

ADEQ REGULATORY AGENDA FOR 2012

This table was produced by the Arizona Department of Environmental Quality to comply with A.R.S. § 41-1021.02. Pursuant to A.R.S. § 41-1021.02(D), ADEQ may undertake a rulemaking even if the rulemaking is not included on the annual regulatory agenda.

For the current status of ADEQ's rulemakings, or for contact information, please check the Department's [Rules Web page](http://www.azdeq.gov/function/laws/rules.html):
<http://www.azdeq.gov/function/laws/rules.html>.

NOTE: Currently, ADEQ is not engaging in informal or formal rulemaking activities, except where approved by the Governor's Office, in compliance with Governor Janice K. Brewer's Regulatory Review Plan issued January 22, 2009 and [Laws 2010, 2nd Regular Session, Ch. 287, § 18](#). The Governor's Plan is now accompanied by Executive Order 2011-05, which declares a rule moratorium for fiscal year 2011-2012. ADEQ will post a notice on its Rules Web page at <http://www.azdeq.gov/function/laws/rules.html> and will send a notice to stakeholders if the public process on any particular rule package begins or resumes.

I. Rulemakings Expected to Be Underway in 2012¹

Air Quality Division	Docket Opening ²	NPR ³	NFR ⁴	Federal Funding ⁵
NSR SIP Gap and NSR Reform/Test Methods ⁵ and NAAQS Update: PM _{2.5} (2006), 8-hour Ozone (2008), Lead (2008), Nitrogen Oxides (2009)* (18 A.A.C. 2, Articles 1-4 and Appendix 2)	November 2011	November 2011	April 2012	Yes
Clean Car Standards Rule Repeal (18 A.A.C. 2, Article 18 and Appendix 13)	March 2011	May 2011	January 2012	No
Agricultural Best Management Practices ⁹ (18 A.A.C. 2, Article 6)	April 2010 (expired)	Unscheduled	Unscheduled	Yes

⁵ Indicates the Governor's Office granted ADEQ an exception for these rules to proceed.

¹ 2012 dates are tentative (see footnotes below).

² Anticipated date of publication of the Notice of Docket Opening in the *Arizona Administrative Register*.

³ Anticipated date of publication of the Notice of Proposed Rulemaking in the *Arizona Administrative Register*.

⁴ Anticipated date of submission of the Notice of Final Rulemaking to the Governor's Regulatory Review Council.

⁵ Some of ADEQ's rules implement federal laws such as the Clean Air Act, Clean Water Act, and Safe Drinking Water Act. ADEQ's related programs are partially funded by the U.S. Environmental Protection Agency, pursuant to a cooperative agreement under which ADEQ assumes responsibility for implementing the laws in Arizona. NSPS and NESHAPS are applicable requirements for the Title V Operating Permit Program and Arizona's NSR SIP.

* ADEQ is seeking an exception from Governor's Office for the Regulatory Moratorium for these rules to proceed as they are essential for EPA approval of the NSR SIP Gap revision.

⁰ The Ag BMP rulemaking is expressly required by SB1225 (Laws 2009, Ch. 180) signed by the Governor July 13, 2009.

Waste Programs Division	Docket Opening	NPRM	NFRM	Federal Funding
Hazardous Waste Rule Updates 2007/2008/2009/2010/2011 ^f (18 A.A.C. 8, Article 2)	Unscheduled	Unscheduled	Unscheduled	Yes
Solid Waste Program Fees ^s (18 A.A.C. 13, Articles 5, 7, 8, 11, 12, 13, 14, 16, & 21)	September 2011	September 2011	March 2012	No
Hazardous Waste Program Fees ^s (18 A.A.C 8, Article 2)	September 2011	September 2011	March 2012	Yes
Water Quality Division	Docket Opening	NPRM	NFRM	Federal Funding
Surface Water Quality Standards Updates ^f (18 A.A.C. 11, Article 1)	Unscheduled	Unscheduled	Unscheduled	Yes
Arizona Pollutant Discharge Elimination System Updates ^f (18 A.A.C. 9, Article 9)	Unscheduled	Unscheduled	Unscheduled	No
Arizona Pollutant Discharge Elimination System - Disposal, Use, and Transportation of Biosolids Updates ^f (18 A.A.C. 9, Article 10)	Unscheduled	Unscheduled	Unscheduled	No

^s Indicates the Governor's Office granted ADEQ an exception for these rules to proceed.

^f ADEQ is seeking an exception from Governor's Office for the Regulatory Moratorium in order to ensure that the rules for these federally-based programs remain consistent with federal regulations.

II. Reviews of Existing Rules Due in 2012

5-Year-Review Due	Rules Being Reviewed
February 2012	18 A.A.C. 4, all Articles
March 2012	18 A.A.C. 16, Articles 2, 3, 4, & 5
April 2012	18 A.A.C. 7, Articles 2, 3, 5, & 6
April 2012	18 A.A.C. 1, all Articles
July 2012	18 A.A.C. 11, Article 6
November 2012	18 A.A.C. 2, Articles 6, 8, & 12

III. Rules Terminated in 2011

Rule	Notice of Termination of Rulemaking
	None

IV. Privatization Options and Other Nontraditional Regulatory Approaches Being Considered

Rule	Privatization Option or Other Nontraditional Regulatory Approach
	None determined at this time.