

AIR QUALITY DIVISION (con't)

Close of Comment: 5 p.m. Jan. 3, 2006
 Contact: [Kevin Force](#) (602) 771-4480

Transportation Conformity 2005 (18 A.A.C. 2, Art. 14)

ADEQ is in the process of proposing to update its transportation conformity rules in Article 14 to incorporate changes to the federal transportation conformity rules. Specifically, ADEQ is proposing to repeal all of Article 14, except for R18-2-1401, R18-2-1405, R18-2-1437, and R18-2-1438 and adopt the federal transportation conformity rules as incorporations by reference. The federal transportation conformity rules that would be incorporated include 40 CFR 93.100 through 93.129, except 93.105, as they were effective on July 1, 2005.

Docket Opening: [11 A.A.R. 2235](#); June 10, 2005
 Contact: [Michele Mutchek](#) (602) 771-2371

NSPS/NESHAP/VOC 2004

(18 A.A.C. 2, Art. 1, Art. 3, Art. 9, and Art. 11)

ADEQ has proposed new and updated incorporations by reference of the following federal regulations: Acid Rain (40 CFR 72, 74, 75, 76), New Source Performance Standards (40 CFR 60), and National Emissions Standards for Hazardous Air Pollutants (40 CFR 61, 63) at R18-2-333, R18-2-901, and R18-2-1101, respectively, in the state rules. In addition, ADEQ has proposed updating its definition of "Volatile Organic Compounds (VOC)" at R18-2-101(126) of the state rules to reflect recent changes in the federal definition at 40 CFR 51.100. The Notice of Final Rulemaking was approved at the December 2, 2005 GRRC meeting.

Docket Opening: [11 A.A.R. 2235](#); June 10, 2005
 Proposed Rulemaking: [11 A.A.R. 2580](#); July 8, 2005
 GRRC Hearing: was held on Dec. 2, 2005
 Contact: [Michele Mutchek](#) (602) 771-2371

Cleaner Burning Gasoline (CBG) 2005 (20 A.A.C. 2, Art. 7)

The Arizona Department of Weights and Measures (ADWM), in consultation with the ADEQ, is considering proposing a rule to make changes to fuel formulation, quality assurance, and other requirements related to CBG and conventional fuel to reflect recent legislation, contemporary standards, and improvements in clarity, conciseness, and understandability.

Docket Opening: [11 A.A.R. 2451](#); July 1, 2005
 Contact: [Michele Mutchek](#) (602) 771-2371

TANK PROGRAMS DIVISION

State Assurance Fund Rules (18 A.A.C. 12, Article 6)

This proposed rule will amend the underground storage tank assurance account rules so that they reflect the current governing statutes and processes. The Notice of Proposed Rulemaking was published in the Arizona Administrative Registry on August 12, 2005. Two hearings on the proposed rule were held on September 21 in Phoenix and September 22 in Tucson, and the formal comment period closed on September 30th. ADEQ expects to submit the final rule to GRRC this winter.

Docket Opening: [11 A.A.R. 2658](#); July 15, 2005

Proposed Rulemaking: [11 A.A.R. 3020](#); Aug. 12, 2005

Public Hearings: Held on Sept. 21, 2005 in Phoenix and Sept. 22, 2005 in Tucson

Close of Comment: 5 p.m. Sept. 30, 2005

Contact: [Tara Rosie](#) (602) 771-4725

WASTE PROGRAMS DIVISION

WQARF Prospective Purchaser Agreement Fee Rule (18 A.A.C. 7, Art. 2)

ADEQ is authorized to enter into an agreement with a prospective purchaser of a facility, wherein the department will provide a written release and covenant not to sue for existing contamination at the facility, provided that certain conditions are met. The existing rule establishes a fee for the preparation of a prospective purchaser agreement, pursuant to A.R.S. § 49-285.01(H). ADEQ has evaluated the cost of completing a prospective purchaser agreement and determined that the actual cost to the department is different from the fee in the current rule.

