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~ Administrative Register Contents ~

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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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

Arizona Administrative REGISTER

August 16, 2024
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ADMINISTRATIVE REGISTER
This publication is available online for free at www.azsos.gov.

ADMINISTRATIVE CODE
The *Arizona Administrative Code* is available online at www.azsos.gov.

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

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Participate in the Process

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

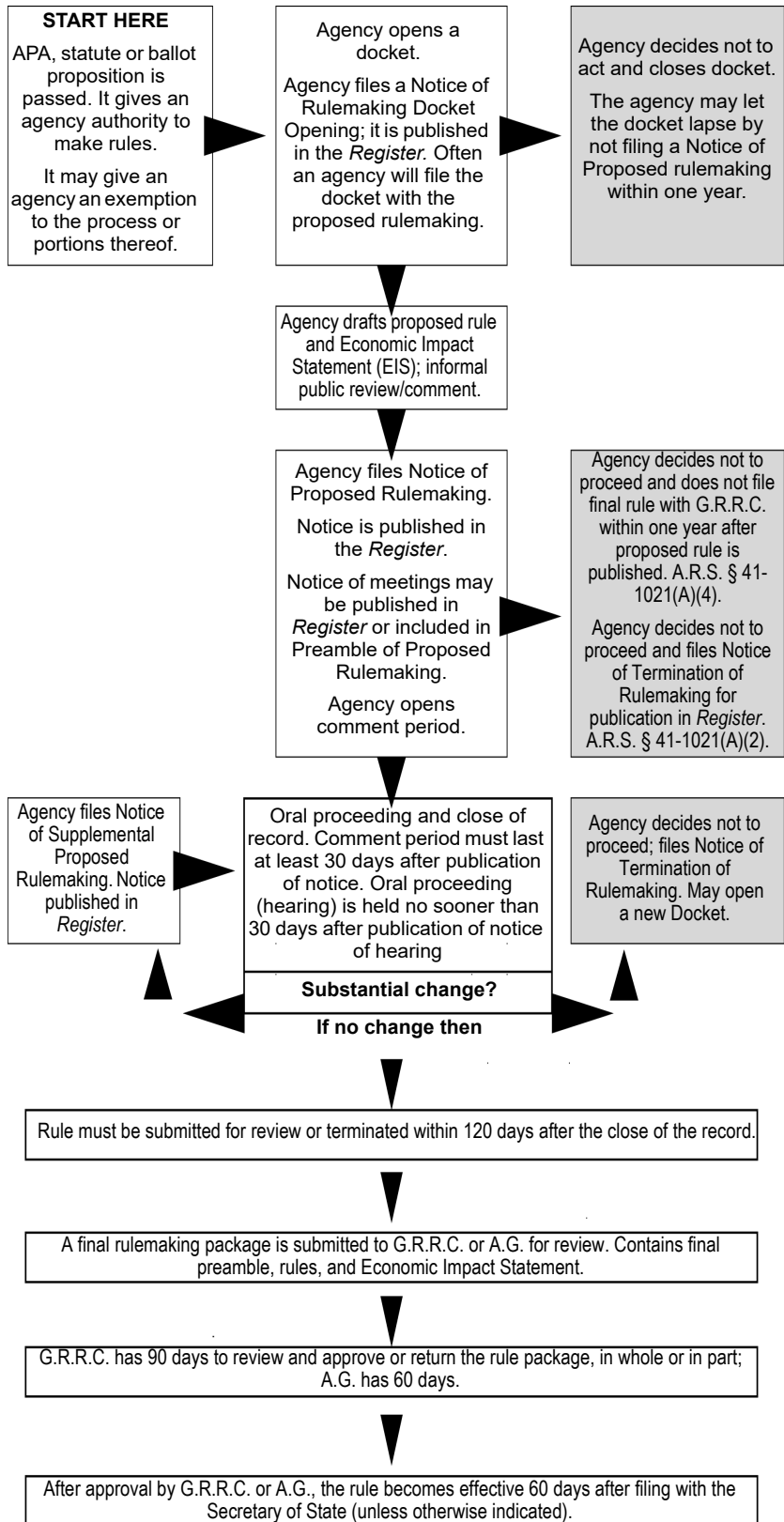
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

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

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

Arizona Regular Rulemaking Process



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

Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

About Preambles

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

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

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

NOTICES OF PROPOSED RULEMAKING

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

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same Register issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the Register within three weeks of filing. See the publication schedule in the back of each issue of the Register for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the Register before beginning any proceedings for making, amending, or repealing any rule (A.R.S. §§ 41-1013 and 41-1022).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT

[R24-152]

PREAMBLE

1. Permission to proceed with this proposed rulemaking was granted under A.R.S. § 41-1039(B) by the governor on:

May 1, 2024

2. Article, Part, or Section Affected (as applicable)

Rulemaking Action

Table with 2 columns: Article, Part, or Section Affected (as applicable) and Rulemaking Action. Rows include Article 4, R18-13-401, R18-13-402, R18-13-501, R18-13-702, Fee Tables, R18-13-801, Table, R18-13-1103, R18-13-1117, Article 12, R18-13-1201, R18-13-1211, R18-13-1212, R18-13-1212.01, R18-13-1213, Article 13, R18-13-1306, R18-13-1307, R18-13-1409, Table 1, Table 2, R18-13-1410, R18-13-1606, Article 19, R18-13-1901, Article 20, R18-13-2001, R18-13-2002, R18-13-2003, Article 21.

R18-13-2101	Amend
R18-13-2102	Amend
R18-13-2103	Amend
R18-13-2104	New Section
Article 22	New Article
R18-13-2201	New Section
R18-13-2202	New Section

3. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: Laws 2024, 2nd Regular Session, Ch. 121
 Implementing statute: A.R.S. §§ 44-1302, 44-1303, 44-1304.01, 44-1322, 49-104(B)(14)(b), 49-706, 49-747, 49-761, 49-762.03, 49-762.05, 49-802, 49-836, 49-855, 49-857, and 49-891.

4. Citations to all related notices published in the Register that pertain to the current record of the proposed rule:

Notice of Rulemaking Docket Opening: 30 A.A.R. 1047, Issue Date: May 17, 2024, Issue Number: 20, File number: R24-84

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

Name: Matt Rippentrop
 Title: Rule Writer
 Division: Waste Programs Division
 Address: 1110 W. Washington St.
 Phoenix, AZ 85007
 Telephone: (602) 771-4329
 Email: rippentrop.matt@azdeq.gov

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

Summary: This proposed rule would adjust existing fees and establish new fees throughout 18 A.A.C. 13, Solid Waste Management, as authorized and required by Laws 2024, 2nd Regular Session, Ch. 121 (HB2367). This includes the incorporation of fees currently established under statute. These proposed fee changes are necessary to address direct and administrative costs of the Arizona Department of Environmental Quality’s (ADEQ) relevant duties and regulatory activities for solid waste management. ADEQ last set solid waste fees in 2012. While fees set in 2012 were a critical step towards the ultimate goal of going to a fee-based funding model for the Solid Waste Program (SWP), more work is now necessary to fully realize this goal. Fees set in 2012 were based upon a one-time rulemaking authority from the Legislature pursuant to Laws 2011, 1st regular session, Ch. 220 (HB2705). Any subsequent adjustment, even adjustments for inflation, would require specific statutory authority from the Legislature. Thus, it is now necessary to reevaluate fees set in 2012. This proposed rule would set fees to levels that accurately reflect current economic conditions, provide for an annual adjustment based upon the Consumer Price Index to ensure fees remain current, and establish fees more completely throughout all of A.A.C. Title 18, Chapter 13, Solid Waste Management, to ensure overall program health and more fair cost-sharing amongst regulated facilities and entities. The purpose of this rule is to achieve self-sufficiency of SWP.

Background: SWP has long faced budget shortfalls, which have sharply increased in the last five years. Since FY2019, overall SWP’s costs have increased by approximately \$1,500,000, from \$2,000,000 to \$3,500,000. In addition to other factors such as the state’s rapid population growth, a major contributor to this increasingly steep budget shortfall has been inflation. Since 2012, the Phoenix metro area has experienced inflation of 48.52%. Further, for the last 12 years since fees were last set, ADEQ has not had the ability to adjust fees to account for a shifting economic landscape due to one-time rulemaking authorities, expanded Program responsibility, and greater costs related to regulatory and oversight activities.

Following the steep economic downturn in the late 2000s and resulting severe state budget shortfalls, many state programs lost funding from the Arizona General Fund. SWP is one such program. In response, and pursuant to HB2705, in 2012 ADEQ implemented a fee-based program model for the first time for SWP. While fees set in 2012 were an important step towards the goal of a fully self-funded program, HB2705 granted a one-time authority only for establishing fee levels, inhibiting the ability of ADEQ to make future adjustments as necessary. As such, SWP is unable to fully cover program costs with the fee levels established in 2012. This has resulted in continued program strain and the need to expend moneys from the Recycling Fund to cover management of solid waste regulatory programs. For the last several fiscal years, approximately half of SWP’s costs have been covered by fees, while expenditure from the Recycling Fund was necessary to cover the other half. As fees remain unchanged and costs continue to rise, increasing expenditures from the Recycling Fund have become necessary in recent fiscal years.

Ultimately, while the 2012 fees represent a critical step towards full program stability, more work is necessary to realize the goal of establishing a fully self-funded and sustainable SWP. To this end, the Arizona Legislature passed and the Governor signed HB2367 on April 9, 2024, with an emergency clause for an immediate effective date. HB2367 makes amendments throughout Titles 44 and 49 of the Arizona Revised Statutes to eliminate one-time rulemaking authorities relating to fees, authorized the incorporation into rule of the existing statutory new tire sale and landfill disposal fees, and authorized rulemaking to establish new fees for regulatory services and legislative mandates currently being performed. Establishing new fees for currently regulated facilities and entities is a critical component in establishing a fully sustained fee-based program that is fairly assessed against all regulated parties. While SWP has experienced budget shortfalls for several years, it is only with HB2367 that ADEQ now has the authority and mandate to establish these new fees for currently regulated parties.

These proposed rules are critical to make SWP whole, sustainable, and secure. Further, these fees allow expenditures from the

Recycling Fund to be refocused on its important mission. ADEQ intends for revenue in the Recycling Fund be used for the stated purpose of grants and contracts for “research, demonstration projects, new technologies, market development and source reduction studies and implementation of the recommendations or reports prepared.” See A.R.S. § 49-837(B)(1). As SWP becomes sustainable through a more robust fee-based program, ADEQ is committed to apportioning the greatest portion feasible of the Recycling Fund towards grants and contracts and other stated uses under A.R.S. § 49-837 to further the mission of the Arizona Recycling Program.

Description of Solid Waste Management Programs: There are approximately 2,000 solid waste facilities with different media types subject to ADEQ regulatory compliance and oversight under Solid Waste Management. The scope and type of these facilities is diverse, with different waste streams, locations, sizes, communities served, facility capacity, and both regulatory and support activities required of ADEQ. These facilities include but are not limited to solid waste transfer facilities of varying size and sophistication, from rural drop-site locations to city facilities, septage hauler licensees, waste tire sites, off-site facilities registered for the treatment, storage, or disposal of auto-shredder residue, special waste transporters and generators, biohazardous medical waste transport companies, used oil handlers and collectors subject to the federal used oil program, facilities accepting lead acid batteries for collection or recycling, and both municipal and non-municipal landfills. These facilities are located throughout the state, requiring SWP to engage in inspection, management, and oversight in every county.

Regulatory activities for which ADEQ is responsible includes inspections, permitting and licensing programs, public records management, fielding and investigating complaints, and providing compliance assistance. Effective implementation of these regulatory activities for all solid waste facilities is the foundation for furthering the Waste Program Division’s mission to protect and enhance public health and the environment by reducing the risk associated with waste management, contaminated sites, and regulated substances.

Explanation of Proposed Fee Methodology: There are two broad groups into which fees under this rulemaking may be categorized. This first group is new fees being established by this rulemaking. These include initial registration and annual fees for transfer facilities subject to best management practices, used oil handlers, medical waste facilities that are permitted for storage or treatment, facilities generating, treating, or transporting special waste, landfills that enter into post-closure care, waste tire facilities subject to plan approval, and collection and recycling facilities accepting lead acid batteries. To note, those facilities subject to plan approval fees will not be subject to an initial registration fee, instead only to annual registration fees.

The second group is current fees that will be subject to an adjustment under this rulemaking. This group may further be distinguished between those fees being increased by a Consumer Price Index (CPI) adjustment and those fees being increased beyond a CPI adjustment. Those fees subject to a CPI adjustment include disposal fees for petroleum contaminated soil (PCS) and auto-shredder residue, fees for plan review of solid waste facilities subject to plan review under R18-13-702, including modifications to solid waste facility plans and review of financial responsibility plans, solid waste general permit fees, and two current statutory fees being established in rule: solid waste landfill disposal fees and the fee on the sale of new tires.

Those fees subject to an adjustment beyond CPI are annual registration fees for solid waste landfills, waste tire sites, including waste tire sites subject to self-certification, transfer stations subject to self-certification, biohazardous medical waste transporters, and septage haulers.

In determining new fees throughout Solid Waste Management, ADEQ was guided by its statutory mandates that all fees be based upon the Department’s direct and indirect costs associated with regulatory activities for the facility or entity subject to the fee and that all fees be fairly assessed and impose the least burden and cost. To this end, ADEQ began by reviewing the actual costs of regulatory activities to the Department for facilities under Solid Waste Management. Relevant costs include but are not limited to inspections, permitting and licensing, fielding complaints, compliance assistance, and public records management. This review included calculating time and resources expended on compliance inspections and permit review. After having a more complete understanding of the actual costs in oversight and enforcement for Solid Waste Management programs, ADEQ was able to develop a comprehensive fee schedule that fairly assessed fees against each class of facility or entity that is representative of the actual costs to ADEQ for carrying out regulatory activities for such facility or entity.

This proposed rule employs CPI adjustments used for all existing fees. With all existing fees being over a decade old, and with those statutory fees dating back to the early 1990s, this initial CPI adjustment was a critical step as current fee levels are no longer representative of current economic conditions or costs to ADEQ. The CPI adjustment methodology for those fees dating back to 2012 utilizes the Consumer Price Index for All Urban Consumers (CPI-U) for the Phoenix-Mesa-Scottsdale, AZ Area (regional CPI). This regional CPI was selected as most representative to the costs of ADEQ, which largely operates out of Phoenix metro area. To note, this regional CPI began being calculated in 2002. For the two fees dating to the early 1990s, the landfill disposal fee and new tire sale fee, the national CPI was used. This adjustment for these fees based on the national CPI was necessary to bring these two fees to current levels as the regional CPI is not available for the full duration of these fees.

