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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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

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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.
### 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

#### START HERE

- APA, statute or ballot proposition is passed. It gives an agency authority to make rules.
- It may give an agency an exemption to the process or portions thereof.

#### Agency opens a docket.

- Agency files a Notice of Rulemaking Docket Opening; it is published in the *Register*. Often an agency will file the docket with the proposed rulemaking.

#### Agency drafts proposed rule and Economic Impact Statement (EIS); informal public review/comment.


#### Oral proceeding and close of record. Comment period must last at least 30 days after publication of notice. Oral proceeding (hearing) is held no sooner than 30 days after publication of notice of hearing

- Agency decides not to proceed; files Notice of Termination of Rulemaking for publication in Register.
  A.R.S. § 41-1021(A)(2).

- Agency decides not to proceed and does not file final rule with G.R.R.C. within one year after proposed rule is published. A.R.S. § 41-1021(A)(4).

- Agency decides not to proceed and files Notice of Termination of Rulemaking for publication in Register.

#### Rule must be submitted for review or terminated within 120 days after the close of the record.

- A final rulemaking package is submitted to G.R.R.C. or A.G. for review. Contains final preamble, rules, and Economic Impact Statement.

- G.R.R.C. has 90 days to review and approve or return the rule package, in whole or in part; A.G. has 60 days.

- After approval by G.R.R.C. or A.G., the rule becomes effective 60 days after filing with the Secretary of State (unless otherwise indicated).

#### Final rule is published in the *Register* and the quarterly Code Supplement.
Definitions


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

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

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

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


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

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

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

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

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

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

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

Acronyms

A.A.C. – Arizona Administrative Code
A.A.R. – Arizona Administrative Register
APA – Administrative Procedure Act
A.R.S. – Arizona Revised Statutes
CFR – Code of Federal Regulations
EIS – Economic, Small Business, and Consumer Impact Statement
FR – Federal Register
G.R.R.C. – Governor’s Regulatory Review Council

About Preambles

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

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

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.
NOTICES OF FINAL EXPEDITED RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Expedited Rulemaking. The Office of the Secretary of State is the filing office and publisher of these rules.

Questions about the interpretation of the expedited rules should be addressed to the agency promulgating the rules. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXPEDITED RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT

[Preamble]

1. Article, Part, or Section Affected (as applicable)
   Rulemaking Action
   R18-13-201      Amend
   R18-13-703      Amend
   R18-13-1301     Amend
   R18-13-1302     Amend
   R18-13-1303     Amend
   R18-13-1304     Amend
   R18-13-1601     Amend
   R18-13-1602     Amend
   R18-13-1603     Amend
   R18-13-1604     Amend
   R18-13-1607     Amend
   R18-13-1608     Amend
   R18-13-1610     Amend
   R18-13-1613     Amend

2. Citations to the agency’s statutory authority for the rulemaking to include the authorizing statute (general) and the implementing statute (specific):
   Authorizing statutes: A.R.S. §§ 41-1003, 49-104(B)(4), 49-705, and 49-761(A)
   Implementing statutes: A.R.S. §§ 49-701.01(C), 49-762, 49-762.03(F), 49-857(C), and 49-851 through 49-868

3. The effective date of the rules:
   January 5, 2021

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 expedited rulemaking:
   Notice of Rulemaking Docket Opening: 26 A.A.R. 1947, September 18, 2020
   Notice of Proposed Expedited Rulemaking: 26 A.A.R. 2759, October 23, 2020

5. The agency’s contact person who can answer questions about the rulemaking:
   Name: Caitlin Caputo or Mark Lewandowski
   Address: Department of Environmental Quality
            Waste Programs Division
            1110 W. Washington St.
            Phoenix, AZ 85007
   Telephone: (602) 771-4677 or (602) 771-2230
   Fax: (602) 771-4272
   E-mail: caputo.caitlin@azdeq.gov or lewandowski.mark@azdeq.gov

6. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S. § 41-1027, to include an explanation about the expedited rulemaking:
   As required by A.R.S. § 41-1027(A), these changes do not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of persons regulated. Further, the changes correct outdated citations and clarify the language of a rule without changing the effect of the rule, as required under A.R.S. § 41-1027(A)(3), and implement, without material change, courses of action proposed in a five-year review report approved by the Governor’s Regulatory Review Council on March 3, 2020, as required under A.R.S. § 41-1027(A)(7).
   The definition of Petroleum Contaminated Soil (PCS) is provided in A.R.S. § 49-851(A)(3) and has been unchanged since 1996. The previous definition in Rule 1601, subsections (8) and (13), of PCS predated the 1996 statute, so ADEQ used A.R.S. § 49-851(A)(3) as a framework for the updated definition of PCS in this rulemaking, but did not include a level for the chemical acenaphthylene since ADEQ never determined a level for that chemical in its SRL rules. The result is unification of the rule and statutory definitions of PCS.
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:

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

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

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

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

Not applicable, in accordance with A.R.S. § 41-1055(D)(2).

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

ADEQ determined that the following change needed to be added to R18-13-201: “A. This Section applies only to biosolids as defined in R18-9-1001.”

11. Agency’s summary of the public or stakeholder comments or objections made about the expedited rulemaking and the agency response to the comments:

ADEQ did not receive public or stakeholder comments or objections about the expedited rulemaking.

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:

Two of the rules amended in this rulemaking require a permit: R18-13-1607 and R18-13-1610. A.R.S. § 41-1037 does not apply to these permits (special waste treatment, storage or disposal facility plan approvals) because the facilities are not substantially similar in nature. See also A.R.S. § 49-706(A)(1)(b). This conclusion is supported by the fact that the legislature specifically authorized an alternative type of license for these facilities in A.R.S. §§ 49-762(A)(4) and 49-858, which makes a general permit not applicable under A.R.S. § 41-1037(A)(2).

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

There are no federal laws corresponding to the rules in Articles 2, 7, 13, and 16. R18-13-1607(A) uses the word “only” and appears to prohibit disposal at a facility out of state, therefore subsection (A) should be clarified to avoid inadvertent prohibition on out of state activities.

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

No such analysis was submitted.

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

None

14. Whether the rules were previously made, amended, or repealed as emergency rules. 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:

The rules were not previously made as emergency rules.

15. The full text of the rule follows:

**TITLE 18. ENVIRONMENTAL QUALITY**

**CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY**

**SOLID WASTE MANAGEMENT**

**ARTICLE 2. SOLID WASTE DEFINITIONS; EXEMPTIONS**

Section
R18-13-201. Land Application of Biosolids Exemption

**ARTICLE 7. SOLID WASTE FACILITY PLAN REVIEW FEES**

Section
R18-13-703. Review of Bill

**ARTICLE 13. SPECIAL WASTE**

Section
R18-13-1301. Definitions
R18-13-1302. Special Waste Generator Manifesting Requirements
R18-13-1303. Special Waste Shipper Manifesting Requirements
R18-13-1304. Special Waste Receiving Facility Manifesting Requirements
ARTICLE 16. BEST MANAGEMENT PRACTICES FOR PETROLEUM CONTAMINATED SOIL

Section
R18-13-1601. Definitions
R18-13-1602. Applicability
R18-13-1603. Exemptions
R18-13-1604. Waste Determination
R18-13-1607. Facility Approval; Application
R18-13-1608. General Design and Performance Standards
R18-13-1610. Temporary Treatment Facility
R18-13-1613. Disposal

ARTICLE 2. SOLID WASTE DEFINITIONS; EXEMPTIONS

R18-13-201. Land Application of Biosolids Exemption
A. This Section applies only to biosolids as defined in R18-12-1501(7) R18-9-1001. The land application of biosolids, when placed on or applied to the land in full conformity with 18 A.A.C. 12, Article 15 18 A.A.C. 9, Article 10 and A.R.S. § 49-761(F), and if the site of land application has ceased to receive application of biosolids and all applicable site restrictions set by 18 A.A.C. have been satisfied, is exempt statewide from the definition of solid waste found at A.R.S. § 49-701.01(A). This exemption applies only when the biosolids and the soil to which it has been applied remain at the site of the application.
B. No change

ARTICLE 7. SOLID WASTE FACILITY PLAN REVIEW FEES

R18-13-703. Review of Bill
A. No change
B. Unless the Department and applicant agree otherwise, the review shall take place within 30 days of receipt by the Department of the request. The Director shall make a final decision as to whether the time and costs billed are correct and reasonable. The final decision shall be mailed to the applicant within 10 working days after the date of the review and is subject to appeal pursuant to A.R.S. §§ 49-769 § 41-1092 through 1092.12.

