



Arizona Administrative REGISTER

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From the Publisher

ABOUT THIS PUBLICATION

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

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

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

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

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

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

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

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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 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 16. ARIZONA MEDICAL BOARD**

[R18-116]

PREAMBLE

- | | |
|---|---------------------------------|
| <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R4-16-101 | Amend |
| R4-16-102 | Amend |
| R4-16-103 | Amend |
| R4-16-401 | Amend |
| R4-16-402 | 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. §§ 32-1404(D) and 32-1456(B) and (D)
 Implementing statute: A.R.S. §§ 32-1401(16) and 32-1456
- 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. 638, March 23, 2018
- 4. The agency's contact person who can answer questions about the rulemaking:**
 Name: Patricia McSorley, Executive Director
 Address: Arizona Medical Board
 1740 W. Adams St., Suite 4000
 Phoenix, AZ 85007
 Telephone: (480) 551-2700
 Fax: (480) 551-2704
 E-mail: patricia.mcsorley@azmd.gov
 Web site: www.azmd.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:**
 In a five-year-review report approved by the Council on December 5, 2017, the Board indicated it would amend the rules in this rulemaking. The rules regarding medical assistants are amended to update them with current industry standards. Minor, non-substantive, changes are made to the language of R4-16-101 though R4-16-103. An exemption from Executive Order 2018-02 was provided for this rulemaking by Emily Rajakovich, Director of Boards and Commissions, in an e-mail dated March 1, 2018.
- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
 The Board does not intend to review or rely on a study in its evaluation of or justification for any rule in this rulemaking.
- 7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
 Not applicable
- 8. The preliminary summary of the economic, small business, and consumer impact:**
 The Board expects the rulemaking to have minimal economic impact. The rulemaking simply amends the definition of approved



medical assistant training program, updates the entities providing medical assistant examinations, and updates material incorporated by reference.

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

Name: Patricia McSorley, Executive Director
Address: Arizona Medical Board
1740 W. Adams St., Suite 4000
Phoenix, AZ 85007
Telephone: (480) 551-2700
Fax: (480) 551-2704
E-mail: patricia.mcsorley@azmd.gov
Web site: www.azmd.gov

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

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

Date: Tuesday, August 14, 2018
Time: 12:00 p.m. (noon)
Location: Arizona Medical Board
1740 W. Adams St., Boardroom B
Phoenix, AZ 85007

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

None

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

No rule in this rulemaking 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:

None of the rules is more stringent than federal law. There are numerous federal laws relating to the provision of health care but none is directly applicable to this rulemaking.

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

No analysis was submitted.

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

R4-16-402: Appendix B, Core Curriculum for Medical Assistants, 2015 edition of Standards and Guidelines for the Accreditation of Educational Programs in Medical Assisting, published by the Commission on Accreditation of Allied Health Education Programs

13. The full text of the rules follows:

**TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 16. ARIZONA MEDICAL BOARD**

ARTICLE 1. GENERAL PROVISIONS

Section
R4-16-101. Definitions
R4-16-102. Continuing Medical Education
R4-16-103. Rehearing or Review of Board Decision

ARTICLE 4. MEDICAL ASSISTANTS

Section
R4-16-401. Medical Assistant Training Requirements
R4-16-402. Authorized Procedures for Medical Assistants

ARTICLE 1. GENERAL PROVISIONS

R4-16-101. Definitions

Unless the context otherwise requires, definitions prescribed under A.R.S. § 32-1401 and the following apply to this Chapter:

1. "ACLS" means advanced cardiac life support performed according to certification standards of the American Heart Association.
2. "Agent" means an item or element that causes an effect.
3. "Approved medical assistant training program" means a program accredited by any one of the following:
 - a. The Commission on Accreditation of Allied Health Education Programs; or
 - b. The Accrediting Bureau of Health Education Schools;



- e. ~~A medical assisting program accredited by any accrediting agency recognized by the United States Department of Education; or~~
- d. ~~A training program:~~
 - i. ~~Designed and offered by a licensed allopathic physician;~~
 - ii. ~~That meets or exceeds any of the prescribed accrediting programs in subsection (a), (b), or (c); and~~
 - iii. ~~That verifies the entry-level competencies of a medical assistant prescribed under R4-16-402(A).~~
- 4. ~~“Auscultation” means the act of listening to sounds within the human body either directly or through use of a stethoscope or other means.~~
- 5-4. “BLS” means basic life support performed according to certification standards of the American Heart Association.
- 6-5. “Capnography” means monitoring the concentration of exhaled carbon dioxide of a sedated patient to determine the adequacy of the patient’s ventilatory function.
- 7-6. “Deep sedation” means a drug-induced depression of consciousness during which a patient:
 - a. Cannot be easily aroused, but
 - b. Responds purposefully following repeated or painful stimulation, and
 - c. May partially lose the ability to maintain ventilatory function.
- 8-7. “Discharge” means a written or electronic documented termination of office-based surgery to a patient.
- 9-8. “Drug” means the same as in A.R.S. § 32-1901.
- 10-9. “Emergency” means an immediate threat to the life or health of a patient.
- 11-10. “Emergency drug” means a drug that is administered to a patient in an emergency.
- 12-11. “General Anesthesia” means a drug-induced loss of consciousness during which a patient:
 - a. Is unarousable even with painful stimulus; and
 - b. May partially or completely lose the ability to maintain ventilatory, neuromuscular, or cardiovascular function or airway.
- 13-12. “Health care professional” means a registered nurse defined in A.R.S. § 32-1601, registered nurse practitioner defined in A.R.S. § 32-1601, physician assistant defined in A.R.S. § 32-2501, and any individual authorized to perform surgery according to A.R.S. Title 32 who participates in office-based surgery using sedation at a physician’s office.
- 14-13. “Informed consent” means advising a patient of the:
 - a. Purpose for and alternatives to the office-based surgery using sedation,
 - b. Associated risks of office-based surgery using sedation, and
 - c. Possible benefits and complications from the office-based surgery using sedation.
- 15-14. “Inpatient” has the same meaning as in A.A.C. R9-10-201.
- 16-15. “Malignant hyperthermia” means a life-threatening condition in an individual who has a genetic sensitivity to inhalant anesthetics and depolarizing neuromuscular blocking drugs that occurs during or after the administration of an inhalant anesthetic or depolarizing neuromuscular blocking drug.
- 17-16. “Minimal Sedation” means a drug-induced state during which:
 - a. A patient responds to verbal commands,
 - b. Cognitive function and coordination may be impaired, and
 - c. A patient’s ventilatory and cardiovascular functions are unaffected.
- 18-17. “Moderate Sedation” means a drug-induced depression of consciousness during which:
 - a. A patient responds to verbal commands or light tactile stimulation, and
 - b. No interventions are required to maintain ventilatory or cardiovascular function.
- 19-18. “Monitor” means to assess the condition of a patient.
- 20-19. “Office-based surgery” means a medical procedure conducted in a physician’s office or other outpatient setting that is not part of a licensed hospital or licensed ambulatory surgical center. (A.R.S. § 32-1401(20)).
- 21-20. “PALS” means pediatric life support performed according to certification standards of the American Academy of Pediatrics or the American Heart Association.
- 22-21. “Patient” means an individual receiving office-based surgery using sedation.
- 23-22. “Physician” has the same meaning as doctor of medicine as defined in A.R.S. § 32-1401.
- 24-23. “Rescue” means to correct adverse physiologic consequences of deeper than intended level of sedation and return the patient to the intended level of sedation.
- 25-24. “Sedation” means minimum sedation, moderate sedation, or deep sedation.
- 26-25. “Staff member” means an individual who:
 - a. Is not a health care professional, and
 - b. Assists with office-based surgery using sedation under the supervision of the physician performing the office-based surgery using sedation.
- 27-26. “Transfer” means a physical relocation of a patient from a physician’s office to a licensed health care institution.

