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# Arizona Administrative REGISTER

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## Arizona Administrative Register

Volume 32

Issue 16

April 17, 2026

### Contents

<b>INFORMATION</b> .....	<b>Page 864</b>
<b>PARTICIPATE IN RULEMAKING</b> .....	<b>Page 865</b>
<b>DEFINITIONS AND ACRONYMS</b> .....	<b>Page 866</b>
<b>RULES AND RULEMAKING</b>	
<b>NOTICE OF PROPOSED RULEMAKING</b> .....	<b>Page 867</b>
9 A.A.C. 28 Arizona Health Care Cost Containment System - Arizona Long-term Care System.....	Page 867
18 A.A.C. 13 Department of Environmental Quality - Solid Waste Management.....	Page 872
<b>OTHER AGENCY NOTICES</b>	
<b>NOTICE OF RULEMAKING DOCKET OPENING</b> .....	<b>Page 892</b>
9 A.A.C. 12 Department of Health Services - Sober Living Homes.....	Page 892
9 A.A.C. 28 Arizona Health Care Cost Containment System - Arizona Long-term Care System.....	Page 893
12 A.A.C. 15 Department of Water Resources.....	Page 894
<b>NOTICE OF FINAL DELEGATION AGREEMENT</b> .....	<b>Page 896</b>
Department of Health Services.....	Page 896
Department of Health Services.....	Page 897
<b>NOTICE OF PROPOSED DELEGATION AGREEMENT</b> .....	<b>Page 899</b>
Department of Environmental Quality.....	Page 899
<b>NOTICE OF PUBLIC INFORMATION</b> .....	<b>Page 901</b>
Department of Health Services.....	Page 901
Office of the Governor.....	Page 902
<b>NOTICE OF SUBSTANTIVE POLICY STATEMENT</b> .....	<b>Page 903</b>
Department of Insurance and Financial Institutions.....	Page 903
<b>INDEXES</b>	
Register Index Ledger .....	Page 904
Register Page Guide for 2026 - Volume 32.....	Page 905
Rulemaking Activity, Cumulative Index for 2026 .....	Page 906
Other Notices and Public Records, Cumulative Index for 2026.....	Page 910
<b>CALENDAR/DEADLINES</b>	
Rules Effective Dates .....	Page 911
Register Publishing Deadlines.....	Page 915
<b>GOVERNOR'S REGULATORY REVIEW COUNCIL</b>	
Governor's Regulatory Review Council Deadlines.....	Page 916

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## From the Publisher

### ABOUT THIS PUBLICATION

The authenticated pdf of the *Administrative Register* (A.A.R.) posted on the Office of the Secretary of State's website is the official published version for rulemaking activity in the state of Arizona. The *Register* is published weekly by issue number, every Friday by the Administrative Rules Division.

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

The *Register* contains notices of docket openings, proposed, final, emergency, expedited, exempt, and terminated rules as defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), and A.R.S. Title 41, Chapter 6, Articles 1 through 10. Other "notice only" filings are published in the *Register* which includes Informal Public Meetings on an Open Rulemaking Docket, Formal Rulemaking Advisory Committees, Public Information, Oral Proceedings, Public Hearings, Public Meetings, Agency Guidance Documents, Substantive Policy Statements, Proposed Delegation Agreements, Final Delegation Agreements, and Agency Ombudsman.

### ABOUT AMENDMENTS TO RULES

Rulemaking is defined in the APA. Rules can be made (all new text); amended (changed) or repealed (removed) as codified in the *Arizona Administrative Code*; or renumbered (moving rules to a different Section number). New rules published in the *Register*, whether proposed or made as a final rule, are underlined; repealed rules (text being removed), is stricken.

### ABOUT THE TABLE OF CONTENTS

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.

### ABOUT FILE NUMBERS

Notices filed in the Division are assigned a file number. This number is enclosed in brackets and located at the top right of the published documents in the *Register*. Original filed notices are available in pdf for free. For a copy, contact our Division with the file number.

### ABOUT THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* (A.A.C.) contains codified text of rules. When published, the underling and striking of text in notices as published in the *Register* are removed. The codified rules have either been approved by the Governor's Regulatory Review Council or Attorney General as prescribed under the APA. The *Code* also contains rules exempt from the rulemaking process, and emergency rules. The authenticated pdf of *Code* Chapters posted on the Office of the Secretary of State's website are the official published version of rules in the A.A.C. The *Code* is posted online for free.

## Arizona Administrative **REGISTER**

**April 17, 2026**

**Volume 32**

**Issue 16**

**PUBLISHER**  
**SECRETARY OF STATE**  
Adrian Fontes

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**ADMINISTRATIVE CODE**  
The *Arizona Administrative Code* is  
available online at [www.azsos.gov](http://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 Rulemaking

### Review Published Notices

Those interested in participating in the rulemaking process should review notices published in the *Arizona Administrative Register*.

The Preamble at the beginning of a notice contains information about the rulemaking and provides agency justification and regulatory intent. Agency contact information is published in the Preamble for those interested in participating in the rulemaking process.

The Preamble 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.

### Agency Contact Lists

Many agencies maintain stakeholder lists to contact those interested in proposed changes to rules. Check an agency's website and its newsletters for information about notices, oral proceedings, 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. Refer to A.R.S. § 41-1033 for more information.

### Attend a Public Meeting

Stakeholders can attend a public meeting, known as an oral proceeding, being conducted by the agency on a Notice of Proposed Rulemaking. A proceeding may be listed in the Preamble of a Notice of Proposed Rulemaking or an agency may inform the public of the meeting in a Notice of Oral Proceeding. Attend the meeting and be prepared to speak and comment.

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

Refer to information in the Preamble.

### Write the Agency

Put your comments in writing and send them 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, before the rules are filed with the Secretary of State.

## THE REGULAR RULEMAKING PROCESS

### Authority

An agency is given the authority to promulgate a rule under the APA, statute passed by the Legislature, or ballot proposition, which is passed by the voters.

An agency may be given certain exemptions to the APA or portions thereof.

Information about the exemptions are provided in the Preamble of the rulemaking.

### Permission to Proceed

Before moving forward with any notice, an agency first receives permission from the governor's office to proceed with a rulemaking.

The governor's office provides the agency a written response to proceed that is filed with the notice.

### Stakeholder and Public Notification

The agency opens a docket. It is filed as a Notice of Rulemaking Docket Opening for publication in the *Register*.

The notice includes agency contact information along with its intentions to make, amend, repeal, or renumber, a rule and its justification to perform the rulemaking action. Often an agency will file the docket with the proposed rulemaking.

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

### Agency Proposes Rules, Public Reviews Proposal

The agency files a Notice of Proposed Rulemaking and the notice is published in the *Register*.

The public is given the opportunity to comment on the proposed rules. The agency opens the comment period to last at least 30 days. Written comments are accepted informally.

The notice *may* contain information about oral proceedings.

A proceeding is held no sooner than 30 days after the notice is published.

If no proceeding is scheduled, the agency provides information on how a person may request to speak to the agency in person at an oral proceeding.

### Oral Proceeding

A person requests an agency to conduct an oral proceeding based on the information provided in its Notice of Proposed Rulemaking.

The agency prepares a Notice of Oral Proceeding on Proposed Rulemaking, schedules one or more proceeding, and files the notice for publication in the *Register*.

When it occurs, an agency extends the public comment period.

### Close of Record

After evaluating public comments and conducting an internal review of the rule, an agency:

1. Determines whether the rulemaking requires a substantial change. When an agency decides to make substantial changes to a proposed rule, it continues the process as outlined under the APA. The agency obtains permission to proceed as stated under #2 of this timeline. The agency prepares a Notice of Supplemental Proposed Rulemaking with the changes and files it for publication in the *Register*. Comments are once again solicited and reviewed by the agency.
2. Prepares and submits for review a Notice of Final Rulemaking for review and approval by G.R.R.C. or Attorney General. The Notice of Final Rulemaking must be submitted for review within 120 days after the close of record; or
3. Terminates the rulemaking. The agency may decide to terminate its docket and files a notice for publication in the *Register* notifying stakeholders of the termination. Refer to A.R.S. § 41-1021(A)(2).

### Time Frame for Approval or Disapproval of the Notice

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

### The Approved Rule is Published in *Register* and Codified in the Code

After approval by G.R.R.C. or A.G., the rule becomes effective 60 days after filing the notice with the Office of the Secretary of State, unless otherwise indicated in the Preamble of the notice.

The Notice of Final Rulemaking is published in the *Register* and codified in the *Arizona Administrative Code*.

## Definitions and Acronyms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

**Volume 32, Issue 16, April 17, 2026**

**NOTICES OF PROPOSED RULEMAKING**

The Administrative Procedure Act (APA) requires an agency file a Notice of Rulemaking Docket Opening which outlines its rulemaking intentions under A.R.S. § 41-1021. A docket opening and Notice of Proposed Rulemaking are often filed at the same time and published in the same *Register* issue. If they are not filed at the same time, information on where the docket opening was published is listed in the preamble of the proposed rulemaking.

An agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before scheduling any oral proceedings. Written public comments shall be accepted for at least 30 days after the published notice. Refer to A.R.S. §§ 41-1013, 41-1022 and 41-1023.

Questions about the notice can be answered by the person listed in item #5 of the preamble.

Refer to item #11 of the preamble for information on how to comment on this notice, the close of record to comment, and information related to oral proceedings.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 28. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)  
ARIZONA LONG-TERM CARE SYSTEM**

File Number: R26-46

**PREAMBLE**

1. **Permission to proceed with this proposed rulemaking was granted under A.R.S. § 41-1039 by the governor on:**  
March 26, 2026
  
2. **Article, Part, or Section Affected (as applicable)**                      **Rulemaking Action**

Article 12	New Article
R9-28-1201	New Section
R9-28-1202	New Section
R9-28-1203	New Section
R9-28-1204	New Section
R9-28-1205	New Section
R9-28-1206	New Section
R9-28-1207	New Section
  
3. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
Authorizing statute: A.R.S. § 36-2970.01(D)  
Implementing statute: A.R.S. § 36-2970.01(D)
  
4. **Citations to all related notices published in the *Register* that pertain to the current record of the proposed rule:**  
Notice of Emergency Rulemaking: 31 A.A.R. 4227; Issue Date: October 31, 2025; Issue Number: 44; File Number: R25-247  
Notice of Rulemaking Docket Opening: 32 A.A.R. 893; April 17, 2026 (*in this issue*); File Number: R26-49
  
5. **The agency's contact person who can answer questions about the rulemaking:**

Name:	Ivy Voss
Title:	Deputy General Counsel
Division:	AHCCCS Office of General Counsel
Address:	150 N. 18th Ave. Phoenix, AZ 85007
Telephone:	(602) 417- 4232
Fax:	(602) 253-9115

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

Email: AHCCCSRules@azahcccs.gov  
Website: www.azahcccs.com

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

The Arizona Long Term Care System (ALTCS) is Arizona's Medicaid program administered by the AHCCCS Administration according to Arizona Revised Statutes, Title 36, Chapter 29, Article 2 for individuals who are elderly or have physical or developmental disabilities. Individuals eligible for ALTCS are determined to be at risk of institutionalization. A.R.S. § 36-2970.01(D) directed AHCCCS, "[o]n or before October 1, 2025," to adopt "a strengthened standardized assessment tool to determine the need for extraordinary care for minor children." For this reason, AHCCCS initiated emergency rulemaking for the HCBS Needs Tool (HNT) for ALTCS members which became effective October 15, 2025 and which rules will remain in effect until April 13, 2026. This rulemaking describes the strengthened assessment process for direct care and habilitation services for ALTCS members through use of the HNT as required by A.R.S. § 36-2970.01(D). Initiating regular rulemaking for the strengthened standardized assessment tool is necessary to precede renewal of the HNT emergency rules as required by A.R.S. § 41-1026, both to comply with statutory requirements for renewal of the HNT emergency rulemaking and to promulgate HNT rules which will be in place upon expiration of the renewed emergency rules. During the past several months, AHCCCS has conducted extensive public engagement and collaboration regarding the HNT and has developed a strengthened assessment tool informed by public input which is reflected by the proposed HNT rules. The HNT rulemaking will improve care delivery for ALTCS members, promote uniformity in the assessment process, and further compliance with Arizona statute.

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

Not applicable

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

Not applicable

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

The proposed rule is estimated to have an annualized average fiscal impact of \$90 million Total Funds in medical expenditure savings for the program, with an 80% confidence that the annualized savings will range from approximately \$64 million to \$134 million statewide.

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

Name: Ivy Voss  
Title: Deputy General Counsel  
Division: AHCCCS Office of General Counsel  
Address: 150 N. 18th Ave.  
Phoenix, AZ 85007  
Telephone: (602) 417-4232  
Fax: (602) 253-9115  
Email: AHCCCSRules@azahcccs.gov  
Website: www.azahcccs.com

**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:**

Written comments about this proposed rulemaking will be accepted in person at the address provided under item #5, Monday through Friday from 8 a.m. to 5 p.m., except for state holidays. Comments will also be accepted via email at the email address provided under item #5. Mailed written comments shall be postmarked within 30 days of this published notice.

An oral proceeding is scheduled on this proposed rulemaking as follows:

Date: May 19, 2026

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

Time: 2:00 p.m.  
Virtual Teams Meeting ID: 248 377 934 125 77  
Passcode: Eo3dA22K  
Dial in by phone: (480) 561-5491  
Conf. ID: 902.226.230 #  
Nature: Public Hearing  
Close of record: May 19, 2026 at 5:00 p.m.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:
- a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:  
Not applicable
  - b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:  
Federal law sets forth general provisions for an annual assessment and a person-centered planning process.  
The rule is not more stringent than federal law.
  - c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:  
Not applicable
13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:  
Not applicable
14. The full text of the rules follows:

**TITLE 9. HEALTH SERVICES**  
**CHAPTER 28. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)**  
**ARIZONA LONG-TERM CARE SYSTEM**  
**ARTICLE 12. ~~REPEALED~~ HCBS NEEDS TOOL AND EXTRAORDINARY CARE REVIEW**

Section

- R9-28-1201. Definitions  
R9-28-1202. General Provisions  
R9-28-1203. HCBS Needs Tool Process  
R9-28-1204. HNT Criteria for ALTCS Members Under the Age of 18  
Table 1. Direct Care Services for Members Under the Age of 18  
Table 2. Habilitation Service for members Under the Age of 18  
R9-28-1205. HNT Criteria for ALTCS Members Age 18 and Older  
R9-28-1206. Extraordinary Care Review  
R9-28-1207. Reporting and Oversight

**ARTICLE 12. ~~REPEALED~~ HCBS NEEDS TOOL AND EXTRAORDINARY CARE REVIEW**

**R9-28-1201. Definitions**

1. “Activities of Daily Living” or “ADLs” means activities a member shall perform daily for the member’s regular day-to-day necessities, including but not limited to mobility, transferring, bathing, dressing, grooming, eating, and toileting as specified in Title 9 Chapter 28 Article 1.
2. “Arizona Long Term Care System” or “ALTCS” means a Medicaid program administered by the AHCCCS Administration according to Arizona Revised Statutes, Title 36, Chapter 29, Article 2 for an individual who is elderly or who has a physical or developmental disability.
3. “Case Manager” means an individual assigned as responsible for locating, accessing, and monitoring the provision of service to an individual in conjunction with a clinical team as specified in A.A.C. Title 9, Chapter 28, and Title 6, Chapter 6.
4. “Direct Care Services” means the services provided by Direct Care Workers or “DCWs” that are collectively known as Direct Care Services. There are three types of services within ALTCS that are provided by DCWs which consist of Attendant Care, Personal Care, and Homemaker services.

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

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5. “Extraordinary Care” means care that exceeds the range of activities that a spouse or a legally responsible parent of a minor child would ordinarily perform in the household on behalf of the ALTCS member if the member did not have a disability or chronic illness, and which is necessary to assure the health and welfare of the member.
6. “Extraordinary Care Review” or “ECR” means a review process available to each member under the age of 18 who disagrees with the number of assessed hours for Direct Care Services, Habilitation Service, or both as a result of the age limitations set forth in the HNT.
7. “Habilitation Service” means the services that help a person get and keep skills and functioning for daily living.
8. “HCBS Needs Tool” or “HNT” means a standardized assessment instrument created by AHCCCS to evaluate the functional and support needs of ALTCS members who may benefit from receiving certain HCBS to support ADLs and IADLs. The HNT is specific to assessment of member need for Direct Care and Habilitation Service.
9. “Health Care Decision Maker” or “HCDM” means an individual who is authorized to make health care treatment decisions for the patient. As applicable to the situation, this may include a parent of an unemancipated minor or an individual lawfully authorized to make health care treatment decisions as specified in Arizona Revised Statutes, Title 14, Chapter 5, Article 2 or 3 or A.R.S. §§ 8-514.05, 36-3221, 36-3231 or 36-3281.
10. “Home and Community Based Services” or “HCBS” means home and community-based services, as specified in A.R.S. §§ 36-2931 and 36-2939.
11. “Instrumental Activities of Daily Living” or “IADL” means activities a member shall perform that are more complex in nature and necessary for independent living and community participation, such as managing money, preparing meals, shopping, doing laundry, and using transportation as specified in Title 9 Chapter 28 Article 1.
12. “Person-Centered Service Plan” or “PCSP” means a written plan developed through an assessment of functional need that reflects each service and support, both paid and unpaid, that are important for and important to the member in meeting the identified needs and preferences for the delivery of each service and support. The PCSP shall also reflect the member’s strengths and preferences that meet the member’s social, cultural, and linguistic needs, individually identified and prioritized goals and desired outcomes, and reflect risk factors (including risks to member rights) and measures in place to minimize them, including individualized back-up plans and other strategies as needed.

