

NOTICE OF FINAL EXPEDITED RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 9. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER POLLUTION CONTROL

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:

May 6, 2024.

2. Article, Part, or Section Affected (as applicable)

Rulemaking Action

R18-9-101	Amend
R18-9-A213	Amend
R18-9-B201	Amend
R18-9-B205	Amend
R18-9-C301	Amend
R18-9-C302	Amend
R18-9-C304	Amend
R18-9-D302	Amend
R18-9-C620	Amend
R18-9-D635	Amend
R18-9-F645	Amend
R18-9-I650	Amend
R18-9-A701	Amend
R18-9-A902	Amend
R18-9-A904	Amend
R18-9-A907	Amend
R18-9-1001	Amend

3. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute(s): A.R.S. §§ 49-104 (B)(13), 49-203(A)(2), (A)(4), (A)(7), (A)(10), (A)(11).

Implementing statute(s): A.R.S. §§ 49-241, 49-242, 49-245, 49-255.01(B) and (C), 49-255.02.

4. The effective date of the rule:

Pursuant to A.R.S. § 41-1027(H), the rule will become effective immediately on the filing of the Notice of Final Expedited Rulemaking with the Secretary of State.

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable.

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A),

include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable.

5. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the current record of the final rule:

Notice of Expedited Rulemaking Docket Opening: 30 A.A.R. 2088, Issue Date: June 21, 2024, Issue Number: 25, File Number: R24-106.

Notice of Proposed Expedited Rulemaking: 30 A.A.R. 2795, Issue Date: September 6, 2024, Issue Number: 36, File number: R24-167.

6. The agency’s contact person who can answer questions about the rulemaking:

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7. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The objective of this rulemaking is to fulfill five-year rule review (5YRR) commitments to the Governor’s Regulatory Review Council (GRRC), in accordance with A.R.S. § 41-1056(E), to amend rules in Chapter 9, as well as correct typographical errors, update outdated citations and references, clarify language, and fix similar clerical issues therein.

The amendments to the rule are justified under the expedited rulemaking requirements in A.R.S. § 41-1027. Specifically, Subsection (A) limits an agency to conduct an expedited rulemaking only if the rulemaking “does not increase the cost of regulatory compliance, increase a fee or reduce procedural rights of persons regulated and does one or more of the following [requirements outlined in (A)(1) - (A)(8)]”. The applicable requirements relied upon in this rulemaking include the following, which are individually assigned for each amendment (as shown in the section by section explanation below): (A)(1) “Amends or repeals rules made obsolete by repeal or supersession of an agency’s statutory authority”; (A)(3) “Corrects typographical errors, makes address or name changes or clarifies language of a rule without changing its effect”; and (A)(6) “Amends or repeals rules that are outdated, redundant or otherwise no longer necessary for the operation of state government”.

Section by Section Explanation of the Rules:

Rule Summary	Content	Rule(s) affected (R18-9-xxxx)	Type of Change	Explanation of Changes to: Article 1. Aquifer Protection Permits - General Provisions
This rule provides definitions for Title 18, Chapter 9, Articles 1, 2, 3, and 4 in addition to those established in A.R.S. § 49-201.		101(21)	Update following repeal	This rule contains an outdated reference to A.R.S. § 49-331 which is repealed. Therefore, pursuant to its authority under A.R.S. § 41-1027(A)(1), ADEQ removes the statutory reference in the definition, and un-italicize the definition accordingly.

Rule Content Summary	Rule(s) affected (R18-9-xxxx)	Type of Change	Explanation of Changes to: Article 2. Aquifer Protection Permits - Individual Permits
<p>This rule contains the requirements for the suspension, revocation, denial, or termination of an Aquifer Protection Permit (APP) individual permit.</p>	<p>R18-9-A213(C)(1)</p>	<p>Correction</p>	<p>This rule contains an incorrect reference to R18-9-A209 in subsection (C)(1) when referencing ADEQ’s issuance of a Permit Release Notice. The rule directs that the Director shall terminate an individual permit if the facility covered under the permit has closed and the Director has issued a Permit Release Notice. Currently the rule cites R18-9-A209(B)(3)(a)(ii) which discusses the elements of a site investigation plan under a closure plan. The reference for the Director’s determination to send a Permit Release Notice is found, instead, at R18-9-A209(B)(4)(a)(ii). Therefore, pursuant to its authority under A.R.S. § 41-1027(A)(3), ADEQ updates the rule with the correct reference to R18-9-A209(B)(4)(a)(ii).</p>
<p>This rule contains general considerations and prohibitions for sewage treatment facilities permitted under an Aquifer Protection Permit (APP) individual permit.</p>	<p>R18-9-B201(I)</p>	<p>Clarification</p>	<p>There are two amendments to this rule in subsection (I). First, ADEQ clarifies the rule language. This rule establishes setback requirements for new sewage treatment facilities or facilities undergoing a major modification. Currently the rule provides a setback table and prescribes setbacks to be measured from the treatment and disposal components within the facility. However, the rule does not clearly explain that the setbacks must be measured from the noise or odor-producing treatment and disposal components within the facility, despite this being the interpretation consistently applied by ADEQ and most reasonably applied when reading the rule as a whole and analyzing the corresponding setback table. The setback table, itself, details the required distance (in feet) of the setbacks depending on the proposed level of noise, odor, or aesthetic controls, corresponding with the design flow of the sewage treatment facility. Clarifying that the setbacks are measured from the noise or odor-producing components will assist the public with understanding how to apply and follow the required setbacks to achieve the goal and intention of the subsection, which is to mitigate and control noise and odor from facilities. Therefore, pursuant to its authority under A.R.S. § 41-1027(A)(3), ADEQ clarifies the rule by explicitly stating that setbacks are measured from the noise or odor-producing components of the facility. Next, ADEQ clarifies the setback table within subsection (I). Currently, the setback table, as described above, prescribes the required distance (in feet) of the setbacks depending on the proposed level of noise, odor, or aesthetic controls, corresponding with the design flow of the sewage treatment facility. The table would be better understood by the public if the setback distances were, instead, clarified as “minimum” distances. This proposal clarifies the rule in accordance with the original intention of the rule, itself, evidenced by the original setback table in Chapter VI, “Sewage Treatment Works Design Considerations”, of Engineering Bulletin No. 11, published by ADHS in July 1978, upon which the setback table in R18-9-B201 was based (<i>see</i> 7 A.A.R. 294 (January 12, 2001)). There, the setback table is entitled “Minimum Setback vs. Treatment Plant Size” and the corresponding explanation of the table further explains that the distances are the required “minimum setback[s]”. Therefore, pursuant to its authority under A.R.S. § 41-1027(A)(3), ADEQ clarifies the rule by updating the setback table to make clear the fact that the setbacks are minimum distances.</p>

