

ADEQ REGULATORY AGENDA FOR 2017

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.

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 2016-03, which declares a rule moratorium through December 31, 2016. ADEQ will post a notice on its Law & Rule web page 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 2017

Air Quality Division	Docket Opening ¹	NPRM ²	NFRM ³	Federal Funding ⁴
New Source Review* and Permit Streamlining**(18 A.A.C. 2, Art. 3 and 4)	12/11/2015	9/9/2016	11/28/2016	Yes
Sulfur Dioxide rule updates for the Hayden and Miami Nonattainment Areas (18 A.A.C. 2, Art. 7, Appendix 8)***	11/25/16	11/25/16	4/7/17	Yes
Lead (Pb) Emissions from Copper Smelters (18 A.A.C. 2, Art. 13) ****	11/25/16	11/25/16	4/7/17	Yes
Vehicle Emissions Inspections updates (18 A.A.C., Art. 10) *****	To be determined	To be determined	To be determined	Yes

* ADEQ to proceed under exemption granted July 1, 2015

** ADEQ to proceed under exemption granted October 20, 2015

*** ADEQ to proceed under exemption granted June 1, 2015.

**** ADEQ to proceed under exception granted September 22, 2015

***** ADEQ will not proceed until an exemption request 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.

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Waste Programs Division	Docket Opening ¹	NPRM ²	NFRM ³	Federal Funding ⁴

* ADEQ will not proceed until an exemption request is granted.

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Water Quality Division	Docket Opening ¹	NPRM ²	NFRM ³	Federal Funding ⁴
Reclaimed Gray Water updates (18 A.A.C. Chapters 9 and 11)*	To be determined	To be determined	To be determined	No
Federal and State Drinking Water updates (18 A.A.C. 4, Art. 2)**	To be determined	To be determined	To be determined	Yes
Drinking Water Monitoring Assistance Program (18 A.A.C. 4, Art.3)***	To be determined	To be determined	To be determined	No
Impaired Water Identification (18 A.A.C. 11 Article 6)****	To be determined	To be determined	To be determined	Yes

* ADEQ to proceed under exemption granted 11/3/15

** ADEQ will not proceed until an exemption request is granted

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II. Reviews of Existing Rules Due in 2017

5-Year-Review Due	Rules Being Reviewed
February 2017	18 A.A.C. 4 - Safe Drinking Water
March 2017	12 A.A.C. 7, Art. 1 – Oil & Gas Conservation Commission
March 2017	18 A.A.C. 16 – WPD Water Quality Assurance Revolving Fund Program
April 2017	18 A.A.C. 9, Art. 9 – AZPDES Program
April 2017	18 A.A.C. 1- Administration
April 2017	18 A.A.C. 7 – Remedial Action
July 2017	18 A.A.C. 11 Art. 6 – Impaired Water Identification
November 2017	18 A.A.C. 2, Art. 6, 8 and 12 – AQD Emission Sources, Nonpoint & Mobile, Emissions Bank

III. Rules Terminated in 2016

Rule	Notice of Termination of Rulemaking
R18-2-709 Standards of Performance for Existing Petroleum Refineries	22 A.A.R. 15; 1/1/2016 Expired effective 9/30/2015
R18-2-711 Standards of Performance for Existing Secondary Lead Smelters	22 A.A.R. 15; 1/1/2016 Expired effective 9/30/2015
R18-2-712 Standards of Performance for Existing Secondary Brass and Bronze Ingot Production Plants	22 A.A.R. 15; 1/1/2016 Expired effective 9/30/2015
R18-2-713 Standards of Performance for Existing Iron and Steel Plants	22 A.A.R. 15; 1/1/2016 Expired effective 9/30/2015

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Rule	Notice of Termination of Rulemaking
R18-2-717 Standards of Performance for Steel Plants: Existing Electric Arc Furnaces	22 A.A.R. 15; 1/1/2016 Expired effective 9/30/2015
R18-2-732 Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators	22 A.A.R. 15; 1/1/2016 Expired effective 9/30/2015
R18-2-306.02 Establishment of an Emissions Cap	Expired effective 9/15/2016
R18-8-201 Hazardous Waste Fees for Fiscal Year 2011	Expired effective 9/15/2016
R18-12-802 Transition	Expired effective 9/15/2016
R18-13-902 Regional Boundaries	Expired effective 9/15/2016
R18-13-2701 Special Waste management Fees for Fiscal Year 2011	Expired effective 9/15/2016
R18-13-2702 Increased Landfill Registration Fees for Fiscal Year 2011	Expired effective 9/15/2016
R18-13-2703 Solid Waste Facility Plan Review Fees for Fiscal Year 2011	Expired effective 9/15/2016

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IV. Privatization Options and Other Nontraditional Regulatory Approaches Being Considered

Rule	Privatization Option or Other Nontraditional Regulatory Approach
Permit Streamlining (18 A.A.C. 2, Art. 3) included in New Source Review rulemaking to be considered by GRRC on 1/4/2017	Would remove outdated and overly complex Standard Application Form from the rules, allowing ADEQ to adopt and periodically update forms that require only the information truly needed for an application