**R9-28-1202. General Provisions**

The Administration shall require the ALTCS Case Manager to conduct a PCSP for each ALTCS member in each instance prescribed by 42 CFR § 441.725.

1. The PCSP process is an in-person meeting with the member, the HCDM if applicable, and any other person included in the Planning Team in order to develop a comprehensive PCSP.
2. The PCSP process is used to assess the member’s specific HCBS needs which includes assessment for the ADL or IADLs specific to Direct Care Services and Habilitation Service, utilizing the HNT as set forth in Section R9-28-1203.
3. The member will be assessed for Direct Care Services and Habilitation Service, if applicable, and if the member resides in their own home, the member or HCDM is interested in receiving HCBS, and the care team determines that HCBS services are appropriate.

**R9-28-1203. HCBS Needs Tool Process**

**A.** The Case Manager shall utilize the HNT when appropriate as outlined in Section R9-28-1202 to assess or re-assess need for Direct Care Services and Habilitation Service:

1. At least annually if the member is currently receiving a service.
2. The initial or annual PCSP indicates a potential need for the service.
3. The member experiences a significant change in condition that causes the member’s health to improve or decline.
4. At any time the member requests to receive an updated assessment, or
5. When the member or HCDM request to be evaluated for HCBS in lieu of institutional care.

**B.** The ALTCS Case Manager shall use the HNT to determine if Direct Care Services, Habilitation Service, or both will be authorized as part of the member’s HCBS service array.

1. The HNT shall be reviewed during each quarterly case management review meeting.
2. The HNT shall be completed in collaboration with the member, their HCDM or anyone else requested to participate by the member or HCDM.
3. The HNT will include documentation of the member’s or HCDM’s description of unique need for each task on the tool.
4. The HNT shall identify and document each service need regardless of cost-effectiveness or service delivery method.
5. The completed HNT shall be incorporated by reference into the member’s PCSP.

**R9-28-1204. HNT Criteria for ALTCS Members Under the Age of 18**

**A.** A copy of the HNT for a member under the age of 18 shall be made available on the Administration’s website.

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

- B.** For each Direct Care Services category identified below, a member under the age of 18 will be age-limited by the HNT, except when it is determined that the member requires Extraordinary Care according to Section R9-28-206.
- C.** For Habilitation Service, a member under the age of 18 years will be age-limited by the HNT, except when it is determined that the member requires Extraordinary Care according to Section R9-28-206.

**Table 1. Direct Care Services for Members Under the Age of 18**

<b>Direct Care Services Task</b>	<b>Age Limitation</b>
Housekeeping	Shall not be assessed for children under the age of 18
Laundry	Shall not be assessed for children under the age of 18
Incontinence-Based Laundry	Shall not be assessed for children under the age of 4
Food Shopping	Shall not be assessed for children under the age of 18
Medication Pick Up	No age limitation
Meal Preparation and Clean Up	Shall not be assessed for children under the age of 12
Specialty Meal Preparation	No age limitation
Eating and Feeding	Shall not be assessed for children under the age of 5
Specialty Eating and Feeding	No age limitation
Bathing	Shall not be assessed for children under the age of 5
Dressing	Shall not be assessed for children under the age of 5
Grooming	Shall not be assessed for children under the age of 5
Toileting	Shall not be assessed for children under the age of 4
Specialty Toileting Needs	No age limitation
Mobility	Shall not be assessed for children under the age of 2
Transferring	Shall not be assessed for children under the age of 2
General Supervision	Shall not be assessed for children under the age of 10
Specialty Supervision	No age limitation

**Table 2. Habilitation Service for Members Under the Age of 18**

<b>Member Ages</b>	<b>Weekly Service Limits</b>
Members under the age of 3	Habilitation Service shall not be assessed
Members aged 3-17	Not to exceed 14 hours in a 7-day period

**R9-28-1205. HNT Criteria for ALTCS Members Age 18 and Older**

- A.** A copy of the HNT shall be made available on the Administration's website.
- B.** Tasks assessed for a member aged 18 and older are not subject to age limitations.

**R9-28-1206. Extraordinary Care Review**

- A.** Each ALTCS Contractor, including DES/DDD, shall develop an ECR process to be submitted to the Administration for review prior to implementation.
- B.** The ECR process shall adhere to the provisions of this Section and shall include:
  1. The purpose.
  2. The notification process to members of the availability of ECR.
  3. How the ECR may be requested, including the information that must be provided.
  4. The type of clinician performing the ECR according to Subsection (C), and
  5. Description of how the ECR records shall be maintained.
- C.** The ECR process shall be conducted by a clinician with relevant professional experience and licensure or certification.
- D.** When a member or HCDM disagrees with the time assessed on the HNT, the ALTCS Contractor, including DES/DDD, shall notify members, in writing, of the ECR process.
- E.** A request for ECR shall be made in writing.
  1. The request shall be made by the member or HCDM.
  2. The request shall include:
    - a. Whether the member is seeking additional Direct Care Services, Habilitation Service, or both;
    - b. How many additional hours are requested for each service type, and for attendant care services, task-specific rationale must be provided;
    - c. The reason the member should be granted additional time for Extraordinary Care. Any additional supporting documentation can be included for review.
- F.** Upon request for ECR, each ALTCS Contractor, including DES/DDD, shall:
  1. Complete an ECR for Direct Care Services, Habilitation Service, or both consistent with the request.
  2. Render a decision in writing.

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

- a. Inform the member, the HCDM, and the member’s Case Manager of the ECR determination which shall be incorporated into the member’s PCSP by the ALTCS Case Manager.
  - b. When the total time assessed for Direct Care Services, Habilitation Service, or both, is increased from the previous authorized hours, the services shall be authorized for service delivery by the ALTCS Case Manager.
  - c. When the total time assessed for Direct Care Services and Habilitation Service, or both, is less than the amount of time requested by the member in the ECR process, the ALTCS Contractor, including DES/DDD, shall issue a Notice of Adverse Benefit Determination according to A.A.C. R9-34-205.
3. Adhere to federal timelines regarding decision making and notification of the outcome to members/families.

**R9-28-1207. Reporting and Oversight**

- A.** Each ALTCS Contractor, including DES/DDD, shall maintain records of all ECR requests and outcomes, as prescribed by the Administration.
- B.** The Administration shall conduct a periodic audit to ensure compliance with this rule and evaluate the effectiveness of the ECR process.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 18. ENVIRONMENTAL QUALITY**

**CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOLID WASTE MANAGEMENT**

File Number: R26-47

**PREAMBLE**

- 1. **Permission to proceed with this proposed rulemaking was granted under A.R.S. § 41-1039 by the governor on:**  
February 2, 2024
  

<b>2. Article, Part, or Section Affected (as applicable)</b>	<b>Rulemaking Action</b>
R18-13-401	Amend
R18-13-402	Amend
R18-13-403	New Section
R18-13-404	New Section
R18-13-405	New Section
R18-13-406	New Section
R18-13-501	Re-number
R18-13-501	New Section
R18-13-501	Amend
R18-13-502	Re-number
R18-13-503	New Section
R18-13-504	New Section
R18-13-505	New Section
R18-13-506	New Section
R18-13-1701	Amend
R18-13-1702	New Section
R18-13-1703	Amend
R18-13-1704	Amend

  
- 3. **Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
Authorizing statute: A.R.S. § 49-104  
Implementing statute: A.R.S. §§ 49-761(A), 49-761(G), 49-761(H), 49-761(J), 49-770
  
- 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: 31 A.A.R. 1977; Issue Date: June 20, 2025; Issue Number: 25; File Number: R25-128
  
- 5. **The agency’s contact person who can answer questions about the rulemaking:**  
Name: John MacBain

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

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Title: Rule Writer  
Division: Waste Programs Division  
Address: Department of Environmental Quality  
Waste Programs Division  
1110 W. Washington St.  
Phoenix, AZ 85007  
Telephone: (602) 771-0101  
Email: macbain.john@azdeq.gov  
Website: azdeq.gov/rulemaking-transfer-facility-design-operation

**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: ADEQ is proposing this rulemaking to fulfill its statutory mandate to establish design, operation, and closure standards, and financial assurance requirements for solid waste transfer facilities operating in Arizona as established in A.R.S. § 49-761 subsections (G), (H), and (J) and A.R.S. § 49-770.

Background: The U.S. Environmental Protection Agency (EPA) found that, in 2018 in the United States, 4.9 pounds of municipal solid waste was generated per person per day, for a total annual generation of 292.4 million tons, with only 32% of that waste recycled or composted. Both total waste generation and per capita generation has been steadily increasing. Transfer facilities represent a critical component of the waste management stream, facilitating the sorting, compacting, and directing of wastes and recyclable materials and providing access to proper disposal in rural areas. In Arizona, there are approximately 163 facilities that operate as solid waste transfer facilities. These facilities are categorized in statute based on daily waste throughput as either facilities subject to best management practices (BMP) under A.R.S. § 49-762.02, defined as transfer facilities having a daily solid waste throughput of 180 cubic yards or less, or facilities subject to self-certification under A.R.S. § 49-762.01, which are transfer facilities having a daily solid waste throughput of more than 180 cubic yards.

Currently, Arizona solid waste transfer facilities are not subject to any design or operation rules adopted by the Director, but are subject only to minimal statutory requirements. Instead, in addition to administrative information, self-certification facilities are subject only to basic reporting tied to registration and renewal fees, including brief descriptions of: waste storage and treatment equipment and methods of waste management; waste management practices used at the facility; facility design and operations; and information related to site activities. Current reporting elements lack specificity and standards. Further, solid waste transfer facilities are not required to maintain or demonstrate any financial responsibility or capacity for operations, closure, or emergency preparedness.

A lack of specified and enforceable standards for the design and operation and financial responsibility of solid waste transfer facilities results in both greater risks for harm to human health and the environment, and a lack of ability for ADEQ to mitigate or remediate such harms. Though ADEQ does not recognize a general lack of operational capability among transfer facilities, without memorializing baseline operational standards and financial responsibility requirements in rule, risks to human health and the environment and a lack of ability to correct such risks persists. Potential harms include excessive waste accumulation in communities, fire hazards from poorly managed waste and facilities, community and environmental nuisance from odor, litter, dust, or other vectors, and costs to both communities and the state associated with closure, cleanup, and emergency events at facilities lacking financial assurances or guarantees.

This rulemaking seeks to fulfill the Agency's statutory mandate in the enactment of regulations for measured, enforceable, and effective design and operation and financial responsibility standards and requirements for solid waste transfer facilities. The consequences of not pursuing this rulemaking may include continued uncertainties about potential environmental, public safety, and health impacts presented by mismanaged transfer facilities.

Explanation about the Rulemaking: This rulemaking amends existing rules and adds new rules to Article 4, Article 5, and Article 17 within Title 18, Chapter 13 of the Arizona Administrative Code to establish comprehensive design, operation, and financial assurance standards for solid waste transfer facilities, as mandated by A.R.S. §§ 49-761 and 49-770. The rulemaking distinguishes between BMP facilities and those subject to self-certification based on a daily throughput threshold, while consolidating financial assurance requirements for both categories.

Clarification of Applicability and Exemptions: The rules clarify the definition of "transfer facility" to explicitly exclude facilities engaged in the transportation, handling, storage, and treatment of biohazardous medical waste or special waste, ensuring these entities remain regulated under their specific statutory frameworks. Additionally, the rulemaking introduces targeted exemptions to avoid over-regulating small-scale activities. "Temporary drop-site locations" that operate for 30 days or less per calendar year, and municipal solid waste collection containers with a cumulative capacity of 20 cubic yards or less, are explicitly exempted from transfer facility registration and design requirements.

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

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**Throughput Thresholds:** The rulemaking clarifies that the statutory throughput threshold of 180 cubic yards, which distinguishes BMP facilities (Article 4) from self-certification facilities (Article 5), is applied on a daily basis rather than as an average over time. To accommodate operational flexibility, the rules establish an “exceedance allowance” for BMP facilities. This provision allows a facility to exceed the 180 cubic yard daily limit up to four times per calendar year without re-classifying as a self-certification facility, provided the owner or operator submits written notification to the Department at least 30 days prior to the scheduled exceedance.

**Design and Operation Standards:** The rulemaking establishes consistent operational standards for both BMP and self-certification facilities to prevent environmental nuisances and threats to public health. Key requirements include:

- **Access and Vector Control:** Facilities must restrict unauthorized access via signs or barriers, cover storage areas to prevent wind dispersal, and implement measures to prevent vector breeding.
- **Waste Screening:** Operators must implement waste screening measures, including personnel training and segregation procedures, to prevent the acceptance of unauthorized waste, and must notify the Department within 24 hours of any such discovery.
- **Site Management:** Facilities must ensure waste handling areas are free of standing water and ensure all containers are leak-proof and maintained in good condition.
- **Liquid Waste:** The rules introduce specific standards for facilities handling liquid waste, requiring storage in watertight, compatible, and labeled containers. Operators must maintain a written liquid waste management plan that includes emergency preparedness procedures and prohibits the dilution of liquid waste.

**Closure Requirements:** The rulemaking codifies a formal closure process to ensure facilities are properly decommissioned. Owners or operators must submit a “Notice of Intent to Close” to the Department at least 30 days prior to beginning closure activities. The rules mandate specific closure performance standards, including the removal and proper disposal of all solid waste and leachate, and the washing of all surfaces and equipment that contact waste. A final written notice certifying compliance must be submitted to the Department upon completion.

**Financial Assurance:** Finally, the rulemaking amends Article 17 to apply financial assurance requirements to all solid waste transfer facilities. Whether subject to BMP or self-certification, all owners or operators must now demonstrate financial capability to meet the costs of facility closure, post-closure care, and corrective action for known releases. The rules allow the use of various financial mechanisms, such as surety bonds, letters of credit, or insurance policies, and require that cost estimates be updated every three years to account for inflation and changes in facility conditions. Additionally, ADEQ has modeled the proposed financial assurance requirements after the EPA’s rules for financial assurance outlined in 40 CFR 258.74. This will provide consistency and simplicity and allow cities and counties to combine financial assurance demonstrations for transfer stations and landfills if they wish to do so.

**Licensing Time Frames:** ADEQ will determine whether licensing timeframes are necessary for any of the requirements established in these rules. If licensing timeframes are determined to be necessary, the Department will conduct a subsequent rulemaking amending relevant sections of 18 A.A.C. 5.

**Stakeholder Engagement:** ADEQ has engaged with stakeholders throughout the process of developing these rules, including three informal stakeholder meetings; the presentations for which can currently be found at <https://www.azdeq.gov/rulemaking-transfer-facility-design-operation>. Throughout this engagement, ADEQ received questions and comments from stakeholders which have helped the Agency with the design of the rules. Common topics that were raised include applicability and throughput volumes, biohazardous medical waste and special waste transfer facilities, design and operation requirements, financial assurance, household hazardous wastes, and general rulemaking and implementation questions.

**Applicability and throughput volumes:** Throughout the stakeholder process, ADEQ received several questions related to the applicability of the rules and the volume requirements for BMP and self-certification facilities. These questions included questions about possible exceptions for applicability of the rules to tipping pads located at landfills, applicability to small or temporary collection sites, and uncertainty around the 180 cubic yard threshold between BMP facilities and self-certification facilities.

Regarding tipping pads, ADEQ explained to stakeholders that any tipping pads for public use at landfills for waste being disposed of at the landfills are considered part of the landfill operation. As such, these tipping pads would not be required to separately register as transfer stations. However, if the waste is to be transported off site, then transfer station registration would be required.

Stakeholder questions regarding small or temporary collection sites highlighted a need for some flexibility for these categories of sites in the rules. Responding to these concerns, ADEQ incorporated new exemptions within the draft rules. The new rule establishes exemptions from the definition of “transfer facility” for bins, drop boxes, roll off containers, or vehicles that have a cumulative capacity of 20 cubic yards or less, and for temporary drop-site locations that operate for a determinate amount of time not to exceed 30 days per calendar year.

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

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In response to stakeholder comments relating to a lack of clarity regarding the 180 cubic yard per day threshold that distinguishes facilities subject to BMPs and self-certification facilities, ADEQ added language to the rule clarifying that the throughput threshold is a daily limit, rather than an average, so facilities should consider the threshold crossed if they exceed 180 cubic yards in a single day.

*Biohazardous medical waste and special waste transfer facilities:* ADEQ also received several comments and questions regarding biohazardous medical waste and special waste transfer facilities. Many of these comments expressed a desire to alter requirements as they relate to these types of transfer facilities. However, ADEQ noted that biohazardous medical waste and special waste facilities are unique facility classifications subject to their own specific rules in Article 13 and 14, respectively which address the transfer of biohazardous medical waste and special waste, and make plan approval available for facilities that seeking to conduct these transfers. For the purposes of this rulemaking, ADEQ has limited its scope to Articles 4, 5, and 17 of Chapter 13. ADEQ would not be able to examine referenced requirements for biohazardous medical waste and special waste facilities without exceeding that scope or contradicting existing rules. ADEQ also included language in the proposed rules explicitly stating that biohazardous medical waste facilities and special waste facilities are not subject to the new transfer station requirements and are, instead, subject to their own rules.

*Design and operation requirements:* Several questions were raised regarding some of the new design and operation requirements established in the rules. In designing these rules, ADEQ worked to establish requirements within standard business practices for BMP and self-certification facilities. ADEQ believes the proposed standards will not require facilities to undertake substantial capital investments to comply. ADEQ will provide compliance assistance, templates, and examples of compliance to assist facilities in meeting new requirements. ADEQ is also developing templates and answers to frequently asked questions to assist stakeholders prior to the rules becoming effective.