ADEQ is proposing an amendment to the fee rule to more closely reflect the actual costs for this activity. An amendment to this rule was the subject of a Notice of Proposed Rulemaking published on July 16, 2004. The department published a Notice of Termination of Rulemaking of that rulemaking to further address one issue, which is included in this Notice of Proposed Rulemaking.

Docket Opening: [11 A.A.R. 1365](#); April 8, 2005

Proposed Rulemaking: [11 A.A.R. 2934](#); Aug. 5, 2005

Public Hearing: Held on Sept. 7, 2005 in Phoenix

Close of Comment: 5 p.m. Sept. 9, 2005

GRRC Meeting: January 10, 2006

Contact: [Jerry Smit](#) (602) 771-2220

Hazardous Waste Rule Amendments
 (2003 and 2004) (18 A.A.C. 8, Art. 2)

ADEQ has amended the state's hazardous waste rules to incorporate the text of federal regulations for the purpose of obtaining re-authorization of the state's

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hazardous waste management program by the United States Environmental Protection Agency. These latest amendments will cover changes in the federal regulations promulgated between July 1, 2002, and June 30, 2004.

Docket Opening: [11 A.A.R. 869](#); Feb. 25, 2005

Proposed Rulemaking: [11 A.A.R. 2598](#); July 8, 2005

Public Hearing: Held on Aug. 9, 2005 in Phoenix

Close of Comment: 5 p.m. Aug. 12, 2005

GRRC Meeting: Dec. 6, 2005

Notice of Final Rulemaking: Dec. 30, 2005 (anticipated)

Effective Date: Feb. 4, 2006

Contact: [Denise McConaghy](#) (602) 771-4110

Hazardous Waste Rule Amendments (2005) (18 A.A.C. 8, Art. 2)

ADEQ is amending the state's hazardous waste rules to incorporate the text of federal regulations for the purpose of obtaining re-authorization of the state's hazardous waste management program by the United States Environmental Protection Agency. These latest amendments will cover changes in the federal regulations promulgated between July 1, 2004 and June 30, 2005.

Docket Opening: [11 A.A.R. 4987](#); Nov. 25, 2005

Contact: [Mark Lewandowski](#) (602) 771-2230

Special Waste Permeability Coefficient (R18-13-1307)

ADEQ proposes to amend this rule to update the permeability coefficient for surfaces used by a generator of motor vehicle shredder residue. Although a Notice of Rulemaking Docket Opening was published February 25, 2005, ADEQ has determined that it would be more efficient to address the special waste permeability coefficient issue under the Special Waste/Petroleum Contaminated Soil Rules listed below.

Docket Opening: [11 A.A.R. 871](#); Feb. 25, 2005

Contact: [Kim McDaniel](#) (602) 771-4121

Special Waste/Petroleum Contaminated Soil (18 A.A.C. 13, Art. 13 and Art. 16)

ADEQ is considering amendments to the regulations governing the management, treatment, storage, and disposal of special waste. Special waste is defined by A.R.S. § 49-852 as waste that contains petroleum contaminated soils and waste from shredding motor vehicles, and is currently regulated by two rules. The first, Title 18, Chapter 13, Article 13, regulates registration, manifesting, and fees for both petroleum contaminated soils (PCS), and shredder residue, and provides best management practices (BMPs) for facilities shredding motor vehicles. The second, Title 18, Chapter 13, Article 16, provides BMPs for handling PCS only. Although both rules address the handling of special waste, they were written at

different times using different regulatory philosophies, often resulting in inconsistencies between the two rules. In some cases the rules did not envision numerous special waste handling scenarios which have since become issues that must be addressed in rule in order to provide clear direction as to the safe and proper handling of special waste.

ADEQ proposes to combine Title 18, Chapter 13, Article 13 (Special Waste) with Chapter 13, Article 16 (Best Management Practices for Petroleum Contaminated Soil) into one rule as Title 18, Chapter 13, Article 13 (Special Waste). These revisions will rectify contradictions between the two original rules and existing rules and statute, and create a uniform and consistent regulatory structure for all special waste. Revisions will also provide clear direction on waste handling procedures previously not addressed.

