

ADEQ REGULATORY AGENDA FOR 2016

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 2015-01 <http://azgovernor.gov/file/1340/download?token=dQRZQZCt>, which declares a rule moratorium through December 31, 2015. ADEQ will post a notice on its Rules Web page at <http://www.azdeq.gov/function/laws/index.html#rules> 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 2016

| Air Quality Division | Docket Opening ¹ | NPRM ² | NFRM ³ | Federal Funding ⁴ |
|---|-----------------------------|-------------------|-------------------|------------------------------|
| Sulfur Dioxide rule updates for the Hayden and Miami Nonattainment Areas (18 A.A.C. 2, Art. 7, Appendix 8)* | December 2015 | December 2015 | May 2016 | Yes |
| New Source Review updates and Permit Streamlining (18 A.A.C. 2, Articles 3 and 4)** and *** | December 2015 | January 2016 | May 2016 | Yes |
| Lead (Pb) Emissions from Copper Smelters (18 A.A.C. 2, Art. 13) **** | January 2016 | April 2016 | May 2016 | Yes |

- * ADEQ to proceed under exemption granted June 1, 2015.
- ** ADEQ to proceed under exemption granted July 1, 2015.
- *** ADEQ to proceed under exemption granted October 20, 2015.
- **** ADEQ request for exemption pending.

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.

| Waste Programs Division | Docket Opening ¹ | NPRM ² | NFRM ³ | Federal Funding ⁴ |
|-------------------------|-----------------------------|-------------------|-------------------|------------------------------|
| To be determined | | | | |

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| Water Quality Division | Docket Opening ¹ | NPRM ² | NFRM ³ | Federal Funding ⁴ |
|---|-----------------------------|-------------------|-------------------|------------------------------|
| Surface Water Quality Standards Updates (18 A.A.C. 11, Articles 1 and 2)* | 9/18/15 | 9/18/15 | February 2016 | Yes |
| Water Quality Protection Operator Certification Fees (18 A.A.C. 14, Article 3)** | 1/17/14 | 7/11/14 | 11/6/15*** | No |
| Revised Total Coliform (18 A.A.C. 4, Articles 1 and 2)**** | 9/11/15 | 10/9/15 | March 2016 | Yes |
| Reclaimed Water (18 A.A.C. 9 and 11)***** | 1/1/16 | To be determined | To be determined | No |

* ADEQ to proceed under exemption granted September 18, 2015.

** ADEQ to proceed under exemption granted July 10, 2015.

*** Delayed effective date of July 1, 2016.

**** ADEQ to proceed under exemption granted September 15, 2015.

***** ADEQ to proceed under exemption granted November 3, 2015.

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II. Reviews of Existing Rules Due in 2016

| 5-Year-Review Due | Rules Being Reviewed |
|--------------------------|--------------------------------------|
| January 2016 | 18 A.A.C. 11, Article 3 |
| April 2016 | 18 A.A.C. 2, Articles 14, 15 & 17 |
| April 2016 | 18 A.A.C. 5, Articles 1, 2, 3, 4 & 5 |
| April 2016 | 18 A.A.C. 9, Article 5 |
| May 2016 | 18 A.A.C. 9, Article 10 |
| December 2016 | 18 A.A.C. 9, Article 9 |

III. Rules Terminated in 2015

| Rule | Notice of Termination of Rulemaking |
|-------------|--|
| | None |

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) | 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 |