsos.gov.

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

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

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Participate in the Process

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

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

Write the agency

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

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

Arizona Regular Rulemaking Process



Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

About Preambles

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

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

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



NOTICES OF PROPOSED RULEMAKING

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

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 oral 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 2. ADMINISTRATION
CHAPTER 8. STATE RETIREMENT SYSTEM BOARD**

[R18-50]

PREAMBLE

- | <u>1. Article, Part or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|--|---------------------------------|
| R2-8-104 | Amend |
| R2-8-116 | Amend |
| R2-8-118 | Amend |
| R2-8-122 | Amend |
| R2-8-124 | Amend |
| R2-8-125 | Amend |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 38-714(E)(4)
 Implementing statutes: A.R.S. §§ 38-711, 38-735, 38-738, 38-740, and 38-749
 - 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rules:**
 Notice of Rulemaking Docket Opening: 24 A.A.R. 509, March 9, 2018 (*in this issue*)
 - 4. The agency's contact person who can answer questions about the rulemaking:**
 Name: Jessica A.R. Thomas, Rule Writer
 Address: Arizona State Retirement System
 3300 N. Central Ave., Suite 1400
 Phoenix, AZ 85012-0250
 Telephone: (602) 240-2039
 E-mail: JessicaT@azasrs.gov
 - 5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
 The ASRS needs to update R2-8-118, Application of Interest Rates, to add the new rate that was approved by the Board in December 2017. The rule needs to clarify when a member account stops accruing interest. In addition, all rules referring to the interest rate will require an update to incorporate consistent language, as well as remove any reference to system members.
 - 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material.**
 None
 - 7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
 Not applicable
 - 8. The preliminary summary of the economic, small business, and consumer impact:**
 There is little to no economic, small business, or consumer impact, other than the minimal cost to the ASRS to prepare the rule package. The rule will have minimal economic impact, if any, because it merely clarifies current statutory requirements without imposing any additional requirements on the public. These rules will increase the readability of the statutory requirements related



to interest rates, leading to a reduction in the resources the ASRS must expend in order to rectify an unintended consequence resulting from a misunderstanding of how interest rates are accrued and applied. Thus, the economic impact is minimized.

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

Name: Jessica A.R. Thomas, Rules Writer
Address: Arizona State Retirement System
3300 N. Central Ave., Suite 1400
Phoenix, AZ 85012-0250
Telephone: (602) 240-2039
E-mail: JessicaT@azasrs.gov

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

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

Date: April 16, 2018
Time: 9:00 a.m.
Location: Arizona State Retirement System
10th Floor Board Room
3300 N. Central Ave.
Phoenix, AZ 85012-0250

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

None

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

None of the rules requires a permit.

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

Federal law applies to retirement programs, but no federal law specifically applies to this rulemaking.

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

No analysis was submitted.

12. A list of 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 2. ADMINISTRATION
CHAPTER 8. STATE RETIREMENT SYSTEM BOARD**

ARTICLE 1. RETIREMENT SYSTEM

Section

- R2-8-104. Definitions
- R2-8-116. Alternate Contribution Rate
- R2-8-118. Application of Interest Rates
- R2-8-122. Remittance of Contributions
- R2-8-124. Termination Incentive Program by Agreement; Unfunded Liability Calculations
- R2-8-125. Termination Incentive Program by 30% Salary Increase; Unfunded Liability Calculations

ARTICLE 1. RETIREMENT SYSTEM

R2-8-104. Definitions

A. No change

B. Unless otherwise specified, in this Chapter:

1. "Actuarial assumption" means an estimate of an uncertain future event that affects pension liabilities, or assets, or both.
2. "Assumed actuarial investment earnings rate" means the assumed rate of investment return approved by the Board and contained in R2-8-118(A).
23. "Authorized employer representative" means an individual specified by the ASRS employer to provide the ASRS with information about a member who previously worked for the ASRS employer.
34. "Contribution" means:
 - a. Amounts required by A.R.S. Title 38, Chapter 5, Article 2 and Article 2.1 to be paid to the ASRS by a member or an employer on behalf of a member, ~~other than amounts attributed to the long-term disability program;~~



- b. Any voluntary amounts paid to the ASRS by a member to be placed in the member’s account; and
- c. Amounts credited by transfer under A.R.S. § 38-924.
- 45. “Day” means a calendar day, and excludes the:
 - a. Day of the act or event from which a designated period of time begins to run; and
 - b. Last day of the period if a Saturday, Sunday, or official state holiday.
- 56. “Designated beneficiary” means the same as in A.R.S. § 38-762(G).
- 67. “Director” means the Director appointed by the Board as provided in A.R.S. § 38-715.
- 78. “Individual retirement account” or “IRA” means the types of eligible retirement plans specified in A.R.S. § 38-770(D)(3)(a) and (b).
- 8. ~~“Investment return rate” means a percentage of total return on an asset.~~
- 9. “Party” means the same as in A.R.S. § 41-1001(14).
- 10. “Person” means the same as in A.R.S. § 41-1001(15).
- 11. “Plan” means the same as “defined benefit plan” in A.R.S. § 38-712(B), and as administered by the ASRS.
- 12. “Retirement account” means the same as in A.R.S. § 38-771(J)(2).
- 13. “Rollover” means a contribution to the ASRS by an eligible member of an eligible rollover distribution from one or more of the retirement plans listed in A.R.S. § 38-747(H)(2) and (H)(3).
- 14. ~~“System” means the same as “defined contribution plan” in A.R.S. § 38-769(O)(7), and as administered by the ASRS.~~
- 15. ~~“Terminate employment” means to end the employment relationship between a member and an ASRS employer with the intent that the member does not return to employment with an ASRS employer.~~
- 16. ~~“United States” means the same as in A.R.S. § 1-215(39).~~

R2-8-116. Alternate Contribution Rate

- A. No change
- B. No change
- C. No change
- D. No change
- E. If the employer does not remit the ACR by the date it is due pursuant to subsection (D), the ASRS shall charge interest on the ACR amount from the date it was due to the date the ACR payment is remitted to the ASRS at the ~~assumed actuarial interest rate~~ assumed actuarial investment earnings rate listed in ~~R2-8-118(B)~~ R2-8-118(A).
- F. No change

R2-8-118. Application of Interest Rates

A. Application of interest from inception of the ASRS Plan through the present is as follows:

Effective Date of Interest Rate Change	Assumed Actuarial Interest and Investment Return Rate <u>Assumed Actuarial Investment Earnings Rate</u>	Interest Rate Used to Determine Return of Contributions Upon Termination of Membership by Separation from Service by Other Than Retirement or Death		Interest Rate Used to Determine Survivor Benefits
7-1-1953	2.50%	2.50%		2.50%
7-1-1959	3.00%	3.00%		3.00%
7-1-1966	3.75%	3.75%		3.75%
7-1-1969	4.25%	4.25%		4.25%
7-1-1971	4.75%	4.75%		4.75%
7-1-1975	5.50%	5.50%		5.50%
7-1-1976	6.00%	5.50%		6.00%
7-1-1981	7.00%	5.50%		7.00%
7-1-1982	7.00%	7.00%		7.00%
7-1-1984	8.00%	8.00%		8.00%
7-1-2005	8.00%	4.00% for Plan Members	8.00% for System Members	8.00%
7-1-2013	8.00%	2.00% for Plan Members	8.00% for System Members	8.00%
<u>7-1-2018</u>	<u>7.50%</u>	<u>2.00%</u>		

- B. No change
- C. Notwithstanding subsection (B), the retirement account of each member stops accruing interest the last full month prior to the retirement date.