Rule Summary	Content	Rule(s) affected (R18-9-xxxx)	Type of Change	Explanation of Changes to: Article 2. Aquifer Protection Permits - Individual Permits
	This rule contains treatment performance requirements for an existing sewage treatment facility permitted under an Aquifer Protection Permit (APP) individual permit.	R18-9-B205	Update	This rule contains an outdated reference to A.R.S. § 49-201(16) for the definition of “existing facility”. The reference has since changed to A.R.S. § 49-201(18). Therefore, pursuant to its authority under A.R.S. § 41-1027(A)(6), ADEQ updates the reference from A.R.S. § 49-201(16) to A.R.S. § 49-201(18).

Rule Summary	Content	Rule(s) affected (R18-9-xxxx)	Type of Change	Explanation of Changes to: Article 3. Aquifer Protection Permits - General Permits
	This rule sets forth the requirements for a 2.01 Aquifer Protection Permit (APP) general permit for drywells that drain areas where hazardous substances are used, stored, loaded, or treated.	R18-9-C301(B) & (H)(2)(b)	Update following repeal	<p>This rule requires an applicant for a 2.01 general permit to submit to the Department a Notice of Intent to discharge along with their “Department registration number” for the drywell. This refers to a state-based drywell registration program, previously authorized by A.R.S. Title 49 Article 8, which was repealed on September 24, 2022 in anticipation of ADEQ’s impending primacy over the Underground Injection Control (UIC) program.</p> <p>The UIC program regulates drywells as a Class V underground injection well which must be inventoried pursuant to A.A.C. R18-9-1652. The reference to a “Department registration number” in this rule is inconsistent with the requirement in R18-9-1652 to submit “inventory information” and is, furthermore, outdated following the repeal of Article 8. An applicant for a 2.01 general permit must demonstrate compliance with the UIC rules and related requirements. Removal of the outdated reference to “Department registration number” is necessary to retain functionality of the rule and increase public understanding of the requirements incumbent upon applicants for a 2.01 general permit.</p> <p>Therefore, pursuant to its authority under A.R.S. § 41-1027(A)(1), ADEQ updates the language in the rule to include a reference to the “Class V injection well inventory”.</p>
	This rule sets forth the requirements for a 2.02 Aquifer Protection Permit (APP) general permit for intermediate stockpiles at mining sites.	R18-9-C302(A)	Update	This rule contains an outdated reference to A.R.S. § 49-201(19) for the definition of “inert material”. The reference has since changed to A.R.S. § 49-201(22). Therefore, pursuant to its authority under A.R.S. § 41-1027(A)(6), ADEQ updates the reference from A.R.S. § 49-201(19) to A.R.S. § 49-201(22).
	This rule sets forth the requirements for a 2.04 Aquifer Protection Permit	R18-9-C304(B) & (I)(2)(b)	Update following repeal	This rule requires an applicant for a 2.04 general permit to submit to the Department a Notice of Intent to discharge along with their “Department registration number” for the drywell. This refers to a state-based drywell registration program, previously authorized by

Rule Content Summary	Rule(s) affected (R18-9-xxxx)	Type of Change	Explanation of Changes to: Article 3. Aquifer Protection Permits - General Permits
(APP) general permit for drywells that drain areas at motor fuel dispensing facilities where motor fuels are used, stored, or loaded.			<p>A.R.S. Title 49 Article 8, which was repealed on September 24, 2022 in anticipation of ADEQ’s impending primacy over the Underground Injection Control (UIC) program.</p> <p>The UIC program regulates drywells as a Class V underground injection well which must be inventoried pursuant to A.A.C. R18-9-I652. The reference to a “Department registration number” is inconsistent with the requirement in R18-9-I652 to submit “inventory information” and is, furthermore, outdated following the repeal of Article 8. An applicant for a 2.04 general permit must demonstrate compliance with the UIC rules and related requirements. Removal of the outdated reference to “Department registration number” is necessary to retain functionality of the rule and increase public understanding of the requirements incumbent upon applicants for a 2.04 general permit.</p> <p>Therefore, pursuant to its authority under A.R.S. § 41-1027(A)(1), ADEQ updates the language in the rule to include a reference to the “Class V injection well inventory”.</p>
This rule sets forth the requirements for a 3.02 Aquifer Protection Permit (APP) general permit for process water discharges from water treatment facilities.	R18-9-D302(A)(2)	Update	<p>This rule contains an outdated reference to A.R.S. § 49-201(19) for the definition of “inert material.” This has changed in statute to (22). Therefore, pursuant to its authority under A.R.S. § 41-1027(A)(6), ADEQ updates the reference from A.R.S. § 49-201(19) to A.R.S. § 49-201(22).</p>

Rule Content Summary	Rule(s) affected (R18-9-xxxx)	Type of Change	Explanation of Changes to: Article 6. Underground Injection Control (UIC)
This rule outlines the public notice requirements for the UIC program	R18-9-C620(D)(1)(f)	Update	<p>Subsection (D)(1) in the rule is not correctly scoped to encompass the federal UIC rules in 40 CFR 124.10(C)(1)(VIII) & (XI). Currently, the language states that the Director shall give public notice of UIC permit actions and public hearings, and shall deliver a copy of the public notice to certain entities. ADEQ is applying for primacy of the Safe Drinking Water Act - Underground Injection Control regulatory program (<i>see</i> A.R.S. §§ 49-203(A)(6), 49-257.01). One of the requirements is for ADEQ to have rules that are at least as stringent as the Federal analog.</p> <p>Therefore, the rule needs to be scoped to match the federal rules by clarifying that a copy of the notice shall be provided to state and local oil and gas regulatory agencies for Classes I and VI injection wells. Notably, the requirement in 40 CFR 124.10(C)(1)(XI) to notify the state Director of the Public Water Supply Supervision (PWSS) program is not necessary to add in the A.A.C. because the Director of the PWSS is the Director of ADEQ, and is therefore not separately notified of permit actions.</p>