R4-16-102. Continuing Medical Education

- A. No change
 - 1. ~~The physician shall ensure at least one of the credit hours of continuing medical education is certified as Category 1, as described in subsection (B)(4), and addresses the effective and safe prescribing of opioids. A physician who is authorized to prescribe schedule II controlled substances and holds a valid U.S. Drug Enforcement Administration registration number shall complete at least three hours of opioid-related, substance-use-disorder-related, or addiction-related continuing medical education during each renewal cycle;~~
 - 2. No change
 - 3. No change
- B. No change
 - 1. No change



- 2. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change
- 7. No change
 - a. No change
 - b. No change
- 8. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- C. If a physician holding an active license to practice medicine in this state fails to meet the continuing medical education requirements under subsection (A) because of illness, military service, medical or religious missionary activity, or residence in a foreign country, upon written application, the Board shall grant an extension of time to complete the continuing medical education.
- D. No change

R4-16-103. Rehearing or Review of Board Decision

- A. ~~A motion for rehearing or review shall be filed as follows:~~ In a contested case or appealable agency action, a party aggrieved by an order of the Board may file a written motion for rehearing or review with the Board under A.R.S. Title 41, Chapter 6, Article 10, specifying the grounds for rehearing or review.
 - ~~1. Except as provided in subsection (B), any party in a contested case may file a written motion for rehearing or review of the Board's decision, specifying generally the grounds upon which the motion is based.~~
 - ~~2.1. A motion for rehearing or review shall be filed with the Board and served no later than 30 days after the decision of the Board.~~
 - ~~3.2. For purposes of this Section, "service" has the same meaning as in A.R.S. § 41-1092.09.~~
 - ~~4.3. For purposes of this Section, a document is deemed filed when the Board receives the document.~~
 - ~~5.4. For purposes of the Section, the terms "contested case" and "party" shall have the same meaning as in A.R.S. § 41-1001.~~
- B. ~~If the Board makes a specific finding that it is necessary for a particular decision to take immediate effect to protect the public health and safety, or that a rehearing or review of the Board's decision is impracticable or contrary to the public interest, the decision shall be issued as a final decision without opportunity for rehearing or review and shall be a final administrative decision for purposes of judicial review. Except as provided in subsection (H), a party is required to file a motion for rehearing or review of a Board decision to exhaust the party's administrative remedies.~~
- C. ~~A written response to a motion for rehearing or review may be filed and served within 15 days after service of the motion for rehearing or review. The Board may require the filing of written briefs upon any issues raised in the motion and may provide for oral argument. A party may amend a motion for rehearing or review at any time before the Board rules on the motion.~~
- D. ~~A The Board may grant a rehearing or review of a decision may be granted for any of the following reasons materially affecting a party's rights:~~
 - 1. Irregularity in the ~~administrative proceedings by the Board, its hearing officer, or the prevailing party, or any ruling or an order~~ or abuse of discretion, that deprives the moving party of a fair hearing;
 - 2. Misconduct of the Board, ~~its hearing officer its staff, administrative law judge,~~ or the prevailing party;
 - 3. Accident or surprise that could have not been prevented by ordinary prudence;
 - 4. ~~Material evidence, newly~~ Newly discovered, ~~which material evidence that could not,~~ with reasonable diligence, ~~could not~~ have been discovered and produced at the ~~original~~ hearing;
 - 5. Excessive ~~or insufficient penalties~~ penalty;
 - 6. Error in the admission or rejection of evidence; or other errors of law ~~that occurred~~ occurring at the hearing or during the progress of the proceedings;
 - 7. The decision is the result of a passion or prejudice; or
 - 8. The ~~decision of findings of fact or decision is not justified by the evidence or is contrary to law.~~
- E. ~~A rehearing or review may be granted~~ The Board may grant a rehearing or review to all or any of the parties and on all or part of the issues for any of the reasons in subsection (D). The Board may take additional testimony, amend findings of fact and conclusions of law, or make new findings and conclusions, and affirm, modify, or reverse the original decision. The Board shall specify the particular grounds for any order modifying a decision or granting a rehearing. If a rehearing or review is granted, the rehearing or review shall cover only the matters specified in the order.
- F. ~~A rehearing or review, if granted, shall be a rehearing or review only of the question upon which the decision is found erroneous. An order granting a rehearing or review shall specify with particularity the grounds for the order.~~
- ~~G.~~ Not later than 15 days after a decision is issued, the Board ~~of on~~ its own initiative may order a rehearing or review for any reason that it might have granted a rehearing or review on motion of a party. After giving the parties notice and an opportunity to be heard on the matter, the Board may grant a timely-served motion for a rehearing or review; for a reason not stated in the motion. In either case, the Board shall specify in the order the grounds for the rehearing or review.
- ~~H.G.~~ If a motion for rehearing or review is based upon affidavits, they shall be served with the motion. ~~The An~~ An opposing party may, within 15 days after service, serve opposing affidavits. The Board may extend this period for a maximum of 20 days either ~~by the Board~~ for good cause; or upon written stipulation by the parties ~~by written stipulation~~. The Board may permit reply affidavits.
- H. If, in a particular decision, the Board makes a specific finding that the immediate effectiveness of the decision is necessary for the preservation of the public health, safety, or welfare, the decision may be issued as a final decision without an opportunity for rehearing or review.



- I. A party that has exhausted the party’s administrative remedies may appeal a final order of the Board under A.R.S. Title 12, Chapter 7, Article 6.
- J. A person that files a complaint with the Board against a licensee:
 - 1. Is not a party to:
 - a. A Board administrative action, decision, or proceeding; or
 - b. A court proceeding for judicial review of a Board decision under A.R.S. §§ 12-901 through 12-914; and
 - 2. Is not entitled to seek rehearing or review of a Board action or decision under this Section.