*Financial Assurance:* ADEQ also received questions regarding the new financial assurance requirement for transfer facilities established by the rules. Questions were raised regarding whether transfer facilities could be added to existing financial assurance mechanisms for owners and operators of facilities falling under multiple categories of solid waste facilities. ADEQ explained that the mechanism can be combined for multiple facilities (i.e. landfills and transfer stations), however, the cost estimates for each facility should be itemized separately. ADEQ also clarified the requirements for providing financial assurance documentation. All facilities must provide the requisite financial assurance documentation with their initial facility registration or, for existing facilities, within 180 days of the rules becoming effective. The cost estimates included in that documentation must be updated every three years to account for changes in Consumer Price Index (CPI) and any changes that have occurred to the facility, and be provided to the Agency. Other than the three-year cost estimate updates, financial assurance documentation needs to be resubmitted to the Agency during annual registration if changes to the selected mechanism, or mechanisms, occur. For example, mechanisms with fixed coverage periods, such as insurance policies, new documentation should be submitted whenever a new coverage period becomes effective. The most up to date financial assurance documentation should be kept with the facility operating records at all times.

Questions were also raised regarding where the metrics for ADEQ's financial assurance mechanisms originated. ADEQ explained that it is adopting the EPA's rule for financial assurance outlined in 40 CFR 258.74 in the new financial assurance rules. This is to provide consistency and simplicity, for example, by allowing cities and counties to combine their transfer station and landfill financial assurance demonstrations, if they wish to do so.

*Household Hazardous Wastes:* Multiple questions were asked throughout the stakeholder engagement process regarding the applicability of the rules to facilities accepting household hazardous wastes. ADEQ explained that household hazardous waste is a solid waste, and facilities (municipal or non-municipal) handling solid waste for the primary purpose of transportation are considered transfer facilities subject to these rules. However, there are exemptions for facilities with a cumulative capacity of 20 cubic yards or less, and for seasonal/temporary drop-site locations.

*General Rulemaking and Implementation:* Some stakeholders raised questions regarding the timeline for the implementation of the rules and whether ADEQ would be using its myDEQ portal for transfer facilities following the implementation of the rules. ADEQ explained that the rules will become effective 180 days after the publication of the notice of final rulemaking. The Agency also explained that there are currently no immediate plans to transition transfer facility registration or compliance to the myDEQ portal, though a transition at some point in the future is a possibility.

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

Not applicable

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

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**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:**

This section provides an overview of the economic, small business, and consumer impacts of the proposed rule changes, and a final version of the Economic Impact Statement will be provided in the Notice of Final Rulemaking. For the purposes of this analysis, estimated costs are broken down into four categories; minimal, moderate, substantial, and significant. Minimal costs are estimated to be \$1,000 or less, moderate costs are estimated to be between \$1,001 to \$10,000, substantial costs are estimated to be \$10,001 or more, and significant costs cannot be precisely calculated but are expected to be significant.

The changes in this rulemaking will primarily impact owners and operators of transfer facilities subject to BMP and transfer facilities subject to self-certification. Currently, there are 163 solid waste transfer facilities operating in Arizona, of those 111 are subject to BMP and 52 are subject to self-certification. Based on engagement with stakeholders and ADEQ's experience with transfer facility inspection and compliance, ADEQ anticipates the proposed rule will require minimal to moderate capital investment on the part of most facilities to bring current operations into alignment with the new facility requirements. However, there will likely be moderate costs associated with compliance with new financial assurance requirements for facilities not currently covered by one of the mechanisms outlined in the proposed financial assurance rules.

The following information provides specific details on the impacts of the different categories of changes proposed and the parties that will be impacted.

Impact of Registration Requirements: BMP facilities under Article 4 (facilities with a daily throughput of 180 cubic yards or less) are subject to new registration requirements, including details about the facilities, their operation, and the owners and operators. The proposed rules clarify the administrative information required, such as submitting a facility diagram and a more detailed description of waste management methods. The Agency anticipates that operators will incur minimal administrative costs to provide this updated information. Additionally, the rule introduces an "Exceedance Allowance," which provides economic relief by allowing BMP facilities to exceed the daily throughput limit up to four times per calendar year without re-registering as a larger facility, provided proper notification is submitted 30 days in advance.

Self-certification facilities under Article 5 (with a daily throughput exceeding 180 cubic yards) are subject to additional requirements compared to BMP facilities. Like BMP facilities, operators will incur minimal administrative costs to update facility descriptions and diagrams. However, self-certification facility owners and operators must also provide additional documentation such as verifying compliance with local zoning laws. These requirements may generate minor additional administrative costs compared to BMP facilities.

Impact of Design & Operation Requirements: For BMP facilities, the proposed rule mandates operational standards to prevent environmental nuisances, such as restricting unauthorized access, maintaining covers for storage areas, and implementing waste screening measures to prevent the acceptance of unauthorized waste. Facilities handling liquid waste must additionally adhere to storage requirements, using watertight, leak-proof containers, and maintain a liquid waste management plan. The Agency believes most sites already largely comply with these standards as part of routine operations and will be able to align with new requirements with minimal cost. Self-certification facilities are subject to the same baseline operational standards as BMP facilities, and similarly, the Agency expects most large facilities to already comply with new requirements. However, these facilities must adhere to additional requirements, including limiting vehicular traffic to improved surfaces, ensuring adequate fire prevention and control, and managing water that has contacted waste to prevent ponding. Compliance with these specific standards may require minimal to moderate costs in infrastructure maintenance, though these are largely considered standard industry practices for facilities of this size.

Impact of Closure Requirements: Under the proposed rules, BMP and self-certification facilities operators must submit a "Notice of Intent to Close" at least 30 days prior to closure activities. The physical closure requirements include removing waste, washing surfaces, and properly disposing of wash water. These are intended to prevent long-term liability. Because proper site sanitation and waste removal are inherent responsibilities of facility operation, these rules clarify expectations and may involve moderate costs when facilities close.

Impact of Financial Assurance Requirements: The rulemaking introduces a requirement for BMP and self-certification facilities to demonstrate financial capability to cover the costs of closure, post-closure care, and corrective actions. Costs are to be determined by estimating the cost for a third party to conduct closure procedures. Operators must update these cost estimates every three years, accounting for inflation and changes to the facilities. The primary economic impact will fall upon sites that do not currently retain a financial assurance mechanism. Owners and operators of these facilities will incur the moderate administrative and financial costs necessary to secure an instrument that covers

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

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the potentially higher closure costs as outlined in the proposed rules. This requirement ensures that the financial burden of potential facility abandonment rests ultimately with the operator rather than the State.

Exempted Facilities: The proposed rulemaking provides cost avoidance and regulatory relief for specific small-scale activities by explicitly exempting them from transfer facility regulation. “Temporary drop-site locations” operating for 30 days or less and small collection points using containers with a cumulative capacity of 20 cubic yards or less are exempt from registration and operational rules. This change eliminates compliance costs for small businesses, municipalities, and community organizations conducting seasonal cleanups or operating minor waste collection sites.

Impact to the Agency: The overall economic impact to the Department is expected to be moderate, as it anticipates most facilities will already comply with the new requirements by following standard industry practices, which these rules reflect. However, the Agency will experience a minor increase in administrative workload associated with the initial review of expanded registration documents, such as facility diagrams and detailed waste management descriptions. A more moderate impact to Agency resources will result from the implementation of the financial assurance requirements proposed in Article 17. The Department must dedicate technical staff to conduct compliance reviews of the financial assurance demonstrations during the inspection process. This periodic review ensures that the financial instruments held by the Department remain sufficient to cover rising closure costs due to inflation or operational changes. However, the Agency anticipates it will be able to handle this additional workload with its current staff capacity and will not need to hire any additional full-time employees.

Impact to Consumers and the General Public: Users of waste transfer facilities, including residents and commercial haulers, are expected to experience minimal direct economic impact. While it is possible that some municipal or private operators may pass the moderate costs of obtaining financial assurance on to users through slightly adjusted tipping fees, this potential cost is offset by the increased reliability and safety of the facilities. The clarifications in design and operation standards ensure that facilities remain accessible and safe for public drop-off activities. The general public benefits significantly from this rulemaking through enhanced environmental protection and financial security. The primary benefit to the public is the protection of taxpayer funds. By requiring all facilities to secure financial assurance, the rule ensures that the cost of cleaning up an abandoned or failed facility is borne by the operator, not the state’s taxpayers. Additionally, neighbors of transfer facilities will benefit from clearer standards and stricter enforcement of nuisance controls. Requirements to cover storage areas, control windblown litter, and preventing vector breeding directly protect public health and local property values by minimizing odors, pests, and soil contamination.

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

Name: John MacBain  
Title: Rule Writer  
Division: Waste Programs Division  
Address: Department of Environmental Quality  
Waste Programs Division  
1110 W. Washington St.  
Phoenix, AZ 85007  
Telephone: (602) 771-0101  
Email: macbain.john@azdeq.gov  
Website: azdeq.gov/rulemaking-transfer-facility-design-operation

**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 to receive oral comments on the rules, in accordance with A.R.S. § 41-1023; the time, place, and location of the hearing are listed below:

Date of Hearing: May 28, 2026  
Time: 2:00 p.m. – 3:00 p.m. (MST)  
Location: ONLINE (via GoToWebinar):  
To join virtually, you will first need register using the following link: <https://attendee.gotowebinar.com/register/2827893781798622299>

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

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

PHONE:  
United States: (415) 930-5321  
Access Code: 856-138-259  
*Listen only; no ability to comment.*

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

Written or emailed comments related to this rulemaking may be submitted at any time during the public comment period to the person referenced in Item 9 above. Close of comment period will occur 11:59 PM May 29th, 2026.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write or understand English and/or to those with disabilities. Requests for language translation, ASL interpretation, CART captioning services or disability accommodations must be made at least 48 hours in advance by contacting the Title VI Nondiscrimination Coordinator, Joaquin Marruffo Ruiz, at 520-628-6744 or [Marruffo.Joaquin@azdeq.gov](mailto:Marruffo.Joaquin@azdeq.gov). For a TTY or other device, Telecommunications Relay Services are available by calling 711.

ADEQ tomará las medidas razonables para proveer acceso a los servicios del departamento a personas con capacidad limitada para hablar, escribir o entender inglés y/o para personas con discapacidades. Las solicitudes de servicios de traducción de idiomas, interpretación ASL (lengua de signos americano), subtítulo de CART, o adaptaciones por discapacidad deben realizarse con al menos 48 horas de anticipación comunicándose con el Coordinador de Anti-Discriminación del Título VI, Joaquin Marruffo Ruiz, al 520-628-6744 o [Marruffo.Joaquin@azdeq.gov](mailto:Marruffo.Joaquin@azdeq.gov). Para un TTY u otro dispositivo, los servicios de retransmisión de telecomunicaciones están disponible llamando al 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:**

There are no other matters prescribed by statute.

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

The registration requirements established in R18-13-402(B) and R18-13-502(B) constitute a license, however a general permit is not required under A.R.S. § 41-1037(A)(2) as the issuance of alternative licenses are authorized by A.R.S. § 49-762.07 and A.R.S. § 762.02 respectively. Additionally, the financial assurance requirements in R18-13-405 and R18-13-505 establish a permit requirement, however a general permit is not required under A.R.S. § 41-1037(A)(2) as an alternative permit is authorized by A.R.S. § 49-770.

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

There is no corresponding federal law for Article 4 - Solid Waste Facilities Subject to Best Management Practices, Article 5 - Requirements for Solid Waste Facilities Subject to Self-Certification, or Article 17- Financial Assurance.

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

No such analysis was submitted.

**13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**  
None

**14. 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.	Definitions
R18-13-402.	Solid Waste Facilities Subject to Best Management Practices; Fees
<u>R18-13-403.</u>	<u>Transfer Facilities; Design and Operation Requirements</u>
<u>R18-13-404.</u>	<u>Facility Closure; Notice; Requirements</u>

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

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R18-13-405. Financial Assurance; Requirements

R18-13-406. Record Keeping

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

Section

R18-13-501. Definitions

~~R18-13-504~~R18-13-502. Solid Waste Facilities Requiring Self-Certification; Registration Fees

R18-13-503. Transfer Facilities; Design and Operation Requirements

R18-13-504. Facility Closure; Notice; Requirements

R18-13-505. Financial Assurance; Requirements

R18-13-506. Record Keeping

**ARTICLE 17. FINANCIAL ASSURANCE**

Section

R18-13-1701. Definitions

R18-13-1702. ~~Reserved~~ Financial Demonstrations for Solid Waste Facilities

R18-13-1703. Financial Demonstrations for CCR Facilities

R18-13-1704. Financial Assurance Mechanisms

**ARTICLE 4. SOLID WASTE FACILITIES SUBJECT TO BEST MANAGEMENT PRACTICES**

**R18-13-401. Definitions**

A. "Department" means the Arizona Department of Environmental Quality.

**B.** "Free liquids" means liquids that readily separate from the solid portion of a waste under ambient temperature and pressure.

**C.** "Liquid waste" means bulk liquids, that is not hazardous waste regulated under subtitle C of RCRA, 42 U.S.C. 6921-6939f.

~~**B.D.**~~ "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.E.**~~ "Recyclable solid waste" means a product or material described in subsection ~~(C)(1)~~ (E)(1) or (2), and for which subsection ~~(C)(3)~~ (E)(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.

**E.** "Temporary drop-site location" means a temporary or seasonal site receiving solid waste from vehicles other than those designed to compact solid waste and used primarily for rehandling or storage of a specified class or classes of solid waste for a determinate amount of time not to exceed 30 days per calendar year.

**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, and that is not a facility engaged in the transportation, handling, storage, and treatment of biohazardous medical waste as defined in R18-13-1401(4) or special waste as defined in A.R.S. § 49-851(A)(9), 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 that is operated in a manner so as not to cause a nuisance, vector breeding or fire hazard; or
  - b. Community or neighborhood recycling bins including drop boxes, roll off containers, and plastic containers used to collect residential, business, or governmental recyclable solid waste;
  - c. Bins, drop boxes, roll off containers, or vehicles that have cumulative capacity of 20 cubic yards or less used to collect residential, business, or governmental municipal solid waste that is operated in a manner so as not to cause a nuisance, vector breeding or fire hazard; or
  - d. A temporary drop-site location.
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. Beginning on the effective date of the rule, A a new solid waste facility listed in subsection (A)(1) shall not begin operation construction 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)(1) shall submit an initial registration fee of \$1,485 at the time of registration under this subsection. A new solid waste facility listed in subsection (A)(1) shall submit the following information to the

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

Department on a form approved by the Department before beginning construction. An existing solid waste facility listed in subsection (A)(1) shall submit the following information to the Department on a form approved by the Department within 180 days of the effective date of the rule:

1. Facility name and physical address, mailing address, address at which the facility's operating record will be retained, and contact information of the owner and operator of the solid waste facility.
  2. Legal description by township, range, and section, and county assessor's book, map and parcel number.
  3. Description of waste storage and waste handling equipment, as applicable, methods of waste management, including types and volumes of waste handled and time the waste remains on site, and designed facility capacity.
  4. Description of steps necessary to close the facility in compliance with R18-13-405.
  5. Description of waste management practices used at the facility including measures taken to protect the environment and to protect the public health.
  6. A diagram of the property showing the location of the solid waste facility or facilities, including locations designated for handling, storing, transferring solid waste.
- C. Annual registration fee. The Department shall bill an annual registration fee of \$742 to a registered solid waste facility listed in subsection (A)(1) 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)(1) shall pay the annual registration fee within 30 days of invoice receipt: and submit any changes to the information provided in the initial registration under subsection (B) of this Section, or since the most recent annual registration provided to the Department.
- 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](http://www.bls.gov/cpi/regional-resources.htm), for October of that year.
  2. Round the result from subsection (E)(1) down 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. Throughput limit and exceedance allowance.
1. The daily throughput threshold specified in subsection (A)(1) of this section shall be applied on a daily basis, not as an average over time. If a facility exceeds 180 cubic yards of solid waste on a single calendar day, it shall be classified as a transfer facility subject to self-certification pursuant to Article 5, except as provided in subsection (F)(2).
  2. A solid waste facility subject to best management practices under subsection (A)(1) may exceed the 180 cubic yard daily throughput threshold on a scheduled basis, not to exceed four instances per calendar year, provided that:
    - a. The owner or operator submits written notification to the Department at least 30 days prior to the scheduled exceedance, specifying the anticipated dates and volumes of solid waste to be received during the exceedance period.
    - b. The facility complies with all other applicable requirements of this Article during the exceedance period.

**R18-13-403. Transfer Facilities: Design and Operation Requirements**

**A.** Within 180 days of the effective date of the rule the owner or operator of a solid waste transfer facility listed under R18-13-402(A)(1) shall:

1. Operate and maintain the facility to comply with all the following design and operation requirements:
  - a. Restrict unauthorized access to the facility by signs or physical barriers;
  - b. Cover or otherwise manage tipping floors, storage areas, and storage bins to prevent wind dispersal and other surface dispersion;
  - c. Prevent vector breeding;
  - d. Ensure minimum of 20 foot aisle space to all waste handling and storage areas for emergency response vehicles;
  - e. Post signage that indicates the name of the facility, address of facility, hours of operation, unauthorized waste not accepted at the facility for rehandling or storage in accordance with subsection (4) of this Section, and facility emergency contact;
  - f. Ensure any area used for receiving, processing, storing, reloading, or transferring of solid waste be free of standing water;
  - g. Ensure all containers used in the handling of solid waste are leak-proof, constructed of durable materials, and maintained in good condition;
  - h. Ensure all waste is handled only within designated waste handling areas, on impervious surfaces or in containers meeting the criteria of subsection (A)(1)(g) of this section;
2. Implement spill and leak response and management procedures;
3. Implement waste screening measures for the purpose of preventing acceptance of unauthorized waste that includes:
  - a. Training personnel for identification and handling of unacceptable waste.