R2-8-122. Remittance of Contributions

- A. ~~Remittance of employee member contributions: Each state department and employer member of the ASRS, including, any county, municipality or political subdivision, Each Employer shall certify on each payroll the amount to be contributed by each one of their employee members of the ASRS and shall remit the amount of employee member contributions to the ASRS, together with such detailed report as may be required by the ASRS to identify the individual owner of each such member contribution, not later than 14 calendar days after the last day of each payroll period. Payments of employee member contributions not received in the offices of the ASRS by the 14th calendar day after the last day of the applicable payroll period shall become delinquent after that date and shall be~~



increased accrue, by interest at the rate of eight percent assumed actuarial investment earnings rate listed in R2-8-118(A) per annum from and after the date of delinquency until payment is received by the ASRS.

- B. Remittance of employee member contributions: Each state department and employer member of the ASRS, including, any county, municipality or political subdivision, Each Employer shall remit the amount of employer contributions to the ASRS not later than 14 calendar days after the last day of each payroll period. Payments of employer contributions not received in the offices of the ASRS by the 14th calendar day after the last day of the applicable payroll period shall become delinquent after that date and shall be increased accrue, by interest at the rate of eight percent assumed actuarial investment earnings rate listed in R2-8-118(A) per annum from and after the date of delinquency until payment is received by the ASRS.

R2-8-124. Termination Incentive Program by Agreement; Unfunded Liability Calculations

- A. No change
B. No change
C. No change
D. No change
E. No change
F. No change
G. No change
H. No change
I. No change
J. Pursuant to A.R.S. § 38-735(C), if the ASRS does not receive full payment from the Employer of the unfunded liability amount by the due date specified in the Termination Incentive Program Liability Invoice, the unpaid portion of the unfunded liability amount shall accrue interest at the assumed actuarial interest and investment rate contained in R2-8-118(A); assumed actuarial investment earnings rate listed in R2-8-118(A).
K. No change

R2-8-125. Termination Incentive Program by 30% Salary Increase; Unfunded Liability Calculations

- A. No change
B. No change
C. No change
D. No change
E. No change
F. No change
G. No change
H. No change
I. No change
J. No change
K. No change
L. Pursuant to A.R.S. § 38-735(C), if the ASRS does not receive full payment from the Employer of the unfunded liability amount by the due date specified in the Termination Incentive Program Liability Invoice, the unpaid portion of the unfunded liability amount shall accrue interest at the assumed actuarial interest and investment rate contained in R2-8-118(A); assumed actuarial investment earnings rate listed in R2-8-118(A).
M. No change

TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 9. REGISTRAR OF CONTRACTORS

[R18-35]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
R4-9-106 Amend
R4-9-119 Amend
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: A.R.S. §§ 32-1104(A)(5), 32-1122, 32-1156, 32-1166, 32-1170.02(A); 32-1170.02(B)
Implementing statute: Arizona Revised Statutes, Title 32, Chapter 10
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: 24 A.A.R. 509, March 9, 2018 (in this issue)
4. The agency's contact person who can answer questions about the rulemaking:
Name: Jim Knupp, Legislative Liaison
Address: Arizona Registrar of Contractors
1700 W. Washington St., Suite 105
Phoenix, AZ 85007
Telephone: (602) 771-6710
E-mail: jim.knupp@roc.az.gov



Web site: <https://roc.az.gov>

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

A comprehensive study involving classification and complaint information was conducted and completed by the Agency in Dec. 2017. Using 2-way ANOVAs, the study found no correlation exists between years of experience and percentage of licensees in a classification with a complaint. The same lack of correlation was found with examinations.

The Agency seeks to shift from 70 percent to 75 percent the required passing score and will redesign and review all examinations over the course of calendar year 2018.

For classifications without an examination, the Agency will create one or designate a national certification examination or similar as an alternative. For classifications with an examination, the Agency may also designate an alternate and nationally recognized examination as a replacement for its current examination.

Another study, completed by the Institute for Justice, found Arizona to be the fourth most burdensome state when considering licensing statutes. This study was a research compilation of statewide licensing requirements.

Disclaimers are available in the IJ study, but it is important to note is that in Arizona, when a license issued and regulated by Title 32, Chapter 10 that profession may not be regulated by any municipality. The IJ study, however, did not assess local licensing requirements in other states. Additionally, though it focused on individual licensing, any employee may work for a licensed business without personally possessing a license in the State of Arizona.

Nevertheless, the cause as to why it found Arizona to be fourth most burdensome state was purportedly, largely due to its experience requirements.

Statute requires 4 years of experience for each classification. This requirement may be reduced at the discretion of the Registrar, if found to be excessive by custom and usage in the particular industry or craft (A.R.S. § 32-1122(E)).

Cognizant of the two studies under consideration, at the end of the examination evaluation, the Agency will seek reductions and eliminations of experience requirements in many classifications.

For those classifications where experience requirements will remain, the Agency seeks to provide the public with a clear understanding of what experience it must accept. The proposed rule includes the Agency's statutory requirement to accept military training and experience but also clearly states the Agency will accept experience stemming from unlicensed work, apprenticeship programs, and completion of accredited training programs and gained while working as a minor.

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:

- "License to Work: A National Study of Burdens from Occupational Licensing, Second Edition," Institute for Justice, Dick M. Carpenter II, Ph.D., Lisa Knepper, Kyle Sweetland and Jennifer McDonald.
- Licensing Requirements and Complaints by Classification.pdf

All reports available online at: https://roc.az.gov/_reports

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

Not applicable

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

The Agency believes the economic and small business impact is minimal and there will be no consumer impact.

Though obtaining a license may be more difficult as a result of increasing the passing rate from 70 percent to 75 percent, the burden is significantly offset by reductions of experience requirements.

According to R4-9-106(D), applicants failing a required examination may retake the examination after waiting 30 days. If they fail again, they may retake the exam after waiting another 30 days. The waiting period moves to 180 days after a second failure. This rulemaking cuts the 180-day delay by half and amends it to 90 days after the second failure.

Of the over 3,400 examinations completed in 2017, the Agency finds approximately 640 examination takers would have failed their first attempt after shifting the passing score requirement. This figure includes both business management and trade examinations.

The reduction and elimination of experience requirements and clarity on types of experience accepted will result in an additional number of eligible applicants to enter into business after passing required examinations. Significant opportunities are presented by reducing experience requirements as students turning 18 and graduating high school will not be required to postpone entrepreneurial goals if able to successfully pass required examinations to prove entry-level competencies.