ARTICLE 13. SPECIAL WASTE

R18-13-1301. Definitions
In addition to the terms prescribed in A.R.S. § 49-851, the terms in this Article shall have the following meanings:
1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
12. “Special waste manifest” means a form provided by the Department, shown as Exhibit A Appendix B to this Article, and used to identify the origin, quantity, composition, routing, and destination of special waste during its transportation from a generator’s facility to a special waste receiving facility.
13. No change
14. No change

R18-13-1302. Special Waste Generator Manifesting Requirements
A. A generator shall request a generator identification number on a form provided by the Director, and shown as Exhibit B Appendix A to this Article, prior to shipping special waste. Within 30 days of receiving the completed form, the Director shall issue the identification number to the generator.
B. No change
1. No change
2. No change
3. No change
4. No change
C. No change
D. No change
E. No change
1. No change
2. No change
F. No change
R18-13-1303. Special Waste Shipper Manifesting Requirements
A. A special waste shipper who receives special waste in Arizona for transport to a special waste receiving facility in Arizona shall request a special waste shipper identification number on a form provided by the Director and shown as Exhibit B Appendix A to this Article. The Director shall issue an identification number within 30 days of receipt of the completed form.

B. A special waste shipper shall:
   1. Accept special waste for intrastate shipment to a special waste receiving facility only if the waste is accompanied by a special waste manifest which is completed and signed in accordance with the provisions of R18-8-302 R18-13-1302.

C. No change

R18-13-1304. Special Waste Receiving Facility Manifesting Requirements
A. A special waste receiving facility shall request an identification number on a form provided by the Director, and shown as Exhibit B Appendix A to this Article, and obtain the number prior to receiving special waste. The Department shall issue the identification number within 30 days of receipt of the completed form.

B. No change
   1. No change
   2. No change
   3. No change

C. No change

D. No change
   1. No change
   2. No change

ARTICLE 16. BEST MANAGEMENT PRACTICES FOR PETROLEUM CONTAMINATED SOIL

R18-13-1601. Definitions
In addition to definitions in A.R.S. § 49-851 and A.A.C. R18-13-1301, the terms in this Article shall have the following meanings:

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. “Non-regulated soils” means soils contaminated with total petroleum hydrocarbon (TPH) levels equal to or less than 100 mg/kg which are neither hazardous waste, PCS, nor solid waste PCS, and which do not constitute an environmental nuisance pursuant to A.R.S. §§ 49-141 through 49-144.
8. “PCS” means petroleum contaminated soils, which are not hazardous waste or solid waste PCS, which are excavated for storage, treatment, or disposal, and which contain contaminants as described by any of the following:
   a. TPH which exceeds concentrations of 5,000 mg/kg,
   b. Benzene which exceeds concentrations of 0.13 mg/kg,
   c. Toluene which exceeds concentrations of 200 mg/kg,
   d. Ethylbenzene which exceeds concentrations of 68 mg/kg,
   e. Total Xylenes which exceed concentrations of 44 mg/kg.
8. “PCS” or “petroleum-contaminated soils” means soils excavated for storage, treatment or disposal containing one or more of the contaminants in the list below at the following concentrations:
   a. Benzene greater than or equal to 1.4 mg/kg,
   b. Toluene greater than or equal to 650 mg/kg,
   c. Ethylbenzene greater than or equal to 400 mg/kg,
   d. Total Xylenes greater than or equal to 420 mg/kg,
   e. Anthracene greater than or equal to 240,000 mg/kg,
   f. Benzo(A)anthracene greater than or equal to 21 mg/kg,
   g. Benzo(phenanthrene greater than or equal to 2.1 mg/kg,
   h. Benzo(B)fluoranthene greater than or equal to 21 mg/kg,
   i. Benzo(K)fluoranthene greater than or equal to 210 mg/kg,
   j. Chrysene greater than or equal to 2,000 mg/kg,
   k. Dibenz(A, H)anthracene greater than or equal to 2.1 mg/kg,
   l. Fluoranthene greater than or equal to 22,000 mg/kg,
   m. Pyrene greater than or equal to 26,000 mg/kg,
   n. Indeno[123-cd]pyrene greater than or equal to 21 mg/kg,
   o. Naphthalene greater than or equal to 190 mg/kg,
   p. Acenaphthylene greater than or equal to 29,000 mg/kg.

9. No change
10. No change
11. No change
12. No change

13. "Solid waste PCS” means excavated soils contaminated with petroleum, which are not hazardous waste and which meet any of the following, not PCS but that contain one or more of the contaminants in the list below at the following concentrations:
   a. Have TPH concentrations which exceed 100 mg/kg but which are at or below 5,000 mg/kg. Benzene greater than or equal to 0.65 but less than 1.4 mg/kg;
b. Are soils contaminated with non-fuel, non-solvent petroleum products with a TPH which exceeds 100 mg/kg. Toluene greater than or equal to 650 mg/kg;
c. Ethylbenzene greater than or equal to 400 mg/kg;
d. Total Xylenes greater than or equal to 270 but less than 420 mg/kg;
e. Anthracene greater than or equal to 22,000 but less than 240,000 mg/kg;
f. Benzo(A)anthracene greater than or equal to 6.9 but less than 21 mg/kg;
g. Benzo(A)pyrene greater than or equal to 0.69 but less than 2.1 mg/kg;
h. Benzo(B)fluoranthene greater than or equal to 6.9 but less than 21 mg/kg;
i. Benzo(K)fluoranthene greater than or equal to 69 but less than 210 mg/kg;
j. Chrysene greater than or equal to 680 but less than 2,000 mg/kg;
k. Dibenzo(A,H)anthracene greater than or equal to 0.69 but less than 2.1 mg/kg;
l. Fluoranthene greater than or equal to 2,300 but less than 22,000 mg/kg;
m. Fluorene greater than or equal to 2,700 but less than 26,000 mg/kg;
n. Indeno(1,2,3-cd)pyrene greater than or equal to 6.9 but less than 21 mg/kg;
o. Naphthalene greater than or equal to 56 but less than 190 mg/kg;
p. Pyrene greater than or equal to 2,300 but less than 29,000 mg/kg.

14. No change

15. No change

16. “Temporary treatment facility” means an on-site treatment facility, or an off-site treatment facility owned or operated by the generator of PCS, where the PCS is treated to reduce TPH, benzene, toluene, ethylbenzene, or total xylene concentrations, the contaminants that make it PCS and which complies with the requirements of R18-13-1610.

17. “Total petroleum hydrocarbons” or “TPH” means the sum of the aliphatic and aromatic hydrocarbon constituents contained in petroleum, as determined through laboratory testing.

18. “Treatability study” means a study in which a special waste is subjected to a treatment process to determine any one or more of the following:
   a. No change
   b. No change
   c. No change
   d. No change
   e. No change
   f. No change

19. “Treatment facility” means a special waste receiving facility at which PCS is treated to reduce the PCS contaminants and, if in the state of Arizona, has been Department-approved by the Director pursuant to A.R.S. § 49-857 or has qualified for Interim Use Facility status pursuant to A.R.S. § 49-858, and at which PCS receives treatment to reduce TPH or benzene, toluene, ethylbenzene, or total xylene concentrations.

