

ADEQ REGULATORY AGENDA FOR 2018

This table was produced by the Arizona Department of Environmental Quality to comply with A.R.S. § 41-1021.02. Pursuant to A.R.S. § 41-1021.02(D), ADEQ may undertake a rulemaking even if the rulemaking is not included on the annual regulatory agenda. For the current status of ADEQ's rulemakings, or for contact information, please check the Department's [Rules Web page](http://www.azdeq.gov/function/laws/index.html#rules): <http://www.azdeq.gov/function/laws/index.html#rules>

NOTE: Currently, ADEQ is not engaging in informal or formal rulemaking activities, except where approved by the Governor's Office, in compliance with Governor Doug Ducey's Executive Order 2017-02 <https://azgovernor.gov/file/8789/download?token=IF-Ku9qE>, which declares a rule moratorium through December 31, 2017. ADEQ will post links to notices on its Rules Web page at <http://www.azdeq.gov/LawsAndRules> and will send a notice to stakeholders if the public process on any particular rule package begins or resumes.

I. Rulemakings Expected to Be Underway in 2018

Air Quality Division	Docket Opening ¹	NPRM ²	NFRM ³	Federal Funding ⁴	Context
Vehicle Emissions Inspections updates (18 A.A.C. 2, Art. 10)*	To be determined	To be determined	To be determined	Yes	Not updated since 1988; not consistent with current practices
Voluntary Emissions Bank (18 A.A.C. 2, Art. 12)*	To be determined	To be determined	To be determined	No	To implement statutory changes in HB2152 (Laws 2017, Ch. 225))
General and Transportation Conformity (18 A.A.C. 2, Art. 14)**	11/3/2017	11/3/2017	April 2018	Yes	EPA requirement for State Implementation Plan
New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) (18 A.A.C. 2, Art. 7 and 11 and Appendix 2)***	11/24/2017	11/24/2017	April 2018	Yes	To enable ADEQ to have primary authority instead of EPA
Yuma PM ₁₀ Controls (18 A.A.C. Ch. 2, Art. 6)*	To be determined	To be determined	To be determined	Yes	EPA requirement for State Implementation Plan

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Emergency Episodes Rule for 2012 PM _{2.5} NAAQS A.A.C. R17-2-220*	To be determined	To be determined	To be determined	Yes	EPA requirement for State Implementation Plan
Waste Programs Division	Docket Opening¹	NPRM²	NFRM³	Federal Funding⁴	
Underground Storage Tank updates (18 A.A.C. 2, Art. 1 and 2)****	12/8/17	To be determined	To be determined	Yes	To conform to new EPA regulations with staggered effective dates 2015-2018
Hazardous Waste 2017 (18 A.A.C. 8, Art. 2)*	To be determined	To be determined	To be determined	Yes	To conform to EPA effective dates
Water Quality Division	Docket Opening¹	NPRM²	NFRM³	Federal Funding⁴	
Recycled Water updates Phase 2 (18 A.A.C. Chap. 9, Art. 7 and Chap. 11, Art. 3)*****	June 8, 2018	June 8, 2018	November 9, 2018	No	Clarify monitoring requirements, including sampling locations and frequency for reclaimed water standards. This will ease permittees' ability to comply with the rules and ensure they are providing a water product appropriate for the end use.

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<p>Recycled Water updates Phase 3 (18 A.A.C. Chap. 9, Art. 7 and Chap. 11, Art. 3)*****</p>	<p>November 2018</p>	<p>November 2018</p>	<p>November 9, 2018</p>	<p>No</p>	<p>Provide clarity on how to reuse water to its highest and best use. Rulemaking will help align ADEQ's rules with the goals of the Governor's Water Augmentation Council</p>
<p>Triennial Review (TR) (18 A.A.C. 11, Art 1)*****</p>	<p>June 29, 2018</p>	<p>June 29, 2018</p>	<p>December 4, 2018</p>	<p>Yes</p>	<p>Updating standards will comply with federal law. Provide clarity to the outstanding Arizona waters nomination process which will also provide regulatory certainty to permittees.</p>
<p>Impaired Water Identification (IWIR) (18 A.A.C. 11 Article 6)*</p>	<p>To be determined</p>	<p>To be determined</p>	<p>To be determined</p>	<p>Yes</p>	<p>Increase regulatory clarity and transparency. Will ensure that ADEQ has authority to determine impaired waters for all pollutants rather than EPA making some determinations.</p>