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

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- b. Procedures for segregation and proper disposal of any unauthorized waste.
- c. Notification to the Department within 24 hours of discovery of the acceptance of any non-residential biohazardous medical waste, non-residential hazardous waste, or special waste by the facility.
- 4. Accept, manage, store, and handle waste only within the facility capacity as described in registration;
- 5. Ensure waste is not stored for more than 90 days; and
- 6. Notify the Department within 48 hours of an uncontained release, fire, or impact to the subsurface or soil requiring response by a third party or emergency response personnel.
- B.** If there is evidence or reasonable belief of a release from the facility, the Director may require an investigation into the nature and extent of the release, including testing for soil or groundwater contamination and an assessment of measures necessary to correct an impact to soil or groundwater. The Director may require the owner or operator to institute necessary corrective action as determined by the Director.
- C.** In addition to the requirements under subsection (A) of this Section, the owner or operator of a solid waste transfer facility listed under R18-13-402(A)(1) which handles liquid waste shall operate and maintain the facility to comply with the following:
  - 1. Provide that liquid waste is stored in a container or tank that meets the following requirements:
    - a. The tank or container shall be watertight, leak-proof, and constructed of materials compatible with the waste being stored.
    - b. The tank or container shall be labeled with a description of the contents.
  - 2. Areas used to load or unload tanks or containers shall be designed to contain spills and accidental releases during loading and unloading.
  - 3. Liquid waste may only be mixed with other liquid waste that is the same or substantially similar and shall not be diluted with any other material or substance.
  - 4. Provide on-duty personnel during all times the facility is open to the public.
- D.** A solid waste transfer facility listed under R18-13-402(A)(1) which handles liquid waste shall maintain a written liquid waste management plan consisting of the following:
  - 1. Emergency preparedness procedures to respond to releases of waste including spill response and containment.
  - 2. Waste handling procedures to prevent mixing of incompatible liquid waste and to ensure liquid waste is handled, stored, and transported in accordance with the requirements of subsection (C) of this Section.
  - 3. Documentation of throughput by weight or volume of liquid waste.

**R18-13-404. Facility Closure: Notice: Requirements**

- A.** At least 30 days prior to beginning final closure activities, the owner or operator of a solid waste facility listed under R18-13-402(A)(1) shall submit to the Department a notice of intent to close the facility. If final closure is not completed within six months from the date the Department is informed, the notice of intent to close is deemed to be expired. The notice of intent to close shall contain the following information:
  - 1. Facility name, mailing address, and contact information of the owner and operator of the solid waste facility;
  - 2. A description of the steps necessary to close the facility, the specific proposed closure activities, and an implementation schedule; and
  - 3. Information on site conditions and the types of waste received during the life of the facility.
- B.** To finally close a solid waste facility listed under R18-13-402(A)(1), the owner or operator shall take all necessary steps to minimize or eliminate the release of waste, waste constituents, or leachate to ensure no future threat of harm to human health and the environment, including complying with the following procedures:
  - 1. Post signage stating expected closure date and date waste is no longer accepted at least 30 days prior to closure or end of operations;
  - 2. Remove and properly dispose of all solid waste at a waste facility authorized to accept such waste, including leachate, from the facility;
  - 3. All areas of the facility, including containers, equipment, machines, floors, and surfaces, that were in contact with solid waste and that are not to be removed during final closure shall be washed with soap or detergent or otherwise subject to procedures that substantially reduce or eliminate any remaining constituents or contaminants derived from contact with solid wastes; and
  - 4. Collect and properly dispose of all wash water and rinse water;
- C.** Any ongoing or required investigation into the nature and extent of any release and required corrective action pursuant to R18-13-403(B) must be completed before final closure of the facility may occur.
- D.** Upon completion of final closure, the owner or operator of the facility shall submit written notice of final closure to the Department. The written notice shall certify compliance with the requirements of this Section. The written notice shall be submitted to the Department within 30 days of the completion of final closure.

**R18-13-405. Financial Assurance: Requirements**

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

- A. Within 180 days of the effective date of the rule the owner or operator of an existing solid waste transfer facility listed under R18-13-402(A)(1) shall demonstrate financial capability to meet any closure, post-closure care, and corrective action requirements under this Article. Beginning 180 days after the effective date of this rule, a new solid waste transfer facility listed under R18-13-402(A)(1) shall not begin operation until the owner or operator demonstrates financial capability to meet any closure, post-closure care, and corrective action requirements under this Article. The owner or operator shall demonstrate financial capability pursuant to R18-13-1702.
- B. The owner or operator of a solid waste transfer facility listed under R18-13-402(A)(1) may use any one or combination of financial assurance mechanisms listed under R18-13-1704 to demonstrate financial capability as required under subsection (A) of this Section.
- C. The cost estimate made pursuant to R18-13-1702(A) shall be updated every three years to adjust for inflation or as necessary to reflect increased costs resulting from changes to facility conditions, and the owner or operator shall resubmit their demonstration of financial capability pursuant to R18-13-1702 to the Department.

**R18-13-406. Record Keeping**

All records required by this Article shall be retained in an operating record near the facility, or in an alternative location approved by the Department, for at least three years. If notification of an enforcement action by the Department has been received, the records shall be retained until a final determination has been made in the matter or in accordance with the final determination.

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

**R18-13-501. Definitions**

- A. "Department" means the Arizona Department of Environmental Quality.
- B. "Free liquids" means liquids that readily separate from the solid portion of a waste under ambient temperature and pressure.
- C. "Liquid waste" means waste, that is not hazardous waste regulated under subtitle C of RCRA, 42 U.S.C. 6921-6939f, that contains or produces any free liquids.
- D. "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.
- E. "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.

**~~R18-13-501.~~R18-13-502. 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:
  - 1. A transfer facility, as defined in A.R.S. § 49-701, and that is not a facility engaged in the transportation, handling, storage, and treatment of biohazardous medical waste as defined in R18-13-1401(4) or special waste as defined in A.R.S. § 49-851(A)(9), 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 that is operated in a manner so as not to cause a nuisance, vector breeding or fire hazard; or
    - b. 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 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. The address at which the facility's operating record will be retained.
  - 4.5. A brief description of operations, including waste management methods, types and volumes of waste handled, waste storage, handling, and treatment equipment, and the length of time the waste remains onsite.
  - 6. A description of steps necessary to close the facility in compliance with R18-13-504.
  - 5.7. A diagram of the property showing its approximate size and the planned location of the solid waste facility or facilities.
  - 6.8. 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.
  - 7.9. Documentation that the facility has any other environmental permit that is required by statute.

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

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- ~~8-10.~~ 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, when submitting annual registration fees, and note if any changes to the following have occurred since the last registration:
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 description of steps necessary to close the facility in compliance with R18-13-504.
  - ~~5-6.~~ A diagram of the property showing its approximate size and the location of the solid waste facility or facilities.
  - ~~6-7.~~ Documentation that the facility remains in compliance with the most current local zoning laws or with A.R.S. § 49-767, as applicable.
  - ~~7-8.~~ 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 facility under subsection (A)(1) shall pay the Department \$1,485 for the initial registration of a new facility, and \$742 for each annual registration thereafter. The owner or operator of a tire facility under subsection (A)(2) or (3) shall pay the Department \$1,485 for the initial registration of a new facility, and \$371 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.
- 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](http://www.bls.gov/cpi/regional-resources.htm), for October of that year.
  2. Round the result from subsection (F)(1) down 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. 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 (G)(3)(a) or (b), and for which subsection (G)(3)(e) 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.~~
- ~~G. Throughput limit and exceedance allowance. The daily throughput threshold specified in subsection (A)(1) of this section shall be applied on a daily basis, not as an average over time. If a facility's throughput exceeds 180 cubic yards of solid waste on a single calendar day, it shall be classified as a transfer facility subject to self-certification pursuant to Article 5, except as provided in subsection R18-13-402(F)(2).~~

**R18-13-503. Transfer Facilities: Design and Operation Requirements**

- A. Within 180 days of the effective date of the rule the owner or operator of a solid waste transfer facility listed under R18-13-502(A)(1) shall:
1. Operate and maintain the facility to comply with all the following design and operation requirements:
    - a. Restrict unauthorized access to the facility by signs or physical barriers;
    - b. Limit vehicular traffic to use on improved surfaces;
    - c. Cover or otherwise manage tipping floors, storage areas, and storage bins to prevent wind dispersal and other surface dispersion;

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

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- d. Prevent vector breeding;
  - e. Ensure adequate fire prevention and control;
  - f. Ensure facility access to all waste handling and storage areas for emergency response vehicles;
  - g. Post signage that indicates the name of the facility, address of facility, hours of operation, unauthorized waste not accepted at the facility for rehandling or storage in accordance with subsection (4) of this Section, and facility emergency contact;
  - h. Ensure any area used for receiving, processing, storing, reloading, or transferring of solid waste be free of standing water;
  - i. Ensure all containers used in the handling of solid waste are leak resistant, constructed of durable materials, and maintained in good condition;
  - j. Ensure all waste is handled only within designated waste handling areas and such areas are made of impervious surfaces;
  - 2. Implement spill and leak response and management procedures;
  - 3. Implement waste screening measures for the purpose of preventing acceptance of unauthorized waste that includes:
    - a. Training personnel for waste identification and handling.
    - b. Procedures for segregation and proper disposal of any unauthorized waste.
    - c. Notification to the Department within 24 hours of discovery of the acceptance of any non-residential biohazardous medical waste, non-residential hazardous waste, or special waste by the facility.
  - 4. Accept, manage, store, and handle waste only within the facility capacity as described in registration;
  - 5. Ensure waste is not stored for more than 90 days;
  - 6. Provide on-duty personnel during all times the facility is open to the public;
  - 7. Manage any water that has come into contact with waste, that may include leachate, to prevent ponding; and
  - 8. Notify the Department within 48 hours of an uncontained release, fire, or impact to the subsurface or soil requiring response by a third party or emergency response personnel.
  - B.** If there is evidence or reasonable belief of a release from the facility, the Director may require an investigation into the nature and extent of the release, including testing for soil or groundwater contamination and an assessment of measures necessary to correct an impact to soil or groundwater. The Director may require the owner or operator to institute necessary corrective action as determined by the Director.
  - C.** In addition to the requirements under subsection (A) of this Section, the owner or operator of a solid waste transfer facility listed under R18-13-502(A)(1) which handles liquid waste shall operate and maintain the facility to comply with the following:
    - 1. Provide that liquid waste is stored in a container or tank that meets the following requirements:
      - a. The tank or container shall be watertight, leak-proof, and constructed of materials compatible with the waste being stored.
      - b. The tank or container shall be labeled with a description of the contents.
    - 2. Areas used to load or unload tanks or containers shall be designed to contain spills and accidental releases during loading and unloading.
    - 3. Liquid waste may only be mixed with other liquid waste that is the same or substantially similar and shall not be diluted with any other material or substance.
  - D.** A solid waste transfer facility listed under R18-13-402(A)(1) which handles liquid waste shall maintain a written liquid waste management plan consisting of the following:
    - 1. Emergency preparedness procedures to respond to releases of waste including spill response and containment.
    - 2. Waste handling procedures to prevent mixing of incompatible liquid waste and to ensure liquid waste is handled, stored, and transported in accordance with the requirements of subsection (C) of this Section.
    - 3. Documentation of throughput by weight or volume of liquid waste.
- R18-13-504. Facility Closure; Notice; Requirements**
- A.** At least 30 days prior to beginning final closure activities, the owner or operator of a solid waste facility listed under R18-13-502(A)(1) shall submit to the Department notice of intent to close the facility. If final closure is not completed within six months from the date the Department is informed, the notice of intent to close is deemed to be expired. The notice of intent to close shall contain the following information:
    - 1. Facility name, mailing address, and contact information of the owner and operator of the solid waste facility;
    - 2. A description of the steps necessary to close the facility, the specific proposed closure activities, and an implementation schedule; and
    - 3. Information on site conditions and the types of waste received during the life of the facility.
  - B.** To finally close a solid waste facility listed under R18-13-502(A)(1), the owner or operator shall take all necessary steps to minimize or eliminate the release of waste, waste constituents, or leachate to ensure no future threat of harm to human health and the environment, including complying with the following procedures:
    - 1. Post signage stating expected closure date and date waste is no longer accepted at least 30 days prior to closure or end of operations;

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

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2. Remove and properly dispose of all solid waste at a waste facility authorized to accept such waste, including leachate, from the facility;
  3. All areas of the facility, including containers, equipment, machines, floors, and surfaces, that were in contact with solid waste and that are not to be removed during final closure shall be washed with soap or detergent or otherwise subject to procedures that substantially reduce or eliminate any remaining constituents or contaminants derived from contact with solid wastes; and
  4. Collect and properly dispose of all wash water and rinse water;
- C.** Any ongoing or required investigation into the nature and extent of any release and required corrective action pursuant to R18-13-503(B) must be completed before final closure of the facility may occur.
- D.** Upon completion of final closure, the owner or operator of the facility shall submit written notice of final closure to Department. The written notice shall certify compliance with the requirements of this Section. The written notice shall be submitted to the Department within 30 days of the completion of final closure.

**R18-13-505. Financial Assurance: Requirements**

- A.** Within 180 days of the effective date of the rule the owner or operator of an existing solid waste transfer facility listed under R18-13-502(A)(1) shall demonstrate financial capability to meet any closure, post-closure care, and corrective action requirements under this Article. Beginning 180 days after the effective date of this rule, a new solid waste transfer facility listed under R18-13-502(A)(1) shall not begin operation until the owner or operator demonstrates financial capability to meet any closure, post-closure care, and corrective action requirements under this Article. The owner or operator shall demonstrate financial capability pursuant to R18-13-1702.
- B.** The owner or operator of a solid waste transfer facility listed under R18-13-502(A)(1) may use any one or combination of financial assurance mechanisms listed under R18-13-1704 to demonstrate financial capability as required under subsection (A) of this Section.
- C.** The cost estimate made pursuant to R18-13-1702(A) and associated financial assurance mechanism shall be updated every three years to adjust for inflation or as necessary to reflect increased costs resulting from changes to facility conditions.

**R18-13-506. Record Keeping**

All records required by this Article shall be retained in an operating record near the facility, or in an alternative location approved by the Department, for at least three years. If notification of an enforcement action by the Department has been received, the records shall be retained until a final determination has been made in the matter or in accordance with the final determination.

**ARTICLE 17. FINANCIAL ASSURANCE**

**R18-13-1701. Definitions**

1. “Book net worth” means the net difference between total assets and total liabilities.
2. “Face amount” means the total amount the insurer is obligated to pay under the policy.
3. “MSWLF” means municipal solid waste landfill.
- 3-4. “Net working capital” means current assets minus current liabilities.
- 4-5. “Substantial business relationship” means a pattern of recent or ongoing business transactions to the extent that a guaranty contract issued incident to that relationship is valid and enforceable.
- 5-6. “Tangible net worth” means an owner or operator’s book net worth, plus subordinated debts, less goodwill, patent rights, royalties, and assets and receivables due from affiliates or shareholders.

**R18-13-1702. ~~Reserved~~ Financial Demonstrations for Solid Waste Facilities**

- A.** Financial demonstration. The owner or operator of a solid waste facility for which a financial demonstration is required under R18-13-405 or R18-13-505 shall submit a demonstration of financial capability to meet the following, as required, based on the cost estimate of hiring a third-party to complete site closure:
1. Cost of facility closure;
  2. Cost to ensure proper facility post-closure care; and
  3. Cost to perform any corrective action as a result of any known releases from the facility.
- B.** The owner or operator of a solid waste facility for which a financial demonstration is required under R18-13-405 or R18-13-505 shall submit a letter signed by the chief financial officer or other delegated officer stating that the owner or operator is financially capable of meeting the costs described in subsection (A) and submit the information required for at least one of the financial assurance mechanisms listed in R18-13-1704 that covers the closure, post-closure, and corrective action costs submitted under subsection (A), including:
1. The selected financial mechanism or mechanisms;
  2. The amount covered by each financial mechanism;
  3. The institution or company that is responsible for each financial mechanism used in the demonstration; and
  4. Any other details that demonstrate how the owner or operator is financially capable of meeting the costs described in R18-13-405(A), R18-13-505(A), or other applicable rules in this Chapter.

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

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**R18-13-1703. Financial Demonstrations for CCR Facilities**

- A. Financial demonstration. The owner or operator of a solid waste facility for which a financial demonstration is required under this Article R18-13-1020 shall demonstrate financial capability to meet all of the following based on third-party cost estimates that are representative of regional fair market costs:
1. Cost of Facility Closure for all applicable units at the facility,
  2. Cost to Ensure Proper Post-Closure Care for all applicable units at the Facility, and
  3. Cost to perform any corrective action as a result of known releases at all applicable units at the facility
- B. The owner or operator shall:
1. Submit a letter signed by the chief financial officer stating that the owner or operator is financially capable of meeting the costs described in subsection (A); and either subsection (B)(2) or (B)(3) below.
  2. For a state or federal agency, county, city, town, or other local governmental entity, submit a statement specifying the details of the financial arrangements used to meet the estimated costs described in subsection (A), including any other details that demonstrate how the owner or operator is financially capable of meeting those costs; or
  3. For other than a state or federal agency, county, city, town, or other local governmental entity, submit the information required for at least one of the financial assurance mechanisms listed in R18-13-1704 that covers the closure, post-closure, and corrective action costs submitted under subsection (A), including:
    - a. The selected financial mechanism or mechanisms;
    - b. The amount covered by each financial mechanism;
    - c. The institution or company that is responsible for each financial mechanism used in the demonstration;
    - d. Any other details that demonstrate how the owner or operator is financially capable of meeting the costs described in R18-13-1020(A)(2) or other applicable rules in this Chapter.