ARTICLE 4. MEDICAL ASSISTANTS

R4-16-401. Medical Assistant Training Requirements

- A. After the effective date of this Section, a supervising physician or physician assistant shall ensure that before a medical assistant satisfies one of the following training requirements before employing is employed, the medical assistant completes either:
 - 1. Completion of an approved medical assistant An approved training program identified in R4-16-101; or
 - 2. Completion of an An unapproved medical assistant training program and passage of successfully passes the medical assistant examination administered by either the American Association of Medical Assistants or the American Medical Technologists National Commission for Certifying Agencies or the American National Standards Institute.
- B. This Section does not apply to any person who:
 - 1. Before February 2, 2000:
 - a. Completed an unapproved medical assistant training program and was employed as a medical assistant after program completion; or
 - b. Was directly supervised by the same physician, physician group, or physician assistant for a minimum of 2000 hours; or
 - 2. Completes a United States Armed Forces medical services training program.

R4-16-402. Authorized Procedures for Medical Assistants

- A. A medical assistant may perform, under the direct supervision of a physician or a physician assistant, the medical procedures listed in the 2003 revised Appendix B. Core Curriculum for Medical Assistants, 2015 edition of Standards and Guidelines for the Accreditation of Educational Programs in Medical Assisting, published by the Commission on Accreditation of Allied Health Education Programs’s, Programs “Standards and Guidelines for an Accredited Educational Program for the Medical Assistant, Section (III)(C)(3)(a) through (III)(C)(3)(e).” This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and may be obtained from the publisher at 35 East Wacker Drive, Suite 1970, Chicago, Illinois 60601 25400 U.S. Highway 19 N, Suite 158, Clearwater, FL 33763, www.caahep.org, or the Arizona Medical Board at 9545 E. Doubletree Ranch Road, Scottsdale, AZ 85258, www.azmd.gov.
- B. In addition to the medical procedures in subsection (A), a medical assistant may administer the following under the direct supervision of a physician or physician assistant:
 - 1. Whirlpool treatments,
 - 2. Diathermy treatments,
 - 3. Electronic galvation stimulation treatments,
 - 4. Ultrasound therapy,
 - 5. Massage therapy,
 - 6. Traction treatments,
 - 7. Transcutaneous Nerve Stimulation unit treatments,
 - 8. Hot and cold pack treatments, and
 - 9. Small volume nebulizer treatments.

**NOTICE OF PROPOSED RULEMAKING
TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS**

[R18-117]

PREAMBLE

- | | |
|---|---------------------------------|
| <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R4-26-403 | Amend |
| R4-26-404.2 | New Section |
| R4-26-407 | Amend |
| R4-26-409 | 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. § 32-2063(A)(3) and (A)(9)
 Implementing statute: A.R.S. §§ 32-2091.03
 - 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. 1873, July 6, 2018 (in this issue)
 - 4. The agency’s contact person who can answer questions about the rulemaking:**
 Name: Jenna Jones, Executive Director



Address: Board of Psychologist Examiners
 1740 W. Adams St., Suite 3403
 Phoenix, AZ 85007

Telephone: (602) 542-8162

Fax: (602) 542-8279

E-mail: Jenna.jones@psychboard.az.gov

Web site: www.psychboard.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:

In a rulemaking published at 23 A.A.R. 215, January 27, 2017, the Board amended the rules in 4 A.A.C. 26, Article 4. However, the Board removed R4-26-404.2, dealing with Supervised Experience Requirement, from the final rulemaking to enable the Board to address differences between the supervised experience requirements of BACB and A.R.S. § 32-2091.03. The Board is again amending R4-26-403 and R4-26-407 to include a cross reference to R4-26-404.2. The Board is also amending R4-26-409 regarding use of online courses for continuing education to be consistent with the standards of BACB. An exemption from Executive Order 2017-02 was provided for this rulemaking by Mara Mellstrom, Policy Advisor in the Governor's office, in an e-mail dated March 16, 2017.

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

The Board does not intend to review or rely on a study in its evaluation of or justification for any rule in this rulemaking.

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

Not applicable

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

The purpose of this rulemaking is to establish standards for the supervised experience requirement that are consistent with the Board's statutes and the requirements of the BACB and to make the continuing education requirement regarding use of online courses consistent with that of the BACB. The Board believes the rulemaking will have minimal economic impact.

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

Name: Jenna Jones, Executive Director

Address: Board of Psychologist Examiners
 1740 W. Adams St., Suite 3403
 Phoenix, AZ 85007

Telephone: (602) 542-8162

Fax: (602) 542-8279

E-mail: Jenna.jones@psychboard.az.gov

Web site: www.psychboard.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:

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

Date: Monday, August 6, 2018

Time: 10:00 a.m.

Location: Board of Psychologist Examiners
 1740 W. Adams St., Boardroom B
 Phoenix, AZ 85007

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

None

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

The license required for behavior analysts is a general permit consistent with A.R.S. § 41-1037 because it is issued to qualified individuals to conduct activities that are substantially similar in nature.

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

There are numerous federal laws that apply to provision of health care but none is directly applicable to this rulemaking.

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

No analysis was submitted.

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

None

**13. The full text of the rules follows:****TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS****ARTICLE 4. BEHAVIOR ANALYSIS**

Section	
R4-26-403.	Application for Initial License
<u>R4-26-404.2.</u>	<u>Supervised Experience Requirement</u>
R4-26-407.	License by Reciprocity
R4-26-409.	Continuing Education Requirement

ARTICLE 4. BEHAVIOR ANALYSIS**R4-26-403. Application for Initial License**

- A.** No change
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. No change
 8. No change
 9. No change
 10. No change
 11. No change
 12. No change
 - 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. No change
 - m. No change
 - n. No change
 13. No change
- B.** No change
1. No change
 2. No change
 3. No change
 4. No change
- C.** No change
1. No change
 2. Verification of supervised experience that meets the standards specified in R4-26-404.2 ~~submitted by an individual with direct knowledge of the supervised experience;~~
 3. No change
 4. No change
 5. No change

R4-26-404.2. Supervised Experience Requirement

- A.** Application of this Section:
1. This Section does not apply to an individual who was certified by the BACB with at least 1500 hours of supervised experience before January 1, 2015; and
 2. This Section applies in part to an individual who was certified by the BACB with fewer than 1500 hours of supervised experience before January 1, 2015. To be licensed in Arizona, the individual shall complete additional hours of supervised experience to the meet the 1500-hour requirement under A.R.S. § 32-2091.03 and ensure all hours of supervised experience obtained after December 31, 2014, meet the requirements of this Section.