By employing these CPI adjustments to make existing fees current and reflective of subsequent inflation following establishment of the fees, ADEQ had a contemporary fee baseline from which new fees and further adjustments could be fairly assessed that would have the least burden and cost.

Following these CPI adjustments, ADEQ evaluated specific regulatory costs for each class of facility or entity. Based on these actual costs, ADEQ established new fees and made further adjustments to existing fees. These fees were established to both be reflective of the actual cost to ADEQ associated with carrying out the Department’s regulatory responsibilities for each class of facility or entity as well as take into consideration the relative burden these fees posed.

Each of these fees is presented in the fee tables and discussed in further detail in the section-by-section explanation to follow.

Annual CPI adjustments: ADEQ proposes implementing an annual regional CPI adjustment to ensure fees remain current and adequate to cover rising costs against inflation. The proposed methodology involves multiplying the fee amount within the rule by the regional CPI as of the close of the 12-month period ending on October 30 for the most recent year, and then dividing by the

regional CPI as of the close of the 12-month period ending on October 30 for the year 2024 (base year). The CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor available at: https://data.bls.gov/pdq/SurveyOutputServlet?data_tool=dropmap&series_id=CUURS48A-SA0.CUUSS48ASA0. The first adjustment would occur following the publication of the October regional CPI in 2025.

Implementation Schedule: In furtherance of ADEQ's goal to ensure the proposed fees impose the least burden and cost, ADEQ evaluated the feasibility of an implementation schedule that balances the fiscal health of SWP and the budget constraints of the regulated community subject to the fees. Currently, ADEQ sends out invoices for registration fees to correspond with the calendar year. However, a recurring point of discussion during the informal comment period was the concern of implementing a new fee or fee increase in the middle of the fiscal year for many counties, municipalities, and other political subdivisions. As such, while the rule and fees would become effective as of January 2025, ADEQ is evaluating implementing a fee schedule for initial fees in 2025 to accommodate the fiscal needs of counties, municipalities, and other political subdivisions.

To this end, ADEQ proposes dividing the initial annual registration fee for increased existing fees between two separate invoices. The first invoice for this first annual registration fee would reflect current billing, with the invoice at the current fee level to be sent out in January 2025. The second invoice would be delayed until July 2025, to coincide with the fiscal year, and would be for the remaining amount of the annual registration fee, reflecting the amount already paid on the first invoice.

As an example, under proposed R18-13-501(E), the annual registration fee for a self-certification transfer facility would increase from \$500 to \$3,000 on January 1, 2025. ADEQ would send the facility an invoice for \$500 in January 2025 per current billing. Subsequently, ADEQ would send a second invoice in July 2025 for \$2,500. Thereafter, beginning in 2026, the facility would be invoiced once for \$3,000, as adjusted by regional CPI, each January to coincide with the calendar year billing cycle.

For new annual registration fees, ADEQ is evaluating delaying the first annual registration fee as established under the proposed rule until July 2025 to coincide with the fiscal year. As an example, if a political subdivision was a lead acid battery collector, a new fee of \$675 would be due "within 30 days of invoice receipt", under R18-13-1901(B), so that the invoice would be sent on or after July 1. Following this initial billing to coincide with the fiscal year for the first year of implementation, billing would align to the calendar year billing cycle in January 2026.

In addition to adjusted and new annual registration fees, this proposed implementation schedule includes quarterly landfill disposal and special waste tonnage fees, resulting in the disposal and tonnage fees for the first calendar quarter of 2025 at the proposed fee rates to coincide with the coming fiscal year, and will be invoiced on or after July 1, 2025. Following this initial billing to coincide with the fiscal year for the first quarter of 2025, quarterly billing for landfill disposal and special waste tonnage fees would return to the calendar year billing cycle.

- **The purpose and need for post-closure care landfill fees.** ADEQ explains that after a landfill closes it still requires monitoring for a period of 30 years after closure, commonly referred to as the post closure care period. During this time, the landfill must be monitored for ground water and methane levels as well as maintenance of the cap. ADEQ still has a responsibility of oversight of these activities to ensure those are being conducted. This oversight includes inspections and record management conducted by ADEQ. The annual fee during this duration is necessary for cost-recovery to ADEQ for regulatory activities conducted during this period.
- **Whether used oil collection centers will be subject to fees.** ADEQ responds that used oil collection centers will not be subject to fees under this proposed rule. This rule incorporates registration requirements as they currently exist in statute into rule. The only operators of used oil that are classified as transporters, marketers, processors, and burners are subject to these new fees.
- **With the incorporation of the landfill disposal fee into rule, impact to the Recycling Fund and recycling grant program.** ADEQ states the per ton disposal fee will continue to be deposited into the Recycling Fund as it currently is. This rulemaking does not change or eliminate the Recycling Fund or recycling grant program.
- **Reasoning for municipal and non-municipal landfills now being subject to the same annual registration fee under the proposed rule.** ADEQ explains the fees are based on the cost to ADEQ for performing inspections, issuing permits, administrative, data management, as well as policy and rule development. While the regulations can vary between operations, the costs are based on the time it takes to inspect and perform activities required of ADEQ for these sites which compare equally in department cost.

This engagement with the public and stakeholders is a critical and ongoing element in developing a fee program that is fairly assessed and presents the least burden and cost to the regulated community. For example, from discussion with stakeholders, ADEQ made the determination that lowering the annual fee for biohazardous medical waste transfer facilities from \$7,500 to \$3,000 was appropriate to mirror the fee for other types of transfer facilities engaged in activity subject to similar regulatory oversight to ensure this facility type is not subject to an unduly burdensome or disproportional fee. Another example is the decision to not adjust the initial registration fee for plan review or subject it to an annual CPI adjustment to improve clarity and ease of initial application for facilities subject to plan review. A final example is the decision to remove registration fees for composting facilities. After discussions and feedback from the regulated community, it was determined that fees at this time for composting facilities are premature and more work to develop and facilitate composting in the state is needed prior to implementing related facility fees.

A recurring point of discussion during the informal comment period was the concern of implementing a fee increase in the middle of the fiscal year for many counties, municipalities, and other political subdivisions. In response, ADEQ evaluated the feasibility of an implementation schedule to correspond with the fiscal year, as discussed above.

Fee Tables: below are fee tables for all the proposed fees being established, adjusted, or incorporated under this proposed rule.

Facility Category	Current Fee	Proposed Annual	Initial
Landfills under 60,000 tons annually	\$2,500	\$5,000	Plan Review
Landfills 60,000 tons to under 225,000 tons annually	\$7,500	\$10,000	Plan Review
Landfills 225,000 tons or more annually	\$12,500	\$20,000	Plan Review
Tire Site Subject to Plan Review	N/A	\$5,000	Plan Review
Self-certification Tire Site	\$250	\$3,000	\$3,600
Used Tire Site	\$75	\$1,500	\$1,800
Waste Tire Site	\$75	\$2,000	\$2,400
Self-certification Transfer Station	\$500	\$3,000	\$3,600
Best Management Practice Transfer Stations	N/A	\$1,500	\$1,800
Used Oil Processor	N/A	\$7,500	\$9,000
Used Oil Burner	N/A	\$12,500	\$15,000
Used Oil Transporter	N/A	\$1,500	\$1,800
Used Oil Marketer	N/A	\$1,500	\$1,800
BMW Transporter	\$750	\$1,500	\$1,800
BMW Treatment & Disposal	N/A	\$12,500	Plan Review
BMW Storage	N/A	\$7,500	Plan Review
BMW Transfer	N/A	\$3,000	Plan Review
Septage Hauler - county inspection	\$75	\$225	\$270
Septage Hauler - ADEQ inspection	\$75	\$550	\$660
Special Waste Generator of Petroleum Contaminated Soil (PCS)	N/A	\$750	\$900
Special Waste Generator of Auto Shredder Fluff (ASF)	N/A	\$3,000	\$3,600
Special Waste Shipper	N/A	\$1,500	\$1,800
Special Waste Disposal, Treatment, or Storage	N/A	\$5,000	Plan Review
Landfills in post-closure care	N/A	\$3,500	Plan Review
Lead Acid Battery Collection Site	N/A	\$675	\$810

Fees for Plan Review of New Solid Waste Facilities	Current Fees		New Fees	
	Initial	Maximum	Initial	Maximum
Solid Waste Landfills	\$20,000	\$200,000	\$20,000	\$297,047
Non-APP requirements for Non-MSWLFs operating under an APP	\$2,000	\$50,000	\$2,000	\$74,262
Other Solid Waste Facilities Subject to Plan Approval	\$10,000	\$100,000	\$10,000	\$148,524
Fees for Modifications to Solid Waste Facility Plans	Current Fees		New Fees	
	Initial	Maximum	Initial	Maximum
Solid Waste Landfills - Type IV	\$1,500	\$150,000	\$1,500	\$222,786
Solid Waste Landfills - Type III	\$750	\$75,000	\$750	\$111,393
Other Solid Waste Facilities Subject to Plan Approval - Type IV	\$750	\$75,000	\$750	\$111,393
Other Solid Waste Facilities Subject to Plan Approval - Type III	\$500	\$50,000	\$500	\$74,262
Fees for Review of Financial Responsibility Plans for Facilities	Current Fees		New Fees	
	Initial	Maximum	Initial	Maximum

Annual Review for Solid Waste Landfills	\$600	Flat Fee	\$891	Flat Fee
Other Solid Waste Facilities	\$200	\$5,000	\$200	\$7,426
	Current Fees		New Fees	
Hourly Rate	\$122	Per Hr	\$181	Per Hr

Solid Waste General Permits Category	Current Fees		New Fees	
	Initial Fee	Annual Fee	Initial Fee	Annual Fee
Collection, Storage and Transfer-Standard	\$750	\$100	\$1,114	\$149
Collection, Storage and Transfer-Complex	\$7,500	\$1,000	\$11,139	\$1,485
Treatment-Standard	\$1,000	\$100	\$1,485	\$149
Treatment-Complex	\$10,000	\$1,000	\$14,852	\$1,485
Disposal	\$15,000	N/A	\$22,279	N/A

Solid Waste Disposal Fees	Current Fees		New Fees	
	Fee	Unit of Measure	Fee	Unit of Measure
For Each Ton of Solid Waste	\$0.25	Per Ton	\$0.58	Per Ton
Six Cubic Yards (CY) of Uncompacted Solid Waste	\$0.25	Per CY	\$0.58	Per CY
Three Cubic Yards (CY) of Compacted Solid Waste	\$0.25	Per CY	\$0.58	Per CY
Facilities Recycling Solid Waste from Secondary Waste Water	\$0.13	Per Ton	\$0.29	Per Ton
Waste Disposed in a Solid Waste Landfill not regulated by ADEQ	\$0.25	Per Ton	\$0.58	Per Ton
Local Public Facility - Population of Political Subdivisions	\$0.07	x Population Served	\$0.16	x Population Served

Special Waste Disposal	Current Fees		New Fees	
	Fee	Unit of Measure	Initial Fee	Unit of Measure
Petroleum Contaminated Soils Disposal Fee	\$4.50	Per Ton	\$6.68	Per Ton
Auto Shredder Fluff Disposal Fee	\$4.50	Per Ton	\$6.68	Per Ton
Annual Maximum Disposal Fee per Generator Site	\$45,000	Annual Maximum	\$68,835.67	Annual Maximum

New Tire Sale	Current Fees		New Fees	
	Fee	Maximum	Fee	Maximum
	2% of retail	\$2.00/tire	2% of retail	\$4.66/tire

Section by Section Explanation of Proposed Rule:

Below is an explanation of the substantive provisions of each section of the proposed rule. Underlined text in the article or section title indicates new rule language. Struck through text indicates deletion of existing rule language. Italicized article or section titles indicates a new article or section.

ARTICLE 4. SOLID WASTE FACILITIES SUBJECT TO BEST MANAGEMENT PRACTICES

R18-13-401. Definitions. Adds definition clarifying “Department” means the Arizona Department of Environmental Quality and definitions for “material recovery facility” and “recyclable solid waste” as those terms are used in the exemption for transfer facilities subject to best management practices in new R18-13-402.

R18-13-402. Solid Waste Facilities Subject to Best Management Practices; Fees. Establishes a new initial registration fee of \$1,800 and annual renewal fee of \$1,500 for transfer facilities with a daily throughput of 180 cubic yards or less, but not including material recovery facilities, as defined, that are currently exempted from self-certification transfer facilities under Article 5, and for waste tire sites that are subject to best management practices pursuant to A.R.S. § 49-762.02. Includes a provision that registration under R18-13-1211 as a waste tire collection site satisfies registration and fee requirements under this section for waste tire sites. Inclusion of waste tire sites under this section reflects the dual regulation of these tire sites under both Title 44 and Title 49 of the Arizona Revised Statutes.

Includes language for an annual adjustment to these fees based on the regional CPI.

ARTICLE 5. REQUIREMENTS FOR SOLID WASTE FACILITIES SUBJECT TO SELF-CERTIFICATION

R18-13-501. Solid Waste Facilities Requiring Self-Certification; Registration Fees. Removes outdated language referencing previous 2012 fee provisions. Standardizes and increases the existing initial registration and annual registration fees for transfer facilities, waste tire sites, and waste tire shredding and processing facilities subject to self-certification pursuant to A.R.S. § 49-762.01 to \$3,600 and \$3,000, respectively. Includes language for an annual adjustment to these fees based on the regional CPI.

ARTICLE 7. SOLID WASTE FACILITY PLAN REVIEW FEES

R18-13-702. Solid Waste Facility Plan Review Fees. Removes outdated language referencing previous 2012 fee provisions. Increases the maximum fee amounts in the Fee Tables for maximum fees relating to plan review, but excluding the initial fee, by the regional CPI adjustment. Increases the hourly billing rate for plan review and the annual review for solid waste landfills flat fee by the regional CPI adjustment. Eliminates the fee for modifications to solid waste facility plans for the Solid Waste Landfills – Type IV – RD&D category as ADEQ does not currently have authority to facilitate this type of plan modification. Includes language for an annual adjustment to the maximum fees and hourly rate based on the regional CPI. The annual adjustment applies to the maximum fee amounts in the Fee Tables, the annual review for solid waste landfills flat fee, and the hourly billing rate, but does not apply to the initial plan review fees.

