

## 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 TRANSPORTATION HIGHWAYS

[R05-103]

- 1. Title and its heading:** 17, Transportation  
**Chapter and its heading:** 3, Department of Transportation – Highways  
**Article and its heading:** 9, Highway Traffic Control Devices  
**Section numbers:** R17-3-902 (Sections may be added, modified, or deleted as necessary.)
- 2. The subject matter of the proposed rule:**  
The logo sign program, created under A.R.S. § 28-7311, allows for the placing of logo signs (or specific service information signs) along the state highway system, in order to provide motorists with service information, such as gas, food, lodging, camping, and attraction. The Department of Transportation is amending the rules to include additional activities for the definition of “attraction.”
- 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: Wendy S. LeStarge, Rules Analyst  
Address: Maintenance Permits Services  
Department of Transportation  
206 S. 17th Ave., Mail Drop 004R  
Phoenix, AZ 85007  
Telephone: (602) 712-4142  
Fax: (602) 712-3484  
E-mail: wlestarge@azdot.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
Oral or written comments will be accepted at the location listed in item #4 between 8 a.m. and 4:30 p.m., Monday through Friday.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
To be determined

### NOTICE OF RULEMAKING DOCKET OPENING

#### DEPARTMENT OF ENVIRONMENTAL QUALITY REMEDIAL ACTION

[R05-104]

- 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, R18-7-202, R18-7-203, R18-7-204, R18-7-205, R18-7-206, R18-7-207, R18-7-208, R18-7-209, Appendix A, Appendix B, and Appendix C (Sections may be added, modified, or deleted as necessary.)
- 2. The subject matter of the proposed rule:**  
Article 2 provides standards that 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 Article 2 soil remediation rules and appendices include some references to the voluntary environmental mitigation use restriction (VEMUR) that used to be

Notices of Rulemaking Docket Opening

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 has continued its review of the soil rule, it has identified other provisions that would 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

Notice of Rulemaking Docket Opening: 10 A.A.R. 1167, March 26, 2004

**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Philip McNeely  
Address: 1110 W. Washington St.  
Phoenix, AZ 85007  
Telephone: (602) 771-7645  
Fax: (602) 771-4381  
E-mail: mcneely.philip@azdeq.gov

**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**

[R05-105]

**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, R18-7-702, R18-7-703, R18-7-704, R18-7-705,  
R18-7-706, and R18-7-707 (Sections may be added, modified, or  
deleted 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 as part of the process 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 Title 41, Chapter 6, Article 3, Arizona Revised Statutes.

**3. A citation to all published notices relating to the proceeding:**

Notice of Rulemaking Docket Opening: 10 A.A.R. 1168, March 26, 2004

**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: James P. Lawless  
Address: 1110 W. Washington St.  
Phoenix, AZ 85007  
Telephone: (602) 771-4562  
Fax: (602) 771-2302  
E-mail: Lawless.James@azdeq.gov

**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 AGRICULTURE  
PLANT SERVICES DIVISION

[R05-108]

1. **Title and its heading:** Title 3, Agriculture  
**Chapter and its heading:** Chapter 4, Department of Agriculture – Plant Services Division  
**Article and its heading:** Article 3, Nursery Rules  
**Section numbers:** R3-4-244 and R3-4-245 (Sections may be added, modified, or deleted as necessary.)
2. **The subject matter of the proposed rule:**  
*Pennisetum Ciliarc (L.) Link*, commonly known as “buffelgrass,” will be added to the list of pests maintained in each rule, whereby:  
R3-4-244 will list buffelgrass as prohibited from entry into the State of Arizona; and  
R3-4-245 will list buffelgrass as subject to quarantine by the Department.
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: Rebecca A. Nichols  
Address: Department of Agriculture  
1688 W. Adams St.  
Phoenix, AZ 85007  
Telephone: (602) 542-0962  
Fax: (602) 542-5420  
E-mail: rnichols@azda.gov
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 a.m. to 5 p.m., Monday through Friday  
Oral comments: 8 a.m. to 5 p.m., Monday through Friday  
Department of Agriculture  
1688 W. Adams St.  
Phoenix, AZ 85007
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
Unknown

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF TRANSPORTATION  
TITLE, REGISTRATION, AND DRIVER LICENSES

[R05-109]

1. **Title and its heading:** 17, Transportation  
**Chapter and its heading:** 4, Department of Transportation – Title, Registration, and Driver Licenses  
**Article and its heading:** 7, Hazardous Materials Endorsement (New) (Sections may be added, modified, or deleted as necessary.)  
**Section numbers:** Sections to be determined
2. **The subject matter of the proposed rule:**  
The Department of Transportation, Motor Vehicle Division, proposes to adopt rulemaking in accordance with the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, and Laws 2004, Ch. 324, §§ 4 and 5, regarding Commercial Driver’s License (CDL) Renewal and issuance of CDL Hazardous Materials Endorsements.
3. **A citation to all published notices relating to the proceeding:**  
None

Notices of Rulemaking Docket Opening

**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Janette M. Quiroz  
Address: Department of Transportation, Motor Vehicle Division  
Mail Drop 570M  
3737 N. 7th St., Ste. 160  
Phoenix, AZ 85014  
Telephone: (602) 712-8449  
Fax: (602) 241-1624  
E-mail: jmquiroz@azdot.gov

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at [www.azdot.gov/](http://www.azdot.gov/).

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

The Motor Vehicle Division will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item #4. Public hearings may be scheduled later to provide a forum for interactive discussion with interested parties.

**6. A timetable for agency decisions or other action on the proceeding, if known:**

To be determined

**NOTICE OF RULEMAKING DOCKET OPENING**

**INDUSTRIAL COMMISSION OF ARIZONA**

[R05-110]

- 1. Title and its heading:** 20, Commerce, Banking, and Insurance  
**Chapter and its heading:** 5, Industrial Commission of Arizona  
**Article and its heading:** 1, Workers' Compensation Practice and Procedure  
**Section numbers:** R20-5-121

**2. The subject matter of the proposed rule:**

The proposed amendment addresses the adoption of a new Life Table for the calculation of present value of lump sum commutation awards in workers' compensation cases before the Industrial Commission of Arizona.

**3. A citation to all published notices relating to the proceeding:**

None published

**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Andrew F. Wade, Esq.  
Legal Division  
Industrial Commission of Arizona  
Address: 800 W. Washington St., Suite 303  
Phoenix, AZ 85007  
Telephone: (602) 542-5781  
Fax: (602) 542-6783  
E-mail: awade@ica.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 and oral comments will be accepted as set forth 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