Informal stakeholder meetings are being held to discuss ADEQ preliminary draft of the rules; meetings were held November 4, 2005 and December 9, 2005. Subsequent meetings will be scheduled in early 2006.

Docket Opening: [11 A.A.R. 1365](#); Apr. 8, 2005

Contact: [Kim McDaniel](#) (602) 771-4121

Integrated Solid Waste Regulatory Framework (18 A.A.C. 13)

The purpose of this rulemaking is to establish a systematic and comprehensive framework for regulating solid waste facilities in Arizona. This rulemaking will integrate and implement statutory provisions related to best management practices, self-certification requirements, plan approval procedures, financial assurance requirements, design and operation rules for solid waste facilities, and other topics.

Docket Opening: [11 A.A.R. 870](#); Feb. 25, 2005

Contact: [Martha Seaman](#) (602) 771-2221

Soil Remediation Standards (18 A.A.C.7, Art. 2)

Article 2 provides standards which must be met in order to successfully complete remediation of soil. The requirement to perform soil remediation is found in different specific A.R.S. Title 49 statutes. In addition to setting standards for soil remediation, Article 2 contains definitions of terms that apply throughout Chapter 7. Pursuant to a review of the rules in Chapter 7 in 2002 under A.R.S. § 41-1056(A), ADEQ identified certain provisions that did not conform to updated provisions contained in A.R.S. § 49-152. Specifically, the soil remediation rules and appendices include some references to the voluntary environmental mitigation use restriction (VEMUR) that used to be provided for in that statute. The VEMUR provisions have been replaced with provisions for the declaration of environmental use restriction (DEUR). Further, as the department continued its review of the soil rule, it identified other provisions that might benefit from clarification or updating.

Docket Opening: [11 A.A.R. 1287](#); Apr. 1, 2005

Contact: [Philip McNeely](#) (602) 771-7645

WASTE PROGRAMS DIVISION (con't)**Engineering Controls/Financial Assurance Rules**
(18 A.A.C. 7, Art. 7)

A.R.S. § 49-152.01 establishes requirements for a property owner who elects to use an engineering control to meet requirements for cleaning up contaminated property. An engineering control is defined as a remediation method such as a barrier or cap that is used to prevent or minimize exposure to contaminants and that includes technologies that reduce the mobility or migration of contaminants. This new rule will provide details as to how to implement the provisions of A.R.S. § 49-152.01, which specify requirements for an engineering control plan and for financial assurance mechanisms that are intended to cover the costs of maintaining and restoring an engineering control. Pursuant to Laws 2003, Ch. 221, § 7, this rulemaking is exempt from the provisions of A.R.S. Title 41, Chapter 6, Article 3.

Docket Opening: [11 A.A.R. 1288](#); Apr. 1, 2005

Contact: [Peggy J. Guichard-Watters](#) (602) 771-4117

Declaration of Environmental Use Restriction - Permanent Fee Rule (18 A.A.C. 7, Art. 6)

This is a permanent rulemaking to replace an interim fee rule, pursuant to 2000 Ariz. Session Laws Ch. 225, § 13. It would establish a fee, which a property owner is required pursuant to A.R.S. §§ 49-152(K) and 49-158(G) to pay to ADEQ when a declaration of environmental use restriction (DEUR) is submitted for approval, prior to being recorded. A DEUR is a restrictive covenant that must be recorded when an owner elects to use either an institutional control (i.e., a legal or administrative limitation on activities or uses) or an engineering control (e.g., a slab, cap, fence, liner, berm, leachate collection system, or pump and treat technologies) to prevent or minimize exposure to contaminants on the property, or when an owner elects to leave contamination on the property that exceeds the applicable residential soil remediation standard for the property. ADEQ will evaluate its experience with fees paid under the interim DEUR fee rule, to ascertain any ways in which the fee should be revised for the permanent rule.

