



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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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.

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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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an equal opportunity employer.*



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.

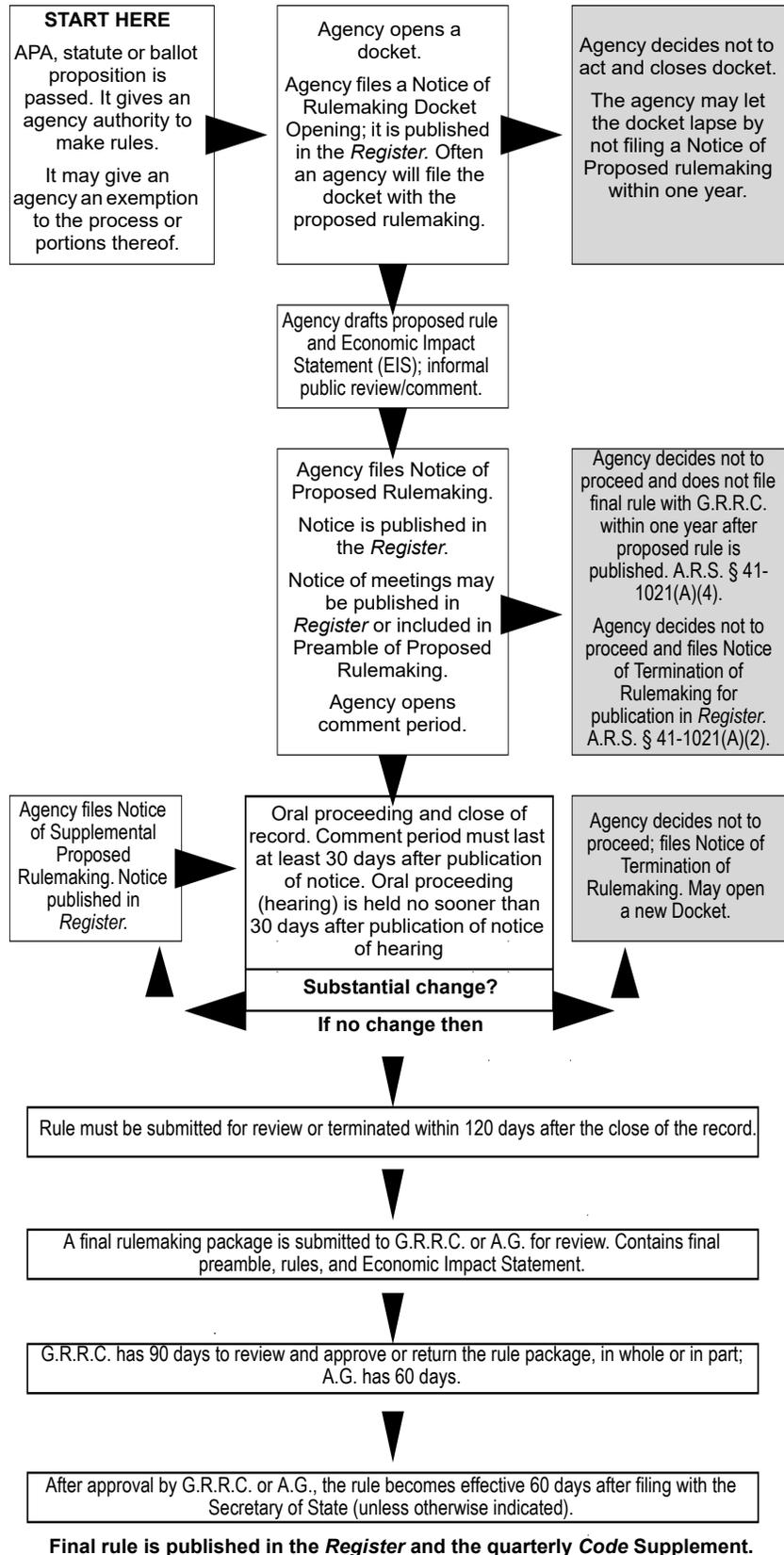
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

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 6. ECONOMIC SECURITY
CHAPTER 7. DEPARTMENT OF ECONOMIC SECURITY
CHILD SUPPORT ENFORCEMENT**

[R19-122]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)** **Rulemaking Action**
 R6-7-103 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. § 41-1954(a)(3)
 Implementing statute: A.R.S. §§ 25-510(D) and 46-441
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: 25 A.A.R. 1737, July 5, 2019 (*in this issue*)
4. **The agency’s contact person who can answer questions about the rulemaking:**
 Name: Christian J. Eide
 Address: Department of Economic Security
 P.O. Box 6123, Mail Drop 1292
 Phoenix, AZ 85005
 or
 Department of Economic Security
 1789 W. Jefferson St., Mail Drop 1292
 Phoenix, AZ 85007
 Telephone: (602) 542-9199
 Fax: (602) 542-6000
 E-mail: ceide@azdes.gov

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 **An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

The Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs final rule was published by the Office of Child Support Enforcement (OCSE), Administration for Children and Families (ACF) in the Federal Register, Volume 81, Number 244, on page 93492 on December 20, 2016, and codified as 42 CFR 301 et seq. This rule requires that Title IV, Part D of the Social Security Act (Title IV-D) child support programs implement measures to ensure fairness for the clients served, as well as ease of compliance for employers involved in collecting support from their employees. The final rule required state child support agencies to increase their case investigative efforts to ensure that child support orders—the amount noncustodial parents are required to pay each month—reflect the parent’s ability to pay. In doing so, it requires states to consider a low-income noncustodial parent’s specific circumstances when setting or enforcing orders, rather than taking a one-size-fits-all approach. The rule also requires states to take the investigative steps necessary to ensure that all relevant information about the noncustodial parent’s circumstances are collected and verified. These measures, while necessary for compliance with federal law, as well as for customer service, also increase base operating expenditures.

The Support Payment Clearinghouse referenced in A.R.S. §§ 25-510 and 46-441 is not solely funded by the clearinghouse fees collected, but is also supplemented by the Division of Child Support Enforcement’s operating budget. The increase to the clearinghouse fee is necessary to help meet the cost of operating the Support Payment Clearinghouse due to the decreased capacity of the



operating budget. Increased revenue resulting from the fee change will also maximize federal match funding available for child support services under Title IV-D.

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:
None

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:
Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:
This rulemaking does not impact small businesses. The economic impact of increasing the clearinghouse fee will directly affect Title IV-D non-custodial parents as they are responsible for paying the fee each month. Arizona families will receive continued support in the collection and disbursement of owed monies. This improves the well-being of children and families and reduces welfare costs to the taxpayer.

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

Name: Christian J. Eide
Address: Department of Economic Security
P.O. Box 6123, Mail Drop 1292
Phoenix, AZ 85005
or
Department of Economic Security
1789 W. Jefferson St., Mail Drop 1292
Phoenix, AZ 85007
Telephone: (602) 542-9199
Fax: (602) 542-6000
E-mail: ceide@azdes.gov

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

The Department has scheduled the following oral proceeding for public comments:

- Date: Monday, August 5, 2019
- Time: 9:00-10:30 a.m.
- Location: RSA Conference Room
515 N. 51st Ave., Suite 250
Phoenix, AZ 85043
Use West facing entrance with signage "Arizona Industries for the Blind"
- Location: RSA Conference Room
5441 E. 22nd St., Suite 101
Tucson, AZ 85711
- Location: RSA Conference Room
1185 Redondo Center Dr.
Yuma, AZ 85365
- Location: RSA Conference Room
1704 N. 4th St.
Flagstaff, AZ 86004
- Location: RSA Conference Room
2500 E. Cooley, Suite 420
Show Low, AZ 85901
- Location: RSA Conference Room
519 Beale St., Suite 130
Kingman, AZ 86401
- Location: RSA Conference Room
1140 F. Ave.
Douglas, AZ 85607
- Location: RSA Conference Room
125 E. Elliot Rd.
Chandler, AZ 85225

Close of record for this rulemaking is 5:00 p.m., on Tuesday, August 6, 2019



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:

No other matters are prescribed.

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:

45 CFR § 302.33(d) Recovery of Costs

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 6. ECONOMIC SECURITY

**CHAPTER 7. DEPARTMENT OF ECONOMIC SECURITY
CHILD SUPPORT ENFORCEMENT**

ARTICLE 1. GENERAL PROVISIONS

Section

R6-7-103. Payment Handling Fee

ARTICLE 1. GENERAL PROVISIONS

R6-7-103. Payment Handling Fee

Under A.R.S. § 25-510, the monthly payment handling fee shall be ~~\$5.00~~ \$8.00.

NOTICE OF PROPOSED RULEMAKING

**TITLE 6. ECONOMIC SECURITY
CHAPTER 14. DEPARTMENT OF ECONOMIC SECURITY
FOOD STAMPS PROGRAM**

[R19-123]

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
Article 3	New Article
R6-14-301	New Section
R6-14-302	New Section
R6-14-303	New Section
R6-14-304	New Section
R6-14-305	New Section
R6-14-306	New Section
R6-14-307	New Section
R6-14-308	New Section
R6-14-309	New Section
R6-14-310	New Section
R6-14-311	New Section
Article 4	New Article
R6-14-401	New Section
R6-14-402	New Section
R6-14-403	New Section
R6-14-404	New Section
R6-14-405	New Section
R6-14-406	New Section
R6-14-407	New Section
R6-14-408	New Section



R6-14-409	New Section
R6-14-410	New Section
R6-14-411	New Section
R6-14-412	New Section
R6-14-413	New Section
R6-14-414	New Section
R6-14-415	New Section
R6-14-416	New Section
R6-14-417	New Section
Article 5	New Article
R6-14-501	New Section
R6-14-502	New Section
R6-14-503	New Section
R6-14-504	New Section
R6-14-505	New Section
R6-14-506	New Section
R6-14-507	New Section

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. §§ 41-1954(A)(3), 4-134(1) and (10)
Implementing statute: A.R.S. §§ 41-1954(A)(1)(c) and (A)(8) and 46-136(B) and (C); 7 U.S.C. § 2013

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: 25 A.A.R. 1739, July 5, 2019 (*in this issue*)
Notice of Emergency Rulemaking: 24 A.A.R., 2081, July 27, 2018
Notice of Rulemaking Docket Opening: 24 A.A.R., 2971, October 19, 2018
Notice of Proposed Rulemaking: 24 A.A.R., 2893, October 19, 2018
Notice of Emergency Rulemaking: 24 A.A.R., 3591, December 28, 2018
Notice of Termination of Rulemaking: 25 A.A.R., 413, February 22, 2019

4. The agency’s contact person who can answer questions about the rulemaking:

Name: Rodney K. Huenemann
Address: Department of Economic Security
P.O. Box 6123, Mail Drop 1292
Phoenix, AZ 85005
or
Department of Economic Security
1789 W. Jefferson St., Mail Drop 1292
Phoenix, AZ 85007
Telephone: (602) 542-6159
Fax: (602) 542-6000
E-mail: rhuenemann@azdes.gov

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

The Department administers the Nutrition Assistance Program (Program), formerly called Food Stamps. The Program is authorized by the federal Supplemental Nutrition Assistance Program (SNAP) under the Food Stamp Act of 1977 (7 U.S.C. § 2011 et seq.) and the Code of Federal Regulations (7 CFR 271 through 7 CFR 283). The rulemaking will amend Chapter 14, Food Stamps Program, of the Arizona Administrative Code and provide rules that are consistent with federal law and regulation.

Article Three establishes procedures for the Department to identify and collect overpayments from households. The rules establish categories of claims and criteria for identifying a claim’s date of discovery. The Department may determine the cost effectiveness of pursuing or terminating the collection of an overpayment and provide the household a compromise agreement to settle a claim. The rules provide for acceptable payment and collection methods.

Article Four provides for an appeal and fair hearing to any household wishing to contest an adverse Department action. The household must file an appeal request within 90 days of receiving a notice of the adverse action. The Department shall stay any adverse action pending an appeal decision. The fair hearing procedure outlines the hearing schedule, duties of the hearing officer, and parties’ rights. The hearing officer must issue a decision within 60 days after the appeal request is filed. The household can appeal the hearing officer’s decision.

Article Five defines an Intentional Program Violation and establishes a procedure for disqualifying a household from further Program benefits. A household may waive the right to an administrative disqualification hearing. The administrative disqualification procedures outline the hearing schedule, hearing officer’s responsibilities, and the parties’ rights. Various sanctions may be imposed for any program violation found. A household may appeal the determination of a program violation. The Department will honor out-of-state sanctions and impose Program penalties in this state.



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

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

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

Not applicable

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

The Department anticipates that this rulemaking will have a minimal economic impact on the implementing agency, small businesses, and consumers. There is no additional cost to the Department or other state agencies anticipated by this rulemaking.

The persons directly impacted by this rulemaking are individuals or households who are applicants for, recipients of, or former recipients of the Nutrition Assistance program. These individuals and households will benefit from clear, concise, and understandable information regarding the overpayment and claims processes, and the rights and responsibilities afforded to individuals and households in the Fair Hearings, Appeals, and Intentional Program Violation processes.

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

Name: Rodney K. Huenemann
 Address: Department of Economic Security
 P.O. Box 6123, Mail Drop 1292
 Phoenix, AZ 85005
 or
 Department of Economic Security
 1789 W. Jefferson St., Mail Drop 1292
 Phoenix, AZ 85007
 Telephone: (602) 542-6159
 Fax: (602) 542-6000
 E-mail: rhuenemann@azdes.gov
 Web site: des.az.gov

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

The Department has scheduled the following oral proceeding for public comments:

Date: Tuesday, August 6, 2019
 Time: 1:00 p.m.
 Location: RSA Conference Room
 515 N. 51st Ave., Suite 250
 Phoenix, AZ 85043
 Use west facing entrance with signage "Arizona Industries for the Blind"

Persons may participate in the oral proceeding via video conference using any of the following satellite offices:
 Location: RSA Conference Room
 5441 E. 22nd St., Suite 101
 Tucson, AZ 85711

Location: RSA Conference Room
 1185 Redondo Center Dr.
 Yuma, AZ 85365

Location: RSA Conference Room
 1704 N. Fourth St.
 Flagstaff, AZ 86004

Location: RSA Conference Room
 519 Beale St., Suite 130
 Kingman, AZ 86401

Location: RSA Conference Room
 1140 F Ave.
 Douglas, AZ 85607

Location: RSA Conference Room
 125 E. Elliot Rd.
 Chandler, AZ 85225

Persons may also participate in the oral proceeding by telephone (audio only) by calling toll free to 1-877-820-7831. After connecting, enter Participant Pass code 941645.

Close of record for this rulemaking is 5:00 p.m., on Thursday, August 8, 2019.



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:

No other matters are prescribed.

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:

Article Three - Claims Against Households. Federal law at 7 U.S.C. § 2022 is applicable to this rule. This federal law is implemented in the SNAP program at 7 CFR 273.18. This rule is not more stringent than federal law or regulation.

Article Four – Appeals and Fair Hearings. Federal law at 7 U.S.C. § 2020 is applicable to this rule. This federal law is implemented in the SNAP program at 7 CFR 273.15. This rule is not more stringent than federal law or regulation.

Article Five – Intentional Program Violation. Federal law at 7 U.S.C. § 2015 is applicable to this rule. This federal law is implemented in the SNAP at 7 CFR 273.16. This rule is not more stringent than federal law or regulation.

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 6. ECONOMIC SECURITY
CHAPTER 14. DEPARTMENT OF ECONOMIC SECURITY
FOOD STAMPS PROGRAM NUTRITION ASSISTANCE PROGRAM**

ARTICLE 3. EXPIRED CLAIMS AGAINST HOUSEHOLDS

Section

- R6-14-301. ~~Expired~~ Purpose and Definitions
- R6-14-302. ~~Expired~~ Claim Calculation; Date of Discovery; Overpayment Period
- R6-14-303. ~~Expired~~ Determining a Claim Amount
- R6-14-304. ~~Expired~~ Pre-establishment Cost Effectiveness Determination
- R6-14-305. ~~Expired~~ Notice of Claim
- R6-14-306. ~~Expired~~ Acceptable Forms of Payment
- R6-14-307. ~~Expired~~ Collection Methods
- R6-14-308. ~~Expired~~ Claim Compromise
- R6-14-309. ~~Expired~~ Reinstatement of a Compromised Claim
- R6-14-310. ~~Expired~~ Terminating and Writing Off a Claim
- R6-14-311. ~~Expired~~ Claims Established in Another State

ARTICLE 4. EXPIRED APPEALS AND FAIR HEARINGS

Section

- R6-14-401. ~~Expired~~ Entitlement to a Fair Hearing; Appealable Action
- R6-14-402. ~~Expired~~ Computation of Time
- R6-14-403. ~~Expired~~ Request for Hearing; Form; Time Limits; Presumptions
- R6-14-404. ~~Expired~~ Stay of Action Pending Appeal
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- R6-14-409. ~~Expired~~ Subpoenas
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- R6-14-413. ~~Expired~~ Hearing Proceedings
- R6-14-414. ~~Expired~~ Hearing Decision
- R6-14-415. ~~Expired~~ Effect of the Decision
- R6-14-416. ~~Expired~~ Further Administrative Appeal
- R6-14-417. ~~Expired~~ Appeals Board



ARTICLE 5. EXPIRED INTENTIONAL PROGRAM VIOLATION

Section

R6-14-501.	Expired Intentional Program Violations (IPV): Defined
R6-14-502.	Expired IPV Administrative Disqualification Hearings: Hearing Waiver
R6-14-503.	Expired Administrative Disqualification Hearings
R6-14-504.	Expired Failure to Appear; Default; Reopening
R6-14-505.	Expired Disqualification Sanctions: Notice
R6-14-506.	Expired Administrative Disqualification Hearings or Waiver of the Right to a Hearing: Appeal
R6-14-507.	Expired Honoring Out-of-State IPV Determinations and Sanctions

ARTICLE 3. EXPIRED CLAIMS AGAINST HOUSEHOLDS

R6-14-301. ~~Expired~~ Purpose and Definitions

- A.** The Department establishes and collects claims under 7 CFR 273.18, Claims against households. This Article clarifies the Department's policies and procedures as permitted in federal regulation.
- B.** The definitions in section R6-14-111 and the following definitions apply to this Article:
1. "Agency error" or "AE claim" means any claim for an overpayment caused by an action or failure to take action by the Department.
 2. "Claim" means the amount of a federal debt owed because Nutrition Assistance benefits were overpaid or benefits were trafficked.
 3. "Household" means one of the following individuals or groups of individuals, unless otherwise specified under 7 CFR 273.1(b):
 - a. Except as contained in (b):
 - i. An individual living alone;
 - ii. An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or
 - iii. A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.
 - b. Specific to the Claim Compromise process in R6-14-308, the following persons who are residing together:
 - i. Adults who were members of the Nutrition Assistance household for which the claim was established, and who were adults at the time the claim was established, and
 - ii. Minor children for whom adult household members are responsible.
 4. "Inadvertent household error" or "IHE claim" means any claim for an overpayment resulting from a misunderstanding or unintended error on the part of the Nutrition Assistance household. This includes instances when the household received more benefits than it was entitled to receive because the household requested a continuation of benefits, pending a fair hearing decision.
 5. "Intentional Program Violation" or "IPV claim" means any claim for an overpayment resulting from an individual committing and intending to commit, an IPV under 7 CFR 273.16.
 6. "Trafficking claim" means any claim for the value of benefits that are trafficked, under 7 CFR 273.18. Trafficking is defined under 7 CFR 271.2.

