



# Arizona Administrative REGISTER

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

Vol. 25, Issue 51

~ Administrative Register Contents ~

December 20, 2019

**Information** ..... 3608

**Rulemaking Guide** ..... 3609

**RULES AND RULEMAKING**

**Proposed Rulemaking, Notices of**

        9 A.A.C. 34 Arizona Health Care Cost Containment System - Grievance System ..... 3611

**Final Rulemaking, Notices of**

        9 A.A.C. 6 Department of Health Services - Communicable Diseases and Infestations ..... 3614

        18 A.A.C. 2 Department of Environmental Quality - Air Pollution Control ..... 3630

**OTHER AGENCY NOTICES**

**Docket Opening, Notices of Rulemaking**

        9 A.A.C. 10 Department of Health Services - Health Care Institutions: Licensing ..... 3653

        9 A.A.C. 34 Arizona Health Care Cost Containment System - Grievance System ..... 3654

        21 A.A.C. 1 Department of Child Safety - Administration ..... 3654

        21 A.A.C. 5 Department of Child Safety - Permanency and Support Services ..... 3655

        21 A.A.C. 7 Department of Child Safety - Child Welfare ..... 3656

**Public Information, Notices of**

        Department of Environmental Quality ..... 3657

**Ombudsman, Notices of Agency**

        Game and Fish Department ..... 3664

**GOVERNOR'S OFFICE**

**Governor's Executive Order 2019-01**

        Moratorium on Rulemaking to Promote Job Creation and Customer-Service-Oriented Agencies; Protecting Consumers Against Fraudulent Activities ..... 3665

**INDEXES**

    Register Index Ledger ..... 3667

    Rulemaking Action, Cumulative Index for 2019 ..... 3668

    Other Notices and Public Records, Cumulative Index for 2019 ..... 3679

**CALENDAR/DEADLINES**

    Rules Effective Dates Calendar ..... 3681

    Register Publishing Deadlines ..... 3683

**GOVERNOR'S REGULATORY REVIEW COUNCIL**

    Governor's Regulatory Review Council Deadlines ..... 3684

**DIRECTOR**  
*Administrative Rules Division*  
 Scott Cancelosi

**PUBLISHER**  
*Secretary of State*  
**KATIE HOBBS**

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

# From the Publisher

## ABOUT THIS PUBLICATION

The authenticated pdf of the *Administrative Register* (A.A.R.) posted on the Arizona Secretary of State's website is the official published version for 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 *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 notices of rules terminated by the agency and rules that have expired.

## 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). Rulemaking activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA, and other state statutes.

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 authenticated pdf of *Code* chapters posted on the Arizona Secretary of State's website are the official published version of rules in the A.A.C. The *Code* is posted online for free.

## LEGAL CITATIONS AND FILING NUMBERS

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

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

# Arizona Administrative REGISTER

Vol. 25

Issue 51

**PUBLISHER**  
SECRETARY OF STATE  
Katie Hobbs

## ADMINISTRATIVE RULES STAFF

**DIRECTOR**  
Scott Cancelosi

**RULES MANAGING EDITOR**  
Rhonda Paschal

**ADMINISTRATIVE REGISTER**  
This publication is available online for free at [www.azsos.gov](http://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.

**CONTACT US**  
Administrative Rules Division  
Office of the Secretary of State  
1700 W. Washington Street, Fl. 2  
Phoenix, AZ 85007  
(602) 364-3223

*The Office of the Secretary of State is 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.

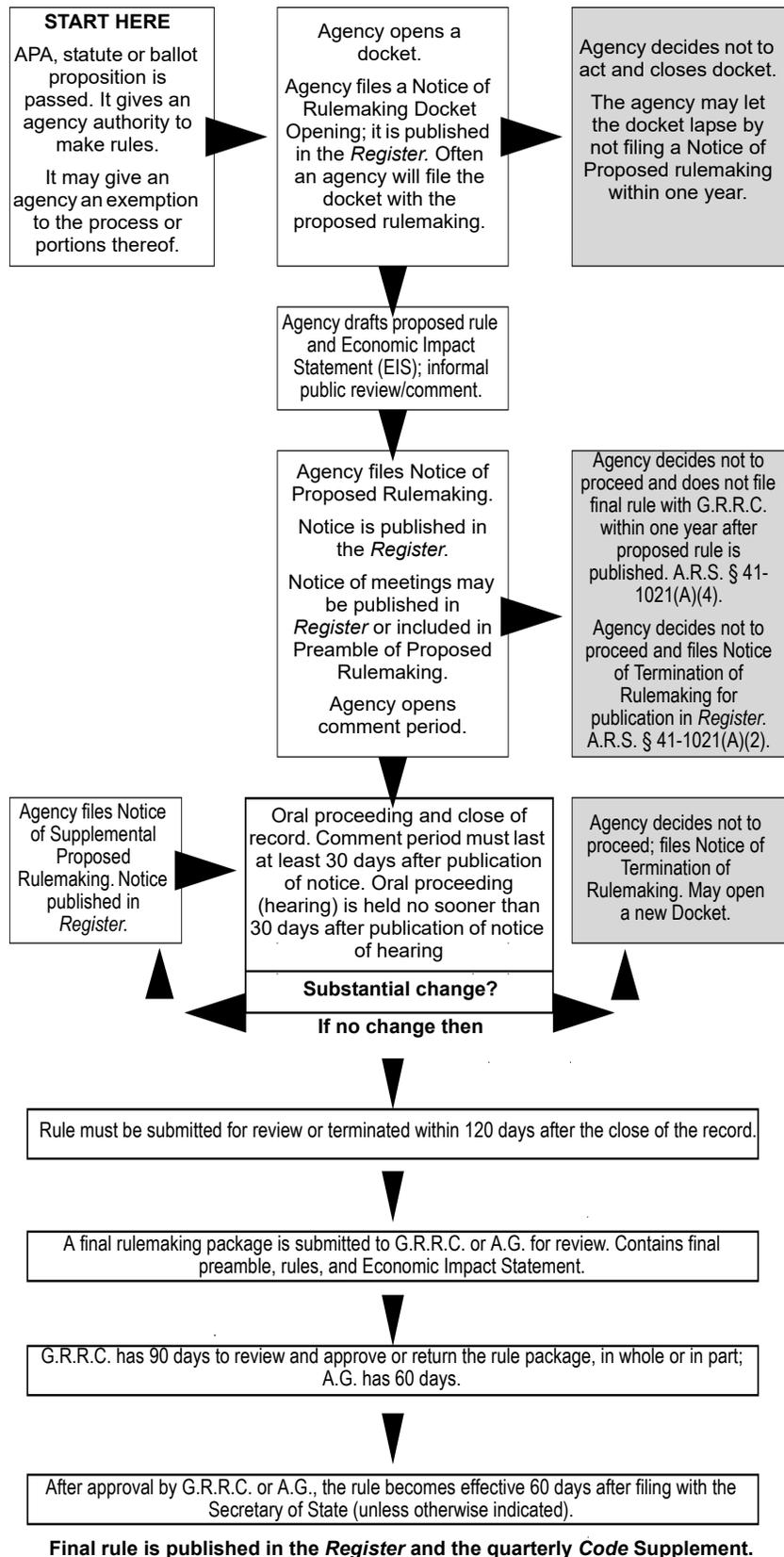
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## 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](http://www.azsos.gov).

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

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

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

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

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

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

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

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

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

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

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

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

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

## Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

## About Preambles

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

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

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





**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 rulemaking has no economic, small business, or consumer impact because it delineates in rule the current administrative responsibilities and procedures and does not make changes with an economic impact.

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

Name: Nicole Fries  
Address: AHCCCS  
Office of Administrative Legal Services  
701 E. Jefferson, Mail Drop 6200  
Phoenix, AZ 85034  
Telephone: (602) 417-4232  
Fax: (602) 253-9115  
E-mail: AHCCCSRules@azahcccs.gov  
Website: www.azahcccs.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:**

Proposed rule language will be available on the AHCCCS website. Please send comments to the above address by the close of the comment period, 5:00 p.m., December 23, 2019.

Date: December 23, 2019  
Time: 2:00 p.m.  
Location: AHCCCS  
701 E. Jefferson  
Phoenix, AZ 85034  
Nature: Public Hearing  
  
Date: December 23, 2019  
Time: 2:00 p.m.  
Location: ALTCS: Arizona Long-Term Care System  
1010 N. Finance Center Dr., Suite 201  
Tucson, AZ 85710  
Nature: Public Hearing  
  
Date: December 23, 2019  
Time: 2:00 p.m.  
Location: 2717 N. 4th St., Suite 130  
Flagstaff, AZ 86004  
Nature: Public Hearing

**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 have been 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:**

Not applicable

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

Not applicable

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

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 9. HEALTH SERVICES**  
**CHAPTER 34. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)**  
**GRIEVANCE SYSTEM**

**ARTICLE 1. REQUEST FOR ELIGIBILITY HEARING**

Sections

R9-34-101. ~~Purpose~~Application of Chapter

**ARTICLE 1. REQUEST FOR ELIGIBILITY HEARING**

**R9-34-101. ~~Purpose~~Application of Chapter**

- A.** This Article establishes the requirements and process for a petitioner to request a State Fair Hearing regarding an adverse action affecting AHCCCS eligibility. ~~Except for the adverse action in R9-34-102(A)(5), this Article does not apply to a person determined eligible by the Arizona Department of Economic Security under 9 A.A.C. 22, Article 14.~~
- B.** This Article applies to appeals of eligibility determinations made by AHCCCS including determinations for the aged, blind, or disabled (A.A.C. Chapter 22, Article 15), the Arizona Long Term Care System (Chapter 28), the Medicare Cost Sharing Program (Chapter 29), the Medicare Part D Program (Chapter 30), and adverse actions regarding premiums and copayments described in R9-34-102(A)(5). Hearings on these appeals are conducted as described in this Article, A.R.S. § 36-2903.01(B)(4) and the Arizona Administrative Procedures Act in A.R.S. Title 41, Chapter 6.
- C.** The Arizona Department of Economic Security conducts appeals of eligibility under the procedures in A.R.S. Title 6, Chapter 9 for those eligibility determinations made by the Department including:
1. When the request for a State Fair Hearing is made for an individual whose eligibility is determined using MAGI-based income.
  2. When the request for a State Fair Hearing is made on behalf of more than one person in the same household where at least one person's eligibility is based on MAGI-based income.
  3. When the request for State Fair Hearing of AHCCCS eligibility is made at or near the same time as a request for the administrative review of an eligibility determination arising from the same facts and circumstances for any other public assistance program administered by the Department of Economic Security.



NOTICES OF FINAL RULEMAKING

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

The final published notice includes a preamble and

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

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

NOTICE OF FINAL RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 6. DEPARTMENT OF HEALTH SERVICES
COMMUNICABLE DISEASES AND INFESTATIONS

[R19-268]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
R9-6-401 Amend
R9-6-403 Amend
R9-6-404 Amend
R9-6-405 Amend
R9-6-406 Amend
R9-6-407 Amend
R9-6-408 Amend
R9-6-409 Amend
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
Authorizing statutes: A.R.S. §§ 36-132(A)(1) and 36-136(G)
Implementing statutes: A.R.S. § 36-136(I)(1)
3. The effective date of the rules:
December 3, 2019
The Arizona Department of Health Services (Department) requests an immediate effective date, under A.R.S. § 41-1032(A)(1) and (4). Since the new rules reflect how the Department is currently enforcing the rules and many of the new requirements are less stringent than current requirements, enabling the Department and stakeholders to implement the new rules upon filing of the rules, will allow the Department and stakeholders to receive the benefits of the new rules as quickly as possible.
4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rule:
Notice of Rulemaking Docket Opening: 25 A.A.R. 1342, May 31, 2019
Notice of Proposed Rulemaking: 25 A.A.R. 2327, September 13, 2019
5. The agency's contact person who can answer questions about the rulemaking:
Name: Ricardo Fernandez, Ryan White Part B/ADAP Program Director
Address: Department of Health Services
Public Health Preparedness
150 N. 18th Ave., Suite 110
Phoenix, AZ 85007
Telephone: (602) 364-3854
Fax: (602) 542-1155
E-mail: Ricardo.Fernandez@azdhs.gov
or
Name: Robert Lane, Office Chief
Address: Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 200
Phoenix, AZ 85007
Telephone: (602) 542-1020
Fax: (602) 364-1150
E-mail: Robert.Lane@azdhs.gov



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

Arizona Revised Statutes (A.R.S.) § 36-136(I)(1) requires the Department to make rules defining and prescribing "reasonably necessary measures for detecting, reporting, preventing, and controlling communicable and preventable diseases." The AIDS Drug Assistance Program (ADAP) helps people living with HIV to obtain necessary prescription drugs to prevent the occurrence of, or to alleviate, disability and death from HIV-related diseases, including AIDS, and to reduce the spread of the disease. The Department has adopted rules for ADAP in 9 A.A.C. 6, Article 4. The rules in 9 A.A.C. 6, Article 4, were last revised in 2007, are very outdated, and do not reflect the manner in which ADAP is now carried out. Changes required by the Ryan White CARE Act, through which ADAP is primarily funded, are not currently included in the rules. The rules also do not contain provisions related to individuals obtaining prescription drug coverage through health insurance plans under the federal Affordable Care Act. After receiving an exception from the Governor's rulemaking moratorium established by Executive Order 2019-01, the Department has revised the rules in 9 A.A.C. 6, Article 4, to address these issues and other issues identified by stakeholders as part of the rulemaking process and increase effectiveness. Changes made to the rules in 9 A.A.C. 6, Article 4, include adding requirements related to the Department's ability to leverage federal funds, health insurance plan drug coverage, and drug manufacturers' rebates to help ensure that individuals have access to HIV-related drugs that may reduce infectivity or disability from HIV-related diseases. The rulemaking also updates and clarifies requirements, eliminates redundancies in definitions, and amends rules that are not being enforced as written. The rule changes conform to rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State.

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

The Department did not review or rely on any study for this rulemaking.

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

Not applicable

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

The Department anticipates that the rulemaking may affect the Department, case managers and the agencies employing them, HIV-care providers, the contract pharmacy, other pharmacies through which an individual may receive their drugs through ADAP, persons living with HIV applying for participation or enrolled in ADAP and their families, and the general public. Annual costs/revenues changes are designated as minimal when more than \$0 and \$1,000 or less, moderate when between \$1,000 and \$10,000, and substantial when \$10,000 or greater in additional costs or revenues. A cost is listed as significant when meaningful or important, but not readily subject to quantification.

This rulemaking is changing the rules in 9 A.A.C. 6, Article 4, to make them consistent with how ADAP is currently implemented, in compliance with the requirements of the Ryan White CARE Act (RWCA), which provides the bulk of funding for ADAP. Eligibility requirements are being changed to include individuals who have health insurance coverage that is inadequate or unaffordable and to raise the income ceiling from 300% to 400% of the federal poverty level. In addition, the timing of continuing enrollment is being changed to conform to federal funding requirements. Since ADAP is collaborating more closely with other RWCA-funding recipients to improve continuity of services, a consolidated/universal application form has been developed, which is used by an applicant for any RWCA-funded program and is accessible to other RWCA-funded programs. Use of this form requires an applicant to allow sharing of information among the programs, so the new rules include this requirement. If the Department were not already implementing ADAP according to these requirements, the Department believes that these changes might cause the Department to incur a minimal-to-moderate increase in costs due to more individuals being eligible for ADAP. However, since ADAP is already complying with the RWCA requirements to retain funding, the changes provide a significant benefit to the Department through a reduction in confusion with conflicting requirements. Making the rules consistent with current practice may also provide a significant benefit to all other stakeholder groups. Updating and clarifying definitions, cross-references, and formatting make the rules clearer and more understandable and may also provide a significant benefit to all stakeholder groups.

The new rules may provide a minimal benefit to HIV-care providers by removing requirements for notifying the Department of certain changes with an enrolled individual who is a patient and the vendor/contract pharmacy of other changes. The new rules also add a method by which an HIV-care provider may request ADAP coverage of a drug not paid for by insurance and revise the method for requesting coverage of a drug not on the ADAP formulary. These changes may provide a significant benefit to an HIV-care provider, who is not aware that the Department has already adopted this practice, by allowing the HIV-care provider to provide better care to the patient. The Department believes that the vendor/contract pharmacy and other pharmacies, through which an enrolled individual may receive their drugs through ADAP, may receive a significant benefit from clarification of requirements for receiving prescription orders from HIV-care providers and dispensing drugs to individuals enrolled in ADAP.

The Department anticipates that the new rules would provide a significant benefit to a case manager, if these practices were not already implemented by the Department, since they clarify requirements and provide additional documentation options for individuals applying for enrollment or continuing enrollment in ADAP, which may result in a case manager being able to complete application forms with the applicants or enrolled individuals in a more efficient manner. By removing requirements for a case manager to notify the Department of a change in HIV-care provider and to attest that information on an application is accurate and complete, the changes in the new rules result in less time being spent by the case manager and, thus, provide a minimal benefit to the case manager.

Because the current rules restrict eligibility to individuals with no other method to pay for drugs, the Department believes that changing the rules to allow individuals who have health insurance coverage that is inadequate or unaffordable to participate in ADAP would provide up to a substantial benefit to these individuals, if the Department had not already implemented this practice.



Similarly, raising the eligibility ceiling from 300% to 400% of the federal poverty level makes those individuals whose income is within the gap eligible for ADAP and would provide these individuals with up to a substantial benefit, if not already being done. Having these changes in the rules may make persons living with HIV, who believed they were ineligible for ADAP based on the current rules, aware that they are now eligible, providing them with up to a substantial benefit. Other changes, such as allowing an enrolled individual with health insurance coverage to obtain drugs at a pharmacy other than the vendor/contract pharmacy and reducing application and notification requirements, provide a minimal benefit to an applicant or enrolled individual. However, the Department estimates that changing the time periods for continuing enrollment to those currently used may impose a minimal burden on an enrolled individual.

Persons living with HIV who are in care and are able to obtain drugs to control HIV-infection and related diseases are healthier and more productive citizens. Because their viral load is generally less, they are also less likely to infect others. Therefore, the Department believes that by making it easier for persons living with HIV to enroll in ADAP, continue enrollment, and obtain drugs necessary to control HIV-infection and related diseases, the new rules may provide a significant benefit to the general public.

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

Only changes to correct grammatical errors or clarify wording were made to the rules between the proposed rulemaking and the final rulemaking.

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

No written comments were received about the rulemaking during the public comment period. The Department held an oral proceeding for the proposed rules on October 21, 2019, which no stakeholder/member of the public attended.

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

**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:**  
Not applicable

**c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**  
No business competitiveness analysis was received by the Department.

**13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**  
Not applicable

**14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**  
Not applicable

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

**TITLE 9. HEALTH SERVICES**

**CHAPTER 6. DEPARTMENT OF HEALTH SERVICES  
COMMUNICABLE DISEASES AND INFESTATIONS**

**ARTICLE 4. AIDS DRUG ASSISTANCE PROGRAM (ADAP)**

Section	
R9-6-401.	Definitions
R9-6-403.	Eligibility Requirements
R9-6-404.	Initial Application Process
R9-6-405.	Enrollment Process; <del>Provisional</del> <u>Pre-approved Enrollment Status</u>
R9-6-406.	Notification Requirements
R9-6-407.	Continuing Enrollment
R9-6-408.	Termination from ADAP Services
R9-6-409.	Drug Prescription and Distribution Requirements

**ARTICLE 4. AIDS DRUG ASSISTANCE PROGRAM (ADAP)**

**R9-6-401. Definitions**

In this Article, unless otherwise specified:

1. "ADAP" means the AIDS Drug Assistance Program.
2. "Adult" means an individual who is:
  - a. Eighteen or more years old;



- b. Married; or
- c. Emancipated, as specified in A.R.S. Title 12, Chapter 15.
- 3. "Advocacy" means the act of supporting, recommending, or arguing in favor of a cause or course of action for the benefit of an individual or group of individuals.
- 4.3. "AHCCCS" means the Arizona Health Care Cost Containment System.
- 5. "Annual family income" means combined yearly gross earned income and unearned income of all adult individuals within a family unit.
- 4. "Annual household income" means the adjusted gross income of all adult individuals within a household, as would be reported on the federal income tax return for an individual in the household, modified to include:
  - a. Federal taxable wages.
  - b. Tips.
  - c. Unemployment compensation.
  - d. Social security income.
  - e. Self-employment income.
  - f. Social security disability income.
  - g. Retirement or pension income.
  - h. Capital gains.
  - i. Investment income.
  - j. Rental and royalty income.
  - k. Excluded (untaxed) foreign income, and
  - l. Alimony.
- 6.5. "Applicant" means an individual for whom a request for initial enrollment in ADAP is submitted to the Department, as specified in R9-6-404.
- 7.6. "Applying for a low-income subsidy" means submitting forms and supporting documentation to the Social Security Administration for determining eligibility for receiving a low-income subsidy.
- 8. "Biological substance" means a compound made by or derived from a plant or animal source.
- 9. "Business day" means any day of the week other than a Saturday, Sunday, legal holiday, or day on which the Department is authorized or obligated by law or executive order to close.
- 10.7. "Calendar day" means any day of the week, including a Saturday, Sunday, or legal holiday.
- 11. "Case management services" means the activities performed by a case manager for an HIV-infected individual or the individuals in the HIV-infected individual's family unit.
- 12.8. "Case manager" means an individual who:
  - a. Assesses the needs of an HIV-infected individual a person living with HIV for health services, housing, support services, and financial assistance;
    - i. Medical services, nursing services, or health-related services, as defined in A.R.S. § 36-401;
    - ii. Services not related to the treatment of HIV infection, intended to maintain or improve the physical, mental, or psychosocial capabilities of a person living with HIV or an individual in the person living with HIV's household;
    - iii. Housing; or
    - iv. Financial assistance;
  - b. Assists If applicable, assists the HIV-infected individual person living with HIV with obtaining health services, housing, support services, or financial assistance, as applicable housing, financial assistance, or the services specified in subsection (8)(a)(i) and (ii);
  - c. Coordinates the interaction of the HIV-infected individual person living with HIV with service providers individuals providing the services specified in subsection (8)(a)(i) and (ii); and
  - d. Monitors the interaction of the HIV-infected individual person living with HIV with service providers individuals providing the services specified in subsection (8)(a)(i) and (ii) to:
    - i. Determine the effects of each service provider's the activities of individuals providing the services specified in subsection (8)(a)(i) and (ii) on the needs of the HIV-infected individual person living with HIV, and
    - ii. Develop strategies to reduce unmet needs.
- 13.9. "CD4-T-lymphocyte count" means the number of a specific type of white blood cell in a cubic millimeter of blood.
- 14. "Community service organization" means a nonprofit entity that assists an individual who is infected with HIV or affected by another individual's infection with HIV by providing the services listed below or coordinating the interaction of the individual with service providers to obtain or retain:
  - a. Rehabilitation services;
  - b. Case management services;
  - c. Support services;
  - d. Advocacy;
  - e. Financial assistance, or
  - f. Housing.
- 15. "Confirmatory test" means a laboratory analysis, such as a Western blot analysis, approved by the U.S. Food and Drug Administration to be used after a screening test to diagnose or monitor the progression of HIV infection.
- 10. "Contract pharmacy" means an entity that has a legally binding agreement with the Department to dispense drugs through ADAP to enrolled individuals.
- 16.11. "Current" means within the six months before the date on which an:
  - a. Date of application Individual submits the documents specified in R9-6-404 to the Department as an application for initial enrollment in ADAP, or



- b. ~~Date on which an enrolled~~ Enrolled individual submits to the Department the documents required in R9-6-407 for continuing enrollment.
- ~~17-12.~~ “Date of application” means the month, day, and year that ~~an individual submits the documents specified in R9-6-404 to the Department as an application for initial~~ receives the documents specified in R9-6-404 for enrollment in ADAP.
- ~~18.~~ “Diagnosis” means ~~an identification of a communicable disease by an individual authorized by law to make the identification.~~
- ~~19-13.~~ “Drug” means a chemical ~~or biological~~ substance or a compound made by or derived from a plant or animal source that:
  - a. Has been determined by the U.S. Food and Drug Administration to be useful in the treatment of individuals with HIV infection, and
  - b. Is available only through a prescription order.
- 20. “Earned income” means monetary payments received by an individual as a result of work performed or rental of property owned or leased by the individual, including:
  - a. Wages;
  - b. Commissions and fees;
  - c. Salaries and tips;
  - d. Profit from self-employment;
  - e. Profit from rent received from a tenant or boarder; and
  - f. Any other monetary payments received by an individual for work performed or rental of property.
- 21. “Employed” means ~~working for a person for money in the form of wages or a salary.~~
- 22. “Enrolling in a Medicare drug plan” means submitting information to the Centers for Medicare and Medicaid Services during an initial enrollment period or general enrollment period and selecting a Medicare drug plan.
- 23. “Family unit” means:
  - a. A group of individuals residing together who are related by birth, marriage, or adoption; or
  - b. An individual who:
    - i. ~~Does not reside with another individual; or~~
    - ii. Resides only with another individual or group of individuals to whom the individual is unrelated by birth, marriage, or adoption.
- ~~24-14.~~ “Formulary” means a list of drugs that are available to an individual through the individual's health insurance or ADAP.
- 25. “General enrollment period” means the interval of time between November 15 and December 31 of each calendar year during which an individual:
  - a. May enroll in a Medicare drug plan if the individual, before May 15, 2006:
    - i. Was enrolled in Medicare;
    - ii. Was eligible to enroll in a Medicare drug plan; and
    - iii. Did not enroll in a Medicare drug plan; or
  - b. Currently enrolled in a Medicare drug plan may select a different Medicare drug plan.
- 26. “Gift” means something given voluntarily by an individual to another individual without payment in return.
- 27. “Guardian” means an individual appointed as a legal guardian by a court of competent jurisdiction.
- 15. “Health insurance enrollment period” means an interval of time during which an individual may apply for health insurance coverage, including:
  - a. An annual interval of time; and
  - b. Any additional intervals of time due to a change in the individual’s situation or circumstances.
- 28. “Health related services” means the same as in A.R.S. § 36-401.
- 29. “Health services” means medical services, nursing services, or health related services, as provided to an individual.
- ~~30-16.~~ “HIV infection” means the same as in A.R.S. § 36-661.
- 17. “HIV-care provider” means the physician, registered nurse practitioner, or physician assistant who is treating an applicant or enrolled individual for HIV infection.
- 31. “Homeless” means having a primary nighttime sleeping place that is not:
  - a. Designed to be a sleeping place for human beings; or
  - b. Ordinarily used as a primary nighttime sleeping place for human beings.
- 18. “Household” means an applicant or enrolled individual and any of the following individuals, as applicable, residing with the applicant or enrolled individual:
  - a. The applicant’s or enrolled individual’s spouse;
  - b. A dependent parent;
  - c. A parent of a child who is:
    - i. The applicant or enrolled individual; and
    - ii. Claimed as a dependent by the parent;
  - d. A dependent sibling or other relative;
  - e. A dependent child of the applicant or enrolled individual, regardless of age and including an adopted child or a foster child;
  - f. A non-dependent child or other relative if claimed or could be claimed as a dependent on the applicant’s or enrolled individual’s taxes; and
  - g. A child who is a part of a shared custody agreement of the applicant or enrolled individual, in years for which the child is claimed or could be claimed as a dependent on the applicant’s or enrolled individual’s taxes.
- 32. “Initial enrollment period” means the interval of time during which an individual may first enroll in a Medicare drug plan.
- ~~33-19.~~ “Job” means a position in which an individual is employed.
- ~~34-20.~~ “Low-income subsidy” means Medicare-provided assistance that may partially or fully cover the costs of drugs and is based on the annual household income of for an individual and, if applicable, the individual's spouse.
- 35. “Medical services” means the same as in A.R.S. § 36-401.



