

## COUNTY NOTICES PURSUANT TO A.R.S. § 49-112

Because each county writes rules and regulations in its own unique style, County Notices published in the *Register* do not conform to the standards of the *Arizona Rulemaking Manual*. With the exception of minor formatting changes, the rules (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

### NOTICE OF EXPEDITED RULEMAKING

#### MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

#### RULE 317 – HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

#### RULE 321 – MUNICIPAL SOLID WASTE LANDFILLS

#### RULE 360 – NEW SOURCE PERFORMANCE STANDARDS

#### RULE 370 – FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

#### RULE 371 – ACID RAIN

#### PREAMBLE

**1. Sections Affected**

Rule 317 § 300  
Rule 321 § 300  
Rule 360 § 300  
Rule 370 § 300  
Rule 371 § 300

**Rulemaking Action**

Amend  
Amend  
Amend  
Amend  
Amend

**2. Statutory authority for the rulemaking:**

Authorizing statutes: Arizona Revised Statutes, Title 49, Chapter 3, Article 3, Sections 471.08, 479 and 480 (A.R.S. § 49-471.08, A.R.S. § 49-479, A.R.S. § 49-480)

Implementing statutes: Arizona Revised Statutes, Title 49, Chapter 3, Article 3, Section 406(G) (A.R.S. § 49-406)

**3. List of all previous notices appearing in the register addressing the final rule:**

Notice of Rulemaking Docket Opening: 9 A.A.R. 1473, May 16, 2003 (Rules 317, 321, 360, 370 and 371)

**4. Name and address of department personnel with whom persons may communicate regarding the rulemaking:**

Name: Renee Schindler or Jo Crumbaker  
Address: 1001 N. Central Avenue, Suite 695  
Phoenix, AZ 85004  
Telephone: (602) 506-4057 or (602) 506-6705  
Fax: (602) 506-6179  
E-mail: rschindler@mail.maricopa.gov or jcrumbak@mail.maricopa.gov

**5. Explanation of the rule, including the department's reason for initiating the rulemaking:**

Maricopa County is proposing to update its incorporations by reference of the following federal regulations: New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and Acid Rain.

Rule 317: 40 CFR 60, Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996, is incorporated by reference.

Rule 321: 40 CFR 60, Subpart WWW, Municipal Solid Waste Landfills, is incorporated by reference.

Rule 360: Updates to the federal NSPS regulations are incorporated as of July 1, 2002.

Rule 370: Updates to the federal NESHAP regulations are incorporated as of July 1, 2002.

Rule 371: Updates to the federal Acid Rain regulations are incorporated as of July 1, 2002.

The Environmental Services Department will be requesting delegation of authority for enforcement of the revisions in Rules 317, 3321, 360, 370 and 371 from the U.S. Environmental Protection Agency.

A description of the new incorporations by reference follows:

[Added at 64 FR 31358, 06/10/1999]

**Part 60, Subpart AAAA - Standards Of Performance For Small Municipal Waste Combustion Units For Which Construction Is Commenced after August 30, 1999, or for Which Modification or Reconstruction Is Commence after June 6, 2001** [Added at 65 FR 76355, 12/06/00]

**Part 60, Subpart BBBB – Standards Of Performance For New Small Municipal Waste Combustion Units** [Added at 65 FR 76384, 12/06/00]

**Part 60, Subpart CCCC – Standards Of Performance For Commercial and Industrial Solid Waste Incinerators for Which Construction Is Commenced after November 30, 1999, or for Which Modification or Reconstruction Is Commenced on or after June 1, 2001** [Added 65 FR 75350, 12/01/00]

**Part 60, Subpart DDDD – Standards Of Performance For New Stationary Sources And Emission Guidelines For Existing Sources: Commercial And Industrial Solid Waste Incineration Units** [Added at 65 FR 75362, 12/01/00]

**Part 63, SUBPART MM – National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite and Stand-Alone Semichemical Pulp Mills** [Added at 66 FR 3193, 01/12/01]

**Part 63, SUBPART OOO – National Emission Standards for Hazardous Air Pollutants from the Manufacture of Amino/Phenolic Resins** [added at 65 FR 3290, 01/20/00]

**Part 63, SUBPART RRR – National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production** [added at 65 FR 15710, 03/23/00]

**Part 63, SUBPART UUU – National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, And Sulfur Recovery Units** [Added at 67 FR 17773, 04/11/02]