- B.** To be licensed as a behavior analyst in Arizona, an individual shall have completed 1500 hours of supervised experience. The Board shall accept, for the purpose of licensure, hours of supervised experience obtained on or after January 1, 2015, that meet the following standards:
 - 1. Supervised independent fieldwork. The supervisee shall be supervised at a frequency that meets the standards of the BACB at the time of supervision;
 - 2. Practicum. The supervisee shall:
 - a. Participate in a practicum in behavior analysis within a program approved by the BACB;
 - b. Achieve a passing grade in the practicum;
 - c. Obtain graduate-level academic credit for the practicum; and
 - d. Be supervised at a frequency that meets the standard of the BACB at the time of supervision;
 - 3. Intensive practicum. The supervisee shall:
 - a. Participate in an intensive practicum in behavior analysis within a program approved by the BACB;
 - b. Achieve a passing grade in the intensive practicum;
 - c. Obtain graduate-level academic credit for the intensive practicum; and
 - d. Be supervised at a frequency that meets the standards of the BACB at the time of supervision;
 - 4. Combination of experience categories. The supervisee may accrue hours of supervised experience in a single category or may combine any two or three categories listed in subsections (B)(1) through (3). However, the supervisee shall accrue supervised experience in only one category in each supervisory period; and
 - 5. For all categories of supervised experience, the supervisee shall accrue:
 - a. No fewer than 20 hours and no more than 130 hours, including time spent in supervision, each month; or
 - b. The number of hours that meets the standards of the BACB at the time of supervision.
- C.** Standards for supervised experience.
 - 1. Onset of supervised experience. The Board shall not accept, for the purpose of licensure, hours of supervised experience completed before attending courses required under R4-26-405. However, the Board shall accept hours of supervised experience completed concurrent with attending courses required under R4-26-405.
 - 2. Appropriate activities. The Board shall accept, for the purpose of licensure, hours of supervised experience that demonstrate participation in supervised experiences with various populations, at various sites, with multiple supervisors, and including all of the following activity areas:
 - a. Conducting assessments related to behavioral intervention;
 - b. Designing, implementing, and monitoring skill-acquisition and behavior-reduction programs;
 - c. Overseeing implementation of behavior-analytic programs by others;
 - d. Training, designing behavioral systems, and managing performance; and
 - e. Performing other activities directly related to behavior analysis such as attending planning meetings regarding the behavior analytic program, researching literature related to the program, and talking with others about the program.
 - 3. Appropriate clients. The Board shall accept, for the purpose of licensure, hours of supervised experience with appropriate clients.
 - a. An appropriate client is one for whom behavior-analytic services are suitable.
 - b. A client is not appropriate if:
 - i. The client is related to the supervisee.
 - ii. The client's primary caretaker is related to the supervisee, or
 - iii. The supervisee is the client's primary caretaker.
 - 4. Supervisor qualifications. The Board shall accept, for the purpose of licensure, hours of supervised experience only if the supervisor:
 - a. Was licensed by the state in which the supervision occurred during the period of supervised experience; or
 - b. If licensure of behavior analysts was not available or not in effect in the state in which the supervision occurred or during the period of supervised experience, was certified as a behavior analyst by the BACB; and
 - c. Was not related to, subordinate to, or employed by the supervisee during the period of supervised experience. Employment does not include payment made to the supervisor by the supervisee for supervisory services.
 - 5. Nature of supervision. The Board shall accept, for the purpose of licensure, hours of supervised experience that are effective in improving and maintaining the behavior-analytic, professional, and ethical skills of the supervisee.
 - a. Effective supervision includes:
 - i. Developing performance expectations for the supervisee;
 - ii. Observing the supervisee and providing performance feedback on behavior-analytic activities with clients in the natural environment. In person, on-site observation is preferred but use of web cameras, videotape, videoconferencing, or a similar means that provides synchronous observation is acceptable;
 - iii. Modeling technical, professional, and ethical behavior for the supervisee;
 - iv. Guiding behavioral case conceptualization, problem solving, and decision making skills of the supervisee;
 - v. Reviewing written materials prepared by the supervisee such as behavior programs, data sheets, and reports;
 - vi. Providing oversight and evaluation of the effects of the supervisee's delivery of behavioral service; and
 - vii. Evaluating the effects of supervising the supervisee; and
 - b. Effective supervision may be conducted:
 - i. Individually for at least half of the total supervised hours in each supervisory period; and
 - ii. In groups of two to 10 supervisees for no more than half of the total supervised hours in each supervisory period.
 - 6. Supervision plan. The Board shall accept, for the purpose of licensure, hours of supervised experience for which the supervisee and supervisor executed a written plan before starting the supervised experience, which includes the following:
 - a. States the responsibilities of both the supervisor and supervisee;



- b. Requires the supervisor and supervisee to complete BACB's online experience training module;
 - c. Requires the supervisor to complete eight hours of supervision training provided by BACB;
 - d. Includes a description of appropriate activities and instructional objectives;
 - e. Specifies the measurable circumstance under which the supervisor will complete the supervisee's Experience Verification Form;
 - f. Delineates the consequences if either supervisor or supervisee does not comply with the plan;
 - g. Requires the supervisee to obtain written permission from the supervisee's employer or manager when applicable; and
 - h. Requires both the supervisor and supervisee to comply with the ethical standard specified at R4-26-406.
7. Documentation of supervision. If the Board determines documentation of supervision is needed to enable it to assess an applicant's qualifications, the applicant shall submit documentation of hours of supervised experience. When requested, the Board shall accept, for the purpose of licensure:
- a. Copies of the BACB Experience Verification Forms submitted by the applicant to the BACB when the applicant applied to the BACB for certification;
 - b. Other documentation of supervision that includes the same data elements contained in the BACB Experience Verification Form; or
 - c. If the applicant is unable to obtain documentation under subsection (C)(7)(a) or (C)(7)(b) or if the applicant disagrees with the total hours recorded on the documentation, the Board shall accept:
 - i. A copy of the plan required under subsection (C)(6).
 - ii. Copies of the documentation maintained under subsection (C)(7)(a) or (C)(7)(b), and
 - iii. Letters or other documentation from third parties who observed the supervisory relationship.
8. Multiple supervisors or settings. The Board shall accept, for the purpose of licensure, hours of supervised experience provided by multiple supervisors or at multiple settings if all the hours of supervised experience meet the standards specified in subsections (C)(1) through (7).