- 36-21. "Medicare" means a federal health insurance program established under Title XVIII of the Social Security Act.
- 37-22. "Medicare drug plan" means insurance approved by Medicare to cover some of the costs of drugs for individuals enrolled in Medicare.
- 38-23. "Non-permanent housing" means a living situation in which an individual is:
- Living in a place that is not designed to be a sleeping place for human beings or ordinarily used as a primary nighttime sleeping place for human beings, or
  - Living in a shelter or other temporary living arrangement.
39. ~~"Nonprofit" means owned and operated under the direction of an entity that is recognized as exempt under § 501 of the U.S. Internal Revenue Code.~~
40. ~~"Nursing services" means the same as in A.R.S. § 36-401.~~
24. "Person living with HIV" means an individual who is HIV-infected.
- 41-25. "Physician" means an individual licensed as a:
- as a doctor Doctor of allopathic medicine under A.R.S. Title 32, Chapter 13, or through a similar licensing board in another state; or
  - as a doctor Doctor of osteopathic medicine under A.R.S. Title 32, Chapter 17, or through a similar licensing board in another state.
- 42-26. "Physician assistant" means an individual licensed under A.R.S. Title 32, Chapter 25, or through a similar licensing board in another state.
- 43-27. "Poverty level" means the annual family household income for a family unit household of a particular size, as specified in the poverty guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services.
28. "Pre-approved enrollment status" means that an applicant may receive drugs or other services through ADAP on a temporary basis.
- 44-29. "Prescription order" means the same as in A.R.S. § 32-1901.
45. ~~"Primary care provider" means the physician, registered nurse practitioner, or physician assistant who is treating an applicant or enrolled individual for HIV infection.~~
46. ~~"Provisional enrollment" means an interval of time, determined by the Department, during which an individual who meets the eligibility criteria specified in R9-6-403(1) through (4) may receive drugs on the ADAP formulary through the vendor pharmacy while the individual is waiting for:~~
- ~~An eligibility determination for AHCCCS enrollment or a low income subsidy; or~~
  - ~~Enrollment in a Medicare drug plan.~~
47. ~~"Public assistance" means a government program that provides a monetary payment, or that supplies goods or services that have a monetary value, to individuals, based on need, such as Supplemental Security Income, Temporary Aid to Needy Families, Food Stamps, or non-federally funded General Assistance.~~
- 48-30. "Registered nurse practitioner" means an individual who meets the definition of registered nurse practitioner in A.R.S. § 32-1601 and is licensed under A.R.S. Title 32, Chapter 15, or through a similar licensing board in another state.
- 49-31. "Regular" means recurring at fixed intervals.
50. ~~"Rehabilitation services" means the same as in A.A.C. R9-10-201.~~
- 51-32. "Representative" means the:
- Guardian of an individual;
  - Parent of an individual who is not an adult; or
  - Person designated as an agent for an individual through a power of attorney, as specified in A.R.S. Title 14, Chapter 5, Article 5.
52. ~~"Reservist" means a member of the Reserves of the U.S. Army, Air Force, Navy, Marine Corps, or Coast Guard.~~
- 53-33. "Resident" means an individual who has a place of habitation in Arizona and lives is living in Arizona as other than a tourist.
54. ~~"Restricted drug" means a drug on the ADAP formulary that is approved by the Department on a case-by-case basis for enrolled individuals who meet medical indications for the use of the drug.~~
55. ~~"Routine training" means military education and related hands-on activities designed to make an individual ready for the tasks the individual would be expected to perform as a member of the U.S. Air Force, Army, Coast Guard, Marine Corps, or Navy.~~
56. ~~"Screening test" means a laboratory analysis approved by the U.S. Food and Drug Administration as an initial test to indicate the possibility that an individual is HIV-infected.~~
- 57-34. "Self-employed" means receiving money as a direct result of the work performed by an individual rather than from wages or a salary paid to the individual.
58. ~~"Service provider" means an individual who provides medical services, nursing services, health-related services, or support services for an HIV-infected individual.~~
59. ~~"Shelter" means a facility that provides individuals with a temporary place to sleep at night with the expectation that the individual will go elsewhere during the daylight hours.~~
60. ~~"Support services" means activities, not related to the treatment of HIV infection, intended to maintain or improve the physical, mental, or psychosocial capabilities of an HIV-infected individual or the individual's family unit and that may include:~~
- ~~Providing opportunities for social interactions for HIV-infected individuals;~~
  - ~~Taking care of a child of an HIV-infected individual while the HIV-infected individual receives medical services;~~
  - ~~Providing food or meals to an HIV-infected individual in the residence; or~~
  - ~~Providing information about available support services or materials about how to reduce the risk of spreading HIV.~~
61. ~~"Temporary" means transient, with no expectation of permanence.~~
62. ~~"Third party payor" means a person other than an HIV-infected individual, such as health insurance or an employer, that is responsible for paying a portion of the costs of drugs for the HIV-infected individual.~~



- 63. "Tourist" means an individual who is living in Arizona but maintains a place of habitation outside of Arizona and lives outside of Arizona for more than six months during a calendar year.
- 64. "Treatment" means the administration to an individual of health services intended to relieve illness or injury.
- 65. "Unearned income" means monetary payments received by an individual that are not compensation for work performed or rental of property owned or leased by the individual, including:
  - a. Unemployment insurance;
  - b. Workers' compensation;
  - c. Disability payments;
  - d. Payments from the Social Security Administration;
  - e. Payments from public assistance;
  - f. Periodic insurance or annuity payments;
  - g. Retirement or pension payments;
  - h. Strike benefits from union funds;
  - i. Training stipends;
  - j. Child support payments;
  - k. Alimony payments;
  - l. Military family allotments;
  - m. Regular support payments from a relative or other individual not residing in the household;
  - n. Investment income;
  - o. Royalty payments;
  - p. Periodic payments from estates or trusts; and
  - q. Any other monetary payments received by an individual that are not:
    - i. As a result of work performed or rental of property owned by the individual;
    - ii. Gifts;
    - iii. Lump-sum capital gains payments;
    - iv. Lump-sum inheritance payments;
    - v. Lump-sum insurance payments; or
    - vi. Payments made to compensate for personal injury.
- 35. "Valid" means still in effect or having legal force.
- 66. "Vendor pharmacy" means an entity that contracts with the Department to perform the activities specified in R9-6-409(C).
- 67. "Veteran" means an individual who has served in the United States Armed Forces.
- 36. "Viral load" means the amount of HIV circulating in the body of an individual.
- 68. "Viral load test" means a laboratory analysis to determine the amount of HIV circulating in the body of an individual.

**R9-6-403. Eligibility Requirements**

An individual is eligible to enroll in ADAP if the individual:

- 1. Has a diagnosis of HIV infection from a physician, registered nurse practitioner, or physician assistant;
- 2. Is a resident of Arizona, as established by documentation that complies with ~~R9-6-404(A)(9)~~ R9-6-404(A)(8);
- 3. Has an annual family household income that is less than or equal to ~~300%~~ 400% of the poverty level; and
- 4. Satisfies one of the following:
  - a. Has no health insurance coverage;
  - b. Has inadequate health insurance coverage, which may include Medicare or an AHCCCS health plan, limiting the ability of the individual to obtain drugs, such as health insurance coverage that:
    - i. Does not cover drugs, ~~or~~
    - ii. Does not include on its formulary at least one of the drugs prescribed for the individual ~~that is on the ADAP formulary,~~ or
    - iii. Requires the use of specific pharmacies or higher co-payments for obtaining a drug;
  - c. Has health insurance that is unaffordable because premiums exceed 9.5% of the applicant's annual household income;
  - d. Is an American Indian or Alaska Native who:
    - i. Is eligible for, but chooses not to use, the Indian Health Service or a clinic operated by a sovereign tribal nation to receive drugs; and
    - ii. Either has no other health insurance coverage or has other health insurance coverage that is inadequate or unaffordable, as described in subsections (4)(b) and (c):
      - (1) ~~Does not cover drugs, or~~
      - (2) ~~Does not include on its formulary at least one of the drugs prescribed for the individual that is on the ADAP formulary; or~~
  - d. Is a veteran an individual who has served in the United States Armed Forces and who:
    - i. Is eligible for, but chooses not to use, Veterans Health Administration benefits to receive drugs; and
    - ii. Either has no other health insurance coverage or has other health insurance coverage that is inadequate or unaffordable, as described in subsections (4)(b) and (c):
      - (1) ~~Does not cover drugs, or~~
      - (2) ~~Does not include on its formulary at least one of the drugs prescribed for the individual that is on the ADAP formulary;~~
- 5. Is ineligible for enrollment in AHCCCS, as established by documentation issued by AHCCCS; and
- 6. If eligible for Medicare:
  - a. Is eligible for a full low-income subsidy, as established by documentation issued by the Social Security Administration; and



- b. Has enrolled in a Medicare drug plan.

**R9-6-404. Initial Application Process**

- A. An applicant for initial enrollment in ADAP or the applicant's representative shall submit to the Department the following ~~documents~~ application packet:
1. ~~A Department-provided form~~ An application in a Department-provided format, completed by the applicant or the applicant's representative, containing:
    - a. The applicant's name, date of birth, and gender;
    - b. Except as provided in subsection (A)(1)(c), the applicant's residential address and mailing address;
    - c. If the applicant is in non-permanent housing, the address of a ~~community service organization~~ person that has agreed to receive written communications for the applicant;
    - ~~d.~~ If applicable, the address in Arizona to which the applicant would want drugs to be shipped;
    - ~~e.~~ If applicable, the name of the applicant's representative and the mailing address of the applicant's representative, if different from the applicant's mailing address;
    - ~~f.~~ Either:
      - i. The telephone number of the applicant or a person that has agreed to receive telephone communications for the applicant, or
      - ii. An email address for the applicant;
    - ~~g.~~ The number of individuals in the applicant's ~~family unit~~ household that can be claimed on the applicant's income taxes and the names and ages of the individuals;
    - ~~g-h.~~ The names of individuals, other than the persons specified in subsection ~~(A)(1)(q)(iii)~~ (A)(1)(s)(v), with whom the applicant authorizes the Department to speak about the applicant's enrollment in ADAP;
    - ~~h-i.~~ The applicant's annual family household income;
    - ~~i-j.~~ The applicant's race and ethnicity;
    - ~~j-k.~~ Whether the applicant or an adult in the applicant's ~~family unit~~ household:
      - i. Is employed;
      - ii. Is self-employed;
      - ~~iii.~~ Is receiving public assistance;
      - ~~iv-iii.~~ Is receiving regular monetary payments from a source not specified in subsection (A)(1)(j)(i) through subsection (A)(1)(j)(iii) subsection (A)(1)(k)(i) or (ii) and, if so, an identification of the source of the monetary payments; or
      - ~~v-iv.~~ Is using a source not specified in subsection (A)(1)(j)(i) through subsection (A)(1)(j)(iv) subsections (A)(1)(k)(i) through (iii) or savings to assist the applicant in obtaining food, water, housing, or clothing for the applicant and if so, an identification of the source;
    - ~~k-l.~~ Whether the applicant is receiving ~~benefits~~ health insurance coverage from AHCCCS and:
      - i. If so, the name of the AHCCCS health plan and the date enrolled; and
      - ii. If the applicant's eligibility determination for AHCCCS is pending, the date the application for AHCCCS was submitted;
    - ~~l.~~ The date the applicant or the applicant's representative is scheduled to meet with AHCCCS to discuss eligibility for AHCCCS, if applicable;
    - m. Whether the applicant is eligible for Medicare ~~benefits~~ health insurance coverage and, if not, the date on which the applicant will be eligible for Medicare ~~benefits~~ health insurance coverage;
    - n. If the applicant is eligible for Medicare ~~benefits~~ health insurance coverage, whether:
      - i. The applicant, or the applicant's representative has applied for a low-income subsidy for the applicant and, if so, the date of the application for the low-income subsidy; and
      - ii. Either:
        - (1) The applicant or the applicant's representative has applied for a Medicare drug plan for the applicant and, if so, the date of the application for the Medicare drug plan; or
        - (2) The applicant is enrolled in a Medicare drug plan;
    - o. Whether the applicant or the applicant's spouse has or is eligible to enroll in health insurance coverage other than AHCCCS or Medicare that would pay for drugs on the ADAP formulary;
    - ~~p.~~ Whether the applicant has served on active duty:
      - i. In the U.S. Air Force, Army, Coast Guard, Marine Corps, or Navy;
      - ii. In the Army National Guard or Air National Guard; or
      - iii. As a reservist serving on active duty other than for routine training purposes;
    - p. If the applicant or the applicant's spouse is eligible to enroll in health insurance coverage other than Medicare that would pay for drugs on the ADAP formulary but enrollment is closed, the date the next health insurance enrollment period begins;
    - q. Whether the applicant is eligible to receive benefits from:
      - i. The Indian Health Service or a clinic operated by a sovereign tribal nation, or
      - ii. The Veterans Health Administration;
    - r. Whether the applicant is living in non-permanent housing or is in another situation in which the applicant's financial records to verify annual household income, as specified in subsection (A)(6), are not available to the applicant;
    - ~~q-s.~~ A statement by the applicant or the applicant's representative confirming that the applicant or the applicant's representative:
      - i. Understands that, if the annual household income of the applicant is at an amount that may make the applicant eligible for enrollment in AHCCCS, the applicant or the applicant's representative is required to submit to the Department proof of ineligibility for enrollment in AHCCCS and for a low income subsidy within 30 calendar days after the date of application documentation stating the applicant's status for enrollment in AHCCCS before the end of the month after the month in which the applicant applied for ADAP, if not provided to the Department with the application;



- ii. ~~Understands~~ Except as provided in R9-6-405(E), if the applicant is eligible for Medicare, understands that the applicant or the applicant's representative is required to submit to the Department proof of enrollment in a Medicare drug plan, if the applicant is eligible for Medicare, within 30 calendar days after the date of application before the end of the month after the month in which the applicant applied for ADAP, if not provided to the Department with the application;
- iii. Except as provided in R9-6-405(E), if the applicant is eligible for Medicare and the annual household income of the applicant is less than 175% of the poverty level, understands that the applicant or the applicant's representative is required to submit to Department documentation of the applicant's status for a low-income subsidy before the end of the month after the month in which the applicant applied for ADAP, if not provided to the Department with the application;
- iv. Except as provided in R9-6-405(E), if the applicant or the applicant's spouse has or is eligible for health insurance coverage other than AHCCCS or Medicare, understands that the applicant or the applicant's representative is required to submit to the Department information about the health insurance coverage to enable the Department to determine if the health insurance coverage is inadequate, according to R9-6-403(4)(b), or unaffordable, according to R9-6-403(4)(c), before the end of the month after the month in which the applicant applied for ADAP, if not provided to the Department with the application;
- iii.v. Grants permission to the Department to discuss the information provided to the Department under subsection (A) with:
  - (1) AHCCCS, for the purpose of determining AHCCCS eligibility;
  - (2) Medicare and the Social Security Administration, for the purpose of determining eligibility for a low-income subsidy and enrollment in a Medicare drug plan;
  - (3) The applicant's ~~primary care~~ HIV-care provider or designee;
  - (4) The vendor contract pharmacy or a pharmacy at which the applicant or the applicant's representative may request a drug through ADAP, to assist with drug distribution;
  - (5) Other providers of services for persons living with HIV that are funded through Ryan White;
  - (6) Other providers of HIV-related services, as applicable to the applicant; and
  - (5)(7) Any other entity as necessary to establish eligibility for enrollment in ADAP or assist with drug distribution to the applicant or payment of prescription co-payment costs;
- iv.vi. Understands that the applicant or the applicant's representative is required to submit to the Department proof of the applicant's annual family household income as part of the application; and
- v.vii. Understands that the applicant or the applicant's representative is required to notify the Department of changes specified in R9-6-406(A);
- f.f. A statement by the applicant or the applicant's representative attesting that:
  - i. To the best of the knowledge and belief of the applicant or the applicant's representative, the information and documents provided to the Department as specified in subsection (A), including the information in the documents accompanying the form specified in subsection (A)(1), in the application packet is accurate and complete;
  - ii. The applicant meets the eligibility criteria specified in R9-6-403; and
  - iii. The applicant or applicant's representative understands that eligibility does not guarantee that the Department will be able to provide drugs and understands that an individual's enrollment in ADAP may be terminated as specified in R9-6-408; and
- s.u. The dated signature of the applicant or the applicant's representative;
- 2. The Department-provided form information specified in subsection (B), completed by the applicant's primary care HIV-care provider in a Department-provided format;
- 3. A written prescription order signed by the applicant's primary care provider or a copy of the written prescription order for each drug on the list specified in subsection (B)(5);
- 4.3. A If the annual household income of the applicant is an amount that may make the applicant eligible for enrollment in AHCCCS, a copy of current documentation from AHCCCS, dated within 60 calendar days before the date of application, stating that the status of the applicant's eligibility for enrollment in AHCCCS has not yet been determined or that AHCCCS is denying eligibility to the applicant;
- 5.4. If the applicant is eligible for Medicare, a copy of current valid documentation from the Social Security Administration stating that the applicant's eligibility for a low-income subsidy has not yet been determined or that the applicant is ineligible for a full low-income subsidy:
  - a. The applicant's enrollment in a Medicare drug plan; and
  - b. If the applicant's annual household income is at or below 175% of the poverty level, the status of the applicant's eligibility for a low-income subsidy;
- 5. If the applicant or the applicant's spouse has or is eligible for health insurance coverage other than AHCCCS or Medicare:
  - a. Information about the health insurance coverage to enable the Department to determine whether the health insurance coverage is inadequate, according to R9-6-403(4)(b), or unaffordable, according to R9-6-403(4)(c); and
  - b. If the applicant has other health insurance coverage, documentation confirming the health insurance coverage;
- 6. If the applicant is eligible for Medicare, a copy of the applicant's Medicare prescription card or copy of a letter from the company providing the applicant's Medicare drug plan, confirming that the applicant has applied for or is enrolled in a Medicare drug plan;
- 7-6. Proof Except as provided in subsection (C), proof of the applicant's annual family household income, including the following items as applicable to the applicant's family unit household:
  - a. An income tax return submitted by the applicant for the previous tax year to the U.S. Internal Revenue Service or the Arizona Department of Revenue;



- b. ~~For~~ If an income tax return in subsection (A)(6)(a) is not available, for each job held by an adult in the family unit household:
- i. Paycheck stubs from ~~the 30~~ within 60 calendar days before the date of application, or
  - ii. A statement from the employer listing gross wages for the 30 calendar days before the date of application;
- b-c. ~~From~~ If an income tax return in subsection (A)(6)(a) is not available, from each self-employed adult in the family unit household, documentation of the ~~current~~ net income from self-employment, such as:
- i. ~~An income tax return submitted for the previous tax year to the U.S. Internal Revenue Service or the Arizona Department of Revenue;~~
  - ii. ~~The Internal Revenue Service Forms 1099 prepared for the previous tax year for the self-employed adult in the family unit household;~~
  - iii. ~~A profit and loss statement for the self-employed adult's business, covering a period ending no earlier than three months before the date of application; or~~
  - iv. ~~Bank statements from the self-employed adult's checking and savings accounts, covering a period ending no earlier than three months before the date of application;~~
- e. ~~A letter from each entity providing public assistance to an adult in the family unit, describing payments from public assistance;~~
- d. ~~A letter from an entity providing a monetary award to an adult in the family unit to cover educational expenses other than tuition, describing the monetary award; and~~
- e-d. Documentation showing the amount and source of any regular monetary payments received by an adult in the family unit household from sources other than those specified in subsection (A)(7)(a) (A)(6)(a) through subsection (A)(7)(d) (A)(6)(c);
- 8-7. If the applicant or the applicant's representative has stated ~~on the form specified in~~ according to subsection (A)(4) (A)(1)(k)(v) that the applicant has no source of regular monetary payments and is unable to provide any of the documentation specified in subsection (A)(7) (A)(6), ~~a Department provided form the following, in a Department-provided format,~~ completed and signed within 30 calendar days before the date of application, containing:
- a. Information completed by the applicant or the applicant's representative stating whether:
    - i. An adult in the applicant's family unit household receives money from intermittent work performed by the adult in the family unit household for which no paycheck stub is received and, if so, the average monthly earnings, and the adult's occupation;
    - ii. The applicant is ~~homeless or~~ living in a shelter non-permanent housing;
    - iii. The applicant is receiving assistance from another individual; and
    - iv. The applicant has another source of assistance for obtaining food, water, housing, and clothing, and, if so, an identification of the source;
  - b. A statement by the applicant or the applicant's representative attesting that, to the best of the knowledge and belief of the applicant or the applicant's representative, the information submitted under subsection (A)(8)(a) (A)(7)(a) is accurate and complete; and
  - c. The dated signature of the applicant or the applicant's representative;
  - d. ~~A statement by the applicant's case manager or primary care provider attesting that to the best of the knowledge and belief of the applicant's case manager or primary care provider the information submitted under subsection (A)(8)(a) is accurate and complete; and~~
  - e. ~~The dated signature of the applicant's case manager or primary care provider;~~
- 9-8. Proof that the applicant is a resident of Arizona that includes:
- a. One of the following that shows the Arizona residential address ~~included on the Department provided form~~ specified in according to subsection (A)(4) (A)(1)(b) and the name of the applicant or an adult in the applicant's family unit household:
    - i. Documentation issued by a governmental entity related to ~~participation in public assistance~~ the applicant's eligibility for benefits, dated within 60 calendar days before the date of application;
    - ii. ~~Current documentation from AHCCCS related to the applicant's eligibility for enrollment in AHCCCS;~~
    - iii. ~~Current Valid~~ Valid documentation from the Social Security Administration or the Department of Veterans Affairs related to the applicant's eligibility for benefits;
    - iv. ~~Current documentation from the Arizona Department of Economic Security related to the applicant's eligibility for unemployment insurance benefits;~~
    - v. ~~iii.~~ A property tax statement for the most recent tax year issued by a governmental entity;
    - vi. ~~iv.~~ A homeowners' association assessment or fee statement, dated within 60 calendar days before the date of application;
    - vii. ~~v.~~ A current valid lease agreement; ~~or~~
    - viii. ~~vi.~~ A mortgage statement for the most recent tax year;
    - vii. A letter issued by an entity providing non-permanent housing to the applicant, dated within 30 calendar days before the date of application;
  - b. ~~If the applicant is unable to produce documentation that satisfies subsection (A)(9)(a), two of the following that show the Arizona residential address included on the Department provided form specified in subsection (A)(1) and the name of the applicant or an adult in the applicant's family unit:~~
    - i. ~~A utility bill dated within 60 calendar days before the date of application;~~
    - ii. ~~A tax statement, other than a property tax statement, issued by a governmental entity for the most recent tax year;~~
    - iii. ~~An Internal Revenue Service Form W-2 for the most recent tax year;~~
    - iv. ~~A check stub or statement of direct deposit issued by an employer for the most recent pay period;~~
    - v. ~~A bank or credit union statement dated within 60 calendar days before the date of application;~~
    - viii. Any document or mail dated within 60 calendar days before the date of application and received by the applicant, including a utility bill, check stub, or statement of direct deposit issued by an employer, a bank or credit union state-



ment, a credit card statement, a mobile telephone company billing statement, a billing statement or receipt from an HIV-care provider's office, or a document from an insurance company;

- ~~vi-ix.~~ A non-expired Arizona driver license issued by the Arizona Department of Transportation's Motor Vehicle Division within the previous 12 months;
- ~~vii-x.~~ A non-expired Arizona vehicle registration issued by the Arizona Department of Transportation's Motor Vehicle Division within the previous 12 months;
- ~~viii-xi.~~ A non-expired Arizona identification card issued by the Arizona Department of Transportation's Motor Vehicle Division within the previous 12 months; or
- ~~ix-xii.~~ A tribal enrollment card or other type of tribal identification; or
- ~~x.~~ A current immigration identification card issued by U.S. Citizenship and Immigration Services; or

~~e-b.~~ If the applicant is unable to produce documentation that satisfies either subsection (A)(9)(a) or (b) (A)(8)(a), ~~two one~~ of the following that ~~include~~ includes the name of the applicant or an adult in the applicant's family unit household and is dated within 30 calendar days before the date of application:

- ~~i.~~ A document listed in subsection (A)(9)(b)(i) through subsection (A)(9)(b)(x) that includes the Arizona residential address shown on the Department provided form specified in subsection (A)(1);
- ~~ii.~~ A letter issued by an entity providing non-permanent housing to the applicant, including the Arizona residential address of the non-permanent housing that is the same as the Arizona residential address for the applicant shown on the Department provided form specified in subsection (A)(1);
- ~~iii-i.~~ A written statement issued by a community service organization the applicant's case manager verifying that the applicant is homeless living in non-permanent housing and a resident of Arizona;
- ~~iv.~~ A credit card, primary care provider's office, insurance company, or mobile telephone company billing statement dated within 60 calendar days before the date of application, including the Arizona residential address shown on the Department provided form specified in subsection (A)(1);
- ~~v.~~ A current vehicle insurance card, including the Arizona residential address shown on the Department provided form specified in subsection (A)(1);
- ~~vi.~~ An official document, such as an Arizona voter registration card, issued by a governmental entity and including the Arizona residential address shown on the Department provided form specified in subsection (A)(1);
- ~~vii-ii.~~ A written statement issued by the applicant's case manager indicating that the case manager has conducted a home visit with the applicant at the Arizona residential address shown on the Department provided form specified in accord-ing to subsection (A)(1) (A)(1)(b) within 30 calendar days before the date of application; or
- ~~viii-iii.~~ A written statement issued by the applicant's primary care HIV-care provider, verifying that the applicant is a resident of Arizona; and

~~10-9.~~ If the applicant or the applicant's representative has stated on the Department provided form specified in according to subsection (A)(8) (A)(7) that the applicant receives assistance from another individual, a letter from the individual to support the statement of the applicant or the applicant's representative.

~~B.~~ The primary care HIV-care provider of an applicant for initial enrollment in ADAP shall complete provide:

~~1.~~ The following information for the applicant a Department provided form containing in a Department-provided format:

- ~~1-a.~~ The applicant's name;
- ~~2-b.~~ The primary care HIV-care provider's name, business address, telephone number, email address, fax number, and professional license number;
- ~~3-c.~~ A statement that the applicant has been diagnosed with HIV infection;
- ~~4.~~ The dates of and results for the most recent confirmatory test, CD4 T-lymphocyte count, and, if available, viral load test conducted for the applicant;
- ~~5-d.~~ A list of each drug from the current ADAP formulary prescribed for the applicant by the primary care HIV-care provider;
- ~~6.~~ A statement by the primary care provider that the primary care provider understands that the primary care provider is required to notify the Department of changes specified in R9-6-406(B);
- ~~7-e.~~ A statement by the primary care HIV-care provider attesting that, to the best of the primary care HIV-care provider's knowledge and belief, the information provided to the Department as specified in subsection (B) is accurate and complete; and
- ~~8-f.~~ The dated signature of the primary care HIV-care provider;

~~2.~~ Documentation confirming HIV-infection of the applicant; and

~~3.~~ A copy of the most recent laboratory report of a test for viral load and, if available, CD4-T-lymphocyte count conducted for the applicant.

~~C.~~ For purposes of enrollment in ADAP, an applicant or the applicant's representative may report annual family income using actual family income for the most recent 12 months or estimated annual family income determined by multiplying the most recent monthly family income by 12.

~~C.~~ If an applicant or the applicant's representative stated in subsection (A)(1)(r) that the applicant is in a situation in which the applicant's financial records to verify annual household income, as required in subsection (A)(6), are not available to the applicant, the applicant or the applicant's representative may submit to the Department a statement describing the applicant's situation and provide whatever documentation the applicant has available to demonstrate the applicant's annual household income.

**R9-6-405. Enrollment Process; ~~Provisional~~ Pre-approved Enrollment Status**

A. The Department shall:

- 1. Review the documents submitted by an applicant as required in R9-6-404(A);
- 2. Determine whether the applicant is eligible under R9-6-403;
- 3. Grant or deny enrollment based on applicant eligibility, the date of application, and the availability of funds; and
- 4. Notify the applicant or the applicant's representative of the Department's decision within five business working days after receiving the documents specified in R9-6-404(A).