**Part 63, SUBPART VVV – National Emission Standards for Hazardous Air Pollutants for Publicly Owned Treatment Works** [Added at 67 FR 64745, 10/21/02]

**Part 63, SUBPART AAAA – National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills** [Amended at 68 FR 2238, 01/16/03]

**Part 63, SUBPART CCCC – National Emission Standards for Hazardous Air Pollutants for Manufacture of Nutritional Yeast** [Added at 66 FR 27884, 05/21/01]

**Part 63, SUBPART GGGG – National Emission Standards for Hazardous Air Pollutants for Solvent Extraction for Vegetable Oil Production** [Added at 66 FR 19011, 04/12/01]

**Part 63, SUBPART HHHH – National Emission Standards for Hazardous Air Pollutants for Wet-formed Fiberglass Mat Production** [Added at 67 FR 17835, 04/11/02]

**Part 63, SUBPART SSSS – National Emission Standards for Hazardous Air Pollutants for Surface Coating of Metal Coil** [Added at 67 FR 39812, 06/10/02]

**Part 63, SUBPART TTTT – National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations** [Added at 67 FR 9162, 02/27/02]

**Part 63, SUBPART UUUU – National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing** [Added at 67 FR 40055, 06/11/02]

**Section by Section Explanation of Changes:**

Rule 317 § 306: Updated the reference date from September 15, 1997 to July 1, 2002.

Rule 321 § 301: Updated the reference date from July 1, 1999 to July 1, 2002.

Rule 360 § 301: Updated the reference date from July 1, 1999 to July 1, 2002. Administrative changes made to 301.8 and 301.9; In 301.8 added text that was missing, “or for Which Modification or Reconstruction is Commenced After June 19, 1996” and in 301.9 deleted text, “Or For Which Modification Commenced After March 16, 1998”. Added new standards of performance Subparts AAAA through DDDD, under subsections 301.75 through 301.78.

Rule 370 § 104: Updated the reference year from 1998 to 2002.

Rule 370 § 207: Updated the reference year from 1998 to 2002.

Rule 370 § 301: Updated the reference date from July 1, 1999 to July 1, 2002.

Rule 370 § 302: Updated the reference date from July 1, 1999 to July 1, 2002. Added new national emission standards Subparts MM, OOO, PPP, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, GGGG, HHHH, SSSS, TTTT, and UUUU under subsections 302.28, and 302.49 through 302.62, respectively.

Rule 371 § 104: Updated the reference date from July 1, 1998 to July 1, 2002.

Rule 371 § 301: Updated the reference date from July 1, 1999 to July 1, 2002.

**6. Demonstration of compliance with A.R.S. § 49-112:**

Maricopa County is in compliance with A.R.S. §49-112(A) in that Maricopa County is proposing to adopt revisions to Rules 321, 360, 370, and 371 that are not more stringent than nor are in addition to a provision of A.R.S. Title 49 or rules adopted by the Director of the Arizona Department of Environmental Quality (ADEQ) or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49.

The Section 112(B) demonstration does not apply because these particular rules are in that portion of Maricopa County's air quality program that is administered under direct statutory authority. Therefore, these rules are not being adopted/revised in lieu of a state program.

**7. Demonstration of compliance with A.R.S. § 49-471.08:**

A county may declare an expedited rulemaking if the rule is adopted pursuant to A.R.S. § 49-112(B) and the rule incorporates a conforming change to directly reflect federal or state rule or law. The changes incorporated into Rules 317, 321, 360, 370 and 371 have been proposed in order to directly reflect federal law.

**A.R.S. § 49-471.08(A)(1)**

Rule 317 is substantially identical to ADEQ's Standards of Performance for Existing HIMI Waste Incinerators rule, R18-2-732. Rule 321 is substantially identical to ADEQ's Standards of Performance for Existing Municipal Solid Waste Landfills. Rule 360 is substantially identical to ADEQ's Standards of Performance rules, R18-2-902 through R18-2-905. Rule 370 is substantially identical to ADEQ's National Emission Standards for Hazardous Air Pollutants rule, R18-2-1102. Rule 371 is substantially identical to ADEQ's Acid Rain rule, R18-2-333. At both the county and state levels, these rules implement federal requirements according to each federal program identified or applicable source type that is subject.

**A.R.S. § 49-471.08(A)(2)**

This rulemaking is required to update the applicability dates in these rules, and it incorporates subparts that have been passed by the federal government, which are required to be implemented.

