NOTICES OF RULEMAKING DOCKET OPENING

This section of the Arizona Administrative Register contains Notices of Rulemaking Docket Opening. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking. The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING

STATE RETIREMENT SYSTEM BOARD

[R18-51]

1. Title and its heading: 2. Administration
   Chapter and its heading: 8, State Retirement System Board
   Article and its heading: 1, Retirement System
   Section number: R2-8-104, R2-8-116, R2-8-118, R2-8-122, R2-8-124, R2-8-125
   (Sections may be added, deleted, or further modified as necessary.)

2. The subject matter of the proposed rule: The ASRS needs to update R2-8-118, Application of Interest Rates, to add the new rate that was approved by the Board in December 2017. The rule needs to clarify when a member account stops accruing interest. In addition, all rules referring to the interest rate will require an update to incorporate consistent language, as well as remove any reference to system members.

3. A citation to all published notices relating to the proceeding: Notice of Proposed Rulemaking: 24 A.A.R. 495, March 9, 2018 (in this issue)

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
   Name: Jessica A.R. Thomas, Rules Writer
   Address: Arizona State Retirement System
            3300 N. Central Ave., Suite 1400
            Phoenix, AZ 85012-0250
   Telephone: (602) 240-2039
   E-mail: JessicaT@azasrs.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 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 determined

NOTICE OF RULEMAKING DOCKET OPENING

REGISTRAR OF CONTRACTORS

[R18-37]

1. Title and its heading: 4, Professions and Occupations
   Chapter and its heading: 9, Registrar of Contractors
   Article and its heading: 1, General Provisions
   Section numbers: R4-9-106, R4-9-119 (Sections may be added, deleted or modified, as necessary.)

2. The subject matter of the proposed rule: This docket opening is being prepared to shift an Agency’s passing rate requirement from 70 to 75 percent and to clarify what experience the agency must accept.

3. A citation to all published notices relating to the proceeding:
   Notice of Proposed Rulemaking: 24 A.A.R. 498, March 9, 2018 (in this issue)

4. The name and address of agency personnel with whom persons may communicate regarding the rule:
   Name: Jim Knupp, Legislative Liaison
   Address: Arizona Registrar of Contractors
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**

The Agency will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. E-mail comments will be accepted. The agency does not intend to hold public hearings on this rule, unless a public hearing is requested within 30-days of the publication of this rule.

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

The Notice of Proposed Rulemaking is published along with this notice.

**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF HEALTH SERVICES**

**FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION**

[R18-38]

1. **Title and its heading:**

   9, Health Services

   **Chapter and its heading:**

   8, Department of Health Services - Food, Recreational, and Institutional Sanitation

   **Article and its heading:**

   5, Trailer Coach Parks

   **Section numbers:**

   R9-8-501 through R9-8-508, R9-8-512, R9-8-521 through R9-8-523, R9-8-531, R9-8-533, R9-8-541 through R9-8-544, and R9-8-551 (The Department may add, delete, or modify other Sections, as necessary.)

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

   A.R.S. § 36-601 requires the Department of Health Services (Department) to take action in response to “any person who is maintaining a nuisance or engaging in any practice contrary to the health laws of the state.” A.R.S. § 36-136(I)(8) requires the Department to create rules related to health and sanitation for various specific aspects of trailer coach parks, including food preparation in community kitchens, sewage and excreta disposal, garbage and trash collection, storage and disposal, and water supply. To implement A.R.S. 36-136(I)(8) for trailer coach parks, the Department adopted rules at 9 A.A.C 8, Article 5. The Department stated in its 2017 five-year-review report for the trailer coach park rules that it anticipates submitting a Notice of Final Rulemaking to the Governor’s Regulatory Review Council by June 2019 to address issues raised in the report. The Department is amending the trailer coach park rules to address matters identified in the report and make other changes to improve efficiency and effectiveness. The Department has sought and received an exception from the rulemaking moratorium established by Executive Order 2017-02 and plans to complete a regular rulemaking to adopt rules for trailer coach parks. The amended rules will conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State. The Department may add, delete, or modify additional Sections as necessary.

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 rules:**

   **Name:** Eric Thomas, Office Chief,
   **Address:** Arizona Department of Health Services
   Division of Public Health Services, Public Health Preparedness,
   Office of Environmental Health
   150 N. 18th Ave., Suite 140
   Phoenix, AZ 85007
   **Telephone:** (602)-364-3142
   **Fax:** (602) 364-3146
   **E-mail:** Eric.Thomas@azdhs.gov

   or

   **Name:** Robert Lane, Chief
   **Address:** Arizona Department of Health Services
   Office of Administrative Counsel and Rules
   150 N. 18th Ave., Suite 200
   Phoenix, AZ 85007
   **Telephone:** (602) 542-1020
   **Fax:** (602) 364-1150
   **E-mail:** Robert.Lane@azdhs.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 addresses listed in item #4 until the close of record, which has not yet been determined. No oral proceeding has been scheduled at this time.
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 HEALTH SERVICES
FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION

1. Title and its heading: 9, Health Services
Chapter and its heading: 8, Department of Health Services - Food, Recreational, and Institutional Sanitation
Article and its heading: 6, Camp Grounds
Section numbers: R9-8-601 through R9-8-608 and R9-8-611 through R9-8-617 (The Department may add, delete, or modify other Sections, as necessary.)