- B.** An applicant or the applicant's representative shall execute any consent forms or releases of information necessary for the Department to verify eligibility.
- C.** The Department shall send an applicant or the applicant's representative a written notice of denial, setting forth the information required under A.R.S. § 41-1092.03, if:
1. ~~The applicant or the applicant's representative fails to provide documentation establishing eligibility for enrollment in ADAP does not qualify for enrollment in ADAP, based on the documentation provided to establish eligibility;~~
  2. The documentation submitted to the Department under R9-6-404 is found to contain false information; or
  3. The Department does not have funds available to enroll the applicant in ADAP.
- D.** ~~The Department shall grant a 30-day provisional pre-approved enrollment status in ADAP to an applicant, lasting until the end of the month after the month in which an applicant applied for ADAP, if:~~
1. ~~The Department determines that the applicant meets the requirements of requirement in R9-6-403(1) through (4); and~~
  2. ~~The applicant, whose annual household income is an amount that may make the applicant eligible for enrollment in AHCCCS, or the applicant's representative attests in writing that the applicant has applied for AHCCCS enrollment and, if eligible for Medicare, a low income subsidy and a Medicare drug plan, but is unable to provide documentation that complies with R9-6-403(5) or (6) or both states the status of the applicant's enrollment in AHCCCS;~~
  3. Except as provided in subsection (E), the applicant, who is eligible for Medicare or other health insurance coverage, or the applicant's representative attests in writing that the applicant has applied for, but is unable to provide documentation of, enrollment in Medicare and a Medicare drug plan or in other health insurance coverage, as applicable; and
  4. The applicant or the applicant's representative attests in writing that the applicant or the applicant's representative will provide, before the end of the period during which the applicant has pre-approved enrollment status, a missing component of:
    - a. Proof of the applicant's annual household income, according to R9-6-404(A)(6) or (7); or
    - b. Proof of residency, according to R9-6-404(A)(8).
- E.** The Department shall grant pre-approved enrollment status in ADAP, lasting until the end of the month after the month in which an applicant may apply for Medicare or other health insurance, if the applicant or the applicant's representative provides documentation that the applicant would be eligible for Medicare or other health insurance coverage during the next health insurance enrollment period, but that enrollment was closed on the date of application for ADAP.
- ~~**E-E.** The Department shall provide an applicant to whom the Department has granted provisional pre-approved enrollment status in ADAP with the drugs on the list specified in R9-6-404(B)(5) ADAP formulary during the provisional enrollment period during which the applicant has pre-approved enrollment status.~~
- ~~**F-G.** Except as specified in subsection (H) (I), to continue ADAP enrollment beyond a 30-day provisional enrollment the period in subsection (D) or (E) during which the applicant has pre-approved enrollment status, an applicant or the applicant's representative shall provide to the Department, before the end of the 30-day provisional enrollment period, documentation that complies with R9-6-403(5) and, if applicable, R9-6-403(6) establishes eligibility according to R9-6-403.~~
- ~~**G-H.** Except as specified in subsection (H) (I), if an applicant with provisional pre-approved enrollment status or the applicant's representative fails to provide documentation as required in subsection (F) (G) to the Department before the end of a 30-day provisional enrollment the period during which the applicant has pre-approved enrollment status, the Department shall send the applicant or the applicant's representative a written notice of denial, setting forth the information required under A.R.S. § 41-1092.03.~~
- H.** ~~The Department may grant an extension of provisional enrollment to an applicant beyond a 30-day provisional enrollment period if the applicant or the applicant's representative provides documentation to the Department that the applicant has applied for AHCCCS enrollment and, if eligible for Medicare, a low income subsidy and Medicare drug plan and:~~
1. ~~AHCCCS has not yet determined whether the applicant is eligible for AHCCCS enrollment; or~~
  2. ~~If the applicant is eligible for Medicare:~~
    - a. ~~The Social Security Administration has not yet determined whether the applicant is eligible for a low income subsidy, or~~
    - b. ~~The applicant cannot enroll in a Medicare drug plan until the next general enrollment period.~~
- I.** The Department may grant an extension of pre-approved enrollment status to an applicant beyond the period in subsection (D) or (E) if the applicant or the applicant's representative provides a justification for needing more time to obtain the required documentation to verify eligibility because of missing:
1. Documentation of health insurance coverage;
  2. Financial records to verify annual household income, specified in R9-6-404(A)(6);
  3. Proof of residency, specified in R9-6-404(A)(8); or
  4. Viral load test results on the laboratory report required in R9-6-404(B)(2).
- J.** Based on the information provided by an applicant about the applicant's health insurance coverage and except as provided in R9-6-409(F), the Department shall:
1. For an applicant with no health insurance coverage, provide a drug on the ADAP formulary through the contract pharmacy;
  2. For an applicant with health insurance coverage that is inadequate, according to R9-6-403(4)(b), provide a drug on the ADAP formulary that is not covered by the applicant's health insurance, as documented according to R9-6-409(E), through the contract pharmacy; or
  3. For an applicant with health insurance coverage that is unaffordable, according to R9-6-403(4)(c), provide a drug on the ADAP formulary with no copayment cost to the applicant when requesting the filling of a prescription for the drug or obtaining a refill of the drug through ADAP.

#### **R9-6-406. Notification Requirements**

- A.** An enrolled individual or the enrolled individual's representative shall notify the Department in writing or by telephone and comply with the applicable requirements specified in R9-6-407 within 30 calendar days after any of the following occurs:
1. The residential or mailing address or the telephone number of the enrolled individual changes from that provided to the Department under R9-6-404(A)(1) or R9-6-407;



- 2. The enrolled individual adds or ~~deletes~~ removes an individual with whom the Department may speak about the enrolled individual's ADAP enrollment from the list specified in ~~R9-6-404(A)(1)(g)~~ R9-6-404(A)(1)(h);
  - 3. ~~The enrolled individual begins receiving treatment for HIV infection from a primary care provider different from the primary care provider who completed:~~
    - a. ~~The form specified in R9-6-404(B), or~~
    - b. ~~The most recent form specified in R9-6-407(D);~~
  - 4. ~~3.~~ The enrolled individual has:
    - a. Lost health insurance coverage;
    - b. Been determined eligible for and enrolled to receive drug coverage through AHCCCS;
    - b.c. Received notification of drug coverage from a third-party payor ~~Been determined eligible for or obtained health insurance coverage, other than through AHCCCS, the Indian Health Service, or the Veterans Health Administration, or the health insurance coverage previously used by the enrolled individual;~~ or
    - e.d. Been determined eligible for a low-income subsidy;
  - 5. ~~4.~~ The enrolled individual's annual family household income has changed:
    - a. Increased to an amount above 300% of the poverty level; or
    - b. Decreased to an amount that may make the enrolled individual eligible for enrollment in AHCCCS; or
  - 6. ~~5.~~ The enrolled individual establishes residency outside Arizona.
- B.** ~~An enrolled individual's primary care provider shall:~~
- 1. ~~Notify the Department in writing or by telephone:~~
    - a. ~~That the enrolled individual has died, within 14 calendar days after the primary care provider learns of the death; and~~
    - b. ~~That the enrolled individual is receiving treatment for HIV infection from a different primary care provider, within 14 calendar days after the primary care provider learns of the change in primary care provider; and~~
  - 2. ~~Include in the notification:~~
    - a. ~~The name and date of birth of the enrolled individual;~~
    - b. ~~If notifying under subsection (B)(1)(a), the date of death; and~~
    - e. ~~If notifying under subsection (B)(1)(b), the name, business address, and telephone number of the new primary care provider.~~
- C.** ~~An enrolled individual's primary care provider shall notify the vendor pharmacy, as specified in R9-6-409(A):~~
- 1. ~~When prescribing a new drug for the enrolled individual, or~~
  - 2. ~~Within seven calendar days after discontinuing a drug that was contained in the list completed by the enrolled individual's primary care provider under R9-6-404(B) or R9-6-407(D);~~
- B.** Within 30 calendar days after an enrolled individual loses health insurance coverage, the enrolled individual shall provide to the Department documentation stating the loss of health insurance coverage.
- D.C.** ~~An enrolled individual's case manager shall notify the Department in writing or by telephone within 30 calendar days after the case manager learns that:~~
- 1. ~~The residential or mailing address or the telephone number of the enrolled individual has changed from that provided to the Department under R9-6-404(A)(1) or R9-6-407;~~
  - 2. ~~The enrolled individual has begun receiving treatment for HIV infection from a primary care provider who is different from the primary care provider who completed:~~
    - a. ~~The form specified in R9-6-404(B), or~~
    - b. ~~The most recent form specified in R9-6-407(D);~~
  - 3. ~~2.~~ The enrolled individual has:
    - a. ~~Been~~ Has been determined eligible for and enrolled to receive drug coverage through AHCCCS;
    - b. ~~Received notification of drug coverage from a third-party payor~~ Obtained health insurance coverage other than AHCCCS, the Indian Health Service, or the Veterans Health Administration; or
    - c. ~~Been~~ Has been determined eligible for a low-income subsidy;
  - 4. ~~3.~~ The enrolled individual's annual family household income has changed:
    - a. Increased to an amount above 300% of the poverty level; or
    - b. Decreased to an amount that may make the enrolled individual eligible for enrollment in AHCCCS;
  - 5. ~~4.~~ The enrolled individual has established residency outside Arizona; or
  - 6. ~~5.~~ The enrolled individual has died.

**R9-6-407. Continuing Enrollment**

- A.** To continue enrollment in ADAP, an enrolled individual or the enrolled individual's representative shall:
- 1. ~~When the enrolled individual's residential or mailing address changes, comply with subsection (B);~~
  - 2. ~~When the enrolled individual's primary care provider changes, comply with subsection (C);~~
  - 3. ~~2.~~ When the enrolled individual's annual family household income ~~decreases to an amount that may make the individual eligible for enrollment in AHCCCS~~ changes, comply with subsection ~~(E)~~ (C);
  - 4. ~~3.~~ When the enrolled individual becomes eligible for Medicare or other health insurance coverage, comply with subsection ~~(F)~~ (D);
  - 5. ~~4.~~ Before the ~~expiration of each six-month period after an individual's initial enrollment~~ end of the month that is six months after the enrolled individual's month of birth, comply with subsection ~~(G)~~ (E); and
  - 6. ~~5.~~ Before the ~~expiration of each 24-month period~~ end of the enrolled individual's month of birth each year after an individual's initial enrollment, comply with subsection ~~(H)~~ (F).
- B.** When an enrolled individual's residential or ~~mailing~~ address changes, the enrolled individual or the enrolled individual's representative shall submit to the Department:
- 1. ~~Complete a Department provided form containing for the enrolled individual the information specified in R9-6-404(A)(1)(a) through R9-6-404(A)(1)(h) and R9-6-404(A)(1)(j), (k), (m), (n), and (o);~~



2. Attest on the form specified in subsection (B)(1) that:
    - a. To the best of the knowledge and belief of the enrolled individual or the enrolled individual's representative, the information submitted in the form and the documents submitted with the form are accurate and complete;
    - b. The enrolled individual meets the eligibility criteria specified in R9-6-403; and
    - c. The enrolled individual or the enrolled individual's representative understands that eligibility does not guarantee that the Department will be able to provide drugs and that an individual's enrollment in ADAP may be terminated as specified in R9-6-408;
  3. Grant permission on the form specified in subsection (B)(1) for the Department to discuss the enrolled individual's enrollment with:
    - a. AHCCCS, for the purpose of determining AHCCCS eligibility;
    - b. Medicare and the Social Security Administration, for the purpose of determining eligibility for a low-income subsidy and enrollment in a Medicare drug plan;
    - c. The applicant's primary care provider or designee;
    - d. The vendor pharmacy, to assist with drug distribution; and
    - e. Any other entity as necessary to establish eligibility for enrollment in ADAP or assist with drug distribution;
  4. Sign and date the form specified in subsection (B)(1); and
  5. Submit to the Department within 30 calendar days of the change:
    - a. The form specified in subsection (B)(1); and
    1. The following information for the enrolled individual in a Department-provided format:
      - a. The enrolled individual's name and date of birth;
      - b. The new residential address and mailing address for the enrolled individual;
      - c. If the enrolled individual is in non-permanent housing, the address of a person that has agreed to receive written communications for the enrolled individual; and
      - d. If applicable, the address in Arizona to which the enrolled individual would want drugs to be shipped; and
    - b. Proof of Arizona residency, as specified in R9-6-404(A)(9) R9-6-404(A)(8), showing the new Arizona residential address included on the form specified in subsection (B)(1) (B)(1)(b).
- C.** When an enrolled individual's primary care provider changes, the enrolled individual or the enrolled individual's representative shall:
1. Comply with subsections (B)(1) through (4);
  2. Obtain from the new primary care provider the Department provided form specified in subsection (D), completed by the new primary care provider; and
  3. Submit the form specified in subsection (B)(1) and the form specified in subsection (C)(2) to the Department within 30 calendar days after the change.
- D.** The primary care provider of an enrolled individual shall complete for the enrolled individual a Department provided form containing:
1. The information required under R9-6-404(B)(1), (2), and (5) through (8); and
  2. The dates of and results for the most recent CD4 T-lymphocyte count and, if available, viral load test conducted for the enrolled individual.
- E.C.** When an enrolled individual's annual family household income decreases to an amount that may make the individual eligible for enrollment in AHCCCS changes, the enrolled individual or the enrolled individual's representative shall:
1. Submit to the Department, within 30 calendar days after the change, documentation of the enrolled individual's annual household income, as specified in R9-6-404(A)(6) or (7); and
  2. If the enrolled individual's annual household income has decreased to an amount that may make the individual eligible for enrollment in AHCCCS:
    - a. Apply for enrollment in AHCCCS within 30 calendar days after the change in annual family household income; and
    - b. If the enrolled individual is determined to be ineligible for AHCCCS enrollment, submit to the Department, within 30 calendar days after the change, documentation that complies with R9-6-403(5) states the status of the enrolled individual's enrollment in AHCCCS.
- F.D.** When an enrolled individual becomes eligible for Medicare or other health insurance coverage, the enrolled individual or the enrolled individual's representative shall, within 30 calendar days after the enrolled individual becomes eligible for Medicare or other health insurance coverage:
1. Apply for a low-income subsidy and for a Medicare drug plan; and
  2. If the enrolled individual is determined to be ineligible for a low-income subsidy, submit to the Department documentation that complies with R9-6-403(6).
  1. If eligible for Medicare:
    - a. Enroll in a Medicare drug plan; and
    - b. If the enrolled individual's annual household income is at or below 175% of the poverty level, apply for a low-income subsidy; and
    - c. Submit to the Department a copy of valid documentation stating:
      - i. The enrolled individual's enrollment in a Medicare drug plan; and
      - ii. If the enrolled individual's annual household income is at or below 175% of the poverty level, the status of the enrolled individual's eligibility for a low-income subsidy; and
  2. If eligible for other health insurance coverage, submit to the Department information about the health insurance coverage to enable the Department to determine if the health insurance coverage is inadequate, according to R9-6-403(4)(b), or unaffordable, according to R9-6-403(4)(c).
- G.** Before the expiration of each six-month period after an individual's initial enrollment, the enrolled individual or the enrolled individual's representative shall submit to the Department:



- 1. ~~Proof of annual family income, as specified in R9-6-404(A)(7) or (8); and~~
- 2. ~~Proof that the enrolled individual is a resident of Arizona, as specified in R9-6-404(A)(9).~~
- H.E.** ~~Before the expiration of each 24-month period after an individual's initial enrollment end of the month that is six months after the enrolled individual's month of birth, the enrolled individual or the enrolled individual's representative shall:~~
  - 1. ~~Comply with subsections (B)(1) through (4); Either:~~
    - a. ~~Submit to the Department an attestation, in a Department-provided format, that there have been no changes specified in subsection (A)(1), (2), or (3); or~~
    - b. ~~Comply with subsections (B), (C), and (D), as applicable; and~~
  - 2. ~~Obtain from the enrolled individual's primary care HIV-care provider Department provided form completed as specified in subsection (D) and submit to the Department a copy of the most recent laboratory report of a test for viral load, and, if available, CD4-T-lymphocyte count conducted for the applicant; and~~
  - 3. ~~Submit to the Department:~~
    - a. ~~The form specified in subsection (H)(1);~~
    - b. ~~The form specified in subsection (H)(2);~~
    - e. ~~Proof of annual family income, as specified in R9-6-404(A)(7) or (8), and~~
    - d. ~~Proof that the enrolled individual is a resident of Arizona, as specified in R9-6-404(A)(9).~~
- F.** ~~Before the end of an enrolled individual's month of birth each year, an enrolled individual or the enrolled individual's representative shall submit to the Department the application packet required in R9-6-404(A).~~
- H.G.** ~~The Department shall:~~
  - 1. ~~Review information about an enrolled individual and determine eligibility for continuing enrollment for the enrolled individual:~~
    - a. ~~Every six months after the individual's initial enrollment; At the end of the enrolled individual's month of birth each year.~~
    - b. ~~At the end of the month that is six months after the enrolled individual's month of birth each year.~~
    - b.c. ~~When the Department receives information from the enrolled individual or the enrolled individual's representative under subsection (A), or~~
    - e.d. ~~When the Department no longer has sufficient funds to provide continuing enrollment to all enrolled individuals;~~
  - 2. ~~Grant continuing enrollment to an enrolled individual, subject to the availability of funds, when:~~
    - a. ~~The enrolled individual or the enrolled individual's representative complies with subsection (A); and~~
    - b. ~~The Department determines that:~~
      - i. ~~The information in the documents submitted to the Department is accurate and complete, and~~
      - ii. ~~The enrolled individual is eligible under R9-6-403; and~~
  - 3. ~~Notify the enrolled individual or the enrolled individual's representative of the Department's decision within five business working days after receipt of the documents required in subsection (A).~~
- H.** ~~The Department may grant pre-approved enrollment status in ADAP, according to R9-6-405(D) or (E) and ending according to R9-6-405(G), to an enrolled individual who is missing documentation to establish eligibility under R9-6-403.~~
- H.I.** ~~If the Department denies continuing enrollment to an enrolled individual, the Department shall send to the enrolled individual or the enrolled individual's representative a written notice of denial setting forth the information required under A.R.S. § 41-1092.03.~~

**R9-6-408. Termination from ADAP Services**

- A.** ~~The Department may terminate an enrolled individual's enrollment in ADAP if:~~
  - 1. ~~The Department learns that information submitted to the Department by the enrolled individual or the enrolled individual's representative under R9-6-404(A) or (C), R9-6-407(A), or R9-6-409(E) or (F) is inaccurate or incomplete;~~
  - 2. ~~The vendor pharmacy does not receive a request from the enrolled individual or the enrolled individual's representative for any does not request a refill of a any drug through ADAP for a period of 90 calendar days; or~~
  - 3. ~~The enrolled individual or the enrolled individual's representative exhibits violent or threatening behavior to an employee of the Department, or the vendor contract pharmacy, or a pharmacy in which the enrolled individual or the enrolled individual's representative is filling a prescription for a drug or requesting a refill of a drug through ADAP, as established by documentation such as a police report or a written document from the individual.~~
- B.** ~~The Department may terminate approval of a restricted drug for an individual enrolled in ADAP approved under R9-6-409(E) or (F) for an enrolled individual if the Department learns that the enrolled individual: funding is no longer available to pay for the drug approved under R9-6-409(E) or (F).~~
  - 1. ~~Is not following the instructions of the enrolled individual's primary care provider regarding the use of the restricted drug; or~~
  - 2. ~~Has not had additional laboratory analyses performed, as required in R9-6-409(E)(1)(i)(ii), to support continuing use of the restricted drug.~~
- C.** ~~The Department shall send to an enrolled individual or the enrolled individual's representative a written notice of termination setting forth the information required under A.R.S. § 41-1092.03 if the Department terminates:~~
  - 1. ~~The enrolled individual's enrollment in ADAP, or~~
  - 2. ~~Approval of a restricted drug approved under R9-6-409(E) or (F) for the enrolled individual.~~

**R9-6-409. Drug Prescription and Distribution Requirements**

- A.** ~~A primary care HIV-care provider shall:~~
  - 1. ~~Issue a prescription order:~~
    - a. ~~For each drug from on the ADAP formulary prescribed for an applicant or enrolled individual by the primary care HIV-care provider; and~~
    - b. ~~For dispensing up to a 30-day supply of the drug; and~~
    - e. ~~To authorize no more than a six-month supply of the drug, including the original prescription order and all refills;~~
  - 2. ~~Submit:~~
    - a. ~~A written prescription order or copy of a written prescription order to the Department as specified in R9-6-404(A)(3); and~~



- b. A written or oral prescription order to the vendor pharmacy when:
      - i. Prescribing a drug for a newly enrolled individual;
      - ii. Prescribing a new drug for an enrolled individual; or
      - iii. Authorizing an additional six-month supply of a drug for an enrolled individual; and
  - 3. ~~Notify the vendor pharmacy when discontinuing a drug for an enrolled individual.~~
  - 2. Provide a written prescription order to the applicant or enrolled individual or an electronic prescription order to the contract pharmacy or a pharmacy at which the applicant or enrolled individual may request a drug through ADAP.
- ~~B.~~ The Department shall forward a written prescription order submitted to the Department as specified in subsection (A)(2)(a) to the vendor pharmacy within three business days of approving an individual for initial enrollment.
- ~~C.~~ The vendor pharmacy shall:
  - 1. ~~Maintain a supply of the drugs on the ADAP formulary available for dispensing;~~
  - 2. ~~Receive prescription orders issued by an enrolled individual's primary care provider;~~
  - 3. ~~Before dispensing drugs, verify:~~
    - a. ~~With an enrolled individual or the enrolled individual's representative the address to which the enrolled individual or the enrolled individual's representative wants the drugs delivered, and~~
    - b. ~~An individual's enrollment status;~~
  - 4. ~~Dispense up to a 30-day supply of a drug to an enrolled individual:~~
    - a. ~~Upon receipt of a:~~
      - i. ~~Prescription order as specified in subsection (C)(2), or~~
      - ii. ~~Request from the enrolled individual or the enrolled individual's representative for a refill of the drug;~~
    - b. ~~To the address identified, as specified in subsection (C)(3)(a); and~~
    - e. ~~So the drug is dispensed to the enrolled individual no later than three business days after the vendor pharmacy:~~
      - i. ~~Receives a prescription order or request for refill, as specified in subsection (C)(4)(a);~~
      - ii. ~~Has verified the address to which the drug is to be delivered, as specified in subsection (C)(3)(a); and~~
      - iii. ~~Has verified the individual's enrollment status, as specified in subsection (C)(3)(b); and~~
  - 5. ~~Notify the Department upon receiving a request for dispensing a drug for an individual who is neither enrolled nor provisionally enrolled in ADAP.~~
- ~~B.~~ The Department shall:
  - 1. Except as specified in subsection (D), provide up to a 30-day supply of a drug to an enrolled individual; and
  - 2. Ensure that a drug to be shipped to an enrolled individual is sent to the address in Arizona provided by the enrolled individual according to R9-6-404(A)(1)(d) or R9-6-407(B)(1)(d).
- ~~B-C.~~ The Department may authorize replacement of a drug when:
  - 1. The drug has been dispensed by the ~~vendor~~ contract pharmacy or a pharmacy in which the enrolled individual or the enrolled individual's representative requested a refill of the drug through ADAP to an enrolled individual; and
  - 2. The enrolled individual or the enrolled individual's representative claims the dispensed drug was lost, stolen, or damaged.
- ~~D.~~ The Department may authorize an enrolled individual to receive more than a 30-day supply of a drug if the enrolled individual:
  - 1. Submits to the Department:
    - a. The enrolled individual's name and date of birth;
    - b. The number of days for which the enrolled individual is requesting a supply of the drug; and
    - c. A justification for receiving more than a 30-day supply of a drug, such as that:
      - i. The enrolled individual will be out of Arizona for more than 30 days without changing residency, or
      - ii. The enrolled individual's health insurance coverage will allow for more than a 30-day supply of a drug; and
  - 2. Is expected to continue to be enrolled in ADAP:
    - a. Past the number of days for which the enrolled individual is requesting a supply of the drug, and
    - b. Without needing to submit information or documentation for continuing enrollment, according to R9-6-407(E) or (F), during the time period.
- ~~E.~~ For an enrolled individual who has health insurance coverage, the HIV-care provider of the enrolled individual, independently or through the contract pharmacy, may request approval of a drug on the ADAP formulary that is not covered by the enrolled individual's health insurance by submitting to the Department documentation that:
  - 1. The drug is not covered by the enrolled individual's health insurance,
  - 2. A request for health insurance coverage of the drug as a medical exception has been denied by the enrolled individual's health insurance, and
  - 3. An appeal of the denial of the request in subsection (E)(2) has been denied by the enrolled individual's health insurance.
- ~~E-E.~~ The primary care HIV-care provider of an enrolled individual, independently or through the contract pharmacy, may request approval of a restricted drug that is not covered by health insurance and not on the ADAP formulary for the enrolled individual by:
  - 1. Completing a Department provided form Providing to the Department the following information, in a Department-provided format, for each requested restricted drug that contains the following information:
    - a. The name, business address, email address, and telephone number of the primary care HIV-care provider;
    - b. The date of the request;
    - c. The enrolled individual's name and date of birth;
    - d. The indications for the use name and any other identifier of the restricted drug;
    - e. The most recent results of laboratory analyses to support the request and the dates of the laboratory analyses cost of the drug, if available;
    - f. The expected duration of the enrolled individual's use of the drug, including whether:
      - i. Use of the drug is expected to be a one-time occurrence, or
      - ii. The enrolled individual is expected to need multiple refills of the drug and the expected number of refills;



- ~~f.g.~~ A justification for use of the ~~restricted drug that is not on the ADAP formulary~~ by the enrolled individual;
- ~~g.~~ An attestation by the primary care provider that:
  - ~~i.~~ To the best of the primary care provider's knowledge and belief, the information presented in the request is accurate and complete; and
  - ~~ii.~~ The primary care provider understands that the primary care provider is required to provide instructions to the enrolled individual regarding the use of the restricted drug and monitor the enrolled individual's use of the restricted drug;
- ~~h.~~ Whether the Department should consider adding the drug to the ADAP formulary and the reasons for the recommendation; and
- ~~h.i.~~ The dated signature of the primary care HIV-care provider;
- ~~i.~~ An attestation by the enrolled individual or the enrolled individual's representative that the enrolled individual or the enrolled individual's representative understands that the enrolled individual is required to:
  - ~~i.~~ Follow the instructions of the enrolled individual's primary care provider regarding the use of the restricted drug; and
  - ~~ii.~~ Have periodic laboratory analyses performed to support continuing use of the restricted drug; and
- ~~j.~~ The dated signature of the enrolled individual or the enrolled individual's representative;
- 2. Issuing a written or oral valid prescription order for the restricted drug that is not on the ADAP formulary to the vendor contract pharmacy; and
- 3. Submitting Unless the enrolled individual has no health insurance coverage, submitting to the Department the documentation required in subsections (E)(1) through (3):
  - ~~a.~~ The completed drug specific form specified in subsection (E)(1), and
  - ~~b.~~ Copies of the results of the most recent laboratory analyses to support the request for the restricted drug.
- ~~F.~~ If the restricted drug requested under subsection (E) is approved by the Department for an enrolled individual, the enrolled individual's primary care provider shall:
  - ~~1.~~ Provide instructions to the enrolled individual regarding the use of the restricted drug; and
  - ~~2.~~ Monitor the enrolled individual's use of and clinical response to the restricted drug.
- G. When the Department receives a drug specific form requesting a restricted drug that is not on the ADAP formulary request under subsection (E) or (F) for an enrolled individual, the Department shall:
  - 1. Review the documents submitted according to subsection ~~(E)(3)~~ (E) or (F), as applicable;
  - 2. Determine whether the information submitted to the Department:
    - a. Is complete; and
    - b. Substantiates that the enrolled individual's use of the ~~restricted~~ drug is indicated; and
  - 3. Notify, through the contract pharmacy, the following of the Department's decision within five business working days after receiving the request:
    - a. The enrolled individual or the enrolled individual's representative; and
    - b. The enrolled individual's primary care HIV-care provider; and
    - ~~e.~~ The vendor pharmacy.
- H. If the Department denies a request for approval of a restricted drug under subsection (E) or (F) for an enrolled individual, the Department shall send to the enrolled individual or the enrolled individual's representative a written notice of denial setting forth the information required under A.R.S. § 41-1092.03.
- I. The Department shall only authorize the distribution of drugs that are included on the ADAP formulary or approved for an enrolled individual according to subsection (F).

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

[R19-269]

**PREAMBLE**

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

R18-2-101	<u>Rulemaking Action</u>
R18-2-301	Amend
R18-2-302.01	Amend
R18-2-304	Amend
R18-2-334	Amend
R18-2-406	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. §§ 49-104(A)(1) and (A)(10), 49-404(A)
  - Implementing statute: A.R.S. §§ 49-425(A) and 49-426
- 3. The effective date of the rule:**
  - February 1, 2020
  - a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**



Not applicable

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

Not applicable

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

Notice of Rulemaking Docket Opening: 25 A.A.R. 1113, April 26, 2019

Notice of Proposed Rulemaking: 25 A.A.R. 993, April 26, 2019

Notice of Supplemental Proposed Rulemaking: 25 A.A.R. 2352, September 13, 2019

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

Name: Zachary Dorn

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

Telephone: (602) 771-4585 (This number may be reached in-state by dialing 1-800-234-5677 and entering the seven digit number.)