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

Name: Jim Knupp, Legislative Liaison
Address: Arizona Registrar of Contractors
1700 W. Washington St., Suite 105
Phoenix, AZ 85007
Telephone: (602) 771-6710
E-mail: jim.knupp@azroc.gov
Web site: <https://roc.az.gov>



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

The agency does not intend to hold public hearings on this rulemaking, unless a public hearing is requested within 30-days of the publication of this rule. The Agency will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. E-mail comments will be accepted.

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

None

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

The agency does not issue general permits because activities or practices in license classifications are not substantially similar in nature. Statutes require the agency to classify licenses in a manner consistent with established usage and procedure found in the construction industry.

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

Not applicable

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

Not applicable

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

None

13. The full text of the rules follows:

**TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 9. REGISTRAR OF CONTRACTORS**

ARTICLE 1. GENERAL PROVISIONS

Section

R4-9-106. Examinations

R4-9-119. ~~Reserved~~ Minimum Trade Experience Required for Licensing

ARTICLE 1. GENERAL PROVISIONS

R4-9-106. Examinations

A. Definitions.

1. ~~Business Management Statutes and Rules Examination.~~ The term “~~Business Management Examination statutes and rules examination~~” means the examination required in A.R.S. § 32-1122(E)(2) addressing the qualifying party’s general knowledge of the contracting business in Arizona. The Registrar of Contractors statutory and regulatory examination addresses the qualifying party’s general knowledge of:

- a. The building, safety, health, and lien laws of the state;
- b. Administrative principles of the contracting business;
- c. The rules adopted by the Registrar; and

d. Any other matters deemed appropriate by the Registrar to determine that the qualifying party meets the requirements of Chapter 10, Title 32.

2. *Trade Examination.* The term “trade examination” means the examination required in A.R.S. § 32-1122(E)(2) addressing the qualifying party’s knowledge of the particular kind of work performed in the license classification. The trade examination addresses the qualifying party’s:

- a. Qualification in the kind of work for which the applicant proposes to contract;
- b. Knowledge and understanding of construction plans and specifications applicable to the particular industry or craft;
- c. Knowledge and understanding of the standards of construction work and techniques and practices in the particular industry or craft;
- d. General understanding of other related construction trades; and
- e. Any ~~other~~ matters deemed appropriate by the Registrar to determine that the qualifying party meets the requirements of Chapter 10, Title 32.

B. Frequency of Examinations. The Registrar, or a contracted ~~private~~ testing service, must administer Registrar of Contractors statutory and regulatory examinations and trade examinations at least once a week.

C. Passing Grade. On each required examination, the qualifying party must receive a grade of at least ~~70%~~ 75%.

D. Retaking Examinations after Failure. If the qualifying party fails to receive a grade of at least ~~70%~~ 75% on an examination, the qualifying party may retake the examination only after waiting:

- 1. 30 calendar days from the first failure;
- 2. 30 calendar days from the second failure; and
- 3. ~~40~~ 90 days from any other failure.

E. Waiver of the Trade Examination Requirement in A.R.S. § 32-1122.



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) is proposing to amend R18-2-731 and R18-2-901 to incorporate by reference new federal rules applicable to Municipal Solid Waste (MSW) landfills within the State of Arizona.

The purpose of this rulemaking is to reduce the amount of Nonmethane Organic Compound (NMOC) gas emissions from MSW landfills and provide an alternative site-specific emissions threshold methodology to demonstrate whether or not surface emissions are below a specific threshold. These changes are necessary in order for Arizona to retain its delegated authority from the U.S. Environmental Protection Agency (EPA) to implement and enforce New Source Performance Standards (NSPS) and Emissions Guidelines at MSW landfills within the State of Arizona and avoid a Federal Implementation Plan (FIP).

The rules will be part of a plan submitted to the EPA pursuant to Clean Air Act (CAA) Section 111(d).

Background.

Amendments to R18-2-731: EPA's Emissions Guidelines for MSW Landfills that Ceased Construction, Reconstruction or Modification on or before July 18, 2014

ADEQ is amending R18-2-731 to incorporate by reference EPA's most recent emissions guidelines for MSW landfills.

Pursuant to Section 111 of the CAA, EPA promulgated Emissions Guidelines for existing MSW landfills on March 12, 1996, and subsequently amended them in 1998, 1999, and 2000, to make technical corrections and clarifications.

On July 17, 2014, EPA issued an Advance Notice of Proposed Rulemaking (ANPRM) to request public input on controls and practices that could further reduce emissions from existing MSW landfills and to determine if changes to the Emission Guidelines were appropriate.

On August 29, 2016, EPA updated and finalized the Emission Guidelines for existing MSW landfills, codified in 40 CFR Part 60, Subpart Cf (see 81 FR 59275). EPA reviewed the Emission Guidelines for MSW landfills that accepted waste after November 8, 1987, and commenced construction, reconstruction or modification on or before July 17, 2014. This action will result in additional reductions in landfill emissions, including methane, by lowering the NMOC emissions threshold at which a landfill must install controls from 50 megagrams per year (Mg/yr) to 34 Mg/yr. This action also provided an alternative site-specific emissions threshold methodology, referred to as "Tier 4," to determine when a landfill must install and operate a Gas Collection and Control System (GCCS). The final rule became effective on October 28, 2016.

Landfills that close on or before September 27, 2017 will continue to be subject to the NMOC emissions threshold of 50 Mg/yr for determining when controls must be installed or can be removed. Pursuant to CAA Section 111(d), states must submit a state plan implementing the new guideline no later than May 30, 2017 in order to avoid a FIP issued by EPA. ADEQ will include the amended version of R18-2-731 in its state plan submitted to EPA.

Amendments to R18-2-901: EPA's New Source Performance Standards for MSW Landfills that Commence Construction, Reconstruction or Modification after July 17, 2014

Along with the amendments to R18-2-731, ADEQ is also amending R18-2-901 to incorporate by reference EPA's most recent New Source Performance Standards (NSPS) for MSW landfills.

Pursuant to Section 111 of the CAA, EPA must review NSPS, and if appropriate, revise standards of performance for new MSW landfills at least every eight years.

On July 17, 2014, EPA proposed a new NSPS based on its ongoing review. On August 29, 2016, EPA finalized the new NSPS, now codified at 40 CFR Part 60, Subpart XXX, which updated the standards of performance for MSW landfills that commence construction, reconstruction or modifications after July 17, 2014 (see 81 FR 59331). This action, too, will result in additional emissions reductions at landfills by lowering the emissions threshold at which a landfill must install controls from 50 megagrams per year (Mg/yr.) to 34 Mg/yr. This action also provided an alternative site specific emissions threshold methodology, referred to as "Tier 4," to determine when a landfill must install and operate a Gas Collection and Control System (GCCS). The final rule became effective on October 28, 2016.

EPA promulgated the new Emissions Guidelines and NSPS simultaneously to update NMOC emissions standards for both new and existing landfills. ADEQ will also incorporate by reference these new federal regulations at the same time in order to streamline the rulemaking process and ensure Arizona will retain its delegated authority from the EPA to implement and enforce NSPS and Emissions Guidelines at MSW landfills within the State of Arizona.

Regulatory Requirements.