Rule Content Summary	Rule(s) affected (R18-9-xxxx)	Type of Change	Explanation of Changes to: Article 6. Underground Injection Control (UIC)
			Therefore, pursuant to its authority under A.R.S. § 41-1027(A)(1), ADEQ amends the language in this subsection to align the public notice requirements with the federal UIC rules by scoping Class I wells into the public notice requirements.
This rule provides the general permit conditions applicable to all UIC permits	R18-9-D635(9)(d)	Correction	This rule contains a typographical error. The language in subsection (9)(d) provides that the permittee shall allow the Director to sample or monitor for the purposes of assuring permit compliance “or as otherwise authorized by this Article the SDWA...”. The language should, instead, say “...by this Article or the SDWA...”. Therefore, pursuant to its authority under A.R.S. § 41-1027(A)(3), ADEQ revises the language and adds the word “or”.
This rule sets forth the information that must be considered by the Director in authorizing Class II wells under the UIC program.	R18-9-F645(B)(2)	Correction	This rule contains a typographical error. The language in subsection (B)(2) discusses the requirement for the Director to consider a map which may show pertinent surface features “if known or suspended”. The language should, instead, say “suspected”. Therefore, pursuant to its authority under A.R.S. § 41-1027(A)(3), ADEQ revises the language to “suspected”.
This rule sets forth general requirements for Class V UIC wells	R18-9-I650(A)(4)(b)	Correction	This rule contains a typographical error to an incorrect citation. Subsection (A)(4)(b) cites a transfer fee rule in R18-14-111(3). The correct citation is, instead, R18-14-111(A)(3). Therefore, pursuant to its authority under A.R.S. § 41-1027(A)(3), ADEQ fixes the error by changing the reference to R18-14-111(A)(3).

Rule Content Summary	Rule(s) affected (R18-9-xxxx)	Type of Change	Explanation of Changes to: Article 7. Use of Recycled Water
This rule provides definitions for Title 18, Chapter 9, Article 7 in addition to those established in A.R.S. § 49-201.	R18-9-A701(5)	Update	This rule contains an outdated reference to A.R.S. § 49-201(18) for the definition of “gray water”. The reference has since changed to A.R.S. § 49-201(20). Therefore, pursuant to its authority under A.R.S. § 41-1027(A)(6), ADEQ updates the reference from A.R.S. § 49-201(18) to A.R.S. § 49-201(20).
This rule provides definitions for Title 18, Chapter 9, Article 7 in addition to those established in A.R.S. § 49-201.	R18-9-A701(11)	Update	This rule contains an outdated reference to A.R.S. § 49-201(32) for the definition of “reclaimed water”. The reference has since changed to A.R.S. § 49-201(41). Therefore, pursuant to its authority under A.R.S. § 41-1027(A)(6), ADEQ updates the reference from A.R.S. § 49-201(32) to A.R.S. § 49-201(41).

Rule Content Summary	Rule(s) affected (R18-9-xxxx)	Type of Change	Explanation of Changes to: Article 9. Arizona Pollutant Discharge Elimination System
<p>This rule outlines the relevant sections of Arizona assuming regulatory authority over the Environmental Protection Agency's National Pollutant Discharge System (NPDES).</p>	<p>R18-9-A902 (A) & (F)</p>	<p>Clarification</p>	<p>This rule should be revised to exclude outdated criteria under the public notice requirements for NPDES permittees in Arizona. Currently, the rule requires ADEQ to provide notice to all Arizona NPDES permittees, through one or more newspapers, which shall contain certain requirements as detailed in the rule. ADEQ has primacy over the Environmental Protection Agency's (EPA) NPDES program, and is authorized to implement and regulate a state-based program, AZPDES. ADEQ received authorization from the EPA to administer the NPDES Program on December 5, 2002. Now that ADEQ has administered the AZPDES program for roughly twenty-two years, these sections under R18-9-A902 are no longer necessary or appropriate.</p> <p>By updating this rule such that the Department would not be required to publish the date of EPA's approval of the AZPDES program, as well as information related to state and federal laws related to the permitting program, the contents of the public notice will be clearer and concise, fostering more public awareness of the most relevant aspects of a permit at issue. ADEQ removes paragraphs (A) and (F) under this section pursuant to its authority under A.R.S. § 41-1027(A)(6) to update this rule.</p>
<p>This rule intends to clarify that the scope of AZPDES permits do not convey property rights or special privileges.</p>	<p>R18-9-A904(B)</p>	<p>Clarification</p>	<p>This rule would benefit from improving grammar of the language so as to make it clearer for AZPDES permittees. The purpose of this rule is to more clearly delineate that an authorization to discharge under the AZPDES program does not instill property rights in the permittee (e.g., property rights over surface water or specialized licenses/privileges beyond the scope of the AZPDES permit). While the rule currently includes language to this effect, it would benefit from clarification to the grammar and the addition of the term "to the permittee" to further clarify to whom the prohibition applies. Therefore, ADEQ seeks to add clarifying language pursuant to its authority under A.R.S. § 41-1027(A)(3).</p>
<p>This rule outlines public notice requirements for Individual AZPDES permits.</p>	<p>R18-9-A907(A)(1) & (B)</p>	<p>Clarification</p>	<p>This rule outlines public notice requirements for AZPDES individual permits. Subsection (A)(1) of this rule addresses public notice requirements for Individual AZPDES Permits. Subsection (B) outlines requirements for General Permits. ADEQ seeks to add clarifying language pursuant to its authority under A.R.S. § 41-1027(A)(3) for Individual Permits to make it clear that the Department has authority to post public notice to its website in order to make the information more widely available online. Furthermore, this change comports with notice requirements of the National Pollutant Discharge Elimination System (NPDES) as set forth in the Code of Federal Regulations (CFR) under 40 C.F.R. 124.10.</p> <p>Additionally, in subsection (B), the rule prescribes notice requirements for General Permits. ADEQ updates the rule to add the option for ADEQ to post notice on the website, in addition to its requirement to post in the Arizona Administrative Register. This will allow the notice to reach potentially broader audiences and boost public engagement in the permitting process. Therefore, pursuant to</p>

Rule Summary	Content	Rule(s) affected (R18-9-xxxx)	Type of Change	Explanation of Changes to: Article 9. Arizona Pollutant Discharge Elimination System
				its authority in A.R.S. § 41-1027(A)(3), ADEQ adds this notice option to the language of the rule.