Fax: (602) 771-2299

E-mail: dorn.zachary@azdeq.gov

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

**Summary.**

The purpose of this rulemaking is to remedy a deficiency identified by the United State Environmental Protection Agency (EPA) in Arizona's Nonattainment New Source Review (NNSR) rules. The Arizona Department of Environmental Quality (ADEQ) must adopt rules defining a significant emission rate (SER) for ammonia, as a precursor to fine particulate matter ("PM<sub>2.5</sub>"), under the NNSR program to comply with federal requirements. This rulemaking action is required to secure full approval of Arizona's NSR rules into the state implementation plan (SIP) and avoid sanctions under the federal Clean Air Act (CAA). Therefore, ADEQ amends the definition of "significant" in R18-2-101(131) to include an emission rate for ammonia in PM<sub>2.5</sub> nonattainment areas within the State of Arizona.

On April 26, 2019, a Notice of Proposed Rulemaking (25 A.A.R. 993) was published in the Arizona Administrative Register proposing a significant emission rate for ammonia, as a precursor to PM<sub>2.5</sub>, in PM<sub>2.5</sub> nonattainment areas.

In response to its NPRM (25 A.A.R. 993), ADEQ received public comments. One of the public comments received was submitted by EPA regarding other New Source Review (NSR) rules in Title 18, Chapter 2, Articles 3 and 4.

On September 13, 2019, a Notice of Supplemental Proposed Rulemaking (NSPRM) (25 A.A.R. 2352) was published to address EPA's public comment to the NPRM. ADEQ did not receive any public comments in response to the NSPRM.

The section-by-section explanation of the amended rules in Section 6 and Section 10 of this preamble discuss these changes in greater detail.

**Legal Background.**

Under section 110(a)(1) of the CAA, each state is obligated to submit a "plan which provides for implementation, maintenance and enforcement of" the national ambient air quality standards (NAAQS). The CAA goes on to require that SIPs:

Include a program to provide for the . . . regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of [Title I of the CAA].

42 U.S.C. § 7410(a)(2)(C). State and federal regulations adopted under this section are commonly referred to as "new source review" programs because they apply to newly constructed and modified, as opposed to existing, sources. The CAA divides NSR requirements into those that apply to attainment areas (Part C requirements) and those that apply to nonattainment areas (Part D requirements). This rulemaking focuses on Part D of Title I of the CAA.

Part D of Title I of the CAA establishes a NSR program for major sources and modifications in nonattainment areas. This program is known as "Nonattainment New Source Review" (NNSR). Under Subpart 1 of Part D, a major source is defined as any source that emits, or has the potential to emit, 100 tons per year or more of a pollutant for which the area has been designated nonattainment. Subpart 4 of Part D establishes specific requirements for NNSR in PM<sub>10</sub> and PM<sub>2.5</sub> nonattainment areas.

Permit applicants subject to NNSR requirements under Part D must demonstrate that a major source or modification will comply with the lowest achievable emission rate (LAER) and that reductions in emissions from the same source or other sources will offset any emissions increases from the new or modified source.

**CAA Sanctions.**

Under the CAA and federal regulations, if EPA disapproves any element of a plan submitted under Title I, Part D of the CAA relating to nonattainment areas, and the plan deficiencies are not corrected within 18 months after the effective date of the disapproval, major sources subject to NNSR will have to offset emissions increases at a ratio of 2 to 1. 42 U.S.C. § 7509(a), (b)(2); 40 CFR § 52.31(d)(1). If the deficiencies remain uncorrected for an additional six months, the state loses most federal highway funds in the



affected area. 42 USC § 7509(a), (b)(1); 40 CFR § 52.31(d)(1). If imposed, the sanctions will apply to nonattainment areas under ADEQ's jurisdiction and the pollutants covered by the plan and will remain in effect until EPA finds that a revised plan corrects the deficiencies. 40 CFR § 52.31(b)(3), (d)(2), (5).

Additionally, EPA is required to adopt a federal implementation plan (FIP) within twenty-four months following the disapproval of any SIP if the deficiencies are not corrected and approved. 42 U.S.C. § 7410(c). ADEQ therefore must correct *all* deficiencies identified in the 2016 limited disapproval and the 2018 conditional approval, described below, in order to avoid sanctions and a FIP.

#### **Arizona's Previous NSR Rulemaking, SIP Revision, and EPA's Decisions.**

Below is a timeline of events relevant to this rulemaking:

On June 6, 2012, ADEQ adopted comprehensive amendments to the state's air permit program designed, among other things, to bring the program into compliance with federal nonattainment new source review (NNSR) regulations. ADEQ submitted these amendments to EPA as a SIP revision on October 29, 2012 (the "2012 NSR SIP").

On June 22, 2016, EPA published a limited disapproval of the 2012 NSR SIP for failure to regulate VOCs and ammonia as PM<sub>2.5</sub> precursors in the West Central Pinal (WCP) and Nogales PM<sub>2.5</sub> nonattainment areas. This limited disapproval established a deadline of January 22, 2018 (18 months after the disapproval) for ADEQ to cure the deficiency or face the imposition of offset sanctions in those nonattainment areas. If an additional six months passed after that deadline before ADEQ failed to cure the deficiency, highway sanctions would be imposed.

On February 2, 2017, ADEQ adopted amendments to its rules designed, among other things, to cure the deficiencies relating to PM<sub>2.5</sub> precursors identified in EPA's June 22, 2016 limited disapproval. On April 28, 2017, ADEQ submitted these amendments as a SIP revision (the "2017 NSR SIP").

On June 6, 2017, EPA proposed limited approval and limited disapproval of the 2017 NSR SIP. The limited disapproval noted that the 2017 NSR SIP addressed all requirements for PM<sub>2.5</sub> precursors, except for establishing a significant level for ammonia. A significant level is the threshold for emissions increases at major sources that are subject to NNSR. EPA rules establish significant levels for all pollutants subject to NNSR, except ammonia. Under section 189(e) of the Clean Air Act and 40 CFR 51.165(a)(1)(x)(F), states containing PM<sub>2.5</sub> nonattainment areas are obligated either to adopt a significant level for ammonia or to demonstrate that ammonia does not contribute to the failure to attain the PM<sub>2.5</sub> NAAQS.

On December 6, 2017, ADEQ sent EPA a letter committing to correct the deficiency with regard to ammonia by March 31, 2019 by submitting either (1) a demonstration that ammonia does not contribute to nonattainment in the WCP and Nogales PM<sub>2.5</sub> nonattainment areas or (2) a rule establishing a significant level for ammonia (the "December 2017 commitment"). Based on this commitment, EPA proposed conditional approval of the 2017 NSR SIP with regard to PM<sub>2.5</sub> precursors on January 10, 2018. This proposal had the effect of deferring sanctions. EPA published a final conditional approval on May 4, 2018.

On March 29, 2019, ADEQ submitted a SIP revision to EPA, pursuant to 40 CFR § 51.165(a)(13), demonstrating that ammonia does not significantly contribute to PM<sub>2.5</sub> nonattainment in Arizona. ADEQ's March 29, 2019 SIP Revision: Demonstration of a Significant Emission Rate for Ammonia is available at: <http://azdeq.gov/node/5742>. Based on subsequent conversations between EPA and ADEQ staff, EPA staff believes the March 29, 2019 submission is not approvable. In order to assure that the requirements of Title I, Part D of the CAA are met and the terms of the 2018 conditional approval are satisfied, ADEQ amend its rules to include a SER for ammonia, as a PM<sub>2.5</sub> precursor, in PM<sub>2.5</sub> nonattainment areas.

#### **Amendment is Necessary to Address NSR Deficiency**

Pursuant to ADEQ's December 2017 commitment and the EPA's conditional approval (83 Fed. Reg. 19631 (May 4, 2018)), this rulemaking establishes a significant level for ammonia as a precursor of PM<sub>2.5</sub> in PM<sub>2.5</sub> nonattainment areas in Arizona.

As described above, the purpose of this rulemaking is to correct the single, remaining deficiency identified in the 2016 limited disapproval, and the 2018 conditional approval. This rulemaking will ensure Arizona's NSR program conforms to federal requirements and qualifies for full approval by EPA. In order to address the remaining deficiency identified by the EPA regarding ammonia as a PM<sub>2.5</sub> precursor, ADEQ committed to adopt rule revisions to satisfy the requirements of CAA § 189(e) and related NNSR regulations. Therefore, ADEQ amends the definition of significant, as it relates to PM<sub>2.5</sub> nonattainment areas (R18-2-101(131)(e)), to add an emission rate of ammonia in the amount of 40 tons per year.

The SER of 40 tons per year of ammonia was selected by examining other, similarly situated PM<sub>2.5</sub> nonattainment areas within EPA Region IX. Recently, EPA approved a California SIP revision that implemented a SER for ammonia for the South Coast Air Quality Management District. 83 FR 39012 (Aug. 8, 2018) (proposed rule); 83 FR 61551 (Nov. 30, 2018) (final rule). In order to meet its NNSR obligations under the CAA, the South Coast Air Quality Management District selected a SER of 40 tons per year of ammonia. Additionally, EPA proposed approval of the Imperial Valley Air Pollution Control District's SIP revision establishing a SER of 40 tons per year of ammonia. 84 FR 10573 (Mar. 22, 2019).

Additionally, this SER for ammonia is consistent with the SER of 40 tons per year that EPA has established for sulfur dioxide, oxides of nitrogen, and volatile organic compounds (VOCs) as precursors to PM<sub>2.5</sub>. 73 FR 28321, 28333 (May 16, 2008); *see also* 40 CFR § 51.165(a)(1)(x)(A).

**Subsections not amended listed as "No change":** ADEQ has made use of the option in the Secretary of State rule A.A.C. R1-1-502(B)(18)(f) to list some sections not amended as "No change" rather than showing sometimes long sections of text that are not being changed. Certain other subsections' unchanged text are shown to provide context for nearby rule changes. "No change" does not mean comments on rule text listed as "No change" will not be considered. However, the exception to the rules moratorium granted by the Governor to ADEQ to do this rulemaking may limit what ADEQ can actually implement.

**Section by Section explanation of rule changes:**

R18-2-101 Amend the definition of “significant” used in the major NSR programs and related permit rules to add significant emission rate for ammonia and to clarify language related to volatile organic compound significant emission rate.

R18-2-301 Amend incorporation by reference of 40 CFR 51, Appendix W.

R18-2-302.01 Amend language regarding affected areas to improve clarity and consistency and correct typographical error in citation to 40 CFR 51, Subpart I.

R18-2-304 Amend internal cross references to improve clarity.

R18-2-334 Amend incorporations by reference of 40 CFR 51, Appendix W; amend language regarding affected areas to improve clarity and consistency.

R18-2-406 Amend incorporation by reference of 40 CFR 51, Appendix W.

**7. 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:**

Not applicable

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

Not applicable

**9. A summary of the economic, small business, and consumer impact:**

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

**An identification of the rulemaking.**

The rulemaking addressed by this EIS is the adoption of amendments designed to bring ADEQ’s new source review (NSR) rules into conformance with federal requirements. This rulemaking will remedy the remaining deficiency identified by EPA in its 2016 limited disapproval and 2018 conditional approval to bring Arizona’s NSR program into conformity with federal requirements. All other deficiencies were remedied in previous rulemakings. The changes are described in greater detail in section 5 of this notice of final rulemaking.

This change is procedural or technical in nature and should have at most a trivial economic impact on the agency, businesses or consumers.

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

In order for the ammonia SER in this rulemaking to have any regulatory impact, an existing source with the potential to emit 100 tons per year for ammonia located in one of the two PM<sub>2.5</sub> nonattainment areas would have to undergo a physical or operational change that results in a net increase of at least 40 tons per year of ammonia emissions. There are currently no such sources located anywhere in the Nogales or West Central Pinal nonattainment areas, and it is extraordinarily improbable that any will be constructed in the future. Thus, this rulemaking is highly unlikely to impose any economic costs on the regulated community or to result in any environmental benefits. Additionally, if a new source of ammonia with a maximum capacity to emit, with elective limits, equal to or greater than 40 tons of ammonia per year seeks to be constructed or commence operation in a PM<sub>2.5</sub> nonattainment, that source will be required to obtain a Class II Permit. A.A.C. R18-2-302(B)(2). Finally, if there is a physical or operational change at source, that would cause the source to emit or have the maximum capacity to emit with any elective limits equal to or greater than 40 tons of ammonia, it would be required to obtain a Class II permit. *Id.*

On the other hand, avoiding the potential federal highway funds sanctions will benefit the State and residents of Arizona.

**A cost benefit analysis of the following:**

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

ADEQ’s increased cost of implementing the NSR program resulting from the procedural and technical changes contained in this rule change will likely be minimal. This rulemaking consists of adjustments to existing programs to conform to EPA’s conditional approval and federal and state requirements.

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

The costs to political subdivisions subject to permitting under ADEQ’s rules from these rule amendments should be minimal. In general, the types of sources operated by political subdivisions are very unlikely to be subject to major NSR, and as noted above it is highly unlikely that any source will be subject to NNSR as a result of this rulemaking. ADEQ considers any impacts to sources in counties with their own pollution control programs to be indirect.

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

As discussed above, the amendment to R18-2-101 rules is necessary to comply with federal requirements for the program. If ADEQ fails to adopt this amendment, the same or similar standard would ultimately apply to sources in Arizona through the adoption of a federal implementation plan (FIP) or the application of 40 CFR Part 51, Appendix S. In addition, Title I, Part D of the CAA imposes a limited time for ADEQ to adopt the NSR amendments. Failure to meet the statutory timeframe will result in sanctions by the federal government, as described above.



The changes to R18-2-301, R18-2-302.01, R18-2-304, R18-2-334, and R18-2-406 are technical corrections for clarity and have no economic impact.

Thus, failure to adopt these amendments would not in the long run result in the avoidance of any costs of compliance for the reasons given above, but would result in a substantial negative impact on the state’s economy.

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

ADEQ does not believe that any additional costs will be imposed on businesses as a result of the amended NSR requirements for the reasons described above. Accordingly, there should be no impact on private employment or on the employment of any political subdivision subject to NSR.

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

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

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

As previously mentioned, there are no existing or proposed major sources of ammonia within ADEQ’s jurisdiction and therefore no small businesses would be subject to this rulemaking.

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

Not applicable.

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

Not applicable.

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

Not applicable.

**A statement of the probable effect on state revenues.**

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

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

ADEQ was not able to identify any less intrusive or costly alternative methods for achieving the purpose of the rulemaking—compliance with the federal NSR requirements for ammonia as PM<sub>2.5</sub> precursor.

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

Data on which this final rulemaking is based on can be located by referring to the Federal Register notices referenced in part 5 of this Notice of Final Rulemaking (NFRM). Copies of the Federal Register are available at either <https://www.federalregister.gov/> or <https://www.govinfo.gov/app/collection/fr/>. A copy of ADEQ’s SIP Revision: Demonstration of a Significant Emission Rate for Ammonia is available at: <http://azdeq.gov/node/6450>.

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

In response to the NPRM (25 A.A.R. 993), ADEQ received a public comment from EPA stating that other rules related to the NSR program require amendment. ADEQ agrees that these changes need to be made but believes that some of them are substantially different from the rule proposed in the NPRM. Therefore, the public is entitled to comment on them through a Notice of Supplement Proposed Rulemaking before they are adopted. A.R.S. § 41-1025.

EPA commented that incorporations by reference of 40 C.F.R. Part 51, Appendix W (Appendix W) in R18-2-301 and R18-2-406, as of July 1, 2015, were out of date. On June 30, 2017, EPA substantially amended Appendix W. R18-2-406 is part of ADEQ’s prevention of significant deterioration (PSD) program. PSD is a required element of an infrastructure SIP (I-SIP) and these out of date references could interfere with future I-SIP approvals. CAA § 110(a)(2). Therefore, to ensure consistency and prevent I-SIP approval issues, ADEQ is amending all references to Appendix W, except for the reference in A.A.C. Title 18, Chapter 2, Appendix 2, which is already up to date.

Additionally, EPA’s comment pointed out inconsistent language between A.A.C. R18-2-334(C)(2) and R18-2-302.01(C)(1) related to ambient air quality assessments. In order to improve clarity, ADEQ amended the language to make these two rules consistent.

EPA’s comment identified several internal cross-references in A.A.C. R18-2-304(F) and (J), and R18-2-334(G) that contained minor typographical errors. ADEQ is making these corrections to improve the clarity of its NSR rules. ADEQ does not believe that these changes are substantial.

ADEQ received comments from other stakeholders. ADEQ will respond to these comments in the Notice of Final Rulemaking.

Finally, ADEQ’s amended language for the definition of significant that differs from the NPRM’s proposed language. A.R.S. § 41-1025. The NPRM’s proposed language would have affected Class II permitting requirements. Such an affect would have been beyond NNSR’s requirements for ammonia, as a precursor to PM<sub>2.5</sub>, in PM<sub>2.5</sub> nonattainment areas. A.R.S. § 49-104(A)(16). Therefore, the amended language assures the SER for ammonia only applies to NNSR. Second, ADEQ is amending the definition of significant for VOCs to make the language consistent with other subsections.

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

**Comment 1 (EPA):** In response to the NPRM, ADEQ received a public comment from EPA that generally expressed support for the proposed significant emission rate of 40 tons per year of ammonia, as a PM<sub>2.5</sub> precursor, in PM<sub>2.5</sub> nonattainment areas.

**ADEQ's Response to Comment 1:** ADEQ appreciates the EPA's comment in support of the proposed significant emission rate of 40 tons per year of ammonia, as a PM<sub>2.5</sub> precursor, in PM<sub>2.5</sub> nonattainment areas.

**Comment 2 (EPA):** EPA commented regarding potential typographical errors in following rules: A.A.C. R18-2-304(F)(1, 6, and 8), R18-2-304(J)(2), and R18-2-304(B).

**ADEQ's Response to Comment 2:** ADEQ amended the typographical errors in the R18-2-304(F)(1, 6, and 8), R18-2-304(J)(2), and R18-2-304(B).

**Comment 3 (EPA):** EPA commented regarding a typographical error in A.A.C. R18-2-334(G).

**ADEQ's Response to Comment 3:** ADEQ corrected the typographical error in A.A.C. R18-2-334(G).

**Comment 3 (EPA):** EPA commented regarding various references to 40 CFR Part 51, Appendix W (Appendix W) in ADEQ's rules in A.A.C. R18-2-301(21), R18-2-334(H), R18-2-406(A)(6), and Appendix 2 to Title 18, Chapter 2. EPA commented that these references to Appendix W do not consistently refer to the same incorporation by reference date.

**ADEQ's Response to Comment 3:** ADEQ updated the incorporations by reference to 40 CFR Part 51, Appendix W (Appendix W) in ADEQ's rules in A.A.C. R18-2-301(21), R18-2-334(H), R18-2-406(A)(6).

**Comment 4 (EPA):** EPA commented regarding inconsistent language related to ambient air quality assessment between R18-2-334(C)(2) which refers to "Arizona or any affected state" and R18-2-302.01(C)(1) which refers to "Arizona or any affected state or Indian reservation." EPA suggested that the reference to "or Indian reservation" appears to have been inadvertently not added to R18-2-334(C)(2).

**ADEQ's Response to Comment 4:** ADEQ has made the suggestion EPA suggested.

**Comment 5 (Jane Magee):** In response to the NPRM, ADEQ received one public comment that expressed support for the proposed rule.

**ADEQ's Response to Comment 5:** ADEQ appreciates this commenter's support for this rulemaking.

**Comment 6 (Daniel Blackson):** In response to the NPRM, ADEQ received a public comment that supported the proposed rule change. Additionally, the comment expressed a desire the ADEQ re-evaluate Section 8 of its preamble in the Notice of Proposed Rulemaking (NPRM). The commenter expressed their desire that ADEQ regulate air pollution emissions from animal feeding operations. The commenter specifically discussed the Hickman's Family Farms property located 12710 N. Murphy Road, Maricopa County, Pinal County, Arizona.

**ADEQ's Response to Comment 6:** ADEQ appreciates this commenter's support for its proposed rule.

Regarding the commenter's interpretation of the Clean Air Act's requirement, ADEQ agrees that there can be circumstances where agricultural feeding operations can be subject to the Title V of the Clean Air Act, as a major stationary source. However, as stated in Section 8 of the NPRM's preamble, ADEQ is not aware of any major sources of ammonia located in either the Nogales or WCP PM<sub>2.5</sub> nonattainment areas. The boundaries of the PM<sub>2.5</sub> nonattainment areas are defined at 40 C.F.R. § 81.303.

Regarding this commenter's point about a specific stationary source, specific permitting decisions are beyond the scope of this rulemaking. Additionally, this comment focused on ammonia emissions from the Hickman's Family Farm's property located at 12710 N. Murphy Road, Maricopa County, Pinal County, Arizona. This facility is located on the Ak-Chin Indian Community of the Maricopa Indian Reservation, a federally recognized tribe, and is therefore outside of ADEQ's jurisdiction. Further, this particular agricultural property is not located within either the Nogales or the WCP PM<sub>2.5</sub> nonattainment area. See 40 C.F.R. § 81.303.

**Comment 7 (Arizona Electric Power Cooperative):** In response to the NPRM, AEPCO commented that it believed ADEQ did not consider whether the regulated community would be significantly impacted if PM<sub>2.5</sub> NAAQS is changed. AEPCO's comment focused on EPA's current review and collaboration with the Clean Air Scientific Advisory Committee (CASAC) regarding the current particulate matter NAAQS. AEPCO's comment expressed concern that about the possibility of redesignation of different parts of the Arizona if a new PM<sub>2.5</sub> NAAQS is adopted by EPA and CASAC. AEPCO's comment expressed concern because the Apache Generating Station utilizes a technology to reduce oxides of nitrogen (NO<sub>x</sub>) that can emit ammonia into the ambient air, if parts of Cochise County become designated as nonattainment, it could become subject to this requirement. In support of this concern, AEPCO pointed to a presentation by Anna Marie Wood, former Director for the Air Quality Policy Division at the EPA's Office of Air Quality Planning and Standards.

**ADEQ's Response to Comment 7:** ADEQ understands AEPCO's concern that a revised NAAQS could affect the regulated community and the anticipated costs of this rulemaking. However, ADEQ believes three factors weigh against AEPCO's concern.

First, while CASAC is reviewing the PM<sub>2.5</sub> NAAQS at this time, ADEQ believes it is unlikely that the CASAC will update this standard upon completion of its review. In December 2018 and March 2019, CASAC reviewed the EPA's October 2018 Draft Integrated Science Assessment for Particulate Matter (Draft ISA). CASAC's overall finding was that "the Draft ISA does not provide a sufficiently, comprehensive, systematic assessment of the available science relevant to understanding the health impacts of exposure to particulate matter." CASAC Letter to EPA Administrator Andrew Wheeler (April 11, 2019), available at [https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebReportsLastMonthCASAC/6CBCBBC3025E13B4852583D90047B352/\\$File/EPA-CASAC-19-002+.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebReportsLastMonthCASAC/6CBCBBC3025E13B4852583D90047B352/$File/EPA-CASAC-19-002+.pdf) (last accessed June 10, 2019). CASAC went on to recommend that a second draft of the ISA be prepared for CASAC review to address the limitations that CASAC identified in the first draft. *Id.* Based on the current status of CASAC's review, ADEQ believes that it is highly unlikely that CASAC and EPA will revise the current PM<sub>2.5</sub> NAAQS at this time.



Additionally, Director Woods' presentation cited by AEPCO provides a timeline for the NAAQS review process. However, there is no information in the presentation to indicate that EPA is likely to alter this NAAQS. This presentation merely provided stakeholders a timeline for the statutorily required CASAC review process. *See generally* CAA § 109 (42 U.S.C. § 7409).

Second, Cochise County (where the Apache Generating Station is located) is currently designated as unclassifiable/attainment for the PM<sub>2.5</sub> NAAQS. *See* 40 C.F.R. § 81.303. ADEQ believes that is unlikely that Cochise County will redesignated as a PM<sub>2.5</sub> non-attainment area as ambient air concentrations of PM<sub>2.5</sub> are approximately 43% of the current NAAQS. ADEQ's 2017 Annual Ambient Air Assessment Report details PM<sub>2.5</sub> ambient air concentrations in greater detail. *Available at* [http://static.azdeq.gov/aqd/air\\_report2017.pdf](http://static.azdeq.gov/aqd/air_report2017.pdf). ADEQ's report and current monitoring data support ADEQ's position that, based on current and historic PM<sub>2.5</sub> levels, it is highly unlikely that any portions of Cochise County will be redesignated as nonattainment if the PM<sub>2.5</sub> NAAQS is lowered. Therefore, AEPCO's concerns are speculative and ADEQ is unable to quantify AEPCO's conjecture about cost. ADEQ is mindful of AEPCO's concerns, but is limited to analyzing the probable impacts of its rulemaking.

Third, ADEQ disagrees with AEPCO's assertion that it views this rulemaking as merely procedural and failed to consider the costs. A.R.S. § 41-1055 requires ADEQ's EIS to be limited to the *probable* costs and benefits of any particular rulemaking. AEPCO's comment regarding the potential costs is too speculative for ADEQ to predict at this time. AEPCO is requesting ADEQ speculate on unpredictable variables, including: 1) whether CASAC will set a new PM<sub>2.5</sub> NAAQS; 2) what standard CASAC might establish; 3) what portions of Arizona might be redesignated under this hypothetical NAAQS revision; and 4) whether the Apache Generating Station will engage in a major modification that would increase its ammonia emissions by an additional 40 tons per year. These concerns are too speculative for ADEQ to predict and are outside of the scope of the analysis required by A.R.S. § 41-1055. As required by A.R.S. § 41-1056, ADEQ will periodically reassess the economic impact of this rule. A.R.S. § 41-1056(a)(6) requires that ADEQ review its rules every five years, including a comparison of the estimated economic, small business, and consumer impact of these rules compared to the EIS in this rulemaking.

**Comment 8 (AEPCO):** AEPCO's second comment analyzed the history of how the EPA established the 40 tpy SER for SO<sub>2</sub>, NO<sub>x</sub>, and VOCs in 1980. AEPCO's comment takes the position that these SERs established with very conservative modeling approaches and is therefore too low. AEPCO suggested that if this analysis was conducted today using AERMOD, EPA would reach a different result.

**ADEQ Response to Comment 8 (AEPCO):** ADEQ appreciates AEPCO's comment regarding the EPA's 1980 analysis for various criteria pollutants. However, reassessing the EPA's analysis is beyond the scope of this rulemaking. Unlike ADEQ, EPA has the legal authority to address this commenter's concerns about its historical modeling. While EPA's approach to this modeling was conservative, it does not conflict with the CAA's requirements. Additionally, reassessing EPA's modeling from 1980 is beyond the scope of this rulemaking.

**Comment 9 (AEPCO):** AEPCO commented that technical support for California's selection of the NNSR ammonia SER of 40 tpy was not provided beyond a simple adoption of the other pollutants' SER. This comment discussed the San Joaquin Valley Air Pollution Control District's approach (SJVAPCD) that reducing NO<sub>x</sub> emissions is the most effective way to reduce PM<sub>2.5</sub> and that ammonia plays an inconsequential role in particulate formation in the San Joaquin Valley. Additionally, AEPCO commented that in 2018, the California Air Resources Board (CARB) drafted a report that concluded that PM<sub>2.5</sub> levels in the San Joaquin Valley are not sensitive to ammonia reductions.

**ADEQ Response to Comment 9 (AEPCO):** ADEQ agrees that the South Coast Air Quality Management District's (SCAQMD) ammonia SER was selected by adopting the SER for other pollutants. ADEQ agrees the Imperial Valley Air Pollution Control District's (IVAPCD) ammonia SER and EPA's proposed approval utilize this same conservative approach. ADEQ agrees that this approach is a conservative one. However, this approach is consistent with the CAA and satisfies EPA's requirements.

In order to have fully approved NSR SIP revision, Arizona's plan must meet the requirements of CAA § 189(e) and 40 C.F.R. Part 51. Under 40 C.F.R. §§ 51.165(a)(13) and 51.1006, a state may choose to pursue a precursor demonstration by conducting a concentration-based contribution analysis. 40 C.F.R. § 51.1006(a)(i). If the concentration-based contribution analysis does not demonstrate a finding of insignificant contribution, the state may submit a sensitivity-based contribution analysis. 40 C.F.R. § 51.1006(a)(ii). However, this precursor demonstration is optional and within the discretion of the State to elect to undertake. 40 C.F.R. § 51.1006(a) ("A state **may elect** to submit to the EPA one or more precursor demonstrations for a specific nonattainment areas.") (emphasis added). This permissive option does not require ADEQ to conduct this precursor demonstration.