R18-13-1602. Applicability

A. No change

B. No change

C. No change

D. PCS incorporated into asphalt for use in paving is not subject to other provisions of this Article if the owner or operator of the facility where the asphalt is produced does all of the following:
   1. Notifies the Department in writing at least 30 days prior to commencing such incorporation,
   2. Maintains records in accordance with R18-13-1614,
   3. Stores the PCS prior to incorporation in accordance with R18-13-1611,
   4. Uses only soil characterized as PCS based on TPH concentrations as set forth in R18-13-1601(8)(a).

E. Requirements in this Article for Department-approved facilities do not apply to facilities that are out of state or in Indian Country.

R18-13-1603. Exemptions

A. No change

B. No change

C. No change

D. No change
Soil characterized as PCS solely because the TPH concentration exceeds 5,000 mg/kg may be disposed in accordance with A.R.S. § 49-761 et seq. and shall be exempt from the requirements of this Article, except that the generator shall comply only with the requirements for accumulation sites in R18-13-1612, if either of the following conditions are met:

1. The mathematical product of the TPH (mg/kg) and the number of tons excavated is less than 10,000.
2. The mathematical product of the TPH (mg/kg) and the number of cubic yards excavated is less than 8,500.

R18-13-1604. Waste Determination

A. No change

B. No change

1. No change
2. No change

C. Where multiple samples are collected from a stockpile of contaminated soil generated from a single source, the stockpile shall be considered as PCS if the arithmetic mean of the TPH concentrations of the samples exceeds 5,000 mg/kg. A sample having a concentration of total petroleum hydrocarbons which is below the analytical method detection limit or reporting limit shall be assigned a concentration which is 1/2 of the reported analytical method detection limit or reporting limit.

D. If soil excavated during the initial investigation of a site to determine the extent of contamination is PCS, the PCS may be returned into the excavation site from which the soil was removed if all of the following conditions are met:

1. There is no freestanding liquid within the excavation, unless the State Fire Marshal or other jurisdictional fire authority directs otherwise, and the requirements of subsections (2) and (3) of this subsection are met.
2. The owner or operator provides notification to the Department that the PCS has been returned to the excavation within 14 days after the return of the PCS to the excavation.
3. The owner or operator completes a site characterization within 120 days and implements remediation within 150 days after the date the site characterization began.

R18-13-1607. Facility Approval; Application

A. PCS shall be treated, stored, or disposed only at a PCS disposal facility, storage facility, treatment facility, or temporary treatment facility. A facility located in Arizona shall not be constructed or operated prior to obtaining written approval from the Department, except as provided for in A.R.S. § 49-858.

B. No change

C. No change

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change

D. No change

E. No change

F. No change

R18-13-1608. General Design and Performance Standards

A. No change

1. No change
2. No change

B. A facility which receives PCS for treatment, storage, or disposal shall meet the general design criteria of either subsection (B)(1) or (2) as follows:
1. The PCS shall be held within a containment system designed and constructed to preclude the migration of contaminants into subsurface soil, groundwater, or surface water. The containment system shall meet the following criteria:
   a. Maintain a maximum hydraulic conductivity permeability coefficient of no more than $1 \times 10^{-7}$ cm/sec;
   b. No change
   c. No change

2. No change
   a. No change
   b. No change
   c. No change

C. No change
   1. No change
   2. No change
   3. No change
   4. No change

D. No change

E. No change

R18-13-1610. Temporary Treatment Facility

A. No change

B. A temporary treatment facility shall obtain approval from the Department prior to commencing construction or operation. In lieu of the requirements of R18-13-1607(C), an application for approval shall contain all of the following:
   1. No change;
   2. No change;
   3. Application information required pursuant to A.R.S. § 49-762.03(C) for plan approval for temporary treatment facilities;
   4. No change
   5. No change
   6. No change
   7. No change
   8. No change
      a. No change
      b. No change
      c. No change
      d. No change
   9. No change
      a. No change
      b. No change

C. No change
   1. No change
   2. No change
      a. No change
      b. No change
      c. No change
      d. No change
   3. No change

D. No change

E. No change

F. In accordance with A.R.S. § 49-762(F), §§ 49-762.03(C), a temporary treatment facility shall be exempt from the notice and public hearing requirements set forth in A.R.S. § 49-762(L) § 49-762.04(A).

R18-13-1613. Disposal

A. No change

B. A PCS disposal facility designed in accordance with R18-13-1608(B)(1) shall comply with the following specific design criteria:
   1. No change
   2. For purposes of this Section, “composite liner” means a system consisting of two components: the upper component shall consist of a minimum 30-mil flexible membrane liner (FML) and the lower component shall consist of at least a two-foot layer of compacted soil with a hydraulic conductivity permeability coefficient of no more than $1 \times 10^{-7}$ cm/sec. FML components consisting of high density polyethylene (HDPE) shall be at least 60 mil thick. The FML component shall be installed in direct and uniform contact with the compacted soil component.
NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 7. EDUCATION
CHAPTER 5. STATE BOARD FOR CHARTER SCHOOLS

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action
   R7-5-507 Amend

2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:
   Authorizing statute: A.R.S. § 15-182(E)(5)
   Implementing statute: A.R.S. §§ 15-182(E)(1) and 15-183(R)
   Statute or session law authorizing the exemption: A.R.S. § 41-1005(G)

3. The effective date of the rule and the agency’s reason it selected the effective date:
   December 15, 2020

4. A list of all notices published in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:
   Not applicable

5. The agency’s contact person who can answer questions about the rulemaking:
   Name: Ashley Berg, Executive Director
   Address: 1616 W. Adams St., Suite 170
            Phoenix, AZ 85007
   or
            P.O. Box 18328, Phoenix, AZ 85009
   Telephone: (602) 364-3080
   E-mail: Ashley.Berg@asbcs.az.gov
   Website: https://asbcs.az.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:
   Pursuant to A.R.S. § 15-182(E)(1) the Board is required to exercise general supervision over the charter schools it sponsors. The Board’s complaint process is established in R7-5-507 as part of the Board’s general supervisory authority. The Board is amending its rules to create a more streamlined and transparent complaint process for complainants, staff, and charter holders.

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 Board did not review or rely on a study in its evaluation of or justification for any rule in 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, if applicable:
   The changes made to the complaint policy will allow for a more streamlined processing of complaints by staff, requiring fewer work hours and therefore, decreasing the overall cost of the complaint process for the Board. Additionally, through the streamlined processes, the cost and potential impact on charter holders will be reduced.

10. A description of any changes between the proposed rules, including any supplemental notices and final rules (if applicable):
    In addition to the changes indicated in item 11, the following minor, non-substantive changes were made between the proposed and final rules:
        R7-5-507(B)(2)(a): removed “The operational performance dashboard contains information from a variety of sources, including complaints, and is used by Board staff to evaluate a charter holder’s operational performance. The Board shall consider the charter holder’s operational performance throughout the term of the charter contract including, but not limited to, renewals, interval
An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:

Six stakeholders submitted written comments during the first opportunity for public comment. The second opportunity for public comment will occur at the Board’s December 15, 2020 meeting. The following issues were raised during the first opportunity for public comment:

<table>
<thead>
<tr>
<th>Comment</th>
<th>Analysis</th>
<th>Board Response</th>
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<tbody>
<tr>
<td>Over the past three years since your complaint system has changed, our staff has wasted many hours responding to bogus, frivolous, and vindictive complaints that could have been spent helping the children. For example we have had former employees who were terminated for cause, file complaints under fictitious names that were nearly impossible to refute because false data was used. Furthermore it feels that it is the school’s responsibility to prove the complaint false instead of the accuser’s job to provide credible evidence when contacting your agency.”</td>
<td>Board staff conducts a thorough review of all complaints. For complaints within the Board’s jurisdiction, the complaint process includes Board staff reviewing information and documentation submitted by both the complainant and the charter holder. Board staff may request additional information from a complainant to make a determination regarding the complaint. Additionally, under the proposed rule amendment, charter holders will not be required to provide a response if the complaint falls outside the Board’s jurisdiction.</td>
<td>No change made.</td>
</tr>
<tr>
<td>“I urge you to not accept complaints that are anonymous and require that documentation supporting the accusations be provided before school’s are contacted.”</td>
<td>Anonymous complaints are uncommon. The Board’s online system for submitting complaints requires the complainant to provide contact information. Board rule does not explicitly prohibit anonymous complaints, and Board staff believes that the option of submitting an anonymous complaint, with contact information, is in the best interest of the public. R7-5-507(A)(3) indicates that to make a complaint regarding a charter holder, a person shall submit to the Board a document that includes supporting evidence, if available.</td>
<td>No change made.</td>
</tr>
<tr>
<td>While the State Board does have an obligation to the public to make sure that schools are doing a good job and following the law, a process in which people were required to provide documentation and be cross examined by a trained investigator is needed to improve the current system.”</td>
<td>Board staff conducts a thorough review of all complaints. For complaints within the Board’s jurisdiction, the complaint process includes Board staff reviewing information and documentation submitted by the charter holder. Board staff may request additional information from a complainant or the charter holder in order to make a determination regarding the complaint. In addition, the Board staff may consult another agency with expertise on the matter alleged in the complaint, if necessary.</td>
<td>No change made.</td>
</tr>
<tr>
<td>Clarification on the meaning of the phrase “business day” is needed</td>
<td>The term “day” is defined in R7-5-101: Definitions. “Day” is defined as “business day.” Therefore, unless stated otherwise, all references to “day” is a business day. The term “business day” as used in rule references the commonly accepted definition of any day that is not a weekend or holiday.</td>
<td>No change made.</td>
</tr>
<tr>
<td>Response period should be changed from 10 days to 15 days to allow for when schools are closed or other scenarios</td>
<td>Board staff believes that extending the timeframe for charter holders to respond from 10 business days to 15 business days would provide charter holders with a reasonable timeframe that accounts for scenarios in which a charter holder may be unavailable for a longer period of time, such as over winter break.</td>
<td>No change made.</td>
</tr>
<tr>
<td>Personally identifiable information of minors should be redacted</td>
<td>Under the Family Educational Rights and Privacy Act (FERPA), the Board is required to protect the privacy of student education records and a student’s personally identifiable information. All student education records and personally identifiable information of minors are redacted before a complaint is provided to the public or a member of the public.</td>
<td>No change made.</td>
</tr>
<tr>
<td>To more precisely and unambiguously define the Board’s oversight authority regarding charter holders, the words “other applicable authority” should be changed to “other legal requirements” throughout the proposed rule.</td>
<td>Staff agrees that the recommended language change is appropriate and accurate.</td>
<td>Language changed for clarification as recommended: R7-5-507(A)(1), R7-5-507(B)(1), R7-5-507(B)(2)(c), R7-5-507(B)(3), R7-5-507(B)(3)(a), R7-5-507(B)(3)(b), R7-5-507(B)(5), R7-5-507(B)(5)(c), R7-5-507(B)(6).</td>
</tr>
<tr>
<td>Add “contractual or legal” before “noncompliance” to confirm the scope of the Board’s authority.</td>
<td>Staff agrees that the recommended language change is appropriate and accurate.</td>
<td>Language changed for clarification as recommended: R7-5-507(A)(2), R7-5-507(B)(5)(c), R7-5-507(B)(6)(a).</td>
</tr>
<tr>
<td>Change the phrase “its oversight responsibilities” to “its oversight authority”</td>
<td>Staff agrees that the recommended language change is appropriate and accurate.</td>
<td>Language changed for clarification as recommended: R7-5-507(B).</td>
</tr>
<tr>
<td>Board staff should be required to identify the specific allegations in the complaint that require a response and only require the charter holder to respond to those allegations.</td>
<td>The Board staff agrees with this recommendation. If a complaint contains allegations that are not within the Board’s jurisdiction, Board staff should identify the allegations that are within its jurisdiction and only require charter holders to respond to those specified allegations. This practice will alleviate undue burden and provide clarity for the charter holder and the Board. A complaint may contain multiple allegations, some of which may not be within the Board’s jurisdiction and would not require a response. However, for those allegations that are within its jurisdiction, the charter holder is still required to file a response as to those allegations.</td>
<td>Language changed to clarify that charter holders will only need to respond to allegations that are within the Board’s jurisdiction: R7-5-507(B)(1), R7-5-507(B)(2). Added R7-507(B)(3)(a) and R7-507(B)(3)(b).</td>
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If the initial complaint submission is ambiguous regarding jurisdiction, the Board should require the complainant to submit additional information related to a jurisdictional determination within 10 business days, or have the complaint dismissed.

Staff agrees that the recommended change is appropriate and accurate. The phrase “expertise” should be changed to “legal authority for” as it is not another agency’s expertise that may give it jurisdiction over a complaint, but its legal authority.

Proposed R7-5-507(B)(1)(c). This new subsection would require a charter holder to respond to the complaint ‘if Board staff determines the complaint raises a concern that requires further explanation from the charter holder,’ despite the fact that the Board staff has determined that it has no jurisdiction over the complaint. This new provision must be deleted. If the Board has no jurisdiction over the matter alleged in the complaint, it is reasonable for the Board to close the complaint.

Staff agrees that the recommended change is appropriate and accurate. R7-5-507(B)(1)(a) addresses Board staff’s authority to request additional information for a jurisdictional determination. R7-5-507(B)(5) provides Board staff with the authority to gather and receive information to determine if a complaint is substantiated or not. Accordingly, R7-5-507(B)(1)(c) is duplicative and deleted in the proposed rule amendment.

The 10 business days allowed for a response to a complaint should be increased to 15 business days.

Based on the complaint received, Board staff may need additional information to make a jurisdictional determination. The information needed by the Board may be requested from either the complainant or the charter holder complained against, depending on the circumstances and as appropriate. If the complainant does not respond within 15 business days after receiving the request for additional information for the Board to determine jurisdiction, it is reasonable for the Board to close the complaint.

The reference to “Section 2(a)” in R7-5-507(B)(2)(c) is not correct. The reference should be to “Section 2.”

Staff agrees that the recommended change is appropriate and accurate. The phrase “its obligations to the Board” should mirror the jurisdictional language related to instances in which “a complaint is filed that is within the Board’s jurisdiction,” namely “its other contractual obligations to the Board.”

The phrase “its obligations to the Board” should be changed to “legal authority for” as the Board staff’s authority to request additional information from the charter holder, as appropriate.

Staff agrees that the recommended change is appropriate and accurate. Technical change made:

R7-5-507(B)(4)(a) is added to clarify that Board staff can request additional information from the charter holder or the complainant, as appropriate. R7-5-507(B)(7)(c) changed to allow the Board staff to close a complaint if pursuant to Section (B)(1)(a) the complainant did not provide a response to Board staff’s request for additional information within 15 business days.

R7-5-507(B)(1)(a) addresses Board staff’s authority to request additional information for a jurisdictional determination. R7-5-507(B)(5) provides Board staff with the authority to gather and receive information to determine if a complaint is substantiated or not. Accordingly, R7-5-507(B)(1)(c) is duplicative and deleted in the proposed rule amendment.

If a charter holder fails to respond to the Board’s initial request within 15 business days, Board staff provides the charter holder with a second opportunity to respond within 7 calendar days, not business days. Board staff has amended the proposed rules to provide clarification.

The reference to “Section 2(a) in R7-5-507(B)(2)(c) is not correct. The reference should be to “Section 2.”

Staff agrees that the recommended change is appropriate and accurate. The phrase “its obligations to the Board” should mirror the jurisdictional language related to instances in which “a complaint is filed that is within the Board’s jurisdiction,” namely “its other contractual obligations to the Board.”

The phrase “its obligations to the Board” should be changed to “legal authority for” as the Board staff’s authority to request additional information from the charter holder, as appropriate.

Staff agrees that the recommended change is appropriate and accurate. Technical change made:

R7-5-507(B)(2)(b) updated to state 7 calendar days.

The reference to “Section 2(a)” in R7-5-507(B)(2)(c) is not correct. The reference should be to “Section 2.”

