

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 PLANT SERVICES DIVISION

[R06-124]

- 1. Title and its heading:** 3, Agriculture
Chapter and its heading: 4, Department of Agriculture – Plant Services Division
Article and its heading: 2, Quarantine
Section numbers: R3-4-220, R3-4-226, R3-4-238
As a part of this rulemaking, the Department may add, delete, or modify additional sections as necessary.
- 2. The subject matter of the proposed rule:**
This rulemaking is intended to update rules related to Quarantine in order to update the list of Viral diseases and pests; clarify the requirements of quarantines and harmonize Arizona's quarantine requirements with those of other states; introduce more flexibility to adopt improvements in treatment options as they become available; allow visual inspection of certain commodities; and update language to conform to rulemaking format and style requirements of the Council and the Office of the Secretary of State.
- 3. A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 12 A.A.R. 1304, April 21, 2006
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Rebecca A. Nichols
Address: Arizona Department of Agriculture
1688 W. Adams St.
Phoenix, AZ 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420
E-mail: rmichols@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 4 p.m., Monday through Friday
Arizona 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

BOARD OF EXAMINERS FOR NURSING CARE INSTITUTION ADMINISTRATORS
AND ASSISTED LIVING FACILITY MANAGERS

[R06-120]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 33, Board of Examiners for Nursing Care Institution Administrators and Assisted Living Facility Managers
Article and its heading: 1, General; 2, Nursing Care Institution Administrator Licensing; 4, Assisted Living Facility Manager Certification
Section numbers:
R4-33-101, R4-33-102, R4-33-103, R4-33-104, Table 1, R4-33-201, R4-33-202, R4-33-203, R4-33-204, R4-33-206, R4-33-207, R4-33-208, R4-33-209, R4-33-210, R4-33-211, R4-33-212, R4-33-213, R4-33-214, R4-33-402, R4-33-403, R4-33-404, R4-33-406, R4-33-407, R4-33-408, R4-33-409, R4-33-410, R4-33-411, and R4-33-412 (As part of this rulemaking, other Sections may be made, amended, or deleted.)
- 2. The subject matter of the proposed rule:**
In response to a five-year review report, the Board is updating its rules to make them consistent with state and federal law and agency practice. The Board will also make the rules conform to current rulewriting standards.
- 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: Allen Imig, Executive Director
Address: NCIA Board
1400 W. Washington, Ste. B-8
Phoenix, AZ 85007
Telephone: (602) 542-8156
Fax: (602) 542-8316
E-mail: allen.imig@nciabd.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:**
The Board will accept comments during business hours at the address listed in item #4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be decided

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES
ADMINISTRATION

[R06-115]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 1, Department of Health Services – Administration
Article and its heading: 6, Humans Subjects Review Board
Section numbers:
To be determined
- 2. The subject matter of the proposed rule:**
Public Law 99-158, the Health Research Extension Act of 1985, amended the Public Health Service Act by adding, *inter alia*, the requirement that federal grant or contract recipients establish a board to review biomedical and behavioral research involving human subjects. 42 U.S.C. 289. In accordance with the statutory requirement, 17 federal departments and agencies that conduct, support, or regulate research, adopt by regulation the U.S. Department of Health and Human Services' regulations governing human subjects research at 45 CFR Part 46, Subpart A. The Health Insurance Portability and Accountability Act (HIPAA) regulations also address the use and disclosure of information for research purposes. 45 CFR 164.512(i). Consistent with federal requirements, the Department of Health Services (Department) is making rules under A.R.S. § 36-107 for the Department's Human Subjects Review Board.
The agency docket number, if applicable:
RE-010-06

Notices of Rulemaking Docket Opening

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: Kathleen Phillips, Rules Administrator
Address: Arizona Department of Health Services
Office of Administrative Rules
1740 W. Adams, Room 202
Phoenix, AZ 85007
Telephone: (602) 542-1264
Fax: (602) 364-1150
E-mail: phillik@azdhs.gov

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 accept written comments at the location listed in item #4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

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

To be announced

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING**

[R06-116]

1. Title and its heading:

9, Health Services

Chapter and its heading:

10, Department of Health Services – Health Care Institutions: Licensing

Article and its heading:

2, Hospitals

Section numbers:

R9-10-203 (The Department may add, delete, or modify sections as necessary.)

2. The subject matter of the proposed rule:

The purpose of this rulemaking is to amend minimum qualifications for an administrator of a hospital. The Department may add, delete, or modify sections as necessary.