ARTICLE 8. GENERAL PERMITS

R18-13-801. General Permit Fees. Increases the fees for all existing general permit fees, including initial and annual, by the regional CPI adjustment. Includes language for an annual adjustment to these fees based on the regional CPI.

ARTICLE 11. COLLECTION, TRANSPORTATION, AND DISPOSAL OF HUMAN EXCRETA

R18-13-1103. General Requirements; License Fees. Removes outdated language referencing previous 2012 fee provisions. Establishes a new tiered fee structure for septage hauler license fees. Increased initial license fee of \$660 and annual license fee of \$550 for septage haulers whose vehicles are subject to an inspection conducted by ADEQ. New initial license fee of \$270 and annual license fee of \$225 for septage haulers whose vehicles are subject to an inspection conducted by a county pursuant to a delegation agreement with ADEQ. This two-tier fee reflects ADEQ’s directive that fees be fairly assessed as there is a higher cost to ADEQ associated with conducting inspections throughout the state. This higher tier of fees is needed for proper cost-recovery to ADEQ. New language clarifying inspections may be required for vehicle license renewal. Includes language for an annual adjustment to these fees based on the regional CPI.

R18-13-1117. Reinstatement. New subsection (B) stating that an expired or lapsed septage hauler license may be renewed by payment of the appropriate lower annual license fee instead of the higher initial license fee.

ARTICLE 12. WASTE AND USED TIRES

R18-13-1201. Definitions. Adds a new definition of “waste tire collection site” as that term is defined in A.R.S. § 44-1301.

R18-13-1211. Registration of New Waste Tire Collection Sites; Fee. Removes outdated language referencing previous 2012 fee provisions. Increases the existing initial registration fee and annual registration fee for waste tire collection sites to \$2,400 and \$2,000, respectively. Includes language for an annual adjustment to these fees based on the regional CPI.

R18-13-1212. Registration of Outdoor Used Tire Sites; Fee. Removes outdated language referencing previous 2012 fee provisions. Increases the existing initial registration fee and annual registration fee for outdoor used tire sites to \$1,800 and \$1,500, respectively. Includes language for an annual adjustment to these fees based on the regional CPI.

R18-13-1212.01 Waste Tire Collection Site Subject to Plan Approval; Fees. Establishes a new annual registration fee of \$5,000 for waste tire collection sites that are required to obtain plan approval pursuant to A.R.S. § 49-762(A)(7). Includes language for an annual adjustment to these fees based on the regional CPI.

R18-13-1213. Facilities Subject to More Than One Tire Site Registration; Single Fee. This section provides that a tire facility subject to registration under more than one section is only required to pay the registration fees for the section with the highest registration fees. This rule adds to this single-fee provision waste tire collection sites subject to plan approval under new R18-13-1212.01.

ARTICLE 13. SPECIAL WASTE AND BEST MANAGEMENT PRACTICES FOR SHREDDER RESIDUE

R18-13-1306. ~~Reserved~~ Fees. Applicants for special waste identification numbers shall submit a new initial registration fee for each special waste operation, excluding special waste receiving facilities subject to plan approval: \$3,600 for a generator of shredder residue and \$1,800 for a special waste shipper. There shall also be billed an annual registration fee for each class of operation: \$3,000 for a generator of shredder residue, \$5,000 for a special waste receiving facility, defined in rule as an off-site location to which special waste is sent to be treated, recycled, stored, or disposed, and \$1,500 for a special waste shipper. Solid waste landfills

are exempt from these fees. Includes language for an annual adjustment to these fees based on the regional CPI.

R18-13-1307. Best Management Practices for Waste from Shredding Motor Vehicles; Fees. Increases the existing tonnage fee for shredder residue that is transported to a facility regulated by the ADEQ for treatment, storage, or disposal by the regional CPI adjustment to \$6.68. Deletes unnecessary language referring to a calculation of shredder residue received based on compacted or uncompacted cubic yard amounts as this is not a receiving calculation that is used. Instead, preserves the tonnage calculation. Increases the existing fee cap by the regional CPI adjustment to \$66,835.67. Includes language for an annual adjustment to these fees based on the regional CPI.

ARTICLE 14. BIOHAZARDOUS MEDICAL WASTE AND DISCARDED DRUGS

R18-13-1409. Transporter License; Fees; Transportation. Eliminates the current biohazardous medical waste (BMW) transporter license fee structure of hourly billing and replaces with new flat fees. Further eliminates now-obsolete provisions relating to an appeal process concerning billing amounts. The new fee structure includes an increased initial application fee of \$1,800, an increased annual fee of \$1,500, an amendment fee of \$350, and a reduced quinquennial renewal fee from \$2,000 to now match the annual fee of \$1,500. Includes language for an annual adjustment to these fees based on the regional CPI.

R18-13-1410. Storage, Transfer, Treatment, and Disposal Facilities; Facility Plan Approval; Fees. Establishes new annual registration fees for BMW storage, disposal, treatment, and transfer facilities. The annual registration fee for disposal and treatment facilities is \$12,500, for storage facilities is \$7,500, and for transfer facilities is \$3,000. Includes language for an annual adjustment to these fees based on the regional CPI.

ARTICLE 16. BEST MANAGEMENT PRACTICES FOR PETROLEUM CONTAMINATED SOIL

R18-13-1606. Fees. Increases the existing tonnage fee for the treatment, storage, or disposal facility that first receives a shipment of PCS by the regional CPI adjustment from \$4.50 to \$6.68. Increases the existing fee cap by the regional CPI adjustment to \$66,835.67. Establishes a new registration fee of \$900 and annual registration fee of \$750 for a generator of PCS. Establishes a new annual registration fee of \$5,000 for special waste receiving facilities, defined for Article 16 as a treatment, storage, or disposal waste facility that has an approved special waste management plan pursuant to A.R.S. § 49-857. Solid waste landfills are exempt from this fee. Includes language for an annual adjustment to these fees based on the regional CPI.

ARTICLE 19. LEAD ACID BATTERY RECYCLING

R18-13-1901. Collection or Recycling Facility of Lead Acid Batteries; Registration; Fees. Establishes a new registration fee of \$810 and new annual fee of \$675 for collection or recycling facilities that accept lead acid batteries. Currently existing collection or recycling facilities that accept lead acid batteries have until March 1, 2025 to register with the Department. For purposes of this section, “lead acid battery” is defined as a battery with a core of elemental lead and a capacity of six or more volts that is suitable for use in a vehicle or a boat. Includes language for an annual adjustment to these fees based on the regional CPI.

ARTICLE 20. USED OIL

The federal used oil program, 40 CFR 279, as amended on January 1, 1997, is adopted by reference for the state of Arizona pursuant to A.R.S. 49-801, *et al.* For this purpose, this rule proposes new Article 20 to reflect this incorporation. While full incorporation of the federal program as currently administered by ADEQ pursuant to statute into rule is outside the scope of this rulemaking at this time, this rule proposes new Article 20 to reflect this incorporation as appropriate for the purpose of establishing necessary fees.

R18-13-2001. Definitions. Adds definitions based on incorporation of the federal program and 40 CFR 279. Includes defining “40 CFR 279” to refer to 40 CFR part 279, as amended on January 1, 1997, and no future editions or later amendments. Incorporates federal used oil program definitions for used oil handlers and the federal used oil program definition for used oil as modified by A.R.S. § 49-801.

R18-13-2002. Used Oil Handler Registration; Fee. Establishes a new registration fee for used oil handlers, as defined, required to obtain an EPA identification number as follows: for a used oil processor, \$9,000, for a used oil burner, \$15,000, for a used oil transporter, \$1,800, and for a used oil fuel marketer, \$1,800. Establishes new annual registration fees for used oil handlers as follows: for a used oil processor, \$7,500, for a used oil burner, \$12,500, for a used oil transporter, \$1,500, and for a used oil fuel marketer, \$1,500. Includes language for an annual adjustment to these fees based on the regional CPI.

R18-13-2003. Used Oil Collection Center Identification Number; Requirements. Codifies in rule current registration requirements for used oil collection centers, as defined. This involves requesting a used oil collection center identification number pursuant to A.R.S. § 49-802(C). To note, there are no fees for used oil collection centers contemplated in this rulemaking.

ARTICLE 21. SOLID WASTE LANDFILL REGISTRATION AND DISPOSAL FEES

R18-13-2101. Definitions. Deletes the definition of “full quarter” as now obsolete given new fee structure discussed in R18-13-2102 below. Adds new definitions of “local public facility” and “recycling residue” as used within the solid waste landfill disposal fee that is incorporated from statute in R18-13-2104.

R18-13-2102. Solid Waste Landfill Registration; Annual Registration Fee for an Existing Solid Waste Landfill. Eliminates the current units of reported waste calculation methodology for municipal solid waste landfills that accept waste for only a portion of the “defined time period”, as defined. Now the amount of waste received shall be determined solely by the reported tons of solid waste received on the disposal invoice over the defined time period. Eliminates the one-time initial registration fee.

Currently there are four different tiers of fees for municipal solid waste landfills based on size as follows: for a municipal solid waste landfill receiving less than 12,000 tons during the defined time period, an annual fee of \$1,250; for the same receiving at least 12,000 tons but less than 60,000 tons, an annual fee of \$2,500; for the same receiving at least 60,000 tons but less than 225,000 tons, an annual fee of \$7,500; and for the same receiving at least 225,000 tons, an annual fee of \$12,500. Non-municipal solid waste landfills pay an annual flat fee of \$3,750 regardless of size. This rule proposes to eliminate the distinction between

municipal and non-municipal for purposes of the annual registration fee under this Section and consolidate to three different tiers of fees based on size as follows: for a solid waste landfill receiving less than 60,000 tons, an annual fee of \$5,000; for the same receiving at least 60,000 tons but less than 225,000 tons, an annual fee of \$10,000; and for the same receiving at least 225,000 tons, an annual fee of \$20,000.

Currently a solid waste landfill is subject to an annual fee of \$1,250 from the time the landfill stops accepting waste until released from its obligation to provide financial assurance for closure. This rule proposes to increase this fee to \$3,500 and extend this fee period from the time the landfill stops accepting waste now until the landfill has completed closure and is released from its obligation for post-closure care. The fees during post-closure care are necessary as there are ongoing obligations and oversight that occurs during this post-closure period. This includes inspections and record management conducted by ADEQ. The annual fee is necessary for cost-recovery to ADEQ for regulatory activities conducted during this period.

Includes language for an annual adjustment to these fees based on the regional CPI.

R18-13-2104. Solid Waste Landfill Disposal Fee: Exemptions. This is the first of two fees incorporated from statute. The landfill disposal fee is currently under A.R.S. § 49-836. This proposed rule incorporates the landfill disposal fee as currently implemented under statute into rule, including reporting, calculation, and exemptions, with each component of the fee adjusted based on a national CPI adjustment. This adjustment includes increasing the solid waste landfill tonnage disposal fee from \$0.25 to \$0.58; the waste from recycling residue from \$0.13 to \$0.29 and associated maximum from \$15,000 to \$34,942.20; and the population-based disposal fee for local public facilities, as defined, from \$0.07 to \$0.16. Includes language for an annual adjustment to these fees based on the regional CPI.

ARTICLE 22. NEW TIRE SELLERS

This is the second fee incorporated from statute. The new tire seller fee is currently under A.R.S. § 44-1302. In the same way as the landfill disposal fee, this proposed rule is intended to incorporate the new tire seller fee as currently implemented into rule, subject to a specific CPI adjustment.

R18-13-2201. Definitions. Adds definitions for “motor vehicle” and “tire seller” to define those terms as they are used and applied under the new tire seller fee in statute.

R18-13-2202. New Tire Sellers: Fee. This proposed rule incorporates the 2% fee on the sale of new tires as currently implemented under statute into rule, with fee components adjusted based on a national CPI adjustment. This adjustment results in the increase of maximum fee per tire from \$2 to \$4.66, and from \$1 to \$2.33 for the sale by a manufacturer to a wholesaler or retailer of motor vehicles with a gross weight of under 10,000 pounds. This proposed rule preserves the \$0.10 credit per tire a seller may claim for accounting and reporting related to the fee. Further maintains as currently provided in statute that the fee shall be remitted to the Department of Revenue. Includes language for an annual adjustment to these fees based on the regional CPI.

Fees are Fairly Assessed and Impose the Least Burden and Cost: Pursuant to A.R.S. § 49-104(B)(17), ADEQ is charged with ensuring all fees “be fairly assessed and impose the least burden and cost to the parties subject to the fees” based upon an evaluation of “the direct and indirect costs of the department’s relevant duties, including employee salaries and benefits, professional and outside services, equipment, in-state travel and other necessary operational expenses directly related to issuing licenses.” This statutory mandate is reinforced by HB2367, which states in Section 17, Legislative Intent, that fees established pursuant to the bill be based upon “direct and indirect costs associated with the type of activity or facility that is assessed a fee.”

To fulfill this statutory mandate, ADEQ reviewed actual costs to the agency in conducting inspections and regulatory oversight for each class of facility, evaluated revenue and cost capacity for such facilities, and balanced fee amounts to ensure fees are proportional amongst different facility types subject to each fee. This review and analysis are strengthened by engagement with and feedback from the regulated community and stakeholders. ADEQ’s assessment and examples are discussed further below in Part 9, “Preliminary Summary of the Economic, Small Business, and Consumer Impact”.

Immediate Effective Date: Pursuant to A.R.S. § 41-1032(A)(1), ADEQ intends to request an immediate effective date for these rules in order to preserve public safety and protect human health and the environment by ensuring necessary funding for SWP regulatory activities. This immediate effective date reflects the urgency recognized by the Legislature with the passage of HB2367 pursuant to an emergency clause for immediate enactment. Delaying the effective date would mean that the rule would not be able to take effect in calendar year 2024, seriously jeopardizing the financial viability of the program and putting SWP inspection, enforcement, and services at risk.

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:

ADEQ did not reference any study for this proposed rule.