Staff agrees that the recommended change is appropriate and accurate. The phrase “its obligations to the Board” should mirror the jurisdictional language used earlier in the rule, namely “its other contractual obligations to the Board.”

The phrase “its obligations to the Board” should be changed to “legal authority for” as the Board staff’s authority to request additional information from the charter holder, as appropriate.

Staff agrees that the recommended change is appropriate and accurate. No change made.

“Day” is defined in R7-5-101 as a “business day.”

Staff agrees that the recommended change is appropriate and accurate. Technical change made:

No change made.
Section 5(e) should remove the reference to “24 hours” and replace it with “more promptly than is set forth in Section 2.”

Proposed R7-5-507(B)(4)(a): Add “holder” after the word “charter” Technical change made.

Proposed R7-5-507(B)(5): Create a new subsection that clarifies that a charter holder will be given an opportunity to understand and review all evidence that Board staff will use to make a determination.

Proposed R7-5-507(B)(5)(c): Move provision allowing charter holders to be brought before the Board regarding a filed complaint to (B)(6) so that it is clear that a charter holder may be included on a meeting agenda only if Board staff has substantiated the complaint.

Proposed R7-5-507(B)(5)(e): Revise the health & safety provision to make clear that a shortened response deadline is appropriate only when an imminent or ongoing threat to a student’s physical health or safety is clearly identified. In addition, the Board’s Executive Director should determine, based on the specific allegations of the complaint, an appropriate shortened response deadline instead of assuming that a 24-hour response time will be appropriate in all cases.


Proposed R7-5-507(B)(6): The standard of proof at “more likely than not” for determining whether a violation occurred should be changed to a clear and convincing standard of proof.

Proposed R7-5-507(B)(8). This provision allows the Board staff to accept additional information about a closed complaint and conduct a review, as appropriate.” Once a complaint is closed, a charter holder should not be subjected to an undefined and unlimited “review” without being notified of the additional information, being provided a reasonable opportunity to respond to the new information, and receiving the additional due process protections that are built into the complaint process. If “additional information” is submitted to the Board staff from a complainant once a complaint is closed, the Board should treat the new information as a new complaint and begin the process again. Only in that way will charter holders be guaranteed fair treatment that complies with due process requirements. If the additional information about a closed complaint is submitted by a charter holder, the information will very likely be related to the appropriateness of any actions taken by the Board in response to the complaint. For example, a charter holder may obtain information that exonerates it and that was not previously available (such as affidavits or video or audio tapes). In those instances, the Board staff should review the information and determine whether the previous regulatory actions taken must be altered.

Proposed R7-5-507(B)(8) is revised to clarify that information received after the complaint has been closed will be processed in accordance with the existing complaint process.

If a complaint identifies or an issue is raised that indicates, a potential threat to the health or safety of student(s) or that may cause harm to a student, Board staff may require the charter holder to respond within a shortened timeframe. Board staff determined that a shortened timeframe, dependent on the content of the complaint, may be more appropriate than a strict 24 hour option.

A charter holder that is required to respond to a complaint within a shortened timeframe must submit an extension request within a reasonable time prior to the deadline. Determination of a “reasonable time” will take into consideration the nature of the allegations. Please see additional comments regarding proposed R7-5-507(B)(5)(e).

There are instances where it may be appropriate to require a shorter response timeframe than the typical 15 business days, such as allegations that pose a threat of or actual harm to a student. Because of this, Board staff is proposing to allow the Executive Director to approve a shortened response deadline. Board Staff agrees that a standard for determining a potential threat or actual harm should be included and has amended the rule to include the standard of “a reasonable belief.” This is the same standard set forth in Arizona law for mandatory reporters.

The standard of proof for administrative proceedings is a preponderance of the evidence, otherwise stated as “more probably than not” or “more likely than not.” Therefore, it is appropriate that Board staff apply the same standard of proof.

If a complaint identifies or an issue is raised that indicates, a potential threat to the health or safety of student(s) or that may cause harm to a student, Board staff may require the charter holder to respond within a shortened timeframe. Board staff determined that a shortened timeframe, dependent on the content of the complaint, may be more appropriate than a strict 24 hour option.

A charter holder that is required to respond to a complaint within a shortened timeframe must submit an extension request within a reasonable time prior to the deadline. Determination of a “reasonable time” will take into consideration the nature of the allegations. Please see additional comments regarding proposed R7-5-507(B)(5)(e).

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Proposed R7-5-507(B)(11). “Because of the significant implications that accompany the referral of a charter holder to the Attorney General for potential investigation of a violation of the law, only the Executive Director should be able to make such referrals, not any member of Board staff. That higher level of required review and decision making will help.”

Suggested change: Revised subsection (B)(11): If the Board’s resolution of a complaint indicates that the charter holder may have violated the law, the Executive Director may provide the complaint to the Office of the Arizona Attorney General for further investigation, as appropriate.

Proposed R7-5-507(B)(11) has been moved and clarifying language added as new subsection: R7-5-507(B)(5)(f).

The Board should notify the complainant that the complaint is being investigated within 10 days, at the same time as staff requests further information from the charter holder.

All complaints are processed as they are received and an email is sent to the complainant confirming receipt of the complaint. The Board’s online system, ASBCS Online, does not allow a mechanism for a communication to go directly to the complainant when Board staff requests information from the charter holder. However, Board staff does frequently communicate with complainants, particularly if additional information is needed, and keeps them informed as to the status of the complaint. Moreover, the complainant may also follow up with Board staff on the status of his/her complaint.

The revision removes the 10-day time constraint for the Board to make a decision after receiving the charter holder’s response and to inform the complainant and the charter holder of the final action to be taken. It would seem that two weeks is ample time for the Board to decide on the action to be taken… The revisions still allow a complaint to drag on forever sitting on a desk at the Charter Board.”

Board staff reviews each complaint and depending on the content of the complaint or the allegations, Board staff may need additional time to process the complaint, gather additional information, thoroughly review all information received, consult another agency with expertise, or wait for a determination regarding the complaint to be made by another entity. Therefore, requiring a determination to be made within a certain timeframe is not appropriate.

The revision eliminates the requirement that the complaint’s response be given to the complainant. Parents and the public have a right to know on what basis the Charter Board made their decision without making a public records request.”

R7-5-507(B)(9) requires that “Once a complaint is closed, Board staff shall send the complainant and charter holder notice of the final action taken.” The complaint receives the closeout letter which indicates the Board’s final determination of the complaint and an explanation as to why that determination was made.

The rule, as amended, allows Board staff to refer a complaint to another agency with legal authority over the matter alleged in the complaint. This will ensure certain complaints are reviewed by the appropriate agency which not only has jurisdiction, but also expertise on the matter, including authority over certain processes or reporting requirements such as financial reports.

The revision would allow for complaints within the Board’s jurisdiction to be referred to a separate entity, including financial complaints that should be handled by the Board. Board staff recognizes the need to have complaints that are more appropriately within the jurisdiction of another agency with legal authority over the matter, remain open until the appropriate agency has made a determination on the complaint.

Proposed R7-5-507(AA) states that to make a complaint a document must be filed with the Board. Once a verbal complaint is received, it is put into written form, and staff proceeds to process the complaint pursuant to rule.

Proposed R7-5-507(AAA) has been added to allow a complaint to remain open until the appropriate agency has made a determination on the complaint.

Include “written complaint” to specify that verbal complaints are not accepted.

Allowing individuals to submit complaints verbally provides all individuals with access to the complaint process (e.g. individuals without internet, with limited English proficiency, difficulties with written communication, etc.)

If verbal complaints are accepted, the procedure should be included in rule.

The procedure remains the same for all complaints. R7-5-507(14) states that the complaint form must be filed with the Board. Once a verbal complaint is submitted, it is put into written form, and staff proceeds to process the complaint pursuant to rule.

Proposed R7-5-507(15) has been added to allow a complaint to remain open and until the appropriate agency has made a determination on the complaint.