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<p>AZPDES Permitting Rules (18 A.A.C. 9, Art. 9 & 10)*</p>	<p>To be determined</p>	<p>To be determined</p>	<p>To be determined</p>	<p>Yes</p>	<p>Incorporating new AZPDES rules by reference will ensure that Arizona's rules are consistent with the Clean Water Act, reducing any rule-gap confusion, and make the rules easier to follow.</p>
<p>Public Water System Engineering Updates (18 A.A.C. 5, Art. 5)*</p>	<p>To be determined</p>	<p>To be determined</p>	<p>To be determined</p>	<p>Yes</p>	<p>Updates will reduce confusion and conflicts with current federal drinking water rules, and improve the speed and efficiency of the approval process.</p>
<p>Drinking Water Monitoring Assistance Program (MAP) (18 A.A.C. 4, Art.3)*</p>	<p>To be determined</p>	<p>To be determined</p>	<p>To be determined</p>	<p>No</p>	<p>Currently, assistance is only available for required baseline monitoring and not for required increased sampling when the systems exceed a federal standard</p>
<p>Subdivisions (18 A.A.C. 5, Art. 4)*</p>	<p>To be determined</p>	<p>To be determined</p>	<p>To be determined</p>	<p>No</p>	<p>Better customer service, additional flexibility, and enhanced review process.</p>

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<p>Swimming Pools (18 A.A.C. 5, Art. 2)*****</p>	<p>To be determined</p>	<p>To be determined</p>	<p>To be determined</p>	<p>No</p>	<p>Update swimming pool design rules to align with construction methods, technology, and current trends so that they may be permitted for construction and use, allow use of a wider range of pool types and features that are protective of human health.</p>
<p>404 Dredge and Fill (18 A.A.C. 9)*****</p>	<p>To be determined</p>	<p>To be determined</p>	<p>To be determined</p>	<p>Partial</p>	<p>Increased clarity and regulatory certainty for customers across the Clean Water Act programs. Streamline the 404 process and provide better service.</p>
<p>Underground Injection Control (UIC) (18 A.A.C. 9)*****</p>	<p>To be determined</p>	<p>To be determined</p>	<p>To be determined</p>	<p>Partial</p>	<p>Eliminate double-permitting of the same affected facilities. Streamline the permitting process by enabling customers to work with one local entity to protect underground drinking water.</p>

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Coal Combustion Residual (CCR) (18 A.A.C. 9)*****	To be determined	To be determined	To be determined	No	Provide regulatory certainty to utilities, and allow for additional flexibilities not currently available in the self-implementing rule.
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- * ADEQ will not proceed until a requested exemption is granted.
- ** ADEQ will proceed under the exemption approved January 12, 2017.
- *** ADEQ will proceed under the exemption approved March 6, 2017.
- **** ADEQ will proceed under the exemption approved October 27, 2017.
- ***** ADEQ will proceed under the exemption approved November 3, 2015.
- ***** ADEQ will proceed under the exemption approved February 20, 2017.
- ***** ADEQ will proceed under the exemption approved March 30, 2017 unless management decides not to pursue after further review.
- ***** ADEQ will not proceed until legislation is passed and a requested exemption is granted.