Rules 317, 321, 360, 370, and 371 do not alter the sense, meaning or effect of the state rules and federal regulations from which they are derived, as it incorporates language that is essentially the same as the state's applicable rules and the federal code of regulations.

**A.R.S. § 49-471.08(A)(3)**

Under A.R.S. § 49-112(B) a county may adopt rules in lieu of a state program that are as stringent as a state program, if the county demonstrates that the cost of obtaining permits or other approvals from the county will be approximately equal to or less than the cost of obtaining similar permits. Because Rules 317, 321, 360, 370, and 371 do not establish fees, any costs associated with these rule will come from permit application fees for sources obtaining a permit revision to reflect new emissions limits, due to applicability of a new standard. Therefore, fees associated with these rules will be exactly the same as fees associated with similar permits.

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

No studies were reviewed in reference to this rulemaking action.

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

Not applicable

**10. The preliminary summary of the economic, small business, and consumer impact:**

Maricopa County is proposing to update its incorporations by reference of the following federal regulations: New Source Performance Standards (NSPS); National Emission Standards for Hazardous Air Pollutants (NESHAP); and Acid Rain. These revisions should not have an economic impact on businesses in Maricopa County and should not impose additional costs on the regulated community, small businesses, political subdivisions, and members of the public.

**11. Name and address of department personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Renee Schindler or Jo Crumbaker  
Address: 1001 N. Central Avenue, Suite 695  
Phoenix, AZ 85004

Telephone: (602) 506-4057 or (602) 506-6705  
Fax: (602) 506-6179  
E-mail: rschindler@mail.maricopa.gov or jcrumbak@mail.maricopa.gov

**12. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule:**

Written comments will be accepted if received between the date of this publication and Monday July 1, 2003, 5:00 p.m. Written comments may be mailed or hand delivered to the Maricopa County Environmental Services Department (see #4 above). Written comments received during the comment period will be considered formal comments to the proposed rules and will be responded to in the notice of final rulemaking.

**13. Any other matters prescribed by the statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**14. Incorporations by reference and their location in the rules:**

None

**15. The full text of the rules follows:**

**REGULATION III - CONTROL OF AIR CONTAMINANTS  
RULE 317  
HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

INDEX- No change

100- No change

101- No change

102- No change

200- No change

201- No change

202- No change

203- No change

204- No change

205- No change

206- No change

207- No change

208- No change

209- No change

210- No change

211- No change

212- No change

213- No change

214- No change

215- No change

216- No change

217- No change

218- No change

219- No change

220- No change

221- No change

222- No change

223- No change

224- No change

225- No change

226- No change

300- No change

301- No change

302- No change

303- No change

304- No change

305- No change

**306- INCORPORATION BY REFERENCE:** All CFR references as of ~~September 15, 1997~~ July 1, 2002 that are listed below and in various sections of this rule are adopted by reference. These adoptions by reference include no future editions or amendments. Copies of these CFR references are available at Maricopa County Environmental Services Department, 1001 N. Central Ave., Suite 201, Phoenix, AZ, 85004-1942.

- 307-** No change
- 400-** No change
- 401-** No change
- 500-** No change
- 501-** No change
- 502-** No change
- 503-** No change

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 321**

**MUNICIPAL SOLID WASTE LANDFILLS**

**INDEX-** No change

- 100-** No change
- 101-** No change
- 102-** No change
- 103-** No change
- 200-** No change
- 201-** No change
- 202-** No change
- 203-** No change
- 204-** No change
- 205-** No change
- 206-** No change
- 207-** No change
- 208-** No change
- 300-** No change

**301- STANDARDS OF PERFORMANCE FOR MSW LANDFILLS:** The federal standards of performance for municipal solid waste landfills set forth in 40 CFR 60, Subpart WWW adopted as of July 1, ~~1999~~ 2002, and all accompanying appendices, excluding 40 CFR 60.750, are adopted and incorporated herein by reference with the amendments and revisions set forth in this section. This adoption by reference includes no future editions or revisions. Each owner or operator of an affected facility shall comply with the requirements of 40 CFR 60, Subpart WWW as adopted and, where applicable, revised herein.