Rule Summary	Content	Rule(s) affected (R18-9-xxxx)	Type of Change	Explanation of Changes to: Article 10. Arizona Pollutant Discharge Elimination System - Transportation and Use of Biosolids
	This rule provides definitions for Title 18, Chapter 9, Article 10 in addition to those established in A.R.S. § 49-225 and R18-9-A901.	R18-9-1001(26)	Correction	<p>This rule contains an incorrect reference to A.R.S. § 49-201(21) for the definition of “navigable waters.” There are three issues with this rule: 1) A.R.S. § 49-201(21) defines “hazardous substance” and the reference is therefore incorrect; 2) There is no corresponding definition for “navigable waters” in the statute; and 3) The definition in the rule is not actually defining the term “navigable waters”.</p> <p>The language in the rule more appropriately and accurately defines “WOTUS” which is defined in statute at A.R.S. § 49-201(53). ADE corrects and clarifies the rule by changing “navigable waters” to “WOTUS”.</p> <p>Additionally, ADEQ updates the reference to the definition of WOTUS in A.R.S. § 49-201(53)</p> <p>Therefore, pursuant to its authority under A.R.S. § 41-1027(A)(3), ADEQ changes the definition to “WOTUS” and update the statutory reference accordingly.</p>
	This rule provides definitions for Title 18, Chapter 9, Article 10 in addition to those established in A.R.S. § 49-225 and R18-9-A901.	R18-9-1001(29)	Update	This rule contains an outdated reference to A.R.S. § 49-201(26) for the definition of “person”. The reference has since changed to A.R.S. § 49-201(33). Therefore, pursuant to its authority under A.R.S. § 41-1027(A)(6), ADEQ updates the reference from A.R.S. § 49-201(26) to A.R.S. § 49-201(33).

8. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

Not applicable.

9. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

10. A summary of the economic, small business, and consumer impact:

Not applicable. The agency is exempt from the requirements to prepare and file an economic, small business, and consumer impact

statement under A.R.S. § 41-1055(D)(2).

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Not applicable. No changes were made between the proposed expedited rulemaking and the final expedited rulemaking.

12. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

The Agency did not receive any public comments on A.A.C. Title 18 Chapter 9.

13. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

Not applicable.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

40 CFR 124.10 is applicable to the subject of R18-9-C620.

Additionally, 40 C.F.R. 124.10 and 40 C.F.R. 123.25 are applicable to the subject of R18-9A902, R18-9-A904, and R18-9-A907.

However, these rules are not more stringent than federal law in accordance with A.R.S. § 49-104(A)(16).

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

Not applicable.

14. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

Not applicable.

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable.

16. The full text of the rules follows:

Rule text begins on the next page.

TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 9. DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER POLLUTION CONTROL

ARTICLE 1. AQUIFER PROTECTION PERMITS – GENERAL PROVISIONS

Section

R18-9-101. Definitions

ARTICLE 2. AQUIFER PROTECTION PERMITS – INDIVIDUAL PERMITS

Section

R18-9-A213. Permit Suspension, Revocation, Denial, or Termination

R18-9-B201. General Considerations and Prohibitions

R18-9-B205. Treatment Performance Requirements for an Existing Facility

ARTICLE 3. AQUIFER PROTECTION PERMITS - GENERAL PERMITS

Section

R18-9-C301. 2.01 General Permit: Drywells That Drain Areas Where Hazardous Substances Are Used,
Stored, Loaded, or Treated

R18-9-C302. 2.02 General Permit: Intermediate Stockpiles at Mining Sites

R18-9-C304. 2.04 General Permit: Drywells that Drain Areas at Motor Fuel Dispensing Facilities
Where Motor Fuels are Used, Stored, or Loaded

R18-9-D302. 3.02 General Permit: Process Water Discharges from Water Treatment Facilities

ARTICLE 6. UNDERGROUND INJECTION CONTROL

Section

R18-9-C620 Public Notice of Permit Actions and Public Comment Period

R18-9-D635 Conditions Applicable to All Permits

R18-9-F645 Class II; Information to be Considered by the Director

R18-9-I650 Class V; General Requirements

ARTICLE 7. USE OF RECYCLED WATER

Section

R18-9-A701 Definitions

ARTICLE 9. ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM

Section

R18-9-A902 AZPDES Permit Transition, Applicability, and Exclusions

R18-9-A904 Effect of a Permit

R18-9-A907 Public Notice

**ARTICLE 10. ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM – DISPOSAL, USE, AND
TRANSPORTATION OF BIOSOLIDS**

Section

R18-9-1001 Definitions

Notice of Final Rulemaking

ARTICLE 1. AQUIFER PROTECTION PERMITS - GENERAL PROVISIONS

R18-9-101. Definitions

1. "Aggregate" No change
2. "Alert level" No change
3. "AQL" No change
4. "Aquifer Protection Permit" No change
5. "Aquifer Water Quality Standard" No change
6. "AZPDES" No change
7. "BADCT" No change
8. "Bedroom" No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
9. "Book net worth" No change
10. "CCR" No change
11. "CCR landfill" No change
12. "CCR surface impoundment" No change
13. "CCR unit" No change
14. "Cesspool" No change
15. "Chamber technology" No change
16. "CMOM Plan" No change
17. "Design capacity" No change
18. "Design flow" No change
19. "Direct reuse site" No change
20. "Disposal works" No change
21. "Drywell" means a well which is a bored, drilled or driven shaft or hole whose depth is greater than its width and is designed and constructed specifically for the disposal of storm water. Drywells do not include class 1, class 2, class 3 or class 4 injection wells as defined by the Federal Underground Injection Control Program (P.L. 93-523, part C), as amended. A.R.S. § 49-331(3).
22. "Dwelling" No change
23. "Final permit determination" No change
24. "Gray water" No change
25. "Groundwater Quality Protection Permit" No change
26. "Homeowner's association" No change
27. "Injection well" No change.

28. "Intermediate stockpile" No change
29. "Land treatment facility" No change
30. "Mining site" No change
31. "Nitrogen Management Area" No change
32. "Notice of Disposal" No change
33. "On-site wastewater treatment facility" No change
34. "Operational life" No change
35. "Person" No change
36. "Pilot project" No change
37. "Process solution" No change
38. "Residential soil remediation level" No change
39. "Seasonal high water table" No change
40. "Setback" No change
41. "Sewage" No change
42. "Sewage collection system" No change
43. "Sewage treatment facility" No change
44. "Surface impoundment" No change
45. "Tracer" No change
46. "Tracer study" No change
47. "Treatment works" No change
48. "Typical sewage" No change
49. "Underground storage facility" No change
50. "Waters of the United States" No change
 - a. No change
 - b. No change
 - c. No change
 - i. No change
 - ii. No change
 - iii. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change

ARTICLE 2. AQUIFER PROTECTION PERMITS - INDIVIDUAL PERMITS

R18-9-A213. PERMIT SUSPENSION, REVOCATION, DENIAL, OR TERMINATION

- A. No change

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
 - a. No change
 - b. No change

B. No change

1. No change
2. No change
 - a. No change
 - b. No change
 - c. No change
3. No change

C. The Director shall terminate an individual permit if each facility covered under the individual permit:

1. Has closed and the Director issued a Permit Release Notice under R18-9-A209(C)(2)(c) or ~~A209(B)(3)(a)(ii)~~ A209(B)(4)(a)(ii) for the closed facility, or
2. Is covered under another Aquifer Protection Permit.