R4-26-407. License by Reciprocity

An individual who is licensed or certified as a behavior analyst in another state may apply for an initial license as a behavior analyst in Arizona by complying with R4-26-403 and submitting evidence that the individual is licensed or certified as a behavior analyst in good standing and:

- 1. No change
- 2. Completed a minimum of 1,500 hours of supervised experience that meets the standards specified in R4-26-404.2;
- 3. No change
- 4. No change

R4-26-409. Continuing Education Requirement

- A. No change
- B. No change
- C. No change
 - 1. No change
 - 2. No change
 - 3. Self-study, ~~online~~, or correspondence course that is directly related to behavior analysis and offered by a BACB-approved provider or approved or offered by an accredited educational institution: Hours of continuing education determined by the course provider; a certificate or letter from the BACB-approved provider or a course syllabus and transcript from the accredited educational institution are required for documentation;
 - 4. Online course that is directly related to behavior analysis and offered by a BACB-approved provider or approved or offered by an accredited educational institution: Hours of continuing education determined by the course provider; a certificate or letter from the BACB-approved provider or a course syllabus and transcript from the accredited educational institution are required for documentation;
 - 4-5. No change
 - 5-6. No change
 - 6-7. No change
 - 7-8. No change
- D. The number of hours of continuing education is limited as follows:
 - 1. No more than 50 percent of the required hours may be obtained from teaching a continuing education program or course under subsection ~~(C)(4)~~ (C)(5). A licensee shall not obtain continuing education hours for teaching the same continuing education program or course more than once during each licensing period. A licensee shall earn no continuing education hours for participating as a member of a panel at a continuing education program or course;
 - 2. No more than 25 percent of the required hours may be obtained from continuing education under each of subsections (C)(3), ~~(5)~~, ~~and (6) and (7).~~
 - 3. No more than six of the required hours may be obtained under subsection ~~(C)(7)~~ (C)(8). Hours obtained under subsection ~~(C)(7)~~ (C)(8) may be used to complete the ethics requirement under subsection (A).
 - 4. Hours obtained in excess of the minimum required during a license period shall not be carried over to a subsequent license period.
- E. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change



- 5. No change
- F.** No change
- G.** No change
- H.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change



NOTICES OF FINAL RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor’s Regulatory Review Council or the Attorney General’s Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the Arizona Administrative Code.

**NOTICE OF FINAL RULEMAKING
TITLE 2. ADMINISTRATION
CHAPTER 8. STATE RETIREMENT SYSTEM BOARD**

[R18-118]

PREAMBLE

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

<u>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 both 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. The effective date for the rules:**
 June 11, 2018
 - a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
 The ASRS is requesting an immediate effective date upon filing this Notice of Final Rulemaking with the Secretary of State. Pursuant to A.R.S. § 41-1032(A)(2), an immediate effective date is necessary in order to comply with new interest rate that was set by the Board and which is effective for the new fiscal year beginning July 1, 2018.
 - b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**
 Not applicable

- 4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**
 Notice of Rulemaking Docket Opening: 24 A.A.R. 509, March 9, 2018
 Notice of Proposed Rulemaking: 24 A.A.R. 495, March 9, 2018

- 5. The agency’s contact person who can answer questions about 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

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



- 7. **A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
No study was reviewed.
- 8. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 9. **A summary of the economic, small business, and consumer impact:**
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 unintended consequences resulting from a misunderstanding of how interest rates are accrued and applied. Thus, the economic impact is minimized.
- 10. **A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:**
None
- 11. **An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**
The ASRS received no written comments regarding the rulemaking. No one attended the oral proceeding on April 16, 2018.
- 12. **All agencies shall list any 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 rules do not require a permit.
 - b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
There are no federal laws applicable to these rules.
 - c. **Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**
No analysis was submitted.
- 13. **A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:**
No materials are incorporated by reference.
- 14. **Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**
Not applicable
- 15. **The full text of the rules follows:**

**TITLE 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~~Articles 2 and 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

NOTICE OF FINAL RULEMAKING
TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL

[R18-119]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
R18-2-731 Amend
R18-2-901 Amend
2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: A.R.S. §§ 49-104(A)(10), 49-404(A)
Implementing statute: A.R.S. § 49-425(A)
3. The effective date of the rule:
August 10, 2018
a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):
Not applicable



- b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**

Not applicable

- 4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**

Notice of Rulemaking Docket Opening: 24 A.A.R. 514, March 9, 2018

Notice of Proposed Rulemaking: 24 A.A.R. 501, March 9, 2018

- 5. The agency's contact person who can answer questions about the rulemaking:**

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

- 6. 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 17, 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.

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

This rulemaking is incorporating by reference federal standards, and as such, the Department did not review or rely on any study for this rulemaking.

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

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

9. A 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

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

No substantive changes have been made to the rules.

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

On Monday, April 16, 2018, at 1:00 p.m. at ADEQ's Phoenix Offices, the Arizona Department of Environmental Quality conducted a public hearing on the NPRM. The public comment period for the rules began on Friday, March 16, 2018, and closed on Monday, April 16, 2018, at 5:00 p.m. No oral comments were received during the public hearing.

Prior to the start of the official public comment period, ADEQ received two comments during informal stakeholder outreach efforts. The Arizona Department of Environmental Quality (ADEQ) received written comments from a Senior Manager at Republic Services and from a partner at the law firm Troutman Sanders. These comments are summarized and addressed below.

I. Comment on complying with Clean Air Act deadlines

- 1) Comment: A stakeholder from Troutman Sanders expressed that while EPA was reconsidering the federal NSPS/NESHAPs for MSW landfills rulemaking, no state is required to submit a plan for such rule under CAA Section 111(d). The stakeholder commented that CAA Section 111(d) rules "do not require a state to 'comply,' rather, they give states a choice: They may either elect to prepare a state plan, or wait for a federal plan." Given EPA's reconsideration of the federal rule, as well as the alternative path of a federal plan, the stakeholder recommended that the state should choose to wait to conduct the state rulemaking and submitting its plan to EPA.

(Comment submitted by Troutman Sanders)

Response: On August 29, 2016 the Environmental Protection Agency (EPA) finalized rulemakings in the Federal Register (FR) updating the *Standards of Performance for Municipal Solid Waste Landfills* (81 FR 59332) and *Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills* (81 FR 59276). These rules became effective October 28, 2016 and were adopted in the code of federal regulation (CFR) under Title 40 CFR Part 60, Subpart XXX and Title 40 CFR Part 60, Subpart Cf respectively. The Arizona Department of Environmental Quality (ADEQ) was required to submit a plan to EPA establishing performance standards for MSW landfills by May 30, 2017; however, EPA announced its intention to stay the rules in May of 2017 and the stay was published in the federal register on May 31, 2017 (82 FR 24878). The 90-day stay expired on August 29th, 2017 without being renewed. Therefore, the requirements and deadlines in EPA's original rule promulgated on August 29, 2016 were in effect. In response, ADEQ is submitting a State plan to fulfill the federal requirements. While ADEQ appreciates the stakeholder's recommendation to wait to submit a plan and instead be susceptible to a federal plan by EPA, ADEQ thinks it is the state's best interest to maintain primacy over implementing the new standards. EPA has yet to announce the possibility of another stay or a new timeline for plan submittals, and as such, states are required to submit these plans accordingly. To address stakeholder concerns and to maintain enforcement flexibility, ADEQ has amended these rules so that they are effective upon EPA's approval of the state plan.