Docket Opening: [11 A.A.R. 1726](#); May 13, 2005

Contact: [Peggy J. Guichard-Watters](#) (602) 771-4117

Voluntary Remediation Fees
(18 A.A.C. 7, Art. 5)

The rule sets out fees to be charged by ADEQ under the Voluntary Remediation Program established in A.R.S. Title 49, Chapter 1, Article 5. This is the permanent rulemaking authorized in Laws 2000, Chapter 225, section 13. The interim fee rule language in Article 5 will be replaced with the permanent fee rule.

Docket Opening: [11 A.A.R. 2321](#); June 17, 2005

Contact: [Peggy J. Guichard-Watters](#) (602) 771-4117

WATER QUALITY DIVISION**Safe Drinking Water****Incorporation by Reference** (18 A.A.C. 4)

The primary purpose of this rulemaking is to incorporate EPA's safe drinking water regulations by reference. The rulemaking will update Arizona's safe drinking water rules by incorporating the rule amendments that EPA has adopted since the department last updated its safe drinking water rules, and facilitate future updates to the department's safe drinking water rules. Due to substantial change issues, ADEQ plans to open a new docket in January 2006. Contact: [Sean McCabe](#) (602) 771-4600

Subdivisions (18 A.A.C. 5, Article 4)

The purpose of this rulemaking is to update the department's rules pertaining to subdivisions to conform the rules to current rulemaking format and style requirements, to ensure the rules' consistency with other rules and statutes, and to make any substantive changes deemed necessary to ensure the effectiveness of the rules. The department anticipates that the Notice of Proposed Rulemaking will be filed in early- to mid-2006, and that a Notice of Final Rulemaking will be filed a few months after the proposed rulemaking.

Docket Opening: [11 A.A.R. 5221](#); Dec. 9, 2005

Contact: [Sean McCabe](#) (602) 771-4600

Surface Water Quality Standards**(18 A.A.C. 11, Article 1)**

ADEQ proposes to update the Surface Water Quality Standards rules by amending definitions; clarifying the applicability of the water quality standards rules; modifying designated uses; proposing new antidegradation implementation procedures; adopting new narrative water quality standards including a new narrative biocriterion; propose new numeric water quality criteria to protect human health; adopting new or revised water quality criteria for suspended sediment in surface waters; classifying new effluent dependent waters (EDWs); adopting numeric water quality criteria for total ammonia to maintain and protect water quality for aquatic life in EDWs; amending Appendix A by updating the water quality criteria to protect human health and aquatic life; and amending Appendix B by modifying the designated uses listed for surface waters.

Docket Opening: [11 A.A.R. 5221](#); Dec. 9, 2005

Contact: [Shirley Conard](#) (602) 771-4632

Impaired Water Identification**(18 A.A.C. 11, Art. 6)**

ADEQ proposes to update the Impaired Water Identification rules to update methods for impaired 4

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water identification and 303(d) listings to be consistent with 2006 federal assessment and 303(d) listing guidance.

Docket Opening: [11 A.A.R. 5130](#); Dec. 2, 2005

Contact: [Shirley Conard](#) (602) 771-4632

Water Quality Protection Fees

(18 A.A.C. 14, Art. 1)

This rulemaking will revise the fee schedule and rules related to ADEQ's water quality protection services.

Docket Opening: [11 A.A.R. 5223](#); Dec. 9, 2005

Contact: [Shirley Conard](#) (602) 771-4632

Public Water System Design Review Fees

(18 A.A.C. 14, Article 3)

Pursuant to 18 A.A.C. 5, Article 5, Minimum Design Criteria, ADEQ prescribes minimum design standards for public water systems, and reviews plans and specifications for the systems. The purpose of this rulemaking is establish, by administrative rule, fees for performing technical reviews of plans for public water systems. ADEQ has a statutory responsibility to review plans for these facilities and to assess fees for its reviews. A.R.S. § 49-353(A).

Docket Opening: [11 A.A.R. 320](#); Jan. 7, 2005

Contact: [Sean McCabe](#) (602) 771-4600