**R18-13-1704. Financial Assurance Mechanisms**

The owner or operator of a ~~CCR~~ solid waste facility for which a financial demonstration under R18-13-1702 or R18-13-1703 is required by this Chapter may use any one or a combination of the following mechanisms to cover the financial assurance obligations under R18-13-1702(A) or R18-13-1703(A):

1. Financial test for self-assurance. If an owner or operator uses a financial test for self-assurance, the owner or operator shall not consolidate the financial statement with a parent or sibling company. The owner or operator shall make the demonstration in either subsection (1)(a) or (b) and submit the information required in subsection (1)(c):
  - a. The owner or operator may demonstrate:
    - i. One of the following:
      - (1) A ratio of total liabilities to net worth less than 2.0 and a ratio of current assets to current liabilities greater than 1.5;
      - (2) A ratio of total liabilities to net worth less than 2.0 and a ratio of the sum of net annual income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; or
      - (3) A ratio of the sum of net annual income plus depreciation, depletion, and amortization to total liabilities greater than 0.1 and a ratio of current assets to current liabilities greater than 1.5;
    - ii. The net working capital and tangible net worth of the owner or operator each are at least six times the closure, post-closure and corrective action cost estimates; and
    - iii. The owner or operator has assets in the U.S. of at least 90 percent of total assets or six times the closure, post-closure and corrective action cost estimates; or
  - b. The owner or operator may demonstrate:
    - i. The owner or operator's senior unsecured debt has a current investment-grade rating as issued by Moody's Investor Service, Inc.; Standard and Poor's Corporation; or Fitch Ratings;
    - ii. The tangible net worth of the owner or operator is at least six times the closure, post-closure and corrective action cost estimates; and
    - iii. The owner or operator has assets in the U.S. of at least 90 percent of total assets or six times the closure, post-closure and corrective action cost estimates; and
  - c. The owner or operator shall submit:
    - i. A letter signed by the owner or operator's chief financial officer that identifies the criterion specified in subsection (1)(a) or (b) and used by the owner or operator to satisfy the financial assurance requirements of this Section, an explanation of how the owner or operator meets the criterion, and certification of the letter's accuracy, and
    - ii. A statement from an independent certified public accountant verifying that the demonstration submitted under subsection (1)(c)(i) is accurate based on a review of the owner or operator's financial statements for the latest completed fiscal year or more recent financial data and no adjustment to the financial statement is necessary.

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

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2. Performance surety bond. The owner or operator may use a performance surety bond if all the following conditions are met:
  - a. The company providing the performance bond is listed as an acceptable surety on federal bonds in Circular 570 of the U.S. Department of the Treasury;
  - b. The bond provides for performance of all the covered items listed in R18-13-1702(A) or R18-13-1703(A) by the surety, or by payment into a standby trust fund of an amount equal to the penal amount if the owner or operator fails to perform the required activities;
  - c. The penal amount of the bond is at least equal to the amount of the cost estimate developed in R18-13-1702(A) or R18-13-1703(A) if the bond is the only method used to satisfy the requirements of this Section or a pro-rata amount if used with another financial assurance mechanism;
  - d. The surety bond names the Arizona Department of Environmental Quality as beneficiary;
  - e. The original surety bond is submitted to the Director;
  - f. Under the terms of the bond, the surety is liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond; and
  - g. The surety payments under the terms of the bond are deposited directly into the Standby Trust Fund.
3. Certificate of deposit. The owner or operator may use a certificate of deposit if the following conditions are met:
  - a. The owner or operator submits to the Director one or more certificates of deposit made payable to or assigned to the Department to cover the owner or operator's financial assurance obligation or a pro-rata amount if used with another financial assurance mechanism;
  - b. The certificate of deposit is insured by the Federal Deposit Insurance Corporation and is automatically renewable;
  - c. The bank assigns the certificate of deposit to the Arizona Department of Environmental Quality;
  - d. Only the Department has access to the certificate of deposit; and
  - e. Interest accrues to the owner or operator during the period the owner or operator gives the certificate as financial assurance, unless the interest is required to satisfy the requirements in R18-13-1702(A) or R18-13-1703(A).
4. Trust fund. The owner or operator may use a trust fund if the following conditions are met:
  - a. The trust fund names the Arizona Department of Environmental Quality as beneficiary, and
  - b. For a CCR facility under R18-13-1703, the trust is initially funded in an amount at least equal to:
    - i. The cost estimate for the items submitted under R18-13-1703(A),
    - ii. The amount specified in a compliance schedule approved in a CCR facility permit, or
    - iii. A pro-rata amount if used with another financial assurance mechanism.
  - c. For a solid waste facility under R18-13-1702:
    - i. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal agency or an agency of the state in which the fund is established. A copy of the trust agreement must be placed in the facility's operating record.
    - ii. Payments into the trust fund must be made annually by the owner or operator for a period of 20 years or over the remaining life of the solid waste facility, whichever is shorter, until the fund is fully-funded. This period is referred to as the pay-in period.
    - iii. For a trust fund used to demonstrate financial assurance for closure and post-closure care, the first payment into the fund must be at least equal to the current cost estimate for closure or post-closure care, except as provided in subsection (12), divided by the number of years in the pay-in period as defined in subsection (4)(c)(ii). The amount of subsequent payments must be determined by the following formula:
$$\frac{TF - CF}{Y}$$

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Y

where TF is the total required financial assurance for the owner or operator, CF is the current amount in the fund, and Y is the number of years remaining in the pay-in period.
5. Letter of credit. The owner or operator may use a letter of credit if the following conditions are met:
  - a. The financial institution issuing the letter is regulated and examined by a federal or state agency;
  - b. The letter of credit is irrevocable and issued for at least one year in an amount equal to the cost estimate submitted under R18-13-1702(A) or R18-13-1703(A) or a pro rata amount if used with another financial assurance mechanism. The letter of credit provides that the expiration date is automatically extended for a period of at least one year unless the issuing institution has canceled the letter of credit by sending notice of cancellation by certified mail to the owner or operator and the Director 90 days in advance of cancellation or expiration. The owner or operator shall provide alternate financial assurance within 60 days of receiving the notice of expiration or cancellation;

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

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- c. The financial institution names the Arizona Department of Environmental Quality as beneficiary for the letter of credit; and
  - d. The letter is prepared by the financial institution and identifies the letter of credit issue date, expiration date, dollar sum of the credit, the name and address of the Department as the beneficiary, and the name and address of the owner or operator.
6. Insurance policy. The owner or operator may use an insurance policy if the following conditions are met:
- a. The insurance is effective before signature of the permit or substitution of insurance for other extant financial assurance instruments posted with the Director;
  - b. The insurer is authorized to transact the business of insurance in the state and has an AM BEST Rating of at least a B+ or the equivalent;
  - c. The owner or operator submits a copy of the insurance policy to the Department;
  - d. The insurance policy guarantees that funds are available to pay costs for all items listed under R18-13-1702(A) or R18-13-1703(A) without a deductible. The policy also guarantees that once cleanup steps begin that the insurer will pay out funds to the Director or other entity designated by the Director up to an amount equal to the face amount of the policy;
  - e. The policy guarantees that while closure, post-closure, or corrective action activities are conducted the insurer will pay out funds to the Director or other entity designated by the Director up to an amount equal to the face amount of the policy;
  - f. The insurance policy is issued for a face amount at least equal to the current cost estimate submitted to the Director for performance of all items listed under R18-13-1702(A) or R18-13-1703(A) or a pro-rata amount if used with another financial assurance mechanism. Actual payments by the insurer will not change the face amount, although the insurer's future liability is reduced by the amount of the payments, during the policy period;
  - g. The insurance policy names the Arizona Department of Environmental Quality as additional insured;
  - h. The policy contains a provision allowing assignment of the policy to a successor owner or operator. The transfer of the policy is conditional upon consent of the insurer and the Department; and
  - i. The insurance policy provides that the insurer does not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy, at a minimum, provides the insured with a renewal option at the face amount of the expiring policy. If the owner or operator fails to pay the premium, the insurer may cancel the policy by sending notice of cancellation by certified mail to the owner or operator and to the Director 90 days in advance of the cancellation. If the insurer cancels the policy, the owner or operator shall provide alternate financial assurance within 60 days of receiving the notice of cancellation.
7. ~~Cash deposit. The owner or operator may use a cash deposit if the cash is deposited with the Department to cover the financial assurance obligation under R18-13-1703(A).~~ Deposit with the State Treasurer. The owner or operator may use a receipt of deposit with the State Treasurer to cover the financial assurance obligation under R18-13-1702(A) or R18-13-1703(A). The receipt shall show funds are available for costs under R18-13-1702(A) or R18-13-1703(A). The deposit shall be in the name of the Arizona Department of Environmental Quality on behalf of the owner or operator.
8. Local government financial test. A local government owner or operator that satisfies the requirements of subsections (8)(a) through (8)(c) of this section may satisfy the financial assurance obligation under this Article:
- a. Financial component. The owner or operator must satisfy paragraph (8)(a)(i) or (8)(a)(ii) of this Section, as applicable:
    - i. If the owner or operator has outstanding, rated, general obligation bonds that are not secured by insurance, a letter of credit, or other collateral or guarantee, it must have a current rating of Aaa, Aa, A, or Baa, as issued by Moody's, or AAA, AA, A, or BBB, as issued by Standard and Poor's on all such general obligation bonds; or
    - ii. The owner or operator must satisfy each of the following financial ratios based on the owner or operator's most recent audited annual financial statement:
      - (1) A ratio of cash plus marketable securities to total expenditures greater than or equal to 0.05; and
      - (2) A ratio of annual debt service to total expenditures less than or equal to 0.20.
  - b. The owner or operator must prepare its financial statements in conformity with Generally Accepted Accounting Principles (GAAP) for governments and have its financial statements audited by an independent certified public accountant or Arizona Auditor General.
  - c. A local government owner or operator is not eligible to assure its obligations under this subsection if the local government:
    - i. is currently in default on any outstanding general obligation bonds;
    - ii. has any outstanding general obligation bonds rated lower than Baa as issued by Moody's or BBB as issued by Standard and Poor's;
    - iii. operated at a deficit equal to five percent or more of total annual revenue in each of the past two fiscal years; or
    - iv. receives an adverse opinion, disclaimer of opinion, or other qualified opinion from the independent certified public accountant or state agency auditing its financial statement as required under subsection (8)(b) of this Section.

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

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- d. Notwithstanding the eligibility requirements of subsection (8)(c) of this Section, the Director may evaluate qualified opinions on a case-by-case basis and allow use of the financial test pursuant to this subsection in cases where the Director deems the qualification insufficient to warrant disallowance of use of the test.
- e. Public notice component. The local government owner or operator must place a reference to a financial demonstration under R18-13-1702 assured through the financial test pursuant to this subsection into its next annual comprehensive financial report (ACFR) after the effective date of this subsection or prior to the initial receipt of waste at the facility, whichever is later. Disclosure must include closure and post-closure care requirements pursuant to this Chapter, the reported liability at the balance sheet date, the estimated total closure and post-closure care cost remaining to be recognized, and the estimated life of the solid waste facility in years. A reference to corrective action costs must be placed in the CAFR no later than 120 days after a corrective action remedy has been selected. For the first year the financial test is used to assure costs at a particular facility, the reference may instead be placed in the operating record until issuance of the next available CAFR if timing does not permit the reference to be incorporated into the most recently issued CAFR or budget. For closure and post-closure costs, conformance with Government Accounting Standards Board Statement 18 assures compliance with this public notice component.
- f. Recordkeeping and reporting. The local government owner or operator must place the following in the facility's operating record:
  - i. A letter signed by the local government's chief financial officer or other designated officer that:
    - (1) Lists all current cost estimates covered by a financial test, as described in subsection (1);
    - (2) Provides evidence and certifies that the local government meets the conditions of subsections (8)(a), (8)(b), and (8)(c); and
    - (3) Certifies the local government meets the conditions of subsection (8)(e) and subsection (1).
  - ii. The local government's independently audited year-end financial statements for the latest fiscal year, except for local governments where audits are required every two years where unaudited statements may be used in years when audits are not required, including the unqualified opinion of the auditor who must be an independent, certified public accountant or a state agency that conducts equivalent comprehensive audits;
  - iii. A report to the local government from the local government's independent certified public accountant (CPA) or state agency based on performing an agreed upon procedures engagement relative to the financial ratios required by subsection (8)(a)(ii), if applicable, and the requirements of subsections (8)(b), (8)(c)(iii), and (8)(c)(iv). The CPA or state agency's report should state the procedures performed and the CPA or state agency's findings; and
  - iv. A copy of the annual comprehensive financial report (ACFR) used to comply with subsection (8)(e) or certification that the requirements of General Accounting Standards Board Statement 18 have been met.
- g. The items required in subsection (8)(f) must be placed in the facility operating record as follows:
  - i. In the case of closure and post-closure care, prior to the initial receipt of waste at the facility; or
  - ii. In the case of corrective action, not later than 120 days after the corrective action remedy is selected.
- h. After the initial placement of the items in the facility's operating record, the local government owner or operator must update the information every three years to adjust for inflation or as necessary to reflect increased costs resulting from changes to facility conditions and place the updated information in the operating record within 180 days following the close of the owner or operator's fiscal year.
- i. The local government owner or operator is no longer required to meet the requirements of subsection (8)(f) when:
  - i. The owner or operator substitutes alternate financial assurance as specified in this Section; or
  - ii. The owner or operator is released from the requirements of this Section in accordance with any applicable rule or law.
- j. A local government must satisfy the requirements of the financial test in accordance with R18-13-1702. If the local government owner or operator no longer meets the requirements of the local government financial test it must, within 210 days following the close of the owner or operator's fiscal year, obtain alternative financial assurance that meets the requirements of this Section, place the required submissions for that assurance in the operating record, and notify the Director that the owner or operator no longer meets the criteria of the financial test and that alternate assurance has been obtained.
- k. The Director, based on a reasonable belief that the local government owner or operator may no longer meet the requirements of the local government financial test, may require additional reports of financial condition from the local government at any time. If the Director finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of the local government financial test, the local government must provide alternate financial assurance in accordance with this section.
- l. Calculation of costs to be assured. The portion of the closure, post-closure, and corrective action costs for which an owner or operator can assure under this paragraph is determined as follows:

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

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- i. If the local government owner or operator does not assure other environmental obligations through a financial test, it may assure closure, post-closure, and corrective action costs that equal up to 43 percent of the local government's total annual revenue.
- ii. If the local government assures other environmental obligations through a financial test, including those associated with UIC facilities under 40 CFR 144.62, petroleum underground storage tank facilities under 40 CFR Part 280, PCB storage facilities under 40 CFR Part 761, and hazardous waste treatment, storage, disposal facilities under 40 CFR Parts 264 and 265, and Municipal Solid Waste Landfills under 40 CFR Part 258, it must add those costs to the closure, post-closure, and corrective action costs it seeks to assure under this paragraph. The total that may be assured must not exceed 43 percent of the local government's total annual revenue.
- iii. The owner or operator must obtain an alternate financial assurance instrument for those costs that exceed the limits set in subsections (I)(i) and (I)(ii).

**8.9. Guarantees Corporate Guarantee.**

- a. The owner or operator may use guarantees a guarantee to cover the financial assurance obligations under R18-13-1702(A) or R18-13-1703(A) if the following conditions are met:
  - i. The owner or operator submits to the Department an affidavit certifying that the guarantee arrangement is valid under all applicable federal and state laws. If the owner or operator is a corporation, the owner or operator shall include a certified copy of the corporate resolution authorizing the corporation to enter into an agreement to guarantee the owner or operator's financial assurance obligation;
  - ii. The owner or operator submits to the Department documentation that explains the substantial business relationship between the guarantor and the owner or operator;
  - iii. The owner or operator demonstrates that the guarantor meets conditions of the financial mechanism listed in subsection (1). For purposes of applying the criteria in subsection (1) to a guarantor, substitute "guarantor" for the term "owner or operator" as used in subsection (1);
  - iv. The guarantee is governed by and complies with state law;
  - v. The guarantee continues in full force until released by the Director or replaced by another financial assurance mechanism listed under subsection (1);
  - vi. The guarantee provides that, if the owner or operator fails to perform closure, post-closure care or corrective action of a facility covered by the guarantee, the guarantor shall perform or pay a third party to perform closure, post-closure care or corrective action, as required by the permit, or establish a fully funded trust fund as specified under subsection (4) in the name of the owner or operator; and
  - vii. The guarantor names the Arizona Department of Environmental Quality as beneficiary of the guarantee.
- b. Guarantee reporting. The guarantor shall notify or submit a report to the Department within 30 days of:
  - i. An increase in financial responsibility during the fiscal year that affects the guarantor's ability to meet the financial demonstration;
  - ii. Receiving an adverse auditor's notice, opinion, or qualification; or
  - iii. Receiving a Department notification requesting an update of the guarantor's financial condition.

**10. Local government guarantee. An owner or operator may demonstrate financial assurance for closure, post-closure, and corrective action to cover the financial assurance obligations under this R18-13-1702(A) by obtaining a written guarantee provided by a local government. The guarantor must meet the requirements of the local government financial test in subsection (9) of this Section, and must comply with the terms of a written guarantee.**

- a. Terms of the written guarantee. The guarantee must be effective before the initial receipt of waste in the case of closure, post-closure care, or no later than 120 days after the corrective action remedy has been selected. The guarantee must provide that:
  - i. If the owner or operator fails to perform closure, post-closure care, or corrective action of a facility covered by the guarantee, the guarantor will:
    - (1) Perform, or pay a third party to perform, closure, post-closure care, and corrective action, as required; or
    - (2) Establish a fully funded trust fund as specified in subsection (4) of this Section in the name of the owner or operator.
  - ii. The guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Director. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Director, as evidenced by the return receipts.
  - iii. If a guarantee is cancelled, the owner or operator must, within 90 days following receipt of the cancellation notice by the owner or operator and the Director, obtain alternate financial assurance, place evidence of that alternate financial

**Arizona Administrative Register**  
**NOTICES OF PROPOSED RULEMAKING**

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assurance in the facility operating record, and notify the Director. If the owner or operator fails to provide alternate financial assurance within the 90-day period, the guarantor must provide that alternate assurance within 120 days following the guarantor's notice of cancellation, place evidence of the alternate assurance in the facility operating record, and notify the Director.