On March 29, 2019, ADEQ submitted a precursor demonstration, pursuant to 40 CFR § 51.165(a)(13), demonstrating that ammonia does not significantly contribute to PM<sub>2.5</sub> nonattainment in Arizona. This demonstration cited the study by Watson, J., Chow, J., Lurmann F., Musarra S., 1994, "Ammonium Nitrate, Nitric Acid and Ammonia Equilibrium in Wintertime Phoenix Arizona," in support of its position that there is excess ammonia in Arizona.

In addition to the study cited by the commenter, ADEQ's analysis also showed: 1) from 2010 to 2014, emissions in the Nogales NAA of NO<sub>x</sub> and SO<sub>x</sub> decreased by 319.8 tons and 31.2 tons respectively while ammonia emissions increased slightly by 3.9 tons; showing the area was shifting even further toward being SO<sub>x</sub>/NO<sub>x</sub> limited; 2) Interagency Monitoring of Protected Visual Environments (IMPROVE) monitoring data from the Nogales Post office shows that sulfates and nitrates are a small contributor (12%) to PM<sub>2.5</sub> concentrations in the Nogales area; 3) a 2010 ADEQ study (based on the 2003 – 2005 data) in the WCP NAA shows that secondary particulate formation is a minor contributor (7%) to fine particulate matter concentrations; 4) a 2013 ADEQ study (based on 2009 – 2010 data) showing that ammonia species account for less than 10% of total PM<sub>2.5</sub> concentration; and 5) a review of data collected by Clean Air Status and Trends Network (CASTNET) and the National Atmospheric Deposition Program (NADP) ammonia monitoring network (AMoN) in the western United States showed the monitors recorded excess ammonia in the atmosphere when compared to concentrations of NO<sub>x</sub> and SO<sub>x</sub>.



ADEQ took the position regulation of ammonia in Arizona's PM<sub>2.5</sub> nonattainment areas is not necessary. Based on subsequent conversations between EPA and ADEQ staff, EPA staff believes that this submission is needs to be supplemented with an ammonia SER in order to be approvable. ADEQ disagrees with EPA staff's assessment. However, in order to assure that the requirements of Title I, Part D of the CAA are met and the terms of the 2018 conditional approval are satisfied, ADEQ adopts and submits a SER for ammonia, as a PM<sub>2.5</sub> precursor in PM<sub>2.5</sub> nonattainment areas, at a rate of 40 tpy.

If a State elects not to undertake the optional precursor demonstration or if a State's demonstration is not approved, the State must comply with 40 C.F.R. § 51.165(x)(F). Specifically the regulation states, in relevant part that "the plan shall also define 'significant for Ammonia for that area, subject to approval by the Administrator.'" 40 C.F.R. § 51.165(x)(F). The SCAQMD and ICAQMD SIP revisions do not provide technical demonstrations, instead relying on EPA's established SERs for other precursors. 40 C.F.R. 51.165(x)(F). For SCAQMD, the EPA Administrator determined that the 40 tpy SER for ammonia satisfied the requirements of CAA § 189(e). For IVAPCD, this approach is also likely approvable. While this may represent a conservative approach, meets CAA requirements and is very likely approvable by the EPA Administrator under CAA § 110. As the 40 tpy SER for ammonia has met the Administrator's approval, ADEQ will adopt that 40 tpy SER for ammonia to obtain full approval of its NSR SIP revision.

Arizona's demonstration is similar to the San Joaquin Valley Air Pollution Control District (SJVAPCD)'s demonstration, in that both take the position that ammonia does not significantly contribute to particulate formation in the relevant PM<sub>2.5</sub> nonattainment areas. It is important to note that EPA has not acted on the SJVAPCD's precursor demonstration. While ADEQ expresses no opinion regarding the potential approvability of SJVAPCD's plan, ADEQ notes that EPA has not proposed approval of this plan either.

**Comment 10 (AEPSCO):** AEPSCO commented that a 70 tpy SER for ammonia has been demonstrated by Utah for nonattainment areas (NAAs) and is more applicable than 40 tpy, though still likely conservative, for Arizona. This comment analyzed the Utah Department of Environmental Quality's modeling in support of their proposed ammonia SER of 70 tpy. AEPSCO stated, "Being in a warmer climate than Utah, if Arizona were to perform its own NNSR demonstration, it would likely result in a higher ammonia SER because, as noted by Watson et al., ammonium nitrate dominates over ammonium sulfate in Arizona and less particulate matter is formed at higher temperatures for the same precursor emissions."

**ADEQ Response to Comment 10:** As discussed above in ADEQ's response to Comment 9, on March 29, 2019, ADEQ submitted a precursor demonstration, pursuant to 40 CFR § 51.165(a)(13), demonstrating that ammonia does not significantly contribute to PM<sub>2.5</sub> nonattainment in Arizona. Given EPA's position regarding the approvability of that demonstration, ADEQ has chosen to adopt and submit an ammonia SER as a PM<sub>2.5</sub> precursor in PM<sub>2.5</sub> nonattainment areas. A 40 tpy ammonia SER will assure that the requirements of Title I, Part D of the CAA are met and the terms of the 2018 conditional approval are satisfied.

ADEQ declines to conduct a second demonstration to attempt establishing a higher SER for ammonia. While a 70 tpy SER for ammonia might be as effective as the proposed 40 tpy SER in controlling PM<sub>2.5</sub> pollution, EPA will likely only approve such a SER if ADEQ submits modeling in support of this SER. See 40 C.F.R. § 51.1006. As discussed above, this precursor demonstration is optional. Given the EPA's position on the March 29, 2019 precursor demonstration, ADEQ's December 2017 commitment letter, and the imminent risk of sanctions ADEQ utilizes its discretion to not submit a second precursor demonstration.

Finally, EPA, which ultimately must approve this rule into Arizona's SIP, has provided its support for the 40 tpy SER (See Comment 1, *supra*). Therefore, ADEQ will adopt the proposed rule language for the 40 tpy SER for ammonia, as a PM<sub>2.5</sub> precursor in PM<sub>2.5</sub> nonattainment areas.

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

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

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

These rules do not require any permits as it is to comply with CAA NSR regulations for any applicable new construction or major modification of a stationary source that falls under ADEQ's jurisdiction. Federal law does allow for the enforcement of major NSR requirements through the issuance of permits, because major NSR requires case-by-case, facility specific determinations.

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

These rules help Arizona comply with the federal Clean Air Act, Title I, Parts C and D. These rules are no more stringent than required by federal law.

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

No person(s) submitted an analysis to ADEQ.

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

**Incorporation**

40 CFR 51, Appendix W

**Locations in Rule**

R18-2-301(21), R18-2-334(H), and R18-2-406(A)(6)

The Code of Federal Regulations is published by the United States Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, is on file with the Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona 85007, and is available at the Arizona State Library, Archives & Public Records, 1700 West Washington Street, Phoenix, Arizona 85007 and at other Federal depository libraries in the state (see [http://catalog.gpo.gov/fdlpdir/FDLP-dir.jsp?st\\_12=AZ&flag=searchp](http://catalog.gpo.gov/fdlpdir/FDLP-dir.jsp?st_12=AZ&flag=searchp)). It is also available online at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.



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

Not applicable

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

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

**ARTICLE 1. GENERAL**

Section  
R18-2-101. Definitions

**ARTICLE 3. PERMITS AND PERMIT REVISIONS**

Section  
R18-2-301. Definitions  
R18-2-302.01. Source Registration Requirements  
R18-2-304. Permit Application Processing Procedures  
R18-2-334. Minor New Source Review

**ARTICLE 4. PERMIT REQUIREMENTS FOR NEW MAJOR  
SOURCES AND MAJOR MODIFICATIONS TO EXISTING MAJOR SOURCES**

Section  
R18-2-406. Permit Requirements for Sources Located in Attainment and Unclassifiable Areas

**ARTICLE 1. GENERAL**

**R18-2-101. Definitions**

The following definitions apply to this Chapter. Where the same term is defined in this Section and in the definitions Section for an Article of this Chapter, the Article-specific definition shall apply.

1. No change
2. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
12. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. No change
13. No change
  - a. No change
  - b. No change
  - c. No change
14. No change
15. No change
16. No change
  - a. No change
  - b. No change
17. No change
18. No change



19. No change
20. No change
  - a. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
  - b. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
    - v. No change
    - vi. No change
  - c. No change
21. No change
22. No change
23. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. No change
  - g. No change
  - h. No change
  - i. No change
  - j. No change
  - k. No change
  - l. No change
  - m. No change
  - n. No change
  - o. No change
  - p. No change
  - q. No change
  - r. No change
  - s. No change
  - t. No change
  - u. No change
  - v. No change
  - w. No change
  - x. No change
  - y. No change
  - z. No change
24. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
    - i. No change
    - ii. No change
    - iii. No change
  - e. No change
25. No change
26. No change
27. No change
28. No change
29. No change
30. No change
31. No change
  - a. No change
  - b. No change
32. No change
33. No change
34. No change
35. No change



- 36. No change
- 37. No change
- 38. No change
- 39. No change
- 40. No change
- 41. No change
- 42. No change
- 43. No change
- 44. No change
- 45. No change
- 46. No change
- 47. No change
- 48. No change
- 49. No change
- 50. No change
- 51. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. No change
  - g. No change
  - h. No change
  - i. No change
  - j. No change
  - k. No change
  - l. No change
- 52. No change
- 53. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
- 54. No change
- 55. No change
- 56. No change
- 57. No change
- 58. No change
- 59. No change
- 60. No change
- 61. No change
- 62. No change
- 63. No change
- 64. No change
- 65. No change
- 66. No change
- 67. No change
- 68. No change
  - a. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
    - v. No change
    - vi. No change
    - vii. No change
  - b. No change
  - c. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
    - v. No change
    - vi. No change
  - d. No change



- i. No change
  - ii. No change
  - iii. No change
  - iv. No change
- e. No change
  - i. No change
  - ii. No change
- f. No change
  - i. No change
  - ii. No change
  - iii. No change
- g. No change
  - i. No change
  - ii. No change
- 69. No change
- 70. No change
- 71. No change
- 72. No change
- 73. No change
- 74. No change
  - a. No change
  - b. No change
  - c. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
    - v. No change
      - (1) No change
      - (2) No change
      - (3) No change
    - vi. No change
      - (1) No change
      - (2) No change
      - (3) No change
    - vii. No change
    - viii. No change
    - ix. No change
      - (1) No change
      - (2) No change
    - x. No change
    - xi. No change
  - d. No change
- 75. No change
  - a. No change
  - b. No change
    - i. No change
    - ii. No change
  - c. No change
- 76. No change
- 77. No change
- 78. No change
- 79. No change
- 80. No change
  - a. No change
  - b. No change
  - c. No change
- 81. No change
- 82. No change
- 83. No change
- 84. No change
- 85. No change
- 86. No change
- 87. No change
- 88. No change
  - a. No change



- i. No change
  - ii. No change
  - iii. No change
- b. No change
  - i. No change
  - ii. No change
- c. No change
- d. No change
- e. No change
- f. No change
  - i. No change
  - ii. No change
  - iii. No change
  - iv. No change
  - v. No change
- g. No change
- h. No change
- 89. No change
- 90. No change
- 91. No change
- 92. No change
- 93. No change
- 94. No change
- 95. No change
- 96. No change
- 97. No change
- 98. No change
- 99. No change
- 100. No change
- 101. No change
- 102. No change
- 103. No change
- 104. No change
- 105. No change
- 106. No change
- 107. No change
- 108. No change
- 109. No change
- 110. No change
- 111. No change
- 112. No change
- 113. No change
- 114. No change
- 115. No change
- 116. No change
- 117. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
- 118. No change
- 119. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
- 120. No change
- 121. No change
- 122. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
    - i. No change
    - ii. No change
  - e. No change



- 123. No change
  - a. No change
  - b. No change
- 124. No change
  - a. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
  - b. No change
    - i. No change
    - ii. No change
    - iii. No change
  - c. No change
  - d. No change
- 125. No change
  - a. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
    - v. No change
    - vi. No change
    - vii. No change
  - b. No change
  - c. No change
- 126. No change
- 127. No change
- 128. No change
- 129. No change
  - a. No change
  - b. No change
- 130. No change
- 131. “Significant” means, in reference to a significant emissions increase, a net emissions increase, a stationary source’s potential to emit or a stationary source’s maximum capacity to emit with any elective limits as defined in R18-2-301(13):
  - a. A rate of emissions of conventional pollutants that would equal or exceed any of the following:

<b>Pollutant</b>	<b>Emissions Rate</b>
Carbon monoxide	100 tons per year (tpy)
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
PM <sub>10</sub>	15 tpy
PM <sub>2.5</sub>	10 tpy of direct PM <sub>2.5</sub> emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide emissions.
Ozone	40 tpy of VOC or nitrogen oxides
Lead	0.6 tpy

- b. For purposes of determining the applicability of R18-2-302(B)(2) or R18-2-406, in addition to the rates specified in subsection (131)(a), a rate of emissions of non-conventional pollutants that would equal or exceed any of the following:

<b>Pollutant</b>	<b>Emissions Rate</b>
Particulate matter	25 tpy
Fluorides	3 tpy
Sulfuric acid mist	7 tpy



Hydrogen sulfide (H <sub>2</sub> S)	10 tpy
Total reduced sulfur (including H <sub>2</sub> S)	10 tpy
Reduced sulfur compounds (including H <sub>2</sub> S)	10 tpy
Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	3.5 x 10 <sup>-6</sup> tpy
Municipal waste combustor metals (measured as particulate matter)	15 tpy
Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40 tpy
Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50 tpy
Any regulated NSR pollutant not specifically listed in this subsection (or) subsection (131)(a), <u>except for ammonia.</u>	Any emission rate

- c. In ozone nonattainment areas classified as serious or severe, the emission rate for nitrogen oxides or VOC determined under R18-2-405.
- d. In a carbon monoxide nonattainment area classified as serious, a rate of emissions that would equal or exceed 50 tons per year, if the Administrator has determined that stationary sources contribute significantly to carbon monoxide levels in that area.
- e. In PM<sub>2.5</sub> nonattainment areas, an emission rate that would equal or exceed 40 tons per year of VOC as a precursor of PM<sub>2.5</sub>.
- f. In PM<sub>2.5</sub> nonattainment areas, for purposes of determining the applicability of R18-2-403 or R18-2-404, an emission rate that would equal or exceed 40 tons per year of ammonia, as a precursor to PM<sub>2.5</sub>. This subsection shall take effect on the effective date of the Administrator's action approving it as part of the state implementation plan.
- gf. Notwithstanding the emission rates listed in subsection (131)(a) or (b), for purposes of determining the applicability of R18-2-406, any emissions rate or any net emissions increase associated with a major source or major modification, which would be constructed within 10 kilometers of a Class 1 area and have an impact on the ambient air quality of such area equal to or greater than 1 µg/m<sup>3</sup> (24-hour average).

- 132. No change
- 133. No change
- 134. No change
- 135. No change
- 136. No change
  - a. No change
  - b. No change
- 137. No change
- 138. No change
- 139. No change
- 140. No change
- 141. No change
- 142. No change
- 143. No change
- 144. No change
- 145. No change
- 146. No change
  - a. No change
    - i. No change



- ii. No change
- iii. No change
- b. No change
  - i. No change
  - ii. No change
  - iii. No change
  - iv. No change
  - v. No change
  - vi. No change
  - vii. No change
  - viii. No change
  - ix. No change
  - x. No change
  - xi. No change
  - xii. No change
  - xiii. No change
  - xiv. No change
  - xv. No change
  - xvi. No change
  - xvii. No change
  - xviii. No change
  - xix. No change
  - xx. No change
  - xxi. No change
  - xxii. No change
  - xxiii. No change
  - xxiv. No change
- c. No change
  - i. No change
  - ii. No change
  - iii. No change
  - iv. No change
  - v. No change
  - vi. No change
  - vii. No change
  - viii. No change
- d. No change
  - i. No change
  - ii. No change
  - iii. No change
  - iv. No change
  - v. No change
  - vi. No change
  - vii. No change
  - viii. No change
  - ix. No change
  - x. No change
  - xi. No change
  - xii. No change
- e. No change
  - i. No change
  - ii. No change
  - iii. No change
  - iv. No change
  - v. No change
  - vi. No change
  - vii. No change
- f. No change
  - i. No change
  - ii. No change
  - iii. No change
  - iv. No change
  - v. No change
  - vi. No change
  - vii. No change
- g. No change



- i. No change
  - ii. No change
- h. No change
  - i. No change
  - ii. No change
  - iii. No change
  - iv. No change
  - v. No change
  - vi. No change
- 147. No change
- 148. No change
- 149. No change
- 150. No change
- 151. No change
- 152. No change
- 153. No change
- 154. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. No change
  - g. No change
  - h. No change
  - i. No change
  - j. No change
  - k. No change
  - l. No change
  - m. No change
  - n. No change
  - o. No change
  - p. No change
  - q. No change
  - r. No change
  - s. No change
  - t. No change
  - u. No change
  - v. No change
  - w. No change
  - x. No change
  - y. No change
  - z. No change
  - aa. No change
  - bb. No change
  - cc. No change
  - dd. No change
  - ee. No change
  - ff. No change
  - gg. No change
  - hh. No change
  - ii. No change
  - jj. No change
  - kk. No change
  - ll. No change
  - mm. No change
  - nn. No change
  - oo. No change
  - pp. No change
  - qq. No change
  - rr. No change
  - ss. No change
  - tt. No change
  - uu. No change
  - vv. No change
  - ww. No change



- xx. No change
- yy. No change
- zz. No change
- aaa. No change
- bbb. No change
- ccc. No change
- ddd. No change
- eee. No change
- fff. No change
- ggg. No change
- hhh. No change
  - i. No change
  - ii. No change
  - iii. No change
  - iv. No change
  - ~~iii-v.~~ No change
- 155. No change

**ARTICLE 3. PERMITS AND PERMIT REVISIONS**

**R18-2-301. Definitions**

The following definitions apply to this Article:

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change
  - a. No change
  - b. No change
  - c. No change
    - i. No change
    - ii. No change
      - (1) No change
      - (2) No change
      - (3) No change
    - iii. No change
    - iv. No change
    - v. No change
- 7. No change
- 8. No change
- 9. No change
- 10. No change
- 11. No change
- 12. No change
- 13. No change
- 14. No change
  - a. No change
    - i. No change
    - ii. No change
  - b. No change
  - c. No change
  - d. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
    - v. No change
    - vi. No change
    - vii. No change
    - viii. No change
      - (1) No change
      - (2) No change
    - ix. No change
    - x. No change
    - xi. No change
      - (1) No change



- (2) No change
- xii. No change
- xiii. No change
- e. No change
  - i. No change
  - ii. No change
  - iii. No change
- 15. No change
- 16. No change
- 17. No change
- 18. No change
- 19. No change
- 20. No change
  - a. No change
    - i. No change
    - ii. No change
  - b. No change
  - c. No change
  - d. No change
    - i. No change
    - ii. No change
- 21. "Screening model" means air dispersion modeling performed with screening techniques in accordance with 40 CFR 51, Appendix W as of June 30, 2017 (and no future amendments or additions).
- 22. No change
- 23. No change
- 24. No change

**R18-2-302.01. Source Registration Requirements**

- A. No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
  - 6. No change
  - 7. No change
- B. No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. The Department shall also send a copy of the notice required by subsection (B)(3) to the administrator through the appropriate regional office, and to all other state and local air pollution control agencies having jurisdiction in the region in which the source subject to the registration will be located. The notice shall also be sent to any other agency in the region having responsibility for implementing the procedures required under 40 CFR 51, Subpart I.
  - 5. No change
- C. Review for National Ambient Air Quality Standards Compliance; Requirement to Obtain a Permit.
  - 1. The Director shall review each application for registration of a source with the maximum capacity to emit with any elective limits any regulated minor NSR pollutant in an amount equal to or greater than the permitting exemption threshold. The purpose of the review shall be to determine whether the new or modified source may interfere with attainment or maintenance of a national ambient air quality standard in any area Arizona or affected state or Indian reservation. In making the determination required by this subsection, the Director shall take into account the following factors
    - a. No change
    - b. No change
    - c. No change
    - d. No change
    - e. No change
    - f. No change
  - 2. No change
  - 3. No change
  - 4. No change
- D. No change
  - 1. No change
  - 2. No change
  - 3. No change
- E. No change
  - 1. No change
  - 2. No change



3. No change
4. No change
- F.** No change
  1. No change
    - a. No change
    - b. No change
  2. No change
    - a. No change
    - b. No change
  3. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
    - e. No change
  4. No change
    - a. No change
    - b. No change
    - c. No change
- G.** No change
  1. No change
    - a. No change
      - i. No change
      - ii. No change
    - b. No change
    - c. No change
  2. No change
- H.** No change
  1. No change
  2. No change
  3. No change
  4. No change
- I.** No change

**R18-2-304. Permit Application Processing Procedures**

- A.** No change
- B.** No change
  1. No change
  2. No change
  3. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
    - e. No change
    - f. No change
    - g. No change
    - h. No change
  4. No change
    - a. No change
    - b. No change
  5. No change
  6. No change
  7. No change
  8. No change
    - a. No change
    - b. No change
      - i. No change
      - ii. No change
      - iii. No change
      - iv. No change
    - c. No change
      - i. No change
      - ii. No change
      - iii. No change
      - iv. No change
    - d. No change



- e. No change
- 9. No change
  - a. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
  - b. No change
  - c. No change
  - d. No change
- 10. No change
- C. No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
- D. No change
  - 1. No change
  - 2. No change
  - 3. No change
- E. No change
- F. A complete application shall comply with all of the following:
  - 1. To be complete, an application shall provide all information required by subsection (B) (standard application form section). An application for permit revision only need supply information related to the proposed change, unless the source’s proposed permit revision will change the permit from a Class II permit to a Class I permit. A responsible official shall certify the submitted information consistent with subsection (~~H~~) (Certification of Truth, Accuracy, and Completeness).
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
  - 6. If, while processing an application that has been determined or deemed to be complete, the Director determines that additional information is necessary to evaluate or take final action on that application, the Director may request such information in writing and set a reasonable deadline for a response. Except for minor permit revisions as set forth in R18-2-319, a source’s ability to continue operating without a permit, as set forth in subsection (~~J~~), shall be in effect from the date the application is determined to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the Director.
  - 7. No change
  - 8. Activities which are insignificant pursuant to the definition of insignificant activities in R18-2-101 shall be listed in the application. Except as necessary to complete the assessment required by subsection (~~E~~)(2) or (3), the application need not provide emissions data regarding insignificant activities. If the Director determines that an activity listed as insignificant does not meet the requirements of the definition of insignificant activities in R18-2-101 or that emissions data for the activity is required to complete the assessment required by subsection (~~E~~)(2) or (3), the Director shall notify the applicant in writing and specify additional information required.
  - 9. No change
  - 10. No change
- G. No change
- H. No change
- I. No change
- J. No change
  - 1. No change
  - 2. In addition, a permit may be issued, revised, or renewed only if all of the following conditions have been met:
    - a. The application received by the Director for a permit, permit revision, or permit renewal shall be complete according to subsection (~~E~~).
    - b. No change
    - c. No change
    - d. No change
    - e. No change
    - f. No change
    - g. No change
  - 3. No change
  - 4. No change
  - 5. No change
- K. No change

**R18-2-334. Minor New Source Review**

- A. No change
  - 1. No change



- a. No change
- b. No change
- 2. No change
- 3. No change
- 4. No change
- B.** No change
- C.** No change
  - 1. No change
    - a. No change
    - b. No change
    - c. No change
      - i. No change
      - ii. No change
  - 2. An ambient air quality assessment demonstrates that emissions from the source or minor NSR modification will not interfere with attainment or maintenance of a national ambient air quality standard in any area Arizona or any affected state.
    - a. No change
    - b. No change
      - i. No change
      - ii. No change
    - c. No change
- D.** No change
  - 1. No change
  - 2. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
    - e. No change
- E.** No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
  - 6. No change
- F.** No change
- G.** A copy of the notice required by R18-2-330 for permits or significant permit revisions subject to this Section must also be sent to the Administrator through the appropriate regional office, and to all other state and local air pollution control agencies having jurisdiction in the region in which the source subject to the permit or permit revision will be located. The notice also must be sent to any other agency in the region having responsibility for implementing the procedures required under 40 CFR 51, Subpart I.
- H.** All modeling required pursuant to this Section shall be conducted in accordance with 40 CFR 51, Appendix W as of June 30, 2017 (and no future amendments or additions).
- I.** No change
- J.** No change

**ARTICLE 4. PERMIT REQUIREMENTS FOR NEW MAJOR SOURCES AND MAJOR MODIFICATIONS TO EXISTING MAJOR SOURCES**

**R18-2-406. Permit Requirements for Sources Located in Attainment and Unclassifiable Areas**

- A.** No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
    - a. No change
    - b. No change
  - 6. Air quality models:
    - a. All estimates of ambient concentrations required under this Section shall be based on the applicable air quality models, databases, and other requirements specified in 40 CFR 51, Appendix W, "Guideline On Air Quality Models," as of June 30, 2017 (and no future amendments or additions) ~~July 1, 2015 (and no future amendments or additions)~~, which shall be referred to hereinafter as "Guideline" and is adopted by reference and is on file with the Department.
    - b. No change
- B.** No change
- C.** No change
- D.** No change
- E.** No change



- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- F.** No change
- G.** No change
- H.** No change
- I.** No change
- J.** No change
  - 1. No change
  - 2. No change
- K.** No change
  - 1. No change
  - 2. No change
- L.** No change
  - 1. No change
  - 2. No change
- M.** No change
- N.** No change



**NOTICES OF RULEMAKING DOCKET OPENING**

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

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

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

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

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

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

[R19-274]

- 1. Title and its heading:** 9, Health Services
- Chapter and its heading:** 10, Department of Health Services - Health Care Institutions: Licensing
- Articles and their headings:** 1, General  
3, Behavioral Health Inpatient Facilities  
7, Behavioral Health Residential Facilities
- Section numbers:** R9-10-109, R9-10-318, R9-10-702, R9-10-703, R9-10-706, R9-10-707, R9-10-708, R9-10-711, R9-10-712, R9-10-716, and R9-10-722 (*The Department may add, delete, or modify other Sections, as necessary.*)

**2. The subject matter of the proposed rules:**  
 Arizona Revised Statutes (A.R.S.) § 36-132(A)(1) requires the Arizona Department of Health Services (Department) to protect the health of the people in Arizona. In order to ensure public health, safety, and welfare, A.R.S. §§ 36-405 and 36-406 require the Department to adopt rules establishing minimum standards and requirements for construction, modification, and licensure of health care institutions. The Department has adopted rules to implement these statutes in Arizona Administrative Code Title 9, Chapter 10. Rules for behavioral health inpatient facilities are in 9 A.A.C. 10, Article 3, and rules for behavioral health residential facilities are in 9 A.A.C. 10, Article 7. Laws 2019, Ch. 134, added requirements related to central registry background checks and notifications required to be made to the Department by certain behavioral health residential facilities. After receiving an exception from the rulemaking moratorium established by Executive Order 2019-01, the Department is revising the rules to comply with requirements in Laws 2019, Ch. 134. The Department is also clarifying the rules in 9 A.A.C. 10, Article 7 related to providing secure housing for individuals ordered by a court into a behavioral health residential facility. Finally, the Department is revising A.A.C. R9-10-318(A)(9)(d) and R9-10-716(D)(2)(e), related to requirements for educational programs for children who are patients in behavioral health inpatient facilities or residents in behavioral health residential facilities, to avoid potential conflicts with the statutory authorities for the Department and Arizona Department of Education. As part of the rulemaking, any changes to cross-references will also be corrected. The proposed amendments will conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.

**3. A citation to all published notices relating to the proceeding:**  
 None

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

Name: Colby Bower, Assistant Director  
 Address: Department of Health Services  
 Public Health Licensing Services  
 150 N. 18th Ave., Suite 510  
 Phoenix, AZ 85007  
 Telephone: (602) 542-6383  
 Fax: (602) 364-4808  
 E-mail: Colby.Bower@azdhs.gov  
 or  
 Name: Stephanie Elzenga, Acting Chief  
 Address: Department of Health Services  
 Office of Administrative Counsel and Rules  
 150 N. 18th Ave., Suite 200  
 Phoenix, AZ 85007  
 Telephone: (602) 542-1020  
 Fax: (602) 364-1150



E-mail: Robert.Lane@azdhs.gov

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

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

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

To be announced in the Notice of Proposed Rulemaking

**NOTICE OF RULEMAKING DOCKET OPENING  
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)  
GRIEVANCE SYSTEM**

[R19-261]

- 1. Title and its heading:** 9, Health Services
- Chapter and its heading:** 34, Arizona Health Care Cost Containment System - Grievance System
- Article and its heading:** 1, Request for Eligibility Hearing
- Section numbers:** R9-34-101 (As part of this rulemaking, the Administration may add, delete, or modify Sections as necessary.)