R18-9-B201. GENERAL CONSIDERATIONS AND PROHIBITIONS

A. No change

B. No change

C. No change

D. No change

1. No change
2. No change
3. No change
4. No change

E. No change

F. No change

G. No change

H. No change

I. The owner or operator of a sewage treatment facility that is a new facility or undergoing a major modification shall provide setbacks established in the following table. Setbacks are measured from the noise or odor-producing treatment and disposal components within the sewage treatment facility to the nearest property line of an adjacent dwelling, workplace, or private property. If an owner or operator cannot meet a setback for a facility undergoing a major modification that incorporates full noise, odor, and aesthetic controls, the owner or operator shall not further encroach into setback distances existing before the major modification except as allowed in

subsection (I)(2).

	<u>Minimum Setback Distance (feet)</u>	
Sewage Treatment Facility Design Flow (gallons per day)	No Noise, Odor, or Aesthetic Controls (feet)	Full Noise, Odor, and Aesthetic Controls (feet)
3000 to less than 24,000	250	25
24,000 to less than 100,000	350	50
100,000 to less than 500,000	500	100
500,000 to less than 1,000,000	750	250
1,000,000 or greater	1000	350

1. Full noise, odor, and aesthetic controls means that:
 - a. Noise due to the sewage treatment facility does not exceed 50 decibels at the facility property boundary on the A network of a sound level meter or a level established in a local noise ordinance,
 - b. All odor-producing components of the sewage treatment facility are fully enclosed,
 - c. Odor scrubbers or other odor-control devices are installed on all vents, and
 - d. Fencing aesthetically matched to the area surrounding the facility.
2. The owner or operator of a sewage treatment facility undergoing a major modification may decrease setbacks if:
 - a. Allowed by local ordinance; or
 - b. Setback waivers are obtained from affected property owners in which the property owner acknowledges awareness of the established setbacks, basic design of the sewage treatment facility, and the potential for noise and odor.

J. The owner or operator of a sewage treatment facility shall not operate the facility so that it emits an offensive odor on a persistent basis beyond the setback distances specified in subsection (I).

R18-9-B205. TREATMENT PERFORMANCE REQUIREMENTS FOR AN EXISTING FACILITY

For a sewage treatment facility that is an existing facility defined in ~~A.R.S. § 49-201(16)~~ A.R.S. § 49-201(18), the BADCT shall conform with the following:

1. No change
2. No change
3. No change

ARTICLE 3. AQUIFER PROTECTION PERMITS - GENERAL PERMITS

R18-9-C301. 2.01 GENERAL PERMIT: DRYWELLS THAT DRAIN AREAS WHERE HAZARDOUS SUBSTANCES ARE USED, STORED, LOADED, OR TREATED

- A.** No change
- B.** Notice of Intent to Discharge. In addition to the requirements in R18-9-A301(B), an applicant shall submit:

1. The ~~Department registration~~ Class V injection well inventory number for the drywell or documentation that a ~~drywell registration~~ form inventory information was submitted to the Department;
 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 3. No change
 4. No change
- C.** No change
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
- D.** No change
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - e. No change
 6. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change

- E.** No change
 - 1. No change
 - 2. No change
- F.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 5. No change
 - 6. No change
- G.** No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - i. No change
 - ii. No change
 - 2. No change
- H.** Closure and decommissioning requirements.
 - 1. A permittee shall:
 - a. Retain a drywell drilling contractor, licensed under 4 A.A.C. 9, to close the drywell;
 - b. Remove sediments and any drainage component, such as standpipes and screens from the drywell's settling chamber and backfill the injection pipe with cement grout;
 - c. Remove the settling chamber;
 - d. Backfill the settling chamber excavation to the land surface with clean silt, clay, or engineered material. Materials containing hazardous substances are prohibited from use in backfilling the drywell; and
 - e. Mechanically compact the backfill.
 - 2. Within 30 days of closure and decommissioning, the permittee shall submit a written verification to the Department that all material that contributed to a discharge has been removed and any reasonable probability of further discharge from the facility and of exceeding any Aquifer Water Quality Standard at the applicable point of compliance has been eliminated to the greatest degree practical. The written verification shall specify:
 - a. The reason for the closure;

- b. The ~~drywell registration~~ Class V injection well inventory number;
- c. The general permit reference number;
- d. The materials and methods used to close the drywell;
- e. The name of the contractor who performed the closure;
- f. The completion date;
- g. Any sampling data;
- h. Sump construction details, if a sump was constructed to replace the abandoned drywell; and
- i. Any other information necessary to verify that closure has been achieved.

R18-9-C302. 2.02 GENERAL PERMIT: INTERMEDIATE STOCKPILES AT MINING SITES

- A. A 2.02 General Permit allows for intermediate stockpiles not qualifying as inert material under ~~A.R.S. §49-201(19)~~ A.R.S. §49-201(22) at a mining site.
- B. No change
- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- D. No change
 - 1. No change
 - 2. No change

R18-9-C304. 2.04 GENERAL PERMIT: DRYWELLS THAT DRAIN AREAS AT MOTOR FUEL DISPENSING FACILITIES WHERE MOTOR FUELS ARE USED, STORED, OR LOADED

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
- B. Notice of Intent to Discharge. In addition to the requirements in R18-9-A301(B), an applicant shall submit:
 - 1. The ~~Department registration~~ Class V injection well inventory number for the drywell or documentation that a ~~drywell registration form~~ inventory information was submitted to the Department;
 - 2. For a drywell constructed more than 90 days before submitting the Notice of Intent to Discharge to the Department, a certification signed, dated, and sealed by an Arizona-registered professional engineer or geologist that a site investigation concluded that:
 - a. Analytical results from sampling sediment from the drywell settling chamber sediment for pollutants reasonably expected to be present do not exceed either the residential soil remediation levels or the groundwater protection levels;
 - b. The settling chamber does not contain sediment that could be used to characterize and compare results to soil remediation levels and the chamber has not been cleaned out within the last six months;
 - c. Neither a soil remediation level nor groundwater protection level is exceeded in soil samples collected from a boring drilled

within 5 feet of the drywell and sampled in 5 foot increments starting at a depth of 5 feet below ground surface and extending to a depth of 10 feet below the base of the drywell injection pipe; or

- d. If coarse grained lithology prevents the collection of soil samples in a soil boring, a groundwater investigation demonstrates compliance with Aquifer Water Quality Standards in groundwater at the applicable point of compliance.