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

Identification of the rulemaking: This rulemaking proposes a number of changes to 18 A.A.C. 13, Solid Waste Management, including amendments to Articles 5, 7, 8, 11, 12, 13, 14, 16, and 21; amending Sections R18-13-501, R18-13-702, R18-13-801, R18-13-1103, R18-13-1211, R18-13-1212, R18-13-1307, R18-13-1409, R18-13-1410, R18-13-1606, R18-13-2102, and R18-13-2103, and their respective tables. Additionally, this rulemaking proposes to establish new articles and sections, including Articles 4, 19, 20, and 22 and their respective sections, and new sections in existing Articles, including R18-13-1212.01, R18-13-1306, and R18-13-2104. The purpose of these changes is to both adjust existing fees and establish new fees throughout Solid Waste Management. This rulemaking also includes establishing in rule fees that currently only exist in statute.

Fees being considered under this planned rulemaking can be categorized into two broad groups. One group being current fees paid by waste facilities and licensees that would be subject to an adjustment under this rulemaking. These facilities and licensees include municipal and non-municipal landfills, used and waste tire facilities, self-certification transfer facilities, biohazardous medical waste transporters, septage haulers, and special waste facilities that receive shredder residue and petroleum contaminated soil (PCS). The second group being new fees to be established under this planned rulemaking. Those facilities and entities that would be subject to a new fee for the first time include transfer facilities subject to best management practices, used oil handlers, medical waste facilities that are permitted for storage or treatment, facilities generating or transporting special waste, landfills that enter into post-closure care, and collection and recycling facilities accepting lead acid batteries.

These rule changes are intended to collect fees to ensure the financial stability of Solid Waste Management programs, not to change the conduct of any regulated facilities or entities. The last time ADEQ undertook any substantive review and adjustments of fees within Solid Waste Management was in 2012. While fees established in 2012 represented a critical step towards the goal of full program sufficiency and stability, further work is necessary to realize this goal. Indeed, to date only half of all regulated facilities under Solid Waste Management are subject to fees for registration, inspection, and oversight notwithstanding ongoing statutory mandates ADEQ has to promulgate rules for these facilities despite a previous lack of fee authority for such facilities.

Experience over the last several years has demonstrated the need for a comprehensive approach to fees throughout Solid Waste Management, one that promotes equal cost distribution amongst all regulated facilities and entities and ensures the financial health of Solid Waste Management as a whole for the effective and efficient carrying out of the Program's mission.

ADEQ's goal in this rulemaking is to adjust and establish fees throughout Solid Waste Management that will sustain critical programs while avoiding disproportionate impact on any one group of stakeholders or regulated entities. Currently, regulatory costs across all of solid waste programs for ADEQ are estimated to total \$3.5 million per year. However, current fees generated are estimated at roughly \$500,000. Other revenue sources, such as the 3.5% of the Waste Tire Fund allocated to the Solid Waste Fee Fund ranging between \$262,000 to as high as \$408,000 based upon the number of tires sold and the special waste tonnage tipping fee ranging from \$170,000 to as high as \$434,000 based upon the amount of special waste disposed within the state, are variable and not always a reliable source of revenue for Solid Waste Management. The adjusted and newly established fees in this rulemaking are projected contribute to and ultimately result in approximately \$2.4 million in fee revenue for the Solid Waste Fee Fund.

Regulatory Objective: The Waste Program Division within ADEQ preserves and protects public health and the environment by reducing the risk associated with waste management, contaminated sites, and regulated substances. To fulfill this objective, ADEQ carries out regulatory and oversight activities for the approximately 2,000 different facilities and entities that fall under SWP regulation, including: inspections, permitting and licensing programs, public records management, fielding and investigating complaints, and providing compliance assistance. It is critical ADEQ have the ability to continue to carry out its mission to ensure the continued health of our solid waste ecosystem.

Least Burden and Cost: A.R.S. § 41-1052(D)(3) requires ADEQ to demonstrate it has selected the alternative with the least burden and cost necessary to achieve the underlying regulatory objective. Similarly, pursuant to A.R.S. § 49-104(B)(17), ADEQ is charged with ensuring all fees "be fairly assessed and impose the least burden and cost to the parties subject to the fees" based upon an evaluation of "the direct and indirect costs of the department's relevant duties, including employee salaries and benefits, professional and outside services, equipment, in-state travel and other necessary operational expenses directly related to issuing licenses." This statutory mandate is reinforced by HB2367, which states in Section 17, Legislative Intent, that fees established pursuant to the bill be based upon "direct and indirect costs associated with the type of activity or facility that is assessed a fee."

In the context of this solid waste fees rule, ADEQ interprets this requirement to mean collecting fee amounts necessary to ensure a self-funded and sustainable SWP to satisfy ADEQ's detailed requirements to protect and enhance public health and the environment as specified in A.R.S. Title 49, Chapter 4, Solid Waste Management.

Based on ADEQ's interpretation of the statutory mandate that the rule impose the least burden and cost, ADEQ developed and implemented the fee methodology discussed above in Part 6, "Explanation of Proposed Fee Methodology", to evaluate the relative burden each fee may pose on each class of facility subject to the fee to set fee levels that reflect only the actual cost to ADEQ in performing necessary regulatory activities for each class of facility while still commensurate with the capacity of each facility to pay such fee. Based on stakeholder feedback and further deliberation, ADEQ has continued to adjust the fee proposal to best reflect the economic realities and capacity of regulated facilities while still ensuring overall fee levels necessary to ensure a self-funded and sustainable SWP. Examples include:

- Establishing separate registration fee amounts in R18-13-1103 for septage haulers based on whether ADEQ is charged with conducting annual inspections or such inspections are handled by counties to be reflective of actual costs to ADEQ.
- Setting an annual registration fee in R18-13-1410 specifically for biohazardous medical waste transfer facilities to ensure fees are commensurate with those facilities' activities and corresponds to other transfer facility fees.
- Leaving initial fees for solid waste plan review at their current levels in R18-13-702 to improve clarity and ease of initial application for facilities subject to plan review while still ensuring necessary cash flow to ADEQ to facilitate commencing facility plan reviews.
- Evaluating changing the first annual registration fee of increased fees so that payment of the fee will occur over two invoices as well as delaying payment of new annual registration fees and first quarter landfill disposal and special waste tonnage until July 2025 to correspond with the fiscal year, as discussed above in Part 6, "Implementation Schedule". Following any initial invoicing or other change for the first year of implementation, billing for facilities and entities would return to a single invoice for all new and adjusted annual registration fees for the calendar year billing cycle in January 2026.

Fairly assessed: To ensure the fees proposed in this rule be fairly assessed against each member of the regulated community subject to them, ADEQ has conducted extensive stakeholder engagement, including three rounds of stakeholder meetings to present all

proposed fee levels, explain the basis for the fees, provide detail on the need for and methodology of the continuing CPI adjustments, and present rule language. ADEQ was able to solicit productive feedback from the regulated community. This feedback guided ADEQ in assessing and adjusting proposed fee levels and implementation to impose the least burden on members of the regulated community to the fullest extent possible.

Cost/Benefit: The estimated total impact for this rule is \$12 million, which is the approximate total amount of increased fees proposed across all programs and funds to be collected. This estimated impact is subject to annual adjustment pursuant to the proposed regional CPI adjustment. Approximately \$1.7 million in increased fees would be collected pursuant to the proposed new and adjusted fees for regulated facilities and entities to be deposited into the Solid Waste Fee Fund. Approximately \$3.5 million in increased fees would be collected pursuant to the landfill disposal fee as incorporated. Finally, \$6.7 million of increased fees would be collected through the fee on the sale of new tires as incorporated, with this cost borne by sellers and purchasers of new tires throughout the state. Of this \$6.7 million, 3.5% or approximately \$237,000 would be deposited to the Solid Waste Fee Fund pursuant to A.R.S. § 44-1305(B)(1), resulting in the total proposed increased revenues to the Solid Waste Fee Fund of \$1.9 million. This \$237,000 brings the total contribution of the fee on the sale of new tires into the Solid Waste Fee Fund to \$665,000, resulting in total revenues to the Solid Waste Fee Fund of \$2.4 million. The remaining revenues from the fee on the sale of new tires are apportioned to the counties as provided in law.

Fees were developed to be proportional to the different types of facilities and entities comprising the regulated community and impose the least burden and cost possible.

The probable benefits include:

- Allow the Recycling Fund to be more fully utilized for its intended purpose. Since the loss of General Fund revenues and the establishment of the fee-based program model in 2012, it has been necessary to expend moneys from the Recycling Fund to cover management of solid waste regulatory programs. By ensuring full cost-recovery and program funding through this proposed rulemaking, expenditures from the Recycling Fund to cover solid waste management may be ended, allowing expenditure under the Recycling Fund to be better focused to the stated purpose of that fund. ADEQ is committed to expenditures of moneys in the Recycling Fund be used for the stated purpose of grants and contracts for “research, demonstration projects, new technologies, market development and source reduction studies and implementation of the recommendations or reports prepared.” See A.R.S. § 49-837(B)(1).
- Minimize public health risks from solid waste activities. Fee levels ensuring full cost-recovery to ADEQ for regulatory activities and program stability is critical to allow ADEQ to adequately perform all its duties relating to its mission to enhance public health and the environment, including inspections, monitoring, public education, and compliance and remediation assistance.
- Ability to address the obligations cited in the '21 Auditor General's Report. The Auditor General's September 2021 Performance Audit and Sunset Review Report notes ADEQ has not yet adopted all statutorily required rules. Specifically, the Report notes A.R.S. § 49-761 requires the Department to adopt various rules for solid waste facilities, such as requirements for storing, processing, treating, and disposing of solid waste; best management practices for these facilities; and financial assurance requirements for facility closure. The Report ultimately recommends such rules should be adopted as required by statute. By ensuring appropriate funding levels and future programs security, ADEQ may have the capacity to undertake further rulemakings to address this recommendation of the Auditor General.
- Adapt to growing population of state & corresponding changing solid waste landscape. As Arizona and its solid waste management needs continue to grow and adapt, providing for annual adjustments based on a regional CPI will facilitate fee levels to grow and adapt in kind. The annual adjustments in the proposed rule will allow SWP to maintain fee levels commensurate with rising costs due to inflation to facilitate cost-recovery year on year and continued programs stability.

For these reasons, ADEQ believes the benefits of adjusting and establishing fees, including annual adjustments based upon a regional CPI, throughout Solid Waste Management exceed the costs.

Reduction of Impact on Small Businesses: A.R.S. § 41-1035 requires state agencies to reduce the impact of a rulemaking on small businesses, if any of the following methods are legal and feasible in meeting the statutory objectives which are the basis of the rule making:

1. Establish less stringent compliance or reporting requirements in the rule for small businesses.
2. Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses.
3. Consolidate or simplify the rule's compliance or reporting requirements for small businesses.
4. Establish performance standards for small businesses to replace design or operational standards in the rule.
5. Exempt small businesses from any or all requirements of the rule.

The listed methods are not generally relevant to a rule establishing fees. See A.R.S. § 49-104(B)(17). However, in developing fee amounts for different categories of facilities and entities, ADEQ did consider the relative size and capacity of such facilities and entities to ensure fees be proportional and not unduly burdensome.

Probable Impact on Small Businesses: Arizona law defines “small business” for the purpose of this analysis as a “concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than four million dollars in its last fiscal year.” See A.R.S. § 41-1001(23).

ADEQ has reviewed its records of solid waste sites and facilities subject to new or adjusted fees affected by this rule to determine which ones are small businesses. An important criterion is that the business must be independently owned and operated. Based on this review and applicable definition, it appears likely that many septage haulers are probably independently owned and operated

and not likely to exceed the revenue and employee limits in the statutory definition of small business. Additionally, it appears likely that a number of used outdoor tire sites storing not more than 100 used tires, biohazardous medical waste transporters, certain transfer facility operations subject to best management practices, and used oil generators would qualify as small businesses for purposes of this rulemaking.

ADEQ anticipates that the proposed fees will have a limited to moderate impact to small businesses.

Probable Effect on State Revenues: ADEQ estimates that fees from this rulemaking will directly affect state revenues by increasing overall annual fee revenue generated across programs and funds by approximately \$12 million. This estimate is subject to annual adjustment pursuant to the proposed regional CPI adjustment.

ADEQ is requesting input on the accuracy of this summary.

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

Name: Matt Rippentrop
 Title: Rule Writer
 Division: Waste Programs Division
 Address: 1110 W. Washington St.
 Phoenix, AZ 85007
 Telephone: (602) 771-4329
 Email: rippentrop.matt@azdeq.gov

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

ADEQ has scheduled a virtual oral proceeding on this proposed rule at the time shown below. The oral proceeding will be held virtually only.

Date: September 19, 2024

Time: 2:30 p.m. – 4:30 p.m.

Location: ONLINE – GoToWebinar hosted by Arizona Department of Environmental Quality at: <https://register.gotowebr.com/register/6716937865265161311>

After you register, you will receive a confirmation email with information on how to join the oral proceeding at the scheduled time.

You can also dial in using your phone. Dialing in using your phone will NOT provide the opportunity for making public comments.

United States: +1 (562) 247-8321

Access Code: 598-867-653

Nature: Oral Proceeding on the proposed rules, with opportunity for formal comments on the record

A formal public comment period will take place between the publication of this rule in the *Arizona Administrative Register* until 5:00 p.m., on September 20, 2024. Please email or submit written comments related to this rulemaking at any time during the public comment period to the contact in section 5 of this Notice or the following email address: wasterulemaking@azdeq.gov.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write or understand English and to those with disabilities. Requests for language translation, American Sign Language (ASL) interpretation, Communication Access Realtime Translation (CART) captioning services or disability accommodations must be made at least 48 hours in advance by contacting the Title VI Nondiscrimination Coordinator, Leonard Drago, at (602) 771-2288 or Drago.Leonard@azdeq.gov. For a TTY or other device, Telecommunications Relay Services are available by calling 711.

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:

Not applicable

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. These rules establish registration requirements solely for revenue purposes. *See* A.R.S. § 41-1001(13).

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

Not applicable

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

No analysis was submitted.