- b. Recordkeeping and reporting. The owner or operator must place a certified copy of the guarantee along with the items required under subsection (9)(f) into the facility's operating record before the initial receipt of waste or before the effective date of this section, whichever is later, in the case of closure, post-closure care, or no later than 120 days after the corrective action remedy has been selected.
  - c. The owner or operator is no longer required to maintain the items specified in subsection (11)(b) when:
    - i. The owner or operator substitutes alternate financial assurance as specified in this section; or
    - ii. The owner or operator is released from the requirements of this Article.
  - d. If a local government guarantor no longer meets the requirements of subsection (9), the owner or operator must, within 90 days, obtain alternative assurance, place evidence of the alternate assurance in the facility operating record, and notify the Director. If the owner or operator fails to obtain alternate financial assurance within that 90-day period, the guarantor must provide that alternate assurance within the next 30 days.
11. Use of multiple mechanisms. An owner or operator may demonstrate financial assurance for closure, post-closure, and corrective action, as required under this Article, by establishing more than one mechanism per facility, except that mechanisms guaranteeing performance rather than payment, may not be combined with other instruments. The mechanisms must be as specified in subsections (1) through (11) and subsection (13), except that financial assurance for an amount at least equal to the current cost estimate for closure, post-closure care, and corrective action may be provided by a combination of mechanisms rather than a single mechanism.
12. Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in subsections (1) through (11) and subsection (14) to meet the financial assurance requirements under this Article. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility.
- ~~9-13.~~ An owner or operator may use a financial assurance mechanism not listed in subsections (1) through ~~(8)~~ (13) if approved by the Director.
- B. Loss of coverage. If the Director believes that an owner or operator will lose financial capability under this Section, the owner or operator shall, within 30 days from the date of receipt of the Director's request, submit evidence that the financial demonstration under R18-13-1702 or R18-13-1703 is being met or provide an alternative financial assurance mechanism.
- C. Financial assurance mechanism substitution. An owner or operator of a facility subject to the financial assurance requirements of R18-13-1702 may substitute one financial assurance mechanism with another, and shall notify the Department within 30 days of the substitution. An owner or operator of a facility subject to the financial assurance requirements of R18-13-1703 may substitute one financial assurance mechanism for another if the substitution is approved by the Director through a permit modification or other Department approval.

NOTICES OF RULEMAKING DOCKET OPENING

Volume 32, Issue 16, April 17, 2026

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires an agency file a Notice of Rulemaking Docket Opening which outlines its rulemaking intentions under [A.R.S. § 41-1021](#).

A docket opening and Notice of Proposed Rulemaking are often filed at the same time and published in the same *Register* issue.

If a Notice of Proposed Rulemaking is not published in this *Register* that corresponds with a published docket in this week's issue, it simply means the agency has not filed the notice for consideration and public review.

An agency has one year from the publishing of this notice to propose a rule; after one year the docket expires. Questions about the notice can be answered by the person listed in item #5 of the preamble. Refer to item #6 in the preamble for information on how to comment on this notice.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES  
SOBER LIVING HOMES

File Number: R26-48

1. **Permission to proceed with this docket was granted under A.R.S. § 41-1039 by the governor on:**

February 20, 2025

2. **Title and its heading:**

9, Health Services

**Chapter and its heading:**

12, Department of Health Services - Sober Living Homes

**Article and its heading:**

1, Licensure Requirements

2, Sober Living Home Requirements

**Section number:**

R9-12-103, R9-12-104, R9-12-105, R9-12-106, R9-12-107, Table 1.1., R9-12-201, R9-12-203, R9-12-204, R9-12-205, R9-12-206, R9-12-207

*Sections may be added, amended, repealed, or renumbered as necessary.*

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

A.R.S. § 36-2062(A) requires the Arizona Department of Health Services (Department) to "adopt rules to establish minimum standards and requirements for the licensure of sober living homes necessary to ensure the public health, safety, and welfare." The Department has adopted rules to implement these statutes in A.A.C. Title 9, Chapter 12, Articles 1 and 2. The Department proposes to amend the rules to address issues identified in a recent five-year-review report approved by the Council on December 3, 2024. The proposed amendments are to improve effectiveness, align the rules with statutes and other applicable rules, update the rules to align with the Department's current practice as well as industry guidelines, and make the rules clearer and more concise and understandable.

The Department received approval to conduct rulemaking from the Governor's Office, pursuant to A.R.S. § 41-1039(A) on February 20, 2025. The proposed changes will conform to the current rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of Secretary of State.

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: Tiffany Slater

Title: Deputy Assistant Director

Division: Public Health Licensing

NOTICES OF RULEMAKING DOCKET OPENING

Address: Arizona Department of Health Services  
150 N. 18th Ave., Suite 450  
Phoenix, AZ 85007

Telephone: (602) 364-2658

Email: tiffany.slater@azdhs.gov  
or

Name: Stacie Gravito

Title: Office Chief, Administrative Counsel and Rules

Division: Director's Office

Address: Arizona Department of Health Services,  
150 N. 18th Ave., Suite 540  
Phoenix, AZ 85007

Telephone: (602) 542-1020

Fax: (602) 364-1150

Email: stacie.gravito@azdhs.gov

- 6. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
To be announced in future notices regarding this rulemaking.
- 7. **A timetable for agency decisions or other action on the current proceeding, if known:**  
Unknown

NOTICE OF RULEMAKING DOCKET OPENING  
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)  
ARIZONA LONG-TERM CARE SYSTEM

File Number: R26-49

- 1. **Permission to proceed with this docket was granted under A.R.S. § 41-1039 by the governor on:**  
March 26, 2026
- 2. **Title and its heading:**  
9, Health Services  
  
**Chapter and its heading:**  
28, Arizona Health Care Cost Containment System – Arizona Long-Term Care System  
  
**Article and its heading:**  
12, HCBS Needs Tool and Extraordinary Care Review  
  
**Section number:**  
R9-28-1201 through R9-28-1207
- 3. **The subject matter of the proposed rule:**  
HCBS Needs Tool and Extraordinary Care Review
- 4. **A citation to all published notices relating to the current proceeding:**  
Notice of Emergency Rulemaking: 31 A.A.R. 4227; Issue Date: October 31, 2025; Issue Number: 44; File Number: R25-247  
Notice of Proposed Rulemaking: 32 A.A.R. 867, April 17, 2026 (*in this issue*); File Number: R26-46
- 5. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Ivy Voss  
Title: Deputy General Counsel

NOTICES OF RULEMAKING DOCKET OPENING

Division: AHCCCS Office of General Counsel  
Address: 150 N. 18th Ave.  
Phoenix, AZ 85007  
Telephone: (602) 417-4232  
Fax: (602) 253-9115  
Email: AHCCCSRules@azahcccs.gov  
Website: www.azahcccs.com

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

Written comments about this proposed rulemaking will be accepted in person at the address provided under item #5, Monday through Friday from 8 a.m. to 5 p.m., except for state holidays. Comments will also be accepted via email at the email address provided under item #5. Mailed written comments shall be postmarked within 30 days of this published notice.

An oral proceeding is scheduled on this proposed rulemaking as follows:

Date: May 19, 2026  
Time: 2:00 p.m.  
Location: Virtual Teams Meeting ID: 248 377 934 125 77  
Passcode: Eo3dA22K or  
Dial in by phone: (480) 561-5491  
Conf. ID: 902-226-230 #  
Nature: Public Hearing

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

Unknown

**NOTICE OF DOCKET OPENING ON PROPOSED EXPEDITED RULEMAKING**

**ARIZONA DEPARTMENT OF WATER RESOURCES**

File Number: R26-50

**1. Permission to proceed with this docket was granted under A.R.S. § 41-1039(A) by the governor on:**  
March 25, 2026

**2. Title and its heading:**  
12, Natural Resources

**Chapter and its heading:**  
15, Arizona Department of Water Resources

**Article and its heading:**  
4, Licensing Time-Frames  
7, Assured and Adequate Water Supply

**Section number:**  
R12-15-401, R12-15-701, R12-15-710, R12-15-711

**3. The subject matter of the proposed rule:**  
Last year, the legislature passed S.B. 1611 (2025 1st Reg. Sess. Ch. 252), which established the Ag-to-Urban program. This program expressly requires the Arizona Department of Water Resources (“ADWR”) to conduct an expedited rulemaking to “[s]et licensing time frames to issue groundwater savings credits,” and to “[d]evelop a summary process to apply groundwater savings credits to designations of assured water supply.” A.R.S. § 45-465.05(G). The proposed amendments will establish a licensing timeframe for the issuance of groundwater savings credits and make changes to provide for an abbreviated process to pledge groundwater savings credits to a designation.

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NOTICES OF RULEMAKING DOCKET OPENING

**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: Ben Bryce  
Title: Special Advisor to the Director  
Address: Arizona Department of Water Resources  
1110 W. Washington, Suite 310  
Phoenix, AZ 85007  
Telephone: (602) 771-8478  
Fax: (602) 771-8686  
Email: [bbryce@azwater.gov](mailto:bbryce@azwater.gov)  
Website: [www.azwater.gov](http://www.azwater.gov)

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

Written comments should be submitted to: Sharon Scantlebury, Docket Supervisor, Arizona Department of Water Resources, 1110 W. Washington Street, Suite 310, Phoenix, AZ 85007 or electronically to [docketsupervisor@azwater.gov](mailto:docketsupervisor@azwater.gov). Information regarding an oral proceeding will be provided in the Notice of Proposed Expedited Rulemaking. Oral comments may be made at the oral proceeding. For information regarding informal public meetings that may be scheduled in the future, please contact Ben Bryce using the same address provided above.

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

ADWR will engage in stakeholder discussions and then publish a Notice of Proposed Expedited Rulemaking ("NPERM") with the Secretary of State, along with posting the proposed rules on its website. In accordance with A.R.S. § 41-1027(B), ADWR will deliver copies of the NPERM to the Governor, the president of the senate, the speaker of the house of representatives, the administrative rules oversight committee and the governor's regulatory review council. ADWR will also publish a Notice of Oral Proceeding on Proposed Expedited Rulemaking, accept comments, and hold an Oral Proceeding on Proposed Expedited Rulemaking on a date to be provided in the NPERM.

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**NOTICES OF FINAL DELEGATION AGREEMENTS**

Volume 32, Issue 16, April 17, 2026

**NOTICES OF FINAL DELEGATION AGREEMENTS**

**Summaries and Location of Documents**

Some agencies have been given legislative authority to delegate functions, powers, or duties to political subdivisions in Arizona.

An agency that seeks to delegate functions, powers, or duties files with the Office a summary of its proposed delegation agreement under [A.R.S. § 41-1081\(B\)](#).

The Administrative Procedure Act (APA) does not specifically regulate the legality of preparing and filing Notices of Final Delegation Agreement.

Some agencies file this notice as a standard and acceptable practice to notify stakeholders that the agreement has been finalized.

**NOTICE OF FINAL DELEGATION AGREEMENT**

**ARIZONA DEPARTMENT OF HEALTH SERVICES**

File Number: M26-18

**1. Agency initiating the agreement:**

Arizona Department of Health Services

**2. The political subdivision to which functions, powers, or duties are proposed to be delegated:**

Maricopa County

**3. Contact information:**

Name: Jennifer Botsford, Bureau Chief  
Address: Arizona Department of Health Services  
Bureau of Resiliency and the Environment  
Office of Environmental Health  
150 N. 18th Ave., Suite 320  
Phoenix, AZ 85007

Telephone: (602) 364-3118

Email: [Jennifer.Botsford@azdhs.gov](mailto:Jennifer.Botsford@azdhs.gov)

or

Name: Stacie Gravito, Chief Administrative Counsel  
Address: Arizona Department of Health Services  
Office of Administrative Counsel and Rules  
150 N. 18th Ave., Suite 540  
Phoenix, AZ 85007

Telephone: (602) 542-1020

Fax: (602) 364-1150

Email: [Stacie.Gravito@azdhs.gov](mailto:Stacie.Gravito@azdhs.gov)

**4. Citation to the Notice of Proposed Delegation Agreement published in the Register:**

32 A.A.R. 454; Issue Date: February 20, 2026; Issue Number: 8; File Number: M26-09

**5. Summary of agreement including subjects and issues:**

Arizona Revised Statutes ("A.R.S.") § 36-136(D) authorizes the Director of the Arizona Department of Health Services to delegate to a "local health department, county environmental department or public health services district any functions, powers or duties that the director believes can competently, efficiently and properly performed by the local health department, county environmental department or public health services district." The Arizona Department of Health Services is entering into a delegation agreement with Maricopa County ("County") due to the expiration of the current

NOTICES OF FINAL DELEGATION AGREEMENTS

delegation agreement with the County. The delegation agreement shows the County's responsibilities and duties regarding Food Safety and General Sanitation Control, Pure Food Control, and Smoke-Free Arizona Act.

Beginning February 22, 2026, a 30-day public review and written and oral comment period began. At the completion of the public review period, the oral proceeding was held as set forth in #6 of the Notice of Proposed Delegation Agreement. The Department received no comments by the close of record of March 24, 2026 at 4:00 p.m., so no modifications to the DA were considered. Accordingly, the DA became final on March 24, 2026.

If comments are received and changes are made, notice of the revised DA will be re-published in the *Arizona Administrative Register*, along with a summary of comments received and the Department's response to those comments. The final DA shall remain in effect until it expires June 30, 2032. Also see A.R.S. §§ 36-601.01(G), 41-1001(7) and 41-1081.

**6. Copies of the agreement may be obtained from the agency as follows:**

Copies of the proposed DA may be requested, in writing, from the Arizona Department of Health Services, Office of Environmental Health, 150 N. 18th Avenue, Suite 320, Phoenix, AZ 85007, or by telephone at (602) 364-3118.

**7. Date of issuance of the agency's final decision to enter into the delegation agreement:**

March 24, 2026

**8. The date the delegation agreement becomes effective:**

April 23, 2026

NOTICE OF FINAL DELEGATION AGREEMENT

ARIZONA DEPARTMENT OF HEALTH SERVICES

File Number: M26-19

**1. Agency initiating the agreement:**

Arizona Department of Health Services

**2. The political subdivision to which functions, powers, or duties are proposed to be delegated:**

Yuma County

**3. Contact information:**

Name: Jennifer Botsford, Bureau Chief  
Address: Arizona Department of Health Services  
Bureau of Resiliency and the Environment  
Office of Environmental Health  
150 N. 18th Ave., Suite 320  
Phoenix, AZ 85007

Telephone: (602) 364-3118  
Email: [Jennifer.Botsford@azdhs.gov](mailto:Jennifer.Botsford@azdhs.gov)

or

Name: Stacie Gravito, Chief Administrative Counsel  
Address: Arizona Department of Health Services  
Office of Administrative Counsel and Rules  
150 N. 18th Ave., Suite 540  
Phoenix, AZ 85007

Telephone: (602) 542-1020  
Fax: (602) 364-1150  
Email: [Stacie.Gravito@azdhs.gov](mailto:Stacie.Gravito@azdhs.gov)

**4. Citation to the Notice of Proposed Delegation Agreement published in the Register:**

32 A.A.R. 455; Issue Date: February 20, 2026; Issue Number: 8; File Number: M26-10

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**NOTICES OF FINAL DELEGATION AGREEMENTS**

**5. Summary of agreement including subjects and issues:**

Arizona Revised Statutes (“A.R.S.”) § 36-136(D) authorizes the Director of the Arizona Department of Health Services to delegate to a “local health department, county environmental department or public health services district any functions, powers or duties that the director believes can competently, efficiently and properly performed by the local health department, county environmental department or public health services district.” The Arizona Department of Health Services is entering into a delegation agreement with Yuma County (“County”) due to the expiration of the current delegation agreement with the County. The delegation agreement shows the County’s responsibilities and duties regarding Food Safety and General Sanitation Control, Pure Food Control, and Smoke-Free Arizona Act.

Beginning February 22, 2026, a 30-day public review and written and oral comment period began. At the completion of the public review period, the oral proceeding was held as set forth in #6 of the Notice of Proposed Delegation Agreement. The Department received no comments by the close of record of March 24, 2026 at 4:00 p.m., so no modifications to the DA were considered. Accordingly, the DA became final on March 24, 2026.

If comments are received and changes are made, notice of the revised DA will be re-published in the Arizona Administrative Register, along with a summary of comments received and the Department’s response to those comments. The final DA shall remain in effect until it expires June 30, 2032. *Also see* A.R.S. §§ 36-601.01(G), 41-1001(7) and 41-1081.

**6. Copies of the agreement may be obtained from the agency as follows:**

Copies of the proposed DA may be requested, in writing, from the Arizona Department of Health Services, Office of Environmental Health, 150 N. 18th Avenue, Suite 320, Phoenix, AZ 85007, or by telephone at (602) 364-3118.

**7. Date of issuance of the agency’s final decision to enter into the delegation agreement:**

March 24, 2026

**8. The date the delegation agreement becomes effective:**

April 23, 2026

NOTICES OF PROPOSED DELEGATION AGREEMENT

Volume 32, Issue 16, April 17, 2026

NOTICES OF PROPOSED DELEGATION AGREEMENT

Summaries and Location of Documents

Some agencies have been given legislative authority to delegate functions, powers, or duties to political subdivisions in Arizona.

An agency that seeks to delegate functions, powers or duties shall file with the Office a summary of its proposed delegation agreement under [A.R.S. § 41-1081\(B\)](#).

Agencies shall provide a contact person to answer questions or accept comments on the notice. This information is listed under Item #3 of the notice.

