



REGULATORY AGENDA FOR CALENDAR YEAR 2024

This agenda was produced by the Arizona Department of Environmental Quality (ADEQ) to inform the public of the anticipated regulatory agenda for 2024 and to comply with A.R.S. § 41-1021.02. Pursuant to A.R.S. § 41-1021.02(D), ADEQ may undertake a rulemaking in calendar year 2024 even if the rulemaking is not included on the annual regulatory agenda. For information about active rulemakings, please check the Department’s Laws and Rules Web page at azdeq.gov/LawsAndRules.

NOTE: Currently, ADEQ is not engaging in informal or formal rulemaking activities, except where approved by the Governor's Office, in compliance with A.R.S. § 41-1039, which declares a rule moratorium. Information about New Public Notices and Hearings is available on ADEQ’s website at azdeq.gov/notices. ADEQ 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 2024

Rulemaking	Rulemaking Exemption Status	Docket Opening ¹	NPRM ²	NFRM ³	Federal Funding ⁴	Context
Air Quality Division						
Air Pollution Control Rules Clarification (18 A.A.C. 2, Art. 1, 3, 6-8, & 15)	Approved 5/26/23	6/29/23	TBD	TBD	Performance Partnership Grant (Partial)	To fulfill five-year rule review report commitments and ensure consistency with federal regulations, as well as other technical fixes.
Limits on SO2 and Pb Emissions from the Hayden Smelter (18 A.A.C. 2, Art. 13, Part B)	Not yet Requested	TBD	TBD	TBD	Performance Partnership Grant (Partial)	EPA requirement for State Implementation Plan (SIP). To revise the controls applicable to the Hayden copper smelter to reduce emissions of SO2 and Pb.

¹ Publication of the Notice of Docket Opening in the *Arizona Administrative Register*.

² Publication of the Notice of Proposed Rulemaking (NPRM) in the *Arizona Administrative Register*. An asterisk (*) denotes anticipated publication.

³ Publication of the Notice of Final Rulemaking (NFRM) in the *Arizona Administrative Register*. An asterisk (*) denotes anticipated publication.

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.

New Source Review (NSR) Updates (aka Voluntary Air Permit Requirements) (18 A.A.C. 2, Art. 1, 3, & 5)	Approved 5/26/23	6/30/23	TBD	TBD	No	To: 1) to continue to allow permitted facilities to adopt voluntary permit conditions to protect ambient air quality; 2) to make technical corrections related to ADEQ's new source review rules; 3) to correct the gaps between ADEQ's rules and EPA's Title V requirements; and 4) fulfill five-year rule review report commitment to clarify rules.
NSR for Serious Ozone Nonattainment Areas (18 A.A.C. 2, Art. 4)	Not yet Requested	TBD	TBD	TBD	No	Clean Air Act NSR requirements for serious ozone nonattainment areas need to be established in order to secure EPA approval of the next nonattainment area SIP for the Phoenix-Mesa ozone nonattainment area.
Rillito PM10 Nonattainment Area	Not yet Requested	TBD	TBD	TBD	Performance Partnership Grant (Partial)	EPA requirement for SIP. To establish controls to reduce PM10 emissions in the Rillito nonattainment area.
Stationary Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants Updates (18 A.A.C. 2, Art. 7, 9 & 11)	Approved 5/26/23	9/22/23	TBD	TBD	No	To incorporate federal requirements needed to redesignate areas from nonattainment to attainment, incorporate current federal rules as part of a five-year rule review report commitment, eliminate ambiguity, and correct minor typographical errors.
Vehicle Emissions Program Update (18 A.A.C. 2, Art. 10)	Approved 5/26/23	TBD	TBD	TBD	No	To clarify the rules to reflect the current industry standards and practices, eliminate ambiguity, respond to stakeholder comments regarding the requirements for vehicle tampering inspections, and to correct minor typographical and technical errors.
Yuma PM10 Moderate Nonattainment Area (18 A.A.C. 2, Art. 13)	Not yet Requested	TBD	TBD	TBD	Performance Partnership Grant (Partial)	EPA requirement for SIP. To establish controls to reduce PM10 emissions from anthropogenic sources and support exceptional event demonstrations for PM10 exceedances during high wind events.
Methane Emission Rules (18 A.A.C. 2, Art. 7 & 9)	Not yet Requested	TBD	TBD	TBD	No	To incorporate new federal emission guidelines for methane under NSPS and 111(d) requirements for existing sources.