II. Comment on contacting EPA for additional clarification

- 1) Comment: A stakeholder from Republic Services expressed that they wished for ADEQ to reach out to EPA for their input on the regulatory process for implementing the Subpart Cf emission guidelines before submitting a state plan. They also provided the contact information for a representative at EPA.

(Comment submitted by Republic Services)

Response: ADEQ has reached out to EPA on several levels and at best received informal verbal guidance. Until EPA proposes another stay or at least a timeline for a revision of the federal rule promulgated on August 29, 2016, ADEQ must comply with the federal rule as written. ADEQ has tied the effectiveness of the state rule and plan to EPA approval. ADEQ feels this will provide the greatest flexibility to stakeholders while still complying with the federal rule as written.

ADEQ thanks Republic Services and Troutman Sanders for participating in the public comment process.

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

There are no other 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:

The rules subject of this rulemaking do not inherently require a permit. As Class I Major Sources pursuant to A.A.C. R18-2-302, MSW Landfills are permitted in accordance with Title V of the CAA and Title 49, Chapter 3 of the Arizona Revised Statutes. Therefore, the rules will be incorporated into revisions of MSW Landfill Title V permits.

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 federal Clean Air Act and implementing regulations adopted by EPA apply to the subject of this rulemaking. This rulemaking is no more stringent than required by federal law.

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

No such analysis was submitted.



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

<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

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

Not applicable

15. The full text of the rules follows:

**TITLE 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 on August 29, 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. ~~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 August 29, 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.
- ~~85.~~ ~~84.~~ Subpart KKKK - Standards of Performance for Stationary Combustion Turbines.
- ~~86.~~ ~~85.~~ Subpart LLLL - Standards of Performance for New Sewage Sludge Incineration Units.
- ~~87.~~ ~~86.~~ Subpart OOOO - Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution.



**NOTICES OF EXPIRATION OF RULES
UNDER A.R.S. § 41-1056(J)**

This section of the *Arizona Administrative Register* contains Notices of Expiration of Rules. Under A.R.S. § 41-1056(J), if an agency does not file a five-year rule review report with the Governor’s Regulatory Review Council (including a revised report); or if an agency does not file an extension before the due date of the report; or if an agency files an extension but does not submit a report

within the extension period; the rules scheduled for review expire.

The Council is required to notify the Secretary of State that the rules have expired and are no longer enforceable. The notice is published in the *Register*, and the rules are removed from the *Code*.

**GOVERNOR’S REGULATORY REVIEW COUNCIL
NOTICE OF EXPIRATION OF RULES UNDER A.R.S. § 41-1056(J)**

ARIZONA STATE RETIREMENT SYSTEM

[R18-128]

- 1. **Agency name:** Arizona State Retirement System
- 2. **Title and its heading:** 2, Administration
- 3. **Chapter and its heading:** 8, State Retirement System Board
- 4. **Article and its heading:** 9, Compensation
- 5. **As required by A.R.S. § 41-1056(J), the Council provides notice that the following rules expired as of June 12, 2018:**

- R2-8-901. Definitions
- R2-8-902. Compensation for Remitting Contributions
- R2-8-903. Compensation for Pension Calculations
- R2-8-904. Accrual of Credited Service
- R2-8-905. Compensation from An Additional Employer

- 6. **Signature is of Nicole O. Colyer** **Date of Signing**
/s/ June 14, 2018
Nicole Ong Colyer
Chairwoman



NOTICES OF RULEMAKING DOCKET OPENING

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

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

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

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

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

**NOTICE OF RULEMAKING DOCKET OPENING
BOARD OF PSYCHOLOGIST EXAMINERS**

[R18-121]

- 1. Title and its heading:** 4, Professions and Occupations
- Chapter and its heading:** 26, Board of Psychologist Examiners
- Article and its heading:** 4, Behavior Analysis
- Section numbers:** R4-26-403, R4-26-404.2, R4-26-407, and R4-26-409
(Additional Sections may be made, amended, or repealed as necessary).

2. The subject matter of the proposed rule:
In a rulemaking published at 23 A.A.R. 215, January 27, 2017, the Board amended the rules in 4 A.A.C. 26, Article 4. However, the Board removed R4-26-404.2, dealing with Supervised Experience Requirement, from the final rulemaking to enable the Board to address differences between the supervised experience requirements of BACB and A.R.S. § 32-2091.03. The Board is again amending R4-26-403 and R4-26-407 to include a cross reference to R4-26-404.2. The Board is also amending R4-26-409 regarding use of online courses for continuing education to be consistent with the standards of BACB. An exemption from Executive Order 2017-02 was provided for this rulemaking by Mara Mellstrom, Policy Advisor in the Governor’s office, in an e-mail dated March 16, 2017.

3. A citation to all published notices relating to the proceeding:
Notice of Proposed Rulemaking: 24 A.A.R. 1855, July 6, 2018 *(in this issue)*

4. Name and address of agency personnel with whom persons may communicate regarding the rule:
 Name: Jenna Jones, Executive Director
 Address: Board of Psychologist Examiners
 1740 W. Adams St., Suite 3403
 Phoenix, AZ 85007
 Telephone: (602) 542-8162
 Fax: (602) 542-8279
 E-mail: Jenna.jones@psychboard.az.gov
 Web site: www.psychboard.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 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



NOTICES OF PUBLIC INFORMATION

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

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

NOTICE OF PUBLIC INFORMATION
DEPARTMENT OF ENVIRONMENTAL QUALITY
PESTICIDES AND WATER POLLUTION CONTROL

[M18-58]

- 1. Name of the Agency: Department of Environmental Quality
Title and its heading: 18, Environmental Quality
Chapter and its heading: 6, Department of Environmental Quality - Pesticides and Water Pollution Control
Article and its heading: 3, Groundwater Protection List
Section and its heading: R18-6-301, Groundwater Protection List

2. The public information relating to the listed statute: Pursuant to A.R.S. § 49-305, the Arizona Department of Environmental Quality (Department) maintains a Groundwater Protection List (GWPL) composed of agricultural use pesticides and active ingredients that have the potential to pollute groundwater.

3. Draft 2018 Groundwater Protection List The GWPL is a list of agricultural use pesticide active ingredients that have the potential to pollute groundwater. An agricultural use pesticide active ingredient is placed on the GWPL for any of the following reasons: 1) it fails to comply with the established specific numeric values, 2) the environmental fate assessment indicates potential to leach to groundwater, or 3) an active ingredient or degradation product has been detected in groundwater consistent with established testing requirements.

Pursuant to A.A.C. R18-6-301, the Department is publishing the draft 2018 GWPL to provide an opportunity for the public to comment on the active ingredients being placed on or removed from the GWPL. The final 2017 GWPL contained 98 active ingredients; the draft 2017 GWPL would not add any new active ingredients. With this publication, a 30-day public review and written comment period begins. After completion of the 30-day review and comment period, the Department will formulate a response to any comments submitted and consider making modifications to the GWPL in response to the comments.

