

## NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

### NOTICE OF RULEMAKING DOCKET OPENING

#### DEPARTMENT OF AGRICULTURE AGRICULTURAL COUNCILS AND COMMISSIONS

- 1. Title and its heading:** 3, Agriculture  
**Chapter and its heading:** 9, Department of Agriculture – Agricultural Councils and Commissions  
**Article and its heading:** 5, Arizona Citrus Research Council  
**Section number:** R3-9-506  
(As a part of this rulemaking, the Council may add, delete, or modify additional Sections as necessary.)
- 2. The subject matter of the proposed rule:**  
This rulemaking is undertaken by the Arizona Citrus Research Council to codify the process under which the Council will conduct grantmaking.
- 3. A citation to all published notices relating to the proceeding:**  
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Sherry D. Blatner, Rules Analyst  
Address: 1688 W. Adams Street, Room 235  
Phoenix, AZ 85007  
Telephone: (602) 542-0962  
Fax: (602) 542-5420  
E-mail: sherry.blatner@agric.state.az.us
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
Written comments: 8:00 a.m. to 5:00 p.m., Monday through Friday  
Oral comments: 8:00 a.m. to 4:00 p.m., Monday through Friday  
1688 W. Adams Street, Room 235  
Phoenix, AZ 85007
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
The Council is proceeding with this rulemaking in tandem with statutory changes proposed in H.B. 2115 that will exempt the Council from the solicitation and award of grants provisions in A.R.S. § 41-2701 et seq.

### NOTICE OF RULEMAKING DOCKET OPENING

#### DEPARTMENT OF REVENUE TRANSACTION PRIVILEGE AND USE TAX SECTION

- 1. Title and its heading:** 15, Revenue  
**Chapter and its heading:** 5, Department of Revenue – Transaction Privilege and Use Tax Section  
**Article and its heading:** 6, Prime Contracting Classification  
**Section number:** R15-5-617
- 2. The subject matter of the proposed rule:**  
The Department is repealing this rule addressing reporting requirements for the prime contracting classification because its provisions either: (a) are contained in another rule, (b) make an incorrect assertion, or (c) are misleading because they may lead taxpayers to erroneous conclusions.  
**The agency docket number:** 04-5-01

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- 3. **A citation to all published notices relating to the proceeding:**  
Notice of Proposed Rulemaking: 10 A.A.R. 1082, March 26, 2004 (in this issue)
- 4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Hsin Pai, Analyst  
Address: Tax Policy and Research Division  
Arizona Department of Revenue  
1600 West Monroe  
Phoenix, AZ 85007  
Telephone: (602) 716-6851  
Fax: (602) 716-7995  
E-mail: paih@revenue.state.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 published in the Notice of Proposed Rulemaking
- 6. **A timetable for agency decisions or other action on the proceeding, if known:**  
None

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY  
REMEDIAL ACTION

- 1. **Title and its heading:** 18, Environmental Quality  
**Chapter and its heading:** 7, Department of Environmental Quality – Remedial Action  
**Article and its heading:** 2, Soil Remediation Standards  
**Section numbers:** R18-7-201 through R18-7-209,  
Appendix A, Appendix B, Appendix C  
(As part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary.)
- 2. **The subject matter of the proposed rule:**  
Article 2 provides standards which must be met in order to successfully complete remediation of soil. The requirement to perform soil remediation is found in different specific A.R.S. Title 49 statutes. In addition to setting standards for soil remediation, Article 2 contains definitions of terms that apply throughout Chapter 7. Pursuant to a review of the rules in Chapter 7 in 2002 under A.R.S. § 49-1056(A), the Department identified certain provisions that did not conform to updated provisions contained in A.R.S. § 49-152. Specifically, the soil remediation rules and appendices include some references to the voluntary environmental mitigation use restriction (VEMUR) that used to be provided for in that statute. The VEMUR provisions have been replaced with provisions for the declaration of environmental use restriction (DEUR). Further, as the Department continued its review of the soil rule, it identified other provisions that might benefit from clarification or updating.
- 3. **A citation to all published notices relating to the proceeding:**  
Notice of Rulemaking Docket Opening: 9 A.A.R. 107, January 10, 2003
- 4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Richard Olm  
Address: 1110 W. Washington  
Phoenix, AZ 85007  
Telephone: (602) 771-4223  
Fax: (602) 771-2302  
E-mail: Olm.Richard@ev.state.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 published in the Notice of Proposed Rulemaking
- 6. **A timetable for agency decisions or other action on the proceeding, if known:**  
To be published in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY  
REMEDIAL ACTION

- 1. Title and its heading:** 18, Environmental Quality  
**Chapter and its heading:** 7, Department of Environmental Quality – Remedial Action  
**Article and its heading:** 7, Engineering Controls  
**Section numbers:** R18-7-701 through R18-7-707  
(As part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary.)
- 2. The subject matter of the proposed rule:**  
A.R.S. § 49-152.01 established requirements for a property owner who elects to use an engineering control to meet requirements for cleaning up contaminated property. An engineering control is defined as a remediation method such as a barrier or cap that is used to prevent or minimize exposure to contaminants and that includes technologies that reduce the mobility or migration of contaminants. This new rule will provide details as to how to implement the provisions of A.R.S. § 49-152.01, which specify requirements for an engineering control plan and for financial assurance mechanisms that are intended to cover the costs of maintaining and restoring an engineering control. Pursuant to Laws 2003, Ch. 221, § 7, this rulemaking is exempt from the provisions of A.R.S. Title 41, Chapter 6, Article 3.
- 3. A citation to all published notices relating to the proceeding:**  
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: James P. Lawless  
Address: 1110 W. Washington  
Phoenix, AZ 85007  
Telephone: (602) 771- 4562  
Fax: (602) 771- 2302  
E-mail: Lawless.James@ev.state.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 published in the Notice of Proposed Rulemaking
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
To be published in the Notice of Proposed Rulemaking