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Public Hearings, Workshops & Comment Periods

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Persons wishing to follow ADEQ rulemaking activity and substantive policy statements should review the Arizona Administrative Register.

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OFFICE OF ADMINISTRATIVE COUNSEL

**Licensing Time Frames II Update
 (18 A.A.C. 1, Art. 5)**

In this rulemaking, ADEQ proposes to repeal and amend licensing time-frame (LTF) rule text and to repeal, amend and add licenses to LTF tables as required to conform to licensing program requirements that have evolved in response to statutory and rulemaking changes. The rulemaking would also clarify ADEQ's obligations to act under Article 7.1 of the Administrative Procedure Act (the LTF statutes), based on ADEQ's actual experience under the rule.

Docket Opening: [11 A.A.R. 2393](#); June 24, 2005
 Contact: [Deborah K. Blacik](#): (602) 771-2223

**Administrative Appeals
 (18 A.A.C. 1, Art. 2)**

The proposed rules are part of ADEQ administrative procedures establishing the nature and requirements of all formal procedures available to the public. Specifically, ADEQ proposes changes to the administrative appeals rules that govern appeals filed with ADEQ requesting a hearing before the Office of Administrative Hearings (OAH) or the Water Quality Appeals Board. The rationale for this rulemaking is to improve the clarity and efficiency of rules governing formal administrative adjudications filed with the ADEQ.

Docket Opening: [12 A.A.R. 1345](#); April 21, 2006
 Contact: [Edward M. Ranger](#): (602) 771-4477

AIR QUALITY DIVISION

State Hazardous Air Pollutants (HAPs) Program (18 A.A.C. 2, Art. 17)

ADEQ has established rules to implement a state hazardous air pollutants program under A.R.S. §§ 49-426.05 and 49-426.06(A)(2).

AIR QUALITY DIVISION (con't)

Docket Openings: [10 A.A.R. 4272](#); Oct. 22, 2004

[11 A.A.R. 3976](#); Oct. 14, 2005

[11 A.A.R. 5129](#); Dec. 2, 2005

Rule Development Activities: Preproposal rule information available on the [HAPs rule capsule](#) on ADEQ's [Draft and Proposed Rules Page](#), including research documents, and drafts of preproposed rule text. Also available on the HAPs rule capsule is the unpublished version of the Notice of Final Rulemaking, submitted to GRRC on March 15, 2006, and approved at their [April 4, 2006 hearing](#).

Proposed Rulemaking: [11A.A.R. 5038](#); Dec. 2, 2005

Hearings

(reconvening/continuation of Jan. 3, 2006 hearings):

Were held on Jan. 31, 2006 in both Phoenix and Tucson

Close of Comment: 5 p.m. Jan. 31, 2006

GRRC Hearing: Was held on April 4, 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: [Diane Arnst](#) (602) 771-2375

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: [Corky Martinkovic](#) (602) 771-2372

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. ADEQ submitted the Notice of Final Rulemaking to GRRC staff on January 23, 2006 and anticipates the rules to be placed on the Agenda at the April 4, 2006 GRRC meeting.

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

GRRC Hearing: April 4, 2006

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

WASTE PROGRAMS DIVISION

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

ADEQ has proposed changes to the state's hazardous waste rules to incorporate changes in the federal regulations implementing Subtitle C of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA). The amendments in the proposed rule would adopt changes to the federal regulations that became effective between July 1, 2004 and September 6, 2005. In addition, the rule proposes to allow members of ADEQ's newly established Performance Track Program to submit manifests to DEQ at less frequent intervals than other generators. ADEQ expects the proposed rule to be published in the Arizona Register on May 5, 2006.

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

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

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

WASTE PROGRAMS DIVISION (con't)

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's preliminary draft of the rules; meetings were held November 4, 2005, December 9, 2005, January 19, 2006, and January 23, 2006. Subsequent meetings will be scheduled as needed.

Docket Opening: [12 A.A.R. 1101](#); Apr. 7, 2006
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 and solid waste streams 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: [12 A.A.R. 585](#); Feb. 24, 2006
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. 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: [12 A.A.R. 1034](#); Mar. 31, 2006
Contact: [Philip McNeely](#) (602) 771-7645

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.

Docket Opening: [12 A.A.R. 1035](#); Mar. 31, 2006
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. ADEQ has filed a new docket opening which it expects to be published in May 12, 2006.

Docket Opening: [11 A.A.R. 1726](#); May 13, 2005
Contact: [Peggy J. Guichard-Watters](#) (602) 771-4117

WASTE PROGRAMS DIVISION (con't)**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 rule-making 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.

Docket Opening: [12 A.A.R. 1345](#); April 21, 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 plans to initiate stakeholder meetings in the next few months.

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

Aquifer Water Quality Standards
(18 A.A.C. 11, Article 4)

This Article establishes aquifer water quality standards. These standards apply to facilities licensed under the Aquifer Protection Permit (APP) program, which discharge pollutants to groundwater and guide remedial and corrective actions by various Department programs, such as Water Quality Assurance Revolving Fund (WQARF), Underground Storage Tank (UST), and Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

The rulemaking will adjust aquifer water quality standards, for uranium, arsenic, and disinfection byproducts to be consistent with the new federal primary drinking water standards adopted by the Environmental Protection Agency (EPA) as required by A.R.S. § 49-223(A).

Docket Opening: [12 A.A.R. 1100](#); April 7, 2006

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 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

Waterworks Engineering Review Fees
(18 A.A.C. 14, Article 2)

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 to 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: [12 A.A.R. 1179](#); April 14, 2006

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