Table with 3 columns: CAS Number, Chemical Name. Rows include 2,4-D Acid, 2,4-D 2-Ethylhexyl Ester, 2,4-D Butoxyethyl Ester, 2,4-D Diethanolamine Salt, 2,4-D Dimethylamine Salt, 2,4-D Isopropylamine Salt, 2,4-D Isopropyl Ester of, 2,4-D Trisopropanolamine Salt, Acetochlor, Acibenzolar-S-Methyl, Amicarbazone, Aminocyclopyrachlor, Atrazine, Azoxystrobin, Bicyclopyrone.



16.	314-40-9	Bromacil
17.	53404-19-6	Bromacil, Lithium Salt
18.	63-25-2	Carbaryl
19.	128639-02-1	Carfentrazone-Ethyl
20.	50008-15-1	Chlorantraniliprole
21.	122453-73-0	Chlorfenapyr
22.	1702-17-6	Clopyralid
23.	57754-85-5	Clopyralid monoethanolamine salt
24.	420-04-2	Cyanamide
25.	736994-63-1	Cyantraniliprole
26.	113136-77-9	Cyclanilide
27.	52918-63-5	Deltamethrin
28.	13684-56-5	Desmedipham
29.	1918-00-9	Dicamba
30.	25059-78-3	Dicamba, DEA Salt
31.	104040-79-1	Dicamba, DGA Salt
32.	2300-66-5	Dicamba, DMA Salt
33.	10007-85-9	Dicamba, Potassium Salt
34.	1982-69-0	Dicamba, Sodium Salt
35.	110488-70-5	Dimethomorph
36.	165252-70-0	Dinotefuran
37.	330-54-1	Diuron
38.	144-21-8	DSMA (Disodium Methanearsonate)
39.	137512-74-4	Emamectin Benzoate
40.	115-29-7	Endosulfan
41.	473798-59-3	Fenpyrazamine
42.	104040-78-0	Flazasulfuron
43.	158062-67-0	Flonicamid
44.	145701-21-1	Florasulam
45.	335104-84-2	Flubendiamide
46.	318290-98-1	Fluensulfone
47.	142459-58-3	Flufenacet (Thiafluamide)
48.	658066-35-4	Fluopyram
49.	193740-76-0	Fluoxastrobin
50.	951659-40-8	Flupyradifurone
51.	66332-96-5	Flutolanil
52.	76674-21-0	Flutriafol
53.	77182-82-2	Glufosinate-Ammonium
54.	112226-61-6	Halofenozide
55.	100784-20-1	Halosulfuron-Methyl
56.	114311-32-9	Imazamox
57.	104098-48-8	Imazapic
58.	81335-77-5	Imazethapyr
59.	101917-66-2	Imazethapyr, Ammonium Salt
60.	122548-33-8	Imazosulfuron
61.	138261-41-3	Imidacloprid
62.	950782-96-2	Indaziflam
63.	330-55-2	Linuron
64.	128-58-3	MAA (Methanearsonic Acid)
65.	374726-62-2	Mandipropamid
66.	12427-38-2	Maneb
67.	16484-77-8	Mecoprop-P (MCP-P)
68.	70630-17-0	Mefenoxam
69.	208465-21-8	Mesosulfuron-Methyl
70.	16752-77-5	Methomyl
71.	161050-58-4	Methoxyfenozide
72.	21087-64-9	Metribuzin
73.	2163-80-6	Monosodium Methanearsonate (MSMA)
74.	111991-09-04	Nicosulfuron
75.	23135-22-0	Oxamyl
76.	494793-67-8	Penflufen
77.	117428-22-5	Picoxystrobin
78.	1610-78-0	Prometon
79.	7287-19-6	Prometryn
80.	18311274-15-7	Propoxycarbazone-sodium
81.	94125-34-5	Prosulfuron
82.	123312-89-0	Pymetrozine



83.	175013-18-0	Pyraclostrobin
84.	123343-16-8	Pyriithiobac Sodium
85.	447399-55-5	Pyroxasulfone
86.	84087-01-4	Quinclorac
87.	372137-35-4	Saflufenacil
88.	87392-12-9	S-Metolachlor
89.	81591-81-3	Sulfosate
90.	107534-96-3	Tebuconazole
91.	112410-23-8	Tebufenozide
92.	153719-23-4	Thiamethoxam
93.	317815-83-1	Thiencarbazone-methyl
94.	210631-68-8	Topramezone
95.	55335-06-3	Triclopyr
96.	117718-60-2	Thiazopyr
97.	199119-58-9	Trifloxysulfuron-Sodium
98.	95266-40-3	Trinexapac-Ethyl

Bold text indicates ingredients that have been detected historically in Arizona groundwater. Asterisk (*) indicates new additions to the GWPL.

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

Name: David M. Haag, Pesticide Program Coordinator
Address: Department of Environmental Quality
1110 W. Washington St., 5415B-3
Phoenix, AZ 85007
E-mail: haag.david@azdeq.gov

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

There is no public hearing associated with establishment of the GWPL. The Department will accept written comments on the draft GWPL for 30 days following publication of this Notice. If there are any changes, the Department will publish the revised draft 2018 GWPL in the *Arizona Administrative Register* and post on the agency’s website at: <http://www.azdeq.gov/notices>.



NOTICES OF AGENCY OMBUDSMAN

The Administrative Procedure Act requires the publication of Notices of Agency Ombudsman. Agencies shall publish annually in the Register the name or names of those employees who are designated by the agency to assist members of the public or regulated community in seeking information or assistance from the agency. (A.R.S. § 41-1006)

NOTICE OF AGENCY OMBUDSMAN
ARIZONA DEPARTMENT OF WATER RESOURCES

[M18-60]

- 1. The agency name: Arizona Department of Water Resources
2. The ombudsman's:
a. Name: John R. Riggins
b. Title: Compliance Officer and Ombudsman
c. Agency Division: Legal Division
3. The ombudsman's office address to include the city, state and zip code:
Address: Arizona Department of Water Resources
1110 W. Washington, Suite 310
Phoenix, AZ 85007
4. The ombudsman's area code and telephone number, fax number and e-mail address, if available:
Telephone: (602) 771-4782
Fax: (602) 771-8687
E-mail: jrriggins@azwater.gov



GOVERNOR EXECUTIVE ORDER

Executive Order 2018-02 is being reproduced in each issue of the Administrative Register as a notice to the public regarding state agencies' rulemaking activities.