Waste Programs Division						
Coal Combustion Residuals (CCR) (18 A.A.C. 13, Art. 10 & 17)	Approved 5/2/22	6/10/22	TBD	TBD	No	Rulemaking for CCR authorization by EPA.
Emergency Planning and Hazardous Materials Training (18 A.A.C. 18, Art. 1 & 2)	Approved 7/31/23	10/27/23	TBD	TBD	No	Technical fixes as part of a five-year rule review report commitment.
Solid Waste Transfer Facilities (18 A.A.C. 13)	Not yet Requested	TBD	TBD	TBD	No	To establish design and operation requirements for covered waste transfer facilities pursuant to State statute.
Financial Assurance Solid Waste Facilities (18 A.A.C. 13)	Not yet Requested	TBD	TBD	TBD	No	To establish financial assurance requirements for facility closure, postclosure care if necessary, and corrective action pursuant to State statute.
Medical Sharps (18 A.A.C. 13)	Not yet Requested	TBD	TBD	TBD	No	To establish a safe method of disposal for inclusion on medical sharps labels pursuant to State statute.
Remedial Action (18 A.A.C. 7)	Approved 7/31/23	10/27/23	TBD	TBD	No	Technical fixes as part of a five-year rule review report commitment.
Solid Waste Fees (18 A.A.C. 13)	Not yet Requested	TBD	TBD	TBD	No	Update fees for solid waste activities to match required ADEQ program implementation costs.
Solid Waste Frequency of Collection (A.A.C. R18-13-308)	Approved 8/24/22	11/10/23	TBD	TBD	No	To increase market-based recycling and a circular economy.
Waste Tire Disposal (18 A.A.C. 13, Art. 12)	Not yet Requested	TBD	TBD	TBD	No	To clarify requirements for waste tire disposal pursuant to State statute.
Water Quality Division						
Aquifer Water Quality Standards (AWQS) Update	Approved 8/24/22	6/30/23	3/21/24*	6/27/24*	No	To update AWQS pursuant to State statute and findings of the Auditor General.
Arizona Pollutant Discharge Elimination System (AZPDES) - Fixes (18 A.A.C. 9, Art.9)	Not yet Requested	TBD	TBD	TBD	No	To fulfill five-year rule review report commitment, make technical fixes and updates to align with the required rulemakings for the Surface Water Protection Program.

Capacity Development Requirements (18 A.A.C. 4, Art. 6)	Not yet Requested	TBD	TBD	TBD	No	To fulfill five-year rule review report commitments.
Advanced Water Purification (fka Direct Potable Reuse)	Approved 7/6/22	5/5/23	5/24/24*	10/25/24*	No	To allow for expansion of potable reuse for facilities as required by legislative funding allocations.
Impaired Waters Identification (18 A.A.C. 11, Art. 6)	Approved 7/17/23	TBD	TBD	TBD	Performance Partnership Grant (Partial)	Technical fixes and updates to align with the required rulemakings for the Surface Water Protection Program.
Minimum Design Criteria (18 A.A.C. 5, Art. 5)	Approved 7/9/21	TBD	TBD	TBD	Performance Partnership Grant (Partial), Drinking Water State Revolving Fund	To fulfill five-year rule review report commitments, including removing ambiguity, incorporating current engineering standards and practices, and responding to stakeholder comments and concerns.
Monitoring Assistance Program (18 A.A.C. 4, Art. 3)	Approved 11/27/23	TBD	TBD	TBD	No	To update and provide additional assistance to small systems for enhanced monitoring, and program expansion for distribution monitoring; to fulfill five-year rule review report commitments.
Onsite Wastewater Treatment Facilities - Phase 2 (18 A.A.C. 9)	Approved 10/25/22	TBD	TBD	TBD	No	To improve rule clarity and overall customer experience; reduce permitting inefficiencies; ease water supplies through improved technological considerations; better protect people and the environment from the health and pollution risks associated with onsite facilities; and protect property interests and values.
AZPDES - Incorporation of Federal Rules (aka Pretreatment Rule Update) (18 A.A.C. 9, Art. 9)	Approved 6/29/21	9/2/22	9/2/22	TBD	Performance Partnership Grant (Partial)	To update pretreatment rules to the 2005 federal "streamlining" rule.

Primary and State Drinking Water Regulations - Updates (18 A.A.C. 4, Art. 1 & 2)	Approved 5/2/22	10/21/22	TBD	TBD	Performance Partnership Grant (Partial), Drinking Water State Revolving Fund	To fulfill five-year rule review report commitments and ensure consistency with federal regulations.
Public & Semipublic Swimming Pools & Spas - Technical Corrections (18. A.A.C. 5, Art. 2)	Not yet Requested	TBD	TBD	TBD	No	To fulfill five-year rule review report commitments, including updating inconsistent or outdated references.
Surface Water Triennial Review 2023 (18 A.A.C. 11, Art. 1)	Approved 7/17/23	7/28/23	TBD	TBD	Performance Partnership Grant (Partial)	Update water quality standards to meet federal requirements.
Technical Assistance (18 A.A.C. 4, Art. 8)	Not yet Requested	TBD	TBD	TBD	Performance Partnership Grant (Partial), Drinking Water State Revolving Fund	To fulfill five-year rule review report commitments.

II. Reviews of Existing Rules Due in 2024

5-Year-Review Due ⁵	Rules Being Reviewed
April 30, 2024	18 A.A.C. 2, Art. 10 - Motor Vehicles: Inspections And Maintenance
May 31, 2024	18 A.A.C. 2, Art. 1-5, App. 1-3, 9 Air Pollution Control
December 30, 2024	18 A.A.C. 8 Hazardous Waste Management
December 30, 2024	18 A.A.C. 13 Solid Waste Management

⁵ Due Date is the last business day of the month unless otherwise noted.

III. Rule Makings Terminated in 2023

N/A

IV. Privatization Options and Other Nontraditional Regulatory Approaches Being Considered

N/A