R6-14-302. ~~Expired~~ Claim Calculation: Date of Discovery; Overpayment Period

Under 7 CFR 273.18, the Department shall calculate an overpayment of benefits claim by:

- A.** Date of discovery. The date of discovery is determined when the Department becomes aware of the overpayment. The Department becomes aware of an overpayment on:
1. For AE claims, the date of discovery is the date the overpayment has been verified or the date the household ultimately fails to respond to or satisfy an overpayment inquiry.
 2. For IHE and IPV claims, the date that the Department obtains verification used to calculate the over-issuance.
 3. For claims resulting from trafficking, the date of the court decision, or the date the household signed a waiver of administrative disqualification hearing form or a disqualification consent agreement.
- B.** For AE and IHE claims, calculate a claim for the month of the date of discovery and for each prior month, not to exceed 36 months prior to the date of discovery.
- C.** For an IPV claim not related to trafficking, calculate a claim back to the month that the IPV first occurred, not to exceed 72 months prior to the date of discovery.
- D.** For a claim resulting from trafficking, calculate a claim for the value of the trafficked benefits, as determined under 7 CFR 273.18(c)(2).

R6-14-303. ~~Expired~~ Determining a Claim Amount

- A.** For all claims other than a claim resulting from trafficking:
1. The Department shall determine whether the overpayment of benefits occurred at the time an eligibility determination was rendered for a new or recertification application or whether the overpayment occurred during an eligible certification period.
 2. When it is discovered that an error occurred either at application or prior to application approval, the Department shall re-determine eligibility and a benefit amount for that application and for the months in the certification period, using the application approval or denial policies and procedures that were in effect at the time the eligibility determination for the application was rendered. The Department will not consider information that was not previously reported by the household that would have resulted in an increase in the benefit allotment at the time of initial approval of benefits.
 - a. When it is determined that the household was ineligible, the Department shall establish a claim based on the amount of benefits issued for each month during the certification period that was established when the application was originally



- approved, minus the amount of benefits that the Department has expunged from the household's EBT benefit account, for each of the corresponding overpaid months.
- b. When it is determined that the household was eligible, the Department shall establish a claim based on the amount of benefits that were paid in excess of the correct benefit amount in each month of the certification period, minus the amount of benefits that the Department has expunged from the household's EBT benefit account, for each of the corresponding overpaid months.
- 3. When a change occurred during an eligible certification period:
 - a. The Department shall process any change that was reported and re-determine a new benefit allotment amount for each affected month in the certification period using the change processing policies and procedures that were in effect for those months under 7 CFR 273.12(c).
 - i. The Department shall establish a claim based on the amount of benefits that were paid in excess of the new benefit amount in each affected month of the certification period, minus the amount of benefits that the Department has expunged from the household's EBT benefit account.
 - ii. The Department shall issue a supplement for each month the household was paid less than the new benefit amount.
 - b. When the Department discovers a change which was not reported by the household, the Department shall determine whether the change was required to be reported based on the change reporting requirement assigned to the household for the certification period.
 - i. When the change was not required to be reported the Department shall not process the change for the months in the certification period.
 - ii. When the change was required to be reported the Department shall re-determine eligibility and a new benefit allotment amount for each affected month in the certification period using the change processing policies and procedures that were in effect for those months under 7 CFR 273.12(c). The Department shall establish a claim based on the amount of benefits that were paid in excess of the correct benefit amount in each month of the certification period, minus the amount of benefits that the Department has expunged from the household's EBT benefit account.
- B. For a claim resulting from trafficking, the Department shall calculate a claim amount based on the entire value of the trafficked benefits.

R6-14-304. ~~Expired~~Pre-establishment Cost Effectiveness Determination

The Department shall not establish an overpayment that is not cost effective using the threshold at 7 CFR 273.18(e)(2)(ii), unless the Department establishes and collects claims under a cost-effectiveness plan approved by the Food and Nutrition Service of the U.S. Department of Agriculture under 7 CFR 273.18(e)(2)(i) that establishes a different threshold.

R6-14-305. ~~Expired~~Notice of Claim

To begin collection on a claim, the Department shall send the household a Notice of Claim. At a minimum, the notice shall include all elements required under 7 CFR 273.18(e)(3)(iv).

R6-14-306. ~~Expired~~Acceptable Forms of Payment

The Department may accept all forms of payment, including the methods listed in 7 CFR 273.18(f) to collect a claim.

R6-14-307. ~~Expired~~Collection Methods

- A. Allotment reduction. When a household is receiving Nutrition Assistance benefits, the Department may use the allotment reduction in 7 CFR 273.18(g)(1).
- B. As provided under 7 CFR 273.18(g)(5), the Department may allow a household that is not participating in the Nutrition Assistance program to pay a claim in equal monthly payments in a negotiated repayment agreement. The household shall be responsible to pay a monthly payment in one of the following amounts until the claim is paid in full:
 - 1. An amount equal to the balance of the claim at the time the negotiated repayment agreement is made, divided by 36.
 - 2. When the amount in (1) is equal to or less than \$10.00, the monthly repayment amount shall be \$10.00.
- C. Under 7 CFR 273.18(g)(6), the Department may arrange with a liable individual to intercept his or her unemployment compensation benefits. This collection option may be included as part of a repayment agreement. The Department may also intercept an individual's unemployment compensation benefits by obtaining a court order.
- D. Under 7 CFR 273.18(g)(8), the Department may use other collection methods that include:
 - 1. Submitting the claim to the Arizona Department of Revenue for payment through a state tax refund.
 - 2. Submitting the claim to the Arizona Lottery Commission for payment through a lottery winnings offset.
 - 3. Submitting the claim to the federal Treasury Offset Program pursuant to 7 CFR 273.18(n).
 - 4. A wage garnishment established through a civil judgment or criminal restitution order. When the Department has obtained a judgment or order, the Department shall:
 - a. Send the household a Pre-Garnishment Notice to allow the household to agree to pay the claim in a manner other than wage garnishment; and
 - b. If the household fails to arrange for payment in response to the Pre-Garnishment Notice, the Department may request the Arizona Attorney General's Office to initiate a wage garnishment pursuant to A.R.S. Title 12, Chapter 9, Article 4.1, and that garnishment may continue until the claim is paid in full.
 - 5. Garnishment or levy of monies or property, pursuant to A.R.S. Title 12, Chapter 9, Article 4.
 - 6. Imposition or enforcement of all liens, including judgment liens imposed pursuant to A.R.S. § 33-961.
 - 7. Any other legal or equitable remedy for the collection of debts and judgments.



E. Under 7 CFR 273.18(j) and at the Arizona Attorney General's direction, the Department shall act on behalf of the Food and Nutrition Service of the U.S. Department of Agriculture in any bankruptcy proceeding against a household subject to a claim.

R6-14-308. ~~Expired~~Claim Compromise

- A. In accordance with the Department's Claim Compromise policy and procedures as contained in the Arizona Cash and Nutrition Assistance Policy manual, the Department may compromise an entire claim or any portion of a claim if it can be reasonably determined that a household's economic circumstances dictate that the claim will not be paid in three years.
- B. For purposes of a claim compromise "household" means the following persons who are residing together:
1. Adults who were members of the Nutrition Assistance household for which the claim was established, and who were adults at the time the claim was established, and
 2. Minor children for whom adult household members are responsible.
- C. When a household reports that it is unable to pay the claim in the equal monthly increments specified in R6-14-307(A) or (B), the Department shall inform the household that it may request a one-time compromise of the claim and shall provide the household with instructions for requesting a compromise. The Department may compromise the claim by reducing the claim amount and the resulting monthly payment amount when:
1. The household contacts the Department, orally or in writing, and requests a compromise of the claim.
 2. The claim was established as an Agency Error claim or an
 3. Inadvertent Household Error claim.
 4. There is no pending Appeal of the claim.
 5. The Department has not previously approved a compromise of the claim, and
 6. The Department approves the compromise request as provided in this rule.
- D. When the Department receives a compromise request, the Department shall send the household a Financial Statement form requesting necessary information and verification required for the Department to determine eligibility for a claim compromise.
- E. The household must return the completed Financial Statement with requested information and verification to the Department no later than the thirtieth calendar day following the date that the Department mailed or otherwise transmitted the Financial Statement to the household. A household may request additional time or help from the Department. The Department shall deny the compromise claim request when the Financial Statement is not provided timely by the household, unless the delay was for good cause. Good cause includes circumstances beyond the household's reasonable control such as, but not limited to, illness, illness of another household member requiring the presence of the adult member, or a household emergency.
- F. When the Financial Statement is timely provided to the Department, and all information and verification is complete, the Department shall complete the determination of eligibility for a compromise and send a notice no later than the twentieth working day, as defined in R6-14-402, following the date that the Department received the Financial Statement and all required information and verification.
- G. When the compromise request is approved the Department shall notify the household of the compromised claim amount, the repayment plan for the new claim amount, and the household's right to file an appeal of the Department's action. The compromised claim amount shall be final unless modified by an appeal hearing decision.
1. The household shall be responsible to pay a monthly payment in one of the following amounts until the compromised claim balance is paid in full:
 - a. An amount equal to the balance of the compromised claim amount, divided by 36.
 - b. When the amount in (1)(a) is equal to or less than \$10.00, the monthly payment shall be \$10.
 - c. When the household is currently participating in the Nutrition Assistance program, the Department shall reduce the household's monthly Nutrition Assistance benefit allotment by the greater of \$10 or 10 percent.
 - d. When the household is no longer participating in the Nutrition Assistance program, the household shall be responsible to pay the original claim compromise monthly payment amount calculated in accordance with R6-14-308(G)(1)(a) and (b). The Department shall notify the household of the claim compromise monthly payment obligation.
 2. The approval of a compromise request shall apply only to the household that requested the compromise and does not affect the responsibility of any person:
 - a. Who is not a member of the household that requested the compromise, and
 - b. Who is responsible for paying the claim under 7 CFR 273.18(a)(4).
- H. When the compromise request is denied the Department shall notify the household of the denial and the household's right to file an appeal of the Department's action.
- I. The household may appeal the following actions or inaction related to a request for a compromise:
1. The Department's inaction or untimely action on processing the compromise request;
 2. The amount of the approved compromise balance; or
 3. A denial of the compromise request.

R6-14-309. ~~Expired~~Reinstatement of a Compromised Claim

The Department shall reinstate any compromised portion of a claim when either of the following occurs:

1. A claim becomes delinquent under 7 CFR 273.18(e)(5).
2. The Department approved a compromise for a claim that was originally established as an Inadvertent Household Error claim and the original claim is later determined to have resulted from an Intentional Program Violation, as evidenced by a signed waiver of an Administrative Disqualification Hearing, an Administrative Disqualification Hearing decision, or a decision rendered by a State or Federal court in a civil or criminal action.



R6-14-310. ~~Expired~~Terminating and Writing Off a Claim

The Department shall terminate and write off a claim as required under 7 CFR 273.18(e)(8)(ii)(A through E), and may terminate and write off a claim as allowed under 7 CFR 273.18(e)(8)(ii)(F) and (G).

R6-14-311. ~~Expired~~Claims Established in Another State

Under 7 CFR 273.18(i)(2), the Department may accept a claim from another state if the household subject to the claim receives Nutrition Assistance benefits in Arizona, when:

- A. The Department confirms that the household was notified by the other state of the overpayment; and
- B. There is no pending or unresolved Fair Hearing or Appeal of the overpayment in the other state, and
- C. The Department determines with reasonable certainty that the household is able to repay the outstanding claim balance in full within the Nutrition Assistance certification period assigned to the household in the Arizona.

ARTICLE 4. EXPIRED APPEALS AND FAIR HEARINGS

R6-14-401. ~~Expired~~Entitlement to a Fair Hearing: Appealable Action

Any applicant or recipient who disagrees with any action or inaction by the Department which affects the participation of the household in the program has the right to challenge the action or inaction by requesting an administrative or fair hearing. Administrative hearings are conducted by the Department’s Office of Appeals. In this Article, “hearing” refers to a Fair Hearing as required in 7 CFR 273.15.

R6-14-402. ~~Expired~~Computation of Time

- A. In computing any time period:
 - 1. “Day” means a calendar day;
 - 2. “Working day” means Monday through Friday, excluding federal or Arizona state holidays;
 - 3. The Department does not count the date of the act, event, notice, or default from which a designated time period begins to run as part of the time period; and
 - 4. The Department counts the last day of the designated time period. When the day is a Saturday, Sunday, federal holiday or Arizona state holiday, the last day is the first working day following that day.
- B. Documents sent by the Department are received by an applicant or recipient on the date sent to the applicant or recipient’s last known street or e-mail address, plus an additional five calendar days only when sent by U.S. mail. The send date is the date shown on the document unless the facts show otherwise.

R6-14-403. Request for Hearing: Form: Time Limits: Presumptions

- A. As contained in 7 CFR 273.15(h) a request for a hearing is defined as a clear expression, oral or written, by the household or its representative to the effect that it wishes to appeal a decision or that an opportunity to present its case to a higher authority is desired.
- B. An applicant or recipient who wishes to appeal an action or inaction shall make an oral or written request for a hearing to the Department within 90 days of the notice date advising the applicant or recipient of the action, except that a recipient may appeal the current level of benefits at any time within a certification period. Action by the Department shall include a denial of a request for restoration of any benefits lost more than 90 days but less than one year prior to the request for a hearing. An applicant or recipient may file a request for hearing in-person or by mail, fax, phone, or Internet. The Department shall provide a form for this purpose. Upon request, the Department shall help an applicant or recipient to file an appeal. If the applicant or recipient makes an oral request for a hearing, the Department shall accept the oral request, record in writing the date of the request and the stated reasons for the hearing, and forward the request to the Office of Appeals. The freedom to make a request for a hearing shall not be limited or interfered with in any way.
- C. An appellant is an applicant or recipient who files an appeal.
- D. The Department shall process any oral or written request for a hearing that contains sufficient information for the Department to determine the appellant’s identity.
- E. The Department deems a request for hearing filed:
 - 1. If the appellant sends the request for hearing by first-class mail through the United States Postal Service to the Department:
 - a. On the mailing date as shown by the postmark;
 - b. In the absence of a postmark, on the postage meter mark on the envelope in which it is received; or
 - c. If not postmarked or postage meter marked or if the mark is illegible, on the date entered on the document as the date of completion.
 - 2. The date the Department actually receives the request, if not mailed.
- F. A document is timely filed if the appellant can demonstrate that any delay in submission was due to any of the following reasons:
 - 1. Department error or misinformation;
 - 2. Delay or other action by the United States Postal Service; or
 - 3. Delay due to the appellant’s changing mailing addresses at a time when the appellant had no duty to notify the Department of the change.
- G. When the Office of Appeals receives an untimely request for a hearing, the Office of Appeals shall determine whether the delay in submission is excusable, as provided in subsection (F). The Department shall consider an untimely request for a hearing as a request for restoration of lost benefits in accordance with 7 CFR § 273.17.
- H. An appellant whose appeal the Office of Appeals denies as untimely may petition for review of this issue as provided in R6-14-416.
- I. The Department shall expedite a hearing request for any person covered by 7 CFR 273.15(i)(2).
- J. The Department shall provide interpreters or other language services at no cost to persons whose primary language is other than English. This shall include explaining the hearing procedures orally in the person’s language if the materials are not translated into the person’s language.
- K. The Department shall offer an agency conference as provided by 7 CFR 273.15(d) to those persons denied expedited service and to any person who requests a conference.

**R6-14-404. Stay of Action Pending Appeal**

As provided by 7 CFR 273.15(k), if the appellant timely requests a fair hearing, the Department shall stay the implementation of an action until the hearing officer renders a final decision on the appeal and the person receives the decision, unless the appellant signs a waiver of continuation of benefits.

R6-14-405. Hearings: Location: Notice: Time

- A.** The Office of Appeals shall schedule the hearing. The Office of Appeals may schedule a telephonic hearing instead of an in-person hearing or permit a witness or party, upon request, to appear telephonically.
- B.** Unless the appellant requests an earlier hearing date, the Office of Appeals shall schedule the hearing no earlier than 20 days from the date the Department receives the appellant's request for hearing.
- C.** The Office of Appeals shall send a notice of hearing to all parties at least 20 days before the hearing date, unless a request for an earlier hearing date is granted under subsection (B).
- D.** The notice of hearing shall be in writing and shall:
 - 1. Include information on how to request an in-person hearing;
 - 2. Advise the appellant or the appellant's representative of the name, address, and phone number to notify the Office of Appeals in the event it is not possible for the appellant to attend the hearing;
 - 3. Specify that the Office of Appeals will dismiss the hearing request if the appellant or the appellant's representative fails to appear for the hearing without good cause;
 - 4. Include the Office of Appeals hearing procedures and any other information that would provide the appellant with an understanding of the proceedings and that would contribute to the effective presentation of the appellant's case; which shall include a pre-hearing summary prepared by the Department, and
 - 5. Explain that the appellant or the appellant's representative shall be given adequate opportunity to:
 - a. Examine the case file prior to the hearing. The contents of the case file including the application form and documents of verification used by the Department to establish the household's ineligibility or eligibility and allotment shall be made available, provided that confidential information, such as the names of individuals who have disclosed information about the household without its knowledge or the nature or status of pending criminal prosecutions, is protected from release. If requested by the household or its representative, the Department shall provide a free copy of the portions of the case file that are relevant to the hearing. Confidential information that is protected from release and other documents or records which the household will not otherwise have an opportunity to contest or challenge shall not be introduced at the hearing or affect the hearing official's decision.
 - b. Present the case or have it presented by legal counsel or other person.
 - c. Bring witnesses.
 - d. Advance arguments without undue interference.
 - e. Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses.
 - f. Submit evidence to establish all pertinent facts and circumstances in the case.
 - 6. The notice shall include information about the availability of free legal services.