- 2. The subject matter of the proposed rule:**  
The proposed rule amends current AHCCCS regulations for the administrative grievance and appeals process, including the process for requesting an administrative hearing.

- 3. A citation to all published notices relating to the proceeding:**  
Notice of Proposed Rulemaking: 25 A.A.R. 3611, December 20, 2019 (in this issue)

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

Name: Nicole Fries  
 Address: AHCCCS  
 Office of Administrative Legal Services  
 701 E. Jefferson, Mail Drop 6200  
 Phoenix, AZ 85034  
 Telephone: (602) 417-4232  
 Fax: (602) 253-9115  
 E-mail: AHCCCSrules@azahcccs.gov

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

The Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

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

The Administration has initiated this rulemaking within the 60-day time period as stated under A.R.S. § 41-1033. The Notice of Proposed Rulemaking is published along with this notice.

**NOTICE OF RULEMAKING DOCKET OPENING  
DEPARTMENT OF CHILD SAFETY  
ADMINISTRATION**

[R19-262]

- 1. Title and its heading:** 21, Child Safety
- Chapter and its heading:** 1, Department of Child Safety – Administration
- Article and its heading:** 2, Comprehensive Medical and Dental Program
- Section numbers:** To be determined

- 2. The subject matter of the proposed rule:**  
The rule amendments proposed in this rulemaking pertain to the integration of Behavioral Health service delivery. The proposed amendments are necessary in order to comply with Senate Bill 1246 from the 54th Legislature, 1st Regular Session.

- 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: Magdalena Jorquez, Senior Legislative Counsel  
 Address: Department of Child Safety  
 3003 N. Central Ave.



Phoenix, AZ 85012  
 Telephone: (602) 255-2527  
 E-mail: Magdalena.Jorquez@azdcs.gov  
 Or  
 Name: Angie Trevino, Rules Development and Policy Specialist  
 Address: Department of Child Safety  
 3003 N. Central Ave.  
 Phoenix, AZ 85012  
 Telephone: (602) 255-2569  
 E-mail: Angelica.Trevino@azdcs.gov  
 Website: <https://dcs.az.gov/about/dcs-rules-rulemaking>

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

Written comments on this rulemaking can be submitted at any time to PolicyUnit@azdcs.gov. Formal written comments for the rulemaking record will be accepted after the publication of the Notice of Proposed Rulemaking in the *Arizona Administrative Register* and prior to the close of public record date, which has not been determined. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

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

To be determined

**NOTICE OF RULEMAKING DOCKET OPENING  
 DEPARTMENT OF CHILD SAFETY  
 PERMANENCY AND SUPPORT SERVICES**

[R19-263]

- 1. Title and its heading:** 21, Child Safety
- Chapter and its heading:** 5, Department of Child Safety – Permanency and Support Services
- Article and its heading:** 2, Independent Living and Transitional Independent Living Programs
- Section numbers:** To be determined

**2. The subject matter of the proposed rule:**

The rule amendments proposed in this rulemaking pertain to the Independent Living and the Transitional Independent Living Programs, specifically to changes needed in order to comply with statutory changes brought forth in House Bill 1539 (Extended Foster Care Program) from the 54th Legislature, 1st Regular Session.

**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: Magdalena Jorquez, Senior Legislative Counsel  
 Address: Department of Child Safety  
 3003 N. Central Ave.  
 Phoenix, AZ 85012  
 Telephone: (602) 255-2527  
 E-mail: Magdalena.Jorquez@azdcs.gov  
 Or  
 Name: Angie Trevino, Rules Development and Policy Specialist  
 Address: Department of Child Safety  
 3003 N. Central Ave.  
 Phoenix, AZ 85012  
 Telephone: (602) 255-2569  
 E-mail: Angelica.Trevino@azdcs.gov  
 Web site: <https://dcs.az.gov/about/dcs-rules-rulemaking>

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

Written comments on this rulemaking can be submitted at any time to PolicyUnit@azdcs.gov. Formal written comments for the rulemaking record will be accepted after the publication of the Notice of Proposed Rulemaking in the *Arizona Administrative Register* and prior to the close of public record date, which has not been determined. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

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

To be determined



NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF CHILD SAFETY
CHILD WELFARE AGENCY LICENSING

[R19-264]

- 1. Title and its heading: 21, Child Safety
Chapter and its heading: 7, Department of Child Safety – Child Welfare Agency Licensing
Article and its heading: To be determined
Section numbers: To be determined

2. The subject matter of the proposed rule:
A.R.S. § 8-503 authorizes the Department to establish rules, regulations and standards for the licensing of child welfare agencies and exercise supervision over all child welfare agencies. A.R.S. § 8-505 requires a child welfare agency to be licensed by the Department and assigns the Department the authority to issue and renew licenses for child welfare agencies. A.R.S. § 8-506.01 assigns the Department the authority to deny, suspend or revoke the license of any child welfare agency that willfully violates or fails to maintain the standards of care prescribed by the Department. The Department is developing rules to include in Title 21 Child Safety to enable it to comply with A.R.S. §§ 8-505 and 8-506.01 and any other applicable requirements of A.R.S. Title 8, Chapter 4, Article 4 (A.R.S. §§ 8-501 et seq) dealing with child welfare agencies.

The Department is developing new rules covering the Department's licensing, regulation and enforcement of standards for child welfare agencies under Title 21 Child Safety that will replace existing rules covering the same subject matter under Title 6 Economic Security. The new rules will correct citations, replace references to the Department of Economic Security with the Department of Child Safety and update information to include Department responsibilities, procedures, and practices.

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: Magdalena Jorquez, Senior Legislative Counsel
Address: Department of Child Safety
3003 N. Central Ave.
Phoenix, AZ 85012
Telephone: (602) 255-2527
E-mail: Magdalena.Jorquez@azdcs.gov
Or
Name: Angie Trevino, Rules Development Specialist
Telephone: (602) 255-2569
E-mail: Angelica.Trevino@azdcs.gov
Web site: https://dcs.az.gov/about/dcs-rules-rulemaking

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

Written comments on this rulemaking can be submitted at any time to PolicyUnit@azdcs.gov. Formal written comments for the rulemaking record will be accepted after the publication of the Notice of Proposed Rulemaking in the Arizona Administrative Register and prior to the close of public record date, which has not been determined. The Department has not scheduled any oral proceedings at this time.

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

The Department plans to consult with interested stakeholders and others during the fourth quarter of 2019 to develop a draft of the proposed rules. The Department intends to publish proposed draft rules in the Arizona Administrative Register, in the second quarter of 2020, providing the public the opportunity to provide written comments by U.S. Mail, electronic mail, and oral comments during a scheduled oral proceeding on the proposed rules. The Department plans to consider public comments on the proposed rules prior to publishing the final rules.



---

---

## NOTICES OF PUBLIC INFORMATION

---

---

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

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

---

---

### NOTICE OF PUBLIC INFORMATION DEPARTMENT OF ENVIRONMENTAL QUALITY

[M19-111]

#### 2019 WATER QUALITY ASSURANCE REVOLVING FUND REGISTRY

Pursuant to Arizona Revised Statute (A.R.S.) §49-287.01(D)(E), the Arizona Department of Environmental Quality (ADEQ) is providing this annual report of the location, remedial status and score of the sites on the Water Quality Assurance Revolving Fund (WQARF) Registry (Registry) as of September 30, 2019. The Registry includes those sites within the state that may pose risk to public health, welfare or the environment from the release of hazardous substances and for which there is current or planned investigation and cleanup. There are 36 sites on the Registry:

- 19 in Maricopa County,
- 9 in Pima County,
- 2 in Gila County,
- 1 in Graham County,
- 1 in Navajo County,
- 2 in Yavapai County
- 1 in Mohave County, and
- 1 in Yuma County

Sites on the Registry are scored based in part upon the type of contamination present, the location of the contamination and the number of people that may be affected. The maximum score a site may receive is 120. Scores are used to help determine relative risk from the site and do not necessarily mean that there is direct exposure of contaminants to humans or the environment. Whether the site is currently being remediated or investigated, ADEQ takes steps to identify the contamination and prevent exposure.

The Registry and additional information regarding these sites is available on the ADEQ web site at <http://www.azdeq.gov/node/337>. An appointment to review related documentation is available Monday through Friday from 8:30 a.m. to 4:30 p.m. at ADEQ Records Management Center, 1110 West Washington Street in Phoenix. Please contact (602) 771-4380 to schedule an appointment to review documents.

#### ADEQ Publication number EQR-19-18

**7th Avenue and Bethany Home Road** - This site was placed on the WQARF Registry on August 25, 2004 and has a score of 29. The site is located in Phoenix and is bounded by Maryland Avenue to the north, Bethany Home Road to the south, 5th Avenue to the east, 8th Avenue to the west and includes the 2.6-acre former shopping center east of 7th Avenue that housed a dry cleaning facility, as well as a former dry cleaner west of 7th Avenue. Contaminants of concern at the site include tetrachloroethene (PCE), trichloroethene (TCE) and vinyl chloride.

A soil vapor extraction (SVE) system operated from June 2005 through January 2006. Confirmation soil samples confirmed successful remediation to levels below ADEQ Soil Remediation Levels (SRLs) and Groundwater Protection Levels (GPLs).

ADEQ completed the final Remedial Investigation (RI) report in April 2011 and completed the FS in November 2012. The FS recommended enhanced reductive dechlorination (ERD) as the remedy for the site. The Proposed Remedial Action Plan (PRAP) was finalized in April 2015 and in June 2016, the Record of Decision (ROD) was signed documenting the selection of in-situ (ERD) with monitored natural attenuation as the remedy for contaminants in groundwater. ERD injections commenced in November 2016. A Community Advisory Board (CAB) has been established for the site. The CAB was merged with the Central and Camelback CAB in 2013 and meets on a regular basis.

**7th Street and Arizona Avenue** - This site was placed on the WQARF Registry on April 27, 2000 and has a score of 40. The site is located in downtown Tucson and is bounded by Speedway Boulevard to the north, 8th Street and the railroad to the south, 4th Avenue to the east and 10th Avenue to the west. Contaminants of concern at the site include PCE, TCE, and cis-1,2-dichloroethene (cis-1,2-DCE).



ADEQ operated a SVE system from June 2006 to July 2009 as an Early Response Action (ERA) for the site and decommissioned the SVE in July 2009. Groundwater monitor wells verify that the regional aquifer has not been impacted. ADEQ completed the final RI and FS reports in 2014 and the draft PRAP in 2014. An additional source was added at 847 North Stone Avenue, the FS was reevaluated and a SVE system was implemented in 2017. A CAB has been established for the site, merged with the Park-Euclid CAB in 2014 and meets on a regular basis.

**7th Street and Missouri Avenue** - This site was placed on the WQARF Registry on June 24, 2016 and has a score of 42. The site is located in Phoenix and is bounded by Bethany Home Road to the north, Georgia Avenue to the south, 6<sup>th</sup> Street to the west and 12<sup>th</sup> Street to the east. Contaminants of concern at the site include PCE and TCE.

PCE and TCE were initially detected in the late 1990's in groundwater samples collected as part of an underground storage tank assessment. Following this discovery, eight groundwater monitoring wells were installed.

In 2016, Fashion Cleaners entered into ADEQ's Voluntary Remediation Program (VRP) to address cleaning up their portion of the contamination. The RI was finalized November 2018 and the FS was completed in September, 2019. An ozone sparging groundwater remediation pilot study is currently underway. The site was added to the Central Phoenix CAB that meets on a regular basis.

**16th Street and Camelback** - This site was placed on the WQARF Registry on April 21, 1999 and has a score of 23. The site is located in Phoenix and is bounded by Camelback Road to the north, Highland Avenue to the south, 17th Street to the east, and 15th Street to the west. The contaminant of concern at the site is PCE.

The RI and FS reports were finalized in 2015 and the PRAP in July 2016. The ROD was signed in 2017 and ADEQ initiated ERD injections to determine if clean up can be accelerated and is reviewing the results.

**20th Street and Factor Avenue** - This site was placed on the WQARF Registry on March 30, 2000 and has a score of 31. The site is located in Yuma and is bounded by 17<sup>th</sup> Street to the north, 21<sup>st</sup> Street to the south, Kennedy Lane to the east and Fourth Avenue to the west. Contaminants of concern at the site include PCE, TCE, 1,1-dichloroethene (1,1-DCE), and cyanide.

In 2002, ADEQ conducted a soil removal action and cleaned out sumps and septic tanks at an active facility as part of an ERA. Vapor and groundwater monitoring is ongoing. No drinking water wells have been impacted. In February 2014, ADEQ completed the installation of a permanent asphalt-based engineered cap over the cyanide impacted soils. The RI report was finalized in June 2014 and the FS report was completed in August 2016. The PRAP was completed in 2017 and ROD in 2018. The CAB no longer meets.

**56th Street & Earll Drive** - This site was placed on the WQARF Registry on June 2, 2004 and has a score of 40. The site is located in Phoenix and is bounded by Earll Drive to the north, Roosevelt Street to the south, 56th Street to the east, and 24th Street to the west. Contaminants of concern at the site include PCE and TCE.

ADEQ and a potentially responsible party signed an agreement in 2015 to remediate the site. A pump and treat groundwater system was constructed and started operation in November 2013 as part of an ERA. The RI was finalized in November 2018. An indoor air investigation is currently underway near the former source area as part of the FS. A CAB has been established for this site and meets on a regular basis.

**Broadway-Pantano** - This site was placed on the WQARF Registry on September 15, 1998 and has a score of 48. The site is located in the east-central part of Tucson and is bounded by Speedway Boulevard to the north, 22<sup>nd</sup> Street to the south, Pantano Wash to the east, and Craycroft Road to the west. Contaminants of concern in groundwater include PCE, TCE and dross (arsenic, cadmium and lead).

A groundwater containment system was installed in 2003 to prevent further westward migration of contaminated groundwater. This system was shut down in October 2012 due to low incoming groundwater contaminant concentrations. A SVE system was installed at the Broadway North Landfill in 2000 and operated until 2002. The groundwater RI report was finalized in June 2012 and the landfill RI report was finalized 2015. The FS was approved in June 2017 and the PRAP went out for public comment in June 2019. A CAB has been established for this site and meets on a regular basis.

**Central Avenue and Camelback Road** - This site was placed on the WQARF Registry on June 21, 2000 and has a score of 32. The site is located in Phoenix is bounded by Georgia Avenue to the north, Mariposa Street to the south, 2nd Street to the east and 1st Avenue to the west. Contaminants of concern at the site include PCE, TCE. Other contaminants present due to past releases from gasoline underground storage tanks in the area include benzene, toluene, ethylbenzene, total xylenes, methyl tertiary butyl ether (MTBE), and 1,2-dichloroethane (DCA).

In January 2003, as part of an ERA, ADEQ completed construction of a groundwater treatment system to remediate and control the migration of contaminated groundwater. In June 2004, ADEQ initiated an ERA evaluation of the Maroney's Drycleaner facility and installed an SVE system in November 2007 that is currently in operation. The RI report was finalized in 2014 and the FS in 2015. The PRAP was finalized in 2017 and a ROD is expected in 2019. A CAB has been established for this site, merged with the 7th Avenue and Bethany Home Road CAB and meets on a regular basis.



**Cooper Road and Commerce Avenue** - The site was placed on the WQARF Registry on June 14, 2004 and has a score of 33. The site is located in Gilbert and is bounded by West Houston Avenue to the north, West Cullumber Avenue to the south, Golden Key Drive to the east, and North El Dorado Drive to the west. Contaminants of concern at the site in groundwater include PCE and TCE.

Installation of off-site monitor wells began in 2003 and quarterly groundwater monitoring has been conducted at the site since March 2005. Construction and start up of a SVE/air sparging (AS) and groundwater pump and treat remediation system was completed in 2008; start-up of the AS component occurred in May 2009. The groundwater pump and treat system began continuous operations in August 2010. In 2015, the RI report was finalized. The FS report was completed in February 2018 and the PRAP was completed in June 2019. A CAB has been established for the site and meets on a regular basis.

**East Central Phoenix (ECP) 24th Street and Grand Canal** - This site was placed on the WQARF Registry on May 18, 2000 and has a score of 29. The site is located in Phoenix and is bounded by Pinchot Avenue to the north, Oak Street to the south, 26<sup>th</sup> Street to the east and 16<sup>th</sup> Street to the west. The contaminant of concern at the site is PCE.

The RI began in 2007. As part of a prospective purchaser agreement, CVS Pharmacy conducted a site investigation and installed monitoring wells. A SVE system was constructed and started operation in July 2016 to August 2017 as part of an ERA. The RI was completed in June 2019 and the FS in September 2019. A CAB has been established for this site and meets on a regular basis.

**ECP 32nd Street and Indian School** - This site was placed on the WQARF Registry on May 18, 2000 and has a score of 29. The site is located in Phoenix and is bounded by Indian School Road to the north, Interstate 10 to the south, 32nd Street to the east and 1<sup>st</sup> Street to the west. Contaminants of concern at the site include PCE.

An ERA was initiated in 2006 by installing a SVE system. In 2013 and 2014, SVE treatment systems at the Maroney's dry cleaner and Former Viking dry cleaner began operating. A vapor intrusion indoor air assessment study also took place during the summer of 2013. Results indicated that the threat to residences was minimal and that no indoor mitigation systems were necessary. The RI was completed in June 2019 and the FS in September 2019. A CAB has been established for this site and meets on a regular basis.

**ECP 40th Street and Osborn** - This site was placed on the WQARF Registry on May 18, 2000 and has a score of 30. The site is located in Phoenix and is bounded by Devonshire Avenue to the north, Amelia Avenue to the south, 40th Street to the east and 38th Street to the west. The contaminant of concern at the site is PCE.

In 2014, additional groundwater monitor wells were installed. Contaminant plume characterization continues, additional wells were installed in 2018 and 2019 in order to assist in preparation of the RI report. A CAB has been established for this site and meets on a regular basis.

**ECP 48th Street and Indian School Road** - This site was placed on the WQARF Registry on March 26, 1999 and has a score of 27. The site is located in Phoenix and is bounded by Devonshire Avenue to the north, Fairmont Avenue to the south, 48<sup>th</sup> Street to the east and 45th Place to the west. The contaminant of concern at the site is PCE.

ADEQ and SRP entered into an agreement to conduct a source control interim remedial action (IRA) in 2004. SRP constructed and installed a SVE system, which was removed by SRP in 2012 due to low concentrations.

A vapor intrusion indoor air assessment study took place during the summer of 2013. Results indicated that no indoor air mitigation systems were necessary. Recent results indicate the plume has migrated. The draft RI report was completed in July 2019. A CAB has been established for this site and meets on a regular basis.

**Estes Landfill** - This site was placed on the WQARF Registry on April 28, 1998 and has a score of 45. The site is located in Phoenix, south of Sky Harbor Airport and is bounded approximately by the Salt River to the north, Magnolia Street to the south, 44<sup>th</sup> Street to the east, and 40th Street to the west. Contaminants of concern at the site include vinyl chloride, cis-1,2-DCE and TCE in groundwater and lead, arsenic and thallium in soil.

The RI report was completed in 1999 and the FS in 2002. Since the PRAP was initially completed in 2002, the final proposed remedy for the Site changed. Additional investigation has determined that the source of the groundwater contamination is the former liquid waste disposal pit and not the current soil covered landfill. There is no indication that the current landfill is affecting groundwater quality. ADEQ finalized a revised PRAP in 2015 and the ROD was signed in 2017.

**Harrison Road and Millar Road Dross** - This site was placed on the WQARF Registry on April 3, 2017 and has a score of 40. The site is located in Tucson and is bounded by Millmar Road to the north, Mountain View to the south, the private driveway of 9880 Millar Road to the east and Harrison Hills wash to the west. The contaminant of concern is aluminum dross, which is a byproduct of aluminum scrap meltdown and consists of a gray ash-like substance interspersed with metal pieces. Dross often contains heavy metals. The metals detected at this site over regulatory standards for soil are aluminum, antimony, arsenic, cadmium, copper, lead and nickel.

In 2015, preliminary investigation sample results indicated the site was contaminated with heavy metals above SRLs. Dross was also observed in the transient Harrison Hills wash which discharges to the Pantano Wash. Groundwater at the site is not impacted. In August 2016, an ERA was conducted to remove contaminated soil, remove observable dross materials from the wash, and add a temporary cap over the majority of a large dross pile. In April 2017, additional work was done to decrease the overall area of the large pile and design a



permanent cover. All clean-up activities were completed within 180 days of WQARF listing. The RI was approved in December 2017. The FS was issued in March 2018 and found that no further action is necessary at the site. Declarations of Environmental Use Restriction have been obtained from the affected properties. The site was delisted from the WQARF Registry in September 2019.

**Highway 260 and Johnson Lane** - This site was placed on the WQARF Registry on June 24, 2016 and has a score of 40. The site is located in the Lakeside portion of Pinetop-Lakeside, and is bounded by the Jackson Lane alignment to the north, by the east-west alignment of West White Mountain Boulevard (State Route Highway 260) and Burke Lane to the south, by the Blue Ridge Unified School District property and Billy Creek to the east, and by the Neils Hanson Lane alignment to the west. Contaminants of concern at the site include PCE and TCE.

During groundwater sampling as part of a Preliminary Investigation in 2015, PCE and TCE were detected in private wells. ADEQ has worked with well owners to supply safe drinking water. The RI report was completed in January 2019 and the FS was completed in June 2019. A CAB has been established for this site and meets on a regular basis.

**Highway 260 and Main Street** - This site was placed on the WQARF Registry on December 12, 2016 and has a score of 40. The site is located in Cottonwood and is bounded to the north by Mingus Avenue, to the south by Mongini Lane, to the east by the Verde River, to the west by South 15th Street, South Main Street and Highway 260. Contaminants of concern at the site include PCE.

During groundwater sampling as part of a Preliminary Investigation, PCE, TCE, and cis-1,2-DCE have been detected in private wells and soil borings. ADEQ is currently conducting an RI that includes assisting private well owners who have affected wells and evaluating options to address potential health risks. A CAB was formed in 2018 and meets on a regular basis.

**Klondyke Tailings Project** - This site was placed on the WQARF Registry on September 28, 1998 and has a score of 69. The site is located approximately 1.5 miles north of the town of Klondyke in Section 6, Township 7 South, Range 20 East. The site boundaries are defined by the extent of the soil contamination above the residential SRL for lead of 400 milligrams per kilogram (mg/kg). The current contaminants of concern in the soil include arsenic, cadmium, copper, lead, manganese, vanadium and zinc.

In June 2008, erosion protection installation was completed on the upper tailings pile and the clean soil cap was seeded. In June 2012 and October 2013, contaminated soils were removed from three properties. In 2014, the final RI was completed. In 2016, ADEQ removed 2380 cubic yards of contaminated soils from Klondyke Road and two residential properties. In May 2017, ADEQ issued the FS, the PRAP was issued in June 2017 and the ROD signed in April 2018. The CAB has been disbanded.

**Los Reales Landfill** - This site was placed on the WQARF Registry on April 23, 1999 and has a score of 32. The site is an active municipal sanitary landfill located in southeast Tucson and has been in operation since 1967. Contaminants of concern at the site include PCE and TCE.

The City of Tucson has implemented a groundwater pump and treat system in 1999. In 2013, the City submitted to ADEQ a PRAP modification of transitioning to “groundwater sampling only” based on continued plume stability (apparent natural attenuation). COT continues to run the system, collect data and will perform additional modeling to support the RAP modification. If the modeling results are supportive, COT will finalize the RAP modification proposal and submit that to ADEQ for review/approval.

**Miller Valley and Hillside Avenue** - The site was placed on the WQARF Registry on December 12, 2016 and has a score of 40. The site is located in Prescott and bounded by Merritt Avenue alignment to the north, Miller Creek to the south, Division Street to the east and Miller Creek and Valley Street to the west. Contaminants of concern are PCE and TCE.

In 2005, soil gas contamination was found above the EPA regional screening levels and groundwater contamination above the AWQS; two private wells used for irrigation were impacted by PCE. In 2015 and 2016, sampling indicated the groundwater concentrations were still above standard. In 2017, the RI was initiated and additional private wells in the area were sampled; no other wells contained PCE or TCE above AWQS. Indoor screen was performed at two buildings, with no detections. A CAB was not formed at this site due to low interest.

**Miracle Mile Area** - This site was placed on the WQARF Registry on September 18, 1998 and has a score of 62. The site is located in Tucson and is bounded by Curtis Road to the north, Prince Road to the south, Pomona Road to the east, and La Cholla Boulevard to the west. Contaminants of concern at the site include TCE and chromium.

In June 2013, the final RI report was issued and the FS was initiated. Starting in 2016, data gaps were being addressed in the FS, a SVE pilot test was completed and indoor air samples taken. The FS Report is expected in Fall 2019. A CAB has been established for this site and meets on a regular basis.

**Park-Euclid** - This site was placed on the WQARF Registry on April 23, 1999 and has a score of 51. The site is in Tucson and is bounded by 9th Street to the north, 14th Street to the south, Highland Avenue to the east, and Park Avenue to the west. Contaminants of concern at the site include PCE, TCE, vinyl chloride and cis-1,2-DCE.

ADEQ negotiated an Agreement to Conduct Work with potentially responsible parties Mission Linen and Haskell Linen (Park-Euclid Working Group) in 2010. In November 2011, ADEQ completed the final RI report. The Park-Euclid Working Group submitted a FS work plan in June 2013 and the final FS Report was approved in October 2017. The Park-Euclid Working Group is currently preparing a PRAP. A CAB has been established for this site, merged with the 7th Street and Arizona Avenue CAB, and meets on a regular basis.



**Payson PCE** - This site was placed on the WQARF Registry on April 29, 1998 and has a score of 63. The site is located in Payson and the plume is bounded by Main Street to the north, Cedar Lane to the south, Beeline Highway (State Route 87) to the east, and McLane Road to the west. The contaminant of concern in the groundwater at the site is PCE.

An Expanded Groundwater Treatment System (EGTS) began operation in October 1998 and continues to operate treating contaminated water and preventing the contamination plume from migrating further. Treated water from the EGTS is delivered to the Town of Payson drinking water system.

ADEQ completed the ROD in May 2007. In December 2015, ERD implementation began and is expected to reduce the time for completion of the overall remedy. In 2018, results from the ERD method show a reduction in concentrations, and the site will be reviewed for possible closure.

**Pinal Creek** - This site was placed on the WQARF Registry on October 23, 1998 and has a score of 97. The site is located in Gila County in and around the cities of Globe, Town of Miami, and the communities of Claypool and Wheatfield. The site includes the BHP Copper and Freeport McMoRan (formerly Phelps Dodge) Miami mining properties, and the drainages and underlying aquifers of Miami Wash, Bloody Tanks Wash, Russell Gulch, and Pinal Creek. The site also includes the entire floodplain of Pinal Creek from the Old Dominion Mine to the Salt River, plus those portions of the communities underlain by contaminated groundwater. Contaminants of concern in groundwater at the site include heavy metals such as aluminum, iron, manganese, copper, cobalt, nickel, zinc, cadmium, and other contaminants such as sulfate, acidity, and dissolved solids. Localized soil and stream sediment contamination are being investigated; contaminants of concern include arsenic, lead, copper, cadmium, manganese, nickel, and zinc.

The Pinal Creek Group (PCG), which previously consisted of BHP, Freeport McMoRan and Inspiration Copper, have conducted remedial actions including source control since 1988. PCG also completed a RI, risk assessments, FS, recommended remedial action plan and a well replacement program for contaminated private and public supply wells. The PCG has conducted groundwater extraction and treatment from the alluvial and the regional aquifers since 1988 and it continues to this day. To speed up aquifer restoration, groundwater remedy optimization pilot tests have been conducted by the PCG near the source area in Bloody Tanks Wash.

**Shannon Road/El Camino del Cerro** - The El Camino del Cerro site was placed on the WQARF Registry on August 18, 1998 and has a score of 71. The Shannon Road-Rillito Creek site was placed on the WQARF Registry on April 23, 1999 and has a score of 53. The El Camino del Cerro WQARF site and Shannon Road-Rillito Creek WQARF site were administratively combined into one site in the fall of 2004.