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. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY**CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT****ARTICLE 4. SOLID WASTE FACILITIES SUBJECT TO BEST MANAGEMENT PRACTICES**

Section

R18-13-401. DefinitionsR18-13-402. Solid Waste Facilities Subject to Best Management Practices; Fees**ARTICLE 5. REQUIREMENTS FOR SOLID WASTE FACILITIES SUBJECT TO SELF-CERTIFICATION**

Section

R18-13-501. Solid Waste Facilities Requiring Self-Certification; Registration Fees

ARTICLE 7. SOLID WASTE FACILITY PLAN REVIEW FEES

Section

R18-13-702. Solid Waste Facility Plan Review Fees

Fee Tables Fees for Plan Review of New Solid Waste Facilities

Fees for Modifications to Solid Waste Facility Plans

Fees for Review of Financial Responsibility Plans for Solid Waste Facilities

ARTICLE 8. GENERAL PERMITS

Section

R18-13-801. General Permit Fees

Table Solid Waste General Permits

ARTICLE 11. COLLECTION, TRANSPORTATION, AND DISPOSAL OF HUMAN EXCRETA

Section

R18-13-1103. General Requirements; License Fees

R18-13-1117. Reinstatement

ARTICLE 12. WASTE TIRES; USED TIRES

Section

R18-13-1201. Definitions

R18-13-1211. Registration of New Waste Tire Collection Sites; Fee

R18-13-1212. Registration of Outdoor Used Tire Sites; Fee

R18-13-1212.01. Waste Tire Collection Site Subject to Plan Approval; Fees

R18-13-1213. Facilities Subject to More Than One Tire Site Registration; Single Fee

ARTICLE 13. SPECIAL WASTE AND BEST MANAGEMENT PRACTICES FOR SHREDDER RESIDUE

Section

R18-13-1306. ~~Reserved~~ Fees

R18-13-1307. Best Management Practices for Waste from Shredding Motor Vehicles; Fees

ARTICLE 14. BIOHAZARDOUS MEDICAL WASTE AND DISCARDED DRUGS

Section

R18-13-1409. Transporter License; Fees; Transportation

Table 1 ~~Fee Table – Transporter License Fees~~; Frequency of Application for Transporter License

Table 2 Fee Table – Transporter Annual Fee

R18-13-1410. Storage, Transfer, Treatment, and Disposal Facilities; Facility Plan Approval; Fees

ARTICLE 16. BEST MANAGEMENT PRACTICES FOR PETROLEUM CONTAMINATED SOIL

Section

R18-13-1606. Fees

ARTICLE 19. LEAD ACID BATTERY RECYCLING

Section

R18-13-1901. Collection or Recycling Facility of Lead Acid Batteries; Registration; Fees**ARTICLE 20. USED OIL**

Section

R18-13-2001. DefinitionsR18-13-2002. Used Oil Handler Registration; FeeR18-13-2003. Used Oil Collection Center Identification Number; Requirements

ARTICLE 21. SOLID WASTE LANDFILL REGISTRATION AND DISPOSAL FEES

Section

R18-13-2101. Definitions

R18-13-2102. Registration; Annual Registration Fee for an Existing Solid Waste LandfillR18-13-2103. Annual Landfill Registration; Due Date and Fees; Landfill Closure and Post-Closure Care Obligations; FeesR18-13-2104. Solid Waste Landfill Disposal Fee; Exemptions**ARTICLE 22. NEW TIRE SELLERS**

Section

R18-13-2201. Definitions

R18-13-2202. New Tire Sellers; Fee

ARTICLE 4. SOLID WASTE FACILITIES SUBJECT TO BEST MANAGEMENT PRACTICES**R18-13-401. Definitions****A.** “Department” means the Arizona Department of Environmental Quality.**B.** “Material recovery facility” means a transfer facility that collects, compacts, repackages, sorts, or processes commingled recyclable solid waste generated offsite for the purpose of recycling and transport, or where source separated recyclable solid waste is processed for sale to various markets, and where the incoming materials are predominantly recyclable solid waste.**C.** “Recyclable solid waste” means a product or material described in subsection (C)(1) or (2), and for which subsection (C)(3) is true:
1. A product with no useful life remaining for the purposes for which it was produced, or if useful life remains, the product will not, due to location, quantity, or owner choice, remain in use or be reused for a purpose for which it was produced.
2. A material that is a result of a process or activity whose purpose was to produce something else.
3. The product or material retains some economic value, with or without further processing, as a raw material or feedstock in some process other than incineration or combustion.**R18-13-402. Solid Waste Facilities Subject to Best Management Practices; Fees****A.** The following solid waste facilities subject to best management practices under A.R.S. § 49-762.02 shall register with the Department and pay registration fees as provided in this Section:1. A transfer facility, as defined in A.R.S. § 49-701, with a daily throughput of 180 cubic yards or less, but not including:a. A material recovery facility where the incoming materials are primarily source separated recyclables; orb. Community or neighborhood recycling bins including drop boxes, roll off containers, and plastic containers used to collect residential, business, or governmental recyclable solid waste.2. A site at which more than 500 and fewer than 5,000 waste tires are stored on any day that is not required to obtain plan approval pursuant to A.R.S. § 49-762.**B.** Initial registration. A new solid waste facility listed in subsection (A) shall not begin operation until the owner or operator registers with the Department on a form approved by the Department. The owner or operator of a new solid waste facility listed in subsection (A) shall submit an initial registration fee of \$1,800 at the time of registration under this subsection.**C.** Annual registration fee. The Department shall bill an annual registration fee of \$1,500 to a registered solid waste facility listed in subsection (A) that has not filed a notice of termination of registration with the Department. The owner or operator of a registered solid waste facility listed in subsection (A) shall pay the annual registration fee within 30 days of invoice receipt.**D.** Registration as a waste tire collection site under R18-13-1211 shall satisfy registration and fee requirements pursuant to this Section for a site under subsection (A)(2) of this Section.**E.** Beginning January 1, 2026, the Director shall adjust the fee amounts in subsections (B) and (C) of this Section annually by the following method:1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.2. Round the result from subsection (E)(1) to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.**ARTICLE 5. REQUIREMENTS FOR SOLID WASTE FACILITIES SUBJECT TO SELF-CERTIFICATION****R18-13-501. Solid Waste Facilities Requiring Self-Certification; Registration Fees****A.** The following solid waste facilities requiring self-certification under A.R.S. § 49-762.01 shall register with the Department and pay annual registration fees as provided in this Section by September 30, 2012, and annually thereafter by September 30th:1. A transfer facility, as defined in A.R.S. § 49-701, with a daily throughput of more than 180 cubic yards, including a material recovery facility, but not including:a. A material recovery facility where the incoming materials are primarily source separated recyclables; orb. Community or neighborhood recycling bins including drop boxes, roll off containers, and plastic containers used to collect residential, business, and/or governmental recyclable solid waste.2. A facility storing 5,000 or more waste tires on any one day and not required to obtain plan approval.3. A waste tire shredding and processing facility.**B.** Initial registration for a new facility. The owner or operator of a planned new facility identified in subsection (A) of this Section shall submit the following information to the Department before beginning construction:1. The name of the solid waste facility.2. The name, mailing address and telephone number of each owner and operator of the solid waste facility.

3. The physical location of the solid waste facility by physical address, latitude and longitude, or legal description. If none of these are practical, by driving directions from the nearest city or town.
 4. A brief description of operations, including waste management methods, types and volumes of waste handled, waste storage and treatment equipment, and the length of time the waste remains onsite.
 5. A diagram of the property showing its approximate size and the planned location of the solid waste facility or facilities.
 6. Documentation that the facility will comply with local zoning laws or, if the owner is an agency or political subdivision of this state, with A.R.S. § 49-767.
 7. Documentation that the facility has any other environmental permit that is required by statute.
 8. A copy of the public notice in a newspaper of general circulation in the area where the facility will be located stating the intent to construct and operate a new solid waste facility pursuant to A.R.S. § 49-762.05.
- C. Initial and annual registration for an existing facility. The owner or operator of an existing facility identified in subsection (A) of this Section shall submit the following information to the Department annually on a form approved by the Department and note any changes since the last registration:
1. The name of the solid waste facility.
 2. The name, address and telephone number of each owner and operator of the solid waste facility.
 3. The physical location of the solid waste facility by physical address, latitude and longitude, or legal description.
 4. If none of these are practical, by driving directions from the nearest city or town.
 5. A brief description of operations, including waste management methods, types and volumes of waste handled, waste storage and treatment equipment, and the length of time the waste remains onsite.
 6. A diagram of the property showing its approximate size and the location of the solid waste facility or facilities.
 7. Documentation that the facility remains in compliance with the most current local zoning laws or with A.R.S. § 49-767, as applicable. Documentation that the facility continues to hold any other environmental permit that is required by statute.
- D. Self-certification. With each registration under subsection (B) or (C) of this Section, the owner or operator shall certify that the information submitted is true, accurate, and complete to the best of the person’s knowledge and belief.
- E. Registration fees. The owner or operator of a ~~transfer~~ solid waste facility under subsection (A) ~~(1)~~ shall pay the Department ~~\$1,000~~ \$3,600 for the initial registration of a new ~~or existing~~ facility, and ~~\$500~~ \$3,000 for each annual registration thereafter. The Department shall bill the annual registration fee to a solid waste facility under subsection (A) that has not filed a notice of termination of registration with the Department and the solid waste facility shall pay within 30 days of invoice receipt. The owner or operator of a tire facility under subsection (A)(2) or (3) shall pay the Department \$1,000 for the initial registration of a new or existing facility, and \$250 for each annual registration thereafter.
- F. Beginning January 1, 2026, the Director shall adjust the fee amounts in subsection (E) of this Section annually by the following method:
1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 2. Round the result from subsection (F)(1) to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.
- ~~F.G.~~ As used in this Section:
1. “Department” means the Arizona Department of Environmental Quality.
 2. “Material recovery facility” means a transfer facility that collects, compacts, repackages, sorts, or processes commingled recyclable solid waste generated offsite for the purpose of recycling and transport, or where source separated recyclable solid waste is processed for sale to various markets, and where the incoming materials are predominantly recyclable solid waste.
 3. “Recyclable solid waste” means a product or material described in subsection ~~(F)(G)~~(3)(a) or (b), and for which subsection ~~(F)(G)~~(3)(c) is true:
 - a. A product with no useful life remaining for the purposes for which it was produced, or if useful life remains, the product will not, due to location, quantity, or owner choice, remain in use or be reused for a purpose for which it was produced.
 - b. A material that is a result of a process or activity whose purpose was to produce something else.
 - c. The product or material retains some economic value, with or without further processing, as a raw material or feedstock in some process other than incineration or combustion.

ARTICLE 7. SOLID WASTE FACILITY PLAN REVIEW FEES

R18-13-702. Solid Waste Facility Plan Review Fees

- A. With each application submitted for approval pursuant to A.R.S. § 49-762.03, the applicant shall remit an initial fee in accordance with one of the fee tables in this subsection, unless otherwise provided in subsection (B) of this Section. This subsection also lists the maximum fees that the Department will bill the applicant. All fees paid shall be payable to the state of Arizona. The Department shall deposit the fees paid into the Solid Waste Fee Fund established pursuant to A.R.S. § 49-881, unless otherwise authorized or required by law.

Fee Tables

Fees for Plan Review of New Solid Waste Facilities		
	Initial	Maximum
Solid Waste Landfills	\$20,000	\$200,000 <u>\$297,047</u>
Non-APP requirements for Non-MSWLFs operating under an APP	\$2,000	\$50,000 <u>\$74,262</u>
Other Solid Waste Facilities Subject to Plan Approval	\$10,000	\$100,000 <u>\$148,524</u>

Fees for Modifications to Solid Waste Facility Plans		
	Initial	Maximum
Solid Waste Landfills - Type IV	\$1,500	\$150,000 \$222,786
Solid Waste Landfills - Type IV - RD&D	\$15,000	\$150,000
Solid Waste Landfills - Type III	\$750	\$75,000 \$111,393
Other Solid Waste Facilities Subject to Plan Approval - Type IV	\$750	\$75,000 \$111,393
Other Solid Waste Facilities Subject to Plan Approval - Type III	\$500	\$50,000 \$74,262

Fees for Review of Financial Responsibility Plans for Solid Waste Facilities		
	Initial	Maximum
Annual Review for Solid Waste Landfills	\$600 \$891 Flat Fee	N/A
Other Solid Waste Facilities	\$200	\$5,000 \$7,426

- B. No change
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - 3. No change
 - 4. No change
- C. No change
- D. No change
- E. No change
- F. The hourly rate is ~~\$122.00~~ \$181, beginning July 1, 2012, and shall remain in effect until it is either changed or repealed.
- G. Beginning January 1, 2026, the Director shall adjust the fee amounts in the columns of the Fee Tables titled "Maximum", the annual review for solid waste landfills flat fee in the Fee Table - Fees for Review of Financial Responsibility Plans for Solid Waste Facilities, and the hourly rate amount in subsection (F) of this Section annually by the following method:
 - 1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 - 2. Round the result from subsection (G)(1) to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

ARTICLE 8. GENERAL PERMITS

R18-13-801. General Permit Fees

- A. The Department shall assess annual fees for operation under a general permit established in rule as described in the Table below. Beginning January 1, 2026, the Director shall adjust the fee amounts in the Table below annually by the following method:
 - 1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 - 2. Round the result from subsection (A)(1) to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.
- B. No change
- C. No change
- D. No change

Solid Waste General Permits

Category	Initial Fee	Annual Fee
Collection, Storage and Transfer-Standard	\$750 \$1,114	\$400 \$149
Collection, Storage and Transfer-Complex	\$7,500 \$11,139	\$1,000 \$1,485
Treatment-Standard	\$1,000 \$1,485	\$400 \$149
Treatment-Complex	\$10,000 \$14,852	\$1,000 \$1,485
Disposal	\$15,000 \$22,279	N/A

ARTICLE 11. COLLECTION, TRANSPORTATION, AND DISPOSAL OF HUMAN EXCRETA**R18-13-1103. General Requirements; License Fees**

- A. Any person owning or operating a vehicle or appurtenant equipment used to store, collect, transport, or dispose of sewage or human excreta that is removed from a septic tank or other onsite wastewater treatment facility; earth pit privy, pail or can type privy, or other type of privy; sewage vault; or fixed or transportable chemical toilet shall obtain a license for each vehicle from the Department. The person shall apply, ~~in writing,~~ on a ~~forms form~~ form furnished approved by the Department and shall demonstrate that each vehicle is designed and constructed to meet the requirements of this Article.
- B. No change
- C. License terms.
1. For each ~~vehicle~~ newly licensed vehicle:
 - a. ~~subject to inspection conducted by the Department pursuant to this Article after June 30, 2012, the initial license fee shall be \$250 \$660, and shall to be submitted with the license application, and the annual license fee shall be \$550; or~~
 - b. subject to inspection conducted by a county pursuant to a delegation agreement with the Department, the initial license fee shall be \$270, to be submitted with the license application, and the annual license fee shall be \$225.
 2. After initial licensure of a vehicle, the Department will renew the license annually after payment of a ~~\$75~~ the annual fee according to subsection (C)(3). The licensee shall ~~submit renew by completing a the Department approved renewal form approved by the Department~~ and submitting the annual license fee to the Department no later than 30 days before expiration.
 2. ~~For those vehicles licensed before July 1, 2012, the initial license fee shall be \$75 and shall be paid within 30 days of receipt of an invoice from the Department. The license shall be valid for one year. The licensee shall submit the Department approved renewal form and the annual license fee of \$75 to the Department no later than 30 days before expiration.~~
 3. Each vehicle license may be renewed if:
 - a. The annual license fee is paid,
 - b. The owner or operator is in compliance with subsection (D) of this Section.
 - c. The vehicle is operated by the same person for the same purpose, ~~and~~
 - d. The vehicle has been inspected within the last 12 months pursuant to any inspection required under this Article and found in compliance with this Article; and
 - ~~d.e.~~ The vehicle is maintained according to this Article.
- D. No change
- E. Beginning January 1, 2026, the Director shall adjust the fee amounts in subsection (C) of this Section annually by the following method:
1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 2. Round the result from subsection (E)(1) to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

R18-13-1117. Reinstatement

- A. Upon request of the vehicle owner, the Department may reinstate a suspended or revoked vehicle license following a Department reinspection and based on an evaluation of compliance with the requirements of this Article.
- B. Upon request of a vehicle owner that fails to complete a renewal form approved by the Department and submit the annual license fee to the Department no later than 30 days before expiration, the Department may reinstate an expired vehicle license after completion of a renewal form, submitting the appropriate annual license fee, and following a Department determination of compliance with the requirements of this Article.