- 3. Design information to demonstrate that the requirements in subsection (C) are satisfied.

C. No change

- 1. No change

- a. No change
- b. No change
- c. No change
- d. No change
- e. No change
- f. No change
- g. No change
- h. No change
- i. No change

D. No change

- 1. No change

- a. No change
- b. No change
 - i. No change
 - ii. No change
- c. No change
- d. No change
 - i. No change
 - ii. No change
 - iii. No change

- 2. No change

- a. No change
 - i. No change
 - ii. No change
 - iii. No change
- b. No change
 - i. No change
 - ii. No change
- c. No change
 - i. No change

ii. No change

d. No change

i. No change

ii. No change

E. No change

1. No change

2. No change

3. No change

4. No change

5. No change

6. No change

7. No change

8. No change

9. No change

F. No change

1. No change

2. No change

G. No change

1. No change

2. No change

3. No change

4. No change

a. No change

b. No change

c. No change

d. No change

5. No change

6. No change

H. No change

1. No change

a. No change

b. No change

c. No change

d. No change

i. No change

ii. No change

2. No change

I. Closure and decommissioning requirements.

1. A permittee shall:
 - a. Retain a drywell drilling contractor, licensed under 4 A.A.C. 9, to close the drywell;
 - b. Remove sediments and any drainage component, such as standpipes and screens from the drywell's settling chamber and backfill the injection pipe with cement grout;
 - c. Remove the settling chamber;
 - d. Backfill the settling chamber excavation to the land surface with clean silt, clay, or engineered material. A permittee shall not use materials containing hazardous substances in backfilling the drywell; and
 - e. Mechanically compact the backfill.
2. Within 30 days of closure and decommissioning, the permittee shall submit a written verification to the Department that all material that contributed to a discharge has been removed and any reasonable probability of further discharge from the facility and of exceeding any Aquifer Water Quality Standard at the applicable point of compliance has been eliminated to the greatest degree practical. The written verification shall specify:
 - a. The reason for the closure;
 - b. The ~~drywell registration~~ Class V injection well inventory number or;
 - c. The general permit reference number;
 - d. The materials and methods used to close the drywell;
 - e. The name of the contractor who performed the closure;
 - f. The completion date;
 - g. Any sampling data;
 - h. Sump construction details, if a sump was constructed to replace the abandoned drywell; and
 - i. Any other information necessary to verify that closure has been achieved.

R18-9-D302. 3.02 GENERAL PERMIT: PROCESS WATER DISCHARGES FROM WATER TREATMENT FACILITIES

A. A 3.02 General Permit allows filtration backwash and discharges obtained from sedimentation and coagulation in the water treatment process from facilities that treat water for industrial process or potable uses. The permittee shall ensure that:

1. Liquid fraction. The discharge meets:
 - a. All numeric Aquifer Water Quality Standards for inorganic chemicals, organic chemicals, and pesticides established in R18-11-406(B) through (D);
 - b. The discharge meets one of the following criteria for microbiological contaminants:
 - i. Either the concentration of fecal coliform organisms is not more than 2/100 ml or the concentration of E. coli bacteria is not more than 1/ 100 ml, or
 - ii. Either the concentration of fecal coliform organisms is less than 200/100 ml or the concentration of E. coli bacteria is less than 126/ 100 ml if the average daily flow processed by the water treatment facility is less than 250,000 gallons; and
2. Solid Fraction. The solid material in the discharge qualifies as inert material, as defined in ~~A.R.S. § 49-201(19)~~ A.R.S. § 49-201(22).

B. No change

- 1. No change
- 2. No change

C. No change

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- a. No change
- b. No change
- c. No change
- 5. No change

D. No change

- 1. No change
 - a. No change
 - b. No change
 - c. No change
- 2. No change
 - a. No change
 - b. No change
 - c. No change

E. No change

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change

F. No change

- 1. No change
- 2. No change

ARTICLE 6. UNDERGROUND INJECTION CONTROL

PART C. AUTHORIZATION BY PERMIT FOR UNDERGROUND INJECTION

R18-9-C620. PUBLIC NOTICE OF PERMIT ACTIONS AND PUBLIC COMMENT PERIOD

A. No change

- 1. No change
- 2. No change

B. No change

C. No change

1. No change
2. No change

D. Public notice of activities described in subsection (A) shall be given by the following methods:

1. Delivery of a copy of the notice to:
 - a. The applicant;
 - b. Any affected federal, state, tribal, or local agency, or council of government;
 - c. Federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources, and the State Historic Preservation Office;
 - d. Any person who requested, in writing, notification of the activity;
 - e. Any persons on a contact list developed from past permit proceedings and public outreach; and
 - f. ~~For Class VI injection well UIC permits, mailing or e-mailing a notice to State and local oil and gas regulatory agencies and State agencies regulating mineral exploration and recovery and all agencies that oversee injection wells in the State for~~ Classes I and VI injection well UIC permits.
2. For Major Facilities only, newspaper publication in accordance with A.A.C. R18-1-401(A)(1).