This site is located in northwest Tucson and is bounded approximately by Rudasill Road to the north, El Camino del Cerro Road on the south, Moonbrook Road on the east, and Camino de la Tierra on the west. The site consists of industrial and residential properties, and a former landfill, which occupies approximately twenty (20) acres in the southwest portion of the site. Contaminants of concern in groundwater at the site include PCE, TCE, 1,1-DCE, 1,1-DCA, vinyl chloride, and benzene.

The contaminant plume has affected three (3) community wells, two of which were removed from service. One (1) of these wells now has a wellhead treatment system capturing the plume and removing VOCs to meet drinking water standards. The RI report and FS work plan were approved in 2015. The FS report was finalized in 2017 and the PRAP is anticipated in 2019. A CAB has been established for the site and meets on a regular basis.

**Silverbell Jail Annex Landfill** - This site was placed on the WQARF Registry on April 23, 1999 and has a score of 51. The site is located at 3200 North Silverbell Road in northwest Tucson. The site is bounded by Sweetwater Drive on the north, Grant Road/Ironwood Hills Drive on the south, Interstate 10 on the east, and Silverbell Road on the west. Contaminants of concern at the site include PCE, TCE, cis-1,2-DCE and vinyl chloride.

In 2010, the City of Tucson proposed to install a pump-treat-inject system to address the highest VOC concentrations. ADEQ and the City of Tucson meet periodically to coordinate sampling and cleanup of the site. The final design for the system was completed, wells were installed Nov. 2018 and start up is planned for 2019. The City of Tucson continues to conduct groundwater and soil vapor (methane) monitoring.

**South Mesa** - This site was placed on the WQARF Registry on August 18, 1998 and has a score of 26. The site is located in Gilbert and is bounded by Baseline Road to the north, Melody Drive to the south, Hobson Street to the east, and McQueen Road to the west. However, the contaminant plume is limited to the immediate area of the former Applied Metallics Incorporated facility at the southeast corner of the intersection of Baseline Road and McQueen Road. The contaminants of concern at the site is PCE, TCE and DCE.

Two (2) remedial action projects at the site have significantly reduced the contamination by treating pumped groundwater and extracting vapors from the soil. ADEQ began an ERA to address the remaining subsurface contamination in June 2004 and by 2008 the system was removed.

The RI and FS reports have been completed. The PRAP was completed in November 2014. In June 2016, the ROD was signed documenting the selection of groundwater monitoring, with wellhead treatment as a contingency, as the remedy. ADEQ started an In-Situ Chemical Oxidation pilot test to accelerate the remedy.



**Stone Avenue and Grant Road** - This site was placed on the WQARF Registry on January 20, 2017 with a score of 45. The site is located in Tucson and is bounded by West Jacinto Street to the north, East Sahuaro Street to the south, North Estrella Avenue to the east, and North Oracle Road to the west. The site includes a mixture of public, commercial and residential land uses near Grant Road. The contaminant of concern is PCE and TCE.

During a Phase II investigation by the City of Tucson in December 2014, PCE was detected in four sub-slab soil-gas samples beneath the source area. The remedial investigation began in July 2017. An ERA consisting of a SVE system that provides combined vapor intrusion mitigation and source reduction was started in November 2017. The draft RI report was completed in September 2019. Additional soil-gas investigations continue in 2018 and 2019. The site was added to the Park Euclid/7<sup>th</sup> and Arizona Avenue CAB, which meets on a regular basis.

**Vulture Mill** - This site was placed on the WQARF Registry on April 28, 1998, and has a score of 65. The site is located just east of U.S. Route 89/93 about one (1) mile northwest of the center of the Town of Wickenburg. The eastern boundary of the site is approximately 0.25 miles west of the Hassayampa River. Contaminants of concern at the site include lead and arsenic.

The ROD was signed in September 1999. ADEQ has implemented the remedy, which consists of excavation of contaminated soil, placement in a consolidation pile, installation of a clean soil cover, and planting of vegetation to control erosion. Presently, the site is used as pasture and inspected annually.

**West Central Phoenix (WCP) - East Grand Avenue** - This site was placed on the WQARF Registry on April 15, 1998 and has a score of 31. The site is located in Phoenix and is bounded by SRP Grand Canal to the north, Cherry Lynn Road to the south, 29th Avenue to the east, and Grand Avenue to the west. Contaminants of concern are PCE and TCE.

Field investigative activities were completed in December 2001 and the RI report was completed in 2006. In 2004, a working party constructed and operated a SVE system at the former Van Waters & Rogers facility. In September 2013, the SVE system was shut down. The working party is completing the FS and has implemented groundwater monitoring. A CAB has been established for this site.

**WCP North Canal Plume** - This site was placed on the WQARF Registry on April 15, 1998 and has a score of 22. The site is located in Phoenix and is bounded approximately by Indian School Road on the north, West Flower Street on the south, Grand Avenue on the east and 41st Avenue on the west. Contaminants of concern at the site include PCE, TCE, DCE and chromium.

The 2005 ADEQ conducted an ERA evaluation. Over the years, as part of the remedial investigation, passive soil gas surveys have been completed. The RI was completed in December 2017 and the FS Work Plan in January 2018. Groundwater monitoring continues as part of the FS. A SVE system was installed in the East Plume in 2019. A CAB has been established for this site.

**WCP North Plume** - This site was placed on the WQARF Registry on April 15, 1998 and has a score of 50. The site is located in Phoenix and is bounded by Highland Avenue to the north, Grand Avenue to the northeast, Indian School Road to the south, 37th Avenue to the east, and 43rd Avenue to the west. Contaminants of concern at the site include PCE, TCE and 1,1-DCE.

A SVE system was installed at the F&B facility as part of an ERA and was augmented with in-situ ERD injections. Further evaluations are being conducted to address groundwater contamination.

The RI, RO and FS reports are complete. The PRAP consisting of ERD with continued SVE system operation was completed in June 2017. The ROD is being drafted. A CAB has been established for this site.

**WCP West Osborn Complex** - This site was placed on the WQARF Registry on August 11, 1998 and has a score of 47. The site is located in Phoenix and is bounded by the Grand Canal to the north, Van Buren Street to the south, 33rd Avenue to the east, and 55th Avenue to the west. Contaminants of concern at the site include TCE and PCE.

The RI report has been completed. FS reports for the deep and shallow plumes for the project site have been approved. PRAPs were completed for the deep and shallow plumes and are still under review and revision given new site information. An SVE system ERA has been installed at the new source. A CAB has been established for this site.

**West Van Buren** - This site was placed on the WQARF Registry on April 10, 1998 and has a score of 50. The site is located in Phoenix and is bounded by McDowell Road to the north, Lower Buckeye Road to the south, Seventh Avenue to the east, and 75th Avenue to the west. In addition, a finger shaped plume exists from approximately West Buckeye Road and South 41st Avenue to West Watkins Street and South 11th Avenue. Contaminants of concern at the site include PCE, TCE, 1,1,1-trichloroethane (1,1-TCA), 1,1-DCA, 1,1-DCE, cis-1,2-DCE, and chromium.

Source removal through soil vapor extraction has taken place at some facilities for the volatile contaminants under Consent Orders or Working Agreements. Other facilities continue to be monitored and/or evaluated through other ADEQ programs, most notably Hazardous Waste, and still other facilities have settled liability with ADEQ.

RID submitted a modified ERA plan which was approved on February 1, 2013. RID installed liquid-phase granular activated carbon well-head treatment systems on four (4) of RID's wells within the West Van Buren Area plume.



ADEQ finalized the RI report for WVBA in August 2012. Two interested parties, under working agreements with ADEQ, submitted separate FS work plans in July 2013 and FS reports in July 2014.

ADEQ sampled the far western toe of the groundwater plume near the city of Tolleson. ADEQ requested EPA to consider taking over the site and a sitewide sampling event is planned. A CAB has been formed for this site but does not meet.

**Western Avenue Plume** - This site was placed on the WQARF Registry on December 15, 1998 and has a score of 51. The site is located in Avondale and Goodyear and is bounded by San Xavier Boulevard to the north, State Route 85 to the south, 3rd Street to the east and Phoenix-Goodyear Airport to the west. The contaminant of concern at the site is PCE.

The final RI report and FS were completed in May 2009 and April 2014, respectively. The PRAP was completed in October 2014. The existing PCE in the shallow subunit is being captured by the Phoenix Goodyear Airport South (PGA-S) extraction wells. The ROD was signed in June 2018. The CAB has been disbanded with the approval of the PRAP, however a Community Advisory Group (CAG) continues to meet under direction from EPA.



---

---

## NOTICES OF AGENCY OMBUDSMAN

---

---

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

---

---

### NOTICE OF AGENCY OMBUDSMAN

[M19-110]

1. **The agency name:** Game and Fish Commission
2. **The ombudsman's:**
  - a. **Name:** Pat Barber
  - b. **Title:** Executive Community Engagement Administrator
3. **The ombudsman's office address to include the city, state and zip code:**

Address: Game and Fish Department  
5000 W. Carefree Highway, DOHQ  
Phoenix, AZ 85086
4. **The ombudsman's telephone number, fax number and email address, if available:**

Telephone: (623) 236-7373  
Fax: (623) 236-7299  
E-mail: PBarber@azgfd.gov



---

---

**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**

C = Corrections to Published Rules

## 2019 Arizona Administrative Register Volume 25 Page Guide

Issue 1, Jan. 4, 2019.....1-87	Issue 2, Jan. 11, 2019.....88-116	Issue 3, Jan. 18, 2019.....117-140
Issue 4, Jan. 25, 2019.....141-172	Issue 5, Feb. 1, 2018.....173-284	Issue 6, Feb. 8, 2019.....285-344
Issue 7, Feb. 15, 2019.....345-396	Issue 8, Feb. 22, 2019.....397-426	Issue 9, March 1, 2019.....427-480
Issue 10, March 8, 2019.....481-544	Issue 11, March 15, 2019.....545-692	Issue 12, March 22, 2019.....693-740
Issue 13, March 29, 2019.....741-790	Issue 14, April 5, 2019.....791-866	Issue 15, April 12, 2019.....867-914
Issue 16, April 19, 2019.....915-988	Issue 17, April 26, 2019.....989-1128	Issue 18, May 3, 2019.....1129-1178
Issue 19, May 10, 2019.....1179-1212	Issue 20, May 17, 2019.....1213-1288	Issue 21, May 24, 2019.....1289-1324
Issue 22, May 31, 2019.....1325-1360	Issue 23, June 7, 2019.....1361-1406	Issue 24, June 14, 2019.....1407-1476
Issue 25, June 21, 2019.....1477-1578	Issue 26, June 28, 2019.....1579-1714	Issue 27, July 5, 2019.....1715-1776
Issue 28, July 12, 2019.....1777-1822	Issue 29, July 19, 2019.....1823-1880	Issue 30, July 26, 2019.....1881-1918
Issue 31, Aug. 2, 2019.....1919-2006	Issue 32, Aug. 9, 2019.....2007-2076	Issue 33, Aug. 16, 2019.....2077-2110
Issue 34, Aug. 23, 2019.....2111-2150	Issue 35, Aug. 30, 2019.....2151-2206	Issue 36, Sept. 6, 2019.....2207-2286
Issue 37, Sept. 13, 2019.....2287-2394	Issue 38, Sept. 20, 2019.....2395-2466	Issue 39, Sept. 27, 2019.....2467-2510
Issue 40, Oct. 4, 2019.....2511-2978	Issue 41, Oct. 11, 2019.....2979-3050	Issue 42, Oct. 18, 2019.....3051-3106
Issue 43, Oct. 25, 2019.....3107-3208	Issue 44, Nov. 1, 2019.....3209-3280	Issue 45, Nov. 8, 2019.....3281-3314
Issue 46, Nov. 15, 2019.....3315-3346	Issue 47, Nov. 22, 2019.....3347-3424	Issue 48, Nov. 29, 2019.....3425-3472
Issue 49, Dec. 6, 2019.....3473-3546	Issue 50, Dec. 13, 2019.....3547-3606	

### RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and volume page number. Use the page guide above to determine the *Register* issue number to review the rule. Headings for the Subchapters, Articles, Parts, and Sections are not indexed.

#### THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 50 OF VOLUME 25.

**Accountancy, Board of**

R4-1-101.	PM-3213
R4-1-104.	PM-3213
R4-1-115.03.	PM-3213
R4-1-226.01.	PM-3213
R4-1-228.	PR-3213; PN-3213
R4-1-229.	PM-3213
R4-1-341.	PM-3213
R4-1-344.	PM-3213
R4-1-345.	PM-3213
R4-1-346.	PM-3213
R4-1-453.	PM-3213
R4-1-454.	PM-3213
R4-1-455.	PM-3213
R4-1-455.01.	PM-3213
R4-1-456.	PM-3213

**Acupuncture Board of Examiners**

R4-8-101.	PM-2983
R4-8-103.	PM-2983
R4-8-105.	PM-2983
Table 1.	PM-2983
R4-8-106.	PM-2983
R4-8-203.	PM-2983
R4-8-204.	PM-2983
R4-8-206.	PM-2983
R4-8-207.	PM-2983
R4-8-301.	PM-2983
R4-8-303.	PM-2983
R4-8-304.	PM-2983
R4-8-601.	PM-2983

R4-8-602.	PM-2983
R4-8-701.	PN-2983
R4-8-702.	PR-2983
R4-8-704.	PR-2983
R4-8-706.	PR-2983

**Administration, Department of -  
Benefit Services Division**

R2-6-105.	SPM-1186; TM-2265
-----------	----------------------

**Administration, Department of -  
Public Buildings Maintenance**

R2-11-301.	FM-2211
R2-11-302.	FM-2211
R2-11-303.	FM-2211
R2-11-304.	FM-2211
R2-11-305.	FM-2211
R2-11-306.	FM-2211
R2-11-307.	FM-2211
R2-11-309.	FM-2211
R2-11-310.	FM-2211
R2-11-311.	FM-2211
R2-11-312.	FN-2211
R2-11-401.	FR-2211
R2-11-402.	FR-2211
R2-11-403.	FR-2211
R2-11-404.	FR-2211
R2-11-405.	FR-2211
R2-11-406.	FR-2211
R2-11-407.	FR-2211
R2-11-408.	FR-2211

R2-11-409.	FR-2211
R2-11-501.	PN-1481; FR-2211; F#-2211

**Agriculture, Department of - Agri-  
cultural Councils and Commissions**

R3-9-302.	EXP-3188
-----------	----------

**Agriculture, Department of - Animal  
Services Division**

R3-2-101.	PM-2291
R3-2-102.	PM-2291
R3-2-203.	FXM-2081
R3-2-208.	PR-2291
R3-2-301.	PM-2291
R3-2-302.	PM-2291
R3-2-401.	PM-2291
R3-2-402.	PM-2291
R3-2-403.	PN-2291
R3-2-404.	PM-2291
R3-2-405.	PM-2291
R3-2-406.	PM-2291
R3-2-407.	PM-2291
R3-2-408.	PM-2291
R3-2-409.	PM-2291
R3-2-410.	PR-2291; PN-2323
R3-2-411.	PR-2291
R3-2-412.	PR-2291
R3-2-413.	PM-2291
R3-2-501.	PM-2291

R3-2-503.	PM-2291	R3-4-202.	PM-795;	R3-4-1013.	XN-1447
R3-2-504.	PM-2291		FM-3357	R3-4-1014.	XN-1447
R3-2-505.	PM-2291	R3-4-203.	PN-795;	<b>Arizona Health Care Cost Containment System (AHCCCS) - Administration</b>	
R3-2-601.	PR-2291		FN-3357		
R3-2-602.	PM-2291	Table 2.	PN-795;		
R3-2-603.	PR-2291		FN-3357	R9-22-303.	FM-1849
R3-2-604.	PR-2291	Table 3.	PN-795;	R9-22-712.35.	PM-1781;
R3-2-605.	PM-2291		FN-3357		FM-3114
R3-2-606.	PM-2291	R3-4-204.	PM-795;	R9-22-712.61.	PM-1781;
R3-2-607.	PM-2291		PM-3357		PM-1787;
R3-2-608.	PR-2291	R3-4-218.	PM-795;		FM-3111;
R3-2-609.	PM-2291		PM-3357		FM-3114
R3-2-611.	PM-2291	R3-4-219.	PR-795;	R9-22-712.71.	PM-1781;
R3-2-612.	PM-2291		FR-3357		FM-3114
R3-2-613.	PM-2291	R3-4-220.	PM-795;	R9-22-712.75.	PM-1787;
R3-2-614.	PM-2291		FM-3357		FM-3111
R3-2-615.	PM-2291	R3-4-226.	PR-795;	R9-22-721.	PM-1790;
R3-2-616.	PM-2291		FR-3357		FM-3120
R3-2-617.	PM-2291	R3-4-228.	PR-795;	R9-22-730.	FXM-1938
R3-2-618.	PM-2291		FR-3357	<b>Board of Physician Assistants, Arizona Regulatory</b>	
R3-2-620.	PM-2291	R3-4-229.	PM-795;		
R3-2-701.	FXM-2081;		FM-3357	R4-17-203.	FM-401
	PM-2291	R3-4-231.	PM-795;	<b>Charter Schools, State Board for</b>	
			FM-3357		
R3-2-702.	PM-2291	R3-4-234.	PR-795;		
R3-2-703.	PM-2291		FR-3357	R7-5-101.	FXM-1926
R3-2-708.	PM-2291	R3-4-238.	PR-795;	R7-5-208.	FXM-1926
R3-2-801.	PM-2291		FR-3357	R7-5-301.	FXM-1926
R3-2-803.	PM-2291	R3-4-239.	PM-795;	R7-5-402.	FXM-1926
R3-2-804.	PM-2291		FM-3357	R7-5-501.	FXM-1926
R3-2-805.	PM-2291	R3-4-240.	PR-795;	R7-5-504.	FXM-1926
R3-2-807.	PM-2291		FR-3357	R7-5-506.	FXM-1926
R3-2-808.	PM-2291	R3-4-241.	PM-795;	R7-5-509.	FXM-1926
R3-2-810.	FXM-2081		FM-3357	R7-5-602.	FXM-1926
R3-2-901.	PM-2291	R3-4-242.	PR-795;	<b>Child Safety, Department of - Permanency and Support Services</b>	
R3-2-902.	PM-2291		FR-3357		
R3-2-906.	PM-2291	R3-4-244.	PR-795;		
R3-2-907.	PM-2291		FR-3357		
R3-2-908.	PM-2291	R3-4-245.	PM-795;	R21-5-201.	EM-771;
<b>Agriculture, Department of - Citrus Fruit and Vegetable Division</b>			FM-3357		PM-2347;
		Table 4.	PN-795;		EM-2485
R3-10-101.	FXM-2089		FN-3357	R21-5-205.	EM-771;
R3-10-102.	FXM-2089	Table 5.	PN-795;		PM-2347;
<b>Agriculture, Department of - Environmental Services Division</b>			FN-3357		EM-2485
		Table 6.	PN-795;	<b>Clean Elections Commission, Citizens</b>	
R3-3-702.	FXM-2084		FN-3357		
<b>Agriculture, Department of - Office of Commodity Development and Promotion</b>		R3-4-246.	PR-795;		
			FR-3357	R2-20-104.	PM-1411;
		R3-4-248.	PM-795;		PM-2115;
			FM-3357		TM-2129
R3-6-102.	FXM-2088	R3-4-301.	FXM-2085	R2-20-113.	PM-1413;
<b>Agriculture, Department of - Pest Management Division</b>		R3-4-501.	PM-795;		FM-2118
			FM-3357	R2-20-209.	PM-3055
		R3-4-901.	PM-795;	R2-20-702.	PM-1414;
			FM-3357		FM-2120;
R3-8-103.	FXM-720	R3-4-1001.	XN-1447		PM-3551
<b>Agriculture, Department of - Plant Services Division</b>		R3-4-1002.	XN-1447	R2-20-704.	PM-1417;
		R3-4-1003.	XN-1447		FM-2122
		R3-4-1004.	XN-1447	<b>Contractors, Registrar of</b>	
R3-4-101.	PM-795;	R3-4-1005.	XN-1447		
	FM-3357	Table 1.	XN-1447	R4-9-116.	EXP-373
Table 1.	PM-795;		XN-1447	R4-9-121.	EXP-373
	FM-3357	R3-4-1006.	XN-1447	<b>Corporation Commission, Arizona - Fixed Utilities</b>	
R3-4-201.	PM-795;	R3-4-1007.	XN-1447		
	FM-3357	R3-4-1008.	XN-1447		
		R3-4-1011.	XN-1447	R14-2-211.	EM-1798
		R3-4-1012.	XN-1447		





R18-12-274.	PM-1485; FM-3123	R18-12-806.	PM-1485; FM-3123	Appendix C.	PM-177; FM-2515
R18-12-280.	PM-1485; FM-3123	R18-12-808.	PM-1485; FM-3123	<b>Financial Institutions, Department of - Real Estate Appraisal Division</b>	
R18-12-281.	PM-1485; FM-3123	R18-12-809.	PM-1485; FM-3123	R4-46-101.	FM-1139
R18-12-300.	PM-1485; FM-3123	R18-12-951.	PN-1485; FN-3123	R4-46-103.	FR-1139
R18-12-301.	PM-1485; FM-3123	R18-12-952.	PN-1485; FN-3123	R4-46-106.	FM-1139
R18-12-305.	PM-1485; FM-3123	<b>Environmental Quality, Department of - Water Pollution Control</b>		R4-46-107.	FM-1139
R18-12-306.	PM-1485; FM-3123	R18-9-101.	PEM-1293; FEM-3060	R4-46-201.	FM-1139
R18-12-307.	PM-1485; FM-3123	R18-9-103.	PEM-1293; FEM-3060	R4-46-201.01.	FM-1139
R18-12-308.	PM-1485; FM-3123	<b>Environmental Quality, Department of - Water Quality Standards</b>		R4-46-202.	FR-1139
R18-12-309.	PM-1485; FM-3123	R18-11-101.	PM-177; FM-2515	R4-46-202.01.	FM-1139
R18-12-310.	PM-1485; FM-3123	R18-11-107.1.	PM-177; FM-2515	R4-46-203.	FM-1139
R18-12-311.	PR-1485; FR-3123	R18-11-109.	PM-177; FM-2515	R4-46-204.	FM-1139
R18-12-312.	PM-1485; FM-3123	R18-11-114.	PM-177; FM-2515	R4-46-205.	PR-1139
R18-12-313.	PM-1485; FM-3123	R18-11-115.	PM-177; FM-2515	R4-46-207.	PR-1139
R18-12-314.	PM-1485; FM-3123	R18-11-120.	PM-177; FM-2515	R4-46-209.	FM-1139
R18-12-315.	PM-1485; FM-3123	R18-11-122.	PM-177; FM-2515	R4-46-209.	FM-1139
R18-12-316.	PM-1485; FM-3123	Appendix A.	PM-177; FM-2515	R4-46-301.	FM-1139
R18-12-317.	PM-1485; FM-3123	Table 1.	PM-177; FM-2515	R4-46-302.	FR-1139
R18-12-318.	PM-1485; FM-3123	Table 2.	PM-177; FM-2515	R4-46-303.	FR-1139
R18-12-319.	PM-1485; FM-3123	Table 3.	PM-177; FM-2515	R4-46-304.	FR-1139
R18-12-320.	PM-1485; FM-3123	Table 4.	PM-177; FM-2515	R4-46-305.	FR-1139
R18-12-322.	PM-1485; FM-3123	Table 5.	PM-177; FM-2515	R4-46-306.	FR-1139
R18-12-324.	PM-1485; FM-3123	Table 6.	PM-177; FM-2515	R4-46-301.01.	FN-1139
R18-12-325.	PM-1485; FM-3123	Table 11.	PR-177; PN-177; FR-2515;	R4-46-302.01.	FN-1139
R18-12-404.	PM-1485; FM-3123	Table 12.	PR-177; PN-177; FR-2515;	R4-46-303.01.	FN-1139
R18-12-405.	PM-1485; FM-3123	Table 13.	FN-2515	R4-46-304.01.	FN-1139
R18-12-408.	PM-1485; FM-3123	Table 14.	PN-177; FN-2515	R4-46-305.01.	FN-1139
R18-12-409.	PM-1485; FM-3123	Table 15.	PN-177; FN-2515	R4-46-306.01.	FN-1139
R18-12-410.	PM-1485; FM-3123	Table 16.	PN-177; FN-2515	R4-46-307.01.	FN-1139
R18-12-501.	PM-1485; FM-3123	Table 17.	PN-177; FN-2515	R4-46-401.	FM-1139
R18-12-801.	PM-1485; FM-3123	Appendix B.	PM-177; FM-2515	R4-46-402.	FM-1139
R18-12-804.	PM-1485; FM-3123			R4-46-403.	FM-1139
R18-12-805.	PM-1485; FM-3123			R4-46-404.	FM-1139
				R4-46-405.	FM-1139
				R4-46-406.	FM-1139
				R4-46-407.	FM-1139
				R4-46-408.	FM-1139
				R4-46-501.	FM-1139
				R4-46-503.	FM-1139
				R4-46-504.	FM-1139
				R4-46-505.	FM-1139
				R4-46-506.	FM-1139
				R4-46-508.	FM-1139
				R4-46-509.	FM-1139
				R4-46-510.	FM-1139
				R4-46-511.	FM-1139
				<b>Game and Fish Commission</b>	
				R12-4-101.	FM-1047
				R12-4-102.	PM-349; FM-1854
				R12-4-106.	PM-349; FM-1854
				R12-4-204.	PN-349; FM-1854
				R12-4-216.	FM-1047
				R12-4-301.	FM-1047
				R12-4-302.	FM-1047
				R12-4-303.	PM-875; FM-1047; FM-2473
				R12-4-304.	FM-1047
				R12-4-305.	FM-1047
				R12-4-306.	FM-1047