ARTICLE 12. WASTE TIRES; USED TIRES**R18-13-1201. Definitions**

In addition to the definitions provided in A.R.S. § 44-1301, the following definitions apply in this Article:

1. "Aquifer protection permit" means an authorization issued by the Department under A.R.S. § 49-241 et seq.
2. "Burial cell" means an area where mining waste tires are placed in or on the land for burial.
3. "Mining" means activities dedicated to the exploration, extraction, beneficiation, and processing, including smelting and refining, of metallic ores.
4. "Mining facility" means any land, building, installation, structure, equipment, device, conveyance, or area dedicated to mining.
5. "Mining waste tire" means an off-road tire that is greater than three feet in outside diameter that was used in mining.
6. "Operator" means an owner, part owner, management agency, or lessee of a mining facility, a person responsible for the overall operation or control of a mining facility, or an authorized representative of the operator.
7. "Person" is defined in A.R.S. § 49-201.
8. "Waste tire cover" means waste tires that are chopped or shredded into pieces that do not exceed four inches in diameter used for cover at a solid waste landfill.
9. "Waste tire collection site" is defined in A.R.S. § 44-1301.

R18-13-1211. Registration of New Waste Tire Collection Sites; Fee

- A. A new waste tire collection site shall not begin operation ~~after July 20, 2011,~~ until the owner or operator registers with the Department. The owner or operator shall register on a form approved by the Department that includes a statement that the site is in compliance with A.R.S. § 49-762.07(F) and A.R.S. Title 44, Chapter 9, Article 8, as applicable. The owner or operator of a new waste tire collection site ~~that begins operation after July 20, 2011,~~ shall pay an initial registration fee of ~~\$500~~ \$2,400 within 30 days of invoice receipt. ~~For purposes of this Section, "new waste tire collection site" means a waste tire collection site as defined in A.R.S. § 44-1301 that did not operate as a collection site on or before July 20, 2011.~~

- B. The owner or operator shall pay a ~~\$75~~ \$2,000 registration fee annually thereafter within 30 days of invoice receipt.
- C. Beginning January 1, 2026, the Director shall adjust the fee amounts in subsections (A) and (B) of this Section annually by the following method:
1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 2. Round the result from subsection (C)(1) to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

R18-13-1212. Registration of Outdoor Used Tire Sites; Fee

- A. A person shall not store 100 or more used tires outdoors until the person registers with the Department. A person that stores 100 or more used tires outdoors ~~after July 20, 2014,~~ shall pay an initial registration fee of ~~\$500~~ \$1,800 within 30 days of invoice receipt. The person shall register on a form approved by the Department that includes a statement that the site is in compliance with A.R.S. § 49-762.07(F) and A.R.S. Title 44, Chapter 9, Article 8, as applicable.
- B. A ~~\$75~~ \$1,500 registration fee shall be paid annually thereafter within 30 days of invoice receipt.
- C. For the purposes of this Section:
1. "Used tire" means any tire which has been used for more than one day on a motor vehicle.
 2. "Outdoors" means other than inside a building with a weatherproof roof.
- D. Beginning January 1, 2026, the Director shall adjust the fee amounts in subsections (A) and (B) of this Section annually by the following method:
1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 2. Round the result from subsection (D)(1) to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

R18-13-1212.01. Waste Tire Collection Site Subject to Plan Approval; Fees

- A. Initial registration. A waste tire collection site that is required to obtain plan approval under A.R.S. § 49-762(A)(7) shall not begin operation until the owner or operator registers with the Department on a form approved by the Department.
- B. Annual registration fee. The Department shall bill an annual registration fee of \$5,000 to a registered waste tire collection site that is required to obtain plan approval under A.R.S. § 49-762(A)(7) that has not filed a notice of termination of registration with the Department. The owner or operator of the waste tire collection site that is required to obtain plan approval under A.R.S. § 49-762(A)(7) shall pay the annual registration fee within 30 days of invoice receipt.
- C. Beginning January 1, 2026, the Director shall adjust the fee amounts in subsection (B) of this Section annually by the following method:
1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 2. Round the result from subsection (C)(1) to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

R18-13-1213. Facilities Subject to More Than One Tire Site Registration; Single Fee

A person who is required to register a tire facility under more than one of the Sections listed in subsections (1) through ~~(3)~~ (4) shall register and follow procedures under each Section, but is only required to pay the registration fees under the Section with the highest fees.

1. R18-13-1211.
2. R18-13-1212.
3. R18-13-1212.01.
- ~~3.4.~~ R18-13-501.

ARTICLE 13. SPECIAL WASTE AND BEST MANAGEMENT PRACTICES FOR SHREDDER RESIDUE

R18-13-1306. Reserved Fees

- A. Initial registration fee. Upon making a request for a special waste identification number on a form as provided by the Director, and shown as Appendix A to this Article, an applicant shall submit to the Department an initial registration fee for each operation as follows:
1. For a generator of shredder residue, \$3,600; and
 2. For a special waste shipper, \$1,800.
- B. Annual registration fee. The Department shall bill an annual registration to a generator of shredder residue, a special waste receiving facility, and a special waste shipper that has a special waste identification number that has not filed a notice of termination of registration with the Department for each operation as follows:
1. For a generator of shredder residue, \$3,000;
 2. For a special waste receiving facility, \$5,000; and
 3. For a special waste shipper, \$1,500.
- C. A generator of shredder residue, special waste receiving facility, or special waste shipper shall pay the annual registration fee within 30 days of invoice receipt.
- D. In accordance with A.R.S. § 49-855(G), a solid waste landfill that pays registration fees under A.R.S. § 49-747 is exempt from the fees under subsections (A) and (B) of this Section.
- E. Beginning January 1, 2026, the Director shall adjust the fee amounts in subsections (A) and (B) of this Section annually by the following method:

1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
2. Round the result from subsection (E)(1) to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

R18-13-1307. Best Management Practices for Waste from Shredding Motor Vehicles; Fees**A.** No change

1. No change
 - a. No change
 - i. No change
 - ii. No change
 - b. No change
 - i. No change
 - ii. No change
2. No change
3. No change
4. No change
 - a. No change
 - b. No change
 - c. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change

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.1.~~ The owner or operator of a special waste facility shall pay, to the Department, the fees required by A.R.S. §§ 49-855(C)(2) and 49-863 as follows:
- ~~1. \$1.49 per cubic yard of uncompact shredder residue; or~~
 - ~~2. \$3.38 per cubic yard of compact shredder residue received; or~~
 - ~~3-a. \$4.50 \$6.68 per ton; and~~
 - ~~4-b. Not more than \$45,000 \$66,835.67 per generator site per year for shredder residue that is transported to a facility regulated by the Department for treatment, storage or disposal.~~
 2. Beginning January 1, 2026, the Director shall adjust the fee amounts in this subsection annually by the following method:
 - a. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 - b. Round the result from subsection (F)(2)(a) to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

G. No change**ARTICLE 14. BIOHAZARDOUS MEDICAL WASTE AND DISCARDED DRUGS****R18-13-1409. Transporter License; Fees; Transportation**

- A.** A transporter shall obtain a transporter license from the Department as provided under subsections (B) and (C) of this Section in addition to possessing a permit, license, or approval if required by a local health department, environmental agency, or other governmental agency with jurisdiction.
- B.** A transporter license is valid for five years after issuance. To renew the license, the licensee shall submit an application ~~under subsection (B)(1)~~ no later than 60 days prior to the license's expiration, and shall pay the license renewal fee, as provided in subsection (B)(2) (B)(1). With each application submitted for approval, the applicant shall remit an initial transporter license application fee ~~in accordance with Table 1. Fee Table—Transporter License Fees; Frequency of Application for Transporter License. This Table also lists the maximum fees that the Department will bill the applicant; as provided in subsection (B)(1).~~ All fees paid shall be payable to the state of Arizona. The Department shall deposit the fees paid into the Solid Waste Fee Fund established pursuant to A.R.S. § 49-881, unless otherwise authorized or required by law.
 1. To apply for or to renew a transporter license, an applicant shall submit all of the following in a Department-approved format:
 - a. The name, address, and telephone number of the transportation company or entity.

- b. All owners' names, addresses, and telephone numbers.
 - c. All names, addresses, and telephone numbers of any agents authorized to act on behalf of the owner.
 - d. A copy of either the certificate of disclosure required by A.R.S. § 49-109 or a written acknowledgment that this disclosure is not required.
 - e. Photocopies or other evidence of the issuance of a permit, license, or approval if required by a local health department, environmental agency, or other governmental agency with jurisdiction.
 - f. A copy of the transportation management plan as defined in R18-13-1401.
 - g. A list identifying each dedicated vehicle.
 - h. ~~The For an initial transporter application license application, a fee indicated in Table 1. Fee Table—Transporter License Fees; Frequency of Application for Transporter License, of \$1,800, and for a license renewal, a fee of \$1,500.~~
2. ~~The new or renewal application license fee shall be calculated by multiplying the hourly rate of \$122 by the number of personnel hours involved in inspecting each transporting vehicle, evaluating the application, and approving the license, which amount shall be subtracted from the initial application license fee on deposit. Any remaining surplus of the initial application license fee on deposit shall be returned to the applicant. Any cost that exceeds the initial application license fee on deposit shall be billed to the applicant, but shall not exceed the maximum.~~
- 3.2. The Department may only issue a transporter license, including a renewal, if all of the items in subsection (B)(1)(a) through (h) have been received and determined to be correct and complete, and a Department inspection of each transporting vehicle shows that the vehicle is in compliance with this Article.
- C. Transporters shall pay by the invoice due date an annual fee of ~~\$750~~ \$1,500 for each calendar year following payment of the new or renewal application license fee and subsequent years in which a renewal application license fee is not charged and paid, ~~such as indicated~~ in Table 2. Fee Table, Transporters Annual Fee.
- D. Amendments. After issuance, the licensee shall submit to the Department any change to the information listed in subsections (B)(1)(a) through ~~(h)~~ (g) of this Section within 30 days of its occurrence. Vehicles may only be added to the license after a Department inspection shows that the vehicle is in compliance with this Article. Amendments adding vehicles to the license shall be processed after payment of inspection fees and other expenses ~~at the rate listed in subsection (B)(2),~~ except that the application fee shall be \$100 ~~and the maximum fee \$5,000~~ \$350.
- ~~E.~~ An applicant who disagrees with the final bill received from the Department for the amendment, issuance, renewal or denial of a transporter license or vehicle inspections may make a written request to the Director for a review of the bill and may pay the bill under protest. The request for review shall specify the matters in dispute and shall be received by the Department within 10 working days of the date of receipt of the final bill.
- ~~F.~~ 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. §§ 41-1092 through 1092.12.
- ~~G-E.~~ No change
- ~~H-F.~~ No change
- ~~I-G.~~ No change
- 1. No change
 - 2. No change
 - 3. No change
- ~~J-H.~~ A person who transports biohazardous medical waste in a vehicle not dedicated to the transportation of biohazardous medical waste, but that is used at least once weekly for a month, shall comply with the following:
- 1. Subsections (A), ~~and (G)~~ (E) through ~~(K)~~ (G), and (I) of this Section.
 - 2. Clean the vehicle as prescribed in R18-13-1407(A)(2)(b) before it is used for another purpose.
- ~~K-I.~~ No change
- 1. No change
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - 4. No change
 - 5. No change
- ~~J.~~ Beginning January 1, 2026, the Director shall adjust the fee amounts in subsections (B), (C), and (D) of this Section, and Table 2. Fee Table, Transporters Annual Fee, annually by the following method:
- 1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 - 2. Round the result from subsection (J)(1) to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

Table 1. Fee Table – Transporter License Fees; Frequency of Application for Transporter License

Transporter License Fees

	Initial	Maximum
New Application	\$2,000	\$20,000
Renewal Application	\$2,000	\$20,000
Amendment Application	\$100	\$5,000

Frequency of Application for Transporter License

Year	Type of Application	Frequency
1	New	Once
6, 11, 16, etc.	Renewal	Every 5th Year

Table 2. Fee Table – Transporter Annual Fee

Years	Amount
2, 3, 4, 5, 7, 8, 9, 10, 12, 13 , etc.	\$750 <u>\$1,500</u>

R18-13-1410. Storage, Transfer, Treatment, and Disposal Facilities; Facility Plan Approval; Fees

- A. A person shall obtain solid waste facility plan approval from the Department as prescribed in A.R.S. § 49-762.04 and pursuant to R18-13-702 to construct any facility that will be used to store, transfer, treat, or dispose of biohazardous medical waste that was generated off site. Plan approval shall be obtained before starting construction of the medical waste treatment or disposal facility. This requirement also applies to solid waste facilities for which an operator self-certifies under A.R.S. § 49-762.05, if the facility also will receive biohazardous medical waste.
- B. No change
- C. No change
- D. Annual registration fee. The Department shall bill an annual registration fee to a biohazardous medical waste facility described in subsection (A) of this Section as follows:
 - 1. For a disposal or treatment facility, \$12,500;
 - 2. For a storage facility, \$7,500; and
 - 3. For a transfer facility, \$3,000.
- E. A facility subject to more than one fee under subsection (D) of this Section shall only pay the highest fee amount.
- F. The biohazardous medical waste facility shall pay the annual registration fee within 30 days of invoice receipt.
- G. Beginning January 1, 2026, the Director shall adjust the fee amounts in subsection (D) of this Section annually by the following method:
 - 1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 - 2. Round the result from subsection (G)(1) to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

ARTICLE 16. BEST MANAGEMENT PRACTICES FOR PETROLEUM CONTAMINATED SOIL

R18-13-1606. Fees

- A. In accordance with A.R.S. §§ 49-855(C)(2) and 49-863, the treatment, storage, or disposal facility in this state that first receives a shipment of PCS shall remit to the Department a fee of ~~\$4.50~~ \$6.68 per ton but not more than ~~\$45,000~~ \$66,835.67 per generator site per year for PCS that is transported to the facility.
- B. Initial registration fee. Upon making a request for a special waste identification number on a form as provided by the Director pursuant to Article 13, A generator of PCS shall submit to the Department an initial registration fee of \$900.
- C. Annual registration fee. The Department shall bill an annual registration fee to a generator of PCS or special waste receiving facility that has received facility approval under R18-13-1607 that has not filed a notice of termination of registration with the Department as follows:
 - 1. For a generator of PCS, \$750; and
 - 2. For a special waste receiving facility, \$5,000.
- D. The generator of PCS or special waste receiving facility shall pay the annual registration fee within 30 days of invoice receipt.