Redacted documents pertaining to the complaint are available to the complainant and the public upon request. If Board staff were required to send the charter holder’s response and any accompanying documentation to each complainant, staff will be required to review, and possibly redact, high volumes of documentation, therefore, creating an undue burden on staff and prolonging the complaint processing time.

Suggested change: Clarification to include “legal authority”:

The rule requires that the complaint be processed within a certain timeframe, which ensures the complaint is not sitting on a desk but rather is being actively reviewed.

The complaint is still subject to a determination, which will ensure that the appropriate agency is reviewing the complaint.

The complaint remains open until the appropriate agency has made a determination on the complaint.

The Board’s online complaint system requires the complainant to provide contact information, including a valid email address. Board staff believes the option of submitting an anonymous complaint, with contact information, is in the best interest of the public.

Proposed R7-5-507(16) has been added to allow a complaint to remain open until the appropriate agency has made a determination on the complaint.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:

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

No analysis was submitted.

13. A list of any incorporated by reference material and its location in the rule:

None

14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:

None of the rules in this rulemaking was made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 7. EDUCATION

CHAPTER 5. STATE BOARD FOR CHARTER SCHOOLS

ARTICLE 5. CHARTER SUPERVISION

R7-5-507. Complaints

A. To make a complaint regarding a charter holder, a person shall submit to the Board a document that:
   1. Alleges, with particularity, specificity that the charter holder is not in compliance with its charter, other contractual agreements with obligations to the Board, federal or state law, or this Chapter, other legal requirements;
   2. Includes a statement of the facts on which the allegation or allegations of contractual or legal noncompliance violation is or are based; and
   3. Includes supporting evidence, if available.

B. Board staff shall review the complaint to determine whether the complaint is within the Board’s jurisdiction.
   1. If Board staff determines the complaint is not within the Board’s jurisdiction but may be within the jurisdiction of another agency, Board staff shall inform the complainant of the agency that has jurisdiction and that the complainant may file the complaint with the appropriate agency;
   2. If Board staff determines the complaint is within the Board’s jurisdiction, Board staff shall, within five days after receiving the complaint, send a copy to the charter holder complained against.

C. A charter holder complained against shall, within 10 days after receiving a copy of the complaint provided under subsection (B)(2), provide a written response to the Board that addresses each allegation, the statement of facts, and supporting evidence in the complaint. The charter holder may include evidence of compliance with the response. Board staff may grant the charter holder an extension to submit the written response.

D. Board staff shall review the complaint and the charter holder’s response to determine whether a violation of the charter, other contractual agreements with the Board, federal or state law, or this Chapter can be substantiated. Board staff shall conduct further investigation if additional information is needed. Board staff may place the charter holder on an agenda for the Board to determine whether the charter holder is in compliance with the charter, other contractual agreements with the Board, federal or state law, and this Chapter.

E. Within 10 days after receiving the charter holder’s response under subsection (C), Board staff shall send:
   1. The complaint a copy of the response, and
   2. The complainant and charter holder notice of the final action to be taken.

F. Board staff shall review and process all complaints in accordance with the Board’s jurisdiction, its oversight authority, and the procedures set forth herein.
   1. Board staff shall determine whether a complaint is within the Board’s jurisdiction. A complaint is within the Board’s jurisdiction if the complaint alleges one or more allegations that the charter holder is not in compliance with its charter, other contractual obligations with the Board, state or federal law, or other legal requirements.
      a. If Board staff determines that additional information is needed for a jurisdictional determination, Board staff may, within 10 days after receiving the complaint, request that information be submitted to the Board from either the complainant or charter holder, whichever is appropriate. The information requested shall be submitted to the Board within 15 days of receiving the Board’s request.
      b. If Board staff determines any of the allegations asserted in the complaint are within the Board’s jurisdiction, Board staff shall, within 10 days after receiving the complaint or making a determination as to jurisdiction pursuant to subsection (1)(a), whichever is the later, send a copy of the complaint to the charter holder complained against.
      c. If Board staff determines the complaint is not within the Board’s jurisdiction or that it is more appropriately within the jurisdiction of an agency with legal authority in the matter, within 10 days after receiving the complaint or making a determination as to jurisdiction pursuant to subsection (1)(a), whichever is later, Board staff:
         i. Shall notify the complainant that the Board does not have jurisdiction or that the Board is not the appropriate agency to address the complaint,
         ii. May inform the complainant of the appropriate agency that may have jurisdiction and legal authority over the matter,
         iii. May inform the complainant that he or she may file a complaint with the appropriate agency.
iv. Shall provide the charter holder with a copy of the complaint, and
v. Shall inform the charter holder and complainant that the charter holder is not required to file a response with the Board.

2. Except as provided in subsection (3), if a complaint is filed that asserts an allegation that is within the Board’s jurisdiction, the charter holder complained against shall provide the Board with a written response within 15 days after receiving a copy of the complaint pursuant to subsection (1)(b). The response shall address the allegation or allegations and facts that Board staff specifies are within the Board’s jurisdiction and provide the information requested by Board staff. The charter holder may address any supporting evidence included in the complaint and include any relevant evidence in its response.

a. If the charter holder fails to submit its response within the timeline stated in subsection (2) and/or subsection (2)(b), Board staff shall record the charter holder’s untimely response on the charter holder’s operational performance dashboard.

b. If the charter holder does not respond within the timeline stated in subsection (2), Board staff shall send notification to the charter holder stating the necessity of a timely response and requiring the charter holder to respond within seven calendar days of receipt of the notification.

c. If the charter holder fails to submit its response within the timeline stated in subsection (2) and/or subsection (2)(b), Board staff may place the charter holder on the agenda for a subsequent Board meeting for the Board’s determination whether the charter holder is in compliance with its charter, other contractual obligations to the Board, state or federal law, or other legal requirements.

d. If a complaint identifies or raises an issue that creates a reasonable belief of a potential threat to the health or safety of a student or a reasonable belief of harm to a student, Board staff may require the charter holder to respond within a shortened timeframe. The shortened timeframe shall be approved by the Executive Director and is within his or her sole discretion.

3. If Board staff determines that the allegations alleged in the complaint are within the Board’s jurisdiction and do not violate the charter holder’s charter, its other contractual obligations to the Board, federal or state law, or any other legal requirements, Board staff may deem the complaint unsubstantiated, send a copy to the charter holder complained against and notify the charter holder that it is not required to file a response.

a. If the Board determines that specific, but not all, allegations alleged in a complaint over which it has jurisdiction do not violate the charter holder’s charter, its other contractual obligation to the Board, federal or state law, or any other legal requirements, Board staff may deem those specific allegations unsubstantiated, send a copy to the charter holder complained against and notify the charter holder that it is not required to file a response to the specific allegations that have been deemed unsubstantiated.

b. The charter holder is still required to file a response, pursuant to subsection (2), as to those allegations that the Board has jurisdiction but for which the Board has not yet determined does not violate the charter holder’s charter, its other contractual obligations to the Board, federal or state law, or any other legal requirements.

4. Board staff may, for good cause, grant the charter holder an extension of time to submit its written response pursuant to subsection (2) or the requested information pursuant to subsection (1)(a). Charter holders must submit requests for extensions of time in writing, or in a manner as directed by staff, and include the reason or reasons for the request. Charter holders shall submit requests for extensions at least two days prior to the date on which the response is due to the Board.

a. If a charter holder is required to respond to a complaint within a shortened timeframe pursuant to subsection (2)(d), the charter holder shall submit a request for extension within a reasonable amount of time prior to the deadline, with consideration given to the nature of allegations.

b. If a charter holder fails to request an extension within the timeframe set forth in subsection (2), subsection (4), or subsection (4)(a), the charter holder may submit a request for an exemption from the lack of response being recorded on the charter holder’s dashboard. The Executive Director, within his or her sole discretion, may grant the request if the charter holder demonstrates that good cause exists for the delay. If the charter holder is granted an exemption, the Executive Director shall establish a deadline for the charter holder to submit its response. A charter holder that fails to submit a response by the deadline set forth by the Executive Director shall be subject to the provisions set forth in R7-5-507(B)(2).