R12-4-307.	FM-1047	R9-8-507.	FN-748	R9-10-104.01.	PEN-2217;
R12-4-308.	FM-1047	R9-8-512.	FR-748		FEN-3481
R12-4-309.	FM-1047	R9-8-521.	FR-748	R9-10-105.	PM-549;
R12-4-310.	FM-1047	R9-8-522.	FR-748		FM-1583;
R12-4-311.	FM-1047	R9-8-523.	FR-748		PEM-2217;
R12-4-313.	FM-1047	R9-8-531.	FR-748		FEM-3481
R12-4-314.	FN-1047	R9-8-533.	FR-748	R9-10-106.	PM-549;
R12-4-315.	FR-1047	R9-8-541.	FR-748		XM-1222;
R12-4-316.	FR-1047	R9-8-542.	FR-748		FM-1583
R12-4-317.	FR-1047	R9-8-543.	FR-748	R9-10-107.	PR-549;
R12-4-318.	FM-1047	R9-8-544.	FR-748		PN-549;
R12-4-319.	FM-1047	R9-8-551.	FR-748		FR-1583;
R12-4-320.	FM-1047	R9-8-601.	FN-756		FN-1583
R12-4-321.	FM-1047	R9-8-602.	FN-756	R9-10-108.	PM-549;
R12-4-322.	FM-1047	R9-8-603.	FN-756		FM-1583
R12-4-401.	FM-1047	Table 6.1.	FN-756	Table 1.1.	PM-549;
R12-4-1001.	PN-124;	Table 6.2.	FN-756		FM-1583
	FN-1860	R9-8-604.	FN-756	R9-10-109.	PM-549;
R12-4-1002.	PN-124;	R9-8-605.	FN-756		FM-1583
	FN-1860	R9-8-606.	FN-756	R9-10-110.	PM-549;
R12-4-1003.	PN-124;	R9-8-607.	FN-756		FM-1583;
	FN-1860	R9-8-608.	FN-756		PEM-2217;
R12-4-1004.	PN-124;	R9-8-611.	FR-756		FEM-3481
	FN-1860	R9-8-612.	FR-756	R9-10-111.	PM-549;
R12-4-1005.	PN-124;	R9-8-613.	FR-756		FM-1583
	FN-1860	R9-8-614.	FR-756	R9-10-112.	PM-549;
		R9-8-615.	FR-756		FM-1583
<b>Health Services, Department of -</b>		R9-8-616.	FR-756	R9-10-113.	PM-549;
<b>Communicable Diseases and Infes-</b>		R9-8-617.	FR-756		FM-1583
<b>tations</b>		R9-8-1301.	FN-763	R9-10-114.	PM-549;
		R9-8-1302.	FN-763		FM-1583
R9-6-401.	PM-2327	R9-8-1303.	FN-763	R9-10-115.	PM-549;
R9-6-403.	PM-2327	Table 13.1.	FN-763		FM-1583
R9-6-404.	PM-2327	R9-8-1304.	FN-763	R9-10-116.	PM-549;
R9-6-405.	PM-2327	R9-8-1305.	FN-763		FM-1583
R9-6-406.	PM-2327	R9-8-1306.	FN-763	R9-10-118.	PM-549;
R9-6-407.	PM-2327	R9-8-1307.	FN-763		FM-1583
R9-6-408.	PM-2327	R9-8-1308.	FN-763	R9-10-119.	PEM-1159;
R9-6-409.	PM-2327	R9-8-1312.	FR-763		FEM-1893
R9-6-1201.	FEM-255	R9-8-1314.	FR-763	R9-10-201.	PM-549;
R9-6-1202.	FEM-255	R9-8-1321.	FR-763		FM-1583
R9-6-1203.	FEM-255	R9-8-1322.	FR-763	R9-10-202.	PM-549;
R9-6-1204.	FEM-255	R9-8-1331.	FR-763		FM-1583
		R9-8-1332.	FR-763	R9-10-203.	PM-549;
<b>Health Services, Department of -</b>		R9-8-1333.	FR-763		FM-1583
<b>Emergency Medical Services</b>		R9-8-1334.	FR-763	R9-10-206.	PM-549;
		R9-8-1335.	FR-763		FM-1583
R9-25-201.	FM-953	R9-8-1336.	FR-763	R9-10-207.	PM-549;
R9-25-202.	FM-953	R9-8-1337.	FR-763		FM-1583
R9-25-203.	FM-953	R9-8-1338.	FR-763	R9-10-210.	PM-549;
R9-25-204.	FM-953				FM-1583
R9-25-205.	FM-953	<b>Health Services, Department of -</b>		R9-10-215.	PM-549;
R9-25-206.	FM-953	<b>Health Care Institutions: Licensing</b>			FM-1583
R9-25-207.	FM-953			R9-10-217.	PM-549;
<b>Health Services, Department of -</b>					FM-1583;
<b>Food, Recreational, and Institu-</b>		R9-10-101.	PM-549;		PEM-2217;
<b>tional Sanitation</b>			XM-1222;		FEM-3481
			FM-1583;	R9-10-219.	PM-549;
R9-8-102.	PEM-675;		PEM-2217;		FM-1583
	FEM-1547		FEM-3481	R9-10-220.	PM-549;
R9-8-501.	FN-748	R9-10-102.	PM-549;		FM-1583
R9-8-502.	FN-748		XM-1222;	R9-10-224.	PM-549;
R9-8-503.	FN-748		FM-1583		FM-1583
Table 5.1.	FN-748	R9-10-104.	PM-549;	R9-10-225.	PM-549;
Table 5.2.	FN-748		FM-1583;		FM-1583
R9-8-504.	FN-748		PM-2217;		FM-1583
R9-8-505.	FN-748		FEM-3481		
R9-8-506.	FN-748				

R9-10-226.	PM-549; FM-1583	R9-10-506.	X#-1222; XN-1222	R9-10-717.01.	PN-549; FN-1583
R9-10-228.	PEM-2217; FEM-3481	R9-10-507.	X#-1222; XN-1222	R9-10-718.	PM-549; FM-1583
R9-10-233.	PM-549; FM-1583	R9-10-508.	X#-1222; XN-1222	R9-10-719.	PM-549; FM-1583
R9-10-234.	PEM-2217; FEM-3481	R9-10-509.	X#-1222; XN-1222	R9-10-720.	PM-549; FM-1583; PEM-2217; FEM-3481
R9-10-302.	PM-549; FM-1583	R9-10-510.	X#-1222; XN-1222	R9-10-721.	FEM-259
R9-10-303.	PM-549; FM-1583	R9-10-511.	X#-1222; XN-1222	R9-10-722.	FM-1583
R9-10-306.	PM-549; FM-1583	R9-10-512.	X#-1222; XN-1222	R9-10-801.	PM-549; FM-1583
R9-10-307.	PM-549; FM-1583	R9-10-513.	X#-1222; XN-1222	R9-10-802.	PM-549; FM-1583
R9-10-308.	PM-549; FM-1583	R9-10-514.	X#-1222; XN-1222	R9-10-803.	PM-549; FM-1583
R9-10-314.	PM-549; FM-1583	R9-10-515.	X#-1222; XN-1222	R9-10-806.	PM-549; FM-1583
R9-10-315.	PM-549; FM-1583	R9-10-516.	X#-1222; XN-1222	R9-10-807.	PM-549; FM-1583
R9-10-316.	PM-549; FM-1583	R9-10-517.	FEM-259; X#-1222; XN-1222	R9-10-808.	PM-549; FM-1583
R9-10-321.	PM-549; FM-1583	R9-10-518.	X#-1222; XN-1222; PEM-2217	R9-10-810.	PM-549; FM-1583
R9-10-322.	PEM-2217; FEM-3481	R9-10-519.	XN-1222	R9-10-814.	PM-549; FM-1583
R9-10-323.	FEM-259	R9-10-520.	XN-1222	R9-10-815.	PM-549; FM-1583; PEM-2217; FEM-3481
R9-10-324.	PM-549; FM-1583	R9-10-521.	XN-1222	R9-10-817.	PM-549; FM-1583
R9-10-401.	PM-549; FM-1583	R9-10-522.	XN-1222	R9-10-818.	PM-549; FM-1583; PEM-2217; FEM-3481
R9-10-402.	PM-549; FM-1583	R9-10-523.	XN-1222	R9-10-819.	FEM-259
R9-10-403.	PM-549; FM-1583	R9-10-524.	XN-1222	R9-10-820.	PM-549; FM-1583; PEM-2217; FEM-3481
R9-10-408.	PM-549; FM-1583	R9-10-525.	XN-1222	R9-10-917.	FEM-259
R9-10-409.	PM-549; FM-1583	R9-10-602.	PM-549; FM-1583	R9-10-918.	PEM-2217; FEM-3481
R9-10-412.	PM-549; FM-1583	R9-10-607.	PM-549; FM-1583	R9-10-1002.	PM-549; FM-1583
R9-10-414.	PM-549; FM-1583	R9-10-617.	FM-1583	R9-10-1003.	PM-549; FM-1583
R9-10-415.	PM-549; FM-1583	R9-10-618.	FEM-259 PEM-2217; FEM-3481	R9-10-1013.	PM-549; FM-1583
R9-10-418.	PM-549; FM-1583	R9-10-702.	PM-549; FM-1583	R9-10-1014.	PM-549; FM-1583
R9-10-425.	PM-549; FM-1583	R9-10-703.	PM-549; FM-1583	R9-10-1017.	PM-549; FM-1583
R9-10-426.	PEM-2217; FEM-3481	R9-10-706.	PM-549; FM-1583	R9-10-1018.	PM-549; FM-1583; PEM-2217; FEM-3481
R9-10-427.	PM-549; FM-1583	R9-10-707.	PM-549; FM-1583	R9-10-1019.	PM-549; FM-1583; PEM-2217; FEM-3481
R9-10-501.	X#-1222; XN-1222	R9-10-708.	PM-549; FM-1583	R9-10-1025.	PM-549; FM-1583
R9-10-502.	X#-1222; XN-1222	R9-10-711.	PM-549; FM-1583		
R9-10-503.	X#-1222; XN-1222	R9-10-712.	PM-549; FM-1583		
R9-10-504.	X#-1222; XN-1222	R9-10-713.	PM-549; FM-1583		
R9-10-505.	X#-1222; XN-1222	R9-10-714.	PM-549; FM-1583		
		R9-10-715.	PM-549; FM-1583		
		R9-10-716.	PM-549; FM-1583		
		R9-10-717.	PM-549; FM-1583		

	PEM-2217; FEM-3481	R9-13-102.	PM-697; FM-1827	R9-4-201.	PM-2011; FM-3429
R9-10-1029.	PEM-2217; FEM-3481	Table 13.1.	PN-697; FN-1827	R9-4-202.	PM-2011; FM-3429
R9-10-1030. R9-10-1031.	FEM-259 PM-549; FM-1583	R9-13-103.	PM-697; FM-1827	R9-4-301.	PM-2011; FM-3429
R9-10-1102.	PM-549; FM-1583	R9-13-104.	PM-697; FM-1827	R9-4-302.	PM-2011; FM-3429
R9-10-1116. R9-10-1117.	FEM-259 PEM-2217; FEM-3481	R9-13-105.	PM-697; FM-1827	R9-4-401.	PM-2011; FM-3429
R9-10-1203.	PEM-2185; FEM-3391	R9-13-106.	PN-697; FN-1827	R9-4-402.	PM-2011; FM-3429
R9-10-1206.	PEM-2185; FEM-3391	R9-13-107.	PR-697; PN-697; FR-1827; FN-1827	R9-4-403.	PM-2011; FM-3429
R9-10-1315.	PEM-2217; FEM-3481	R9-13-108.	PR-697; PN-697; FR-1827; FN-1827	R9-4-404.	PM-2011; FM-3429
R9-10-1316. R9-10-1317.	FEM-259 PEM-2217; FEM-3481	R9-13-109.	PR-697; PN-697; FR-1827; FN-1827	R9-4-501.	PM-2011; FM-3429
R9-10-1414.	PM-549; FM-1583	R9-13-110.	PN-697; FN-1827	R9-4-502.	PM-2011; FM-3429
R9-10-1415. R9-10-1416.	FEM-259 PEM-2217; FEM-3481	R9-13-111.	PN-697; FN-1827	R9-4-503.	PM-2011; FM-3429
R9-10-1505.	PEM-1159; FEM-1893	R9-13-112.	PN-697; FN-1827	R9-4-504.	PM-2011; FM-3429
R9-10-1509.	PEM-1159; FEM-1893	R9-13-113.	PN-697; FN-1827	<b>Health Services, Department of - Occupational Licensing</b>	
R9-10-1514. R9-10-1610. R9-10-1712. R9-10-1810. R9-10-1901.	PEM-2217 FEM-259 FEM-259 FEM-259 PR-549; FR-1583	R9-13-114. R9-13-115.	PN-697; FN-1827 PN-697; FN-1827	R9-16-601. R9-16-602. R9-16-603. R9-16-604.	PEN-1329; FEN-2409 PEN-1329; FEN-2409 PEN-1329; FEN-2409 PEN-1329; FEN-2409
R9-10-1902.	PM-549; FM-1583	<b>Health Services, Department of - Medical Marijuana Program</b>		R9-16-605. R9-16-606.	PEN-1329; FEN-2409 PEN-1329; FEN-2409
R9-10-1910.	PEM-2217; FEM-3481	R9-17-101. R9-17-102. R9-17-103. R9-17-107.	XM-2421 XM-2421 XM-2421 XM-2421	R9-16-607. R9-16-608. R9-16-609.	PEN-1329; FEN-2409 PEN-1329; FEN-2409 PEN-1329; FEN-2409
R9-10-2101. R9-10-2102.	X#-1222 X#-1222; XM-1222	Table 1.1. R9-17-108. R9-17-109. R9-17-205. R9-17-308. R9-17-310. R9-17-316. R9-17-318. R9-17-322. R9-17-323. R9-17-401. R9-17-402. R9-17-403. R9-17-404. R9-17-405. R9-17-406. R9-17-407. R9-17-408. R9-17-409. R9-17-410. R9-17-411.	XM-2421 XM-2421 XM-2421 XM-2421 XM-2421 XM-2421 XM-2421 XM-2421 XM-2421 XM-2421 XN-2421 XN-2421 XN-2421 XN-2421 XN-2421 XN-2421 XN-2421 XN-2421 XN-2421 XN-2421 XN-2421	R9-16-611. R9-16-612. R9-16-613. R9-16-614. R9-16-615. R9-16-616. R9-16-617. R9-16-618.	PEN-1329; FEN-2409 PEN-1329; FEN-2409 PEN-1329; FEN-2409 PEN-1329; FEN-2409 PEN-1329; FEN-2409 PEN-1329; FEN-2409 PEN-1329; FEN-2409 PEN-1329; FEN-2409 PM-3287 PEN-1329; FEN-2409 PEN-1329; FEN-2409
R9-10-2103. R9-10-2104. R9-10-2105. R9-10-2106. R9-10-2107. R9-10-2108. R9-10-2109. R9-10-2110. R9-10-2111.	X#-1222 X#-1222 X#-1222 X#-1222 X#-1222 X#-1222 X#-1222 X#-1222 X#-1222; XM-1222				
R9-10-2112. R9-10-2113. R9-10-2114. R9-10-2115. R9-10-2116. R9-10-2117. R9-10-2118.	X#-1222 X#-1222 X#-1222 X#-1222 X#-1222 X#-1222 X#-1222; FEM-3481				
<b>Health Services, Department of - Health Programs Services</b>		<b>Health Services, Department of - Noncommunicable Diseases</b>			
R9-13-101.	PM-697; FM-1827	R9-4-101.	PM-2011; FM-3429		





R2-8-122.	PM-3285	R15-5-2002.	XM-3010	<b>Transportation, Department of - Fuel Taxes</b>	
R2-8-301.	PM-1217; FM-2471	R15-5-2003.	XN-3010		
R2-8-302.	PM-1217; FM-2471	R15-5-2004.	XM-3010	R17-8-401.	PEM-2125; FEM-3573
R2-8-303.	PM-1217; FM-2471	R15-5-2009.	XN-3010	R17-8-403.	PEM-2125; FEM-3573
R2-8-304.	PM-1217; FM-2471	R15-5-2201.	XM-3010	R17-8-404.	PEM-2125; FEM-3573
R2-8-501.	FM-303	R15-5-2202.	XM-3010	R17-8-501.	PEM-2125; FEM-3573
R2-8-502.	FM-303	R15-5-2204.	XM-3010	R17-8-502.	PEM-2125; FEM-3573
R2-8-503.	FM-303	R15-5-2205.	XM-3010	R17-8-504.	PEM-2125; FEM-3573
R2-8-504.	FM-303	R15-5-2206.	XM-3010		
R2-8-505.	FM-303	R15-5-2207.	XM-3010		
R2-8-506.	FM-303	R15-5-2212.	XN-3010		
R2-8-507.	FM-303	R15-5-2213.	XR-3010		
R2-8-508.	FM-303	R15-5-2215.	XM-3010		
R2-8-509.	FM-303	R15-5-2216.	XN-3010		
R2-8-510.	FM-303	R15-5-2217.	XN-3010		
R2-8-511.	FM-303	R15-5-2220.	XR-3010		
R2-8-512.	FM-303	R15-5-2301.	XM-3010		
R2-8-513.	FM-303	R15-5-2302.	XM-3010		
R2-8-513.01.	FM-303	R15-5-2310.	XM-3010		
R2-8-513.02.	FM-303	R15-5-2350.	XR-3010		
R2-8-514.	FM-303				
R2-8-515.	FR-303				
R2-8-519.	FM-303				
R2-8-520.	FM-303				
R2-8-521.	FM-303				
R2-8-701.	FM-303				
R2-8-702.	FM-303				
R2-8-703.	FM-303				
R2-8-704.	FM-303				
R2-8-705.	FM-303				
R2-8-706.	FM-303				
R2-8-707.	FM-303				
R2-8-709.	FR-303				
R2-8-807.	PM-1217; FM-2471				
R2-8-1101.	FN-303				
R2-8-1102.	FN-303				
R2-8-1103.	FN-303				
<b>Revenue, Department of - General Administration</b>					
R15-10-301.	XM-3023				
R15-10-302.	XM-3023				
R15-10-501.	XM-3023				
R15-10-502.	PM-1183; FM-3057				
R15-10-503.	PM-1183; FM-3057				
R15-10-505.	XM-3023				
<b>Revenue, Department of - Transaction Privilege and Use Tax Section</b>					
R15-5-101.	X#-3010; XM-3010				
R15-5-102.	XM-3010				
R15-5-107.	X#-3010				
R15-5-111.	XM-3010				
R15-5-112.	XM-3010				
R15-5-151.	XM-3010				
R15-5-155.	XN-3010				
R15-5-1860.	FEM-327				
R15-5-2001.	X#-3010				
		<b>Secretary of State, Office of</b>			
		R2-12-901.	PN-121		
		R2-12-902.	PN-121		
		R2-12-903.	PN-121		
		R2-12-904.	PN-121		
		R2-12-905.	PN-121		
		R2-12-906.	PN-121		
		R2-12-907.	PN-121		
		R2-12-908.	PN-121		
		R2-12-909.	PN-121		
		R2-12-1201.	P#-2399; PN-2399		
		R2-12-1202.	P#-2399; PM-2399		
		R2-12-1203.	P#-2399		
		R2-12-1204.	P#-2399; PM-2399		
		R2-12-1205.	P#-2399; PM-2399		
		R2-12-1206.	P#-2399; PM-2399		
		R2-12-1207.	P#-2399; PM-2399		
		R2-12-1208.	P#-2399; PR-2399		
		R2-12-1209.	PR-2399		
		R2-12-1301.	PN-3351		
		R2-12-1302.	PN-3351		
		R2-12-1303.	PN-3351		
		R2-12-1304.	PN-3351		
		R2-12-1305.	PN-3351		
		R2-12-1306.	PN-3351		
		R2-12-1307.	PN-3351		
		R2-12-1308.	PN-3351		
		<b>Tax Deferred Annuity and Deferred Compensation Plans, Governing Committee for</b>			
		R2-9-101.	PR-91; FR-883		
		<b>Technical Registration, Board of</b>			
		R4-30-106.	PM-3477		
		R4-30-247.	PM-3477		
				<b>Transportation, Department of - Third-party Programs</b>	
				R17-7-206.	EXP-1736
				R17-7-207.	EXP-1736
				R17-7-304.	EXP-1736
				R17-7-305.	EXP-1736
				R17-7-501.	EXP-1736
				R17-7-502.	EXP-1736
				<b>Transportation, Department of - Title, Registration, and Driver Licenses</b>	
				R17-4-101.	PN-670; FN-1885
				R17-4-313.	XM-104; XR-2261; XN-2261
				R17-4-351.	PN-745; FN-1890
				R17-4-352.	PN-745; FN-1890
				R17-4-407.	PR-670; PN-670; FR-1885; FN-1885
				R17-4-409.	PM-670; FM-1885
				<b>Veterans' Services, Department of - Arizona State Veteran Home</b>	
				R4-40-101.	EXP-3450
				R4-40-201.	EXP-3450
				R4-40-301.	EXP-3450
				R4-40-302.	EXP-3450
				R4-40-304.	EXP-3450
				R4-40-501.	EXP-3450
				R4-40-601.	EXP-3450
				R4-40-701.	EXP-3450
				R4-40-801.	EXP-3450
				R4-40-901.	EXP-3450
				R4-40-902.	EXP-3450



## OTHER NOTICES AND PUBLIC RECORDS INDEX

Other legal notices required to be published under the Administrative Procedure Act, such as Rulemaking Docket Openings, are included in this Index by volume page number. Notices of Agency Ombudsman, Substantive Policy Statements, Proposed Delegation Agreements, and other applicable public records as required by law are also listed in this Index by volume page number.

**THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 50 OF VOLUME 25.**

### Agency Ombudsman, Notices of

First Things First, Early Childhood Development and Health Board; p. 385  
 Game and Fish Commission; p. 385  
 Industrial Commission of Arizona; p. 3525  
 Public Safety, Department of; p. 854  
 Water Resources, Department of; p. 3525

### Docket Opening, Notices of Rulemaking

Accountancy, Board of; 4 A.A.C. 1; pp. 3259-3260  
 Acupuncture Board of Examiners; 4 A.A.C. 8; p. 3028  
 Administration, Department of - Public Buildings Maintenance; 2 A.A.C. 11; p. 1560  
 Arizona Health Care Cost Containment System (AHCCCS) - Administration; 9 A.A.C. 22; pp. 1802-1803  
 Agriculture, Department of - Animal Services Division; 3 A.A.C. 2; pp. 2372-2373  
 Agriculture, Department of - Plant Services Division; 3 A.A.C. 4; p. 849  
 Child Safety, Department of - Permanency and Support Services; 21 A.A.C. 5; p. 2374  
 Clean Elections Commission, Citizens; 2 A.A.C. 20; pp. 1456-1457, 2130, 3079, 3578  
 Corporation Commission, Arizona - Fixed Utilities; 14 A.A.C. 2; pp. 376  
 Dispensing Opticians, Board of; 4 A.A.C. 20; p. 1163  
 Economic Security, Department of - Child Support Enforcement; 6 A.A.C. 7; pp. 1737-1738  
 Economic Security, Department of - Food Stamps Program; 6 A.A.C. 14; pp. 1739-1740  
 Economic Security, Department of - The JOBS Program; 6 A.A.C. 10; p. 1389  
 Environmental Quality, Department of - Administration; 18 A.A.C. 1; p. 2491  
 Environmental Quality, Department of - Air Pollution Control; 18

A.A.C. 2; pp. 51-52, 1113, 1163-1164  
 Environmental Quality, Department of - Permits and Compliance Fees; 18 A.A.C. 14; p. 2492  
 Environmental Quality, Department of - Water Pollution Control; 18 A.A.C. 9; pp. 1308, 2491  
 Environmental Quality, Department of - Water Quality Standards; 18 A.A.C. 11; pp. 273, 3029  
 Facilities Board, School; 7 A.A.C. 6; p. 1740  
 Game and Fish Commission; 12 A.A.C. 4; pp. 128, 375-376, 894  
 Health Services, Department of; 9 A.A.C. 9; p. 3319  
 Health Services, Department of - Child Care Facilities; 9 A.A.C. 5; p. 1561  
 Health Services, Department of - Communicable Diseases and Infestations; 9 A.A.C. 6; p. 1342  
 Health Services, Department of - Emergency Medical Services; 9 A.A.C. 25; pp. 1271, 3292  
 Health Services, Department of - Food, Recreational, and Institutional Sanitation; 9 A.A.C. 8; pp. 374-375, 466, 724  
 Health Services, Department of - Health Care Institutions: Licensing; 9 A.A.C. 10; pp. 678, 1457, 2093, 2266  
 Health Services, Department of - Noncommunicable Diseases; 9 A.A.C. 4; p. 1341  
 Health Services, Department of - Occupational Licensing; 9 A.A.C. 16; pp. 1270, 2490, 3320-3322, 3401  
 Health Services, Department of - Radiation Control; 9 A.A.C. 7; p. 2442  
 Industrial Commission of Arizona; 20 A.A.C. 5; pp. 895, 2373, 2443-2444  
 Information Technology Agency, Government; 2 A.A.C. 18; pp. 107-108  
 Insurance, Department of; 20 A.A.C. 6; pp. 161, 896, 3402  
 Medical Board, Arizona; 4 A.A.C. 16; p. 1898  
 Nursing Care Institution Administrators and Assisted Living Facility

Managers, Board of Examiners for; p. 2093  
 Osteopathic Examiners in Medicine and Surgery, Board of; 4 A.A.C. 22; p. 723  
 Pharmacy, Board of; 4 A.A.C. 23; pp. 51, 2092, 3578  
 Podiatry, Board of; 4 A.A.C. 25; p. 465  
 Public Safety, Department of - Alcohol Testing; 13 A.A.C. 10; p. 3080  
 Public Safety, Department of - Criminal Identification Section; 13 A.A.C. 1; pp. 331, 3079  
 Public Safety, Department of - School Buses; 13 A.A.C. 13; p. 894  
 Retirement System Board, State; 2 A.A.C. 8; pp. 1270, 3291  
 Revenue, Department of - General Administration; 15 A.A.C. 10; 1189  
 Secretary of State, Office of; 2 A.A.C. 12; p. 1189, 1737  
 Technical Registration, Board of; 4 A.A.C. 30; pp. 3291-3292  
 Tax Deferred Annuity and Deferred Compensation Plans, Governing Committee for; 2 A.A.C. 9; p. 107  
 Transportation, Department of - Commercial Programs; 17 A.A.C. 5; p. 3293  
 Transportation, Department of - Fuel Taxes; 17 A.A.C. 8; p. 2130  
 Transportation, Department of - Oversize and Overweight Special Permits; 17 A.A.C. 6; p. 680  
 Transportation, Department of - Title, Registration, and Driver Licenses; 17 A.A.C. 4; p. 679

### Governor's Office

**Executive Order 2019-01:** pp. 131-132

### Governor's Regulatory Review Council

Notices of Action Taken at Monthly Meetings: pp. 342, 424, 787-788, 984-986, 1358-1359, 1576-1577, 1916-1917, 2205-2206, 2464-2465, 3103-3104, 3470-3471, 3603-3604

**Guidance Document, Notices of**

Health Services, Department of; pp. 109, 2054  
Revenue, Department of; pp. 1191-1192

**Proposed Delegation Agreement, Notices of**

Environmental Quality, Department of; pp. 1741-1760, 2055  
Health Services, Department of; p. 681

**Public Information, Notices of**

Accountancy, Board of; p. 468  
Environmental Quality, Department of; pp. 57-63, 1942-1990  
Environmental Quality, Department of - Pesticides and Water Pollution Control; pp. 3323-3325  
Environmental Quality, Department of - Water Pollution Control; pp. 162, 1114, 1459, 3326  
Game and Fish Commission; pp. 53-57  
Gaming, Department of - Racing Division - Boxing and Mixed Martial Arts Commission; p. 850  
Health Services, Department of; pp. 2058, 3580-3581  
Health Services, Department of - Health Care Institutions: Licensing; p. 2375  
Health Services, Department of - Medical Marijuana Program; p. 2057  
Technical Registration, Board of; pp. 725, 3323

**Substantive Policy Statement, Notices of**

Accountancy, Board of; pp. 469, 1899  
Acupuncture Board of Examiners; pp. 2445, 3030  
Agriculture, Department of - Plant Services of; pp. 2445-2446  
Behavioral Health Examiners, Board of; pp. 1344, 2376  
Contractors, Registrar of; p. 1197  
Finance Authority, Water Infrastructure; pp. 380-383  
Gaming, Department of - Racing Division - Boxing and Mixed Martial Arts Commission; pp. 851-853  
Health Services, Department; pp. 1115, 1309  
Insurance, Department; pp. 532, 2446  
Lottery Commission, State; pp. 726, 2132  
Nursing, Board of; pp. 726, 2267, 3582  
Osteopathic Examiners in Medicine and Surgery; pp. 2267-2269

Peace Officer Standards and Training Board, Arizona (AZPOST); p. 1805  
Psychologist Examiners, Board; p. 2269  
Podiatry Examiners, Board of; p. 1460  
Real Estate Department, State; pp. 129-130  
Revenue, Department of; pp. 1193-1196  
State Land Department, Arizona; pp. 378-380  
Technical Registration, Board of; p. 1273  
Veterans' Services, Department of; pp. 3082-3084  
Water Resources, Department of; pp. 332, 378, 3403



## 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.

<b>Deadline Date (paper only) Friday, 5:00 p.m.</b>	<b>Register Publication Date</b>	<b>Oral Proceeding may be scheduled on or after</b>
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
November 8, 2019	November 29, 2019	December 30, 2019
November 15, 2019	December 6, 2019	January 6, 2020
November 22, 2019	December 13, 2019	January 13, 2020
November 29, 2019	December 20, 2019	January 21, 2020
December 6, 2019	December 27, 2019	January 27, 2020
December 13, 2019	January 3, 2020	February 3, 2020
December 20, 2019	January 10, 2020	February 10, 2020
December 27, 2019	January 17, 2020	February 17, 2020
January 3, 2020	January 24, 2020	February 24, 2020
January 10, 2020	January 31, 2020	March 2, 2020
January 17, 2020	February 7, 2020	March 9, 2020
January 24, 2020	February 14, 2020	March 16, 2020
January 31, 2020	February 21, 2020	March 23, 2020
February 7, 2020	February 28, 2020	March 30, 2020
February 14, 2020	March 6, 2020	April 6, 2020
February 21, 2020	March 13, 2020	April 13, 2020
February 28, 2020	March 20, 2020	April 20, 2020
March 6, 2020	March 27, 2020	April 27, 2020
March 13, 2020	April 3, 2020	May 4, 2020
March 20, 2020	April 10, 2020	May 11, 2020
March 27, 2020	April 17, 2020	May 18, 2020
April 3, 2020	April 24, 2020	May 26, 2020



### 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 under A.R.S. § 41-1013(B)(15).

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 305, 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	<b>Wednesday</b> 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	<b>Wednesday</b> 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.