The notice shall also state where interested persons may obtain, upon request, a copy of the proposed delegation agreement from the agency.

NOTICE OF PROPOSED DELEGATION AGREEMENT

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

File Number: M26-20

1. **Agency initiating the agreement:**

Arizona Department of Environmental Quality

2. **The political subdivision to which functions, powers, or duties are proposed to be delegated:**

Alpine Fire District

3. **Contact information:**

Name: Balaji Vaidyanathan  
Title: Deputy Assistant Director  
Division: Air Quality Department  
Address: 1110 W. Washington St.  
Phoenix, AZ 85007  
Telephone: (602) 771-4527  
Email: [vaidyanathan.balaji@azdeq.gov](mailto:vaidyanathan.balaji@azdeq.gov)  
Website: [www.azdeq.gov](http://www.azdeq.gov)

4. **Summary of agreement including subjects and issues:**

Arizona Department of Environmental Quality (ADEQ) delegates some of its functions and duties when those local authorities and ADEQ have agreed that doing so is in the best interest of the State. Pursuant to A.R.S. §§ 49-107 & 49-501(D), the Arizona Department of Environmental Quality proposes to delegate functions and duties with Alpine Fire District related to open burn permits, identified by A.R.S. § 49-501 and A.A.C. R18-2-602. Open burn permits are issued to provide permission for the public to set and control fires under certain circumstances.

Functions and duties that are delegated by ADEQ to local authorities must continue to be regulated consistent with ADEQ's regulatory authority. When delegating authority, ADEQ enters into an individual delegation agreement with the local authority. Each individual delegation agreement identifies exactly which functions and duties are delegated.

5. **An electronic copy of this agreement can be viewed at:**

Website address: <https://azdeq.gov/delegation-agreements>

6. **A paper copy of this agreement can be obtained at:**

Physical address:  
ADEQ Records Center  
1110 W. Washington St.  
Phoenix, AZ 85007

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**NOTICES OF PROPOSED DELEGATION AGREEMENT**

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**7. Schedule of public hearings:**

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

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

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

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write or understand English and/or to those with disabilities. Requests for language translation, ASL interpretation, CART captioning services or disability accommodations must be made at least 48 hours in advance by contacting the Title VI Non-discrimination Coordinator at 520-628-6744 or [marruffo.joaquin@azdeq.gov](mailto:marruffo.joaquin@azdeq.gov). For a TTY or other device, Telecommunications Relay Services are available by calling 711.

ADEQ tomará las medidas razonables para proveer acceso a los servicios del departamento a personas con capacidad limitada para hablar, escribir o entender inglés y/o para personas con discapacidades. Las solicitudes de servicios de traducción de idiomas, interpretación ASL (lengua de signos americano), subtítulo de CART, o adaptaciones por discapacidad deben realizarse con al menos 48 horas de anticipación comunicándose con el Coordinador de Anti-Discriminación del Título VI al 520-628-6744 o [marruffo.joaquin@azdeq.gov](mailto:marruffo.joaquin@azdeq.gov). Para un TTY u otro dispositivo, los servicios de retransmisión de telecomunicaciones están disponible llamando al 711.

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**Arizona Administrative Register**  
**NOTICES OF PUBLIC INFORMATION**

**Volume 32, Issue 16, April 17, 2026**

**NOTICES OF PUBLIC INFORMATION**

Agencies use Notices of Public Information to notify stakeholders about other information that pertains to rulemaking notices under [A.R.S. § 41-1013\(B\)\(14\)](#). When required by law, agencies also use this notice to notify the public about information not related to rulemaking.

The most common use for this notice is to correct errors printed in a rulemaking notice or extend a public comment period.

The Administrative Rules Division of the Office recognizes that some content might not fit the Notice of Public Information template exactly due to the nature of the information being publicized. However, the Division prefers the use of the current template to ensure consistency in these notices as well as clear and concise messaging.

An agency shall follow the Office's formatting standards when preparing this type of notice. Additionally, an agency receipt shall be filed with a Notice of Public Information.

**NOTICE OF PUBLIC INFORMATION**

**ARIZONA DEPARTMENT OF HEALTH SERVICES**

File Number: M26-21

**1. Agency Name:**

Arizona Department of Health Services

**2. Agency Contact information:**

Name: Christopher Hale  
Title: Bureau Chief  
Division: Public Health Preparedness  
Address: 150 N. 18th Ave., Suite 400  
Phoenix, AZ 85007  
Telephone: (602) 364-3150  
Fax: (602) 364-3586  
Email: christopher.hale@azdhs.gov

**3. Public information related to this notice:**

New regulations of the U.S. Drug Enforcement Administration (DEA) entitled, Registering Emergency Medical Services Agencies Under the Protecting Patient Access to Emergency Medications Act of 2017, now require emergency medical services providers to register with the DEA to enable them to access controlled substances, just as physicians, dentists, hospitals, and other providers, and get a DEA number. Without the authorization of the Department, emergency medical service providers would not be allowed to register, get a DEA number, or gain legal access to controlled substances to use to treat patients under their care. Under the current rules, there is no mechanism to allow for Department approval for registration. After obtaining approval for rulemaking under A.R.S. § 41-1039(A), the Department is establishing a method in 9 A.A.C. 25, Article 5, through exempt rulemaking, to enable emergency medical service providers, including ambulance services, to register under the Protecting Patient Access to Emergency Medications Act of 2017. This Notice of Public Information provides notice that the Department has begun this rulemaking and will be posting information about the rulemaking under <https://www.azdhs.gov/policy-intergovernmental-affairs/administrative-counsel-rules/rules/index.php#rulemakings-active-home>.

*Arizona Administrative Register*  
**NOTICES OF PUBLIC INFORMATION**

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**NOTICE OF PUBLIC INFORMATION**  
**OFFICE OF THE GOVERNOR**

File Number: M26-23

**1. Agency Name:**  
Office of the Governor

**2. Public information related to this notice:**  
Notice of Executive Commutation

*Governor Hobbs gives notice that the following Executive Commutation was granted to Jesus Moreno in response to a unanimous recommendation by the Board of Executive Clemency.*

Governor Katie Hobbs hereby gives notice that Jesus Moreno received an Executive Commutation on April 8, 2026, in response to a unanimous recommendation by the Board of Executive Clemency. Mr. Moreno's sentence is commuted to life with parole eligibility after a total minimum of 25 years is served. If granted parole in the future by the Board, Mr. Moreno would remain on parole for life until and unless granted an absolute discharge by the Board. This commutation was granted based on the disproportionality of Mr. Moreno's mandatory life sentences without the possibility of parole, Mr. Moreno's good behavior in prison, and significant community and family support that will enable Mr. Moreno to transition to life outside of prison should he be paroled in the future.

*Arizona Administrative Register*  
**NOTICES OF SUBSTANTIVE POLICY STATEMENT**

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Volume 32, Issue 16, April 17, 2026

**NOTICES OF SUBSTANTIVE POLICY STATEMENT**

**Summaries and Location of Documents**

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\(B\)\(9\)](#).

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.

For additional information about these notices, contact the person listed under Item #6 of this notice.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT**

**DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS**

File Number: M26-22

**1. Statement title and policy number:**

Regulatory Bulletin 2026-02 (INS): Rescinding Regulatory Bulletin 2025-03 (INS): Service Contracts

**2. Is this a new policy or revision:**

This is a revision to a previous Substantive Policy Statement ("Bulletin").

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

Date issued and effective: March 26, 2026

**4. Policy summary:**

The purpose of this Bulletin is to rescind the Arizona Department of Insurance and Financial Institutions' Bulletin 2025-03 issued on April 25, 2025 relating to service contracts.

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

A.R.S. § 20-1095 *et seq.*

**6. Agency contact information:**

Name: Alena Caravetta  
Title: Regulatory Legal Affairs Officer  
Division: Enforcement, Innovation and Regulatory Policy  
Address: 100 N. 15th Ave., Suite 261  
Phoenix, AZ 85007  
Telephone: (602) 364-0286  
Email: [alena.caravetta@difi.az.gov](mailto:alena.caravetta@difi.az.gov)  
Website: <https://difi.az.gov/>

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

Website: <https://difi.az.gov/bulletins>

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

Please contact the person listed in paragraph #6 for instructions on how to download this Bulletin for printing from the webpage listed in paragraph #7 at no cost.

2026 REGISTER INDEXES

The *Register* is published by volume in a calendar year. Refer to the “Information” pages in the front of each issue for more details.

Abbreviations for rulemaking activity in this Index include:

**PROPOSED RULEMAKING**

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

**SUPPLEMENTAL PROPOSED RULEMAKING**

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

**FINAL RULEMAKING**

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

**SUMMARY RULEMAKING**

**PROPOSED SUMMARY**

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

**FINAL SUMMARY**

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

**EXPEDITED RULEMAKING**

**PROPOSED EXPEDITED**

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

**SUPPLEMENTAL EXPEDITED**

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

**FINAL EXPEDITED**

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

**EXEMPT RULEMAKING**

**EXEMPT**

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

**EXEMPT PROPOSED**

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

**EXEMPT SUPPLEMENTAL PROPOSED**

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

**FINAL EXEMPT RULEMAKING**

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

**EMERGENCY RULEMAKING**

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

**RECODIFICATION OF RULES**

RC means Recodified

**REJECTION OF RULES**

RJ means Rejected by the Attorney General

**TERMINATION OF RULES**

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

**RULE EXPIRATIONS**

EXP means Rules have expired  
Refer to “emergency expired” under emergency rulemaking

**CORRECTIONS**

C means Corrections to Published Rules

**Issue Page Guide**

Issue 1, Friday, January 2, 2026 ..... pages 1-166	Issue 27, Friday, July 3, 2026..... TBD
Issue 2, Friday, January 9, 2026 ..... pages 167-210	Issue 28, Friday, July 10, 2026..... TBD
Issue 3, Friday, January 16, 2026 ..... pages 211-240	Issue 29, Friday, July 17, 2026..... TBD
Issue 4, Friday, January 23, 2026 ..... pages 241-278	Issue 30, Friday, July 24, 2026..... TBD
Issue 5, Friday, January 30, 2026 ..... pages 279-302	Issue 31, Friday, July 31, 2026..... TBD
Issue 6, Friday, February 6, 2026 ..... pages 303-386	Issue 32, Friday, August 7, 2026 ..... TBD
Issue 7, Friday, February 13, 2026 ..... pages 387-412	Issue 33, Friday, August 14, 2026 ..... TBD
Issue 8, Friday, February 20, 2026 ..... pages 413-466	Issue 34, Friday, August 21, 2026 ..... TBD
Issue 9, Friday, February 27, 2026 ..... pages 467-546	Issue 35, Friday, August 28, 2026 ..... TBD
Issue 10, Friday, March 6, 2026 ..... pages 547-600	Issue 36, Friday, September 4, 2026 ..... TBD
Issue 11, Friday, March 13, 2026 ..... pages 601-664	Issue 37, Friday, September 11, 2026..... TBD
Issue 12, Friday, March 20, 2026 ..... pages 665-710	Issue 38, Friday, September 18, 2026 ..... TBD
Issue 13, Friday, March 27, 2026 ..... pages 711-780	Issue 39, Friday, September 25, 2026 ..... TBD
Issue 14, Friday, April 3, 2026 ..... pages 781-826	Issue 40, Friday, October 2, 2026 ..... TBD
Issue 15, Friday, April 10, 2026 ..... pages 827-862	Issue 41, Friday, October 9, 2026 ..... TBD
Issue 16, Friday, April 17, 2026 ..... TBD	Issue 42, Friday, October 16, 2026 ..... TBD
Issue 17, Friday, April 24, 2026 ..... TBD	Issue 43, Friday, October 23, 2026 ..... TBD
Issue 18, Friday, May 1, 2026 ..... TBD	Issue 44, Friday, October 30, 2026 ..... TBD
Issue 19, Friday, May 8, 2026 ..... TBD	Issue 45, Friday, November 6, 2026 ..... TBD
Issue 20, Friday, May 15, 2026 ..... TBD	Issue 46, Friday, November 13, 2026 ..... TBD
Issue 21, Friday, May 22, 2026 ..... TBD	Issue 47, Friday, November 20, 2026 ..... TBD
Issue 22, Friday, May 29, 2026 ..... TBD	Issue 48, Friday, November 27, 2026 ..... TBD
Issue 23, Friday, June 5, 2026 ..... TBD	Issue 49, Friday, December 4, 2026 ..... TBD
Issue 24, Friday, June 12, 2026 ..... TBD	Issue 50, Friday, December 11, 2026..... TBD
Issue 25, Friday, June 19, 2026 ..... TBD	Issue 51, Friday, December 18, 2026 ..... TBD
Issue 26, Friday, June 26, 2026 ..... TBD	Issue 52, Friday, December 25, 2026 ..... TBD

**RULEMAKING ACTIVITY INDEX**

**Volume 32, Issue 16, April 17, 2026**

**RULEMAKING ACTIVITY INDEX**

**THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 15 OF VOLUME 32.**

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and volume page number. Use the page guide to determine the *Register* issue number and publish date to review the rule. Subchapter, Article, Part, and Section headings are not indexed.

<b>Accountancy, Board of</b>		R4-10-304.1.	PM-417	<b>Economic Security, Department of - Employment Service</b>	
R4-1-115.	PEM-249	R4-10-305.	PM-417		
R4-1-345.	PEM-249	R4-10-306.	PM-417	R6-2-101.	FM-477
R4-1-453.	PEM-249	R4-10-A301.	PM-417	R6-2-102.	FR-477; FN-477
R4-1-454.	PEM-249	R4-10-A302.	PM-417		
R4-1-455.	PEM-249	R4-10-A303.	PM-417	R6-2-103.	FR-477; FN-477; FM-477
		R4-10-B305.	PM-417		
<b>Agriculture, Department of - Envi- ronmental Services Division</b>		R4-10-B306.	PM-417	R6-2-104.	F#-477
R3-3-402.	PM-171	R4-10-B307.	PM-417	R6-2-201.	F#-477; FN-477; FM-477
		R4-10-401.	PM-417		
<b>Agriculture, Department of - Pest Management Division</b>		R4-10-402.	PM-417	R6-2-202.	F#-477; FN-477; FM-477
R3-8-308.	FM-443	R4-10-403.	PM-417		
R3-8-309.	FM-443	R4-10-404.	PM-417		
		R4-10-405.	PM-417		
<b>Arizona, Industrial Commission of</b>		Part A.	PR-417	R6-2-203.	FN-477
R20-5-601.	FM-126	R4-10-A401.	P#-417	R6-2-204.	FN-477
R20-5-602.	FM-126	R4-10-406.	P#-417; PM-417	R6-2-301.	FN-477
		Part B.	PR-417	R6-2-302.	FN-477
<b>Barbering and Cosmetology Board</b>		R4-10-B401.	P#-417	R6-2-303.	FN-477
R4-10-101.	PM-417	R4-10-407.	P#-417; PM-417	R6-2-401.	FN-477
R4-10-102.	PM-417			R6-2-402.	FN-477
R4-10-103.	PM-417	R4-10-B402.	P#-417	R6-2-403.	FN-477
R4-10-106.	PM-417	R4-10-408.	P#-417; PM-417		
R4-10-111.	PM-417			<b>Education, State Board of</b>	
R4-10-112.	PM-417			R7-2-701.	FXM-221
R4-10-113.	PM-417	<b>Child Safety, Department of - Per- manency and Support Services</b>		R7-2-703.	FXM-221
R4-10-114.	PM-417	R21-5-502.	FM-582	R7-2-704.	FXM-221
Part A.	PR-417	R21-5-507.	FM-582	R7-2-709.	FXM-221
R4-10-A101.	PR-417	R21-5-508.	FM-582	R7-2-712.	FXM-221
Table A1.	PR-417	R21-5-510.	FM-582	R7-2-1301.	FXM-221
Part B.	PR-417	R21-5-511.	FM-582	R7-2-1302.	FXM-221
Table B1.	PM-417			R7-2-1303.	FXM-221
R4-10-201.	PM-417	<b>Clean Elections Commission, Citi- zens</b>		R7-2-1304.	FXM-221
R4-10-202.	PM-417	R2-20-106.	FM-807	R7-2-1305.	FXM-221
R4-10-203.	PM-417	R2-20-113.	PM-669	R7-2-1306.	FXM-221
R4-10-204.	PM-417	R2-20-702.	PM-245	R7-2-1307.	FXM-221
R4-10-205.	P#-417; PM-417	R2-20-706.	FN-807	R7-2-1308.	FXM-221
				R7-2-1309.	FXM-221
R4-10-206.	PN-417	<b>Corporation Commission, Arizona - Fixed Utilities</b>		<b>Environmental Quality, Department of - Air Pollution Control</b>	
R4-10-207.	P#-417; PM-417	R14-2-901.	FR-215	R18-2-101.	FM-55
Part A.	PR-417	R14-2-902.	FR-215	R18-2-301.	FM-55
R4-10-A201.	PR-417	R14-2-903.	FR-215	R18-2-302.	FM-55
R4-10-A202.	PR-417	R14-2-904.	FR-215	R18-2-302.01.	FM-55
Part B.	PR-417	R14-2-905.	FR-215	R18-2-304.	FM-55
R4-10-B201.	P#-417	R14-2-906.	FR-215	R18-2-306.	FM-55
R4-10-B202.	P#-417	R14-2-907.	FR-215	R18-2-306.01.	FM-55
R4-10-301.	PM-417	R14-2-908.	FR-215	R18-2-306.02.	FN-55
R4-10-302.	PM-417	R14-2-909.	FR-215	R18-2-306.03.	FN-55
R4-10-303.	PM-417			R18-2-307.	FM-55
R4-10-304.	PM-417				