**302-** No change

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 360**

**NEW SOURCE PERFORMANCE STANDARDS**

**INDEX-** No change

- 100-** No change
- 101-** No change
- 102-** No change
- 103-** No change
- 104-** No change
- 200-** No change
- 201-** No change
- 202-** No change
- 203-** No change
- 204-** No change
- 205-** No change

**206-** No change

**207-** No change

**208-** No change

**300-** No change

**301-** ADOPTED FEDERAL STANDARDS: The federal standards of performance for those subparts of 40 CFR 60 adopted as of July 1, ~~1999~~ 2002, as listed below, and all accompanying appendices are adopted by reference as indicated. This adoption by reference includes no future editions or amendments.

**301.1-**No change

**301.2-**No change

**301.3-**No change

**301.4-**No change

**301.5-**No change

**301.6-**No change

**301.7-**No change

**301.8** SUBPART Eb - Standards Of Performance For Municipal Waste Combustors For Which Construction Is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996.

**301.9** SUBPART Ec - Standards Of Performance For Hospital/Medical/Infectious Waste Incinerators For Which Construction Is Commenced After June 20, 1996. ~~Or For Which Modification Commenced After March 16, 1998.~~

**301.10-**No change

**301.11-**No change

**301.12-**No change

**301.13-**No change

**301.14-**No change

**301.15-**No change

**301.16-**No change

**301.17-**No change

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- 301.60-No change
- 301.61-No change
- 301.62-No change
- 301.63-No change
- 301.64-No change
- 301.65-No change
- 301.66-No change
- 301.67-No change
- 301.68-No change
- 301.69-No change
- 301.70-No change
- 301.71-No change
- 301.72-No change
- 301.73-No change
- 301.74-No change

301.75 SUBPART AAAA - – Standards Of Performance For Small Municipal Waste Combustion Units For Which Construction Is Commenced after August 30, 1999, or for Which Modification or Reconstruction Is Commence after June 6, 2001.

301.76 SUBPART BBBB – Standards Of Performance For New Small Municipal Waste Combustion Units.

301.77 SUBPART CCCC – Standards Of Performance For Commercial and Industrial Solid Waste Incinerators for Which Construction Is Commenced after November 30, 1999, or for Which Modification or Reconstruction Is Commenced on or after June 1, 2001.

301.78 SUBPART DDDD – Standards Of Performance For New Stationary Sources And Emission Guidelines For Existing Sources: Commercial And Industrial Solid Waste Incineration Units.

### **REGULATION III - CONTROL OF AIR CONTAMINANTS**

#### **RULE 370**

#### **FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

**INDEX-** No change

**100-** No change

**101-** No change

**102-** No change

**103-** No change

**104** FEDERAL DELEGATION AUTHORITY: Maricopa County shall enforce the national emission standards for hazardous air pollutants (40 CFR Part 61 and Part 63 (~~1998~~ 2002)) (NESHAPs) listed in Section 300 of this rule which have heretofore been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. Maricopa County may in addition enforce such other NESHAPs as may be delegated by the EPA to the County from time to time.

**200-** No change

**201-** No change

**202-** No change

**203-** No change

**204-** No change

**205-** No change

**206-** No change

**207** NESHAP - National emission standards for hazardous air pollutants pursuant to 40 CFR Part 61 and Part 63 (~~1998~~ 2002).

**208-** No change

**209-** No change

**300-** No change

**301 STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS:** The federally listed hazardous air pollutants as listed in Table I and NESHAPs adopted as of July 1, ~~1999~~ 2002, as listed below and as which can be found at 40 CFR 61.01 through 61.358, and all accompanying appendices, are incorporated herein by reference with the listed exclusions and additions and shall be applied by the Control Officer. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein.

**302 STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES:** The federally listed hazardous air pollutants as listed in Table I and NESHAPs adopted as of July 1, ~~1999~~ 2002, as listed below and as which can be found at 40 CFR 63, and all accompanying appendices, are incorporated herein by reference with the listed exclusions and additions and shall be applied by the Control Officer. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein.

**302.1**-No change

**302.2**-No change

**302.3**-No change

**302.4**-No change

**302.5**-No change

**302.6**-No change

**302.7**-No change

**302.8**-No change

**302.9**-No change

**302.10**-No change

**302.11**-No change

**302.12**-No change

**302.13**-No change

**302.14**-No change

**302.15**-No change

**302.16**-No change

**302.17**-No change

**302.18**-No change

**302.19**-No change

**302.20**-No change

**302.21**-No change

**302.22**-No change

**302.23**-No change

**302.24**-No change

**302.25**-No change

**302.26**-No change

**302.27**-No change

**302.28** Renumber

**302.28** SUBPART MM – National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite and Stand-Alone Semichemical Pulp Mills.