To satisfy CAA requirements under Section 111(d), ADEQ must develop and submit to EPA a plan within nine months to provide for:

1. Established standards of performance for any existing source for any air pollutant;
 - (i) for which air quality criteria have not been issued or which is not included on a list published under section 108(a) [or emitted from a source category which is regulated under section 112] [or 112(b)] but
 - (ii) to which a standard of performance under this section would apply if such existing sources were a new source, and;
2. The implementation and enforcement of such standards of performance.

As part of the 111(d) plan and in order to provide a successful strategy that will bring MSW landfills within Arizona into compliance with federal law, ADEQ will submit these rules to EPA for approval, making them enforceable under State law.



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:

Studies relevant to this rulemaking can be located by referring to the Federal Register for each Subpart to be incorporated by reference. (Refer to the notice at 81 FR 59275 for the Emission Guidelines and the notice at 81 FR 59331 for the New Source Performance Standards). Copies of the Federal Register are available online at:
<https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>

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

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

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

The following discussion addresses each of the elements required for an Economic, Small Business, and Consumer Impact Statement (EIS) under A.R.S. §41-1055.

An identification of the rulemaking.

The rulemaking addressed by this EIS consists of amendments to R18-2-731 and R18-2-901 to incorporate by reference new federal standards for NMOC gas emissions from new and existing MSW landfills. The purpose of these amendments is to bring MSW landfills within the State of Arizona into compliance with new federal air quality standards for NMOC emissions.

The impact of the new federal air quality standards of NMOC gas emissions may require the owners and operators of MSW landfills to install gas control equipment in order to comply with new emissions limits. The lower emissions limits may result in compliance costs for some MSW landfills and minor administrative costs for ADEQ. It is important to note that if the state rulemaking does not occur, the same costs would still apply and be enforced by EPA instead of ADEQ via the Federal Implementation Plan (FIP).

The remainder of the changes are procedural or technical in nature and should have at most a trivial economic impact on the agency, businesses or consumers.

An identification of the persons who will be directly affected by, bear the cost of or directly benefit from the rule making.

The persons who will be directly affected by and bear the costs of this rulemaking are the owners and operators of MSW landfills within the State of Arizona. ADEQ has identified four MSW landfills, Cinder Lake, La Paz County, Mohave Valley, and Copper Mountain that may be required to install new gas control equipment.

The persons who will benefit from this rulemaking are the residents of Arizona, as well as the employees of MSW landfills, due to the improved air quality that will result from this rulemaking and the corresponding control technology MSW landfills may be implementing to lessen NMOC emissions.

A cost benefit analysis of the following:

(a) The probable costs and benefits to the implementing agency or other agencies directly affected by the implementation and enforcement of the rule making.

ADEQ estimates that the current number of full-time employees assigned in the Permits and Compliance Sections of the Air Quality Division at ADEQ are adequate to implement and enforce the NSPS and Emissions Guidelines for MSW landfills in Arizona. The costs of the rules to the implementing agency will therefore be minimal.

Furthermore, permits for MSW landfills are revised every five years, with minor revisions occurring periodically (as part of CAA Title V permitting requirements). Under A.A.C. R18-2-301(2) and R18-2-326(B)(1)(a), the permit applicant—in this case, MSW landfills—will ultimately be required to reimburse ADEQ for the cost of revisions as part of permit fees.

ADEQ has permitting, enforcement, and compliance jurisdiction for most MSW landfill emissions in Arizona. Maricopa County Air Quality Department (MCAQD) is conducting its own rulemaking for landfills that fall under its jurisdiction. Therefore, the costs and benefits will be similar in Maricopa County.

(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the rule making.

The rules that are the subject of this preamble and EIS are necessary to comply with federal requirements under Section 111(d) of the CAA. ADEQ estimates there are currently 13 MSW landfills within its jurisdiction. Based on estimated emissions and landfill size, ADEQ has identified three publicly owned MSW landfills that may require installation of a gas control system including Cinder Lake Landfill, La Paz County Landfill, and Mohave Valley Landfill. The national average cost to purchase and install a gas control system is approximately \$940,000.

The new NSPS and Emissions Guidelines are expected to significantly reduce emissions of landfill gas and its components, which include methane, volatile organic compounds (VOCs), and hazardous air pollutants (HAPs). The EPA expects that the reduced emissions will result in improvements in air quality and lessen the potential for health effects associated with exposure to air pollution related emissions, and result in climate benefits due to reductions of methane.

ADEQ will also avoid the issuance of a FIP by the EPA under Section 111(d) of the CAA. A FIP would likely require more strict emission limits and controls for MSW landfills located in Arizona. Adoption of these rules will also allow Arizona to retain its delegated authority from the EPA to implement and enforce NSPS and Emissions Guidelines at MSW landfills within the State of Arizona.

(c) The probable costs and benefits to businesses directly affected by the rule making, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the rule making.



The rules that are the subject of this preamble and EIS are necessary to comply with federal requirements under Section 111(d) of the CAA. ADEQ estimates there are currently five privately owned MSW landfills within its jurisdiction. Based on estimated emissions and landfill size, ADEQ has identified one MSW landfill, Copper Mountain Landfill, which may require installation of a gas control system. The national average cost to purchase and install a gas control system is approximately \$940,000.00.

The new NSPS and Emissions Guidelines are expected to significantly reduce emissions of landfill gas and its components, which include methane, volatile organic compounds (VOCs), and hazardous air pollutants (HAPs). The EPA expects that the reduced emissions will result in improvements in air quality and lessen the potential for health effects associated with exposure to air pollution related emissions, and result in climate benefits due to reductions of methane.

ADEQ will also avoid the issuance of a FIP by the EPA under Section 111(d) of the CAA. A FIP would likely require more strict emission limits and controls for MSW landfills located in Arizona. Adoption of these rules will also allow Arizona to retain its delegated authority from the EPA to implement and enforce NSPS and Emissions Guidelines at MSW landfills within the State of Arizona.

A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the rulemaking.

ADEQ anticipates that employment impacts will be minor. ADEQ does not expect short- or long-term employment, production, or industrial growth in Arizona to be negatively impacted by this rulemaking. Furthermore, no sources are expected to close from the implementation of this rulemaking.

A statement of the probable impact of the rulemaking on small businesses.

(a) An identification of the small businesses subject to the rulemaking.

Under A.R.S. § 41-1001(21) “Small business” means a concern, including its affiliates, which is [1] independently owned and operated, which is [2] not dominant in its field and which [3] employs fewer than one hundred full-time employees or which had gross annual receipts of less than four million dollars in its last fiscal year.

None of the MSW landfills within ADEQ’s jurisdiction qualify as a small business.

(b) The administrative and other costs required for compliance with the rule making.

Not Applicable

(c) A description of the methods that the agency may use to reduce the impact on small businesses.

Not Applicable

(d) The probable cost and benefit to private persons and consumers who are directly affected by the rule making.

Not Applicable

A statement of the probable effect on state revenues.

Since any costs associated with the rulemaking will be recoverable through air quality permit fees, there will be no net effect on state revenues.