**RULEMAKING ACTIVITY INDEX**

**Volume 32, Issue 16, April 17, 2026**

R18-2-309.	FM-55	R4-36-505.	XN-691	R12-4-213.	FM-560	
R18-2-310.01.	FM-55	<b>Funeral Directors and Embalmers, Board of</b>		R12-4-215.	FM-560	
R18-2-317.01.	FM-55			R12-4-216.	FM-560	
R18-2-320.01.	FM-55			R12-4-217.	FM-560	
R18-2-324.01.	FM-55		R4-12-101.	RC-177	R12-4-402.	FM-7
R18-2-501.	FM-55		R4-12-106.	RC-177	R12-4-403.	FM-7
R18-2-513.	FM-55		Table 1.	RC-177	R12-4-404.	FM-7
A14. Appendix 14.	FM-93		R4-12-108.	RC-177	R12-4-406.	FM-7
Part B.			R4-12-202.	RC-177	R12-4-407.	FM-7
R18-2-B1301.	FM-93		R4-12-204.	RC-177	R12-4-409.	FM-7
R18-2-B1301.01.	FM-93		R4-12-205.	RC-177	R12-4-410.	FM-7
R18-2-B1302.	FM-93		R4-12-207.	RC-177	R12-4-411.	FM-7
<b>Environmental Quality, Department of - Permit and Compliance Fees</b>			R4-12-210.	RC-177	R12-4-412.	FM-7
R18-14-101.	PM-283		R4-12-211.	RC-177	R12-4-413.	FM-7
R18-14-102.	PM-283		R4-12-212.	RC-177	R12-4-414.	FM-7
R18-14-104.	PM-283		R4-12-301.	RC-177	R12-4-417.	FM-7
R18-14-106.	PM-283		R4-12-302.	RC-177	R12-4-418.	FM-7
R18-14-108.	PM-283		R4-12-303.	RC-177	R12-4-420.	FM-7
R18-14-109.	PM-283		R4-12-304.	RC-177	R12-4-421.	FM-7
R18-14-110.	PM-283		R4-12-305.	RC-177	R12-4-422.	FM-7
R18-14-111.	PM-283		R4-12-306.	RC-177	R12-4-423.	FM-7
R18-14-112.	PM-283		R4-12-307.	RC-177	R12-4-424.	FM-7
R18-14-113.	PR-283		R4-12-311.	RC-177	R12-4-425.	FM-7
R18-14-202.	PM-283		R4-12-312.	RC-177	R12-4-430.	FM-7
R18-14-301.	PM-283	R4-12-413.	RC-177	R12-4-801.	XM-256	
<b>Environmental Quality, Department of - Safe Drinking Water</b>		R4-12-414.	RC-177	R12-4-802.	XM-256	
R18-4-102.	PEM-448	R4-12-415.	RC-177	<b>Health Services, Department of - Food, Recreational, and Institu- tional Sanitation</b>		
R18-4-107.	PEM-448	R4-12-416.	RC-177	R9-8-119.	FR-488	
R18-4-111.	PEM-448	R4-12-523.	RC-177	R9-8-901.	FN-488	
R18-4-117.	PEM-448	R4-12-541.	RC-177	R9-8-902.	FN-488	
<b>Environmental Quality, Department of - Water Pollution Control</b>		R4-12-545.	RC-177	R9-8-903.	FN-488	
R18-9-1101.	PM-671	R4-12-546.	RC-177	R9-8-904.	FN-488	
R18-9-1102.	PM-671	R4-12-548.	RC-177	R9-8-905.	FN-488	
R18-9-1103.	PM-671	R4-12-551.	RC-177	R9-8-906.	FN-488	
R18-9-1104.	PM-671	R4-12-552.	RC-177	R9-8-907.	FN-488	
R18-9-1105.	PM-671	R4-12-554.	RC-177	R9-8-908.	FN-488	
R18-9-1106.	PM-671	R4-12-556.	RC-177	R9-8-909.	FN-488	
R18-9-1107.	PM-671	R4-12-559.	RC-177	R9-8-910.	FN-488	
<b>Environmental Quality, Department of - Water Quality Standards</b>		R4-12-561.	RC-177	Table 9.1.	FN-488	
R18-11-112.	PM-391	R4-12-565.	RC-177	R9-8-911.	FN-488	
Appendix B.	FM-612	R4-12-612.	RC-177	Table 9.2.	FN-488	
Table B.	FM-612	R4-12-613.	RC-177	Table 9.3.	FN-488	
<b>Forestry and Fire Management, Department of</b>		R4-12-614.	RC-177	R9-8-912.	FN-488	
R4-36-201.	FM-558	R4-12-615.	RC-177	R9-8-913.	FN-488	
R4-36-302.	FM-558	R4-12-631.	RC-177	<b>Health Services, Department of - Health Care Institutions: Licensing</b>		
Exhibit A.	FM-558	R4-12-633.	RC-177	R9-10-2002.	FM-504	
R4-36-501.	XN-691	<b>Game and Fish Commission</b>		R9-10-2003.	FM-504	
R4-36-502.	XN-691	R12-4-114.	FM-679	R9-10-2005.	F#-504; FM-504	
R4-36-503.	XN-691	R12-4-201.	FM-560	R9-10-2006.	F#-504; FM-504	
R4-36-504.	XN-691	R12-4-202.	FM-560	R9-10-2007.	F#-504; FM-504	
		R12-4-203.	FM-560	R9-10-2008.	F#-504	
		R12-4-204.	FM-560			
		R12-4-205.	FM-560			
		R12-4-206.	FM-560			
		R12-4-207.	FM-560			
		R12-4-208.	FM-560			
		R12-4-210.	FM-560			
		R12-4-211.	FM-560			

**RULEMAKING ACTIVITY INDEX**

**Volume 32, Issue 16, April 17, 2026**

R9-10-2009.	FM-504	R9-9B-314.	RC-177; PR-307	R9-16-303.	FM-511
<b>Health Services, Department of - Human Remains</b>		R9-9B-315.	RC-177; PR-307	R9-16-304.	FM-511
		R9-9B-316.	RC-177; PR-307	R9-16-305.	FM-511
<b>Subchapter B. Funeral Industry</b>		R9-9B-317.	RC-177; PR-307	R9-16-306.	FM-511
R9-9B-101.	RC-177; PM-307	R9-9B-318.	RC-177; PR-307	R9-16-307.	FR-511
R9-9B-102.	RC-177; PM-307	R9-9B-319.	RC-177; PR-307	R9-16-308.	FM-511
Table 1.1.	RC-177; PM-307	R9-9B-320.	RC-177; PR-307	R9-16-309.	FM-511
R9-9B-103.	RC-177; PM-307	R9-9B-321.	RC-177; PR-307	R9-16-310.	FM-511
R9-9B-104.	RC-177; PM-307	R9-9B-322.	RC-177; PR-307	R9-16-312.	FM-511
R9-9B-201.	PN-307	R9-9B-323.	RC-177; PR-307	R9-16-314.	FM-511
R9-9B-202.	PN-307	R9-9B-324.	RC-177; PR-307	Table 3.1.	
R9-9B-203.	RC-177; PM-307	R9-9B-325.	RC-177; PR-307	R9-16-315.	FM-511
R9-9B-204.	RC-177; PM-307	R9-9B-326.	RC-177; PR-307	R9-16-316.	FM-511
R9-9B-205.	RC-177; PM-307	R9-9B-401.	RC-177; PR-307	R9-16-501.	FEM-521
R9-9B-206.	RC-177; PR-307; PN-307	R9-9B-402.	RC-177; PR-307	R9-16-502.	FEM-521
R9-9B-207.	RC-177; PR-307; PN-307	R9-9B-403.	RC-177; PR-307	R9-16-503.	FEM-521
R9-9B-208.	RC-177; PR-307	R9-9B-404.	RC-177; PR-307	R9-16-504.	FEM-521
R9-9B-209.	RC-177; PR-307	R9-9B-405.	RC-177; PR-307	R9-16-505.	FEM-521
R9-9B-301.	RC-177; PM-307	R9-9B-406.	RC-177; PR-307; PN-307	R9-16-507.	FEM-521
R9-9B-302.	RC-177; PM-307	R9-9B-407.	PN-307		
R9-9B-303.	PN-307	R9-9B-408.	PN-307	<b>Health Services, Department of - Radiation Control</b>	
R9-9B-304.	RC-177; PR-307; PN-307	R9-9B-409.	PN-307	R9-7-1302.	FEM-721
R9-9B-305.	RC-177; PR-307; PN-307	R9-9B-410.	PN-307	R9-7-1401.	FE#-721; FEM-721
R9-9B-306.	RC-177; PR-307; PN-307	R9-9B-411.	PN-307	R9-7-1402.	FE#-721; FEM-721
R9-9B-307.	RC-177; PR-307; PN-307	R9-9B-412.	RC-177; PR-307	R9-7-1403.	FER-721; FEN-721
R9-9B-308.	RC-177; PM-307	R9-9B-413.	RC-177; PR-307	R9-7-1404.	FEM-721
R9-9B-309.	RC-177; PR-307; PN-307	R9-9B-414.	RC-177; PR-307	R9-7-1405.	FER-721; FEN-721
R9-9B-310.	PN-307			R9-7-1406.	FER-721; FE#-721; FEM-721
R9-9B-311.	PN-307	<b>Health Services, Department of - Occupational Licensing</b>		R9-7-1407.	FER-721; FEN-721
R9-9B-312.	RC-177; PR-307	R9-16-201.	FEM-521	R9-7-1408.	FER-721; FEN-721
R9-9B-313.	RC-177; PR-307	R9-16-202.	FEM-521	R9-7-1409.	FER-721; FE#-721; FEM-721
		R9-16-203.	FEM-521	R9-7-1410.	FER-721; FE#-721; FEM-721
		R9-16-205.	FEM-521	R9-7-1411.	FE#-721; FEM-721
		R9-16-207.	FEM-521	R9-7-1412.	FER-721; FE#-721; FEM-721
		R9-16-208.	FEM-521	R9-7-1413.	FER-721; FE#-721; FEM-721
		R9-16-209.	FEM-521	R9-7-1414.	FER-721; FE#-721; FEM-721
		R9-16-211.	FEM-521	R9-7-1415.	FER-721; FE#-721; FEM-721
		R9-16-214.	FEM-521		
		R9-16-215.	FEM-521		
		R9-16-301.	FM-511		
		R9-16-302.	FM-511		



OTHER NOTICES AND PUBLIC RECORDS INDEX

Volume 32, Issue 16, April 17, 2026

OTHER NOTICES AND PUBLIC RECORDS INDEX

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

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 15 OF VOLUME 32.

Agency Guidance Document, Notices of

Health Services, Department of; Pages 374-375, Pages 696-697

Agency Ombudsman, Notices of

Child Safety, Department of; Page 230
Dental Examiners, State Board of; Page 202
Physical Therapy, Board of; Page 269
Psychologist Examiners, Board of; Page 269
Transportation, Department of; Page 130
Water Resources, Department of; Page 230

Governor's Office

Governor's Regulatory Review Council

Notices of Action Taken at Monthly Meetings and Study Sessions: Pages 544-546, Pages 708-709

Proposed Delegation Agreement, Notices of

Environmental Quality, Department of; Pages 231-232, Pages 398-401, Pages 844-845
Health Services, Department of; Pages 454-455

Public Information, Notices of

Agriculture, Department of - Animal Services Division; Page 456
Dental Examiners, State Board of; Page 203
Environmental Quality, Department of; Pages 131-141

Environmental Quality, Department of - Safe Drinking Water; Pages 846-847
Office of the Governor; Page 402

Rulemaking Docket Opening, Notices of

Accountancy, Board of; 4 A.A.C. 1; Pages 267-268
Agriculture, Department of - Environmental Services Division; 3 A.A.C. 3; Pages 199-200
Barbering and Cosmetology Board; 4 A.A.C. 10; Pages 452-453
Clean Elections Commission, Citizens; 2 A.A.C. 20; Pages 266-267; Pages 694-695

Environmental Quality, Department of - Air Pollution Control; 18 A.A.C. 2; Pages 588-589

Environmental Quality, Department of - Environmental Reviews and Certification; 18 A.A.C. 5; Pages 533-534

Environmental Quality, Department of - Hazardous Waste Management; 18 A.A.C. 8; Pages 842-843

Insurance and Financial Institutions, Department of - Financial Institutions Division - Real Estate Appraisal; 4 A.A.C. 46; Pages 200-201

Liquor Licenses and Control, Department of; 19 A.A.C. 1; Pages 811-812

Manufactured Housing, Board of;

4 A.A.C. 34; Pages 587-588

Pharmacy, Board of; 4 A.A.C. 23; Pages 764-765

Psychologist Examiners, Board of; 4 A.A.C. 26; Pages 841-842

Substantive Policy Statement, Notices of

Insurance and Financial Institutions, Department of; Pages 293-294
Psychologist Examiners, Board of; Pages 376-377
Real Estate, State Department of; Page 767

**Arizona Administrative Register**  
**RULES EFFECTIVE DATES CALENDAR**

Volume 32, Issue 16, April 17, 2026

**RULES EFFECTIVE DATES CALENDAR**

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states 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 notice's preamble for effective dates.

**January**

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

**February**

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

**March**

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

**Arizona Administrative Register**  
**RULES EFFECTIVE DATES CALENDAR**

**April**

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

**May**

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

**June**

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

**Arizona Administrative Register**  
**RULES EFFECTIVE DATES CALENDAR**

**July**

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

**August**

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

**September**

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

**Arizona Administrative Register**  
**RULES EFFECTIVE DATES CALENDAR**

**October**

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

**November**

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

**December**

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

**Arizona Administrative Register**  
**RULES EFFECTIVE DATES CALENDAR**

**REGISTER DEADLINES**

The Secretary of State's Office publishes the *Register* weekly. There is a three-week delay between the deadline date to file a notice and the *Register* date in which the notice is published. The weekly deadline dates are listed in the first column and issue dates are provided in the second column. Listed in the third column 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*. Governor Regulatory Review Council meetings and *Register* deadlines do not correlate.

<b>Deadline Date Friday, 5:00 p.m.</b>	<b><i>Register</i> Publication Date</b>	<b>Oral Proceeding may be scheduled on or after</b>
January 9, 2026	January 30, 2026	March 2, 2026
January 16, 2026	February 6, 2026	March 9, 2026
January 23, 2026	February 13, 2026	March 16, 2026
January 30, 2026	February 20, 2026	March 23, 2026
February 6, 2026	February 27, 2026	March 30, 2026
February 13, 2026	March 6, 2026	April 6, 2026
February 20, 2026	March 13, 2026	April 13, 2026
February 27, 2026	March 20, 2026	April 20, 2026
March 6, 2026	March 27, 2026	April 27, 2026
March 13, 2026	April 3, 2026	May 4, 2026
March 20, 2026	April 10, 2026	May 11, 2026
March 27, 2026	April 17, 2026	May 18, 2026
April 3, 2026	April 24, 2026	May 26, 2026 Earlier date due to a holiday
April 10, 2026	May 1, 2026	June 1, 2026
April 17, 2026	May 8, 2026	June 8, 2026
April 24, 2026	May 15, 2026	June 15, 2026
May 1, 2026	May 22, 2026	June 22, 2026
May 8, 2026	May 29, 2026	June 29, 2026
May 15, 2026	June 5, 2026	July 6, 2026
May 22, 2026	June 12, 2026	July 13, 2026
May 29, 2026	June 19, 2026	July 20, 2026
June 5, 2026	June 26, 2026	July 27, 2026
June 12, 2026	July 3, 2026	August 3, 2026

**GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES**

**Volume 32, Issue 16, April 17, 2026**

**GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES**

MEETING DATES ARE SUBJECT TO CHANGE

The deadlines provided in the following table apply to all Five-Year Review Reports and any rulemaking notice submitted for review to the Governor’s Regulatory Review Council (Council). The Office publishes these deadlines under A.R.S. § [41-1013\(B\)\(15\)](#).

Council meetings and *Register* deadlines do not correlate.

All rulemaking notices submitted for review 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 the Council’s [website](#).

File Number: M25-79

<b>DEADLINE FOR PLACEMENT ON AGENDA</b> Materials must be submitted by 5 p.m. on dates listed in this column as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.	<b>DEADLINE FOR FINAL MATERIALS SUBMITTED TO COUNCIL</b>	<b>DATE OF COUNCIL STUDY SESSION</b>	<b>DATE OF COUNCIL MEETING</b>
Tuesday January 20, 2026	Tuesday February 17, 2026	Tuesday February 24, 2026	Tuesday March 3, 2026
Tuesday February 17, 2026	Tuesday March 24, 2026	Tuesday March 31, 2026	Tuesday April 7, 2026
Tuesday March 24, 2026	Tuesday April 21, 2026	Tuesday April 28, 2026	Tuesday May 5, 2026
Tuesday April 21, 2026	Tuesday May 19, 2026	Wednesday May 27, 2026	Tuesday June 2, 2026
Tuesday May 19, 2026	Tuesday June 23, 2026	Tuesday June 30, 2026	Tuesday July 7, 2026
Tuesday June 23, 2026	Tuesday July 21, 2026	Tuesday July 28, 2026	Tuesday August 4, 2026
Tuesday July 21, 2026	Tuesday August 18, 2026	Tuesday August 25, 2026	Tuesday September 1, 2026
Tuesday August 18, 2026	Tuesday September 22, 2026	Tuesday September 29, 2026	Tuesday October 6, 2026
Tuesday September 22, 2026	Tuesday October 20, 2026	Tuesday October 27, 2026	Tuesday November 3, 2026
Tuesday October 20, 2026	Tuesday November 17, 2026	Tuesday November 24, 2026	Tuesday December 1, 2026
Tuesday November 17, 2026	Tuesday December 22, 2026	Tuesday December 29, 2026	Tuesday January 5, 2027
Tuesday December 22, 2026	Tuesday January 19, 2027	Tuesday January 26, 2027	Tuesday February 2, 2027