¹ Anticipated date of publication of the Notice of Docket Opening in the *Arizona Administrative Register*.
² Anticipated date of publication of the Notice of Proposed Rulemaking in the *Arizona Administrative Register*.
³ Anticipated date of submission of the Notice of Final Rulemaking to the Governor’s Regulatory Review Council.
⁴ Some of ADEQ’s rules implement federal laws such as the Clean Air Act, Clean Water Act, and Safe Drinking Water Act. ADEQ's related programs are partially funded by the U.S. Environmental Protection Agency, pursuant to a cooperative agreement under which ADEQ assumes responsibility for implementing the laws in Arizona.

II. Reviews of Existing Rules Due in 2018

5-Year-Review Due	Rules Being Reviewed
February 28, 2018	18 A.A.C. 17 – Pollution Prevention
April 30, 2018	18 A.A.C. 2 – Art. 10, Motor Vehicles: Inspections And Maintenance; Art. 16, Visibility; Regional Haze
July 31, 2018	8 A.A.C. 8, Art. 4 – Emergency Response Commission
October 31, 2018	18 A.A.C. 14—Art. 2 - Public Water Systems Design Review Fees

III. Rules Terminated in 2017

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Rule	Notice of Repeal, Expiration or Termination of Rulemaking
R18-2-1701 Definitions	Published 1/13/17 at 23 AAR 135
Title 18, Chapter 2, Table 1 State Hazardous Air Pollutants <i>De Minimis</i> Levels	Published 1/13/17 at 23 AAR 135
R18-2-1702 Applicability	Published 1/13/17 at 23 AAR 135
Title 18, Chapter 2, Table 2 State HAPS Minor Source Categories	Published 1/13/17 at 23 AAR 135
R18-2-1703 State List of Hazardous Air Pollutants	Published 1/13/17 at 23 AAR 135
R18-2-1704 Notice of Types and Amounts of HAPS	Published 1/13/17 at 23 AAR 135
R18-2-1705 Modifications; Permits; Permit Revisions	Published 1/13/17 at 23 AAR 135
R18-2-1706 Case-by-case HAPRACT Determination	Published 1/13/17 at 23 AAR 135
R18-2-1707 Case-by-case AZMACT Determination	Published 1/13/17 at 23 AAR 135
R18-2-1708 Risk Management Analyses	Published 1/13/17 at 23 AAR 135
Title 18, Chapter 2, Table 3 Acute and Chronic Ambient Air Concentrations	Published 1/13/17 at 23 AAR 135
R18-2-1709 Periodic Review	Published 1/13/17 at 23 AAR 135

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Rule	Notice of Repeal, Expiration or Termination of Rulemaking
R18-2-1205€ [Deleted the following two sentences, not entire rule: “At the time of deposit in the emissions bank, the Director shall discount by 10 percent the certified credit total. The 10 percent of certified credit total shall be permanently retired to the bank.”	Published 2/10/17 at 23 AAR 333
R18-2-507 General Permit Variances	Published 2/10/17 at 23 AAR 333
R18-2-508 General Permit Shield	Published 2/10/17 at 23 AAR 333
Title 18, Chapter 2 Appendix 1. Standard Permit Application Form and Filing Instructions	Published 2/10/17 at 23 AAR 333
R18-2-326.01. Emissions-Based Fee Increase Related to Individual Permits for Fiscal Year 2011	Published 3/17/17 at 23 AAR 613
R18-1-201 Applicability	Published 6/9/17 at 23 AAR 1575
R18-1-202 Notice of Appeal	Published 6/9/17 at 23 AAR 1575
R18-1-203 Contested Case Procedures	Published 6/9/17 at 23 AAR 1575
R18-1-204 Record of Administrative Appeal	Published 6/9/17 at 23 AAR 1575
R18-1-206 Adjudicative Proceedings Before the Department	Published 6/9/17 at 23 AAR 1575
R18-1-207 Requests for Rehearing of Review	Published 6/9/17 at 23 AAR 1575
R18-9-601	GRRC approved 10/3/17
R18-9-602	GRRC approved 10/3/17

