

## 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

#### BOARD OF MASSAGE THERAPY

[R06-85]

- 1. Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 15, Board of Massage Therapy  
**Article and its heading:** 1, General Provisions  
2, Licensing  
3, Continuing Education  
4, Regulatory Provisions  
**Section numbers:** R4-15-101, R4-15-102, R4-15-201, R4-15-205, Table 1, R4-15-301, R4-15-302, R4-15-303, R4-15-401 (The Board may add, delete, or modify Sections as necessary.)
- 2. The subject matter of the proposed rule:**  
The purpose of this rulemaking is to reduce the Board's fee for an application for a license; add requirements for renewal of a license, including the license renewal fee, delinquent renewal fee, and the time-frames for Board action on a renewal application; increase the requirement for number of classroom hours of supervised instruction at a Board-approved school; create new rules for continuing education; repeal subsection (e) in the definition of good moral character; and create a new article for regulatory provisions, including rehearing or review of Board's decisions. (The Board may add, delete, or modify Sections as necessary.)
- 3. A citation to all published notices relating to the proceeding:**  
Not applicable
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Dr. Craig Runbeck, Executive Director  
Address: 1400 W. Washington, Suite 230  
Phoenix, AZ 85007  
Telephone: (602) 542-8242  
Fax: (602) 542-3093  
E-mail: craig.runbeck@npbomex.az.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
The Board will continue to accept oral and written comments at the location listed in item #4 between 8 a.m. and 5 p.m. Monday through Friday, until the close of record. The Board has not scheduled oral proceedings at this time.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
None

### NOTICE OF RULEMAKING DOCKET OPENING

#### BOARD OF DISPENSING OPTICIANS

[R06-89]

- 1. Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 20, Board of Dispensing Opticians  
**Article and its heading:** 1, In General  
**Section number:** R4-20-117.01 Filling Contact Lens Prescriptions (Additional Sections may be added, deleted, or modified as needed.)

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

The Board of Dispensing Opticians is initiating rulemaking to clarify the process by which the licensed dispensing opticians fill contact lens prescriptions. This will bring the Board in line with other regulatory boards and federal requirements for filling prescriptions.

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

Not applicable

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

Name: Lori D. Scott, Executive Director

Address: 1400 W. Washington, Room 230  
Phoenix, AZ 85007

Telephone: (602) 542-3095

Fax: (602) 542-3093

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

Written Comments: The Board will continue to accept written comments at the location listed in item #4 between 8 a.m. and 5 p.m. Monday through Friday, until the close of record.

**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**

[R06-88]

**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, Appendix C, Appendix D (As part of this rulemaking, Sections may be added, deleted, or modified 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. 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 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

Notice of Rulemaking Docket Opening: 11 A.A.R. 1287, April 1, 2005

**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) 771-4900

E-mail: mcneely.philip@azdeq.gov

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- 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**

[R06-87]

- 1. **Title and its heading:** 18, Environmental Quality
- 2. **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  
R18-7-707

(As part of this rulemaking, the Department may add, delete, or modify 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 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.
- 3. **A citation to all published notices relating to the proceeding:**  
Notice of Rulemaking Docket Opening: 10 A.A.R. 1168, March 26, 2004  
Notice of Rulemaking Docket Opening: 11 A.A.R. 1288, April 1, 2005
- 4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Peggy J. Guichard-Watters  
Address: 1110 W. Washington St.  
Phoenix, AZ 85007  
Telephone: (602) 771- 4117  
Fax: (602) 771- 4138  
E-mail: pgw@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