A description of any less intrusive or less costly alternative methods of achieving the purpose of the rule making.

ADEQ was not able to identify any less intrusive or costly alternative methods for achieving the purpose of the rulemaking—compliance with the federal NSPS and Emissions Guidelines for MSW landfills. The MSW landfills are the primary source of emissions and are responsible for installing adequate control technologies that will bring MSW landfills into compliance.

A description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data. An agency advocating that any data is acceptable data has the burden of proving that the data is acceptable. For the purposes of this paragraph, “acceptable data” means empirical, replicable and testable data as evidenced in supporting documentation, statistics, reports, studies or research.

All data on which the MSW landfill rules are based can be located by referring to the Federal Register citations for each Subpart to be incorporated by reference. (Refer to the notice at 81 FR 59275 for the Emission Guidelines and the notice at 81 FR 59331 for the New Source Performance Standards). Copies of the Federal Register are available online at: <https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>

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

Name: Elias Toon
Address: Arizona Department of Environmental Quality
Air Quality Division, AQIP Section
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4665
Fax: (602) 771-2299
E-mail: Toon.Elias@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 will conduct a public hearing to receive feedback, comments, questions, and concerns on the proposed rulemaking. All interested parties may attend. ADEQ will respond to comments in a summary that is submitted with the 111(d) plan, which will include the rules that are the subject of this rulemaking.



The public comment period for this rulemaking will take place between: March 16, 2018 – April 16, 2018.

The public hearing for the rules will be conducted on: Monday, April 16, 2018 at 1:00 p.m.

Location: Arizona Department of Environmental Quality
1110 W. Washington St., Room 3100A
Phoenix, AZ 85007

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

There are no matters prescribed by statute applicable specifically to ADEQ or this specific rulemaking.

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:

These rules will be included in CAA Title V permit revisions for any applicable MSW landfill that falls under ADEQ’s jurisdiction. Therefore, these rules do not inherently require a permit, but are rather incorporated into a permit that is already independently required.

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

The rules will help Arizona landfills comply with the federal Clean Air Act, Title I, Section 111. The rules are no more stringent than federal law. The rules incorporate federal standards by reference. These changes are necessary in order for Arizona to retain its delegated authority from the EPA to implement and enforce NSPS and Emissions Guidelines at MSW landfills within the State of Arizona.

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

No person or persons submitted an analysis to ADEQ.

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

<u>New Incorporations by Reference</u>	<u>Location</u>
40 CFR 60, Subpart Cf	R18-2-731
40 CFR 60, Subpart XXX	R18-2-901

13. The full text of the rules follows:

**TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL**

ARTICLE 7. EXISTING STATIONARY SOURCE PERFORMANCE STANDARDS

Section
R18-2-731. Standards of Performance for Existing Municipal Solid Waste Landfills

ARTICLE 9. NEW SOURCE PERFORMANCE STANDARDS

Section
R18-2-901. Standards of Performance for New Stationary Sources

ARTICLE 7. EXISTING STATIONARY SOURCE PERFORMANCE STANDARDS

R18-2-731. Standards of Performance for Existing Municipal Solid Waste Landfills

- A. This Section applies to each municipal solid waste landfill (MSW landfill) at which:
 1. Construction, reconstruction, or modification began ~~on or before May 30, 1994~~ July 17, 2014; and
 2. Waste was accepted at any time since November 8, 1987, or additional design capacity is available for future waste deposition.
- B. For the purposes of this Section, “Municipal solid waste landfill or MSW landfill” means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may also receive other types of RCRA (Resource Conservation and Recovery Act) Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be publicly or privately owned.
- C. MSW landfills covered by this Section shall comply with 40 CFR 60, Subpart ~~WWW, as modified by this subsection Cf, effective as of the date of EPA approval of the state plan under section 111(d) of the Act.~~ 40 CFR 60, Subpart WWW, “Standards of Performance for Municipal Solid Waste Landfills,” ~~is incorporated by reference in R18-2-901 will remain in effect until Arizona’s state plan implementing Subpart Cf is approved by EPA.~~ 40 CFR 60, Subpart Cf “Emissions Guidelines and Compliance Times for Municipal Solid Waste Landfills,” as adopted as of October 28, 2016 (and no future amendments) is hereby incorporated by reference as applicable requirements. MSW landfills may meet the requirements of Subpart Cf by complying with 40 CFR 60, Subpart XXX. 40 CFR 60, Subpart XXX “Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction or Modification After July 17, 2014,” is incorporated by reference in R18-2-901.
 1. Definitions. In addition to the definitions in 40 CFR 60.751, “Administrator” means the Director of the Department of Environmental Quality.



2. ~~Reporting. Each MSW landfill shall comply with the reporting requirements of 40 CFR 60.757. The initial design capacity report and initial NMOC emission rate report shall be due 90 days after the effective date of this rule.~~
3. ~~Design plan. An MSW landfill that is required to install a collection and control system shall submit a design plan for the system to the Director with a Standard Permit Application Form not later than 12 months after it submitted or should have submitted a NMOC emission rate report indicating emissions greater than 50 Mg per year. The design plan shall be prepared by a professional engineer registered in Arizona. The Director shall not approve the design plan if it does not meet the requirements of 40 CFR 60.752(b)(2)(ii).~~
4. ~~System installation. An MSW landfill that is required to install a collection and control system shall complete installation of the system not later than 30 months after the effective date of this rule.~~
5. ~~An MSW landfill that first becomes subject to the collection and control system requirement after the effective date of this rule shall submit a design plan for the system to the Director not later than 12 months after it submitted or should have submitted an NMOC emission rate report indicating emissions greater than 50 Mg per year.~~

ARTICLE 9. NEW SOURCE PERFORMANCE STANDARDS

R18-2-901. Standards of Performance for New Stationary Sources

Except as provided in R18-2-902 through R18-2-905, the following subparts of 40 CFR 60, New Source Performance Standards (NSPS), and all accompanying appendices, adopted as of June 28, 2013, unless otherwise specified, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.

1. Subpart A - General Provisions.
2. Subpart D - Standards of Performance for Fossil-Fuel- Fired Steam Generators for Which Construction is Commenced After August 17, 1971.
3. Subpart Da - Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.
4. Subpart Db - Standards of Performance for Industrial- Commercial-Institutional Steam Generating Units.
5. Subpart Dc - Standards of Performance for Small Industrial- Commercial-Institutional Steam Generating Units.
6. Subpart E - Standards of Performance for Incinerators.
7. Subpart Ea - Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced after December 20, 1989 and on or Before September 20, 1994.
8. Subpart Eb - Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced after September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996.
9. Subpart Ec - Standards of Performance for Hospital/Medical/ Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996.
10. Subpart F - Standards of Performance for Portland Cement Plants.
11. Subpart G - Standards of Performance for Nitric Acid Plants.
12. Subpart Ga - Standards of Performance for Nitric Acid Plants for which Construction, Reconstruction, or Modification Commenced after October 14, 2011.
13. Subpart H - Standards of Performance for Sulfuric Acid Plants.
14. Subpart I - Standards of Performance for Hot Mix Asphalt Facilities.
15. Subpart J - Standards of Performance for Petroleum Refineries.
16. Subpart Ja - Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007.
17. Subpart K - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.
18. Subpart Ka - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.
19. Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984.
20. Subpart L - Standards of Performance for Secondary Lead Smelters.
21. Subpart M - Standards of Performance for Secondary Brass and Bronze Production Plants.
22. Subpart N - Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.
23. Subpart Na - Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.
24. Subpart O - Standards of Performance for Sewage Treatment Plants.
25. Subpart P - Standards of Performance for Primary Copper Smelters.
26. Subpart Q - Standards of Performance for Primary Zinc Smelters.
27. Subpart R - Standards of Performance for Primary Lead Smelters.
28. Subpart S - Standards of Performance for Primary Aluminum Reduction Plants.
29. Subpart T - Standards of Performance for Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
30. Subpart U - Standards of Performance for Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
31. Subpart V - Standards of Performance for Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
32. Subpart W - Standards of Performance for Phosphate Fertilizer Industry: Triple Superphosphate Plants.
33. Subpart X - Standards of Performance for Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
34. Subpart Y - Standards of Performance for Coal Preparation Plants.



