

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 ENVIRONMENTAL QUALITY REMEDIAL ACTION

[R07-135]

- 1. Title and its heading:** 18, Environmental Quality

Chapter and its heading: 7, Department of Environmental Quality – Remedial Action

Article and its heading: 6, Declaration of Environmental Use Restriction Fee

Section numbers: R18-7-601 to R18-7-606 (As part of this rulemaking, the Department may add, delete, or modify Sections as necessary).
- 2. The subject matter of the proposed rule:**

This is a permanent rulemaking to replace an interim fee rule, pursuant to 2000 Ariz. Session Laws Ch 225, § 13. It would establish a fee, which a property owner is required, pursuant to A.R.S. §§ 49-152(K) and 49-158(G), to pay to the Arizona Department of Environmental Quality when a declaration of environmental use restriction (DEUR) is submitted to the Department for approval, prior to being recorded. A DEUR is a restrictive covenant that must be recorded when an owner elects to use either an institutional control (i.e., a legal or administrative limitation on activities or uses) or an engineering control (e.g., a slab, cap, fence, liner, berm, leachate collection system, or pump and treat technologies), to prevent or minimize exposure to contaminants on the property, or when an owner elects to leave contamination on the property that exceeds the applicable residential soil remediation standard for the property. The Department will continue to evaluate its experience with fees paid under the interim DEUR fee rule, to ascertain any way in which the fee should be revised for the permanent rule.
- 3. A citation to all published notices relating to the proceeding:**

Notice of Rulemaking Docket Opening: 11 A.A.R. 1726, May 13, 2006

Notice of Rulemaking Docket Opening: 12 A.A.R. 1566, May 12, 2006
- 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 Street
Phoenix, AZ 85007

Telephone: (602) 771-4117

Fax: (602) 771-4138

E-mail: guichard-watters.peggy@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.