R6-14-406. Postponing the Hearing

- A.** The appellant may request and is entitled to receive one postponement of the first scheduled hearing. The postponement shall not exceed 30 days and the time limit for action on the decision may be extended for as many days as the hearing is postponed. The Office of Appeals may grant subsequent postponements upon a showing of good cause.
- B.** When the Office of Appeals reschedules a hearing under this Section, the Office of Appeals shall send the notice of rescheduled hearing at least 11 days prior to the date of the rescheduled hearing, unless the appellant agrees to shorter notice.

R6-14-407. Hearing Officer: Duties and Qualifications

- A.** An impartial hearing officer in the Office of Appeals shall conduct all hearings.
- B.** The hearing officer shall:
 - 1. Administer oaths and affirmations;
 - 2. Regulate the conduct and course of the hearing consistent with due process to insure an orderly hearing;
 - 3. Consider all relevant issues;
 - 4. Request, receive, and admit into the record all evidence determined necessary to decide the issues being raised;
 - 5. Order, where relevant and useful, an independent medical assessment or professional evaluation from a source mutually satisfactory to the household and the Department. The hearing officer shall decide on the source of the medical assessment or professional evaluation when the household and the Department are unable to agree on a mutually satisfactory source. The Department shall pay for the medical assessment or professional evaluation when such services are not available to the household as part of the household's current health insurance coverage; and
 - 6. As provided under 7 CFR 273.15(m)(2)(vi), render a hearing decision and issue a written decision reversing, affirming, modifying or remanding the agency's decision.
 - 7. Issue subpoenas pursuant to R6-14-409.

R6-14-408. Change of Hearing Officer: Challenges for Cause

- A.** A party may request a change of hearing officer as prescribed in A.R.S. § 41-1992(B) by filing an affidavit that includes:
 - 1. The case name and number;
 - 2. The hearing officer assigned to the case; and
 - 3. The name and signature of the party requesting the change.
- B.** The party requesting the change shall file the affidavit with the Office of Appeals and send a copy to all other parties at least five days before the hearing date.



- C. A party shall request only one change of hearing officer unless that party is challenging a hearing officer for cause under subsection (E).
- D. A party may not request a change of hearing officer once the hearing officer has heard and decided a motion except as provided in subsection (E).
- E. At any time before a hearing officer renders a final decision under R6-14-414, a party may challenge a hearing officer on the grounds that the hearing officer is not impartial or disinterested in the case.
- F. A party who brings a challenge for cause shall file an affidavit as provided in subsection (A) and send a copy of the affidavit to all other parties. The affidavit shall explain the reason why the assigned hearing officer is not impartial or disinterested.
- G. When a party files an affidavit for a change in hearing officer as provided in subsection (F), the Office of Appeals shall assign another hearing officer to determine whether the hearing officer being challenged shall be removed, unless the hearing officer recuses himself or herself.
- H. The Office of Appeals shall transfer the case to another hearing officer when:
 - 1. A party requests a change as provided in subsections (A) through (D); or
 - 2. The hearing officer is removed for cause, as provided in subsections (E) through (G).
- I. The Office of Appeals shall send the parties written notice of the new hearing officer assignment.

R6-14-409. Subpoenas

- A. A party may ask the assigned hearing officer to issue a subpoena for a witness, document, or other physical evidence or to otherwise obtain the requested evidence. Subpoena forms are available to the appellant under R6-14-410(4).
- B. The party seeking the subpoena shall send the hearing officer a written request for a subpoena. The request shall include:
 - 1. The case name and number;
 - 2. The name of the party requesting the subpoena;
 - 3. The name and address of any person to be subpoenaed;
 - 4. A description of any documents or physical evidence the appellant desires the hearing officer to subpoena, including the title, appearance, and location of the item if the appellant knows its location, and the name and address of the person in possession of the item; and
 - 5. A statement about the expected substance of the testimony or other evidence as well as the relevance and importance of the requested testimony or other evidence.
- C. A party shall request a subpoena at least five work days before the hearing date. A party who is unable to request a subpoena at least five days before the hearing date may request a postponement of the hearing. A party may raise the denial of a subpoena request in a petition for review to the Appeals Board, pursuant to R6-14-416.
- D. The hearing officer shall deny the request if the witness's testimony or the physical evidence is not relevant to an issue in the case or is duplicative.
- E. The Office of Appeals shall prepare all subpoenas and serve them by mail, except that the Office of Appeals may serve subpoenas on state employees who are appearing in the course of their jobs, by regular mail, hand-delivered mail, e-mail, or interoffice mail.

R6-14-410. Parties' Rights

The appellant and the Department have the following rights:

- 1. The right to request a postponement of the hearing;
- 2. The right to receive before and during the hearing documents the Department may use at the hearing and a free copy of any documents in the Department's file on the appellant, except documents protected by the attorney-client or work-product privilege or as otherwise protected by federal or state confidentiality laws;
- 3. The right to request a change of hearing officer;
- 4. The right to request subpoenas for witnesses and evidence;
- 5. The right to be represented by an authorized representative, subject to any limitations on the unauthorized practice of law in the Rules of the Supreme Court of Arizona, Rule 31;
- 6. The right to bring witnesses, present evidence and to confront and cross-examine adverse witnesses;
- 7. The right to advance arguments without undue interference, to question or refute any testimony or evidence, and
- 8. The right to further appeal, as provided in R6-14-416 and R6-14-417, if dissatisfied with the Office of Appeals decision.

R6-14-411. Withdrawal of an Appeal

- A. An appellant may withdraw an appeal at any time prior to the time the hearing officer issues a decision.
 - 1. An appellant may withdraw an appeal orally, either in person or by telephone. The Department may record the audio of the withdrawal. The Department is prohibited from coercion or actions that would influence the person or their representative to withdraw the fair hearing request. The Department must provide a written notice within 10 days of the oral request confirming the withdrawal request and providing the person an opportunity to reinstate a hearing. The notice shall explain the person's right to request or reinstate the hearing within 10 days of when they receive the notice.
 - 2. An appellant may withdraw an appeal by signing a written statement expressing the intent to withdraw. The Department shall make a withdrawal form available for this purpose.
- B. The Office of Appeals shall dismiss the appeal when the appellant or the appellant's representative provides a signed withdrawal request to the Department or to the hearing officer prior to the issuance of a hearing decision or when the appellant or the appellant's representative makes such a request on the record during a hearing.

R6-14-412. Failure to Appear; Default; Reopening

- A. If an appellant fails to appear at the hearing, the hearing officer shall:
 - 1. Enter a default and issue a decision dismissing the appeal, except as provided in subsection (B);
 - 2. Rule summarily on the available record; or
 - 3. Adjourn the hearing to a later date and time.



- B.** The hearing officer shall not enter a default or rule summarily if the appellant notifies the Office of Appeals before the scheduled time of hearing that the appellant cannot attend the hearing because of good cause and still desires a hearing or wishes to have the matter considered on the available record. Good cause includes circumstances beyond the household's reasonable control such as, but not limited to, illness, illness of another household member requiring the presence of the adult member, or a household emergency.
- C.** A party who did not appear at the hearing may file a request to reopen the proceedings no later than 10 days after the hearing. The request shall be in writing, by mail or e-mail, or be made in person or by telephone and shall demonstrate good cause for the party's failure to appear.
- D.** If the hearing officer finds that the party had good cause for failure to appear, the hearing officer shall reopen the proceedings and schedule a new hearing with notice to all interested parties as prescribed in R6-14-405.
- E.** If the hearing officer cannot grant or deny the request to reopen the proceedings based on the information provided, the hearing officer shall set the matter for a hearing to determine whether the party had good cause for failure to appear.
- F.** Good cause, for the purpose of reopening a hearing, is established if the failure to appear at the hearing and the failure to timely notify the hearing officer were beyond the reasonable control of the nonappearing party. Good cause also exists when the nonappearing party demonstrates excusable neglect, as used in Arizona Rules of Civil Procedure, Rule 60(b)(1) for both the failure to appear and the failure to timely notify the hearing officer.

R6-14-413. Hearing Proceedings

- A.** The hearing is a de novo proceeding. The Department has the initial burden of presenting the evidence to support the adverse action being appealed.
- B.** The standard of proof is a preponderance of the evidence.
- C.** The Arizona Rules of Evidence do not apply at the hearing. The hearing officer may admit and give probative effect to evidence as prescribed in A.R.S. § 41-1062(A).
- D.** The Office of Appeals shall audio record all hearings. The Office of Appeals shall also transcribe the proceedings when a transcription is requested by the Appeals Board or when a transcription is required for judicial review under A.R.S. § 41-1993. If a transcript is prepared for any purpose, the appellant is entitled to a copy of the transcription at no cost.
- E.** A party may, at the party's own expense, arrange to have a court reporter present to transcribe the hearing, provided that such transcription does not delay or interfere with the hearing. The Office of Appeal's recording of the hearing shall constitute the official record of the hearing.
- F.** The hearing officer shall call the hearing to order and dispose of any prehearing motions or issues.
- G.** With the consent of the hearing officer, the parties may stipulate to factual findings or legal conclusions.
- H.** A party may advance arguments without undue interference.
- I.** A party may testify, present evidence, call witnesses, cross-examine adverse witnesses, and object to evidence. The hearing officer may also take witness testimony or admit evidence on the hearing officer's own motion.
- J.** The hearing officer shall keep a complete record of all proceedings in connection with an appeal.
- K.** The hearing officer may request the parties to submit memoranda on issues in the case if the hearing officer finds that the memoranda would assist the hearing officer in deciding the case. The hearing officer shall establish a briefing schedule for any required memoranda.
- L.** The recording of the hearing, all the evidence presented at the hearing and all papers and requests filed shall constitute the record and shall be available to the household or its representative at any reasonable time for copying and inspection.

R6-14-414. Hearing Decision

- A.** No later than 60 days after the date the appellant files a request for hearing with the Department, the hearing officer shall render a decision based solely on the evidence and testimony produced at the hearing and the applicable law. The 60-day time limit is extended for any delay necessary to accommodate hearing continuances or extensions, or postponements requested by a party.
- B.** The hearing decision shall include:
 1. Findings of fact concerning the issue on appeal;
 2. Citations to the law and authority applicable to the issue on appeal;
 3. A statement of the conclusions derived from the controlling facts and law and the reasons for the conclusions;
 4. The name of the hearing officer;
 5. The date of the decision;
 6. A statement of further appeal rights, a statement of the process required to initiate a further appeal, and the time period for exercising those rights; and
 7. That an appeal may result in a reversal of the decision.
- C.** The Office of Appeals shall send a copy of the decision to each party or the party's representative.
- D.** When requested by the appellant, the Department, or upon the hearing officer's own motion, the Office of Appeals may amend or vacate a decision to correct clerical errors, including typographical and computational errors.

R6-14-415. Effect of the Decision

- A.** If the hearing officer affirms the adverse action against the appellant, the adverse action is effective as of the date of the initial determination of adverse action by the Department. The adverse action remains effective until the appellant appeals and obtains a higher administrative or judicial decision reversing or vacating the hearing officer's decision.
- B.** If the hearing officer vacates or reverses the Department's decision to take adverse action, the Department shall not take the action or shall reverse any adverse action, unless the Department appeals and obtains a higher administrative or judicial decision reversing or vacating the hearing officer's decision.
- C.** As specified in 7 CFR 273.15(c) the Department shall:
 1. For decisions that result in an increase in household benefits:



- a. Authorize and deposit a benefit supplement in the household's EBT benefit account within 10 days of the receipt of the hearing decision; or
- b. The Department may take longer than 10 days if it elects to make the decision effective in the household's normal issuance cycle, provided that the issuance will occur within 60 days from the household's request for the hearing.
- 2. For decisions that result in a decrease in household benefits the Department shall authorize and deposit a decreased benefit amount in the household's EBT benefit account for the next scheduled issuance following receipt of the hearing decision.

R6-14-416. Further Administrative Appeal

- A. A party can appeal an adverse decision issued by a hearing officer to the Department's Appeals Board as prescribed in A.R.S. § 41-1992(C) and (D) by filing a written petition for review with the Office of Appeals within 15 days of the mailing or transmittal date of the hearing officer's decision.
- B. The petition for review shall:
 - 1. Be in writing and filed in person or by mail or fax;
 - 2. Describe why the party disagrees with the hearing officer's decision; and
 - 3. Be signed and dated by the party or the party's representative.

R6-14-417. Appeals Board

- A. The Appeals Board shall conduct proceedings in accordance with A.R.S. §§ 41-1992(D) and 23-672.
- B. The Appeals Board shall issue to all parties a final written decision affirming, reversing, setting aside, or modifying the hearing officer's decision based on the complete record, including the audio recording or the transcript of the hearing. The decision of the Appeals Board shall specify the parties' rights to further review and the time for filing an application for appeal.
- C. An appellant adversely affected by an Appeals Board decision may seek judicial review under A.R.S. § 41-1993.

ARTICLE 5. EXPIRED INTENTIONAL PROGRAM VIOLATION

R6-14-501. Expired Intentional Program Violations (IPV): Defined

- A. An Intentional Program Violation (IPV) consists of having intentionally:
 - 1. Made a false or misleading statement, or misrepresented, concealed or withheld facts; or
 - 2. Committed any act that constitutes a violation of the Food and Nutrition Act, the Supplemental Nutrition Assistance Program Regulations, or any State statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of Supplemental Nutrition Assistance Program benefits or Electronic Benefit Transfer (EBT) cards. In Arizona, the name of the Supplemental Nutrition Assistance Program is the Nutrition Assistance Program.
- B. For the purpose of imposing sanctions as prescribed in R6-14-505, a person is considered to have committed an IPV if:
 - 1. A person signs a waiver of an Administrative Disqualification Hearing.
 - 2. A person is found to have committed an IPV by an Administrative Disqualification Hearing, or
 - 3. A person is convicted of a criminal offense the elements of which would constitute an IPV under subsection (A) above or enters into a disqualification consent agreement for deferred prosecution for fraud in a court of law.

R6-14-502. Expired IPV Administrative Disqualification Hearings: Hearing Waiver

- A. Upon receipt of sufficient documentary evidence substantiating that a person has committed an IPV, the Department shall initiate either an Administrative Disqualification Hearing, or a referral for prosecution.
- B. When the Department initiates an Administrative Disqualification Hearing, the Department shall mail the person suspected of an IPV written notice of the right to waive the Administrative Disqualification Hearing. This notice shall be sent either by first class mail or certified mail – return receipt requested.
- C. The waiver notice of the Administrative Disqualification Hearing shall include the following information as well as the information described in R6-14-503 (D):
 - 1. A statement that the Department has determined that the individual suspected of the IPV committed, and intended to commit, one or more acts described in R6-14-501(A) and that the Department has initiated an Administrative Disqualification Hearing against the individual suspected of the IPV.
 - 2. A summary of the allegations and evidence against the individual suspected of the IPV and notification that the individual suspected of the IPV has the right to examine the case file prior to the hearing and, when requested by the individual or representative, be provided a free copy of the portions of the requested portions of the case file.
 - 3. A statement of the right of the individual suspected of the IPV to remain silent concerning the allegation of an IPV, and that anything said or signed by the individual concerning the allegations can be used against the individual suspected of the IPV in a court of law, including signing any part of the waiver.
 - 4. A statement that signing a waiver of the Administrative Disqualification Hearing will result in disqualification periods as determined by section R6-14-505, a statement of the penalty the Department believes is applicable to the case scheduled for a hearing and a reduction in benefits for the period of disqualification, even if the individual suspected of the IPV does not admit to the facts as presented by the Department.
 - 5. A statement that the individual suspected of the IPV does not have to sign a waiver of the Administrative Disqualification Hearing, return the waiver form to the Department or speak to anyone at the Department.
 - 6. A statement of the fair hearing rights of the individual suspected of the IPV and notification that these rights are waived when the individual suspected of the IPV submits a signed waiver of the Administrative Disqualification Hearing form.
 - 7. A statement that waiver of the Administrative Disqualification Hearing does not preclude the State or Federal Government from prosecuting the individual suspected of the IPV for the IPV in a civil or criminal court action, or from collecting any over issuance of Nutrition Assistance benefits.
 - 8. A statement that the individual suspected of the IPV may wish to consult an attorney and a list of any individuals or organizations that provide free legal representation.
 - 9. A statement that Nutrition Assistance benefits will continue and will only be terminated if the following occurs:



- a. The individual suspected of the IPV signs a notice to waive their rights to an Administrative Disqualification Hearing.
 - b. There is an Administrative Disqualification Hearing decision that the individual suspected of the IPV is disqualified.
 - c. The individual is determined to no longer be eligible on other grounds, or
 - d. The individual requests that the Nutrition Assistance benefits not be continued in order to avoid a potential over issuance of benefits.
10. A statement that the remaining adult household members, if any, will be held responsible for repayment of the resulting over issuance claim.
11. An opportunity for the individual suspected of the IPV to specify whether or not the individual admits to the facts as presented by the Department. This opportunity shall consist of the following statements, and a method for the individual suspected of the IPV to designate the individual's waiver choice:
- a. I admit to the facts as presented and understand that a disqualification penalty will be imposed if I sign this waiver. I understand that if I sign this waiver, there will not be an Administrative Disqualification Hearing; or
 - b. I do not admit that the facts as presented are correct in my Nutrition Assistance case. However, I have chosen to sign this waiver of the Administrative Disqualification Hearing. I also understand that a disqualification penalty will be imposed. I understand that if I mark this box, I will not be able to submit additional evidence, have an Administrative Disqualification Hearing, or have the right to administrative appeal.
12. A statement that if the individual suspected of the IPV does not waive their right to an Administrative Disqualification Hearing, then the Department must prove by clear and convincing evidence that the person committed and intended to commit, an Intentional Program Violation. The statement shall also advise the person that they may attend the hearing but are not required to attend. If the person opts to attend the hearing, they may talk to the judge about what happened and present additional evidence to the judge if they want to. The person also has the right to remain silent. The judge will decide if the person will be disqualified from participating in the Nutrition Assistance program.
13. The telephone number of the appropriate Department unit that the individual may contact to obtain additional information.
14. A due date that the signed waiver of an Administrative Disqualification Hearing must be provided to the Department so that a hearing will not be held and a signature block for the individual suspected of the IPV, along with a statement that the head of household must also sign the waiver if the individual suspected of the IPV is not the head of household, with an appropriately designated signature block.
15. If the signed waiver of the Administrative Disqualification Hearing is not returned by the due date, the Department shall schedule the Administrative Disqualification Hearing and shall send the individual suspected of the IPV a written hearing notice as contained in R6-14-503(C).
- D. For the purpose of imposing sanctions as prescribed in R6-14-505, a timely signed waiver of an Administrative Disqualification Hearing shall have the same effect as an administrative adjudication that an IPV occurred.