5. Board staff shall review the complaint, the charter holder’s response and any other relevant information gathered or received in connection with the complaint to determine whether a violation of the charter, other contractual obligations to the Board, state or federal law, or other legal requirements can be substantiated. In its review of the complaint, Board staff may take, but is not limited to, the following actions:

a. Conduct further investigation, including a site visit, if additional information is needed;

b. Notwithstanding the Board’s jurisdiction, consult with another agency with expertise related to a complaint;

c. Place the charter holder on the agenda for a subsequent Board meeting for the Board’s determination whether the charter holder is in compliance with its charter, other contractual obligations with the Board, state or federal law, or other legal requirements. In deciding whether to place the charter holder on the Board’s agenda, the Board’s Executive Director, in consultation with the President of the Board, as appropriate, may consider the seriousness of the allegations, the information presented by the complainant and the charter holder, and the charter holder’s willingness to resolve any alleged contractual or legal noncompliance.

d. If Board staff determines that the matter is more appropriately within the jurisdiction of an agency with legal authority in the matter and notifies the complainant in accordance with subsection (1)(c), Board staff:

i. May rely on the determination and action taken by the agency with legal authority in determining whether to substantiate the complaint and is not obligated to conduct its own investigation or determination,

ii. May keep the complaint open until the appropriate agency has made a determination on the complaint.

e. If a complaint identifies or raises an issue that creates a reasonable belief of a potential threat to the health or safety of a student or a reasonable belief of harm to a student, Board staff may alert any necessary authorities including law enforcement, the Department of Child Safety, and/or the Arizona Department of Education, and may visit the school.
f. If Board staff has reason to believe it is more likely than not that the charter holder may have violated the law, the Executive Director may provide the complaint to the Office of the Arizona Attorney General for further investigation, as appropriate.

6. A claim is substantiated when, based on the documentation received by the Board, it is more likely than not that a violation of the charter, other contractual obligations to the Board, state or federal law, or other legal requirements has occurred. If the complaint is deemed substantiated by Board staff or by another agency, Board staff shall mark the complaint substantiated, make it publicly available, and record the contractual or legal noncompliance issue on the charter holder’s operational performance dashboard under the appropriate measure.

7. The Board considers a complaint “closed” when:
   a. Board staff has deemed the complaint as substantiated, the charter holder has had an opportunity to respond, and the charter holder has documented that it has made a good faith effort to address the concern;
   b. Board staff has deemed the complaint unsubstantiated;
   c. According to subsection (1)(a) the complainant did not provide a response to Board staff’s request for additional information within 15 days of the complainant’s receipt of the request; or
   d. The Board has made a final determination as to the complaint.

8. If, at a later date, the complainant or charter holder has additional information to provide to a closed complaint, Board staff shall accept the information and conduct a review. The additional information will be processed in accordance with the existing complaint process.

9. Once a complaint is closed, Board staff shall send the complainant and charter holder notice of the final action taken.

10. After the complaint has been reviewed and closed, the complaint, response and all related documents are retained in accordance with the Board’s retention policy and are subject to public records law.
NOTICES OF SUBSTANTIVE POLICY STATEMENT

The Administrative Procedure Act (APA) requires the publication of Notices of Substantive Policy Statement issued by agencies (A.R.S. § 41-1013(B)(9)). Substantive policy statements are written expressions which inform the general public of an agency’s current approach to rule or regulation practice. Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect an agency’s internal procedures and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

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

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
DIVISION OF INSURANCE

1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:
   Regulatory Bulletin 2020-07: Coverage of COVID-19 Vaccines

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:
   Issued and Effective: December 4, 2020

3. Summary of the contents of the substantive policy statement:
   This substantive policy statement is intended to provide guidance to all insurers subject to Governor Doug Ducey’s Executive Order 2020-57: Advanced Surveillance Advisory - Monitoring the Administration of COVID-19 Vaccination and Executive Order 2020-58: Ensuring the Availability of the Vaccine without Financial Barriers.
   Executive Order 2020-57, Paragraph 6 provides: “The Arizona Department of Health Services, in conjunction with the Department of Insurance, shall require that all insurers regulated by the State cover influenza and pandemic vaccines and administration without regard to whether the provider is in-network.” In addition, the federal Cares Act established that COVID immunizations must be provided at no cost-sharing for non-grandfathered group and individual plans.
   Insurers will need to establish flexible methods for receiving claims from atypical health providers administering the vaccine. All types of health insurance plans that provide coverage for vaccines, including major medical, short term, and limited benefit plans, must cover the influenza and pandemic vaccines and the administration of these vaccines by in- and out-of-network providers with no cost-share to the member. Even if an individual is uninsured, or has a health plan that does not cover vaccines, providers enrolled in the CDC COVID-19 Vaccination Program must administer vaccines without cost-share and without balance billing.
   The substantive policy statement also refers insurers to several sources of guidance including the CMS COVID-19 Vaccine Toolkit.
   Executive Order 2020-58, Paragraph 1 provides: “ADHS, in conjunction with the Department of Insurance and Financial Institutions, shall require that all insurers regulated by the State waive all cost-sharing requirements for consumers related to the administration of all COVID-19 vaccinations and without regard to whether the provider is in-network.”
   Insurers should note that a COVID-19 vaccine will be considered a preventative service if it has in effect a recommendation from the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention (regardless of whether the immunization is recommended for routine use). Therefore, the vaccine must be provided to health plan members at zero cost-share (i.e. no copay, no coinsurance, no deductible). Insurers must ensure that their members are not balance billed in accordance with the federal guidelines and are encouraged to read CMS guidance regarding the reasonable reimbursement of out of network providers.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:
   Executive Orders 2020-57 and 2020-58 underlie this substantive policy statement.

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

6. The agency contact person who can answer questions about the substantive policy statement:
   Name: Mary E. Kosinski
   Address: Department of Insurance and Financial Institutions
            100 N. 15th Ave., Suite 261
            Phoenix, AZ 85007-2630
   Telephone: (602) 364-3476
   E-mail: mary.kosinski@difi.az.gov
7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:
   Please contact the person listed in paragraph #6 for instructions on how to download this substantive policy statement from the Department’s website at no cost.
### 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)

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<tbody>
<tr>
<td><strong>1. The agency name:</strong></td>
<td>Department of Water Resources</td>
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<tr>
<td><strong>2. The ombudsman’s:</strong></td>
<td></td>
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</tr>
<tr>
<td>a. Name:</td>
<td>John R. Riggins</td>
<td></td>
</tr>
<tr>
<td>b. Title:</td>
<td>Compliance Officer and Ombudsman</td>
<td></td>
</tr>
<tr>
<td>c. Specific agency division, if applicable:</td>
<td>Legal Division</td>
<td></td>
</tr>
<tr>
<td><strong>3. The ombudsman’s office address to include the city, state and zip code:</strong></td>
<td>Department of Water Resources 1110 W. Washington, Suite 310 Phoenix, AZ 85007</td>
<td></td>
</tr>
<tr>
<td><strong>4. The ombudsman’s area code and telephone number, fax number and e-mail address, if available:</strong></td>
<td>Telephone: (602) 771-4782 Fax: (602) 771-8686 E-mail: <a href="mailto:jrriggins@azwater.gov">jrriggins@azwater.gov</a></td>
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<tr>
<th>Notice of Agency Ombudsman</th>
<th>State Board of Dental Examiners</th>
<th>[M21-01]</th>
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<tbody>
<tr>
<td><strong>1. The agency name:</strong></td>
<td>State Board of Dental Examiners</td>
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<tr>
<td><strong>2. The ombudsman’s:</strong></td>
<td></td>
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</tr>
<tr>
<td>a. Name:</td>
<td>Ryan Edmonson</td>
<td></td>
</tr>
<tr>
<td>b. Title:</td>
<td>Executive Director</td>
<td></td>
</tr>
<tr>
<td><strong>3. The ombudsman’s office address to include the city, state and zip code:</strong></td>
<td>State Board of Dental Examiners 1740 W. Adams St., Suite 2470 Phoenix, AZ 85007</td>
<td></td>
</tr>
<tr>
<td><strong>4. The ombudsman’s telephone number, fax number and email address, if available:</strong></td>
<td>Telephone: (602) 242-1492 E-mail: <a href="mailto:info@dentalboard.az.gov">info@dentalboard.az.gov</a></td>
<td></td>
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<tr>
<th>Notice of Agency Ombudsman</th>
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<tr>
<td><strong>1. The agency name:</strong></td>
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<td><strong>2. The ombudsman’s:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Name:</td>
<td>Kristina Gomez</td>
<td></td>
</tr>
<tr>
<td>b. Title:</td>
<td>Deputy Director</td>
<td></td>
</tr>
<tr>
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EXECUTIVE ORDER 2020-02
Moratorium on Rulemaking to Promote Job Creation and Economic Development; Implementation of Licensing Reform Policies

