



REGULATORY AGENDA FOR CALENDAR YEAR 2021

This table was produced by the Arizona Department of Environmental Quality (ADEQ) to inform the public of the anticipated regulatory agenda for 2021 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 2021 even if the rulemaking is not included on the annual regulatory agenda. For contact information, 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 Governor Douglas A. Ducey’s Executive Order 2020-02, 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 2021

Air Quality Division	Rulemaking Exemption Status	Docket Opening ¹	NPRM ²	NFRM ³	Federal Funding ⁴	Context
Transportation Conformity (18 A.A.C. 2, Art. 14)	Approved 1/12/17	12/1/19	12/1/19	TBD	Partial; Performance Partnership Grant	EPA requirement for State Implementation Plan. To create a more user friendly article and shed outdated provisions.
Yuma PM10 Controls (18 A.A.C. 2, Art. 6)	Approved 12/5/18	TBD	TBD	TBD	Partial; Performance Partnership Grant	EPA requirement for State Implementation Plan. To establish controls to reduce PM10 emissions from anthropogenic sources and support exceptional event demonstrations for PM10 exceedances during high wind events.
Regional Haze (18 A.A.C. 2, Art. 6 and Art. 13)	Approved 8/28/20	TBD	TBD	TBD	Partial; Performance Partnership Grant	EPA requirement for State Implementation Plan. To satisfy federal regional haze requirements under the Clean Air Act.

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.

Fugitive Dust (18 A.A.C. 2, Art. 6)	Not yet Requested	TBD	TBD	TBD	Partial; Performance Partnership Grant	EPA requirement for State Implementation Plan. To establish reasonable and enforceable control measures for sources of fugitive dust (a type of fugitive particulate matter) in PM10 nonattainment areas.
Affordable Clean Energy (18 A.A.C. 2, Art. 13)	Not yet Requested	TBD	TBD	TBD	Partial; Performance Partnership Grant	EPA requirement for State Implementation Plan to avoid sanctions. To establish standards of performance for existing coal-fired power plants.
Limits on SO2 Emissions from the Hayden Smelter (A.A.C. R18-2-B1302)	Not yet Requested	TBD	TBD	TBD	Partial; Performance Partnership Grant	EPA Requirement for State Implementation Plan. To revise the controls applicable to the Hayden copper smelter to reduce emissions of SO2.
West Pinal PM10 (ADEQ Ag BMP rules; A.A.C. R18-2-610, <i>et seq.</i>)	Not yet Requested	TBD	TBD	TBD	Partial; Performance Partnership Grant	These ADEQ Agricultural Best Management Practices (ADEQ Ag BMP rules) are necessary to avoid a Federal Implementation Plan. Maricopa Association of Governments (MAG) plans to submit a State Implementation Plan in FY22.
Vehicle Emissions Control (18 A.A.C. 2, Art. 10)	Not yet Requested	TBD	TBD	TBD	Partial; Performance Partnership Grant	To eliminate customer confusion with testing types for Vehicle Emissions Control (VEC).
Interprecursor Trading for Ozone Offsets (A.A.C. R18-2-404)	Not yet Requested	TBD	TBD	TBD	Partial; Performance Partnership Grant	EPA requirement for State Implementation Plan to avoid sanctions. To make a minor amendment to the new source review (NSR) program in order to meet Clean Air Act requirements relating to interprecursor trading (IPT) for the Yuma Ozone nonattainment area.

Waste Programs Division	Rulemaking Exemption Approval Date	Docket Opening ⁵	NPRM ⁶	NFRM ⁷	Federal Funding ⁸	Context
Solid Waste Updates/ Biohazardous Medical Waste (A.A.C. R18-13-1401, <i>et seq.</i>)	Approved 8/28/20	9/25/20	TBD	TBD	No	To shed outdated regulations and provide clarity to the regulated community.
Solid Waste Technical Fixes (18 A.A.C. 13 Arts. 2, 7, 13, 16)	Approved 8/28/20	9/18/20	10/23/20	TBD	No	Technical fixes as part of a five-year review report commitment to GRRC.
Water Quality Division	Rulemaking Exemption Approval Date	Docket Opening	NPRM	NFRM	Federal Funding	Context
Underground Injection Control (UIC) (18 A.A.C. 9)	Approved 5/7/18	9/27/2019; Second Docket Opening 9/25/20	4/1/21	9/6/21	Partial; Performance Partnership Grant	To eliminate double-permitting of the same affected facilities and to streamline the permitting process by enabling customers to work with one local entity to protect underground drinking water.
Surface Water Protection Program (18 A.A.C., Chapter to be determined)	Not yet Requested	TBD	TBD	TBD	No	Program to protect state waters that are not defined as “Waters of the United States.”

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Lead and Copper Rule Revisions (A.A.C. R18-4-111)	Not yet Requested	TBD	TBD	TBD	No	To retain state primacy of lead and copper regulations under EPA's Lead and Copper Rule Revisions.
Lead-Free Rule (A.A.C. R18-4-107)	Not yet Requested	TBD	TBD	TBD	No	To comply with EPA's Final "Lead Free" Rule.
Onsite Wastewater Treatment Facilities (18 A.A.C. 9)	Not yet Requested	TBD	TBD	TBD	No	To update and clarify the onsite wastewater treatment program given current rule ambiguity and outdated technical references and performance measures.
Aquifer Water Quality Standards & Aquifer Boundary and Protected Use (A.A.C. 11, Art. 4 & 5)	Not yet Requested	TBD	TBD	TBD	No	To make only technical fixes to fulfill a commitment from a five-year review report.

II. Reviews of Existing Rules Due in 2021

5-Year-Review Due ⁹	Rules Being Reviewed
January 28, 2021	18 A.A.C. 6 – Pesticides & Water Pollution Control
January 28, 2021	18 A.A.C. 9 Article 2 – Individual Aquifer Protection Permits
January 2021	18 A.A.C. 11, Article 3 – Water Quality Standards
April 2021	18 A.A.C. 2, Articles 14, 15 & 17 – Conformity & Prescribed Burns
April 2021	18 A.A.C. 5, Articles 1, 2, 3, 4 & 5 – Classification of Water; Pools; Water Quality Planning; Subdivisions; & Minimum Design Criteria
April 2021	18 A.A.C. 9, Article 5 - Grazing Best Management Practices
May 2021	18 A.A.C. 9, Article 10 – Arizona Pollutant Discharge Elimination System, Disposal, Use, & Biosolids
November 2021	12 A.A.C. 7, Art. 1 – Oil & Gas Conservation Commission
December 2021	18 A.A.C. 9, Article 9 - Arizona Pollutant Discharge Elimination System

III. Rule Makings Terminated in 2020

N/A

IV. Privatization Options and Other Nontraditional Regulatory Approaches Being Considered

N/A

⁹ Due Date is the last day of the month unless otherwise noted.