R6-14-503. ~~Expired~~ Administrative Disqualification Hearings

- A. The rules on fair hearings contained in Article 4 of this Chapter apply to Intentional Program Violation (IPV) Administrative Disqualification Hearings, except as provided in this Article.
- B. All IPV Administrative Disqualification Hearings are conducted by the Department's Office of Appeals.
- C. If the individual suspected of an IPV does not sign and return the waiver of Administrative Disqualification Hearing by the return date set in the waiver notice, or returns the waiver notice stating they do not waive the Administrative Disqualification Hearing, the Office of Appeals shall send the individual a written hearing notice. The Office of Appeals shall send the notice by first class mail, certified mail return receipt requested, or any other reliable method, no later than 30 days before the scheduled hearing date.
- D. The hearing notice shall include the following information:
- 1. The date, time, and place of the hearing;
 - 2. The allegations of an IPV against the individual;
 - 3. A summary of the evidence, how and where the evidence can be examined, and that the individual suspected of the IPV has the right to examine the case file prior to the hearing. When requested by the household or its representative, the Department shall provide a free copy of the requested portions of the case file;
 - 4. A notice that the decision will be based solely on information provided by the Department if the individual suspected of the IPV fails to appear at the hearing;
 - 5. A statement that the individual or representative will, upon receipt of the notice, have 10 days from the date of the scheduled hearing to present good cause for failure to appear in order to receive a new hearing;
 - 6. A warning that a determination of IPV will result in disqualification periods as defined by section R6-14-505, and a statement of which penalty the Department believes is applicable to the case scheduled for a hearing;
 - 7. A listing of the individual's rights as contained in R6-14-410;
 - 8. A statement that the Administrative Disqualification Hearing does not preclude the State or Federal Government from prosecuting the individual for the IPV in a civil or criminal court action, or from collecting any over issuance of Nutrition Assistance benefits; and
 - 9. A statement that the individual suspected of the IPV may consult with an attorney and a list of any individuals or organizations known to the Department that provide free legal representation;
 - 10. A notice that the individual suspected of the IPV has the right to obtain a copy of the Department's published hearing procedures together with an explanation of how the individual suspected of the IPV can obtain these procedures.
- E. The hearing officer shall postpone a hearing for up to 30 days if the individual suspected of the IPV files a written or oral request for postponement with the hearing officer no later than 10 days before the hearing date. Any such postponement shall increase the time by which the hearing officer shall issue a decision, as provided in subsection (J) below.
- F. The time and place for the hearing shall be arranged so that the hearing is accessible to the individual suspected of the IPV, including making reasonable accommodations for a person with a disability.



- G.** At the start of the Administrative Disqualification Hearing, the hearing officer shall advise the individual suspected of the IPV or representative of the right to remain silent during the hearing and the consequences of exercising that right. The hearing officer shall also advise that if the individual suspected of the IPV or representative chooses not to exercise the right to remain silent, anything they say may be used against them.
- H.** A hearing officer, as prescribed in R6-14-407, shall conduct the Administrative Disqualification Hearing pursuant to the procedures set forth in R6-14-408, R6-14-409, R6-14-410 and R6-14-413, except as prescribed in this subsection.
- I.** The Department shall prove by clear and convincing evidence that the household member committed an IPV.
- J.** No later than 90 days from the date of the notice of hearing, as increased by any postponement days, the hearing officer shall send to the individual suspected of the IPV a written decision. The hearing officer shall find whether the evidence shows by clear and convincing evidence that the person committed, and intended to commit, an IPV. The decision shall specify the reasons for the decision, identify the supporting evidence, identify the pertinent regulation, and respond to reasoned arguments made by the individual suspected of the IPV or representative.

R6-14-504. ~~Expired~~ Failure to Appear: Default; Reopening

- A.** If the individual suspected of the IPV fails to appear at the Administrative Disqualification Hearing without good cause, the hearing officer shall conduct the hearing.
- B.** The hearing officer shall not conduct the hearing if the individual suspected of the IPV notifies the Office of Appeals before the hearing that the individual cannot attend the hearing because of good cause and still desires a hearing. Good cause includes circumstances beyond the household's reasonable control such as, but not limited to, illness, illness of another household member requiring the presence of the adult member, or a household emergency.
- C.** An individual suspected of the IPV who did not appear at the hearing may file a request to reopen the Administrative Disqualification Hearing. The request shall be in writing and shall demonstrate good cause for the party's failure to appear.
 - 1.** The individual suspected of the IPV has 30 days after the date of the written notice of the hearing decision to file a request to reopen the Administrative Disqualification Hearing if the individual did not receive a hearing notice.
 - 2.** In all other instances, the individual suspected of the IPV has 10 days from the hearing date to show good cause why the individual failed to appear.
- D.** The hearing officer shall review the good cause reason submitted by the individual suspected of the IPV and unless the hearing officer can grant or deny the request based on the information provided, shall set the matter for a hearing to determine whether the individual suspected of the IPV had good cause for failing to appear.
- E.** If the hearing officer finds that the individual suspected of the IPV had good cause for failure to appear, the previous decision shall be vacated and the hearing officer shall reopen the Administrative Disqualification Hearing and schedule a new hearing with notice to all parties. The hearing officer must enter the good cause decision on the record.
- F.** Good cause, for the purpose of reopening an Administrative Disqualification Hearing, is established if the failure to appear at the hearing and the failure to timely notify the hearing officer were beyond the reasonable control of the individual suspected of the IPV. Good cause also exists when the individual suspected of the IPV demonstrates excusable neglect for both the failure to appear and the failure to timely notify the hearing officer. "Excusable neglect" means an action involving an error such as might be made by a reasonably prudent person who attempts to handle a matter in a prompt and diligent fashion.

R6-14-505. ~~Expired~~ Disqualification Sanctions: Notice

- A.** A person found to have committed an IPV is disqualified from program participation:
 - 1.** For a period of 12 months for the first IPV, except as provided under subsections (B) through (E) of this section;
 - 2.** For a period of 24 months for the second IPV, except as provided in subsections (B) through (E) of this section; and
 - 3.** Permanently for the third IPV;
 - 4.** The same act of IPV repeated over a period of time shall not be separated so that separate penalties can be imposed.
- B.** Individuals found by any court to have used or received benefits in a transaction involving the sale of a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), shall be ineligible to participate in the program:
 - 1.** For a period of 24 months for the first violation; and
 - 2.** Permanently upon the second violation.
- C.** Individuals found by any court to have used or received benefits in a transaction involving the sale of firearms, ammunition or explosives shall be permanently ineligible to participate in the program upon the first violation.
- D.** An individual convicted by any court of having trafficked benefits for an aggregate amount of \$500 or more shall be permanently ineligible to participate in the program upon the first violation.
- E.** Except as provided under subsection (A)(3) of this section, an individual found to have made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple Nutrition Assistance benefits simultaneously shall be ineligible to participate in the program for 10 years.
- F.** Upon a determination of IPV, the Department shall notify the disqualified person in writing of the pending disqualification. The written notice shall:
 - 1.** Inform the disqualified person of the decision and the reasons for the decision; and
 - 2.** Inform the disqualified person of the date the disqualification will take effect and the duration of the disqualification.
- G.** Under 7 CFR 273.11 (c)(1), when determining the eligibility and benefit level for the remaining eligible members of the household, the Department shall count the income and resources of the disqualified person in their entirety and the entire household's allowable earned income, standard, medical, dependent care, child support, and excess shelter deductions shall continue to apply to the remaining household members. The Department shall not include the ineligible member when determining the household's size for the purposes of:
 - 1.** Assigning a benefit level to the household;
 - 2.** Assigning a standard deduction to the household;
 - 3.** Comparing the household's monthly income with the income eligibility standards; or



4. Comparing the household's resources with the resource eligibility limits.

H. Under 7 CFR 273.11 (c)(4), the Department shall notify the remaining members of their eligibility and benefit level at the same time the excluded member is notified of his or her disqualification.

R6-14-506. Expired Administrative Disqualification Hearings or Waiver of the Right to a Hearing: Appeal

A. Upon a determination of IPV through a signed waiver of an Administrative Disqualification Hearing, the individual has no right to further administrative appeal. The individual may seek relief in a court having jurisdiction and may seek a stay or other injunctive relief of a period of disqualification.

B. A party may appeal a Hearing Officer's Administrative Disqualification Hearing decision as provided in R6-14-416(A) to the Appeals Board as provided in R6-14-417.

C. An individual adversely affected by an Appeals Board decision may seek judicial review under A.R.S. § 41-1993.

R6-14-507. Expired Honoring Out-of-State IPV Determinations and Sanctions

The Department shall honor sanctions imposed against an applicant or recipient by the agency of another state that administers the Supplemental Nutrition Assistance Program and shall consider prior violations committed in another state when determining the appropriate sanction.



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)

DEPARTMENT OF TRANSPORTATION THIRD-PARTY PROGRAMS

[R19-124]

- 1. Agency name: Department of Transportation
2. Title and its heading: 17, Transportation
3. Chapter and its heading: 7, Department of Transportation - Third-party Programs
4. Article and its heading: 2, Authorization; 3, Certification; 5, Selection Panel

As required by A.R.S. § 41-1056(J), the Council provides notice that the following rules expired as of December 4, 2018:

- R17-7-206. Corrective Action
R17-7-207. Cancellation and Suspension
R17-7-304. Corrective Action
R17-7-305. Cancellation and Suspension
R17-7-501. Definitions
R17-7-502. Selection Panel

Signature is of Nicole Sornsini

Date of Signing

/s/

June 7, 2019

Nicole Sornsini
Council Chair



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
OFFICE OF THE SECRETARY OF STATE**

[R19-125]

- 1. **Title and its heading:** 2, Administration
- Chapter and its heading:** 12, Office of the Secretary of State
- Article and its heading:** 13, Remote Notary
- Section numbers:** R2-12-1301 – R2-12-1310 (*Sections may be added, deleted, or modified as necessary.*)
- 2. **The subject matter of the proposed rule:**
Establishing standards for remote notarization.
- 3. **A citation to all published notices relating to the proceeding:**
None
- 4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Patricia A. Viverto, Director
Address: Secretary of State, Business Services
1700 W. Washington St., 7th Floor
Phoenix, AZ 85007
Telephone: (602) 542-6187
Fax: (602) 542-4366
E-mail: pviverto@azsos.gov
- 5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written and oral comments will be accepted at the location listed in item 4, Monday through Friday, 8:00 a.m. to 5:00 p.m., except state holidays.
- 6. **A timetable for agency decisions or other action on the proceeding, if known:**
To be announced in the Notice of Proposed Rulemaking.

**NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF ECONOMIC SECURITY
CHILD SUPPORT ENFORCEMENT**

[R19-126]

- 1. **Title and its heading:** 6, Economic Security
- Chapter and its heading:** 7, Department of Economic Security - Child Support Enforcement
- Article and its heading:** 1, General Provisions
- Section numbers:** R6-7-103 (*Sections may be added, deleted, or modified as necessary.*)
- 2. **The subject matter of the proposed rule:**
The Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs final rule was published by the Office of Child Support Enforcement (OCSE), Administration for Children and Families (ACF) in the Federal Register, Volume 81, Number 244, on page 93492 on December 20, 2016, and codified as 42 CFR 301 et seq., Title IV, Part D of the Social Security Act (Title IV-D). This rule requires that child support programs implement measures to ensure fairness for the clients served, as well as ease of compliance for employers involved in collecting support from their employees. The final rule required state child support agencies to increase their case investigative efforts to ensure that child support orders—the amount noncustodial parents are required to pay each month—reflect the parent’s ability to pay. In doing so, it requires states to consider a low-income noncustodial parent’s specific circumstances when setting or enforcing orders, rather than taking a one-size-fits-all approach. The rule also requires states to take the investigative steps necessary to ensure that all relevant information about the noncustodial parent’s circumstances



are collected and verified. These measures, while necessary for compliance with federal law, as well as for customer service, also increase base operating expenditures.

The Support Payment Clearinghouse referenced in A.R.S. §§ 25-510 and 46-441 is not solely funded by the clearinghouse fees collected but is also supplemented by the Division of Child Support Enforcement operating budget. The increase to the clearinghouse fee is necessary to help meet the cost of operating the Support Payment Clearinghouse due to the decreased capacity of the operating budget. Increased revenue resulting from the fee change will also maximize federal match funding available for child support services under Title IV- D.

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

Notice of Proposed Rulemaking: 25 A.A.R. 1719, July 5, 2019 (*in this issue*)

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

Name: Christian J. Eide
Address: Department of Economic Security
P.O. Box 6123, Mail Drop 1292
Phoenix, AZ 85005
or
Department of Economic Security
1789 W. Jefferson St., Mail Drop 1292
Phoenix, AZ 85007
Telephone: (602) 542-9199
Fax: (602) 542-6000
E-mail: ceide@azdes.gov

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

The Department has scheduled the following oral proceeding for public comments:

- Date: Monday, August 5, 2019
- Time: 9:00-10:30 a.m.
- Location: RSA Conference Room
515 N. 51st Ave., Suite 250
Phoenix, AZ 85043
Use West facing entrance with signage "Arizona Industries for the Blind"
- Location: RSA Conference Room
5441 E. 22nd St., Suite 101
Tucson, AZ 85711
- Location: RSA Conference Room
1185 Redondo Center Dr.
Yuma, AZ 85365
- Location: RSA Conference Room
1704 N. 4th St.
Flagstaff, AZ 86004
- Location: RSA Conference Room
2500 E. Cooley, Suite 420
Show Low, AZ 85901
- Location: RSA Conference Room
519 Beale St., Suite 130
Kingman, AZ 86401
- Location: RSA Conference Room
1140 F. Ave.
Douglas, AZ 85607
- Location: RSA Conference Room
125 E. Elliot Rd.
Chandler, AZ 85225

Close of record for this rulemaking is 5:00 p.m., Tuesday, August 6, 2019

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

None



**NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF ECONOMIC SECURITY
FOOD STAMPS PROGRAM**

[R19-127]

- 1. Title and its heading:** 6, Economic Security
Chapter and its heading: 14, Department of Economic Security - Food Stamps Program
Article and its heading: 3, Claims Against Households
 4, Appeals and Fair Hearings
 5, Intentional Program Violation
Section numbers: R6-14-301 through R6-14-311; R6-14-401 through R6-14-417; and R6-14-501 through R6-14-507 (*Sections may be added, deleted, or modified as necessary.*)
- 2. The subject matter of the proposed rule:**
 The Department administers the Nutrition Assistance Program (Program), formerly called Food Stamps. The Program is authorized by the federal Supplemental Nutrition Assistance Program (SNAP) under the Food Stamp Act of 1977 (7 U.S.C. § 2011 et seq.) and the Code of Federal Regulations (7 CFR 271 through 7 CFR 283). The rulemaking will amend Chapter 14, Food Stamps Program, of the Arizona Administrative Code and provide rules that are consistent with federal law and regulation.
- 3. A citation to all published notices relating to the proceeding:**
 Notice of Proposed Rulemaking: 25 A.A.R., 1721, July 5, 2019 (*in this issue*)
 Notice of Emergency Rulemaking: 24 A.A.R., 2081, July 27, 2018
 Notice of Rulemaking Docket Opening: 24 A.A.R., 2971, October 19, 2018
 Notice of Proposed Rulemaking: 24 A.A.R., 2893, October 19, 2018
 Notice of Emergency Rulemaking: 24 A.A.R., 3591, December 28, 2018
 Notice of Termination of Rulemaking: 25 A.A.R., 413, February 22, 2019
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
 Name: Rodney K. Huenemann
 Address: Department of Economic Security
 P.O. Box 6123, Mail Drop 1292
 Phoenix, AZ 85005
 or
 Department of Economic Security
 1789 W. Jefferson St., Mail Drop 1292
 Phoenix, AZ 85007
 Telephone: (602) 542-6159
 Fax: (602) 542-6000
 E-mail: rhuenemann@azdes.gov
 Website: des.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 Department will accept public comments for at least 30 days following the publication of the Notice of Proposed Rulemaking in the *Arizona Administrative Register*. Written comments may be submitted to the individual named in item 4.
- The Department has scheduled the following oral proceeding for public comments:
- Date: Tuesday, August 6, 2019
 Time: 1:00 p.m.
 Location: RSA Conference Room
 515 N. 51st Ave., Suite 250
 Phoenix, AZ 85043
 Use west facing entrance with signage "Arizona Industries for the Blind"
- Persons may participate in the oral proceeding via video conference using any of the following satellite offices:
- Location: RSA Conference Room
 5441 E. 22nd St., Suite 101
 Tucson, AZ 85711
- Location: RSA Conference Room
 1185 Redondo Center Dr.
 Yuma, AZ 85365
- Location: RSA Conference Room
 1704 N. Fourth St.
 Flagstaff, AZ 86004



Location: RSA Conference Room
519 Beale St., Suite 130
Kingman, AZ 86401

Location: RSA Conference Room
1140 F Ave.
Douglas, AZ 85607

Location: RSA Conference Room
125 E. Elliot Rd.
Chandler, AZ 85225

Persons may also participate in the oral proceeding by telephone (audio only) by calling toll free to 1-877-820-7831. After connecting, enter Participant Pass Code 941645.

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

None

**NOTICE OF RULEMAKING DOCKET OPENING
SCHOOL FACILITIES BOARD**

[R19-128]

1. Title and its heading:

7, Education

Chapter and its heading:

6, School Facilities Board

Article and its heading:

- 1, Definitions
- 2, Minimum School Facility Guidelines
- 3, Square Footage Calculations
- 5, New School and Land Funding
- 6, Contingency Funds
- 7, Minimum School Facility Guidelines for the Arizona State Schools for the Deaf and Blind

Section numbers:

R7-6-101, R7-6-201, R7-6-205, R7-6-211, R7-6-213 through R7-6-216, R7-6-220, R7-6-221, R7-6-225 through R7-6-227, R7-6-230, R7-6-235, R7-6-240, R7-6-245 through R7-6-251, R7-6-255 through R7-6-258, R7-6-260, R7-6-261, R7-6-265, R7-6-270, R7-6-271, R7-6-275, R7-6-276, R7-6-285, R7-6-301, R7-6-302, R7-6-501 through R7-6-506, R7-6-601, R7-6-701, R7-6-705, R7-6-710 through R7-6-716, R7-6-719, R7-6-721, R7-6-725 through R7-6-727, R7-6-730, R7-6-735, R7-6-740, R7-6-745 through R7-6-751, R7-6-755 through R7-6-758, R7-6-760, R7-6-761, R7-6-765, R7-6-770, R7-6-771, R7-6-775, R7-6-776, R7-6-780 through R7-6-783, and R7-6-790 (Additional Sections may be made, amended or repealed as necessary)

2. The subject matter of the proposed rule:

The Board's rules were made in 2001. During the intervening years, the rules have become inconsistent with current industry standards and Board practice, technological changes, and best practices regarding education. The Board is updating the rules to address these issues. An exemption from Executive Order 2017-02 was provided by Dawn Wallace on August 24, 2017.

