

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 WATER RESOURCES

[R05-122]

- 1. Title and its heading:** 12, Natural Resources
Chapter and its heading: 15, Department of Water Resources
Article and its heading: 8, Well Construction and Licensing of Well Drillers
Section numbers: R12-15-830 through R12-15-849 (Sections may be added, modified, or deleted as necessary.)
- 2. The subject matter of the proposed rule:**
The Department proposes to develop criteria for the location and spacing of wells and for assessing well impacts under A.R.S. §§ 45-544, 45-592, 45-597, 45-598, 45-601, 45-603, 45-834.01, 45-1041, and 45-1052.
- 3. A citation to all published notices relating to the proceeding:**
Notice of Rulemaking Docket Opening: 8 A.A.R. 2114, May 10, 2002
Notice of Proposed Rulemaking: 8 A.A.R. 2682, June 28, 2002
Notice of Termination of Rulemaking: 10 A.A.R. 777, March 7, 2003
Notice of Rulemaking Docket Opening: 10 A.A.R. 1033, March 19, 2004
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: J. Scott Miller
Address: Phoenix Active Management Area
500 N. Third St.
Phoenix, AZ 85004
Telephone: (602) 417-7285
Fax: (602) 417-2467
Or
Name: Maxine Becker
Address: Legal Division
500 N. Third St.
Phoenix, AZ 85004
Telephone: (602) 417-2420
Fax: (602) 417-2415
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Department will schedule an oral proceeding when it publishes a Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
The Department is holding monthly stakeholder meetings to assist in developing this rulemaking package. Persons wishing to receive direct notice of any stakeholder meeting should contact one of the agency personnel listed in item #4.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY
REMEDIAL ACTION

[R05-111]

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 7, Department of Environmental Quality – Remedial Action
Article and its heading: 3, Prospective Purchaser Agreement
Section number: R18-7-301

2. The subject matter of the proposed rule:

The Department of Environmental Quality is authorized to enter into agreements with a prospective purchaser of a facility, wherein the Department will provide a written release and covenant not to sue for existing contamination at the facility, provided that certain conditions are met. The existing rule establishes a fee for the preparation and execution of a prospective purchaser agreement, pursuant to A.R.S. § 49-285.01(H). The Department has evaluated the cost of completing a prospective purchaser agreement, and determined that the actual cost to the Department is different from the fee in the current rule. The Department plans to propose an amendment to the fee rule, to more closely reflect the actual costs for this activity.

This rule amendment was the subject of a Notice of Proposed Rulemaking published on July 16, 2004. The Department has published a Notice of Termination of Rulemaking of that rulemaking, to further address one issue, which will be included in the new Notice of Proposed Rulemaking.

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: Betty Mybeck
Address: 1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4177
Fax: (602) 771-4272
E-mail: Mybeck.Betty@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 determined

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT

[R05-123]

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 13, Department of Environmental Quality – Solid Waste Management
Articles and their headings: 13, Special Waste
16, Best Management Practices for Petroleum Contaminated Soil
Section numbers: R18-13-1301 through R18-13-1307, including Table A, Exhibit 1,
and Appendices A and B; R18-13-1601 through R18-13-1614 (Sections
may be added, modified, or deleted as necessary.)

2. The subject matter of the proposed rule:

The Department is considering amendments to the regulations governing the management, treatment, storage, and disposal of special waste. Special waste is defined by A.R.S. § 49-852 as waste that contains petroleum contaminated soils and waste from shredding motor vehicles, and is currently regulated by two rules. The first, Title 18, Chapter 13, Article 13, regulates registration, manifesting, and fees for both petroleum contaminated soils (PCS) and shredder residue, and provides best management practices (BMPs) for facilities shredding motor vehicles. The second, Title 18, Chapter 13, Article 16, provides BMPs for handling PCS only. Although both rules address the handling of special waste, they were written at different times using different regulatory philosophies, often resulting in inconsistencies between the two rules. In some cases the rules did not envision numerous special waste handling scenarios which have since become issues that must be addressed in rule in order to provide clear direction as to the safe and proper handling of special waste.

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The Department proposes to combine Title 18, Chapter 13, Article 13 (Special Waste) with Chapter 13, Article 16 (Best Management Practices for Petroleum Contaminated Soil), into one rule as Title 18, Chapter 13, Article 13 (Special Waste). These revisions will rectify contradictions between the two original rules and existing rules and statute, and create a uniform and consistent regulatory structure for all special waste. Revisions will also provide clear direction on waste handling procedures previously not addressed.

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

Notice of Rulemaking Docket Opening: 8 A.A.R. 5176, December 20, 2002

Notice of Rulemaking Docket Opening: 10 A.A.R. 1631, April 23, 2004

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

Name: Kim McDaniel

Address: 1110 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 771-4121

Fax: (602) 771-2302

E-mail: mcdaniel.kim@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