- E.** In accordance with A.R.S. § 49-855(G), a solid waste landfill that pays registration fees under A.R.S. § 49-747 is exempt from the annual registration fee under subsection (B) of this Section.
- F.** Beginning January 1, 2026, the Director shall adjust the fee amounts in subsections (A), (B), and (C) of this Section annually by the following method:
- 1.** Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 - 2.** Round the result from subsection (F)(1) to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

ARTICLE 19. LEAD ACID BATTERY RECYCLING

R18-13-1901. Collection or Recycling Facility of Lead Acid Batteries; Registration; Fees

- A.** Initial registration. The owner or operator of an existing collection or recycling facility that accepts lead acid batteries as of the effective date of this Section shall register with the Department by March 1, 2025, on a form approved by the Department. A collection or recycling facility shall not begin operation to accept lead acid batteries until the owner or operator registers with the Department on a form approved by the Department that includes a statement that the facility is in compliance with A.R.S. § 44-1322. The owner or operator of a new collection or recycling facility of lead acid batteries shall submit an initial registration fee of \$810 at the time of registration under this subsection.
- B.** Annual registration fee. The Department shall bill an annual registration fee of \$675 to a registered collection or recycling facility that has not filed a notice of termination of registration with the Department. The owner or operator of a registered collection or recycling facility shall pay the annual registration fee within 30 days of invoice receipt.
- C.** Beginning January 1, 2026, the Director shall adjust the fee amounts in subsections (A) and (B) of this Section annually by the following method:
- 1.** Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 - 2.** Round the result from subsection (C)(1) to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.
- D.** For purposes of this Section, "lead acid battery" means a battery with a core of elemental lead and a capacity of six or more volts that is suitable for use in a vehicle or a boat.

ARTICLE 20. USED OIL

R18-13-2001. Definitions

- A.** "40 CFR 279", and any section therein, refers to 40 CFR part 279, as amended on January 1, 1997, and no future editions or later amendments. Copies of 40 CFR 279 are available at <https://www.govinfo.gov/app/collection/cfr/>. Copies are on file with the Department.
- B.** "CFR" means the Code of Federal Regulations.
- C.** "Department" means the Arizona Department of Environmental Quality.
- D.** "Used oil" means the same as defined in 40 CFR 279.1 and includes oil that has been contaminated as a result of handling, transportation, or storage.
- E.** "Used oil collection center" means the same as defined in 40 CFR 279.1.
- F.** "Used oil burner" means the same as defined in 40 CFR 279.1.
- G.** "Used oil fuel marketer" means the same as defined in 40 CFR 279.1.
- H.** "Used oil handler" means a used oil burner, used oil marketer, used oil transporter, or used oil processor.
- I.** "Used oil processor" means the same as defined in 40 CFR 279.1.
- J.** "Used oil transporter" means the same as defined in 40 CFR 279.1.

R18-13-2002. Used Oil Handler Registration; Fee

- A.** Initial registration. A new used oil handler that has received, or is required to obtain, an EPA identification number pursuant to 40 CFR 279 shall not begin operation until the owner or operator registers with the Department on a form approved by the Department. A new used oil handler shall submit an initial registration fee at the time of registration under this subsection as follows:
- 1.** For a used oil processor, \$9,000;
 - 2.** For a used oil burner, \$15,000;
 - 3.** For a used oil transporter, \$1,800; and
 - 4.** For a used oil fuel marketer, \$1,800.
- B.** Annual registration fee. The Department shall bill an annual registration fee to a used oil handler that has received, or is required to obtain, an EPA identification number pursuant to 40 CFR 279 that has not filed a notice of termination of registration with the Department as follows:
- 1.** For a used oil processor, \$7,500;
 - 2.** For a used oil burner, \$12,500;
 - 3.** For a used oil transporter, \$1,500; and
 - 4.** For a used oil fuel marketer, \$1,500.
- C.** The registered used oil handler shall pay the annual registration fee within 30 days of invoice receipt.
- D.** Beginning January 1, 2026, the Director shall adjust the fee amounts in subsections (B) and (C) of this Section annually by the following method:

1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
2. Round the result from subsection (D)(1) to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

R18-13-2003. Used Oil Collection Center Identification Number; Requirements

- A.** A used oil collection center shall request a used oil collection center identification number on a form provided by the Director pursuant to A.R.S. § 49-802(C) that contains all of the following:
1. The company name;
 2. The name of the owner of the company;
 3. The mailing address and telephone number of the company;
 4. The location of the collection center; and
 5. A description of the type of used oil activity at the company.
- B.** Within 30 days of receiving the completed form, the Director shall issue the identification number to the used oil collection center.

ARTICLE 21. SOLID WASTE LANDFILL REGISTRATION AND DISPOSAL FEES

R18-13-2101. Definitions

In addition to the definitions in A.R.S. §§ 49-701 and 49-701.01, for the purpose of this Article, the terms used in this Article have the following meanings:

1. “Defined time period” means the 12-month period that begins on July 1 of a calendar year and ends on June 30 of the following calendar year and consists of the actual number of calendar days in that 12-month period.
2. “Disposal fee invoice” means the quarterly landfill disposal fee invoice the Department mails to a landfill operator, on which the landfill operator indicates the amount of waste received and the amount of the disposal fees owed to the Department as required under A.R.S. § 49-836.
3. “Full quarter” means any of the standard fiscal quarters of the defined time period for which a municipal solid waste landfill accepted waste on or before the first day of the quarter and on or after the last day of that quarter.
3. “Local public facility” means a facility operated pursuant to A.R.S. § 49-741.
4. “Recycling residue” means waste generated from recycling:
 - a. solid waste; or
 - b. effluent from a secondary wastewater treatment plant or wastewaters.

R18-13-2102. Solid Waste Landfill Registration; Annual Registration Fee for an Existing Solid Waste Landfill

- A.** An operator of a new solid waste landfill shall register the solid waste landfill with the Department on a form approved by the Department.
- B.** An existing solid waste landfill, except those described in subsection (C), shall pay an annual registration fee within 30 days of receipt of an invoice from the Department according to the following:
1. For municipal solid waste landfills that received less than ~~12,000~~ 60,000 tons during the defined time period, ~~\$1,250~~ \$5,000.
 2. For municipal solid waste landfills that received at least ~~12,000~~ 60,000 tons but less than ~~60,000~~ 225,000 tons during the defined time period, ~~\$2,500~~ \$10,000.
 3. For municipal solid waste landfills that received at least ~~60,000~~ 60,000 tons but less than ~~225,000~~ 225,000 tons or more during the defined time period, ~~\$7,500~~ \$20,000.
 4. For municipal solid waste landfills that received ~~225,000~~ 225,000 tons or more during the defined time period, ~~\$12,500~~.
 5. Non-municipal solid waste landfills shall pay a flat fee of \$3,750.
 6. Solid waste landfills that are closed to the public and that accept nonhazardous waste only shall pay a flat fee of \$3,750.
- B.C.** The Department shall determine the amount of waste received by a municipal solid waste landfill by one of the following methods:
1. For a municipal solid waste landfill that accepted waste over the entire defined time period:
 - a. 1. As the reported tons of solid waste received on the disposal fee ~~invoice~~ invoices over the defined time period; or
 - b. 2. As the reported units of compacted or uncompacted solid waste received on the disposal fee ~~invoice~~ invoices and reported under A.R.S. § 49-836(A)(1); or R18-13-2104 over the defined time period.
 2. For a municipal solid waste landfill that accepted waste for only a portion of the defined time period, but no less than a full quarter, the Department shall project the total amount of waste that would have been received by the landfill over the entire defined time period, using one of the following methods:
 - a. For a municipal solid waste landfill that reported receiving waste for at least a full three quarters but less than the entire defined period, the amount of waste for the remaining quarter is the total amount of the waste reported for the full three quarters divided by three;
 - b. For a municipal solid waste landfill that reported receiving waste for at least a full two quarters but less than three quarters, the amount of waste for the remaining two quarters is the same as the total amount of waste reported for the two full quarters; or
 - e. For a municipal solid waste landfill that reported receiving waste for at least one full quarter but less than two quarters, the amount of waste for the remaining three quarters is the total of the amount of the waste reported for the full quarter multiplied by three.
- C.** For a municipal solid waste landfill that accepted waste for less than a full quarter, the annual landfill registration fee is \$1,250.
- D.** Beginning January 1, 2026, the Director shall adjust the fee amounts in subsection (B) of this Section annually by the following method:

1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
2. Round the result from subsection (C)(1) to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

R18-13-2103. ~~Annual Landfill Registration: Due Date and Fees~~ Landfill Closure and Post-Closure Care Obligations: Fees

- ~~A.~~ An operator of a new solid waste landfill shall register the solid waste landfill and pay the landfill registration fee as follows:
1. The operator shall pay the initial landfill registration fee within 30 days of the date that the Department approves the facility plan. The initial landfill registration fee is \$1,250.
 2. Registration is valid for one year, except if the landfill is initially registered during October, November, or December of a calendar year, the next landfill registration due date is December 31 of the following calendar year and each calendar year thereafter unless released from the annual landfill registration requirement as specified in subsection (C).
 3. The annual registration fee remains \$1,250 until the first annual registration period after the first full quarter of the defined time period.
- ~~B.~~ A. After the first full quarter, the Department shall calculate the annual registration fee according to R18-13-2102, and specify the fee on the Department's annual landfill registration invoice for the solid waste landfill. The Department shall calculate and the solid waste landfill shall pay the annual landfill registration fee until the first registration defined time period after the solid waste landfill stops accepting waste during a fiscal quarter of the defined time period.
- ~~C.~~ B. From the time a solid waste landfill stops accepting waste as specified in subsection (B) (A), until the owner or operator of the solid waste landfill is released from its obligation to provide financial assurance for closure has completed closure and is released from its obligation for post-closure care as required by A.R.S. §§ 49-761 or 49-770, the annual registration fee is \$1,250 \$3,500.
- C. Beginning January 1, 2026, the Director shall adjust the fee amounts in subsection (B) of this Section annually by the following method:
1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 2. Round the result from subsection (C)(1) to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

R18-13-2104. Solid Waste Landfill Disposal Fee: Exemptions

- A. The operator of a solid waste landfill shall pay to the Department the disposal fee required by A.R.S. § 49-836 as follows:
1. \$.58 for each six cubic yards of uncompacted solid waste;
 2. \$.58 for each three cubic yards of compacted solid waste; or
 3. \$.58 per ton of solid waste.
- B. A solid waste landfill that receives only waste generated on site shall compute the fee in subsection (A) of this Section by one of the following methods:
1. By actual volume or weight; or
 2. By estimate based on landfill capacity use, volume or number of waste loads or any other reasonable means for approximating the volume or weight of disposed waste.
- C. Facilities that generate recycling residue shall pay the disposal fee required by A.R.S. § 49-836 as follows, to a maximum of \$34,942.20, for on-site disposal:
1. \$.29 for the dry weight or volume of the recycling residue generated; or
 2. \$.29 for the dewatered weight or volume of the recycling residue generated.
- D. A person who for a fee disposes of waste in a solid waste landfill that is not regulated by the Department shall keep accurate records of the waste disposed of in those landfills and shall pay to the Department the disposal fee as prescribed in subsection (A) of this Section.
- E. The operator of a local public facility that does not have on-site operators or scales shall pay to the Department a fee that shall be calculated by multiplying the population of the political subdivision served by the local public facility by \$.16.
- F. A person who is subject to fees under this Section shall sign and submit a form prepared by the Department with each fee payment. The form shall state the total volume or weight of solid waste disposed of at that landfill during the payment period and shall provide any other information deemed necessary by the department.
- G. The following are exempt from the requirements of this Section:
1. Persons disposing of a load containing less than six cubic yards of uncompacted solid waste or three cubic yards of compacted solid waste.
 2. A site used solely for the reclamation of land through the introduction of landscaping rubble or inert material.
 3. Material produced in connection with a mining or metallurgical operation.
- H. Beginning January 1, 2026, the Director shall adjust the fee amounts in subsections (A), (C), and (E) of this Section annually by the following method:
1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 2. Round the result from subsection (H)(1) to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

ARTICLE 22. NEW TIRE SELLERS**R18-13-2201. Definitions**

- A.** “Motor vehicle” means any automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination or other vehicle operated on the roads of this state, used to transport persons or property and propelled by power other than muscular power, but motor vehicle does not include traction engines, vehicles that run only on a track, bicycles or mopeds.
- B.** “Tire seller” means a retail seller of motor vehicle tires or a wholesale seller of motor vehicle tires who sells tires to the state, political subdivision of the state, or to a private entity not for resale, and includes a person whose retail sales of new motor vehicle tires are not in the ordinary course of business.