This order will appear in the Register until its expiration on December 31, 2018, and has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2018-02

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

[M18-46]

WHEREAS, burdensome regulations inhibit job growth and economic development; and

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

WHEREAS, in 2015 the State of Arizona implemented a moratorium on all new regulatory rulemaking by State agencies through executive order, and renewed the moratorium in 2016 and 2017; and

WHEREAS, in 2017 the State of Arizona eliminated or repealed 676 needless regulations; and

WHEREAS, estimates show these eliminations saved job creators more than \$48 million in operating costs; and

WHEREAS, 161,000 private sector jobs have been added to Arizona since January 2015; and

WHEREAS, all government agencies of the State of Arizona should continue to promote customer-service-oriented principles for the people that it serves; and

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

WHEREAS, each State agency should evaluate its administrative rules using any available and reliable data and performance metrics; and

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

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

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

- 2. A State agency subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
c. To prevent a significant threat to the public health, peace, or safety.
d. To avoid violating a court order or federal law that would result in sanctions by a federal court for failure to conduct the rulemaking action.
e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
f. To comply with a state statutory requirement.
g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
j. To eliminate rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government.
3. A State agency subject to this Order, shall not publicize any directives, policy statements, documents or forms on its website unless such are explicitly authorized by Arizona Revised Statutes or Arizona Administrative Code.
4. A State agency subject to this Order, shall coordinate with the Office of Economic Opportunity to prepare a statement of estimated regulatory costs analyzing the economic impact of agency rules, including an analysis of the effort of such rules on the creation and retention of jobs within the State of Arizona.
5. A State agency subject to this Order, shall review the agency's rules related to license reciprocity and identify opportunities to decrease burdens for qualified professionals who relocate to Arizona, whether administrative or legislative, and report these opportunities to the office of the Governor no later than July 1, 2018.



6. A State agency subject to this Order, shall review the agency's rules to identify opportunities for veterans by recognizing the skills, credentials, and training received during military service in place of some or all of the training requirements for a specific license, and include additional opportunities in the report to the office of the Governor no later than July 1, 2018.
7. For the purposes of this Order, the term "State agencies," includes without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those State agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
8. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, "person," "rule," and "rulemaking" have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.
9. This Executive Order expires on December 31, 2018.

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

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this Twelfth day of February in the Year Two Thousand and Eighteen and of the Independence of the United States of America the Two Hundred and Thirty-Sixth.

ATTEST:

Michele Reagan
SECRETARY OF STATE

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

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

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

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

**NOTICE OF SUBSTANTIVE POLICY STATEMENT
MARICOPA COUNTY AIR QUALITY DEPARTMENT**

[M18-59]

1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

Document Title: Travel Reduction Program-Enforcement

Identification Number: SPS-2018-005

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

The MCAQD issued the substantive policy statement on June 19, 2018.

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

This substantive policy statement provides a consistent process for documenting Travel Reduction Program (TRP) violations, notifying alleged violators and initiating enforcement action in a timely and consistent manner.

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

A.R.S. §§ 49-581 - 49-593 and 49-471.11

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

This is a revised substantive policy statement; the initial version was effective January 2002 and was revised March 2005, August 2009, March 2010, March 2013, March 4, 2014, and April 2016.

6. The name and address of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Phil Cummings, TRP Supervisor

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

Telephone: (602) 506-6750

Fax: (602) 506-6669

E-mail: PCumming@mail.maricopa.gov

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

Copies of this substantive policy statement may be obtained from the MCAQD website at www.maricopa.gov/2851 or by contacting the MCAQD's Custodian of records at 1001 N. Central Ave., Suite 125, Phoenix, Arizona 85004 or (602) 506-6201. The cost for obtaining printed copies of this substantive policy statement is \$0.25/page.



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

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 TM = Terminated proposed amended Section
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 T# = Terminated proposed renumbered Section

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 See also “*emergency expired*” under *emergency rulemaking*

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R12-1-1746.	RC-813	R4-30-131.	FM-1785	R17-5-612.	FXM-1725
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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.

Table with 12 columns: January, February, March, April, May, June. Each month has sub-columns for Date Filed and Effective Date. Rows list dates from 1/1 to 1/31 and corresponding effective dates.



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
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7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
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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
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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.

Table with 3 columns: Deadline Date (paper only) Friday, 5:00 p.m., Register Publication Date, Oral Proceeding may be scheduled on or after. Rows list dates from March 23, 2018 to October 12, 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
<i>Tuesday</i> November 21, 2017	<i>Tuesday</i> December 19, 2017	<i>Wednesday</i> January 3, 2018	<i>Tuesday</i> January 9, 2018
<i>Tuesday</i> December 19, 2017	<i>Tuesday</i> January 23, 2018	<i>Tuesday</i> January 30, 2018	<i>Tuesday</i> February 6, 2018
<i>Tuesday</i> January 23, 2018	<i>Tuesday</i> February 20, 2018	<i>Tuesday</i> February 27, 2018	<i>Tuesday</i> March 6, 2018
<i>Tuesday</i> February 20, 2018	<i>Tuesday</i> March 20, 2018	<i>Tuesday</i> March 27, 2018	<i>Tuesday</i> April 3, 2018
<i>Tuesday</i> March 20, 2018	<i>Tuesday</i> April 17, 2018	<i>Tuesday</i> April 24, 2018	<i>Tuesday</i> May 1, 2018
<i>Tuesday</i> April 17, 2018	<i>Tuesday</i> May 22, 2018	<i>Wednesday</i> May 30, 2018	<i>Tuesday</i> June 5, 2018
<i>Tuesday</i> May 22, 2018	<i>Tuesday</i> June 19, 2018	<i>Tuesday</i> June 26, 2018	<i>Tuesday</i> July 10, 2018
<i>Tuesday</i> June 19, 2018	<i>Tuesday</i> July 24, 2018	<i>Tuesday</i> July 31, 2018	<i>Tuesday</i> August 7, 2018
<i>Tuesday</i> July 24, 2018	<i>Tuesday</i> August 21, 2018	<i>Tuesday</i> August 28, 2018	<i>Wednesday</i> September 5, 2018
<i>Tuesday</i> August 21, 2018	<i>Tuesday</i> September 18, 2018	<i>Tuesday</i> September 25, 2018	<i>Tuesday</i> October 2, 2018
<i>Tuesday</i> September 18, 2018	<i>Tuesday</i> October 23, 2018	<i>Tuesday</i> October 30, 2018	<i>Tuesday</i> November 6, 2018
<i>Tuesday</i> October 23, 2018	<i>Tuesday</i> November 20, 2018	<i>Tuesday</i> November 27, 2018	<i>Tuesday</i> December 4, 2018
<i>Tuesday</i> November 20, 2018	<i>Tuesday</i> December 18, 2018	<i>Thursday</i> January 3, 2019	<i>Tuesday</i> January 8, 2019
<i>Tuesday</i> December 18, 2018	<i>Tuesday</i> January 22, 2019	<i>Tuesday</i> January 29, 2019	<i>Tuesday</i> 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.