**302.29** Renumber

**302.30** Renumber

**302.31** Renumber

**302.32** Renumber

**302.33** Renumber

**302.34** Renumber

**302.35** Renumber

**302.35** Renumber

**302.36** Renumber

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**302.42** Renumber

**302.43** Renumber

**302.44** Renumber



- 302.45** Renumber  
**302.46** Renumber  
**302.47** Renumber  
**302.48** Renumber  
**302.49** Renumber  
**302.49** SUBPART OOO – National Emission Standards for Hazardous Air Pollutants from the Manufacture of Amino/Phenolic Resins.  
**302.50** SUBPART PPP - National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production.  
**302.51** SUBPART RRR – National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.  
**302.52** SUBPART TTT - National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.  
**302.53** SUBPART UUU – National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, And Sulfur Recovery Units.  
**302.54** SUBPART VVV – National Emission Standards for Hazardous Air Pollutants for Publicly Owned Treatment Works.  
**302.55** SUBPART XXX - National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese.  
**302.56** SUBPART AAAA – National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills.  
**302.57** SUBPART CCCC – National Emission Standards for Hazardous Air Pollutants for Manufacture of Nutritional Yeast.  
**302.58** SUBPART GGGG – National Emission Standards for Hazardous Air Pollutants for Solvent Extraction for Vegetable Oil Production.  
**302.59** SUBPART HHHH – National Emission Standards for Hazardous Air Pollutants for Wet-formed Fiberglass Mat Production.  
**302.60** SUBPART SSSS – National Emission Standards for Hazardous Air Pollutants for Surface Coating of Metal Coil.  
**302.61** SUBPART TTTT – National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations.  
**302.62** SUBPART UUUU – National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing.  
**303-** No change  
**400-** No change  
**401-** No change  
**402-** No change  
**Table 1-** No change

### REGULATION III - CONTROL OF AIR CONTAMINANTS

#### RULE 371

#### ACID RAIN

- INDEX-** No change  
**100-** No change  
**101-** No change  
**102-** No change  
**103-** No change  
**104-** AVAILABILITY OF INFORMATION: Copies of 40 CFR Part 72 (Permits Regulation), 40 CFR Part 74 (Sulfur Dioxide Opt-Ins), 40 CFR Part 75 (Continuous Emission Monitoring), and 40 CFR 76 (Acid Rain Nitrogen Oxides Emission Reduction Program) and all accompanying appendices, adopted as of July 1, ~~1998~~ 2002, (and no future additions) incorporated by reference currently enforced by Maricopa County are available at 1001 North Central Avenue, Suite 201, Phoenix, Arizona 85004, or call 602-506-6700 for information.  
**200-** No change  
**300-** No change  
**301-** INCORPORATED SUBPARTS OF THE FEDERAL ACID RAIN REGULATIONS: 40 CFR Parts 72, 74, 75 and 76 and all accompanying appendices, adopted as of July 1, ~~1999~~ 2002, (and no future additions) are incorporated by reference.  
**302-** No change

**NOTICE OF RULEMAKING DOCKET OPENING**  
**PINAL COUNTY AIR QUALITY CONTROL DISTRICT**

- 1. Title and heading:** Pinal County Air Quality Control District Code of Regulations  
**Chapter and heading:** Chapter 1. General Provisions and Definitions  
**Article and heading:** Article 1. Provisions  
**Section numbers:** §1-1-107: Title V Program List
- 2. The subject matter of the proposed rule:**  
Pinal County will propose to amend the above section to address concerns from the Environmental Protection Agency (EPA) regarding Pinal County Air Quality District's New Source Review State Implementation Plan submittal.
- 3. A citation to all published notices relating to this proceeding:**  
None to date
- 4. The name and address of agency personnel with whom persons may communicate regarding this rule:**

Name:	Jean Parkinson, Planning Manager
Address:	Pinal County Air Quality Control District P.O. Box 987 Florence, AZ 85232
Telephone:	(520) 866-6929
Fax:	(520) 866-6967
E-mail:	jean.parkinson@co.pinal.az.us
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
To be announced in the Notice of Proposed Rulemaking
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
To be announced in the Notice of Proposed Rulemaking