R18-13-2202. New Tire Sellers: Fee

- A.** A tire seller of new motor vehicle tires shall collect a fee of 2% of the retail sales price, not including sales tax, of each tire to a maximum of \$4.66 per tire. For the sale of a new motor vehicle with a gross weight of under 10,000 pounds by a manufacturer to a wholesaler or retailer, if the sales price of the tires is not specified by the manufacturer, the seller shall collect a fee of \$2.33 per tire.
- B.** A seller required to collect a fee under subsection (A) of this Section may credit \$.10 per tire against the fee for expenses incurred by the seller for accounting and reporting related to the fee.
- C.** A seller who collects a fee under subsection (A) of this Section shall remit the fee to the Department of Revenue for deposit on a quarterly basis in the waste tire fund established pursuant to section A.R.S. § 44-1305.
- D.** Beginning January 1, 2026, the Director shall adjust the fee amounts in subsection (A) of this Section annually by the following method:
- 1.** Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 - 2.** Round the result from subsection (D)(1) to the nearest cent. ADEQ shall post the new amounts on its webpage.

NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening under A.R.S. § 41-1021.

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

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

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

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

NOTICE OF RULEMAKING DOCKET OPENING

NATUROPATHIC PHYSICIANS MEDICAL BOARD

[R24-153]

1. Permission to proceed with this docket was granted under A.R.S. § 41-1039(A) by the governor on:
May 30, 2023

2. Title and its heading:
4, Professions and Occupations

Chapter and its heading:
18, Naturopathic Physicians Medical Board

Article and its heading:
2, Licenses; Specialist Certificates; Continuing Medical Education; Renewal

Section number:
R4-18-202
R4-18-203
R4-18-204
R4-18-205
R4-18-207
R4-18-208
R4-18-209

3. The subject matter of the proposed rule:
Remove inconsistent language relating to schools of naturopathic medicine. Amend outdated rules relating to the pharmacology education requirements for applicants who held licensure prior to January 1, 2005, and are applying for an Arizona license by Endorsement. Removal of a rule that appears to be in direct conflict regarding the appropriate application required for reinstatement of a certificate to dispense, and removal of the outdated requirement for an applicant to supply a passport photo with the application. Seeks to reduce the number of continuing medical education required each year for licensure renewal to be consistent with other medical board licensure renewal requirements in Arizona.

4. A citation to all published notices relating to the current proceeding:
Not applicable

5. The name and address of agency personnel with whom persons may communicate regarding the rule:
Name: Gail Anthony
Title: Executive Director
Address: 1740 W. Adams, Suite 3002
Phoenix, AZ 85007
Telephone: (602) 542-8242
Email: gail.anthony@nd.az.gov
Website: https://nd.az.gov

6. The time during which the agency will accept written comments and the time and place where oral comments may be made:
The Board will continue to accept written comments at the location listed above until the close of record. The Board will schedule oral proceedings within the statutory mandated time-frame which will be noticed by publication in the *Arizona Administrative Register*.

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

NOTICES OF SUBSTANTIVE POLICY STATEMENT

SUMMARIES AND LOCATION OF STATEMENTS

Substantive policy statements are written expressions that inform the general public of an agency's current approach to rule or regulation practice as defined under A.R.S. § 41-1001(24).

Agencies are required to prepare a Notice of Substantive Policy Statement and publish the titles of its substantive policy statements, a summary of statements, and its website where full statements can be reviewed under A.R.S. § 41-1013(B)(9). These notices are published in this section of the *Register*.

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.

Any person may petition an agency under A.R.S. § 41-1033(A)(2) to review an existing agency practice or substantive policy statement that the petitioner alleges to constitute a rule.

Contact the agency liaison listed under Item #6.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

A.R.S. § 41-1013(B)(9)

STATE BOARD OF EQUALIZATION

[M24-38]

1. Statement title and policy number:

Substantive Policy Statement Number 24-001, SBOE Jurisdiction Over the Appeal

2. Is this a new policy or revision:

New or revision: New

3. Date issued and effective date (if different from the date issued):

Date issued: July 22, 2024

Effective date: July 22, 2024

4. Policy summary:

Summary of contents: The authority of the State Board of Equalization ("SBOE") to hear an appeal is dependent upon the petitioner complying with all statutory requirements for filing the appeal. The policy of the SBOE is to review each petition when received for statutory compliance. Following is a summary of policies regarding a petition filed with the SBOE in order for the SBOE to have jurisdiction.

5. Authority (include the federal or state constitutional provision or statute, administrative rule, or regulation; or final court judgment):

A.R.S. §§ 42-16053 and 42-16051

6. Agency contact information:

Name: George Shook

Title: Interim Chairman

Address: 100 N. 15th Ave., Suite 130
Phoenix AZ 85007

Telephone: (602) 364-1611

Fax: (602) 364-1616

Email: gshook@sboe.az.gov

Website: <https://sboe.az.gov/>

7. An electronic copy of the complete policy can be viewed at:

Website: <https://sboe.az.gov/resources>

8. A paper copy of complete policy can be obtained at:

Physical Address: 100 N. 15th Ave., Suite 130, Phoenix AZ 85007. Copies of this policy statement may be obtained at no cost via email to the person listed above, or on the agency website: <https://sboe.az.gov/resources>. Hard copies may be obtained for \$0.25 per page by contacting the person listed above.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

A.R.S. § 41-1013(B)(9)

STATE BOARD OF EQUALIZATION

[M24-39]

1. Statement title and policy number:

Substantive Policy Statement Number 04-005, Policy regarding the "rollover" provision in A.R.S. § 42-16002(B).

2. Is this a new policy or revision:

New or revision: Revision

3. Date issued and effective date (if different from the date issued):

Date issued: June 18, 2004

Effective date: July 22, 2024

4. Policy summary:

This statement is to clarify the interpretation by the State Board of Equalization ("SBOE") of the "rollover" provision in A.R.S. § 42-16002(B). This statute requires that the valuation or classification of property in the year after a reduction in value or change in classification occurring on appeal be the value determined on appeal. In other words, it requires that the valuation and classification "roll" to the next year. The legislative intent behind this statute was to eliminate assessor discretion in the year following appeal, thus relieving the taxpayer from having to appeal each year.

5. Authority (include the federal or state constitutional provision or statute, administrative rule, or regulation; or final court judgment):

A.R.S. § 42-16002(B), Title 42, Chapter 16, Article 6

6. Agency contact information:

Name: George Shook
 Title: Interim Chairman
 Address: 100 N. 15th Ave., Suite 130
 Phoenix AZ 85007
 Telephone: (602) 364-1611
 Fax: (602) 364-1616
 Email: gshook@sboe.az.gov
 Website: <https://sboe.az.gov/>

7. An electronic copy of the complete policy can be viewed at:Website: <https://sboe.az.gov/resources>**8. A paper copy of complete policy can be obtained at:**

Physical Address: 100 N. 15th Ave., Suite 130, Phoenix AZ 85007. Copies of this policy statement may be obtained at no cost via email to the person listed above, or on the agency website: <https://sboe.az.gov/resources>. Hard copies may be obtained for \$0.25 per page by contacting the person listed above.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

A.R.S. § 41-1013(B)(9)

STATE BOARD OF EQUALIZATION

[M24-40]

1. Statement title and policy number:

Substantive Policy Statement Number 04-006, Appearance before the Board.

2. Is this a new policy or revision:

New or revision: Revision

3. Date issued and effective date (if different from the date issued):

Date issued: June 28, 2004

Effective date: July 22, 2024

4. Policy summary:

Appearance before the State Board of Equalization ("SBOE") is deemed the practice of law and is regulated by the Arizona Supreme Court. Ariz. R. Sup. Ct. 31. Only attorneys authorized by the Arizona State Bar to practice law are permitted to represent parties before the SBOE, unless an exception exists. The policy statement outlines exceptions to this rule describing persons that are permitted to appear before the SBOE.

5. Authority (include the federal or state constitutional provision or statute, administrative rule, or regulation; or final court judgment):

Arizona Supreme Court. Ariz. R. Sup. Ct. 31.3(c)(1), A.R.S. § 42-16001

6. Agency contact information:

Name: George Shook
Title: Interim Chairman
Address: 100 N. 15th Ave., Suite 130
Phoenix AZ 85007
Telephone: (602) 364-1611
Fax: (602) 364-1616
Email: gshook@sboe.az.gov
Website: <https://sboe.az.gov/>

7. An electronic copy of the complete policy can be viewed at:

Website: <https://sboe.az.gov/resources>

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Physical Address: 100 N. 15th Ave., Suite 130, Phoenix AZ 85007. Copies of this policy statement may be obtained at no cost via email to the person listed above, or on the agency website: <https://sboe.az.gov/resources>. Hard copies may be obtained for \$0.25 per page by contacting the person listed above.

REGISTER INDEXES

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

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

PN = Proposed new Section
 PM = Proposed amended Section
 PR = Proposed repealed Section
 P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING

SPN = Supplemental proposed new Section
 SPM = Supplemental proposed amended Section
 SPR = Supplemental proposed repealed Section
 SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING

FN = Final new Section
 FM = Final amended Section
 FR = Final repealed Section
 F# = Final renumbered Section

SUMMARY RULEMAKING

PROPOSED SUMMARY

PSMN = Proposed Summary new Section
 PSMM = Proposed Summary amended Section
 PSMR = Proposed Summary repealed Section
 PSM# = Proposed Summary renumbered Section

FINAL SUMMARY

FSMN = Final Summary new Section
 FSMM = Final Summary amended Section
 FSMR = Final Summary repealed Section
 FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING

PROPOSED EXPEDITED

PEN = Proposed Expedited new Section
 PEM = Proposed Expedited amended Section
 PER = Proposed Expedited repealed Section
 PE# = Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED

SPEN = Supplemental Proposed Expedited new Section
 SPEM = Supplemental Proposed Expedited amended Section
 SPER = Supplemental Proposed Expedited repealed Section
 SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

FEN = Final Expedited new Section
 FEM = Final Expedited amended Section
 FER = Final Expedited repealed Section
 FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING

EXEMPT

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

EXEMPT PROPOSED

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

EXEMPT SUPPLEMENTAL PROPOSED

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

FINAL EXEMPT RULEMAKING

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

EMERGENCY RULEMAKING

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

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

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

RULE EXPIRATIONS

EXP = Rules have expired
 See also “emergency expired” under emergency rulemaking

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2024 RULES EFFECTIVE DATES CALENDAR

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

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

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

REGISTER PUBLISHING DEADLINES

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

Deadline Date Friday, 5:00 p.m. <i>(*earlier date due to holiday)</i>	Register Publication Date	Oral Proceeding may be scheduled on or after
February 16, 2024	March 8, 2024	April 8, 2024
February 23, 2024	March 15, 2024	April 15, 2024
March 1, 2024	March 22, 2024	April 22, 2024
March 8, 2024	March 29, 2024	April 29, 2024
March 15, 2024	April 5, 2024	May 6, 2024
March 22, 2024	April 12, 2024	May 13, 2024
March 29, 2024	April 19, 2024	May 20, 2024
April 5, 2024	April 26, 2024	May 28, 2024
April 12, 2024	May 3, 2024	June 3, 2024
April 19, 2024	May 10, 2024	June 10, 2024
April 26, 2024	May 17, 2024	June 17, 2024
May 3, 2024	May 24, 2024	June 24, 2024
May 10, 2024	May 31, 2024	July 1, 2024
May 17, 2024	June 7, 2024	July 8, 2024
May 24, 2024	June 14, 2024	July 15, 2024
May 31, 2024	June 21, 2024	July 22, 2024
June 7, 2024	June 28, 2024	July 29, 2024
June 14, 2024	July 5, 2024	August 5, 2024
June 21, 2024	July 12, 2024	August 12, 2024
June 28, 2024	July 19, 2024	August 19, 2024
July 5, 2024	July 26, 2024	August 26, 2024
July 12, 2024	August 2, 2024	September 3, 2024
July 19, 2024	August 9, 2024	September 9, 2024
July 26, 2024	August 16, 2024	September 16, 2024
August 2, 2024	August 23, 2024	September 23, 2024
August 9, 2024	August 30, 2024	September 30, 2024
August 16, 2024	September 6, 2024	October 7, 2024
August 23, 2024	September 13, 2024	October 15, 2024
August 30, 2024	September 20, 2024	October 21, 2024

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

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2024
(MEETING DATES ARE SUBJECT TO CHANGE)

[M23-72]

* 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.

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> February 20, 2024	<i>Tuesday</i> March 19, 2024	<i>Tuesday</i> March 26, 2024	<i>Tuesday</i> April 2, 2024
<i>Tuesday</i> March 19, 2024	<i>Tuesday</i> April 23, 2024	<i>Tuesday</i> April 30, 2024	<i>Tuesday</i> May 7, 2024
<i>Tuesday</i> April 23, 2024	<i>Tuesday</i> May 21, 2024	Wednesday May 29, 2024	<i>Tuesday</i> June 4, 2024
<i>Tuesday</i> May 21, 2024	<i>Tuesday</i> June 18, 2024	<i>Tuesday</i> June 25, 2024	<i>Tuesday</i> July 2, 2024
<i>Tuesday</i> June 18, 2024	<i>Tuesday</i> July 23, 2024	<i>Tuesday</i> July 30, 2024	<i>Tuesday</i> August 6, 2024
<i>Tuesday</i> July 23, 2024	<i>Tuesday</i> August 20, 2024	<i>Tuesday</i> August 27, 2024	Wednesday September 4, 2024
<i>Tuesday</i> August 20, 2024	<i>Tuesday</i> September 17, 2024	<i>Tuesday</i> September 24, 2024	<i>Tuesday</i> October 1, 2024
<i>Tuesday</i> September 17, 2024	<i>Tuesday</i> October 22, 2024	<i>Tuesday</i> October 29, 2024	<i>Tuesday</i> November 5, 2024
<i>Tuesday</i> October 22, 2024	<i>Tuesday</i> November 19, 2024	<i>Tuesday</i> November 26, 2024	<i>Tuesday</i> December 3, 2024
<i>Tuesday</i> November 19, 2024	<i>Tuesday</i> December 24, 2024	<i>Tuesday</i> December 31, 2024	<i>Tuesday</i> January 7, 2025
<i>Tuesday</i> December 24, 2024	<i>Tuesday</i> January 21, 2025	<i>Tuesday</i> January 28, 2025	<i>Tuesday</i> February 4, 2025