2. The subject matter of the proposed rules:
A.R.S. § 36-601 requires the Department of Health Services (Department) to take action in response to “any person who is maintaining a nuisance or engaging in any practice contrary to the health laws of the state.” A.R.S. § 36-136(I)(8) requires the Department to create rules related to health and sanitation for various specific aspects of campgrounds, including food preparation in community kitchens, sewage and excreta disposal, garbage and trash collection, storage and disposal, and water supply. To implement A.R.S. 36-136(I)(8) for campgrounds, the Department adopted rules at 9 A.A.C 8, Article 6. In response to the Department’s 2017 five-year-review report for camp grounds rules, the Governor’s Regulatory Review Council ordered the Department to complete a rulemaking on 9 A.A.C 8, Article 6 by January 1, 2019. The Department is amending the camp ground rules to comply with the order and make other changes to improve efficiency and effectiveness. The Department has sought and received an exception from the rulemaking moratorium established by Executive Order 2017-02 and plans to complete a regular rulemaking to adopt rules for camp grounds. The amended rules will conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State. The Department may add, delete, or modify additional Sections as necessary.

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 rules:
Name: Eric Thomas, Office Chief,
Address: Arizona Department of Health Services
Division of Public Health Services, Public Health Preparedness,
Office of Environmental Health
150 N. 18th Ave., Suite 140
Phoenix, AZ 85007
Telephone: (602)-364-3142
Fax: (602) 364-3146
E-mail: Eric.Thomas@azdhs.gov
or
Name: Robert Lane, Chief
Address: Arizona Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 200
Phoenix, AZ 85007
Telephone: (602) 542-1020
Fax: (602) 364-1150
E-mail: Robert.Lane@azdhs.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 addresses listed in item #4 until the close of record, which has not yet been determined. No oral proceeding has been scheduled at this time.

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 HEALTH SERVICES
FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION

1. Title and its heading: 9, Health Services
   Chapter and its heading: 8, Department of Health Services - Food, Recreational, and Institutional Sanitation
   Article and its heading: 13, Hotels, Motels, and Tourist Courts
   Section numbers: R9-8-1301 through R9-8-1310, R9-8-1312, R9-8-1314, R9-8-1321, R9-8-1322, R9-8-1331 through R9-8-1338
   (The Department may add, delete, or modify other Sections, as necessary.)

2. The subject matter of the proposed rules:
   A.R.S. § 36-601 requires the Department of Health Services (Department) to take action in response to “any person who is maintaining a nuisance or engaging in any practice contrary to the health laws of the state.” A.R.S. § 36-136(1)(8) requires the Department to create rules related to health and sanitation for various specific aspects of hotels, motels, and tourist courts, including food preparation in community kitchens, sewage and excreta disposal, garbage and trash collection, storage and disposal, and water supply. To implement A.R.S. 36-136(1)(8) for hotels, motels, and tourist courts, the Department adopted rules at 9 A.A.C 8, Article 13. In response to the Department’s 2017 five-year-review report for hotels, motels, and tourist courts rules, the Governor’s Regulatory Review Council ordered the Department to complete a rulemaking on 9 A.A.C 8, Article 13 by January 1, 2019. The Department is amending the hotel, motel, and tourist court rules to comply with the order and make other changes to improve efficiency and effectiveness. The Department has sought and received an exception from the rulemaking moratorium established by Executive Order 2017-02 and plans to complete a regular rulemaking to adopt rules for hotels, motels, and tourist courts. The amended rules will conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State. The Department may add, delete, or modify additional Sections as necessary.

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 rules:
   Name: Eric Thomas, Office Chief
   Address: Arizona Department of Health Services
   Division of Public Health Services, Public Health Preparedness, Office of Environmental Health
   150 N. 18th Ave., Suite 140
   Phoenix, AZ 85007
   Telephone: (602)-364-3142
   Fax: (602) 364-3146
   E-mail: Eric.Thomas@azdhs.gov
   or
   Name: Robert Lane, Chief
   Address: Arizona Department of Health Services
   Office of Administrative Counsel and Rules
   150 N. 18th Ave., Suite 200
   Phoenix, AZ 85007
   Telephone: (602) 542-1020
   Fax: (602) 364-1150
   E-mail: Robert.Lane@azdhs.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 addresses listed in item #4 until the close of record, which has not yet been determined. No oral proceeding has been scheduled at this time.