The agency docket number, if applicable:

RE-011-06

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: Kathleen Phillips, Rules Administrator
Address: Arizona Department of Health Services
1740 W. Adams, Suite 202
Phoenix, AZ 85007
Telephone: (602) 542-1264
Fax: (602) 364-1150
E-mail: phillik@azdhs.gov
or
Name: Kathy McCanna, Program Manager
Address: Arizona Department of Health Services
150 N. 18th Ave., Suite 450
Phoenix, AZ 85007
Telephone: (602) 364-2841
Fax: (602) 364-4764
E-mail: mccannk@azdhs.gov

Notices of Rulemaking Docket Opening

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

Written comments will be accepted Monday through Friday, 8 a.m. to 5 p.m., at the addresses listed in item #4 until the close of record, which has not yet been determined. The schedule for public hearings, at which oral comments may be presented, will be included in the notice of proposed rulemaking.

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

The Department has not yet determined a timetable for submitting a notice of proposed rulemaking.

NOTICE OF RULEMAKING DOCKET OPENING

**CORPORATION COMMISSION
FIXED UTILITIES**

[R06-121]

1. Title and its heading:

14, Public Service Corporations; Corporations and Associations;
Securities Regulation

Chapter and its heading:

2, Corporation Commission – Fixed Utilities

Article and its heading:

18, Renewable Energy Standard and Tariff

Section numbers:

R14-2-1801 through R14-2-1815 and Appendix A

2. The subject matter of the proposed rule:

The Commission initiated this rulemaking to promote its goals to protect the environment and increase renewable energy resources for diversity of the fuel supply, to enhance system reliability and safety in a post 9/11 era, and to mitigate against volatility in non-renewable fuel prices.

The agency docket number, if applicable:

RE-00000C-05-0030

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

Notice of Proposed Rulemaking: 12 A.A.R. 1318, April 21, 2006

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

Name: Ray T. Williamson, Utilities Electrical Engineer

Address: Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 542-0828

Fax: (602) 542-0766

E-mail: rwilliamson@azcc.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 will be accepted at the address listed in item #4 through May 23, 2006.

Oral comments on the proposed new rules may be made at a public comment hearing scheduled for May 23, 2006, at 10:00 a.m. at the Commission's offices located at 1200 W. Washington 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 ENVIRONMENTAL QUALITY
ADMINISTRATION

[R06-112]

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 1, Department of Environmental Quality – Administration
Article and its heading: 1, Definitions
2, Administrative Appeals
Section numbers: R18-1-101, R18-1-201, R18-1-202, R18-1-203, R18-1-207, R18-1-208
(Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
The purpose of this rulemaking is to update the Department’s rules pertaining to administrative appeals to conform to current ADEQ practices, to ensure their consistency with other rules and statutes, and to make any substantive changes deemed necessary to ensure the effectiveness of the rules.
- 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: Edward M. Ranger, Office of Administrative Counsel
Address: Arizona Department of Environmental Quality
1110 W. Washington St.: Mail Code 6415A-1
Phoenix, AZ 85007
Telephone: (602) 771-4477 (Toll-free number in Arizona: (800) 234-5677)
Fax: (602) 771-2251
E-mail: Ranger.Edward@azdeq.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Comments on this rulemaking may be submitted at any time to the person referenced in item #4. Formal written comments for the rulemaking record should be submitted after publication of the Notice of Proposed Rulemaking in the *Arizona Administrative Register* and prior to the close of public record date specified in the Notice of Proposed Rulemaking. If the Department holds a hearing at which oral comments can be made for the rulemaking record, the date(s) and time(s) of the proceeding(s) will be published in the *Arizona Administrative Register* and posted on the Department’s web site on its Draft and Proposed Rules web page (<http://azdeq.gov/function/laws/draft.html>) and its Events Calendar ([http:// azdeq.gov/cgi-bin/vertical.pl](http://azdeq.gov/cgi-bin/vertical.pl)). Persons interested in keeping informed of proposed changes to the Department’s rules via e-mail notice may so request by sending an e-mail to the person referenced in item #4.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be announced in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF ENVIRONMENTAL QUALITY
SAFE DRINKING WATER

[R06-119]

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 4, Department of Environmental Quality – Safe Drinking Water
Article and its heading: 1, General Requirements
2, Maximum Contaminant Levels and Monitoring Requirements;
Monitoring Assistance Program
3, Treatment Techniques
4, Special Monitoring Requirements
6, Capacity Development Requirements for a New Public Drinking
Water System
7, Consumer Confidence Reports
8, Technical Assistance
Section numbers: Sections to be determined

Notices of Rulemaking Docket Opening

2. The subject matter of the proposed rule:

The Safe Drinking Water Act (SDWA) requires the U.S. Environmental Protection Agency (EPA) to establish and enforce standards for public drinking water systems to protect public health. EPA implements and enforces SDWA through the Public Water System Supervision (PWSS) program. States are given primary enforcement responsibility ("primacy") for public water systems in their state if they meet the requirements established by EPA in 40 CFR Part 142, including the requirement that states have safe drinking water regulations that are no less stringent than the regulations promulgated by EPA.