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

None

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

Name: Paul Bakalis, Executive Director
 Address: School Facilities Board
 1700 W. Washington St., Suite 104
 Phoenix, AZ 85007
 Telephone: (602) 542-6501
 Fax number: (602) 542-6529
 E-mail: pbakalis@azsfb.gov
 Web site: <https://fb.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 PROPOSED DELEGATION AGREEMENTS

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

The Administrative Procedure Act requires the publication of notices of proposed delegation agreements in the *Register*. A delegation agreement is an agreement between an agency and a political subdivision that authorizes the political subdivision to exercise functions, powers, or duties conferred on the delegating agency by a provision of law.

Delegation agreements are not intergovernmental agreements pursuant to A.R.S. Title 11, Chapter 7, Article 3. For at least 30 days after publication of the Notice of Proposed Delegation Agreement in the Register, the agency shall provide persons the opportunity to submit in writing statements, arguments, data, and views on the proposed delegation agreement and shall provide an opportunity for a public hearing if there is sufficient interest. The delegating agency shall follow the procedures for delegation agreements specified in A.R.S. Title 41, Chapter 6, Article 8.

NOTICE OF PROPOSED (AMENDED) DELEGATION AGREEMENT

[M19-58]

1. Name of the agency proposing the delegation agreement:

Arizona Department of Environmental Quality

2. The name of the political subdivisions to which functions, powers and duties of the agency are proposed to be delegated:

Apache County

3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:

- (1) Byron James, Community Liaison (928) 337-3565
- (2) Edwin Slade, Administrative Counsel (602) 771-2242

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

4. A summary of the delegation agreement changes and the subjects and issues involved:

Under A.R.S. §§ 49-107 and 41-1081 and Paragraph L. Amendment and Termination in the existing Delegation Agreement, the Arizona Department of Environmental Quality proposes to amend the delegation agreement to conform to an updated 2019 template that: replaces the reference to A.R.S. §11-952 with §49-107; adds a prohibition on disclosure of confidential information related to critical infrastructure and drinking water system security vulnerability assessments consistent with A.R.S. §§ 41-1803(G) and 49-205 at new B.5; eliminates licensing timeframe fee-related reporting requirements in Paragraph C.1 after repeal of A.R.S. §41-1078; clarifies in Paragraph D.3. that delegated agency employees have final signoff on licensing decisions and perform any actual enforcement work; adds separate Paragraph E. Conflict of Interest reference to A.R.S. §38-51;1 includes e-verify requirements pursuant to A.R.S. §§41-4401(A) and 23-214(A) in Paragraph F and Non-Discrimination language in Paragraph G; adds standard state contract language to Paragraph H concerning record keeping and reporting, includes a reference to State of Arizona Library and Archives retention schedules, and removes conflicting language; relocates to the base agreement in Paragraph H. language formerly in Appendix A and Appendix B concerning reports of enforcement actions and increases reporting frequency to monthly; replaces the word "intent" with "request" in Paragraph J.6; clarifies in Paragraph K.2 that ADEQ will pay for the Office of Administrative Hearing's costs on behalf of the County, not County costs; adds a requirement in Paragraph L for an annual map of any service area boundary for water and wastewater utilities that extends beyond the political subdivision jurisdiction boundary and requires ADEQ to schedule a meeting by February 15th to resolve overlap of jurisdiction conflicts; deletes from the base agreement the reporting requirement in Paragraph K for compliance with state licensing timeframes and moves it to Appendix A and Appendix B at Paragraph E; adds language concerning governing law and venue, clarifies procedures applicable to disputes concerning Administrative Orders, and corrects procedures for arbitration in Paragraph N; separates Amendment Procedures from Termination Procedures and requires the termination notice to specify its effective date; adds Arizona Department of Administration Risk Management Division indemnification language for vicarious liability as Paragraph S; adds standard Funds Availability caveat in A.R.S. § 35-154(A) as Paragraph T; adds severability clause as Paragraph U. ADEQ also would add to the signature page language to memorialize the date of approval by the County Board of Supervisors and updated program contacts.

The proposed delegation agreement would include the following changes to Appendix A, Water Quality Management:

- Subpart A – Updates to Item #7 after Reclaimed Water Notice of Final Rulemaking at 23 A.A.R. 3091 on November 3, 2017
- Subpart B - Adds clarifying language about project cost exemptions
- Subpart C - Updates Personnel Qualifications for Environmental Health Sanitarians and Sanitarian Aides consistent with changes to Arizona Administrative Code Title 9, Chapter 16, Article 4 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Subpart E.1 – Increases reporting frequency to monthly to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline or a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from paragraph E.

The proposed delegation agreement makes the following changes to Appendix B, Solid Waste Management:



- Paragraph C - Updates Personnel Qualifications per A.A.C. R9-16-402 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Paragraph E.1 – Increases reporting frequency to monthly to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline, or in a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from Paragraph E.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:

An electronic copy of the existing Delegation Agreements may be downloaded from the following web site address:

<http://www.azdeq.gov/final-delegation-agreements>

Or contact: Edwin Slade, Administrative Counsel
 Arizona Department of Environmental Quality
 1110 W. Washington
 Phoenix, AZ 85007

Telephone: (602) 771-2242
 E-mail: es10@azdeq.gov

6. The schedule of public hearings on the proposed delegation agreement:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R1-1-209, R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the *Register* by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency’s decision on whether to enter into the proposed delegation agreement.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: 7-1-1 for TDD; (602) 771-2215 for Disability Accessibility; or Ian Bingham, Title VI Nondiscrimination Coordinator at (602) 771-4322 or idb@azdeq.gov.

ADEQ tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del lenguaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con Ian Bingham, Title VI Nondiscrimination Coordinator al (602) 771-4322 o idb@azdeq.gov

NOTICE OF PROPOSED (AMENDED) DELEGATION AGREEMENT

[M19-59]

1. Name of the agency proposing the delegation agreement:

Arizona Department of Environmental Quality

2. The name of the political subdivisions to which functions, powers and duties of the agency are proposed to be delegated:

Cochise County

3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:

- (1) Byron James, Community Liaison (928) 337-3565
 - (2) Edwin Slade, Administrative Counsel (602) 771-2242
- Address: Arizona Department of Environmental Quality
 1110 W. Washington St.
 Phoenix, AZ 85007

4. A summary of the delegation agreement changes and the subjects and issues involved:

Under A.R.S. §§49-107 and 41-1081 and Paragraph L. Amendment and Termination in the existing Delegation Agreement, the Arizona Department of Environmental Quality proposes to amend the delegation agreement to conform to an updated 2019 template that: replaces the reference to A.R.S. §11-952 with §49-107; adds a prohibition on disclosure of confidential information related to critical infrastructure and drinking water system security vulnerability assessments consistent with A.R.S. §§ 41-1803(G) and 49-205 at new B.5; eliminates licensing timeframe fee-related reporting requirements in Paragraph C.1 after repeal of A.R.S. §41-1078; clarifies in Paragraph D.3. that delegated agency employees have final signoff on licensing decisions and perform any actual enforcement work; adds separate Paragraph E. Conflict of Interest reference to A.R.S. §38-51;1 includes e-verify requirements pursuant to A.R.S. §§41-4401(A) and 23-214(A) in Paragraph F and Non-Discrimination language in Paragraph G; adds standard state contract language to Paragraph H concerning record keeping and reporting, includes a reference to State of Arizona Library and Archives retention schedules, and removes conflicting language; relocates to the base agreement in Paragraph H. language formerly in Appendix A and Appendix B concerning reports of enforcement actions and increases reporting frequency to monthly; replaces the word “intent” with “request” in Paragraph J.6; clarifies in Paragraph K.2 that ADEQ will pay for the Office of Administrative Hearing’s costs on behalf of the County, not County costs; adds a requirement in Paragraph L for an annual map of any service area boundary for water and wastewater utilities that extends beyond the political subdivision jurisdiction boundary and requires ADEQ to schedule a meeting by February 15th to resolve overlap of jurisdiction conflicts; deletes from the base



agreement the reporting requirement in Paragraph K for compliance with state licensing timeframes and moves it to Appendix A and Appendix B at Paragraph E; adds language concerning governing law and venue, clarifies procedures applicable to disputes concerning Administrative Orders, and corrects procedures for arbitration in Paragraph N; separates Amendment Procedures from Termination Procedures and requires the termination notice to specify its effective date; adds Arizona Department of Administration Risk Management Division indemnification language for vicarious liability as Paragraph S; adds standard Funds Availability caveat in A.R.S. § 35-154(A) as Paragraph T; adds severability clause as Paragraph U. ADEQ also would add to the signature page language to memorialize the date of approval by the County Board of Supervisors and updated program contacts.

The proposed delegation agreement would include the following changes to Appendix A, Water Quality Management:

- Subpart A – Updates to Item #7 after Reclaimed Water Notice of Final Rulemaking at 23 A.A.R. 3091 on November 3, 2017
- Subpart B - Adds clarifying language about project cost exemptions
- Subpart C - Updates Personnel Qualifications for Environmental Health Sanitarians and Sanitarian Aides consistent with changes to Arizona Administrative Code Title 9, Chapter 16, Article 4 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Subpart E.1 – Increases reporting frequency to monthly to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline or a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from paragraph E.

The proposed delegation agreement makes the following changes to Appendix B, Solid Waste Management:

- Paragraph C - Updates Personnel Qualifications per A.A.C. R9-16-402 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Paragraph E.1 – Increases reporting frequency to monthly. to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline, or in a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from Paragraph E.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:

An electronic copy of the existing Delegation Agreements may be downloaded from the following web site address:

<http://www.azdeq.gov/final-delegation-agreements>

Or contact: Edwin Slade, Administrative Counsel
Arizona Department of Environmental Quality
1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-2242
E-mail: es10@azdeq.gov

6. The schedule of public hearings on the proposed delegation agreement:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R1-1-209, R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the *Register* by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency's decision on whether to enter into the proposed delegation agreement.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: 7-1-1 for TDD; (602) 771-2215 for Disability Accessibility; or Ian Bingham, Title VI Nondiscrimination Coordinator at (602) 771-4322 or idb@azdeq.gov.

ADEQ tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del lenguaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con Ian Bingham, Title VI Nondiscrimination Coordinator al (602) 771-4322 o idb@azdeq.gov

NOTICE OF PROPOSED (AMENDED) DELEGATION AGREEMENT

[M19-60]

1. Name of the agency proposing the delegation agreement:

Arizona Department of Environmental Quality

2. The name of the political subdivisions to which functions, powers and duties of the agency are proposed to be delegated:

Coconino County

3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:

- (1) Byron James, Community Liaison (928) 337-3565
- (2) Edwin Slade, Administrative Counsel (602) 771-2242



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

4. A summary of the delegation agreement changes and the subjects and issues involved:

Under A.R.S. §§49-107 and 41-1081 and Paragraph L. Amendment and Termination in the existing Delegation Agreement, the Arizona Department of Environmental Quality proposes to amend the delegation agreement to conform to an updated 2019 template that: replaces the reference to A.R.S. §11-952 with §49-107; adds a prohibition on disclosure of confidential information related to critical infrastructure and drinking water system security vulnerability assessments consistent with A.R.S. §§ 41-1803(G) and 49-205 at new B.5; eliminates licensing timeframe fee-related reporting requirements in Paragraph C.1 after repeal of A.R.S. §41-1078; clarifies in Paragraph D.3. that delegated agency employees have final signoff on licensing decisions and perform any actual enforcement work; adds separate Paragraph E. Conflict of Interest reference to A.R.S. §38-51;1 includes e-verify requirements pursuant to A.R.S. §§41-4401(A) and 23-214(A) in Paragraph F and Non-Discrimination language in Paragraph G; adds standard state contract language to Paragraph H concerning record keeping and reporting, includes a reference to State of Arizona Library and Archives retention schedules, and removes conflicting language; relocates to the base agreement in Paragraph H. language formerly in Appendix A and Appendix B concerning reports of enforcement actions and increases reporting frequency to monthly; replaces the word "intent" with "request" in Paragraph J.6; clarifies in Paragraph K.2 that ADEQ will pay for the Office of Administrative Hearing's costs on behalf of the County, not County costs; adds a requirement in Paragraph L for an annual map of any service area boundary for water and wastewater utilities that extends beyond the political subdivision jurisdiction boundary and requires ADEQ to schedule a meeting by February 15th to resolve overlap of jurisdiction conflicts; deletes from the base agreement the reporting requirement in Paragraph K for compliance with state licensing timeframes and moves it to Appendix A and Appendix B at Paragraph E; adds language concerning governing law and venue, clarifies procedures applicable to disputes concerning Administrative Orders, and corrects procedures for arbitration in Paragraph N; separates Amendment Procedures from Termination Procedures and requires the termination notice to specify its effective date; adds Arizona Department of Administration Risk Management Division indemnification language for vicarious liability as Paragraph S; adds standard Funds Availability caveat in A.R.S. § 35-154(A) as Paragraph T; adds severability clause as Paragraph U. ADEQ also would add to the signature page language to memorialize the date of approval by the County Board of Supervisors and updated program contacts.

The proposed delegation agreement would include the following changes to Appendix A, Water Quality Management:

- Subpart A – Updates to Item #7 after Reclaimed Water Notice of Final Rulemaking at 23 A.A.R. 3091 on November 3, 2017
• Subpart B - Adds clarifying language about project cost exemptions
• Subpart C - Updates Personnel Qualifications for Environmental Health Sanitarians and Sanitarian Aides consistent with changes to Arizona Administrative Code Title 9, Chapter 16, Article 4 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
• Subpart E.1 – Increases reporting frequency to monthly to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline or a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from paragraph E.

The proposed delegation agreement makes the following changes to Appendix B, Solid Waste Management:

- Paragraph C - Updates Personnel Qualifications per A.A.C. R9-16-402 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
• Paragraph E.1 – Increases reporting frequency to monthly. to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline, or in a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from Paragraph E.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:

An electronic copy of the existing Delegation Agreements may be downloaded from the following web site address:
http://www.azdeq.gov/final-delegation-agreements

Or contact: Edwin Slade, Administrative Counsel
Arizona Department of Environmental Quality
1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-2242
E-mail: es10@azdeq.gov

6. The schedule of public hearings on the proposed delegation agreement:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R1-1-209, R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the Register by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency's decision on whether to enter into the proposed delegation agreement.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommoda-



tions must be made at least 48 hours in advance by contacting: 7-1-1 for TDD; (602) 771-2215 for Disability Accessibility; or Ian Bingham, Title VI Nondiscrimination Coordinator at (602) 771-4322 or ldb@azdeq.gov.

ADEQ tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del lenguaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con Ian Bingham, Title VI Nondiscrimination Coordinator al (602) 771-4322 o ldb@azdeq.gov

NOTICE OF PROPOSED (AMENDED) DELEGATION AGREEMENT

[M19-61]

1. Name of the agency proposing the delegation agreement:

Arizona Department of Environmental Quality

2. The name of the political subdivisions to which functions, powers and duties of the agency are proposed to be delegated:

Gila County

3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:

- (1) Byron James, Community Liaison (928) 337-3565
 - (2) Edwin Slade, Administrative Counsel (602) 771-2242
- Address: Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007

4. A summary of the delegation agreement changes and the subjects and issues involved:

Under A.R.S. §§49-107 and 41-1081 and Paragraph L. Amendment and Termination in the existing Delegation Agreement, the Arizona Department of Environmental Quality proposes to amend the delegation agreement to conform to an updated 2019 template that: replaces the reference to A.R.S. §11-952 with §49-107; adds a prohibition on disclosure of confidential information related to critical infrastructure and drinking water system security vulnerability assessments consistent with A.R.S. §§ 41-1803(G) and 49-205 at new B.5; eliminates licensing timeframe fee-related reporting requirements in Paragraph C.1 after repeal of A.R.S. §41-1078; clarifies in Paragraph D.3. that delegated agency employees have final signoff on licensing decisions and perform any actual enforcement work; adds separate Paragraph E. Conflict of Interest reference to A.R.S. §38-51;1 includes e-verify requirements pursuant to A.R.S. §§41-4401(A) and 23-214(A) in Paragraph F and Non-Discrimination language in Paragraph G; adds standard state contract language to Paragraph H concerning record keeping and reporting, includes a reference to State of Arizona Library and Archives retention schedules, and removes conflicting language; relocates to the base agreement in Paragraph H. language formerly in Appendix A and Appendix B concerning reports of enforcement actions and increases reporting frequency to monthly; replaces the word "intent" with "request" in Paragraph J.6; clarifies in Paragraph K.2 that ADEQ will pay for the Office of Administrative Hearing's costs on behalf of the County, not County costs; adds a requirement in Paragraph L for an annual map of any service area boundary for water and wastewater utilities that extends beyond the political subdivision jurisdiction boundary and requires ADEQ to schedule a meeting by February 15th to resolve overlap of jurisdiction conflicts; deletes from the base agreement the reporting requirement in Paragraph K for compliance with state licensing timeframes and moves it to Appendix A and Appendix B at Paragraph E; adds language concerning governing law and venue, clarifies procedures applicable to disputes concerning Administrative Orders, and corrects procedures for arbitration in Paragraph N; separates Amendment Procedures from Termination Procedures and requires the termination notice to specify its effective date; adds Arizona Department of Administration Risk Management Division indemnification language for vicarious liability as Paragraph S; adds standard Funds Availability caveat in A.R.S. § 35-154(A) as Paragraph T; adds severability clause as Paragraph U. ADEQ also would add to the signature page language to memorialize the date of approval by the County Board of Supervisors and updated program contacts.

The proposed delegation agreement would include the following changes to Appendix A, Water Quality Management:

- Subpart A – Updates to Item #7 after Reclaimed Water Notice of Final Rulemaking at 23 A.A.R. 3091 on November 3, 2017
- Subpart B - Adds clarifying language about project cost exemptions
- Subpart C - Updates Personnel Qualifications for Environmental Health Sanitarians and Sanitarian Aides consistent with changes to Arizona Administrative Code Title 9, Chapter 16, Article 4 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Subpart E.1 – Increases reporting frequency to monthly to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline or a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from paragraph E.