PART D. PERMIT CONDITIONS FOR UNDERGROUND INJECTION

R18-9-D635. CONDITIONS APPLICABLE TO ALL PERMITS

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by this Article or the SDWA, any substances or parameters at any location.
10. No change
 - a. No change
 - b. No change
 - i. No change

- ii. No change
 - c. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - vi. No change
 - d. No change
- 11. No change
- 12. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - i. No change
 - ii. No change
 - g. No change
 - h. No change
- 13. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
- 14. No change
- 15. No change
- 16. No change
 - a. No change
 - b. No change
- 17. No change
 - a. No change
 - b. No change
 - c. No change

PART F. CLASS II INJECTION WELL REQUIREMENTS

R18-9-F645. CLASS II; INFORMATION TO BE CONSIDERED BY THE DIRECTOR

A. No change

B. Prior to the issuance of a permit for an existing Class II well to operate or the construction or conversion of a new Class II well the

Director shall consider the following:

1. Information required in R18-9-C616.
2. A map showing the injection well or project area for which a permit is sought and the applicable area of review. Within the area of review, the map must show the number or name and location of all existing producing wells, injection wells, abandoned wells, dry holes, and water wells. The map may also show surface bodies of waters, mines (surface and subsurface), quarries and other pertinent surface features including residences and roads, and faults if known or ~~suspected~~suspected. Only information of public record and pertinent information known to the applicant is required to be included on this map. This requirement does not apply to existing Class II wells.
3. A tabulation of data reasonably available from public records or otherwise known to the applicant on all wells within the area of review included on the map required under subsection (B)(2) which penetrate the proposed injection zone or, in the case of Class II wells operating over the fracture pressure of the injection formation, all known wells within the area of review which penetrate formations affected by the increase in pressure. Such data shall include a description of each well's type, construction, date drilled, location, depth, record of plugging and completion, and any additional information the Director may require. In cases where the information would be repetitive and the wells are of similar age, type, and construction the Director may elect to only require data on a representative number of wells. This requirement does not apply to existing Class II wells.
4. Proposed operating data:
 - a. Average and maximum daily rate and volume of fluids to be injected;
 - b. Average and maximum injection pressure; and
 - c. Source and an appropriate analysis of the chemical and physical characteristics of the injection fluid.
5. Appropriate geological data on the injection zone and confining zone including lithologic description, geological name, thickness and depth.
6. Geologic name and depth to bottom of all USDWs which may be affected by the injection.
7. Schematic or other appropriate drawings of the surface and subsurface construction details of the well.
8. In the case of new injection wells the corrective action proposed to be taken by the applicant under R18-9-D639.
9. A certificate that the applicant has assured through a performance bond or other appropriate means, the resources necessary to close, plug or abandon the well as required by R18-9-D636(A)(6).

C. No change

1. No change
2. No change
3. No change
4. No change
5. No change

D. No change

1. No change
2. No change

3. No change
4. No change
5. No change
6. No change

E. No change

1. No change
2. No change
3. No change
4. No change
5. No change

PART I. CLASS V INJECTION WELL REQUIREMENTS

R18-9-I650. CLASS V; GENERAL REQUIREMENTS

A. The following requirements apply to Class V Wells authorized by rule:

1. A Class V Injection well is authorized by rule subject to the conditions under this Section.
2. Well authorization under this Section expires upon the effective date of a permit issued pursuant to R18-9-I651, R18-9-C616, R18-9-C624, R18-9-C625, or upon proper closure of the well.
3. An owner or operator of a well that is authorized by rule pursuant to this Section is prohibited from injecting into the well:
 - a. Upon the effective date of an applicable permit denial;
 - b. Upon failure to submit a permit application in a timely manner pursuant to R18-9-I651 or R18-9-C616;
 - c. Upon failure to submit inventory information in a timely manner pursuant to R18-9-I652; or d. Upon failure to comply with a request for information in a timely manner pursuant to R18-9-I653.
4. Submission of the following is required in order to transfer ownership of a well that is authorized by rule pursuant to this Section:
 - a. An inventory, and
 - b. Class V authorized by rule transfer fee pursuant to ~~R18-14-111(3)~~ R18-14-111(A)(3).

B. No change

1. No change
2. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - c. No change
3. No change
4. No change

ARTICLE 7. USE OF RECYCLED WATER

R18-9-A701. DEFINITIONS

1. “Advanced reclaimed water treatment facility” No change

2. "Direct reuse" No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
3. "Direct reuse site" No change
4. "End user" No change
5. "Gray water" means wastewater that has been collected separately from a sewage flow and that originates from a clothes washer or a bathroom tub, shower or sink but that does not include wastewater from a kitchen sink, dishwasher or toilet. ~~A.R.S. § 49-201(18)~~ A.R.S. § 49-201(20).
6. "Industrial wastewater" No change
7. "Irrigation" No change
8. "Open access" No change
9. "Open water conveyance" No change
10. "Pipeline conveyance" No change
11. "Reclaimed water" means water that has been treated or processed by a wastewater treatment plant or an on-site wastewater treatment facility. ~~A.R.S. § 49-201(32)~~ A.R.S. § 49-201(41).
12. "Reclaimed water agent" No change
13. "Reclaimed water blending facility" No change
14. "Recycled water" No change
15. "Restricted access" No change
16. "Sewage Treatment Facility" No change

ARTICLE 9. ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM

R18-9-A902. AZPDES PERMIT TRANSITION, APPLICABILITY, AND EXCLUSIONS

- A. Upon the effective date of EPA approval of the AZPDES program, the Department shall, under A.R.S. Title 49, Chapter 2, Article 3.1 and Articles 9 and 10 of this Chapter, administer any permit authorized or issued under the NPDES program, including an expired permit that EPA has continued in effect under 40 CFR 122.6.
 1. The Director shall give a notice to all Arizona NPDES permittees, except NPDES permittees located on and discharging in Indian Country, and shall publish a notice in one or more newspapers of general circulation in the state. The notice shall contain:
 - ~~a.~~ ~~The effective date of EPA approval of the AZPDES program;~~
 - ~~b.~~ a. The name and address of the Department;
 - ~~b.~~ b. The name of each individual permitted facility and its permit number;
 - ~~c.~~ c. The title of each general permit administered by the Department;
 - ~~d.~~ d. The name and address of the contact person, to which the permittee will submit notification and monitoring reports; and
 - ~~f.~~ ~~Information specifying the state laws equivalent to the federal laws or regulations referenced in a NPDES permit; and~~
 - ~~e.~~ e. The name, address, and telephone number of a person from whom an interested person may obtain further information about the transition.

2. The Department shall provide the following entities with a copy of the notice:
 - a. Each county department of health, environmental services, or comparable department;
 - b. Each Arizona council of government, tribal government, the states of Utah, Nevada, New Mexico, and California, and EPA Region 9;
 - c. Any person who requested, in writing, notification of the activity;
 - d. The Mexican Secretaria de Medio Ambiente y Recursos Naturales, and
 - e. The United States Section of the International Boundary and Water Commission.
3. If a timely application for a NPDES permit was ~~is~~ submitted to EPA before approval of the AZPDES program, the applicant may continue the process with EPA or request the Department to act on the application. In either case, the Department shall issue the permit.
4. The terms and conditions under which the permit was issued remain the same until the permit is modified.