35. Subpart Z - Standards of Performance for Ferroalloy Production Facilities.
36. Subpart AA - Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983.
37. Subpart AAa - Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.
38. Subpart BB - Standards of Performance for Kraft Pulp Mills.
39. Subpart CC - Standards of Performance for Glass Manufacturing Plants.
40. Subpart DD - Standards of Performance for Grain Elevators.
41. Subpart EE - Standards of Performance for Surface Coating of Metal Furniture.
42. Subpart GG - Standards of Performance for Stationary Gas Turbines.
43. Subpart HH - Standards of Performance for Lime Manufacturing Plants.
44. Subpart KK - Standards of Performance for Lead-Acid Battery Manufacturing Plants.
45. Subpart LL - Standards of Performance for Metallic Mineral Processing Plants.
46. Subpart MM - Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.
47. Subpart NN - Standards of Performance for Phosphate Rock Plants.
48. Subpart PP - Standards of Performance for Ammonium Sulfate Manufacture.
49. Subpart QQ - Standards of Performance for Graphic Arts Industry: Publication Rotogravure Printing.
50. Subpart RR - Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
51. Subpart SS - Standards of Performance for Industrial Surface Coating: Large Appliances.
52. Subpart TT - Standards of Performance for Metal Coil Surface Coating.
53. Subpart UU - Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.
54. Subpart VV - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
55. Subpart VVa - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced after November 7, 2006.
56. Subpart WW - Standards of Performance for Beverage Can Surface Coating Industry.
57. Subpart XX - Standards of Performance for Bulk Gasoline Terminals.
58. Subpart AAA - Standards of Performance for New Residential Wood Heaters.
59. Subpart BBB - Standards of Performance for Rubber Tire Manufacturing Industry.
60. Subpart DDD - Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
61. Subpart FFF - Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.
62. Subpart GGG - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.
63. Subpart GGGa - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006.
64. Subpart HHH - Standards of Performance for Synthetic Fiber Production Facilities.
65. Subpart III - Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
66. Subpart JJJ - Standards of Performance for Petroleum Dry Cleaners.
67. Subpart KKK - Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
68. Subpart LLL - Standards of Performance for Onshore Natural Gas Processing; SO₂ Emissions.
69. Subpart NNN - Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.
70. Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants.
71. Subpart PPP - Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants.
72. Subpart QQQ - Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems.
73. Subpart RRR - Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.
74. Subpart SSS - Standards of Performance for Magnetic Tape Coating Facilities.
75. Subpart TTT - Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.
76. Subpart UUU - Standards of Performance for Calciners and Dryers in Mineral Industries.
77. Subpart VVV - Standards of Performance for Polymeric Coating of Supporting Substrates Facilities.
78. Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills.
79. Subpart XXX – Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014. This subpart and all accompanying appendices are adopted as of October 28, 2016 (and no future amendments), and are incorporated by reference as applicable requirements.
- ~~80.~~79. Subpart AAAA - Standards of Performance for Small Municipal Waste Combustion Units for Which Construction Is Commenced after August 30, 1999, or for Which Modification or Reconstruction Is Commenced after June 6, 2001.
- ~~81.~~80. Subpart CCCC - Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced after November 30, 1999, or for Which Modification or Reconstruction Is Commenced on or after June 1, 2001.
- ~~82.~~81. Subpart EEEE - Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006.
- ~~83.~~82. Subpart IIII - Standards of Performance for Stationary Compression Ignition Combustion Engines.
- ~~84.~~83. Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.
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86.85-Subpart LLLL - Standards of Performance for New Sewage Sludge Incineration Units.

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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
STATE RETIREMENT SYSTEM BOARD**

[R18-51]

1. **Title and its heading:** 2, Administration
Chapter and its heading: 8, State Retirement System Board
Article and its heading: 1, Retirement System
Section number: R2-8-104, R2-8-116, R2-8-118, R2-8-122, R2-8-124, R2-8-125
(Sections may be added, deleted, or further modified as necessary.)
2. **The subject matter of the proposed rule:**
 The ASRS needs to update R2-8-118, Application of Interest Rates, to add the new rate that was approved by the Board in December 2017. The rule needs to clarify when a member account stops accruing interest. In addition, all rules referring to the interest rate will require an update to incorporate consistent language, as well as remove any reference to system members.
3. **A citation to all published notices relating to the proceeding:**
 Notice of Proposed Rulemaking: 24 A.A.R. 495, March 9, 2018 *(in this issue)*
4. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
 Name: Jessica A.R. Thomas, Rules Writer
 Address: Arizona State Retirement System
 3300 N. Central Ave., Suite 1400
 Phoenix, AZ 85012-0250
 Telephone: (602) 240-2039
 E-mail: JessicaT@azasrs.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
 The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
 To be determined

**NOTICE OF RULEMAKING DOCKET OPENING
REGISTRAR OF CONTRACTORS**

[R18-37]

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 9, Registrar of Contractors
Article and its heading: 1, General Provisions
Section numbers: R4-9-106, R4-9-119 *(Sections may be added, deleted or modified, as necessary.)*
2. **The subject matter of the proposed rule:**
 This docket opening is being prepared to shift an Agency’s passing rate requirement from 70 to 75 percent and to clarify what experience the agency must accept.
3. **A citation to all published notices relating to the proceeding:**
 Notice of Proposed Rulemaking: 24 A.A.R. 498, March 9, 2018 *(in this issue)*
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
 Name: Jim Knupp, Legislative Liaison
 Address: Arizona Registrar of Contractors



1700 W. Washington St., Suite 105
Phoenix, AZ 85007

Telephone: (602) 771-6710

E-mail: jim.knupp@roc.az.gov

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

The Agency will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. E-mail comments will be accepted. The agency does not intend to hold public hearings on this rule, unless a public hearing is requested within 30-days of the publication of this rule.

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

The Notice of Proposed Rulemaking is published along with this notice.

**NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF HEALTH SERVICES
FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION**

[R18-38]

1. Title and its heading:

9, Health Services

Chapter and its heading:

8, Department of Health Services - Food, Recreational, and Institutional Sanitation

Article and its heading:

5, Trailer Coach Parks

Section numbers:

R9-8-501 through R9-8-508, R9-8-512, R9-8-521 through R9-8-523, R9-8-531, R9-8-533, R9-8-541 through R9-8-544, and R9-8-551 (*The Department may add, delete, or modify other Sections, as necessary.*)

2. The subject matter of the proposed rules:

A.R.S. § 36-601 requires the Department of Health Services (Department) to take action in response to “any person who is maintaining a nuisance or engaging in any practice contrary to the health laws of the state.” A.R.S. § 36-136(I)(8) requires the Department to create rules related to health and sanitation for various specific aspects of trailer coach parks, including food preparation in community kitchens, sewage and excreta disposal, garbage and trash collection, storage and disposal, and water supply. To implement A.R.S. 36-136(1)(8) for trailer coach parks, the Department adopted rules at 9 A.A.C 8, Article 5. The Department stated in its 2017 five-year-review report for the trailer coach park rules that it anticipates submitting a Notice of Final Rulemaking to the Governor’s Regulatory Review Council by June 2019 to address issues raised in the report. The Department is amending the trailer coach park rules to address matters identified in the report and make other changes to improve efficiency and effectiveness. The Department has sought and received an exception from the rulemaking moratorium established by Executive Order 2017-02 and plans to complete a regular rulemaking to adopt rules for trailer coach parks. The amended rules will conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State. The Department may add, delete, or modify additional Sections as necessary.

3. A citation to all published notices relating to the proceeding:

None

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

Name: Eric Thomas, Office Chief,
Address: Arizona Department of Health Services
Division of Public Health Services, Public Health Preparedness,
Office of Environmental Health
150 N. 18th Ave., Suite 140
Phoenix, AZ 85007
Telephone: (602)-364-3142
Fax: (602) 364-3146
E-mail: Eric.Thomas@azdhs.gov

or

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

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

Written comments will be accepted at the addresses listed in item #4 until the close of record, which has not yet been determined. No oral proceeding has been scheduled at this time.



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

To be announced in the Notice of Proposed Rulemaking

**NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF HEALTH SERVICES
FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION**

[R18-39]

- 1. Title and its heading:** 9, Health Services
- Chapter and its heading:** 8, Department of Health Services - Food, Recreational, and Institutional Sanitation
- Article and its heading:** 6, Camp Grounds
- Section numbers:** R9-8-601 through R9-8-608 and R9-8-611 through R9-8-617
(The Department may add, delete, or modify other Sections, as necessary.)

2. The subject matter of the proposed rules:

A.R.S. § 36-601 requires the Department of Health Services (Department) to take action in response to “any person who is maintaining a nuisance or engaging in any practice contrary to the health laws of the state.” A.R.S. § 36-136(I)(8) requires the Department to create rules related to health and sanitation for various specific aspects of campgrounds, including food preparation in community kitchens, sewage and excreta disposal, garbage and trash collection, storage and disposal, and water supply. To implement A.R.S. 36-136(I)(8) for campgrounds, the Department adopted rules at 9 A.A.C 8, Article 6. In response to the Department’s 2017 five-year-review report for camp grounds rules, the Governor’s Regulatory Review Council ordered the Department to complete a rulemaking on 9 A.A.C 8, Article 6 by January 1, 2019. The Department is amending the camp ground rules to comply with the order and make other changes to improve efficiency and effectiveness. The Department has sought and received an exception from the rulemaking moratorium established by Executive Order 2017-02 and plans to complete a regular rulemaking to adopt rules for camp grounds. The amended rules will conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State. The Department may add, delete, or modify additional Sections as necessary.

3. A citation to all published notices relating to the proceeding:

None

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

- Name: Eric Thomas, Office Chief,
- Address: Arizona Department of Health Services
Division of Public Health Services, Public Health Preparedness,
Office of Environmental Health
150 N. 18th Ave., Suite 140
Phoenix, AZ 85007
- Telephone: (602)-364-3142
- Fax: (602) 364-3146
- E-mail: Eric.Thomas@azdhs.gov
- or
- Name: Robert Lane, Chief
- Address: Arizona Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 200
Phoenix, AZ 85007
- Telephone: (602) 542-1020
- Fax: (602) 364-1150
- E-mail: Robert.Lane@azdhs.gov

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

Written comments will be accepted at the addresses listed in item #4 until the close of record, which has not yet been determined. No oral proceeding has been scheduled at this time.

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

To be announced in the Notice of Proposed Rulemaking



NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF HEALTH SERVICES
FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION

[R18-40]

- 1. Title and its heading: 9, Health Services
Chapter and its heading: 8, Department of Health Services - Food, Recreational, and Institutional Sanitation
Article and its heading: 13, Hotels, Motels, and Tourist Courts
Section numbers: R9-8-1301 through R9-8-1310, R9-8-1312, R9-8-1314, R9-8-1321, R9-8-1322, R9-8-1331 through R9-8-1338
2. The subject matter of the proposed rules: A.R.S. § 36-601 requires the Department of Health Services (Department) to take action in response to "any person who is maintaining a nuisance or engaging in any practice contrary to the health laws of the state."
3. A citation to all published notices relating to the proceeding: None
4. The name and address of agency personnel with whom persons may communicate regarding the rules: Eric Thomas, Office Chief; Robert Lane, Chief
5. The time during which the agency will accept written comments and the time and place where oral comments may be made: Written comments will be accepted at the addresses listed in item #4 until the close of record, which has not yet been determined.
6. A timetable for agency decisions or other action on the proceeding, if known: To be announced in the Notice of Proposed Rulemaking



NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING

[R18-41]

- 1. Title and its heading:** 9, Health Services
- Chapter and its heading:** 10, Department of Health Services - Health Care Institutions: Licensing
- Articles and their headings:** 1, General
10, Outpatient Treatment Centers
20, Pain Management Clinics
- Section numbers:** R9-10-101, R9-10-102, R9-10-106, R9-10-1021, and R9-10-2001 through R9-10-2011 (*The Department may add, delete, or modify other Sections, as necessary.*)
- 2. The subject matter of the proposed rules:**
 In order to ensure public health, safety, and welfare, Arizona Revised Statutes (A.R.S.) §§ 36-405 and 36-406 require the Arizona Department of Health Services (Department) to adopt rules establishing minimum standards and requirements for construction, modification, and licensure of health care institutions. Laws 2018, Ch. 1 requires the Department to license a pain management clinic as a healthcare institution and create rules for a pain management clinic that include informed consent requirements, the responsibilities of the medical director, reporting requirements, and physical examination requirements. To implement Laws 2018, Ch. 1, the Department is adopting new rules in 9 A.A.C 10, Article 20 and amending 9 A.A.C. 10, Articles 1 and 10. The Department has sought and received approval for the rulemaking and plans to complete a regular rulemaking to adopt rules for pain management clinics. The new rules will conform to rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State. The Department may add additional Sections as necessary.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rules:**
- Name: Colby Bower, Assistant Director
 Address: Department of Health Services
 Public Health Licensing Services
 150 N. 18th Ave., Suite 510
 Phoenix, AZ 85007
- Telephone: (602) 542-6383
 Fax: (602) 364-4808
 E-mail: Colby.Bower@azdhs.gov
- or
- Name: Robert Lane, Chief
 Address: Arizona Department of Health Services
 Office of Administrative Counsel and Rules
 150 N. 18th Ave., Suite 200
 Phoenix, AZ 85007
- Telephone: (602) 542-1020
 Fax: (602) 364-1150
 E-mail: Robert.Lane@azdhs.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
 Written comments will be accepted at the addresses listed in item #4 until the close of record, which has not yet been determined. No oral proceeding has been scheduled at this time.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
 To be announced in the Notice of Proposed Rulemaking



NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL

[R18-42]

- 1. Title and its heading: 18, Environmental Quality
Chapter and its heading: 2, Department of Environmental Quality – Air Pollution Control
Article and its heading: 7, Existing Stationary Source Performance Standards
9, New Source Performance Standards
Section numbers: R18-2-731 and R18-2-901 (Sections may be added, deleted or modified, as necessary.)

2. The subject matter of the proposed rule:
The Arizona Department of Environmental Quality (ADEQ) is proposing to amend R18-2-731 and R18-2-901 to incorporate by reference new federal rules applicable to Municipal Solid Waste (MSW) landfills within the State of Arizona.
The purpose of this rulemaking is to reduce the amount of Nonmethane Organic Compound (NMOC) gas emissions from MSW landfills and provide an alternative site-specific emissions threshold methodology to demonstrate whether or not surface emissions are below a specific threshold.

On August 29, 2016, EPA promulgated new Emissions Guidelines (40 CFR 60, Subpart Cf) and NSPS (40 CFR 60, Subpart XXX) to update NMOC gas emissions standards for both new and existing MSW landfills. ADEQ is proposing to incorporate these new federal regulations in order for Arizona to retain its delegated authority from the U.S. Environmental Protection Agency (EPA) to implement and enforce New Source Performance Standards (NSPS) and Emissions Guidelines at MSW landfills within the State of Arizona and avoid a Federal Implementation Plan (FIP).

The rules will be part of a plan submitted to the EPA pursuant to Clean Air Act (CAA) Section 111(d).

3. A citation to all published notices relating to the proceeding:
Notice of Proposed Rulemaking: 24 A.A.R. 501, March 9, 2018 (in this issue)

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

Name: Elias Toon
Address: Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4665
Fax: (602) 771-2299
E-mail: Toon.Elias@azdeq.gov

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

The public comment period for this rulemaking will take place between: March 16, 2018 – April 16, 2018.
The public hearing for the rules will be conducted on: April 16, 2018 at 1:00 p.m.
Location: Arizona Department of Environmental Quality
1110 W. Washington St., Room 3100A
Phoenix, AZ 85007

More information can be found in the Notice of Proposed Rulemaking.

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

See the Notice of Proposed Rulemaking on page 501 of this issue.



REGISTER INDEXES

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

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

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C = Corrections to Published Rules

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 R18-15-406. F#-239;
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OTHER NOTICES AND PUBLIC RECORDS INDEX

Other notices related to rulemakings are listed in the Index by notice type, agency/county and by volume page number. Agency policy statements and proposed delegation agreements are included in this section of the Index by volume page number.

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

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 9 OF VOLUME 24.**Agency Ombudsman, Notices of**

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Proposed Delegation Agreement, Notices of

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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
November 3, 2017	November 24, 2017	December 26, 2017
November 10, 2017	December 1, 2017	January 2, 2018
November 17, 2017	December 8, 2017	January 8, 2018
November 24, 2017	December 15, 2017	January 16, 2018
December 1, 2017	December 22, 2017	January 22, 2018
December 8, 2017	December 29, 2017	January 29, 2018
December 15, 2017	January 5, 2018	February 5, 2018
December 22, 2017	January 12, 2018	February 12, 2018
December 29, 2017	January 19, 2018	February 20, 2018
January 5, 2018	January 26, 2018	February 26, 2018
January 12, 2018	February 2, 2018	March 5, 2018
January 19, 2018	February 9, 2018	March 12, 2018
January 26, 2018	February 16, 2018	March 19, 2018
February 2, 2018	February 23, 2018	March 26, 2018
February 9, 2018	March 2, 2018	April 2, 2018
February 16, 2018	March 9, 2018	April 9, 2018
February 23, 2018	March 16, 2018	April 16, 2018
March 2, 2018	March 23, 2018	April 23, 2018
March 9, 2018	March 30, 2018	April 30, 2018
March 16, 2018	April 6, 2018	May 7, 2018
March 23, 2018	April 13, 2018	May 14, 2018
March 30, 2018	April 20, 2018	May 21, 2018
April 6, 2018	April 27, 2018	May 29, 2018
April 13, 2018	May 4, 2018	June 4, 2018
April 20, 2018	May 11, 2018	June 11, 2018
April 27, 2018	May 18, 2018	June 18, 2018
May 4, 2018	May 25, 2018	June 25, 2018
May 11, 2018	June 1, 2018	July 2, 2018
May 18, 2018	June 8, 2018	July 9, 2018
May 25, 2018	June 15, 2018	July 16, 2018



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 <http://grrc.az.gov>.

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2018

[M18-01]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
Tuesday November 21, 2017	Tuesday December 19, 2017	Wednesday January 3, 2018	Tuesday January 9, 2018
Tuesday December 19, 2017	Tuesday January 23, 2018	Tuesday January 30, 2018	Tuesday February 6, 2018
Tuesday January 23, 2018	Tuesday February 20, 2018	Tuesday February 27, 2018	Tuesday March 6, 2018
Tuesday February 20, 2018	Tuesday March 20, 2018	Tuesday March 27, 2018	Tuesday April 3, 2018
Tuesday March 20, 2018	Tuesday April 17, 2018	Tuesday April 24, 2018	Tuesday May 1, 2018
Tuesday April 17, 2018	Tuesday May 22, 2018	Wednesday May 30, 2018	Tuesday June 5, 2018
Tuesday May 22, 2018	Tuesday June 19, 2018	Tuesday June 26, 2018	Tuesday July 10, 2018
Tuesday June 19, 2018	Tuesday July 24, 2018	Tuesday July 31, 2018	Tuesday August 7, 2018
Tuesday July 24, 2018	Tuesday August 21, 2018	Tuesday August 28, 2018	Wednesday September 5, 2018
Tuesday August 21, 2018	Tuesday September 18, 2018	Tuesday September 25, 2018	Tuesday October 2, 2018
Tuesday September 18, 2018	Tuesday October 23, 2018	Tuesday October 30, 2018	Tuesday November 6, 2018
Tuesday October 23, 2018	Tuesday November 20, 2018	Tuesday November 27, 2018	Tuesday December 4, 2018
Tuesday November 20, 2018	Tuesday December 18, 2018	Thursday January 3, 2019	Tuesday January 8, 2019
Tuesday December 18, 2018	Tuesday January 22, 2019	Tuesday January 29, 2019	Tuesday February 5, 2019

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