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Rule	Notice of Repeal, Expiration or Termination of Rulemaking
R18-9-603	GRRC approved 10/3/17; publication of Notice pending
R18-9-720	GRRC approved 10/3/17; publication of Notice pending
Title 18, Ch. 2, Art 7 Table 1 Emission Limitations for Small, Medium, and Large HMIWI and Table 2 Emissions Limitations for Rural HMIWI	Effective 10/10/17 through intentional expiration via accelerated review request; publication of Notice is pending
Title 17, Ch. 2, Article 17 Appendix 12 Procedures for Determining Ambient Air Concentrations for Hazardous Air Pollutants	“
R18-8-269 Standards Applicable to the State- owned Hazardous Waste Facility	“
R18-12-601 Eligibility	“
R18-12-602 Applicability	Effective 10/10/17 through intentional expiration via accelerated review request; publication of Notice is pending
R18-12-603 General Application and Direct Payment Request Requirements	“
R18-12-604 Reimbursement Application Process	“
R18-12-605 Preapproval Application Process	“
R18-12-606 Direct Payment Request Process	“
R18-12-607 Schedule of Corrective Action Costs	“
R18-12-608 Scope and Standard of Review	“

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Rule	Notice of Repeal, Expiration or Termination of Rulemaking
R18-12-609 Copayments: Applicability, Waivers, and Credits	“
R18-12-610 Interim Determinations, Informal Appeals, and Requests for Information	“
R18-12-611 Final Determinations and Formal Appeals	“
R18-12-612 Priority of Assurance Account Payments	“
R18-12-613 Determining Financial Need Priority Ranking Points	“
R18-12-614 Financial Documents for Determining Financial Need Priority Ranking Points	“
R18-12-615 Risk Priority Ranking Points	Effective 10/10/17 through intentional expiration via accelerated review request; publication of Notice is pending
R18-12-701 Allocation of Grant Account Funds	“
R18-12-702 Eligible Projects	“
R18-12-703 Amount of Grant Per Applicant or Facility	“
R18-12-704 Grant Application Submission Period	“
R18-12-705 Grant Application Process	“
R18-12-706 Grant Application Contents	“

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Rule	Notice of Repeal, Expiration or Termination of Rulemaking
R18-12-707 Work Plan	“
R18-12-708 Business Plan	“
R18-12-709 Review of Application	“
R18-12-710 Feasibility Determination	“
R18-12-711 Criteria for Determining Priority Ranking Points for Applicants Other Than Local Governments	“
R18-12-712 Criteria for Determining Priority Ranking Points for Applicants That Are Local Governments	“
R18-12-713 Determinations of Grants to be Issued	“
R18-12-714 Grant Issuance; Notification; Payment	Effective 10/10/17 through intentional expiration via accelerated review request; publication of Notice is pending
R18-12-901 Regulated Substance Fund	“
R18-12-902 Monitored Natural Attenuation Account	“
R18-12-903 Monitored Natural Attenuation Program	“
R18-13-2501 Recycling Emblem Description and Usage	“
R18-17-102 Toxic Substances List	“
Title 18, Chapter 9, Article 6 Reclaimed Water Conveyances	Effective 1/1/18; Notice of Final Rulemaking published 11/3/2017 at 23 A.A.C. 3091

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Rule	Notice of Repeal, Expiration or Termination of Rulemaking
R18-9-601 Definitions	Effective 1/1/18; Notice of Final Rulemaking published 11/3/2017 at 23 A.A.C. 3091
R18-9-602 Pipeline Conveyances and Reclaimed Water	Effective 1/1/18; Notice of Final Rulemaking published 11/3/2017 at 23 A.A.C. 3091
R18-9-603 Open Water conveyances of Reclaimed Water	Effective 1/1/18; Notice of Final Rulemaking published 11/3/2017 at 23 A.A.C. 3091

IV. Privatization Options and Other Nontraditional Regulatory Approaches Being Considered

Rule	Privatization Option or Other Nontraditional Regulatory Approach
Voluntary Emissions Bank (18 A.A.C. 2, Art. 12)	Expands eligibility for Voluntary Emissions Bank to more source categories and renders it more transparent.