The proposed delegation agreement makes the following changes to Appendix B, Solid Waste Management:

- Paragraph C - Updates Personnel Qualifications per A.A.C. R9-16-402 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Paragraph E.1 – Increases reporting frequency to monthly. to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline, or in a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from Paragraph E.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:

An electronic copy of the existing Delegation Agreements may be downloaded from the following web site address:

<http://www.azdeq.gov/final-delegation-agreements>



Or contact: Edwin Slade, Administrative Counsel
Arizona Department of Environmental Quality
1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-2242
E-mail: es10@azdeq.gov

6. The schedule of public hearings on the proposed delegation agreement:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R1-1-209, R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the Register by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency's decision on whether to enter into the proposed delegation agreement.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: 7-1-1 for TDD; (602) 771-2215 for Disability Accessibility; or Ian Bingham, Title VI Nondiscrimination Coordinator at (602) 771-4322 or idb@azdeq.gov.

ADEQ tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del lenguaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con Ian Bingham, Title VI Nondiscrimination Coordinator al (602) 771-4322 o idb@azdeq.gov

NOTICE OF PROPOSED (AMENDED) DELEGATION AGREEMENT

[M19-62]

1. Name of the agency proposing the delegation agreement:

Arizona Department of Environmental Quality

2. The name of the political subdivisions to which functions, powers and duties of the agency are proposed to be delegated:

Graham County

3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:

- (1) Byron James, Community Liaison (928) 337-3565
(2) Edwin Slade, Administrative Counsel (602) 771-2242

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

4. A summary of the delegation agreement changes and the subjects and issues involved:

Under A.R.S. §§49-107 and 41-1081 and Paragraph L. Amendment and Termination in the existing Delegation Agreement, the Arizona Department of Environmental Quality proposes to amend the delegation agreements to conform to an updated 2019 template that: replaces the reference to A.R.S. §11-952 with §49-107; adds a prohibition on disclosure of confidential information related to critical infrastructure and drinking water system security vulnerability assessments consistent with A.R.S. §§ 41-1803(G) and 49-205 at new B.5; eliminates licensing timeframe fee-related reporting requirements in Paragraph C.1 after repeal of A.R.S. §41-1078; clarifies in Paragraph D.3. that delegated agency employees have final signoff on licensing decisions and perform any actual enforcement work; adds separate Paragraph E. Conflict of Interest reference to A.R.S. §38-51;1 includes e-verify requirements pursuant to A.R.S. §§41-4401(A) and 23-214(A) in Paragraph F and Non-Discrimination language in Paragraph G; adds standard state contract language to Paragraph H concerning record keeping and reporting, includes a reference to State of Arizona Library and Archives retention schedules, and removes conflicting language; relocates to the base agreement in Paragraph H. language formerly in Appendix A and Appendix B concerning reports of enforcement actions and increases reporting frequency to monthly; replaces the word "intent" with "request" in Paragraph J.6; clarifies in Paragraph K.2 that ADEQ will pay for the Office of Administrative Hearing's costs on behalf of the County, not County costs; adds a requirement in Paragraph L for an annual map of any service area boundary for water and wastewater utilities that extends beyond the political subdivision jurisdiction boundary and requires ADEQ to schedule a meeting by February 15th to resolve overlap of jurisdiction conflicts; deletes from the base agreement the reporting requirement in Paragraph K for compliance with state licensing timeframes and moves it to Appendix A and Appendix B at Paragraph E; adds language concerning governing law and venue, clarifies procedures applicable to disputes concerning Administrative Orders, and corrects procedures for arbitration in Paragraph N; separates Amendment Procedures from Termination Procedures and requires the termination notice to specify its effective date; adds Arizona Department of Administration Risk Management Division indemnification language for vicarious liability as Paragraph S; adds standard Funds Availability caveat in A.R.S. § 35-154(A) as Paragraph T; adds severability clause as Paragraph U. ADEQ also would add to the signature page language to memorialize the date of approval by the County Board of Supervisors and updated program contacts.

The proposed delegation agreement would include the following changes to Appendix A, Water Quality Management:



- Subpart A – Updates to Item #7 after Reclaimed Water Notice of Final Rulemaking at 23 A.A.R. 3091 on November 3, 2017
- Subpart B - Adds clarifying language about project cost exemptions
- Subpart C - Updates Personnel Qualifications for Environmental Health Sanitarians and Sanitarian Aides consistent with changes to Arizona Administrative Code Title 9, Chapter 16, Article 4 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing

Subpart E.1 – Increases reporting frequency to monthly to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline or a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from paragraph E.

The proposed delegation agreement makes the following changes to Appendix B, Solid Waste Management:

- Paragraph C - Updates Personnel Qualifications per A.A.C. R9-16-402 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Paragraph E.1 – Increases reporting frequency to monthly. to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline, or in a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from Paragraph E.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:

An electronic copy of the existing Delegation Agreements may be downloaded from the following web site address:

<http://www.azdeq.gov/final-delegation-agreements>

Or contact: Edwin Slade, Administrative Counsel
Arizona Department of Environmental Quality
1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-2242
E-mail: es10@azdeq.gov

6. The schedule of public hearings on the proposed delegation agreement:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R1-1-209, R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the *Register* by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency's decision on whether to enter into the proposed delegation agreement.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: 7-1-1 for TDD; (602) 771-2215 for Disability Accessibility; or Ian Bingham, Title VI Nondiscrimination Coordinator at (602) 771-4322 or idb@azdeq.gov.

ADEQ tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del lenguaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con Ian Bingham, Title VI Nondiscrimination Coordinator al (602) 771-4322 o idb@azdeq.gov

NOTICE OF PROPOSED (AMENDED) DELEGATION AGREEMENT

[M19-63]

1. Name of the agency proposing the delegation agreement:

Arizona Department of Environmental Quality

2. The name of the political subdivisions to which functions, powers and duties of the agency are proposed to be delegated:

Greenlee County

3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:

- (1) Byron James, Community Liaison (928) 337-3565
 - (2) Edwin Slade, Administrative Counsel (602) 771-2242
- Address: Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007

4. A summary of the delegation agreement changes and the subjects and issues involved:

Under A.R.S. §§49-107 and 41-1081 and Paragraph L. Amendment and Termination in the existing Delegation Agreement, the Arizona Department of Environmental Quality proposes to amend the delegation agreement to conform to an updated 2019 template that: replaces the reference to A.R.S. §11-952 with §49-107; adds a prohibition on disclosure of confidential information related to critical infrastructure and drinking water system security vulnerability assessments consistent with A.R.S. §§ 41-



1803(G) and 49-205 at new B.5; eliminates licensing timeframe fee-related reporting requirements in Paragraph C.1 after repeal of A.R.S. §41-1078; clarifies in Paragraph D.3. that delegated agency employees have final signoff on licensing decisions and perform any actual enforcement work; adds separate Paragraph E. Conflict of Interest reference to A.R.S. §38-51;1 includes e-verify requirements pursuant to A.R.S. §§41-4401(A) and 23-214(A) in Paragraph F and Non-Discrimination language in Paragraph G; adds standard state contract language to Paragraph H concerning record keeping and reporting, includes a reference to State of Arizona Library and Archives retention schedules, and removes conflicting language; relocates to the base agreement in Paragraph H. language formerly in Appendix A and Appendix B concerning reports of enforcement actions and increases reporting frequency to monthly; replaces the word “intent” with “request” in Paragraph J.6; clarifies in Paragraph K.2 that ADEQ will pay for the Office of Administrative Hearing’s costs on behalf of the County, not County costs; adds a requirement in Paragraph L for an annual map of any service area boundary for water and wastewater utilities that extends beyond the political subdivision jurisdiction boundary and requires ADEQ to schedule a meeting by February 15th to resolve overlap of jurisdiction conflicts; deletes from the base agreement the reporting requirement in Paragraph K for compliance with state licensing timeframes and moves it to Appendix A and Appendix B at Paragraph E; adds language concerning governing law and venue, clarifies procedures applicable to disputes concerning Administrative Orders, and corrects procedures for arbitration in Paragraph N; separates Amendment Procedures from Termination Procedures and requires the termination notice to specify its effective date; adds Arizona Department of Administration Risk Management Division indemnification language for vicarious liability as Paragraph S; adds standard Funds Availability caveat in A.R.S. § 35-154(A) as Paragraph T; adds severability clause as Paragraph U. ADEQ also would add to the signature page language to memorialize the date of approval by the County Board of Supervisors and updated program contacts.

The proposed delegation agreement would include the following changes to Appendix A, Water Quality Management:

- Subpart A – Updates to Item #7 after Reclaimed Water Notice of Final Rulemaking at 23 A.A.R. 3091 on November 3, 2017
- Subpart B - Adds clarifying language about project cost exemptions
- Subpart C - Updates Personnel Qualifications for Environmental Health Sanitarians and Sanitarian Aides consistent with changes to Arizona Administrative Code Title 9, Chapter 16, Article 4 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Subpart E.1 – Increases reporting frequency to monthly to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline or a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from paragraph E.

The proposed delegation agreement makes the following changes to Appendix B, Solid Waste Management:

- Paragraph C - Updates Personnel Qualifications per A.A.C. R9-16-402 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Paragraph E.1 – Increases reporting frequency to monthly. to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline, or in a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from Paragraph E.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:

An electronic copy of the existing Delegation Agreements may be downloaded from the following web site address:

<http://www.azdeq.gov/final-delegation-agreements>

Or contact: Edwin Slade, Administrative Counsel
 Arizona Department of Environmental Quality
 1110 W. Washington
 Phoenix, AZ 85007
 Telephone: (602) 771-2242
 E-mail: es10@azdeq.gov

6. The schedule of public hearings on the proposed delegation agreement:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R1-1-209, R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the *Register* by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency’s decision on whether to enter into the proposed delegation agreement.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: 7-1-1 for TDD; (602) 771-2215 for Disability Accessibility; or Ian Bingham, Title VI Nondiscrimination Coordinator at (602) 771-4322 or idb@azdeq.gov.

ADEQ tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del lenguaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con Ian Bingham, Title VI Nondiscrimination Coordinator al (602) 771-4322 o idb@azdeq.gov



NOTICE OF PROPOSED (AMENDED) DELEGATION AGREEMENT

[M19-64]

1. Name of the agency proposing the delegation agreement:

Arizona Department of Environmental Quality

2. The name of the political subdivisions to which functions, powers and duties of the agency are proposed to be delegated:

La Paz County

3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:

- (1) Byron James, Community Liaison (928) 337-3565
- (2) Edwin Slade, Administrative Counsel (602) 771-2242

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

4. A summary of the delegation agreement changes and the subjects and issues involved:

Under A.R.S. §§49-107 and 41-1081 and Paragraph L. Amendment and Termination in the existing Delegation Agreement, the Arizona Department of Environmental Quality proposes to amend the delegation agreement to conform to an updated 2019 template that: replaces the reference to A.R.S. §11-952 with §49-107; adds a prohibition on disclosure of confidential information related to critical infrastructure and drinking water system security vulnerability assessments consistent with A.R.S. §§ 41-1803(G) and 49-205 at new B.5; eliminates licensing timeframe fee-related reporting requirements in Paragraph C.1 after repeal of A.R.S. §41-1078; clarifies in Paragraph D.3. that delegated agency employees have final signoff on licensing decisions and perform any actual enforcement work; adds separate Paragraph E. Conflict of Interest reference to A.R.S. §38-51;1 includes e-verify requirements pursuant to A.R.S. §§41-4401(A) and 23-214(A) in Paragraph F and Non-Discrimination language in Paragraph G; adds standard state contract language to Paragraph H concerning record keeping and reporting, includes a reference to State of Arizona Library and Archives retention schedules, and removes conflicting language; relocates to the base agreement in Paragraph H. language formerly in Appendix A and Appendix B concerning reports of enforcement actions and increases reporting frequency to monthly; replaces the word "intent" with "request" in Paragraph J.6; clarifies in Paragraph K.2 that ADEQ will pay for the Office of Administrative Hearing's costs on behalf of the County, not County costs; adds a requirement in Paragraph L for an annual map of any service area boundary for water and wastewater utilities that extends beyond the political subdivision jurisdiction boundary and requires ADEQ to schedule a meeting by February 15th to resolve overlap of jurisdiction conflicts; deletes from the base agreement the reporting requirement in Paragraph K for compliance with state licensing timeframes and moves it to Appendix A and Appendix B at Paragraph E; adds language concerning governing law and venue, clarifies procedures applicable to disputes concerning Administrative Orders, and corrects procedures for arbitration in Paragraph N; separates Amendment Procedures from Termination Procedures and requires the termination notice to specify its effective date; adds Arizona Department of Administration Risk Management Division indemnification language for vicarious liability as Paragraph S; adds standard Funds Availability caveat in A.R.S. § 35-154(A) as Paragraph T; adds severability clause as Paragraph U. ADEQ also would add to the signature page language to memorialize the date of approval by the County Board of Supervisors and updated program contacts.

The proposed delegation agreement would include the following changes to Appendix A, Water Quality Management:

- Subpart A – Updates to Item #7 after Reclaimed Water Notice of Final Rulemaking at 23 A.A.R. 3091 on November 3, 2017
- Subpart B - Adds clarifying language about project cost exemptions
- Subpart C - Updates Personnel Qualifications for Environmental Health Sanitarians and Sanitarian Aides consistent with changes to Arizona Administrative Code Title 9, Chapter 16, Article 4 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Subpart E.1 – Increases reporting frequency to monthly to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline or a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from paragraph E.

The proposed delegation agreement makes the following changes to Appendix B, Solid Waste Management:

- Paragraph C - Updates Personnel Qualifications per A.A.C. R9-16-402 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Paragraph E.1 – Increases reporting frequency to monthly. to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline, or in a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from Paragraph E.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:

An electronic copy of the existing Delegation Agreements may be downloaded from the following web site address:

<http://www.azdeq.gov/final-delegation-agreements>

Or contact: Edwin Slade, Administrative Counsel
Arizona Department of Environmental Quality
1110 W. Washington
Phoenix, AZ 85007

Telephone: (602) 771-2242
E-mail: es10@azdeq.gov



6. The schedule of public hearings on the proposed delegation agreement:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R1-1-209, R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the *Register* by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency’s decision on whether to enter into the proposed delegation agreement.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: 7-1-1 for TDD; (602) 771-2215 for Disability Accessibility; or Ian Bingham, Title VI Nondiscrimination Coordinator at (602) 771-4322 or ldb@azdeq.gov.

ADEQ tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del lenguaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con Ian Bingham, Title VI Nondiscrimination Coordinator al (602) 771-4322 o ldb@azdeq.gov

NOTICE OF PROPOSED (AMENDED) DELEGATION AGREEMENT

[M19-65]

1. Name of the agency proposing the delegation agreement:

Arizona Department of Environmental Quality

2. The name of the political subdivisions to which functions, powers and duties of the agency are proposed to be delegated:

Maricopa County

3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:

- (1) Byron James, Community Liaison (928) 337-3565
- (2) Edwin Slade, Administrative Counsel (602) 771-2242

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

4. A summary of the delegation agreement changes and the subjects and issues involved:

Under A.R.S. §§49-107 and 41-1081 and Paragraph L. Amendment and Termination in the existing Delegation Agreement, the Arizona Department of Environmental Quality proposes to amend the delegation agreement to conform to an updated 2019 template that: replaces the reference to A.R.S. §11-952 with §49-107; adds a prohibition on disclosure of confidential information related to critical infrastructure and drinking water system security vulnerability assessments consistent with A.R.S. §§ 41-1803(G) and 49-205 at new B.5; eliminates licensing timeframe fee-related reporting requirements in Paragraph C.1 after repeal of A.R.S. §41-1078; clarifies in Paragraph D.3. that delegated agency employees have final signoff on licensing decisions and perform any actual enforcement work; adds separate Paragraph E. Conflict of Interest reference to A.R.S. §38-51;1 includes e-verify requirements pursuant to A.R.S. §§41-4401(A) and 23-214(A) in Paragraph F and Non-Discrimination language in Paragraph G; adds standard state contract language to Paragraph H concerning record keeping and reporting, includes a reference to State of Arizona Library and Archives retention schedules, and removes conflicting language; relocates to the base agreement in Paragraph H. language formerly in Appendix A and Appendix B concerning reports of enforcement actions and increases reporting frequency to monthly; replaces the word “intent” with “request” in Paragraph J.6; clarifies in Paragraph K.2 that ADEQ will pay for the Office of Administrative Hearing’s costs on behalf of the County, not County costs; adds a requirement in Paragraph L for an annual map of any service area boundary for water and wastewater utilities that extends beyond the political subdivision jurisdiction boundary and requires ADEQ to schedule a meeting by February 15th to resolve overlap of jurisdiction conflicts; deletes from the base agreement the reporting requirement in Paragraph K for compliance with state licensing timeframes and moves it to Appendix A and Appendix B at Paragraph E; adds language concerning governing law and venue, clarifies procedures applicable to disputes concerning Administrative Orders, and corrects procedures for arbitration in Paragraph N; separates Amendment Procedures from Termination Procedures and requires the termination notice to specify its effective date; adds Arizona Department of Administration Risk Management Division indemnification language for vicarious liability as Paragraph S; adds standard Funds Availability caveat in A.R.S. § 35-154(A) as Paragraph T; adds severability clause as Paragraph U. ADEQ also would add to the signature page language to memorialize the date of approval by the County Board of Supervisors and updated program contacts.

The proposed delegation agreement would include the following changes to Appendix A, Water Quality Management:

- Subpart A - Updates to Item #7 after Reclaimed Water Notice of Final Rulemaking at 23 A.A.R. 3091 on November 3, 2017
- Subpart B - Adds clarifying language about project cost exemptions
- Subpart C - Updates Personnel Qualifications for Environmental Health Sanitarians and Sanitarian Aides consistent with changes to Arizona Administrative Code Title 9, Chapter 16, Article 4 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing



- Subpart E.1 – Increases reporting frequency to monthly to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline or a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from paragraph E.

The proposed delegation agreement makes the following changes to Appendix B, Solid Waste Management:

- Paragraph C - Updates Personnel Qualifications per A.A.C. R9-16-402 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Paragraph E.1 – Increases reporting frequency to monthly. to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline, or in a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from Paragraph E.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:

An electronic copy of the existing Delegation Agreements may be downloaded from the following web site address:

<http://www.azdeq.gov/final-delegation-agreements>

Or contact: Edwin Slade, Administrative Counsel
Arizona Department of Environmental Quality
1110 W. Washington
Phoenix, AZ 85007

Telephone: (602) 771-2242
E-mail: es10@azdeq.gov

6. The schedule of public hearings on the proposed delegation agreement:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R1-1-209, R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the *Register* by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency's decision on whether to enter into the proposed delegation agreement.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: 7-1-1 for TDD; (602) 771-2215 for Disability Accessibility; or Ian Bingham, Title VI Nondiscrimination Coordinator at (602) 771-4322 or idb@azdeq.gov.