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, 2018 and 2019; and
WHEREAS, the State of Arizona eliminated or improved 637 burdensome regulations in 2019 and a total of 2,289 needless regulations have been eliminated or improved since 2015; and
WHEREAS, estimates show these eliminations saved job creators $53.9 million in operating costs in 2019 and a total of over $134.3 million in savings since 2015; and
WHEREAS, in 2019, for every one new necessary rule added to the Administrative Code, five have been repealed or improved; and
WHEREAS, approximately 354,000 private sector jobs have been added to Arizona since January 2015; and
WHEREAS, all government agencies of the State of Arizona should continue to promote customer-service-oriented principles for the people that it serves; and
WHEREAS, each State agency shall continue 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 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 that submits a rulemaking request pursuant to this Order shall recommend for consideration by the Office of the Governor at least three existing rules to eliminate for every one additional rule requested by the agency.
3. A State agency that submits a rulemaking exemption request pursuant to this Order shall include with their request an analysis of how small businesses may be impacted by any newly proposed rules or rule modifications.

4. 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 the Arizona Revised Statutes or Arizona Administrative Code. Any material that is not specifically authorized must be removed immediately.

5. A State agency that issues occupational or professional licenses shall prominently post on the agency’s website landing page all current state policies that ease licensing burdens and the exact steps applicants must complete to receive their license using these policies. State agencies should provide information that applies to all applicants, but have a designated area on such landing page that includes licensing information specifically for military spouses, active duty service members and veterans and all policies that make it easier for these applicant groups to receive their license. Examples of reduced licensing burdens include universal recognition of out-of-state licenses, availability of temporary licenses, fee waivers, exam exemptions and/or allowing an applicant to substitute military education or experience for licensing requirements. A landing page feature may link to an internal agency web page with more information, if necessary. All information must be easy to locate and written in clear and concise language.

6. All state agencies that are required to issue occupational or professional licenses by universal recognition (established by section 32-4302, Arizona Revised Statutes) must track all applications received for this license type. Before any agency denies a professional or occupational license applied for under section 32-4302, Arizona Revised Statutes, the agency shall submit the application and justification for denial to the Office of the Governor for review before any official action is taken by the agency. The Office of the Governor should be notified of any required timeframes, whether in statute or rule, for approval or denial of the license by the agency.

7. The purposes of this Order, term “State agencies” includes, without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official; (b) the Corporation Commission; and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those state agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.

8. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, “person,” “rule” and “rulemaking” have the same meanings prescribed in 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 13th day of January in the Year Two Thousand and Twenty and of the Independence of the United States of America the Year Two Hundred and Forty-Fourth.

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
SP# = Supplemental Proposed Expedited renumbered Section

**FINAL EXPEDITED**
FEN = Final Expedited new Section
FEM = Final Expedited amended Section
FER = Final Expedited repealed Section
F# = 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
P# = Proposed Exempt renumbered Section

**EXEMPT SUPPLEMENTAL PROPOSED**
SPXN = Supplemental Proposed Exempt new Section
SPXR = Supplemental Proposed Exempt amended 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
F# = 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
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 2 OF VOLUME 27.

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<td>R12-4-209. PR-5</td>
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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 2 OF VOLUME 27.

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<td>Insurance and Financial Institutions,</td>
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<td>Game and Fish Commission; 12</td>
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<td>A.A.C. 4; p. 13</td>
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<td>Insurance and Financial Institutions, Arizona Department of - Division of Insurance; p. 43</td>
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<td>Pharmacy, Board of; p. 42</td>
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<td>State Lottery, Arizona; p. 42</td>
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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.

### RULES EFFECTIVE DATES CALENDAR

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<th>April</th>
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<tr>
<td>Date Filed</td>
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REGISTER PUBLISHING DEADLINES

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

<table>
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<th>Deadline Date (paper only)</th>
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<th>Oral Proceeding may be scheduled on or after</th>
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# 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 2021

*MEETING DATES ARE SUBJECT TO CHANGE*

[M20-42]

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<th>DEADLINE FOR PLACEMENT ON AGENDA*</th>
<th>FINAL MATERIALS SUBMITTED TO COUNCIL</th>
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* 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.
GOVERNOR’S REGULATORY REVIEW COUNCIL
NOTICE OF ACTION TAKEN AT THE JANUARY 5, 2021 MEETING

A. CONSENT AGENDA ITEMS:

Rulemakings

1. DEPARTMENT OF ENVIRONMENTAL QUALITY
   Title 18, Chapter 13, Department of Environmental Quality - Solid Waste Management

2. ARIZONA STATE RETIREMENT SYSTEM
   Title 2, Chapter 8, State Retirement System Board
   New Article: Article 9
   New Section: R2-8-901, R2-8-902, R2-8-903, R2-8-904

3. ARIZONA STATE RETIREMENT SYSTEM
   Title 2, Chapter 8, Article 3, Long-Term Disability
   Amend: R2-8-303

Five Year Review Reports

4. NAVIGABLE STREAM ADJUDICATION COMMISSION
   Title 12, Chapter 17, Arizona Navigable Stream Adjudication Commission

5. NATUROPATHIC PHYSICIANS MEDICAL BOARD
   Title 4, Chapter 18, Article 6, Naturopathic Medical Assistants

6. DEPARTMENT OF CHILD SAFETY
   Title 21, Chapter 1, Article 4, Fingerprinting

7. DEPARTMENT OF CHILD SAFETY
   Title 21, Chapter 9, Articles 1, Definitions and Article 2, Adoption

8. DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT
   Title 4, Chapter 36, All Articles, Department of Forestry and Fire Management

9. DEPARTMENT OF ECONOMIC SECURITY
   Title 6, Chapter 6, All Articles, Department of Economic Security - Developmental Disabilities

One-Year Review Reports

10. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
    Title 20, Chapter 6, Article 3, Financial Provisions and Procedures

COUNCIL ACTION: CONSENT AGENDA APPROVED

B. CONSIDERATION AND DISCUSSION OF RULEMAKINGS:

1. BOARD OF TECHNICAL REGISTRATION
   Title 4, Chapter 30, Board of Technical Registration
   Amend: R4-30-106, R4-30-247

COUNCIL ACTION: COUNCIL RETURNED IN PART AND APPROVED IN PART PURSUANT TO A.R.S. § 41-1052(C). COUNCIL RETURNED RULEMAKING RELATED TO PROPOSED AMENDMENTS TO R4-30-106. COUNCIL APPROVED RULEMAKING RELATED TO PROPOSED AMENDMENTS TO R4-30-247.
C. CONSIDERATION AND DISCUSSION OF FIVE YEAR REVIEW REPORTS:

1. DEPARTMENT OF HEALTH SERVICES
   Title 9, Chapter 18, Article 1, Per Capita Matching Funds
   COUNCIL ACTION: APPROVED

2. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
   Title 20, Chapter 4, Articles 12-17, Department of Financial Institutions
   COUNCIL ACTION: TABLED TO JANUARY 26, 2021 STUDY SESSION AND FEBRUARY 2, 2021 COUNCIL MEETING