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 HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING

R9-10-101, R9-10-102, R9-10-106, R9-10-1021, and R9-10-2001 through R9-10-2011 (The Department may add, delete, or modify other Sections, as necessary.)

1. Title and its heading: 9, Health Services
   Chapter and its heading: 10, Department of Health Services - Health Care Institutions: Licensing
   Articles and their headings: 1, General
   10, Outpatient Treatment Centers
   20, Pain Management Clinics

   Section numbers: R9-10-101, R9-10-102, R9-10-106, R9-10-1021, and R9-10-2001 through R9-10-2011 (The Department may add, delete, or modify other Sections, as necessary.)

2. The subject matter of the proposed rules:
   In order to ensure public health, safety, and welfare, Arizona Revised Statutes (A.R.S.) §§ 36-405 and 36-406 require the Arizona Department of Health Services (Department) to adopt rules establishing minimum standards and requirements for construction, modification, and licensure of health care institutions. Laws 2018, Ch. 1 requires the Department to license a pain management clinic as a healthcare institution and create rules for a pain management clinic that include informed consent requirements, the responsibilities of the medical director, reporting requirements, and physical examination requirements. To implement Laws 2018, Ch. 1, the Department is adopting new rules in 9 A.A.C 10, Article 20 and amending 9 A.A.C. 10, Articles 1 and 10. The Department has sought and received approval for the rulemaking and plans to complete a regular rulemaking to adopt rules for pain management clinics. The new rules will conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State. The Department may add additional Sections as necessary.

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 rules:
   Name: Colby Bower, Assistant Director
   Address: Department of Health Services
   Public Health Licensing Services
   150 N. 18th Ave., Suite 510
   Phoenix, AZ 85007
   Telephone: (602) 542-6383
   Fax: (602) 364-4808
   E-mail: Colby.Bower@azdhs.gov
   or
   Name: Robert Lane, Chief
   Address: Arizona Department of Health Services
   Office of Administrative Counsel and Rules
   150 N. 18th Ave., Suite 200
   Phoenix, AZ 85007
   Telephone: (602) 542-1020
   Fax: (602) 364-1150
   E-mail: Robert.Lane@azdhs.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 addresses listed in item #4 until the close of record, which has not yet been determined. No oral proceeding has been scheduled at this time.

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
AIR POLLUTION CONTROL

1. Title and its heading: 18, Environmental Quality
   Chapter and its heading: 2, Department of Environmental Quality – Air Pollution Control
   Article and its heading: 7, Existing Stationary Source Performance Standards
   9, New Source Performance Standards
   Section numbers: R18-2-731 and R18-2-901 (Sections may be added, deleted or modified, as necessary.)

2. The subject matter of the proposed rule:
The Arizona Department of Environmental Quality (ADEQ) is proposing to amend R18-2-731 and R18-2-901 to incorporate by reference new federal rules applicable to Municipal Solid Waste (MSW) landfills within the State of Arizona.

   The purpose of this rulemaking is to reduce the amount of Nonmethane Organic Compound (NMOC) gas emissions from MSW landfills and provide an alternative site-specific emissions threshold methodology to demonstrate whether or not surface emissions are below a specific threshold.

   On August 29, 2016, EPA promulgated new Emissions Guidelines (40 CFR 60, Subpart Cf) and NSPS (40 CFR 60, Subpart XXX) to update NMOC gas emissions standards for both new and existing MSW landfills. ADEQ is proposing to incorporate these new federal regulations in order for Arizona to retain its delegated authority from the U.S. Environmental Protection Agency (EPA) to implement and enforce New Source Performance Standards (NSPS) and Emissions Guidelines at MSW landfills within the State of Arizona and avoid a Federal Implementation Plan (FIP).

   The rules will be part of a plan submitted to the EPA pursuant to Clean Air Act (CAA) Section 111(d).

3. A citation to all published notices relating to the proceeding:
   Notice of Proposed Rulemaking: 24 A.A.R. 501, March 9, 2018 (in this issue)

4. The name and address of agency personnel with whom persons may communicate regarding the rule:
   Name: Elias Toon
   Address: Arizona Department of Environmental Quality
   1110 W. Washington St.
   Phoenix, AZ 85007
   Telephone: (602) 771-4665
   Fax: (602) 771-2299
   E-mail: Toon.Elias@azdeq.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:
   The public comment period for this rulemaking will take place between: March 16, 2018 – April 16, 2018.

   The public hearing for the rules will be conducted on: April 16, 2018 at 1:00 p.m.
   Location: Arizona Department of Environmental Quality
   1110 W. Washington St., Room 3100A
   Phoenix, AZ 85007

   More information can be found in the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:
   See the Notice of Proposed Rulemaking on page 501 of this issue.