Arizona has primacy of the SDWA; the primary purpose of this rulemaking is to update Arizona's drinking water regulations so that they continue to be no less stringent than EPA's safe drinking water regulations. The rulemaking will also simplify the rule amendment and approval process by incorporating many of EPA's safe drinking water regulations by reference rather than adopting state regulations that contain the same regulatory requirements.

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

Notice of Rulemaking Docket Opening: 9 A.A.R. 5335, December 12, 2003

Notice of Proposed Rulemaking: 10 A.A.R. 4892, December 10, 2004

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

Name: Sean McCabe

Address: Arizona Department of Environmental Quality
1110 W. Washington St. (5415B-2)
Phoenix, AZ 85007

Telephone: (602) 771-4600 (metro Phoenix area)

Fax: (602) 771-4634

E-mail: mccabe.sean@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 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

NOTICE OF RULEMAKING DOCKET OPENING

INDUSTRIAL COMMISSION OF ARIZONA

[R06-117]

1. Title and its heading:

20, Commerce, Financial Institutions, and Insurance

Chapter and its heading:

5, Industrial Commission of Arizona

Article and its heading:

6, Occupational Safety and Health

Section numbers:

R20-5-601

2. The subject matter of the proposed rule:

In order to conform to the Federal Occupational Safety and Health Standards as required by Section 18(c) of the Federal Occupational Safety and Health Act of 1970 requiring state administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the U.S. Department of Labor. The Industrial Commission is by reference, amending R20-5-601 by repealing 1926.754(c)(3) and Appendix B from the Subpart R of the safety standards for Steel Erection as published in 71 FR 2879-2885, January 18, 2006.

The 1926.754(c)(3) and Appendix B of the steel erection standard would require the contractor to ensure that slip resistance properties were applied to the skeletal structural steel during the steel erection phase of construction so as to prevent or significantly reduce the possibility of employees slipping on the steel structures during construction. Technology has not identified a method to provide slip resistance properties, in all conditions, to prevent or significantly reduce the fall hazard from slipping, therefore, the reason for repeal of this standard.

Copies of this amended standard are available for inspection or reproduction at the Arizona Division of Occupational Safety and Health, 800 W. Washington St., Room 203, Phoenix, AZ 85007.

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

None published

Notices of Rulemaking Docket Opening

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

Name: William M. Wright, Assistant Director
Address: Industrial Commission of Arizona
The Division of Occupational Safety and Health
800 W. Washington St., Suite 203
Phoenix, AZ 85007
Telephone: (602) 542-1695
Fax: (602) 542-1614
E-mail: wright.William.m@dol.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 Purposed Rulemaking

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

Not yet known

NOTICE OF RULEMAKING DOCKET OPENING

INDUSTRIAL COMMISSION OF ARIZONA

[R06-118]

- 1. Title and its heading:** 20, Commerce, Financial Institutions, and Insurance
Chapter and its heading: 5, Industrial Commission of Arizona
Article and its heading: 6, Occupational Safety and Health
Section numbers: R20-5-601
R20-5-602

2. The subject matter of the proposed rule:

In order to conform to the Federal Occupational Safety and Health Standards as required by Section 18(c) of the Federal Occupational Safety and Health Act of 1970 requiring state administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the U.S. Department of Labor. The Industrial Commission is amending R20-5-601 and R20-5-602 by adopting 1926.1126 and 1910.1026 as part of Subpart Z of the safety standards for Toxic and Hazardous Substances as published in 71 FR 10099-10385, February 28, 2006.

The adoption of 1926.1126 and 1910.1026 sets employee exposure levels to occupational exposures of Hexavalent Chromium, a substance used in construction and general industry.

Copies of the incorporated by reference material are available for inspection or reproduction at the Arizona Division of Occupational Safety and Health, 800 W. Washington St., Room 203, Phoenix, AZ 85007 and can be downloaded from the federal web site www.osha.gov

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: William M. Wright
Address: Division of Occupational Safety and Health
Industrial Commission of Arizona
800 W. Washington St., Suite 203
Phoenix, AZ 85007
Telephone: (602) 542-1695
Fax: (602) 542-1614
E-mail: wright.william.m@dol.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:

Not yet known