ADEQ tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del lenguaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con Ian Bingham, Title VI Nondiscrimination Coordinator al (602) 771-4322 o idb@azdeq.gov

NOTICE OF PROPOSED (AMENDED) DELEGATION AGREEMENT

[M19-66]

1. Name of the agency proposing the delegation agreement:

Arizona Department of Environmental Quality

2. The name of the political subdivisions to which functions, powers and duties of the agency are proposed to be delegated:

Mohave County

3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:

- (1) Byron James, Community Liaison (928) 337-3565
 - (2) Edwin Slade, Administrative Counsel (602) 771-2242
- Address: Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007

4. A summary of the delegation agreement changes and the subjects and issues involved:

Under A.R.S. §§49-107 and 41-1081 and Paragraph L. Amendment and Termination in the existing Delegation Agreement, the Arizona Department of Environmental Quality proposes to amend the delegation agreements to conform to an updated 2019 template that: replaces the reference to A.R.S. §11-952 with §49-107; adds a prohibition on disclosure of confidential information related to critical infrastructure and drinking water system security vulnerability assessments consistent with A.R.S. §§ 41-1803(G) and 49-205 at new B.5; eliminates licensing timeframe fee-related reporting requirements in Paragraph C.1 after repeal of A.R.S. §41-1078; clarifies in Paragraph D.3. that delegated agency employees have final signoff on licensing decisions and perform any actual enforcement work; adds separate Paragraph E. Conflict of Interest reference to A.R.S. §38-51;1 includes e-verify requirements pursuant to A.R.S. §§41-4401(A) and 23-214(A) in Paragraph F and Non-Discrimination language in Paragraph G; adds standard state contract language to Paragraph H concerning record keeping and reporting, includes a reference to State of Arizona Library and Archives retention schedules, and removes conflicting language; relocates to the base agreement in Paragraph H.



language formerly in Appendix A and Appendix B concerning reports of enforcement actions and increases reporting frequency to monthly; replaces the word “intent” with “request” in Paragraph J.6; clarifies in Paragraph K.2 that ADEQ will pay for the Office of Administrative Hearing’s costs on behalf of the County, not County costs; adds a requirement in Paragraph L for an annual map of any service area boundary for water and wastewater utilities that extends beyond the political subdivision jurisdiction boundary and requires ADEQ to schedule a meeting by February 15th to resolve overlap of jurisdiction conflicts; deletes from the base agreement the reporting requirement in Paragraph K for compliance with state licensing timeframes and moves it to Appendix A and Appendix B at Paragraph E; adds language concerning governing law and venue, clarifies procedures applicable to disputes concerning Administrative Orders, and corrects procedures for arbitration in Paragraph N; separates Amendment Procedures from Termination Procedures and requires the termination notice to specify its effective date; adds Arizona Department of Administration Risk Management Division indemnification language for vicarious liability as Paragraph S; adds standard Funds Availability caveat in A.R.S. § 35-154(A) as Paragraph T; adds severability clause as Paragraph U. ADEQ also would add to the signature page language to memorialize the date of approval by the County Board of Supervisors and updated program contacts.

The proposed delegation agreement would include the following changes to Appendix A, Water Quality Management:

- Subpart A – Updates to Item #7 after Reclaimed Water Notice of Final Rulemaking at 23 A.A.R. 3091 on November 3, 2017
- Subpart B - Adds clarifying language about project cost exemptions
- Subpart C - Updates Personnel Qualifications for Environmental Health Sanitarians and Sanitarian Aides consistent with changes to Arizona Administrative Code Title 9, Chapter 16, Article 4 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Subpart E.1 – Increases reporting frequency to monthly to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline or a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from paragraph E.

The proposed delegation agreement makes the following changes to Appendix B, Solid Waste Management:

- Paragraph C - Updates Personnel Qualifications per A.A.C. R9-16-402 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Paragraph E.1 – Increases reporting frequency to monthly. to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline, or in a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from Paragraph E.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:

An electronic copy of the existing Delegation Agreements may be downloaded from the following web site address:

<http://www.azdeq.gov/final-delegation-agreements>

Or contact: Edwin Slade, Administrative Counsel
 Arizona Department of Environmental Quality
 1110 W. Washington
 Phoenix, AZ 85007

Telephone: (602) 771-2242
 E-mail: es10@azdeq.gov

6. The schedule of public hearings on the proposed delegation agreement:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R1-1-209, R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the *Register* by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency’s decision on whether to enter into the proposed delegation agreement.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: 7-1-1 for TDD; (602) 771-2215 for Disability Accessibility; or Ian Bingham, Title VI Nondiscrimination Coordinator at (602) 771-4322 or idb@azdeq.gov.

ADEQ tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del lenguaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con Ian Bingham, Title VI Nondiscrimination Coordinator al (602) 771-4322 o idb@azdeq.gov



NOTICE OF PROPOSED (AMENDED) DELEGATION AGREEMENT

[M19-67]

1. Name of the agency proposing the delegation agreement:

Arizona Department of Environmental Quality

2. The name of the political subdivisions to which functions, powers and duties of the agency are proposed to be delegated:

Navajo County

3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:

- (1) Byron James, Community Liaison (928) 337-3565
- (2) Edwin Slade, Administrative Counsel (602) 771-2242

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

4. A summary of the delegation agreement changes and the subjects and issues involved:

Under A.R.S. §§49-107 and 41-1081 and Paragraph L. Amendment and Termination in the existing Delegation Agreement, the Arizona Department of Environmental Quality proposes to amend the delegation agreement to conform to an updated 2019 template that: replaces the reference to A.R.S. §11-952 with §49-107; adds a prohibition on disclosure of confidential information related to critical infrastructure and drinking water system security vulnerability assessments consistent with A.R.S. §§ 41-1803(G) and 49-205 at new B.5; eliminates licensing timeframe fee-related reporting requirements in Paragraph C.1 after repeal of A.R.S. §41-1078; clarifies in Paragraph D.3. that delegated agency employees have final signoff on licensing decisions and perform any actual enforcement work; adds separate Paragraph E. Conflict of Interest reference to A.R.S. §38-51;1 includes e-verify requirements pursuant to A.R.S. §§41-4401(A) and 23-214(A) in Paragraph F and Non-Discrimination language in Paragraph G; adds standard state contract language to Paragraph H concerning record keeping and reporting, includes a reference to State of Arizona Library and Archives retention schedules, and removes conflicting language; relocates to the base agreement in Paragraph H. language formerly in Appendix A concerning reports of enforcement actions and increases reporting frequency to monthly; replaces the word "intent" with "request" in Paragraph J.6; clarifies in Paragraph K.2 that ADEQ will pay for the Office of Administrative Hearing's costs on behalf of the County, not County costs; adds a requirement in Paragraph L for an annual map of any service area boundary for water and wastewater utilities that extends beyond the political subdivision jurisdiction boundary and requires ADEQ to schedule a meeting by February 15th to resolve overlap of jurisdiction conflicts; deletes from the base agreement the reporting requirement in Paragraph K for compliance with state licensing timeframes and moves it to Appendix A at Paragraph E; adds language concerning governing law and venue, clarifies procedures applicable to disputes concerning Administrative Orders, and corrects procedures for arbitration in Paragraph N; separates Amendment Procedures from Termination Procedures and requires the termination notice to specify its effective date; adds Arizona Department of Administration Risk Management Division indemnification language for vicarious liability as Paragraph S; adds standard Funds Availability caveat in A.R.S. § 35-154(A) as Paragraph T; adds severability clause as Paragraph U. ADEQ also would add to the signature page language to memorialize the date of approval by the County Board of Supervisors and updated program contacts.

The proposed delegation agreement would include the following changes to Appendix A, Water Quality Management:

- Subpart A – Updates to Item #7 after Reclaimed Water Notice of Final Rulemaking at 23 A.A.R. 3091 on November 3, 2017
- Subpart B - Adds clarifying language about project cost exemptions
- Subpart C - Updates Personnel Qualifications for Environmental Health Sanitarians and Sanitarian Aides consistent with changes to Arizona Administrative Code Title 9, Chapter 16, Article 4 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Subpart E.1 – Increases reporting frequency to monthly to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline or a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from paragraph E.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:

An electronic copy of the existing Delegation Agreements may be downloaded from the following web site address:

<http://www.azdeq.gov/final-delegation-agreements>

Or contact: Edwin Slade, Administrative Counsel
Arizona Department of Environmental Quality
1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-2242
E-mail: es10@azdeq.gov

6. The schedule of public hearings on the proposed delegation agreement:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R1-1-209, R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the *Register* by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to



the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency's decision on whether to enter into the proposed delegation agreement.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: 7-1-1 for TDD; (602) 771-2215 for Disability Accessibility; or Ian Bingham, Title VI Nondiscrimination Coordinator at (602) 771-4322 or ldb@azdeq.gov.

ADEQ tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del lenguaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con Ian Bingham, Title VI Nondiscrimination Coordinator al (602) 771-4322 o ldb@azdeq.gov

NOTICE OF PROPOSED (AMENDED) DELEGATION AGREEMENT

[M19-68]

1. Name of the agency proposing the delegation agreement:

Arizona Department of Environmental Quality

2. The name of the political subdivisions to which functions, powers and duties of the agency are proposed to be delegated:

Pima County

3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:

- (1) Byron James, Community Liaison (928) 337-3565
- (2) Edwin Slade, Administrative Counsel (602) 771-2242

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

4. A summary of the delegation agreement changes and the subjects and issues involved:

Under A.R.S. §§49-107 and 41-1081 and Paragraph L. Amendment and Termination in the existing Delegation Agreement, the Arizona Department of Environmental Quality proposes to amend the delegation agreements to conform to an updated 2019 template that: replaces the reference to A.R.S. §11-952 with §49-107; adds a prohibition on disclosure of confidential information related to critical infrastructure and drinking water system security vulnerability assessments consistent with A.R.S. §§ 41-1803(G) and 49-205 at new B.5; eliminates licensing timeframe fee-related reporting requirements in Paragraph C.1 after repeal of A.R.S. §41-1078; clarifies in Paragraph D.3. that delegated agency employees have final signoff on licensing decisions and perform any actual enforcement work; adds separate Paragraph E. Conflict of Interest reference to A.R.S. §38-51;1 includes e-verify requirements pursuant to A.R.S. §§41-4401(A) and 23-214(A) in Paragraph F and Non-Discrimination language in Paragraph G; adds standard state contract language to Paragraph H concerning record keeping and reporting, includes a reference to State of Arizona Library and Archives retention schedules, and removes conflicting language; relocates to the base agreement in Paragraph H. language formerly in Appendix A and Appendix B concerning reports of enforcement actions and increases reporting frequency to monthly; replaces the word "intent" with "request" in Paragraph J.6; clarifies in Paragraph K.2 that ADEQ will pay for the Office of Administrative Hearing's costs on behalf of the County, not County costs; adds a requirement in Paragraph L for an annual map of any service area boundary for water and wastewater utilities that extends beyond the political subdivision jurisdiction boundary and requires ADEQ to schedule a meeting by February 15th to resolve overlap of jurisdiction conflicts; deletes from the base agreement the reporting requirement in Paragraph K for compliance with state licensing timeframes and moves it to Appendix A and Appendix B at Paragraph E; adds language concerning governing law and venue, clarifies procedures applicable to disputes concerning Administrative Orders, and corrects procedures for arbitration in Paragraph N; separates Amendment Procedures from Termination Procedures and requires the termination notice to specify its effective date; adds Arizona Department of Administration Risk Management Division indemnification language for vicarious liability as Paragraph S; adds standard Funds Availability caveat in A.R.S. § 35-154(A) as Paragraph T; adds severability clause as Paragraph U. ADEQ also would add to the signature page language to memorialize the date of approval by the County Board of Supervisors and updated program contacts.

The proposed delegation agreement would include the following changes to Appendix A, Water Quality Management:

- Subpart A – Updates to Item #7 after Reclaimed Water Notice of Final Rulemaking at 23 A.A.R. 3091 on November 3, 2017
- Subpart B - Adds clarifying language about project cost exemptions
- Subpart C - Updates Personnel Qualifications for Environmental Health Sanitarians and Sanitarian Aides consistent with changes to Arizona Administrative Code Title 9, Chapter 16, Article 4 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Subpart E.1 – Increases reporting frequency to monthly to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline or a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from paragraph E.

The proposed delegation agreement makes the following changes to Appendix B, Solid Waste Management:

- Paragraph C - Updates Personnel Qualifications per A.A.C. R9-16-402 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing



- Paragraph E.1 – Increases reporting frequency to monthly. to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline, or in a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from Paragraph E.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:

An electronic copy of the existing Delegation Agreements may be downloaded from the following web site address:

<http://www.azdeq.gov/final-delegation-agreements>

Or contact: Edwin Slade, Administrative Counsel
Arizona Department of Environmental Quality
1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-2242
E-mail: es10@azdeq.gov

6. The schedule of public hearings on the proposed delegation agreement:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R1-1-209, R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the *Register* by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency's decision on whether to enter into the proposed delegation agreement.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: 7-1-1 for TDD; (602) 771-2215 for Disability Accessibility; or Ian Bingham, Title VI Nondiscrimination Coordinator at (602) 771-4322 or idb@azdeq.gov.

ADEQ tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del lenguaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con Ian Bingham, Title VI Nondiscrimination Coordinator al (602) 771-4322 o idb@azdeq.gov

NOTICE OF PROPOSED (AMENDED) DELEGATION AGREEMENT

[M19-69]

1. Name of the agency proposing the delegation agreement:

Arizona Department of Environmental Quality

2. The name of the political subdivisions to which functions, powers and duties of the agency are proposed to be delegated:

Pinal County

3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:

- (1) Byron James, Community Liaison (928) 337-3565
 - (2) Edwin Slade, Administrative Counsel (602) 771-2242
- Address: Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007

4. A summary of the delegation agreement changes and the subjects and issues involved:

Under A.R.S. §§49-107 and 41-1081 and Paragraph L. Amendment and Termination in the existing Delegation Agreement, the Arizona Department of Environmental Quality proposes to amend the delegation agreements to conform to an updated 2019 template that: replaces the reference to A.R.S. §11-952 with §49-107; adds a prohibition on disclosure of confidential information related to critical infrastructure and drinking water system security vulnerability assessments consistent with A.R.S. §§ 41-1803(G) and 49-205 at new B.5; eliminates licensing timeframe fee-related reporting requirements in Paragraph C.1 after repeal of A.R.S. §41-1078; clarifies in Paragraph D.3. that delegated agency employees have final signoff on licensing decisions and perform any actual enforcement work; adds separate Paragraph E. Conflict of Interest reference to A.R.S. §38-51;1 includes e-verify requirements pursuant to A.R.S. §§41-4401(A) and 23-214(A) in Paragraph F and Non-Discrimination language in Paragraph G; adds standard state contract language to Paragraph H concerning record keeping and reporting, includes a reference to State of Arizona Library and Archives retention schedules, and removes conflicting language; relocates to the base agreement in Paragraph H. language formerly in Appendix A and Appendix B concerning reports of enforcement actions and increases reporting frequency to monthly; replaces the word "intent" with "request" in Paragraph J.6; clarifies in Paragraph K.2 that ADEQ will pay for the Office of Administrative Hearing's costs on behalf of the County, not County costs; adds a requirement in Paragraph L for an annual map of any service area boundary for water and wastewater utilities that extends beyond the political subdivision jurisdiction boundary and requires ADEQ to schedule a meeting by February 15th to resolve overlap of jurisdiction conflicts; deletes from the base agreement the reporting requirement in Paragraph K for compliance with state licensing timeframes and moves it to Appendix A and Appendix B at Paragraph E; adds language concerning governing law and venue, clarifies procedures applicable to disputes



concerning Administrative Orders, and corrects procedures for arbitration in Paragraph N; separates Amendment Procedures from Termination Procedures and requires the termination notice to specify its effective date; adds Arizona Department of Administration Risk Management Division indemnification language for vicarious liability as Paragraph S; adds standard Funds Availability caveat in A.R.S. § 35-154(A) as Paragraph T; adds severability clause as Paragraph U. ADEQ also would add to the signature page language to memorialize the date of approval by the County Board of Supervisors and updated program contacts.

The proposed delegation agreement would include the following changes to Appendix A, Water Quality Management:

- Subpart A – Updates to Item #7 after Reclaimed Water Notice of Final Rulemaking at 23 A.A.R. 3091 on November 3, 2017
- Subpart B - Adds clarifying language about project cost exemptions
- Subpart C - Updates Personnel Qualifications for Environmental Health Sanitarians and Sanitarian Aides consistent with changes to Arizona Administrative Code Title 9, Chapter 16, Article 4 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Subpart E.1 – Increases reporting frequency to monthly to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline or a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from paragraph E.

The proposed delegation agreement makes the following changes to Appendix B, Solid Waste Management:

- Paragraph C - Updates Personnel Qualifications per A.A.C. R9-16-402 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Paragraph E.1 – Increases reporting frequency to monthly. to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline, or in a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from Paragraph E.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:

An electronic copy of the existing Delegation Agreements may be downloaded from the following web site address:

<http://www.azdeq.gov/final-delegation-agreements>

Or contact: Edwin Slade, Administrative Counsel
 Arizona Department of Environmental Quality
 1110 W. Washington
 Phoenix, AZ 85007
 Telephone: (602) 771-2242
 E-mail: es10@azdeq.gov

6. The schedule of public hearings on the proposed delegation agreement:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R1-1-209, R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the Register by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency’s decision on whether to enter into the proposed delegation agreement.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: 7-1-1 for TDD; (602) 771-2215 for Disability Accessibility; or Ian Bingham, Title VI Nondiscrimination Coordinator at (602) 771-4322 or idb@azdeq.gov.

ADEQ tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del lenguaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con Ian Bingham, Title VI Nondiscrimination Coordinator al (602) 771-4322 o idb@azdeq.gov

NOTICE OF PROPOSED (AMENDED) DELEGATION AGREEMENT

[M19-70]

1. Name of the agency proposing the delegation agreement:

Arizona Department of Environmental Quality

2. The name of the political subdivisions to which functions, powers and duties of the agency are proposed to be delegated:

Santa Cruz County

3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:

- (1) Byron James, Community Liaison (928) 337-3565
 - (2) Edwin Slade, Administrative Counsel (602) 771-2242
- Address: Arizona Department of Environmental Quality
 1110 W. Washington St.