B. No change

1. No change
2. No change
3. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - b. No change
4. No change
5. No change
6. No change
7. No change
8. No change
 - a. No change
 - b. No change
 - c. No change
 - i. No change
 - ii. No change
 - iii. No change
 - d. No change

C. No change

1. No change
2. No change

D. No change

1. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - vi. No change
 - vii. No change
 - b. No change

2. No change
3. No change

E. No change

F. No change

1. No change
 - a. No change
 - b. No change
2. No change

G. No change

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change

H. No change

1. No change
2. No change
 - a. No change
 - b. No change
 - c. No change

R18-9-A904. EFFECT OF A PERMIT

- A.** Except for a standard or prohibition imposed under section 307 of the Clean Water Act (33 U.S.C. 1317) for a toxic pollutant that is injurious to human health and standards for sewage sludge use or disposal under Article 10 of this Chapter, compliance with an AZPDES permit during its term constitutes compliance, for purposes of enforcement, with Article 9 of this Chapter. However, the Director may modify, revoke and reissue, suspend, or terminate a permit during its term for cause under R18-9-B906.

- B. The issuance of a permit does not convey any property rights ~~of any sort~~, or any exclusive privilege to the permittee.
- C. The issuance of a permit does not authorize any injury to a person or property or invasion of other private rights, or any infringement of federal, state, or local law, or regulations.

R18-9-A907. PUBLIC NOTICE REQUIREMENTS

A. Individual permits.

1. The Director shall publish a notice that a draft individual permit has been prepared, or a permit application has been tentatively denied, and may publish all notices of these activities in one or more newspapers of general circulation where the facility is located, or to the Department's website. If the Department publishes notice of a draft individual permit on the website, it shall additionally post on the website the draft permit and fact sheet for the duration of the public comment period. The notice shall contain:
 - a. The name and address of the Department;
 - b. The name and address of the permittee or permit applicant and if different, the name of the facility or activity regulated by the permit;
 - c. A brief description of the business conducted at the facility or activity described in the permit application;
 - d. The name, address, and telephone number of a person from whom an interested person may obtain further information, including copies of the draft permit, fact sheet, and application;
 - e. A brief description of the comment procedures, the time and place of any hearing, including a statement of procedures to request a hearing (unless a hearing has already been scheduled), and any other procedure by which the public may participate in the final permit decision;
 - f. A general description of the location of each existing or proposed discharge point and the name of the receiving water;
 - g. For sources subject to section 316(a) of the Clean Water Act, a statement that the thermal component of the discharge is subject to effluent limitations under the Clean Water Act, section 301 (33 U.S.C. 1311) or 306 (33 U.S.C. 1316) and a brief description, including a quantitative statement, of the thermal effluent limitations proposed under section 301 (33 U.S.C. 1311) or 306 (33 U.S.C. 1316);
 - h. Requirements applicable to cooling water intake structures at new facilities subject to 40 CFR 125, subpart I; and
 - i. Any additional information considered necessary to the permit decision.
2. No change
3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change

- B. General permits.** If the Director considers issuing a general permit applicable to a category of discharge under R18-9-C901, the Director shall publish a general notice of the draft permit ~~in the Arizona Administrative Register.~~ The Director shall publish a notice

that a draft general permit has been prepared, or a permit application has been tentatively denied, and may publish all notices of these activities in one or more newspapers of general circulation where the facility is located, or to the Department's website. If the Department publishes notice of a draft general permit on the website, it shall additionally post on the website the draft permit and fact sheet for the duration of the public comment period. The notice shall contain:

1. The name and address of the Department,
2. The name of the person to contact regarding the permit,
3. The general permit category,
4. A brief description of the proposed general permit,
5. A map or description of the permit area,
6. The web site or any other location where the proposed general permit may be obtained, and
7. The ending date for public comment

**ARTICLE 10. ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM – DISPOSAL, USE, AND
TRANSPORTATION OF BIOSOLIDS**

R18-9-1001. DEFINITIONS

1. "Aerobic digestion" No change
2. "Agronomic rate" No change
 - a. No change
 - b. No change
3. "Anaerobic digestion" No change
4. "Annual biosolids application rate" No change
5. "Annual pollutant loading rate" No change
6. "Applicator" No change
7. "Biosolids" No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
8. "Bulk biosolids" No change
9. "Class I sludge management facility" No change
10. "Clean water act" No change
11. "Coarse fragments" No change
12. "Coarse or medium sands" No change
13. "Cumulative pollutant loading rate" No change
14. "Domestic septage" No change

15. "Domestic sewage" No change
16. "Dry-weight basis" No change
17. "Exceptional quality biosolids" No change
18. "Feed crops" No change
19. "Fiber crops" No change
20. "Food crops" No change
21. "Gravel" No change
22. "Industrial wastewater" No change
23. "Land application," "apply biosolids," or "biosolids applied to the land" No change
24. "Monthly average" No change
25. "Municipality" No change
26. ~~"Navigable waters"~~ *"WOTUS" means the waters of the United States as defined by section 502(7) of the clean water act (33 United States Code section 1362(7)). ~~A.R.S. § 49-201(21)~~ A.R.S. § 49-201(53).*
27. "Other container" No change
28. "Pathogen" No change
29. *"Person" means an individual, employee, officer, managing body, trust, firm, joint stock company, consortium, public or private corporation, including a government corporation, partnership, association or state, a political subdivision of this state, a commission, the United States government or a federal facility, interstate body or other entity. ~~A.R.S. § 49-201(26)~~ A.R.S. § 49-201(33).*
30. "Person who prepares biosolids" No change
31. "pH" No change
32. "Pollutant" No change
33. "Pollutant limit" No change
34. "Privately owned treatment works" No change
35. "Public contact site" No change
36. "Reclamation" No change
37. "Responsible official" No change
38. "Runoff" No change
39. "Sand" No change
40. "Sewage sludge" No change
 - a. No change
 - b. No change
 - c. No change
41. "Sewage sludge unit" No change
42. "Specific oxygen uptake rate (SOUR)" No change
43. "Store biosolids" or "storage of biosolids" No change
44. "Surface disposal site" No change

45. "Ton" No change
46. "Total solids" No change
47. "Treatment of biosolids" No change
48. "Unstabilized solids" No change
49. "Vectors" No change
50. "Volatile solids" No change
51. "Wetlands" No change

Pre-Publication