Phoenix, AZ 85007

4. A summary of the delegation agreement changes and the subjects and issues involved:

Under A.R.S. §§49-107 and 41-1081 and Paragraph L. Amendment and Termination in the existing Delegation Agreement, the Arizona Department of Environmental Quality proposes to amend the delegation agreements to conform to an updated 2019 template that: replaces the reference to A.R.S. §11-952 with §49-107; adds a prohibition on disclosure of confidential information related to critical infrastructure and drinking water system security vulnerability assessments consistent with A.R.S. §§ 41-1803(G) and 49-205 at new B.5; eliminates licensing timeframe fee-related reporting requirements in Paragraph C.1 after repeal of A.R.S. §41-1078; clarifies in Paragraph D.3. that delegated agency employees have final signoff on licensing decisions and perform any actual enforcement work; adds separate Paragraph E. Conflict of Interest reference to A.R.S. §38-51;1 includes e-verify requirements pursuant to A.R.S. §§41-4401(A) and 23-214(A) in Paragraph F and Non-Discrimination language in Paragraph G; adds standard state contract language to Paragraph H concerning record keeping and reporting, includes a reference to State of Arizona Library and Archives retention schedules, and removes conflicting language; relocates to the base agreement in Paragraph H. language formerly in Appendix A and Appendix B concerning reports of enforcement actions and increases reporting frequency to monthly; replaces the word “intent” with “request” in Paragraph J.6; clarifies in Paragraph K.2 that ADEQ will pay for the Office of Administrative Hearing’s costs on behalf of the County, not County costs; adds a requirement in Paragraph L for an annual map of any service area boundary for water and wastewater utilities that extends beyond the political subdivision jurisdiction boundary and requires ADEQ to schedule a meeting by February 15th to resolve overlap of jurisdiction conflicts; deletes from the base agreement the reporting requirement in Paragraph K for compliance with state licensing timeframes and moves it to Appendix A and Appendix B at Paragraph E; adds language concerning governing law and venue, clarifies procedures applicable to disputes concerning Administrative Orders, and corrects procedures for arbitration in Paragraph N; separates Amendment Procedures from Termination Procedures and requires the termination notice to specify its effective date; adds Arizona Department of Administration Risk Management Division indemnification language for vicarious liability as Paragraph S; adds standard Funds Availability caveat in A.R.S. § 35-154(A) as Paragraph T; adds severability clause as Paragraph U. ADEQ also would add to the signature page language to memorialize the date of approval by the County Board of Supervisors and updated program contacts.

The proposed delegation agreement would include the following changes to Appendix A, Water Quality Management:

- Subpart A – Updates to Item #7 after Reclaimed Water Notice of Final Rulemaking at 23 A.A.R. 3091 on November 3, 2017
- Subpart B - Adds clarifying language about project cost exemptions
- Subpart C - Updates Personnel Qualifications for Environmental Health Sanitarians and Sanitarian Aides consistent with changes to Arizona Administrative Code Title 9, Chapter 16, Article 4 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Subpart E.1 – Increases reporting frequency to monthly to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline or a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from paragraph E.

The proposed delegation agreement makes the following changes to Appendix B, Solid Waste Management:

- Paragraph C - Updates Personnel Qualifications per A.A.C. R9-16-402 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Paragraph E.1 – Increases reporting frequency to monthly. to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline, or in a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from Paragraph E.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:

An electronic copy of the existing Delegation Agreements may be downloaded from the following web site address:

<http://www.azdeq.gov/final-delegation-agreements>

Or contact: Edwin Slade, Administrative Counsel
Arizona Department of Environmental Quality
1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-2242
E-mail: es10@azdeq.gov

6. The schedule of public hearings on the proposed delegation agreement:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R1-1-209, R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the *Register* by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency’s decision on whether to enter into the proposed delegation agreement.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: 7-1-1 for TDD; (602) 771-2215 for Disability Accessibility; or Ian Bingham, Title VI Nondiscrimination Coordinator at (602) 771-4322 or ldb@azdeq.gov.



ADEQ tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del lenguaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con Ian Bingham, Title VI Nondiscrimination Coordinator al (602) 771-4322 o ldb@azdeq.gov

NOTICE OF PROPOSED (AMENDED) DELEGATION AGREEMENT

[M19-71]

1. **Name of the agency proposing the delegation agreement:**

Arizona Department of Environmental Quality

2. **The name of the political subdivisions to which functions, powers and duties of the agency are proposed to be delegated:**

Yavapai County

3. **The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:**

- (1) Byron James, Community Liaison (928) 337-3565
- (2) Edwin Slade, Administrative Counsel (602) 771-2242

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

4. **A summary of the delegation agreement changes and the subjects and issues involved:**

Under A.R.S. §§49-107 and 41-1081 and Paragraph L. Amendment and Termination in the existing Delegation Agreement, the Arizona Department of Environmental Quality proposes to amend the delegation agreements to conform to an updated 2019 template that: replaces the reference to A.R.S. §11-952 with §49-107; adds a prohibition on disclosure of confidential information related to critical infrastructure and drinking water system security vulnerability assessments consistent with A.R.S. §§ 41-1803(G) and 49-205 at new B.5; eliminates licensing timeframe fee-related reporting requirements in Paragraph C.1 after repeal of A.R.S. §41-1078; clarifies in Paragraph D.3. that delegated agency employees have final signoff on licensing decisions and perform any actual enforcement work; adds separate Paragraph E. Conflict of Interest reference to A.R.S. §38-51;1 includes e-verify requirements pursuant to A.R.S. §§41-4401(A) and 23-214(A) in Paragraph F and Non-Discrimination language in Paragraph G; adds standard state contract language to Paragraph H concerning record keeping and reporting, includes a reference to State of Arizona Library and Archives retention schedules, and removes conflicting language; relocates to the base agreement in Paragraph H. language formerly in Appendix A and Appendix B concerning reports of enforcement actions and increases reporting frequency to monthly; replaces the word "intent" with "request" in Paragraph J.6; clarifies in Paragraph K.2 that ADEQ will pay for the Office of Administrative Hearing's costs on behalf of the County, not County costs; adds a requirement in Paragraph L for an annual map of any service area boundary for water and wastewater utilities that extends beyond the political subdivision jurisdiction boundary and requires ADEQ to schedule a meeting by February 15th to resolve overlap of jurisdiction conflicts; deletes from the base agreement the reporting requirement in Paragraph K for compliance with state licensing timeframes and moves it to Appendix A and Appendix B at Paragraph E; adds language concerning governing law and venue, clarifies procedures applicable to disputes concerning Administrative Orders, and corrects procedures for arbitration in Paragraph N; separates Amendment Procedures from Termination Procedures and requires the termination notice to specify its effective date; adds Arizona Department of Administration Risk Management Division indemnification language for vicarious liability as Paragraph S; adds standard Funds Availability caveat in A.R.S. § 35-154(A) as Paragraph T; adds severability clause as Paragraph U. ADEQ also would add to the signature page language to memorialize the date of approval by the County Board of Supervisors and updated program contacts.

The proposed delegation agreement would include the following changes to Appendix A, Water Quality Management:

- Subpart A – Updates to Item #7 after Reclaimed Water Notice of Final Rulemaking at 23 A.A.R. 3091 on November 3, 2017
- Subpart B - Adds clarifying language about project cost exemptions
- Subpart C - Updates Personnel Qualifications for Environmental Health Sanitarians and Sanitarian Aides consistent with changes to Arizona Administrative Code Title 9, Chapter 16, Article 4 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Subpart E.1 – Increases reporting frequency to monthly to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline or a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from paragraph E.

The proposed delegation agreement makes the following changes to Appendix B, Solid Waste Management:

- Paragraph C - Updates Personnel Qualifications per A.A.C. R9-16-402 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Paragraph E.1 – Increases reporting frequency to monthly. to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline, or in a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from Paragraph E.

5. **Copies of the proposed delegation agreement may be obtained from the agency as follows:**

An electronic copy of the existing Delegation Agreements may be downloaded from the following web site address:

<http://www.azdeq.gov/final-delegation-agreements>

Or contact: Edwin Slade, Administrative Counsel
Arizona Department of Environmental Quality



1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-2242
E-mail: es10@azdeq.gov

6. The schedule of public hearings on the proposed delegation agreement:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R1-1-209, R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the *Register* by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency's decision on whether to enter into the proposed delegation agreement.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: 7-1-1 for TDD; (602) 771-2215 for Disability Accessibility; or Ian Bingham, Title VI Nondiscrimination Coordinator at (602) 771-4322 or ldb@azdeq.gov.

ADEQ tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del lenguaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con Ian Bingham, Title VI Nondiscrimination Coordinator al (602) 771-4322 o ldb@azdeq.gov

NOTICE OF PROPOSED (AMENDED) DELEGATION AGREEMENTS

[M19-72]

1. Name of the agency proposing the delegation agreement:

Arizona Department of Environmental Quality

2. The name of the political subdivisions to which functions, powers and duties of the agency are proposed to be delegated:

Yuma County

3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:

- (1) Byron James, Community Liaison (928) 337-3565
- (2) Edwin Slade, Administrative Counsel (602) 771-2242

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

4. A summary of the delegation agreement changes and the subjects and issues involved:

Under A.R.S. §§49-107 and 41-1081 and Paragraph L. Amendment and Termination in the existing Delegation Agreement, the Arizona Department of Environmental Quality proposes to amend the delegation agreement to conform to an updated 2019 template that: replaces the reference to A.R.S. §11-952 with §49-107; adds a prohibition on disclosure of confidential information related to critical infrastructure and drinking water system security vulnerability assessments consistent with A.R.S. §§ 41-1803(G) and 49-205 at new B.5; eliminates licensing timeframe fee-related reporting requirements in Paragraph C.1 after repeal of A.R.S. §41-1078; clarifies in Paragraph D.3. that delegated agency employees have final signoff on licensing decisions and perform any actual enforcement work; adds separate Paragraph E. Conflict of Interest reference to A.R.S. §38-51;1 includes e-verify requirements pursuant to A.R.S. §§ 41-4401(A) and 23-214(A) in Paragraph F and Non-Discrimination language in Paragraph G; adds standard state contract language to Paragraph H concerning record keeping and reporting, includes a reference to State of Arizona Library and Archives retention schedules, and removes conflicting language; relocates to the base agreement in Paragraph H. language formerly in Appendix A and Appendix B concerning reports of enforcement actions and increases reporting frequency to monthly; replaces the word "intent" with "request" in Paragraph J.6; clarifies in Paragraph K.2 that ADEQ will pay for the Office of Administrative Hearing's costs on behalf of the County, not County costs; adds a requirement in Paragraph L for an annual map of any service area boundary for water and wastewater utilities that extends beyond the political subdivision jurisdiction boundary and requires ADEQ to schedule a meeting by February 15th to resolve overlap of jurisdiction conflicts; deletes from the base agreement the reporting requirement in Paragraph K for compliance with state licensing timeframes and moves it to Appendix A and Appendix B at Paragraph E; adds language concerning governing law and venue, clarifies procedures applicable to disputes concerning Administrative Orders, and corrects procedures for arbitration in Paragraph N; separates Amendment Procedures from Termination Procedures and requires the termination notice to specify its effective date; adds Arizona Department of Administration Risk Management Division indemnification language for vicarious liability as Paragraph S; adds standard Funds Availability caveat in A.R.S. § 35-154(A) as Paragraph T; adds severability clause as Paragraph U. ADEQ also would add to the signature page language to memorialize the date of approval by the County Board of Supervisors and updated program contacts.

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- Subpart B - Adds clarifying language about project cost exemptions



- Subpart C - Updates Personnel Qualifications for Environmental Health Sanitarians and Sanitarian Aides consistent with changes to Arizona Administrative Code Title 9, Chapter 16, Article 4 and statutory changes in HB2569 (Ch. 55, Laws 2019) concerning universal licensing
- Subpart E.1 – Increases reporting frequency to monthly to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline or a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from paragraph E.

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- Paragraph E.1 – Increases reporting frequency to monthly. to be submitted on forms or an electronic format provided by and posted on the ADEQ website at least 15 days before the applicable reporting deadline, or in a format agreed to by ADEQ that includes all of the same data elements. Removes list of report contents from Paragraph E.

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GOVERNOR EXECUTIVE ORDER

Executive Order 2019-01 is being reproduced in each issue of the *Administrative Register* as a notice to the public regarding state agencies' rulemaking activities.

This order has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2019-01**Moratorium on Rulemaking to Promote Job Creation and Customer-Service-Oriented Agencies; Protecting Consumers Against Fraudulent Activities**

[M19-04]

WHEREAS, government regulations should be as limited as possible; and

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

WHEREAS, protecting the public health, peace and safety of the residents of Arizona is a top priority of state government; 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, 2017 and 2018; and

WHEREAS, the State of Arizona eliminated or repealed 422 needless regulations in 2018 and 676 in 2017 for a total of 1,098 needless regulations eliminated or repealed over two years; and

WHEREAS, estimates show these eliminations saved job creators more than \$31 million in operating costs in 2018 and \$48 million in 2017 for a total of over \$79 million in savings over two years; and

WHEREAS, approximately 283,300 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 to conduct 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 while protecting the health, peace and safety of residents; and

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

1. 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 justifications 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 which are antiquated, redundant or otherwise no longer necessary for the operation of state government.
2. 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.
3. A State agency subject to this Order and which issues occupational or professional licenses shall review the agency's rules and practices related to receiving and acting on substantive complaints about unlicensed individuals who are allegedly holding them-



selves out as licensed professionals for financial gain and are knowingly or recklessly providing or attempting to provide regulated services which the State agency director believes could cause immediate and/or significant harm to either the financial or physical health of unknowing consumers within the state. Agencies shall identify and execute on opportunities to improve its complaint intake process, documentation, tracking, enforcement actions and coordination with proper law enforcement channels to ensure those allegedly trying to defraud unsuspecting consumers and putting them at risk for immediate and/or significant harm to their financial or physical health are stopped and effectively diverted by the State agency to the proper law-enforcement agency for review. A written plan on the agency’s process shall be submitted to the Governor’s Office no later than May 31, 2019.

4. For the purposes of this Order, the term “State agencies” includes, without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official; (b) the Corporation Commission; and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those state agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
5. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, “person,” “rule,” and “rulemaking” have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

IN WITNESS THEREOF, 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 ninth day of January in the Year Two Thousand and Nineteen and of the Independence of the United States of America the Two Hundred and Forty-Third.

ATTEST:
Katie Hobbs
SECRETARY OF STATE



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

XN = Exempt new Section
 XM = Exempt amended Section
 XR = Exempt repealed Section
 X# = Exempt renumbered Section

EXEMPT PROPOSED

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

EXEMPT SUPPLEMENTAL PROPOSED

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

FINAL EXEMPT RULEMAKING

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

EMERGENCY RULEMAKING

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

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

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

RULE EXPIRATIONS

EXP = Rules have expired

See also “emergency expired” under emergency rulemaking

CORRECTIONS

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R9-8-1331.	FR-763	R9-10-217.	PM-549;		XN-1222
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R9-10-102.	PM-549;		FM-1583	R9-10-513.	X#-1222;
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R9-10-517.	FEM-259; X#-1222; XN-1222	R9-10-814.	PM-549; FM-1583	R9-10-2116.	X#-1222
R9-10-518.	X#-1222; XN-1222	R9-10-815.	PM-549; FM-1583	R9-10-2117.	X#-1222
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RULES EFFECTIVE DATES CALENDAR

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

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



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



REGISTER PUBLISHING DEADLINES

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

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
April 12, 2019	May 3, 2019	June 3, 2019
April 19, 2019	May 10, 2019	June 10, 2019
April 26, 2019	May 17, 2019	June 17, 2019
May 3, 2019	May 24, 2019	June 24, 2019
May 10, 2019	May 31, 2019	July 1, 2019
May 17, 2019	June 7, 2019	July 8, 2019
May 24, 2019	June 14, 2019	July 15, 2019
May 31, 2019	June 21, 2019	July 22, 2019
June 7, 2019	June 28, 2019	July 29, 2019
June 14, 2019	July 5, 2019	August 5, 2019
June 21, 2019	July 12, 2019	August 12, 2019
June 28, 2019	July 19, 2019	August 19, 2019
July 5, 2019	July 26, 2019	August 26, 2019
July 12, 2019	August 2, 2019	September 3, 2019
July 19, 2019	August 9, 2019	September 9, 2019
July 26, 2019	August 16, 2019	September 16, 2019
August 2, 2019	August 23, 2019	September 23, 2019
August 9, 2019	August 30, 2019	September 30, 2019
August 16, 2019	September 6, 2019	October 7, 2019
August 23, 2019	September 13, 2019	October 15, 2019
August 30, 2019	September 20, 2019	October 21, 2019
September 6, 2019	September 27, 2019	October 28, 2019
September 13, 2019	October 4, 2019	November 4, 2019
September 20, 2019	October 11, 2019	November 12, 2019
September 27, 2019	October 18, 2019	November 18, 2019
October 4, 2019	October 25, 2019	November 25, 2019
October 11, 2019	November 1, 2019	December 2, 2019
October 18, 2019	November 8, 2019	December 9, 2019
October 25, 2019	November 15, 2019	December 16, 2019
November 1, 2019	November 22, 2019	December 23, 2019



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 2019

[M19-05]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> January 22, 2019	<i>Tuesday</i> February 19, 2019	<i>Tuesday</i> February 26, 2019	<i>Tuesday</i> March 5, 2019
<i>Tuesday</i> February 19, 2019	<i>Tuesday</i> March 19, 2019	<i>Tuesday</i> March 26, 2019	<i>Tuesday</i> April 2, 2019
<i>Tuesday</i> March 19, 2019	<i>Tuesday</i> April 23, 2019	<i>Tuesday</i> April 30, 2019	<i>Tuesday</i> May 7, 2019
<i>Tuesday</i> April 23, 2019	<i>Tuesday</i> May 21, 2019	Wednesday May 29, 2019	<i>Tuesday</i> June 4, 2019
<i>Tuesday</i> May 21, 2019	<i>Tuesday</i> June 18, 2019	<i>Tuesday</i> June 25, 2019	<i>Tuesday</i> July 2, 2019
<i>Tuesday</i> June 18, 2019	<i>Tuesday</i> July 23, 2019	<i>Tuesday</i> July 30, 2019	<i>Tuesday</i> August 6, 2019
<i>Tuesday</i> July 23, 2019	<i>Tuesday</i> August 20, 2019	<i>Tuesday</i> August 27, 2019	Wednesday September 4, 2019
<i>Tuesday</i> August 20, 2019	<i>Tuesday</i> September 17, 2019	<i>Tuesday</i> September 24, 2019	<i>Tuesday</i> October 1, 2019
<i>Tuesday</i> September 17, 2019	<i>Tuesday</i> October 22, 2019	<i>Tuesday</i> October 29, 2019	<i>Tuesday</i> November 5, 2019
<i>Tuesday</i> October 22, 2019	<i>Tuesday</i> November 19, 2019	<i>Tuesday</i> November 26, 2019	<i>Tuesday</i> December 3, 2019
<i>Tuesday</i> November 19, 2019	<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 7, 2020	<i>Tuesday</i> January 14, 2020
<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 21, 2020	<i>Tuesday</i> January 28, 2020	<i>Tuesday</i> February 4, 2020

* 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.